

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 8776 submitted by

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The right to be modified, as evidenced by a portion of Certificate 39613, was perfected under Permit 31416 with a date of priority of MARCH 10, 1966. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION of 21.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, AS PROJECTED WITHIN MARTIN DLC 37, SECTION 5, T 5 S, R 4 W, W.M.; 320 FEET NORTH AND 1400 FEET WEST FROM THE EASTERLY SE CORNER, MARTIN DLC 37, or its equivalent in case of rotation, measured at the point of diversion from the source.

**This is a final order in other than 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 2.5 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:

NW $\frac{1}{4}$  SW $\frac{1}{4}$             2.4 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$             10.6 ACRES  
BOTH AS PROJECTED WITHIN GARRISON DLC 40  
SECTION 5

NE $\frac{1}{4}$  SE $\frac{1}{4}$             2.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$             6.8 ACRES  
BOTH AS PROJECTED WITHIN GARRISON DLC 40  
SECTION 6  
TOWNSHIP 5 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:

SW $\frac{1}{4}$  NW $\frac{1}{4}$             0.1 ACRE  
SE $\frac{1}{4}$  NW $\frac{1}{4}$             3.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$             18.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$             0.7 ACRE  
SECTION 8  
TOWNSHIP 5 SOUTH, RANGE 4 WEST, 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 former place of use shall not be irrigated as part of this water right during the 2001, 2002 and 2003 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2003 irrigation season.
4. The portions of the water right evidenced by Permit G-11726 appurtenant to the proposed place of use, **shall not** be used during the 2001, 2002 and 2003 irrigation seasons.
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.
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 use of the remaining water right described by Certificate 39613 shall continue to be in accordance with the terms and conditions of Certificate 39613.

WITNESS the signature of the Water Resources

Director, affixed           MAY 30 2001          .

  
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For Paul R. Cleary, Director