

STATE OF OREGON

COUNTY OF TILLAMOOK

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE  
AND POINT OF DIVERSION

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 9093 submitted by

PATRICK ZWEIFEL  
9160 TRASK RIVER ROAD  
TILLAMOOK, OREGON 97141.

The right to be modified, as evidenced by Certificate 21634, was perfected under Permit 22501 with a date of priority of JUNE 5, 1953. The right allows the use of the KILCHIS RIVER, a tributary of TILLAMOOK BAY, for IRRIGATION OF 29.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 7, T 1 S, R 9 W, W.M., 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 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, and shall be still further limited to a diversion of not to exceed 0.34 cubic foot per second.

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

The authorized place of use is located as follows:

NW¼ SW¼ 19.7 ACRES

NE¼ SW¼ 9.4 ACRES

SECTION 7

TOWNSHIP 1 SOUTH, RANGE 9 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:

SE¼ SE¼ 11.0 ACRES

SECTION 31

SW¼ SW¼ 13.1 ACRES

SE¼ SW¼ 5.0 ACRES

SECTION 32

TOWNSHIP 1 NORTH, RANGE 9 WEST, W.M.

The applicant further proposes to TEMPORARILY change the point of diversion to:

SE¼ SE¼, SECTION 31, SE¼ SW¼, SECTION 32, T 1 N, R 9 W, W.M.; 200 FEET NORTH AND 200 FEET WEST; 800 FEET NORTH AND 1700 FEET EAST; BOTH FROM THE SE¼ CORNER, SECTION 31.

The receiving landowner is:

COLEEN COLBY  
9455 KILCHIS RIVER ROAD  
TILLAMOOK, OREGON 97141

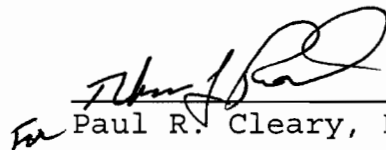
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 2002 and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. 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.

8. The water user shall install and maintain a fish screen. The type and plans of the screen must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the general supervision of the Department of Fish and Wildlife.

WITNESS the signature of the Water Resources

Director, affixed JUN 10 2002.

  
For Paul R. Cleary, Director