

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.531, 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 8245 submitted by

CHARLES P. KEESECKER
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The first right to be modified, as evidenced by Certificate 43420, was perfected under Permit 35874 with a date of priority of JANUARY 19, 1971. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 60.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.75 cubic foot per second, if available at the authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN WOOD DLC 57, SECTION 18, T 9 S, R 3 W, W.M.; 1440 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF LOT 5 (SW¼ SW¼), SECTION 7, T 9 S, R 3 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 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.

NOTICE: 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 Certificate 50109, was perfected under Permit 41854 with a date of priority of MARCH 23, 1977. The right allows the use of the WILLAMETTE BASIN PROJECT RESERVOIRS CONSTRUCTED ABOVE THE POINT OF DIVERSION DESCRIBED HEREIN UNDER PERMITS R-1625 AND R-5363, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 60.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 129.86 acre feet stored water only, if available at the authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN WOOD DLC 57, SECTION 18, T 9 S, R 3 W, W.M.; RE-DIVERSION - 1440 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF LOT 5 (SW¼ SW¼), SECTION 7, T 9 S, R 3 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 an other right existing for the same lands, is limited to a diversion of 2½ acre feet for each acre irrigated during the irrigation season of each year and is subject to the terms and conditions of Contract 7-07-10-W0021, or a satisfactory replacement, between the Water and Power Resources Service and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

The authorized place of use is located as follows:

PERMITS 35874 AND 41854

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14.8 ACRES
AS PROJECTED WITHIN WOOD DLC 57
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 ACRE
AS PROJECTED WITHIN POLLY DLC 43
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.4 ACRES
AS PROJECTED WITHIN WOOD DLC 57
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.3 ACRES
AS PROJECTED WITHIN POLLY DLC 43
SECTION 18

TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.6 ACRES
AS PROJECTED WITHIN POLLY DLC 43
SECTION 13

TOWNSHIP 9 SOUTH, RANGE 3 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 change the point of diversion to a well located:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN WOOD DLC 57, SECTION 18, T 9 S, R 3 W, W.M.; 100 FEET SOUTH AND 1430 FEET WEST OF THE N $\frac{1}{4}$ CORNER OF SECTION 18.

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

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion (well) shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, 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. 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The proposed well must be completed in the shallow gravels at the proposed location.
6. The proposed well shall not exceed 60 feet in depth.
7. The proposed well shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Certificates 43420 and 50109 are cancelled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUL 26 1999.



For Martha O. Pagel, Director