

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 8341 submitted by

LARRY AND LAURA SCHIELDER
13258 PORTLAND ROAD NE
GERVAIS, OREGON 97026.

The right to be modified was perfected under Permit G-11396 with a date of priority of JANUARY 22, 1991. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 52.8 ACRES AND NURSERY OPERATIONS ON 11.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.59 CUBIC FEET PER SECOND(CFS), BEING 0.93 CFS FOR NURSERY OPERATIONS AND 0.66 CFS FOR IRRIGATION, if available at the original well; SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN BROWN DLC 55, SECTION 25, T 5 S, R 2 W, W.M.; 10 FEET SOUTH AND 1450 FEET WEST FROM THE NE CORNER OF DLC 55, or its equivalent in case of rotation, measured at the well.

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 amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery stock**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2½ acre feet per acre 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>CONTAINERIZED NURSERY STOCK AND GREENHOUSES</u>	<u>IN GROUND NURSERY STOCK</u>	<u>IRRIGATION</u>
NW¼ NE¼	0.2 ACRE	7.0 ACRES	0.7 ACRE
SW¼ NE¼	2.5 ACRES	2.0 ACRES	27.8 ACRES
SE¼ NE¼			15.0 ACRES
SE¼ NW¼	0.1 ACRE		8.8 ACRES
NE¼ SE¼			0.5 ACRE

ALL AS PROJECTED WITHIN BROWN DLC 55
SECTION 25

TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the water user shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The applicant proposes an additional point of appropriation located:

SW¼ NE¼, AS PROJECTED WITHIN BROWN DLC 55, SECTION 25, T 5 S, R 2 W, W.M.; 270 FEET NORTH AND 1640 FEET WEST FROM THE NE CORNER OF DLC 55...

Proof to the satisfaction of the Department has been received that the appropriation was perfected under Permit G-11396.

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

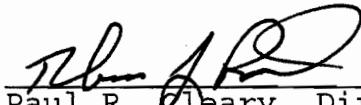
1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right.
3. 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 upper sand and gravel aquifer as the original point of appropriation.

5. The proposed additional well shall not exceed a total depth of 150 feet below land surface or penetrate into clay strata similar to that found from 153 feet to 199 feet below land surface in a nearby well (Well-Log I.D. - MARI 53043).
6. The applicant shall include a copy of the well log from the proposed additional well when submitting proof of the completed change.

When satisfactory proof of the completed change is received, a certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DEC 19 2002.


for Paul R. Cleary, Director