

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING 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, as conditioned or limited herein, TRANSFER 7311 submitted by

TIMOTHY AND KAREN HERINCKX  
12239 HOWELL PRAIRIE ROAD NE.  
GERVIAS, OREGON 97026

The right to be modified, as evidenced by a PORTION of Certificate 39894, was perfected under Permit G-3133 with a date of priority of JANUARY 12, 1966. The right allows the use of A WELL, a tributary of the PUDDING RIVER BASIN, for IRRIGATION OF 15.4 ACRES. The right is limited to 0.13 cubic foot per second, if available at the original well; NE¼ NE¼, SECTION 36, T 5 S, R 2 W, WM; 915 FEET SOUTH AND 419 FEET WEST FROM THE NE CORNER, SECTION 36, or its equivalent in case of rotation, measured at the well.

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 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 as follows:

SE¼ NE¼ 9.9 ACRES  
SECTION 36  
TOWNSHIP 5 SOUTH, RANGE 2 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.

The applicant proposes to add an additional point of appropriation to:

SE¼ NE¼, SECTION 36, T 5 S, R 2 W, WM; 1150 FEET NORTH AND 100 FEET WEST FROM THE E¼ CORNER, SECTION 36.

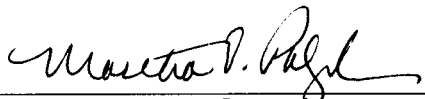
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1996.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity of water diverted at the old point of appropriation, shall not exceed the quantity of water available from the original point 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. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 39894 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed May 10, 1995.

  
\_\_\_\_\_  
Martha O. Pagel, Director