

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATIONS,
ADDITIONAL POINTS OF APPROPRIATION,
AND CANCELING A PORTION OF A WATER RIGHT

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 6449 submitted by

GERALD E. ROTH
4196 81st AVENUE NE
SALEM, OREGON 97305.

The first right to be modified, as evidenced by Certificate 34484, was perfected under Permit G-1258 with a date of priority of FEBRUARY 24, 1959. The right allows the use of the HATTEBERG WELL (WELL 6), a tributary of the LITTLE PUDDING RIVER (PUDDING RIVER) BASIN, for IRRIGATION OF 58.7 ACRES. The right is limited to 0.67 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within SMITH DLC 61, SECTION 14, T 7 S, R 2 W, WM; 1110 FEET SOUTH AND 3570 FEET WEST FROM THE NE CORNER OF DLC 61, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by Certificate 33757, was perfected under Permit G-2123 with a date of priority of APRIL 23, 1962. The right allows the use of A WELL (WELL 2303), a tributary of the PUDDING RIVER BASIN, for IRRIGATION OF 123.5 ACRES. The right is limited to 0.57 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within FOSS DLC 62, SECTION 14, T 7 S, R 2 W, WM; 1250 FEET SOUTH AND 1410 FEET WEST FROM THE NE CORNER OF DLC 62, or its equivalent in case of rotation, measured at the well.

The third right to be modified, as evidenced by a PORTION of Certificate 53546, was perfected under Permit G-7720 with a date of priority of APRIL 8, 1977. The right allows the use of WELLS 3 and 4, tributary to the PUDDING RIVER BASIN, for IRRIGATION OF 61.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 123.5 ACRES. The right is limited to 1.74 cubic feet per second, being 0.77 cfs from WELL 3, and 0.97 cfs from WELL 4, if available at the original wells; NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within SMITH DLC 61, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within FOSS DLC 62, SECTION 14, T 7 S, R 2 W, WM; WELL 3 - 1170 FEET SOUTH AND 2840 FEET WEST FROM THE NE CORNER OF DLC 61; WELL 4 - 2420 FEET SOUTH AND 1700 FEET WEST FROM THE NE CORNER OF DLC 62, or its equivalent in case of rotation, measured at the wells.

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 $\frac{1}{2}$ 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:

	<u>G-1258</u>	<u>G-2123</u>	<u>G-7720</u>
			WELL 3 <u>PRIMARY</u>
			WELL 4 <u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.2 ACRES		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES		4.8 ACRES
	both as projected within SMITH DLC 61 SECTION 11		
SW $\frac{1}{4}$ SW $\frac{1}{4}$			2.9 ACRES
	as projected within SMITH DLC 61 SECTION 12		
NW $\frac{1}{4}$ NW $\frac{1}{4}$			14.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$			2.7 ACRES
	both as projected within SMITH DLC 61		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 ACRES		20.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	18.3 ACRES		18.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.4 ACRES		1.4 ACRES
	all as projected within FOSS DLC 62 SECTION 13		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	7.4 ACRES		30.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 ACRES		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE		6.3 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0 ACRES		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5 ACRE		
	all as projected within SMITH DLC 61		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2 ACRE		0.2 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.6 ACRES		33.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES		40.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.2 ACRES		5.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE		0.8 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 ACRES		4.0 ACRES
	all as projected within FOSS DLC 62 SECTION 14 TOWNSHIP 7 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 change the points of appropriation of the water right perfected under Permit G-7720 and add points of appropriation to the water rights perfected under Permits G-1248 and G-2123 so that all lands described herein may be irrigated from the following wells:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within SMITH DLC 61, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within FOSS DLC 62, SECTION 14, T 7 S, R 2 W, WM; WELL 6 - 1110 FEET SOUTH AND 3570 FEET WEST; WELL 6A - 1160 FEET SOUTH AND 4480 FEET WEST, BOTH FROM THE NE CORNER OF DLC 62; and WELL 2303 - 1250 FEET SOUTH AND 1410 FEET WEST FROM THE NE CORNER OF DLC 62.

Gerald and Carolyn Roth have submitted an affidavit stating they are the owners of the land and water right appurtenant to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within FOSS DLC 62, SECTION 13, T 7 S, R 2 W, WM. The right, as evidenced by a PORTION of Certificate 33757, is for the use of up to 1.75 ACRE FEET per year for IRRIGATION of 0.7 ACRE. The rate of appropriation is to remain unchanged. They request the water right be cancelled.

THESE CHANGES 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, 1995.
2. The quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old wells, 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 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.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

The water right appurtenant to 0.7 ACRE in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within FOSS DLC 62, SECTION 13, T 7 S, R 2 W, WM, is CANCELLED, and of no further force or effect. The remainder of the water right may continue to appropriate up to 0.57 cubic foot per second of water, provided that the right shall be limited to a rate of ONE-EIGHTIETH of one cubic foot per second per acre.

Certificates 33757, 34484, and 53546 are cancelled. A new certificate will be issued to confirm those portions of the rights 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 June 10, 1994.


A. REED MARBUT

 Martha O. Pagel