

**STATE OF OREGON**

**COUNTY OF MARION**

**ORDER APPROVING USE OF AN ADDITIONAL POINT OF APPROPRIATION**

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves TRANSFER 6438 submitted by

TOM DE ARMOND  
11463 BROADACRES ROAD, NE  
HUBBARD, OREGON 97032

to use the waters of 5 WELLS in the MILL CREEK BASIN for IRRIGATING 160.3 ACRES.

A portion of the right to be transferred, as evidenced by certificate 45551, was perfected under Permit G-5567 with a date of priority of MAY 23, 1972. This right is limited to 0.66 cubic foot per second for the irrigation of 74.7 acres, if available at well 5 located within LOT 2 (SW 1/4 SE 1/4), SECTION 29, T 4 S, R 1 W, W.M.; 370 FEET NORTH AND 2750 FEET EAST FROM THE SW CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the well.

A portion of the right to be transferred, as evidenced by certificate 54710, was perfected under Permit G-5568 with a date of priority of MAY 23, 1972. This right is limited to 0.77 cubic foot per second for the irrigation of 61.8 acres, if available at Wells 1 and 2 located within the SE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 56, SECTION 32, T 4 S, R 1 W, W.M.; WELL 2 - 980 FEET NORTH AND 1650 FEET EAST; WELL 1 - 60 FEET NORTH AND 1950 FEET EAST; BOTH FROM THE WEST 1/4 CORNER OF SECTION 32, or its equivalent in case of rotation, measured at the wells.

The remainder of the right to be transferred, was perfected by performance under Permit G-8387 with a date of priority of NOVEMBER 8, 1978. The right is limited to 0.57 cubic foot per second for the primary irrigation of 23.8 acres and supplemental irrigation of 74.7 acres, if available at the original wells; LOT 2 (SW 1/4 SE 1/4), SECTION 29, LOT 1 (NW 1/4 NE 1/4), SECTION 32, T 4 S, R 1 W, W.M.; WELL 5 - 370 FEET NORTH AND 2750 FEET EAST; WELL 4 - 70 FEET SOUTH AND 2750 FEET EAST; BOTH FROM THE SW CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the wells.

The additional point of appropriation for these rights is located as follows:

NE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 56, SECTION 32, T 4 S, R 1 W, W.M.; WELL 8 - 1380 FEET NORTH AND 920 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 32.

The amount of water used for irrigation under these rights is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use is as follows:

	<u>MAY 23, 1972</u>		<u>NOVEMBER 8, 1978</u>
	<u>WELLS 5 &amp; 8</u>	<u>WELLS 1, 2 &amp; 8</u>	<u>WELLS 4, 5 &amp; 8</u>
NE 1/4 SW 1/4	2.0 ACRES		2.0 ACRES
SW 1/4 SW 1/4			4.1 ACRES
SE 1/4 SW 1/4	33.7 ACRES		35.7 ACRES
SW 1/4 SE 1/4	5.8 ACRES		5.8 ACRES
SECTION 29			
NE 1/4 NE 1/4		0.3 ACRE	
SE 1/4 NE 1/4		2.4 ACRES	
SECTION 31			
NW 1/4 NE 1/4	4.4 ACRES		4.4 ACRES
NE 1/4 NW 1/4	28.1 ACRES	2.5 ACRES	28.3 ACRES
NW 1/4 NW 1/4	0.7 ACRE	8.4 ACRES	18.2 ACRES
SW 1/4 NW 1/4		38.8 ACRES	
SE 1/4 NW 1/4		9.4 ACRES	
SECTION 32			
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.			

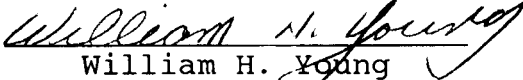
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1992.
2. The quantity of water diverted at well 8, together with that diverted at wells 1, 2, 4 & 5, shall not exceed the quantity of water available from wells 1, 2, 4 & 5.
3. When required by the Department the water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. Well 8 shall be constructed to the well construction standards in effect as of the date of this order and must include an access port.
6. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 45551 and 54710 are hereby canceled. New certificates will be issued to confirm those portions of these rights and the right perfected under Permit G-8387 NOT involved in this transfer. 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 FEBRUARY 28, 1991.

  
William H. Young

Recorded in Special Order Records at Volume 45, Page 119.