

This is a final 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KRAEMER FARMS
13318 DOMINIC ROAD N.E.
MT. ANGEL, OR 97362

confirms the right to use the waters of FIVE WELLS in the ZOLLNER CREEK BASIN for IRRIGATION OF 62.0 ACRES.

This right was perfected under Permit G-7126. The date of priority is JANUARY 16, 1976. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.78 CUBIC FOOT PER SECOND (IF LAWFULLY AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION BEING KRAEMER WELL LOCATED WITHIN THE NE 1/4 NE 1/4, SECTION 3, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.), or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

KRAEMER WELL (ORIGINAL) - NE 1/4 NE 1/4, SECTION 3, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 460 FEET SOUTH AND 940 FEET WEST FROM THE NE CORNER SECTION 3;

RODY WELL - SW 1/4 NW 1/4, SECTION 2, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 1990 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER SECTION 2;

KRAEMER WELL #2 - NW 1/4 NE 1/4, SECTION 3, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 1200 FEET SOUTH AND 550 FEET EAST FROM THE N 1/4 CORNER SECTION 3;

NORB WELL - SW 1/4 NW 1/4, SECTION 3, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 1730 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER SECTION 3;
AND

ESCH WELL - NE 1/4 NE 1/4, SECTION 4, TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.; 50 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER SECTION 4.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SE 1/4 40.0 ACRES
SE 1/4 SE 1/4 22.0 ACRES
SECTION 3
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The quantity of water diverted at the new points of appropriation, together with the quantity diverted from the original point of appropriation (Kraemer Well) shall not exceed the quantity of water available from the original point of appropriation or the capacity of the original point of appropriation at the time of perfection of Permits G-6669, G-7126, and G-8955.


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.

This certificate is issued to confirm a change in POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered NOVEMBER 30, 1994, and supersedes Certificate 52670, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued March 21, 2005.


Phillip E. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 81309.

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