

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN 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 6422 submitted by

ROBERT FESSLER
11796 MONITOR-McKEE ROAD
WOODBURN, OREGON 97071

to use the waters of A WELL in the BUTTE CREEK BASIN for IRRIGATING 75.9 ACRES.

The right to be transferred, as evidenced by Certificate 58955, was perfected under Permit G-6933 with a date of priority of JULY 16, 1976. The right is limited to 0.45 cubic foot per second, if available at the original wells, or its equivalent in case of rotation, measured at the new well.

The right to be transferred, as evidenced by Certificate 58956, was perfected under Permit G-8713 with a date of priority of JULY 20, 1979. The right includes a use limited to 0.10 cubic foot per second, if available at the original wells, or its equivalent in case of rotation, measured at the new well.

The right to be transferred, as evidenced by Certificate 58957, was perfected under Permit G-9002 with a date of priority of AUGUST 8, 1980. The right is limited to 0.29 cubic foot per second, if available at the original wells, or its equivalent in case of rotation, measured at the new well.

The new point of appropriation is located as follows:

SW 1/4 NE 1/4, SECTION 5, T 6 S, R 1 E, W.M.; 210 FEET NORTH AND 820 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 5.

The amount of water used for irrigation under this right 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.

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

A description of the place of use is as follows:

	<u>JULY 16, 1976</u>	<u>JULY 20, 1979</u>	<u>AUGUST 8, 1980</u>
NE 1/4 SW 1/4		15.0 ACRES	15.0 ACRES
NW 1/4 SW 1/4			8.5 ACRES
SE 1/4 SW 1/4	37.4 ACRES		
SECTION 32			
TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.			

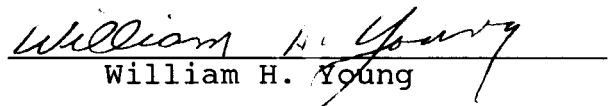
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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 the new point of appropriation (well) shall not exceed the quantity of water available from the original points of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. If needed to prevent injury to existing water rights, the well at the new point of appropriation shall be constructed to the well construction standards in effect as of the date of this order and must include an access port.
5. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 58955, 58956 and 58957 are hereby cancelled. A new certificate will be issued to confirm that portion of certificate 58956 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed March 29, 1991.


William H. Young

Recorded in Special Order Records at Volume 45, Page 173.