

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7784 submitted by

JOHN D. AND LEONA M. LYON
12480 ANDERSON ROAD
INDEPENDENCE, OREGON 97351.

The right to be modified, was perfected under a portion of Permit 40168, with a date of priority of DECEMBER 17, 1975. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 38.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.48 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, AS PROJECTED WITHIN PRATHER DLC 67, SECTION 35, T 9 S, R 4 W, W.M.; 1520 FEET SOUTH AND 1540 FEET EAST FROM THE NW CORNER OF SECTION 35, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.8 ACRES
BOTH AS PROJECTED WITHIN PRATHER DLC 67
SECTION 34

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.9 ACRE
ALL AS PROJECTED WITHIN PRATHER DLC 67
LOT 12 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 2.0 ACRES
SECTION 35

TOWNSHIP 9 SOUTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.2 ACRES
BOTH AS PROJECTED WITHIN T. BURBANK DLC 40
SECTION 9

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.4 ACRES
BOTH AS PROJECTED WITHIN A. BURBANK DLC 41
SECTION 16

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.8 ACRES
AS PROJECTED WITHIN T. BURBANK JR. DLC 43
SECTION 21

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.8 ACRES
AS PROJECTED WITHIN T. BURBANK JR. DLC 43
SECTION 22

TOWNSHIP 8 SOUTH, RANGE 4 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ NW¼, AS PROJECTED WITHIN T. BURBANK JR. DLC 43,
SECTION 22, T 8 S, R 4 W, W.M.; 2300 FEET SOUTH AND 1150 FEET
WEST FROM THE EASTERLY NE CORNER OF DLC 43.

The receiving landowner is:

DAVE SETNIKER
P.O. BOX 338
INDEPENDENCE, OREGON 97351

Proof to the satisfaction of the Department has been received
that the appropriation was perfected under Permit 40168.

THE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE
FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before
October 1, 2003.
2. The quantity of water diverted at the new point of
diversion, together with that diverted at the old point of
diversion, shall not exceed the quantity of water lawfully
available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-
line flow meter, weir, or other suitable device for
measuring and recording the quantity of water diverted. The
type and plans of the headgate and measuring device must be
approved by the Department prior to beginning construction
and shall be installed under the general supervision of the
Department.
4. Water shall be acquired from the same surface water source
as the original point of diversion.
5. The former place of use shall no longer be irrigated as a
part of this water right.

6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

A new certificate will be issued to confirm those portions of the right NOT involved in this transfer. When satisfactory proof of the completed changes is received, a certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 1 2002.


Paul R. Cleary, Director