

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 9042 submitted by

WILLIAM SLAVENS
24155 MOON CREEK ROAD
BEAVER, OREGON 97108.

The right to be modified, as evidenced by a PORTION of Certificate 30425, was perfected under Permit 26642 with a date of priority of MARCH 10, 1960. The right allows the use of MOON CREEK, a tributary of the BIG NESTUCCA RIVER, for IRRIGATION OF 7.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 29, T 3 S, R 8 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 NW¼ 7.3 ACRES
SECTION 29
TOWNSHIP 3 SOUTH, RANGE 8 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:

NE¼ SW¼ 7.3 ACRES
SECTION 25
TOWNSHIP 3 SOUTH, RANGE 9 WEST, W.M.

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

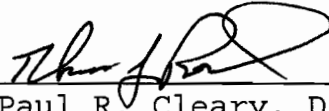
SW¼ SE¼, SECTION 25, T 3 S, R 9 W, W.M.; 1120 FEET
NORTH AND 310 FEET EAST FROM S¼ CORNER, SECTION 25.

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

1. The change is temporary. The change 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 2002, 2003, 2004, 2005 and 2006 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2006 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. The type and plans of the screen 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.
8. The use of the remaining water right described by Certificate 30425 shall continue to be in accordance with the terms and conditions of Certificate 30425.
10. 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 **MAY 23 2002** .



Paul R. Cleary, Director