

STATE OF OREGON

COUNTY OF TILLAMOOK

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 8854 submitted by

PATRICK ZWEIFEL  
9160 TRASK RIVER ROAD  
TILLAMOOK, OREGON 97141.

The right to be modified, as evidenced by a PORTION of Certificate 12461, was perfected under Permit 13163 with a date of priority of JULY 25, 1938. The right allows the use of SIMMONS CREEK, a tributary of the TILLAMOOK RIVER, for IRRIGATION of 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 21, T 2 S, R 9 W, W.M., 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

**This is a final order in other than 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.**

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:

SE¼ SW¼            5.0 ACRES (TAXLOT 901)  
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:

NE¼ SW¼            5.0 ACRES (TAXLOT 500)  
SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 9 WEST, W.M.

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

1. This change is temporary. This 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 use shall revert to the authorized place of use at the end of the 2001 irrigation season.
4. The portion of the water rights evidenced by Permits S-233 and G-1984 appurtenant to the authorized place of use ("from" lands), shall **not** be used during 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. 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.
7. The use of the remaining water right described by Certificate 12461 shall continue to be in accordance with the terms and conditions of Certificate 12461.

WITNESS the signature of the Water Resources

Director, affixed SEP 21 2001.

  
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Paul R. Cleary, Director