

STATE OF OREGON

COUNTY OF MARION

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 8305 submitted by

IVAN SCHURTER
10833 SILVERTON ROAD
SILVERTON, OREGON 97381.

The first right to be modified, as evidenced by a portion of Certificate 26918, was perfected under Permit 21919 with a date of priority of JUNE 26, 1951. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.14 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 5, T 7 S, R 1 W, WM, 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.

The second right to be modified, as evidenced by a portion of Certificate 62118, was perfected under Permit 29752 with a date of priority of JULY 20, 1964. The right allows the use of the PUDDING RIVER and the DKK RESERVOIR CONSTRUCTED UNDER PERMIT R-3984, tributaries of the MOLALLA RIVER, for SUPPLEMENTAL IRRIGATION OF 5.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially use and shall not exceed 0.03 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 5, T 7 S, R 1 W, WM; (DAM) 90 FEET NORTH AND 4080 FEET WEST FROM THE E¼ CORNER, SECTION 5, 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 from direct flow 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 from direct flow and storage and is subject to the terms and conditions of an agreement recorded at pages 627 and 628, Volume 4, Miscellaneous Records of the Water Resources Department.

The third right to be modified, as evidenced by a PORTION of Certificate 63620, was perfected under Permit G-10584 with a date of priority of JANUARY 3, 1986. The right allows the use of ONE WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 5.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 cubic foot per second, if available at the original well; NE¼ NW¼, SECTION 5, T 7 S, R 1 W, WM; 1270 FEET SOUTH AND 1470 FEET EAST FROM THE NW CORNER, SECTION 5, 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.

The forth right to be modified, as evidenced by a portion of Certificate 66173, was perfected under Permit 50085 with a date of priority of JULY 8, 1987. The right allows the use of the PUDDING RIVER and DKK RESERVOIR CONSTRUCTED UNDER PERMIT R-3984, tributaries of the MOLALLA RIVER, for SUPPLEMENTAL IRRIGATION OF 5.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially use and shall not exceed 0.07 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 5, T 7 S, R 1 W, WM; 90 FEET NORTH AND 4080 FEET WEST FROM THE E¼ CORNER, SECTION 5, 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 from direct flow 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 from direct flow and storage. The right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

	26918	62118	63620	66173
	PRIMARY	SUPPLEMENTAL	PRIMARY	SUPPLEMENTAL
NE¼ NW¼			0.5 ACRE	0.5 ACRE
NW¼ NW¼			1.3 ACRES	1.3 ACRES
SW¼ NW¼	10.0 ACRES	5.5 ACRES	2.0 ACRES	2.0 ACRES
SE¼ NW¼			2.0 ACRES	2.0 ACRES

SECTION 5
TOWNSHIP 7 SOUTH, RANGE 1 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:

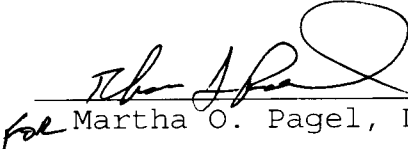
	26918	62118	63620	66173
	PRIMARY	SUPPLEMENTAL	PRIMARY	SUPPLEMENTAL
NE¼ NW¼	7.9 ACRES	3.5 ACRES	5.8 ACRES	5.8 ACRES
SE¼ NW¼	2.1 ACRES	2.0 ACRES		
	SECTION 5			
	TOWNSHIP 7 SOUTH, RANGE 1 WEST, W.M.			

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

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall no longer be irrigated as a part of this water right during the 1999 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 1999 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. The use of the remaining water right described by Certificates 26918 and 62118 shall continue to be in accordance with the terms and conditions of Certificates 26918 and 62118.

WITNESS the signature of the Water Resources Director,
affixed JUL 26 1999 .


for Martha O. Pagel, Director