

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN CHARACTER OF USE,
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Pursuant to ORS 540.510 to 540.530, after notice was given, one protest was filed and withdrawn, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9052 submitted by

THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON
9615 GRAND RONDE ROAD
GRAND RONDE, OREGON 97347-9712.

The right to be modified, as evidenced by a PORTION of Certificate 10973, was perfected under Permit 9838 with a date of priority of AUGUST 23, 1930. The right allows the use of the YAMHILL RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 8.69 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE¼ NW¼ AND NW¼ NW¼, BOTH AS PROJECTED WITHIN KUYKENDALL DLC 57, SECTION 17, T 6 S, R 7 W, W.M., 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.

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:

SW¼ SW¼ 3.54 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 8

NW¼ NW¼ 5.15 ACRES
AS PROJECTED WITHIN
KUYKENDALL DLC 57
SECTION 17

TOWNSHIP 6 SOUTH, RANGE 7 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 CHARACTER OF USE from IRRIGATION OF 8.69 ACRES to QUASI-MUNICIPAL USE.

The applicant proposes to change the place of use to:

W½
SECTION 30

W½
SECTION 32

ALL
SECTION 31

TOWNSHIP 5 SOUTH, RANGE 6 WEST, W.M.

ALL
SECTIONS 27 AND 28

ALL
SECTIONS 34, 35, AND 36

ALL
SECTIONS 30, 31, 32, AND 33

TOWNSHIP 5 SOUTH, RANGE 7 WEST, W.M.

ALL
SECTION 25

ALL
SECTIONS 33, 34, 35, AND 36

ALL
SECTIONS 29, 30, 31, AND 32

TOWNSHIP 5 SOUTH, RANGE 8 WEST, W.M.

W $\frac{1}{2}$
SECTION 5

ALL
SECTIONS 19, 20, 21, AND 22

ALL
SECTIONS 6 AND 7

ALL
SECTIONS 27, 28, AND 29

W $\frac{1}{2}$
SECTION 8

ALL
SECTIONS 32, 33, AND 34

ALL
SECTIONS 15, 16, 17, AND 18

TOWNSHIP 6 SOUTH, RANGE 6 WEST, W.M.

ALL
SECTIONS 1, 2, 3, 4, 5, AND 6

ALL
SECTIONS 16, 17, AND 18

ALL
SECTIONS 7, 8, 9, 10, AND 11

ALL
SECTIONS 21, 22, 23, AND 24

ALL
SECTIONS 12, 13, 14, AND 15

ALL
SECTIONS 25, 26, 27, AND 28

TOWNSHIP 6 SOUTH, RANGE 7 WEST, W.M.

ALL
SECTIONS 1, 2, AND 3

E $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 6

N $\frac{1}{2}$
N $\frac{1}{2}$ S $\frac{1}{2}$
SECTION 4

ALL
SECTIONS 10, 11, 12, AND 13

N $\frac{1}{2}$
N $\frac{1}{2}$ S $\frac{1}{2}$
SECTION 5

ALL
SECTIONS 14 AND 15

TOWNSHIP 6 SOUTH, RANGE 8 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN KUYKENDALL DLC 57,
SECTION 17, T 6 S, R 7 W, W.M.; SOUTH 61° 42' 20" WEST 2703 FEET
FROM THE SE CORNER OF KUYKENDALL DLC 57.

THESE 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, 2008.
2. The quantity of water diverted at the new point of diversion, together with that diverted from 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. The use of water for quasi-municipal use shall be limited to 0.11 cubic foot per second during the irrigation season of each year.
5. Water shall be acquired from the same surface water source as the original point of diversion.
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.

Certificate 10973 is cancelled. A new certificate shall be issued to confirm that portion of the right NOT involved in the transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAR 20 2003.


for Paul R. Cleary, Director