

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 7578 submitted by

PHILLIP AND DELIA SPERLING, and WENDEL AND SHERRY SPERLING  
8835 PARKER ROAD  
INDEPENDENCE, OREGON 97351.

The right to be modified, as evidenced by a portion of Certificate 37246, was perfected under Permit 29447 with a date of priority of MARCH 11, 1964. The right allows the use of the LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 49.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.62 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN VANDERPOOL DLC 63, SECTION 20, T 9 S, R 4 W, WM; 2530 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER, VANDERPOOL DLC 63, 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 an 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 2 $\frac{1}{2}$  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:

LOT 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )	0.7 ACRE
LOT 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ )	8.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	24.0 ACRES
LOT 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ )	7.8 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )	1.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 ACRE
as projected within VANDERPOOL DLC 63	
LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )	7.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE

SECTION 17  
TOWNSHIP 9 SOUTH, RANGE 4 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:

NW $\frac{1}{4}$  NW $\frac{1}{4}$  27.4 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  19.8 ACRES  
SECTION 17

NE $\frac{1}{4}$  NE $\frac{1}{4}$  1.7 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  1.0 ACRES  
SECTION 18

TOWNSHIP 9 SOUTH, RANGE 4 WEST, W.M.

The applicant proposes the change be from the 1996 irrigation season through the 1999 irrigation season.

THIS TEMPORARY 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 immediately. The use shall revert to the authorized place of use at the end of the 1999 irrigation season.
2. The former place of use shall no longer be irrigated as a part of this water right during the term of this order.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

Certificate 37246 is suspended until the end of the 1999 irrigation season, September 30, 1999, or revocation of this order, which ever occurs first. The use of the remaining water right described by Certificate 37246 shall continue to be in accordance with the terms and conditions of Certificate 37246.

WITNESS the signature of the Water Resources Director, affixed July 25, 1996.

*for* Martha O. Pagel Director