

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: SW¼ SW¼, 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 2¼ 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:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  19.4 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  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 $\frac{1}{4}$  SE $\frac{1}{4}$  15.0 ACRES  
SECTION 7  
  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  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 $\frac{1}{4}$  NW $\frac{1}{4}$ , 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.
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.

