

STATE OF OREGON

COUNTY OF MARION

**ORDER APPROVING CHANGES IN PLACE OF USE
AND POINT OF DIVERSION**

Pursuant to ORS 537.705, and ORS 540.510 to 540.530, 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, TRANSFER 8169 submitted by

KRAEMER FARMS
13318 DOMINIC ROAD NE
MT. ANGEL, OREGON 97362.

The first right to be modified, as evidenced by a portion of Certificate 65143, was perfected under Permit 47801 with a date of priority of MAY 26, 1981. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 6.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.044 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, as projected within DLC 41, SECTION 8, T 6 S, R 1 E, WM; 1130 FEET SOUTH AND 100 FEET WEST FROM THE N¼ CORNER, SECTION 8, 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 an 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.

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

The second right to be modified, as evidenced by a PORTION of Certificate 65144, was perfected under Permit G-10144 with a date of priority of SEPTEMBER 20, 1983. The right allows the use of TWO WELLS, in the BUTTE CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 6.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.043 cubic foot per second, if available at the original wells: NW¼ NW¼, SE¼ NW¼, SECTION 17, T 6 S, R 1 E, WM; 1200 FEET SOUTH AND 80 FEET EAST; 1470 FEET SOUTH AND 1990 EAST; BOTH FROM THE NW CORNER, SECTION 17, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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 NW¼ 6.8 ACRES
SECTION 7
TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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 change the place of use to:

NW¼ SW¼ 6.8 ACRES
SECTION 9
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

The applicant proposes to change the point of diversion for the surface water right to:

SE¼ SE¼, SECTION 8, T 6 S, R 1 E, WM; 950 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER, SECTION 8.

The applicant also proposes to divert water from Butte Creek for the ground water right at the proposed point of diversion in accordance with the provisions of Water Exchange 8170E.

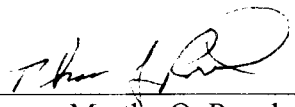
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted from Butte Creek. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of ground water discharged into Butte Creek. The type and plans of the measuring device must be approved by the Department and shall be installed under the general supervision of the Department.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The former place of use shall no longer be irrigated as a part of these water rights.
7. The water user shall install and maintain a fish screen or fish by-pass device at the proposed point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 65143 and 65144 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed JUL 15 1999.


for Martha O. Pagel, Director