

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, 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 9111 submitted by

GEORGE L. AND LOUISE M. SCHLEGEL  
35160 RIVERSIDE DRIVE  
ALBANY, OREGON 97321.

The right to be modified, as evidenced by a portion of Certificate 42198, was perfected under Permit 34633 with a date of priority of AUGUST 29, 1969. The right allows the use of HORSESHOE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, AS PROJECTED WITHIN J. MOORE DLC 59, SECTION 22, T 11 S, R 4 W, W.M.; 2050 FEET SOUTH AND 1480 FEET WEST FROM THE NW CORNER OF W. MOORE DLC 60, 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.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  2.3 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  1.7 ACRES  
BOTH AS PROJECTED WITHIN J. MOORE DLC 59  
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 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 place of use to:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  4.0 ACRES  
AS PROJECTED WITHIN J. MOORE DLC 59  
SECTION 22

TOWNSHIP 11 SOUTH, RANGE 4 WEST, W.M.

The receiving landowners are:

Dennis and Kathy Schlegel  
30680 Horseshoe Drive SW  
Albany, Oregon 97321

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, 2004.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 42198 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 MAR 17 2003.

  
Paul R. Cleary, Director