

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE
AND 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 8363 submitted by

DAVID AND MARGURITE OBERSINNER
7886 NORTH HOWELL ROAD NE
SILVERTON, OREGON 97381.

The right to be modified, as evidenced by a PORTION of Certificate 34793, was perfected under Permit G-2319 with a date of priority of DECEMBER 21, 1962. The right allows the use of A WELL, in the LITTLE PUDDING RIVER BASIN, for IRRIGATION OF 69.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.87 cubic foot per second, if available at the original well; LOT 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 21, T 6 S, R 2 W, W.M.; 170 FEET NORTH AND 2150 FEET WEST FROM THE SE CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 2 $\frac{1}{2}$ acre-feet per acre 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 as follows:

| | | CHANGE IN | |
|------------|---|---------------------|------------------|
| | | <u>POU AND APOA</u> | <u>APOA ONLY</u> |
| | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 2.9 ACRES | 2.9 ACRES |
| | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 0.3 ACRE | 0.4 ACRE |
| | BOTH AS PROJECTED WITHIN LACERTI DLC 71 | | |
| | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 0.1 ACRE | |
| | AS PROJECTED WITHIN MORSON DLC 68 | | |
| LOT 5 | (SW $\frac{1}{4}$ SE $\frac{1}{4}$) | 4.2 ACRES | 17.3 ACRES |
| | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | | 25.5 ACRES |
| SECTION 21 | | | |
| | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | | 0.4 ACRE |
| | AS PROJECTED WITHIN LACERTI DLC 71 | | |
| LOT 1 | (NW $\frac{1}{4}$ NE $\frac{1}{4}$) | | 13.4 ACRES |
| | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | | 2.1 ACRES |
| | AS PROJECTED WITHIN LACERTI DLC 71 | | |
| SECTION 28 | | | |

TOWNSHIP 6 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 place of use to:

LOT 5 (SW¼ SE¼) 6.4 ACRES
SE¼ SE¼ 1.1 ACRES
SECTION 21

TOWNSHIP 6 SOUTH, RANGE 2 WEST, W.M.

The applicant proposes an additional point of appropriation located:

WELL 2 - SE¼ SE¼, SECTION 21, T 6 S, R 2 W, W.M.;
820 FEET NORTH AND 1240 FEET WEST FROM THE SE CORNER OF SECTION
21.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 2005.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right
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.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 34793 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 FEB 03 2004.


For Paul R. Cleary, Director