

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

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 8729 submitted by

SAM SWEENEY
1070 FERRY
DAYTON OREGON 97114.

The first water right to be modified, as evidenced by a portion of CERTIFICATE 64748, was perfected under Permit 32243 with a date of priority of APRIL 14, 1967. The right allows the use of WILLAMETTE RIVER, a tributary of COLUMBIA RIVER, for PRIMARY IRRIGATION OF 30.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.375 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼ AS PROJECTED WITHIN DLC 58, SECTION 4, T 6 S, R 3 W, W.M.; 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF DLC 58, 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. The right allowed herein is limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

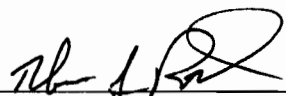
The applicant proposes to **TEMPORARILY** change the places of use to:

NW¼ NE¼ 18.0 ACRES
SW¼ NE¼ 12.0 ACRES
SECTION 33
TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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

1. This change is temporary. This 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 2001 irrigation season.
3. The use shall revert to the authorized place of use at the end of the **2001** irrigation season.
4. 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 available at the authorized point of diversion (old) and the proposed point of diversion (new). 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.
5. 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 01 2001


for Paul R. Cleary, Director
Oregon Water Resources Department