

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A TEMPORARY CHANGE 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 9419 submitted by

SCHARF BROTHERS FARMS
9950 BETHEL ROAD
AMITY, OREGON 97101.

The FIRST right to be modified, as evidenced by Certificate 13453, was perfected under Permit 11387 with a date of priority of SEPTEMBER 7, 1934. The right allows the use of SALT CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT R-676, a tributary of the SOUTH YAMHILL RIVER, for IRRIGATION of 23.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 cubic foot per second, if available at the authorized point of diversion: NW¼ NW¼, SECTION 22, T 6 S, R 5 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.6 ACRES
SECTION 22
TOWNSHIP 6 SOUTH, RANGE 5 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 SECOND right to be modified, as evidenced by Certificate 62525, was perfected under Permit 44965 with a date of priority of AUGUST 1, 1980. The right allows the use of SALT CREEK AND A RESERVOIR ENLARGED UNDER PERMIT R-8159, a tributary of the SOUTH YAMHILL RIVER, for IRRIGATION of 69.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.75 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 22, T 6 S, R 5 W, W.M.; 850 FEET SOUTH AND 650 FEET EAST FROM THE NW CORNER, SECTION 22, 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 any 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 from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.6 ACRES

SECTION 22

TOWNSHIP 6 SOUTH, RANGE 5 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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES (1934)
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AS PROJECTED WITHIN FREDERICK DLC 63
SECTION 15

NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.8 ACRES (1934)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.1 ACRES (1980)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES (1980)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.7 ACRES (1980)

ALL AS PROJECTED WITHIN FREDERICK DLC 63
SECTION 16
TOWNSHIP 6 SOUTH, RANGE 5 WEST, W.M.

The applicant further proposes to TEMPORARILY add a point of diversion to:

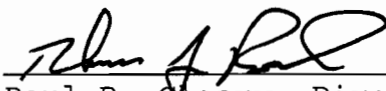
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 16, T 6 S, R 5 W, W.M.; 1050 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, FREDERICK DLC 63.

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

1. These changes are temporary. These 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 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use and points of diversion at the end of the 2007 irrigation season.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. **Prior** to diverting water from the new point of diversion, the water user **shall** consult with the Watermaster on how release and pickup water will be measured. When required by the Watermaster, the water use shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
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, affixed MAY 31, 2003.


Paul R. Cleary, Director