

STATE OF OREGON

COUNTY OF CLACKAMAS

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 9452 submitted by

STEPHEN AND TERESA MELNICHUK
4520 SE RYAN COURT
MILWAUKIE, OREGON 97222

The right to be modified, as evidenced by a PORTION of Certificate 20430, was perfected under Permit 17929 with a date of priority of AUGUST 5, 1947. The right allows the use of LITTLE KELLOGG CREEK, a tributary of KELLOGG CREEK, a tributary of WILLAMETTE RIVER, for IRRIGATION of 0.2 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.003 cubic feet per second, if available at the authorized point of diversion: NE¼ SW¼, AS PROJECTED WITHIN EAST KELLOGG DLC 54, SECTION 6, T 2 S, R 2 E, 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 2¼ acre-feet 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:

NE¼ SW¼ 0.2 ACRE
AS PROJECTED WITHIN E. KELLOGG DLC 53
SECTION 6
TOWNSHIP 2 SOUTH, RANGE 2 EAST, 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 SW¼ 0.2 ACRE
SECTION 6
TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.

The applicant further proposes to **temporarily** change the point of diversion to:

NW¼ SW¼, SECTION 6, T 2 S, R 2 E, W.M.; LOT 1, BLOCK 4.

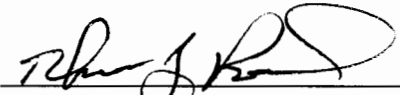
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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. Water shall be acquired from the same surface water source as the original point of diversion.
4. 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.
5. The use shall revert to the authorized place of use at the end of the 2008 irrigation season. In addition, the point of diversion shall revert to the authorized point of diversion at the end of the 2008 irrigation season.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. The use of the remaining water right described by Certificate 20430 shall continue to be in accordance with the terms and conditions of Certificate 20430.
8. 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.
9. 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.

WITNESS the signature of the Water Resources
Director, affixed MAR 08 2004.


for Paul R. Cleary, Director