

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 8491 submitted by

CHRIS BOCHSLER  
11851 WILCO HIGHWAY  
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a PORTION of Certificate 76250, was perfected under Permit G-3730 with a date of priority of JUNE 22, 1967. The right allows the use of TWO WELLS, in the ZOLLNER CREEK (PUDDING RIVER) BASIN, for IRRIGATION of 36.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the original well; NW¼ SW¼, SECTION 35, T 5 S, R 1 W, WM; 1500 FEET NORTH AND 130 FEET EAST FROM THE SW CORNER, SECTION 35, 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 authorized points of appropriation are located:

SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 34, NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 35, T 5 S, R 1 W, WM; NEW WELL - 1170 FEET NORTH AND 450 FEET WEST; OLD WELL -1500 FEET NORTH AND 130 FEET EAST, BOTH FROM THE SW CORNER, SECTION 35.

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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$             16.8 ACRES  
SECTION 34

NW $\frac{1}{4}$  SW $\frac{1}{4}$             19.2 ACRES  
SECTION 35  
TOWNSHIP 5 SOUTH, RANGE 1 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 quantity of water diverted at the new point of appropriation (well), together with the quantity of water diverted at the original point of appropriation, shall not exceed the quantity of water available from the original point of appropriation.

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 types 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.

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 TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5 ACRES

SECTION 35

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

The authorized place of use is also covered by Permit 51995, for use of water from Zollner Creek, during the period March 1 to April 30. Water will not be used on the proposed place of use under the this permit during the 2000 irrigation season.

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

1. The change is temporary. The changes shall be effective on May 1, 2000.
2. The former place of use shall not be irrigated as part of this water right during the 2000 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2000 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water right described by Certificate 76250 shall continue to be in accordance with the terms and conditions of Certificate 76250.

WITNESS the signature of the Water Resources Director,

affixed APR 25 2000.

  
for Martha O. Pagel, Director