

STATE OF OREGON

COUNTY OF TILLAMOOK

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

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 9476 submitted by

DON AUFDERMAUER  
1410 WILSON RIVER LOOP  
TILLAMOOK, OREGON 97141.

The right to be modified, as evidenced by Certificate 21845, was perfected under Permit 23197 with a date of priority of SEPTEMBER 20, 1954. The right allows the use of WILSON RIVER for IRRIGATION of 23.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 cubic foot per second, if available at the authorized point of diversion: NW¼ NE¼, SECTION 21, T 1 S, R 9 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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 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 per acre for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

SE¼ SW¼            4.1 ACRES  
SECTION 16

NW¼ NE¼            0.7 ACRE  
NE¼ NW¼            19.0 ACRES  
SECTION 21

TOWNSHIP 1 SOUTH, RANGE 9 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 TEMPORARILY change the place of use to:

NW¼ NE¼            11.90 ACRES (TAX LOT 600)  
NE¼ NE¼            5.92 ACRES (TAX LOT 600)  
NE¼ NE¼            5.98 ACRES (TAX LOT 400)  
SECTION 19

TOWNSHIP 1 SOUTH, RANGE 9 WEST, W.M.

The applicant further proposes to TEMPORARILY change the point of diversion to:

NW¼ NE¼, SECTION 19, T 1 S, R 9 W, W.M.; 1010 FEET  
SOUTH AND 650 FEET EAST FROM THE N¼ CORNER, SECTION 19.

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

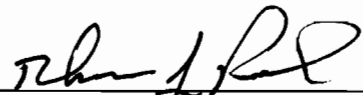
1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former place of use **shall not** be irrigated as part of this water right during the 2004, 2005, 2006, 2007 and 2008 irrigation seasons.
3. The use shall revert to the authorized place of use and point of diversion at the end of the 2008 irrigation season.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. 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 general 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.

8. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

WITNESS the signature of the Water Resources

Director, affixed MARCH 12, 2004.

  
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For Paul R. Cleary, Director