

STATE OF OREGON

COUNTY OF LAKE

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

Pursuant to ORS 540.523, after notice was given and no objections were filed, a final order rejecting temporary transfer application 9058 (T-9058) was issued March 17, 2003 at Volume 57, Page 217. Pursuant to OAR 137-004-080, the applicant, Harold A. Brown, requested reconsideration of the final order. Mr. Brown requested that the final order be rescinded and that T-9058 be reviewed with water rights that are now subject to transfer. The Department has granted the request for reconsideration and rescinds the final order rejecting T-9058.

Upon further review of the application and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 9058 submitted by

HAROLD A. BROWN  
P.O. BOX 602  
CHRISTMAS VALLEY, OREGON 97641.

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.

T-9058temp.BW

Page 1 of 5 Special Order Volume 57, Page 662.

The FIRST right to be modified is a PORTION of Permit G-9974 with a date of priority of JUNE 9, 1981. Proof to the satisfaction of the Director that use of water has been accomplished under the terms and conditions of Permit G-9974 has been received. The right allows the use of WELL #2, in the CHRISTMAS VALLEY BASIN, for IRRIGATION OF 106.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.33 cubic feet per second, if available at the original well; NW¼ NW¼, SECTION 35, T 24 S, R 18 E, W.M.; WELL #2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER, SECTION 35, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 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 as follows:

NE¼ NW¼ SW	10.0 ACRES
NW¼ NW¼ SW	10.0 ACRES
SW¼ NW¼ SW	40.0 ACRES
SW¼ NW¼ SW	40.0 ACRES

SECTION 26

SW¼ NW¼	6.4 ACRES
---------	-----------

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 18 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The SECOND right to be modified is a PORTION of Permit G-10326 with a date of priority of FEBRUARY 15, 1984. Proof to the satisfaction of the Director that use of water has been accomplished under the terms and conditions of Permit G-10326 has been received. The right allows the use of WELL #1, in the CHRISTMAS VALLEY BASIN, for IRRIGATION OF 6.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second, if available at the original well; SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 35, T 24 S, R 18 E, W.M.; 1250 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER, SECTION 35, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 3.0 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 as follows:

NW $\frac{1}{4}$  SW $\frac{1}{4}$             6.4 ACRES  
SECTION 35  
TOWNSHIP 24 SOUTH, RANGE 18 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The right to use 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:

PERMIT 9974

NE $\frac{1}{4}$  NE $\frac{1}{4}$  21.8 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  28.2 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  28.2 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  28.2 ACRES

SECTION 17

TOWNSHIP 25 SOUTH, RANGE 18 EAST, W.M.

PERMIT 10326

NE $\frac{1}{4}$  NE $\frac{1}{4}$  6.4 ACRES

SECTION 17

TOWNSHIP 25 SOUTH, RANGE 18 EAST, W.M.

The applicant further proposes to **TEMPORARILY** change the point of appropriation under to:

NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 17, T 25 S, R 18 E, W.M.; 1320 FEET SOUTH AND 1320 FEET WEST FROM THE NE CORNER, SECTION 17.

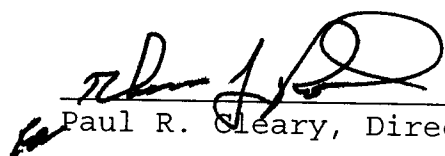
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former places of use shall **not** be irrigated as part of their respective water rights during the 2003, 2004, 2005, 2006 and 2007 irrigation seasons.

3. The use shall revert to the authorized places of use and point of appropriation at the end of the 2007 irrigation season.
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully authorized by the water right.
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. **Prior** to diverting water from the new point of appropriation (new well), 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 Watermaster prior to beginning construction and shall be installed under the general supervision of the Watermaster.
8. The use of the remaining water right described by Permits G-9974 and G-10326 shall continue to be in accordance with the terms and conditions of Permits G-9974 and G-10326.

WITNESS the signature of the Water Resources

Director, affixed           MAY 20 2003          .

  
\_\_\_\_\_  
Paul R. Cleary, Director