

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE AND POINT OF DIVERSION

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 6598 submitted by

POEPPING BROTHERS  
12639 HOOK ROAD NE  
MOUNT ANGEL, OREGON 97362.

The first right to be modified, as evidenced by a portion of Certificate 16873, was perfected under Permit 15334 with a date of priority of JULY 16 1942. The right allows the use of ABIQUA CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 24, T 6 S, R 1 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a portion of Certificate 36097, was perfected under permit 28621 with a date of priority of FEBRUARY 14, 1963. The allows the use of ABIQUA CREEK THROUGH WALKER DITCH, a tributary of the PUDDING RIVER, for IRRIGATION OF 4.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, as projected within ALLEN DLC 50, SECTION 24 T 6 S, R 1 W, WM; WALKER DITCH - 1780 FEET SOUTH AND 4630 FEET WEST FROM THE NE CORNER, SECTION 24, 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 amount of secured under any other rights 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 per acre 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 located as follows:

	<u>PERMIT 15334</u>	<u>PERMIT 28621</u>
SE¼ NW¼	2.0 ACRES	4.4 ACRES
	as projected within TUCKER DLC 52	
	SECTION 15	
	TOWNSHIP 6 SOUTH, RANGE 1 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:

	<u>PERMIT 15334</u>	<u>PERMIT 28621</u>
SW¼ NE¼		0.3 ACRE
SE¼ NE¼	2.0 ACRES	4.1 ACRES
	SECTION 20	
	TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.	

The applicant also proposes to change the point of diversion to:

SW¼ NE¼, SECTION 20, T 6 S, R 1 WEST, W.M.; 900 FEET SOUTH  
AND 570 FEET WEST FROM THE SW CORNER, DLC 59.

The receiving landowner is:


ELDER BROTHERS, INC.  
11690 HOOK ROAD NE  
MOUNT ANGEL, OREGON 97362

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, 1996.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The former place of use shall no longer be irrigated as a part of this water right.
5. This water right shall be regulated with other rights to the use of water from Abiqua Creek.

Certificates 16873 and 36097 are cancelled. 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           AUG 11 1995          .

*for*   
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Martha O. Pagel, Director