

The authorized place of use is located as follows:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	ACRES
1900	3	N	28	E	W.M.	12 NE NW	10.1
1900	3	N	28	E	W.M.	12 NW NW	10.0
1900	3	N	28	E	W.M.	12 SW NW	8.6
1900	3	N	28	E	W.M.	12 SE NW	11.0
1900	3	N	28	E	W.M.	12 NE SW	13.7
01-09-1900	3	N	28	E	W.M.	12 NE SW	11.1
1900	3	N	28	E	W.M.	12 NW SW	22.0
01-09-1900	3	N	28	E	W.M.	12 NW SW	15.0
1900	3	N	28	E	W.M.	12 SW SW	7.7
01-09-1900	3	N	28	E	W.M.	12 SW SW	11.7
1900	3	N	28	E	W.M.	12 SE SW	2.0
01-09-1900	3	N	28	E	W.M.	12 SE SW	1.9
							124.8

The applicant proposes to change the place of use to:

PRIORITY	TWP	RNG	MER	SEC	1/4	1/4	CIRCLE	ACRES
1900	3	N	28	E	W.M.	33 NE NW	16	22.9
01-09-1900	3	N	28	E	W.M.	33 NE NW	16	8.4
01-09-1900	3	N	28	E	W.M.	33 NW NW	16	31.3
1900	3	N	28	E	W.M.	33 SW NW	16	30.9
1900	3	N	28	E	W.M.	33 SE NW	16	31.3
								124.8

b) SUPPLEMENTAL IRRIGATION

A) **Permit 7400:** issued in the name of U.S. Bureau of Reclamation

Priority Date: July 1, 1924

Rate & Duty: 1/80 cfs per acre irrigated

Source: McKay Reservoir

Point of Diversion:

TWP	RNG	MER	SEC	1/4	1/4	LOCATION
3	N	29	E	W.M.	21 SW NE	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

The authorized place of use is located as follows:

TWP	RNG	MER	SEC	1/4	1/4	ACRES
3	N	28	E	W.M.	12 NE SW	11.1
3	N	28	E	W.M.	12 NW SW	18.0
3	N	28	E	W.M.	12 SW SW	19.4
3	N	28	E	W.M.	12 SE SW	3.9
						52.4

The applicant proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	CIRCLE	ACRES
3	N	28	E	W.M.	33	NE NW	8.4
3	N	28	E	W.M.	33	NW NW	14.8
3	N	28	E	W.M.	33	SW NW	17.4
3	N	28	E	W.M.	33	SE NW	11.8
							52.4

B) **Certificate 79944:** issued in the name of L & L Farms

Priority Date: September 17, 1975

Rate & Duty: 1/80 cfs per acre irrigated and a total of 3.0 acre-feet per acre per year

Source: Wells

Points of Appropriation:

TWP	RNG	MER	SEC	1/4	1/4	LOCATION
3	N	29	E	W.M.	12	SW SW WELL #1: 1280 FEET NORTH AND 1250 FEET EAST FROM THE SW CORNER OF SECTION 12
3	N	29	E	W.M.	12	NE NW WELL #2: 135 FEET NORTH AND 1820 FEET EAST FROM THE SW CORNER OF SECTION 12

The authorized place of use is located as follows:

TWP	RNG	MER	SEC	1/4	1/4	ACRES
3	N	28	E	W.M.	12	NE SW 11.1
3	N	28	E	W.M.	12	NW SW 18.0
3	N	28	E	W.M.	12	SW SW 19.4
3	N	28	E	W.M.	12	SE SW 3.9
						52.4

The applicant proposes to change the place of use to:

TWP	RNG	MER	SEC	1/4	1/4	CIRCLE	ACRES
3	N	28	E	W.M.	33	NE NW	8.4
3	N	28	E	W.M.	33	NW NW	14.8
3	N	28	E	W.M.	33	SW NW	17.4
3	N	28	E	W.M.	33	SE NW	11.8
							52.4

C) **Certificate 79977:** issued in the name of L & L Farms

Priority Date: April 8, 1991

Rate & Duty: 1/80 cfs per acre irrigated and a total of 3.0 acre-feet per acre per year

Source: Well

Point of Appropriation:

TWP	RNG	MER	SEC	1/4	1/4	LOCATION
3	N	29	E	W.M.	12	NE NW WELL #2: 135 FEET NORTH AND 1810 FEET EAST FROM THE NW CORNER OF SECTION 12

The authorized place of use is located as follows:

TWP	RNG	MER	SEC	1/4	1/4	ACRES
3	N	28	E	W.M.	12 NE NW	6.6
3	N	28	E	W.M.	12 SW NW	8.6
3	N	28	E	W.M.	12 SE NW	11.0
3	N	28	E	W.M.	12 NE SW	13.7
3	N	28	E	W.M.	12 NW SW	18.8
						58.7

The applicant proposes to change the places of use to:

TWP	RNG	MER	SEC	1/4	1/4	CIRCLE	ACRES
3	N	28	E	W.M.	33 NE NW	16	22.9
3	N	28	E	W.M.	33 NW NW	16	16.5
3	N	28	E	W.M.	33 SE NW	16	19.3
							58.7

CONCLUSIONS OF LAW

1. The temporary transfer application submitted by Robert Levy included the information required by ORS 540.520(2).
2. The temporary transfer application submitted by Robert Levy was accompanied by the appropriate fees as set forth in ORS 536.050.
3. The proposed transfer complies with the requirements of ORS 540.523.
4. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.520(2) and ORS 540.523 resulting in no injury to other water rights.

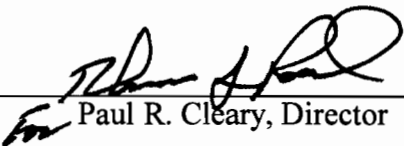
ORDER

It is hereby ORDERED:

1. The proposed changes to the existing water rights may be made provided the following conditions are met by the water user:
 - a. The change is temporary. The change shall be effective for the 2003 irrigation season upon issuance of this order.
 - b. The proposed changes may be made provided the terms of the order approving Transfer Application T-9362 are effected prior to the use of water on the proposed place of use.

- c. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- d. The authorized places of use shall not be irrigated as part of these water rights during the 2003 irrigation season.
- e. The supplemental ground water rights described by Certificates 79944 and 79977, as listed in sections 5(b)(B) and (C) above, shall not be used at either the authorized place of use or proposed place of use during the 2003 irrigation season.
- f. The use of water under these rights shall revert to the authorized place of use at the end of the 2003 irrigation season.
- g. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use. Water use from wells in the Butter Creek and Stage Gulch Critical Ground Water Areas subject to allocation under OAR Chapter 690, Division 507 shall not exceed any limitations imposed by administrative rule.

Dated MAY 28 2003



Paul R. Cleary, Director