

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING TEMPORARY CHANGES 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, TRANSFER 8044 submitted by

JOHN EVELAND
25159 GRANGE HALL
PHILOMATH, OREGON 97370.

The right to be modified, as evidenced by a portion of Certificate 24183, was perfected under Permit 16134 with a date of priority of JANUARY 4, 1945. The right allows the use of the MARY'S RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 5.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion: SE¼ SE¼, as projected within D. HENDERSON DLC 46, SECTION 11, T 12 S, R 6 W, WM, 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 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:

SE¼ SE¼ 5.7 ACRES
as projected within D. HENDERSON DLC 46
SECTION 11
TOWNSHIP 12 SOUTH, RANGE 6 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:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.39 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.64 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.58 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.09 ACRE

all as projected within HARTLESS DLC 51
SECTION 13
TOWNSHIP 12 SOUTH, RANGE 6 WEST, W.M.

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

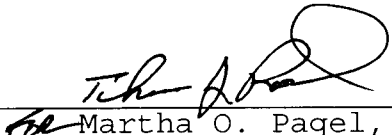
NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within HARTLESS DLC 51, SECTION 13, T 12 S, R 6 W, WM; 273 FEET SOUTH AND 1945 FEET WEST FROM THE SE CORNER, HENDERSON DLC 46.

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

1. The changes are temporary. The 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 term of this order.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The use shall revert to the authorized place of use at the end of the 2002 irrigation season.
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. The use of the remaining water right described by Certificate 24183 shall continue to be in accordance with the terms and conditions of Certificate 24183.

WITNESS the signature of the Water Resources
Director, affixed JUL 30 1998.



Martha O. Pagel, Director