

STATE OF OREGON

COUNTY OF YAMHILL

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 8823 submitted by

HUTCHCROFT WATER COMPANY  
RONALD THIES  
P.O. BOX 4  
YAMHILL, OREGON 97148.

The right to be modified, as evidenced by a portion of Permit 50952 with a date of priority of SEPTEMBER 29, 1989. The right allows the use of HUTCHCROFT CREEK, a tributary of the NORTH YAMHILL RIVER, for IRRIGATION OF 0.11 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.001 cubic foot per second, if available at the authorized point of diversion: NE¼ SE¼, SECTION 35, T 2 S, R 5 W, W.M.; 1660 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 35, 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 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.

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

The authorized place of use is located as follows:

NE¼ NE¼ 0.11 ACRE  
SECTION 1

TOWNSHIP 3 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 applicant proposes to TEMPORARILY change the place of use to:

NE¼ NE¼ 0.11 ACRE  
SECTION 1

TOWNSHIP 3 SOUTH, RANGE 5 WEST, W.M.

The applicant has provided a statement that water will not be used under Certificate 13739 on the proposed place of use.

Proof to the satisfaction of the Director has been made under Permit 50952 on the lands involved in this temporary transfer.

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 **2001** irrigation season.
3. The portion of the water right evidenced by Certificate 13739 appurtenant to the proposed place of use, shall not be used during the **2001** irrigation season.
4. The use shall revert to the authorized place of use at the **end** of the **2001** irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

6. The use of the remaining water right described by Permit 50952 shall continue to be in accordance with the terms and conditions of Permit 50952.

WITNESS the signature of the Water Resources  
Director, affixed     **AUG 17 2001**    .

  
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Paul R. Cleary, Director