

STATE OF OREGON

COUNTY OF TILLAMOOK

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 8246 submitted by

KENNETH MAACK
P.O. BOX 441
TILLAMOOK, OREGON 97141.

The right to be modified, as evidenced by a portion of Certificate 12399, was perfected under Permit 12434 with a date of priority of NOVEMBER 5, 1936. The right allows the use of the TILLAMOOK RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION of 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the authorized point of diversion: NW¼ NW¼, SECTION 17, T 2 S, R 9 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:

NW¼ NW¼ 5.0 ACRES
SECTION 17
TOWNSHIP 2 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

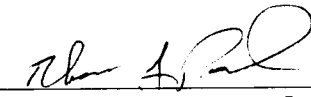
The applicant proposes to TEMPORARILY change the place of use to:

NW¼ NW¼ 5.0 ACRES
SECTION 17
TOWNSHIP 2 SOUTH, RANGE 9 WEST, W.M.

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

1. The change is temporary. The 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 1999, 2000, 2001, 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. 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. The use of the remaining water right described by Certificate 12399 shall continue to be in accordance with the terms and conditions of Certificate 12399.

WITNESS the signature of the Water Resources Director,
affixed **JUN 02 1999** .



for Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.