

STATE OF OREGON

COUNTY OF KLAMATH

ORDER APPROVING AN EMERGENCY USE DROUGHT
TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 8774 submitted by

JOHN MCAULIFFE
18760 MAUPIN ROAD
MALIN, OREGON 97632.

The right to be modified, as evidenced by Certificate 67628, was perfected under Permit G-3104 with a date of priority of FEBRUARY 23, 1966. The right allows the use of A WELL, in the KLAMATH BASIN, for IRRIGATION OF 52.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.65 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, T 40 S , R 12 E, W.M.; 1300 FEET SOUTH AND 380 FEET WEST FROM THE NE CORNER OF SECTION 33, or its equivalent in case of rotation, measured at the well.

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 on 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 as follows:

NE¼ NE¼ 17.9 ACRES

SE¼ NE¼ 0.6 ACRE

SECTION 33

NE¼ NW¼ 14.6 ACRES

NW¼ NW¼ 9.8 ACRES

SW¼ NW¼ 5.6 ACRES

SE¼ NW¼ 3.8 ACRE

SECTION 34

TOWNSHIP 40 SOUTH, RANGE 12 EAST, W.M.

The right to use 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:

SE¼ NE¼ 38.3 ACRES

SECTION 33

SW¼ NW¼ 14.0 ACRES

SECTION 34

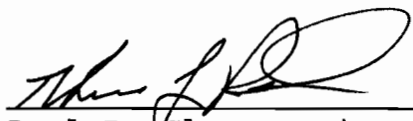
TOWNSHIP 40 SOUTH, RANGE 12 EAST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHT 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 use shall revert to the authorized place of use at the end of the 2001 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. Water used under Certificate 67628 at the original location together with water used at the proposed location shall not exceed 0.65 cubic foot per second and 130.75 acre-feet during the 2001 irrigation season.
4. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
5. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.
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.

WITNESS the signature of the Water Resources

Director, affixed 5/11/2001.


For Paul R. Cleary, Director