

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING AN ADDITIONAL 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 8427 submitted by

EDER FARMS, INC.  
12730 MILLER ROAD NE  
GERVAIS, OREGON 97026.

The first right to be modified, as evidenced by Certificate 16923, was perfected under Permit 16614 with a date of priority of OCTOBER 1, 1945. The right allows the use of the PUDDING RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 30.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, if available at the authorized points of diversion: NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN F. COONSE DLC 62, SECTION 5, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN F. COONSE DLC 62, SECTION 6, T 6 S, R 1 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The second right to be modified, as evidenced by Certificate 42235, was perfected under Permit 33378 with a date of priority of MARCH 13, 1968. The right allows the use of the PUDDING RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 50.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.64 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, AS PROJECTED WITHIN F. COONSE DLC 62, SECTION 5, SE¼ NE¼, AS PROJECTED WITHIN F. COONSE DLC 62, SECTION 6, T 6 S, R 1 W, W.M.; 1350 FEET NORTH AND 970 FEET EAST; 900 FEET NORTH AND 240 FEET WEST, BOTH FROM THE SE CORNER OF F. COONSE DLC 62, 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 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 2½ acre-feet for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

PERMIT 16614

NW¼ NW¼ 2.0 ACRES  
AS PROJECTED WITHIN F. COONSE DLC 62  
SECTION 5

NE¼ NE¼ 21.0 ACRES  
SE¼ NE¼ 7.0 ACRES  
BOTH AS PROJECTED WITHIN F. COONSE DLC 62  
SECTION 6

TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

PERMIT 33378

NW¼ NW¼ 18.7 ACRES  
SW¼ NW¼ 0.7 ACRE  
BOTH AS PROJECTED WITHIN F. COONSE DLC 62  
SECTION 5

NE¼ NE¼ 6.7 ACRES  
NW¼ NE¼ 17.9 ACRES  
SW¼ NE¼ 5.8 ACRES  
SE¼ NE¼ 1.1 ACRES  
ALL AS PROJECTED WITHIN F. COONSE DLC 62  
SECTION 6

TOWNSHIP 6 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 an additional point of diversion (well) located:

SE¼ NE¼, AS PROJECTED WITHIN F. COONSE DLC 62,  
SECTION 6, T 6 S, R 1 W, W.M.; 1000 FEET NORTH AND 270 FEET WEST  
FROM THE SE CORNER OF F. COONSE DLC 62.

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, 2002.
2. The quantity of water diverted at the new point of diversion (well), together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points 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 points of diversion.
5. The depth of the proposed well shall not exceed 100 feet.

Certificates 16923 and 42235 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           **FEB 26 2001**          .

  
\_\_\_\_\_  
Paul R. Cleary, Director