

STATE OF OREGON

COUNTY OF POLK

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 9322 submitted by

KEN EICHLER
8250 TUCKER ROAD
AMITY, OREGON 97101.

The right to be modified, as evidenced by Certificate 79992, was perfected under Permit 50853 with a date of priority of DECEMBER 13, 1989. The right allows the use of WALKER-VAN OTTEN RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-1405, a tributary of SALT CREEK, for IRRIGATION of 28.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 28.0 ACRE-FEET OF STORED WATER ONLY, if available at the authorized point of diversion: LOT 3 (NW¼ NE¼), SECTION 14, T 6 S, R 5 W, W.M.; 1800 FEET NORTH AND 170 FEET EAST FROM THE SE CORNER OR J. EADES DLC #47, 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 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:

LOT 2 (NE¼ NE¼)	3.1 ACRES
LOT 3 (NW¼ NE¼)	15.7 ACRES
LOT 4 (SW¼ NE¼)	7.2 ACRES
LOT 1 (SE¼ NE¼)	2.0 ACRES

SECTION 14
TOWNSHIP 6 SOUTH, RANGE 5 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to **temporarily** change the place of use to:

SW¼ NW¼ 7.8 ACRES (TAX LOT 100)
SECTION 13

SE¼ NE¼ 20.2 ACRES (TAX LOT 100)
SECTION 14
TOWNSHIP 6 SOUTH, RANGE 5 WEST, W.M.

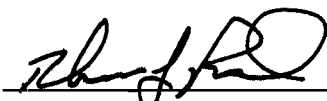
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. **Prior** to diverting water at the new place of use, 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 APR 24 2003.



Paul R. Cleary, Director