STATE OF OREGON

COUNTY OF TILLAMOOK

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, TEMPORARY TRANSFER 8247 submitted by

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

The right to be modified, as evidenced by Certificate 21929, was perfected under Permit 19519 with a date of priority of MAY 24, 1950. The right allows the use of SIMMONS CREEK, a tributary of the TILLAMOOK RIVER, for IRRIGATION of 20.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 cubic foot per second, if available at the authorized point of diversion: SW½ SW½, SECTION 21, 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:

SW¼ SW¼ 19.4 ACRES SE¼ SW¼ 1.0 ACRE

SECTION 21

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:

SE% SE% 15.0 ACRES SECTION 7

SW¼ SW¼ 5.4 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 9 WEST, W.M.

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

NW% NW%, SECTION 17, T 2 S, R 9 W, WM (as described by Water Right Certificate 12399).

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.
- 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 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.
- 5. When required by the Department, 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.
- 6. Water shall be acquired from the same surface water source as the original point of diversion.
- 7. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

WITNESS the signature of the Water Resources Director,

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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.