

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE, POINT OF DIVERSION,
AND COMBINING OF WATER RIGHTS

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 6605 submitted by

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

The first right to be modified, as evidenced by Certificate 28364, was perfected under Permit 21522 with a date of priority of MAY 14, 1952. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 152.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially use and shall not exceed 0.89 cubic foot per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 17, 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 right allows the use of ABIQUA CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 23.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 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 third right to be modified, as evidenced by Certificate 40147, was perfected under Permit 34385 with a date of priority of MAY 15, 1969. The right allows the use of ABIQUA CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 7.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 cubic foot per second, if available at the authorized points of diversion: SW¼ NW¼, as projected within ALLEN DLC 50, SECTION 24, T 6 S, R 1 W, WM; 1780 FEET SOUTH AND 4630 FEET WEST, 1820 FEET SOUTH AND 4480 FEET WEST, BOTH 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:

PERMIT 21522

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 8	3.6 ACRES	NE $\frac{1}{4}$ NE $\frac{1}{4}$ LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	36.6 ACRES 27.4 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	20.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	9.1 ACRES
LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	0.6 ACRE	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES
SECTION 9		both as projected within JOHNSON DLC 56	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 ACRES	LOT 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)	8.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.4 ACRES
SECTION 16		SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1 ACRE
		both as projected within JOHNSON DLC 56 SECTION 17	

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

PERMIT 28621

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.6 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.7 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.3 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.4 ACRES
 all as projected within
 TUCKER DLC 52
 SECTION 15
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,
 W.M.

PERMIT 34385

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.2 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.2 ACRES
 both 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 of the rights perfected under Permits 28621 and 34385 and combine them with the right perfected under Permit 21522, located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 8	3.6 ACRES	NE $\frac{1}{4}$ NE $\frac{1}{4}$ LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	36.6 ACRES 27.4 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	20.0 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$	9.1 ACRES
LOT 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	0.6 ACRE	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES
SECTION 9		both as projected within JOHNSON DLC 56	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 ACRES	LOT 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)	8.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.4 ACRES
SECTION 16		SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1 ACRE
		both as projected within JOHNSON DLC 56 SECTION 17	

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:

SE¼ NE¼, SECTION 17, T 6 S, R 1 W, WM; 1290 FEET NORTH AND 960 FEET WEST FROM THE E¼ CORNER, SECTION 17.

The applicant also proposes to combine the water rights perfected under all three permits into one water right, preserving the quantities of water and priorities of each right.

The receiving landowner is:


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

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, 1996.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversions, 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 headgates, an in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The former places of use shall no longer be irrigated as a part of this water right.
5. The water rights, described above, perfected under Permit 21522, a portion of Permit 28621, and Permit 34385 are combined into a single right, and may not be separated at a later date. The right allows the use of the PUDDING RIVER and ABIQUA CREEK, tributaries of the MOLALLA RIVER, for IRRIGATION of 152.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.20 cubic foot per second, being 0.89 CFS from the PUDDING RIVER with priority of MAY 14, 1952, 0.22 CFS from ABIQUA CREEK with priority of FEBRUARY 14, 1963, and 0.09 CFS from ABIQUA CREEK with priority of MAY 15, 1969, or its equivalent in case of rotation, measured at the point of diversion from the source.
6. The portion of the water right allowing use of water from Abiqua Creek shall be regulated with other rights to the use of water from Abiqua Creek.

Certificates 28364, 36097, and 40147 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 Martha O. Pagel, Director