

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION,
ADDING 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 6448 submitted by

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

The first right to be modified, as evidenced by Certificate 27100, was perfected under Permit G-164 with a date of priority of MARCH 14, 1956. The right allows the use of A WELL, a tributary of the PUDDING RIVER BASIN, for IRRIGATION OF 96.2 ACRES. The right is limited to 0.64 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within GREENWOOD DLC 57, SECTION 11, T 7 S, R 2 W, WM; 33.5 CHAINS NORTH AND 39 CHAINS WEST FROM THE SE CORNER OF DLC 57, or its equivalent in case of rotation, measured at the well.

The second 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 WELL 1, a tributary of the PUDDING RIVER BASIN, for IRRIGATION OF 132.8 ACRES. The right is limited to 1.56 cubic feet per second, if available at the original well; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2, T 7 S, R 2 W, WM; WELL 1 - 1540 FEET SOUTH AND 1230 FEET EAST FROM THE NW CORNER OF GREENWOOD DLC 57, or its equivalent in case of rotation, measured at the well.

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-164</u>	<u>G-7720</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.3 ACRES	
	SECTION 1	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		10.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		13.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$		16.5 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		37.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.5 ACRES	11.4 ACRES
	SECTION 2	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.6 ACRES	0.4 ACRE
NW $\frac{1}{4}$ NE $\frac{1}{4}$		2.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.4 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$		0.8 ACRE
	SECTION 11	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.2 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.2 ACRES	
	SECTION 12	

all as projected within GREENWOOD DLC 57
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 point of appropriation for the water right perfected under Permit G-164 and add additional points of appropriation to the water right perfected under Permit G-7720, so that all lands described herein may be irrigated from the following wells:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within GREENWOOD DLC 57, SECTION 11, T 7 S, R 2 W, WM; WELL 1 - 1550 FEET AND 1230 FEET EAST, WELL 1A - 40 FEET SOUTH AND 1345 FEET EAST, WELL 1B - 2785 FEET SOUTH AND 1980 FEET EAST, ALL FROM THE NW CORNER OF GREENWOOD DLC 57, AND WELL 2A - 1350 FEET AND 2810 FEET WEST FROM THE SE CORNER OF GREENWOOD DLC 57.

Brian and Karen Martin have submitted an affidavit stating they are the owners of the land and water right appurtenant to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within GREENWOOD DLC 57, SECTION 11, T 7 S, R 2 W, WM. The right, as evidenced by a PORTION of Certificate 27100, is for the use of up to 6.0 ACRE FEET per year for IRRIGATION of 2.4 ACRES. 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 changes 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 appropriated from 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 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 points of appropriation.

The water right appurtenant to 2.4 ACRES in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within GREENWOOD DLC 57, SECTION 11, 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 0.64 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 27100 and 53546 are cancelled. A new certificate will be issued to confirm that portion 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.


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Martha O. Pagel