

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 6599 submitted by

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

The 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 28.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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 amount of water used for irrigation under this right 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 located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.3 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.6 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:

LOT 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)	7.2 ACRES
LOT 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)	7.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.3 ACRES

SECTION 8
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The applicant proposes to change the point of diversion to a point on the PUDDING RIVER located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 8, T 6 S, R 1 W, WM; 100 FEET SOUTH AND 675 FEET WEST FROM THE SE CORNER, LOT 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

The receiving landowner is:

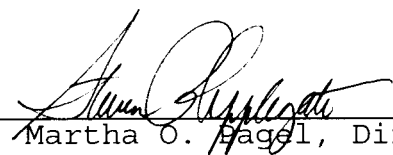
ELDER BROTHERS, INC.
11690 HOOK ROAD NE
MOUNT ANGEL, OREGON 97362

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.

Certificate 16873 is 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  _____
Martha O. Pagel, Director