

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 9109 submitted by

GARY, BARBARA, BRIAN AND ANDREA CRUICKSHANK  
11400 SE STOCKHOFF ROAD  
DAYTON, OREGON 97114.

The FIRST right to be modified, as evidenced by a portion of Certificate 47983, was perfected under Permit 11833 with a date of priority of AUGUST 10, 1935. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 30.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼ AS PROJECTED WITHIN CYRUS B. HAWLEY DLC 67, SECTION 35, T 4 S, R 4 W, W.M.; 550 FEET NORTH AND 1940 FEET EAST FROM SW CORNER, LOT 3 (SW¼ NW¼), SECTION 35, 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.

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

The authorized place of use is located as follows:

SW¼ NE¼	0.8 ACRE
SW¼ NW¼	1.3 ACRES
SE¼ NW¼	8.5 ACRES
NE¼ SW¼	15.2 ACRES
NW¼ SW¼	0.4 ACRE
NW¼ SE¼	2.8 ACRES

ALL AS PROJECTED WITHIN CYRUS B. HAWLEY DLC 67

SW¼ NW¼	0.6 ACRE
SE¼ NW¼	0.9 ACRE

BOTH AS PROJECTED WITHIN BOOTHE DLC 57

SECTION 35

TOWNSHIP 4 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 SECOND right to be modified, as evidenced by a portion of Certificate 51060, was perfected under Permit 40709 with a date of priority of FEBRUARY 27, 1976. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 20.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼ AS PROJECTED WITHIN HAWLEY DLC 67, SECTION 35, T 4 S, R 4 W, W.M.; 510 FEET NORTH AND 2780 FEET EAST FROM SW CORNER, LOT 3

(SW¼ NW¼), SECTION 35, 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 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.

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

The authorized place of use is located as follows:

NE¼ SE¼            17.5 ACRES  
SE¼ SE¼            1.8 ACRES  
BOTH AS PROJECTED WITHIN HAWLEY DLC 67  
SECTION 35

NW¼ SW¼            0.7 ACRE  
AS PROJECTED WITHIN HAWLEY DLC 67  
SECTION 36  
TOWNSHIP 4 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 change the place of use to:

PERMIT 11833  
NE¼ SW¼            4.4 ACRES  
NW¼ SW¼            6.0 ACRES  
SW¼ SW¼            6.7 ACRES  
SE¼ SW¼            13.4 ACRES  
ALL AS PROJECTED WITHIN HAWLEY DLC 67  
SECTION 35  
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.

PERMIT 40709

SW¼ NW¼            0.2 ACRE  
NW¼ SW¼            17.6 ACRES  
SE¼ SW¼            2.2 ACRES

ALL AS PROJECTED WITHIN HAWLEY DLC 67  
SECTION 35  
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are temporary. These changes 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, 2003 and 2004 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2004 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. 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                     JUN 26 2002                    .

  
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Paul R. Cleary, Director