

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING AN EMERGENCY USE DROUGHT  
TEMPORARY CHANGE IN PLACE OF USE AND POINT OF DIVERSION

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 9211 submitted by

OAKLAND SCHOOL DISTRICT  
P.O. BOX 390  
OAKLAND, OREGON 97462.

The right to be modified, as evidenced by a PORTION of Certificate 50899, was perfected under Permit 19857 with a date of priority of SEPTEMBER 22, 1950. The right allows the use of the CALAPOOYA CREEK, a tributary of the UMPQUA RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.025 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 35, T 24 S, R 5 W, W.M.; 4430 FEET NORTH AND 4080 FEET EAST FROM SW CORNER, SECTION 35, 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, shall be 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 per acre 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 as follows:

SE¼ NE¼            2.0 ACRES  
SECTION 35  
TOWNSHIP 24 SOUTH, RANGE 5 WEST, W.M.

The right to use 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 NW¼            2.0 ACRES  
SECTION 4  
TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

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

SW¼ SW¼, SECTION 33, T 24 S, R 5 W, W.M.; 140 FEET  
NORTH AND 1360 FEET WEST FROM N¼ CORNER, SECTION 4.

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

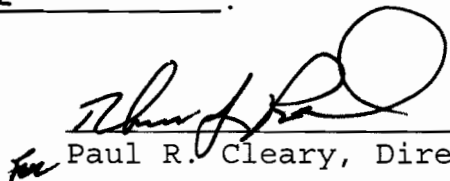
1. These changes are **temporary**. These changes shall be effective upon issuance of this order.

2. The proposed place of use shall revert to the authorized place of use at the end of the 2002 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. The proposed point of diversion shall revert to the authorized points of diversion at the end of the 2002 irrigation season or the end of the Governor's declared drought, whichever occurs first.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The quantity of water diverted at the new point of diversion, together with the quantity diverted at the authorized point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion.
6. Water used under Certificate 50899 at the original location together with water used at the proposed location shall not exceed 0.025 cubic foot per second or 5.0 acre-feet during the 2002 irrigation season.
7. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
8. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.

9. When required by the Department the water user 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.

WITNESS the signature of the Water Resources

Director, affixed AUG 29 2002.

  
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for Paul R. Cleary, Director