

STATE OF OREGON

COUNTY OF LINN

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 8872 submitted by

ROBERT M. COOK
32041 CARTNEY DRIVE
HARRISBURG, OREGON 97446.

The right to be modified, as evidenced by a PORTION of Certificate 76691, was perfected under Permit 17510 with a date of priority of FEBRUARY 9, 1939. The right allows the use of the MCKENZIE RIVER AND MUDDY CREEK, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 54.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.68 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 35, T 14 S, R 4 W, W.M.; 3150 FEET SOUTH AND 1610 FEET WEST FROM THE NE 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, 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 3.0 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.9 ACRES

SECTION 35

TOWNSHIP 14 SOUTH, RANGE 4 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 point of diversion to:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 30, T 14 S, R 3 W, W.M.; 40 FEET SOUTH AND 1120 FEET EAST FROM THE NW CORNER, SECTION 30.

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.5 ACRES

SECTION 25

TOWNSHIP 14 SOUTH, RANGE 4 WEST, W.M.

NE¼ NW¼ 4.0 ACRES
NW¼ NW¼ 32.0 ACRES
SW¼ NW¼ 13.0 ACRES

SECTION 30

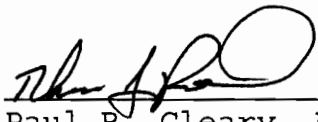
TOWNSHIP 14 SOUTH, RANGE 3 WEST, W.M.

THESE CHANGES 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, 2002, 2003, 2004 and 2005 irrigation seasons.
3. The portions of the water right evidenced by Certificate 75439 (Permit S-50921) appurtenant to the proposed place of use shall **not** be used during the irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2005 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 76691 shall continue to be in accordance with the terms and conditions of Certificate 76691.

WITNESS the signature of the Water Resources

Director, affixed SEP 17 2001.


For Paul R. Cleary, Director