

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN CHARACTER OF USE,
A CHANGE IN PLACE OF USE,
A CHANGE IN POINT OF APPROPRIATION,
AND A PARTIAL CANCELLATION OF A WATER RIGHT

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 8112 submitted by

MORSE BROTHERS, INC.
32260 HIGHWAY 34
TANGENT, OREGON 97389.

The right to be modified, as evidenced by a PORTION of Certificate 42412, was perfected under Permit G-4186 with a date of priority of JUNE 14, 1968. The right allows the use of A WELL, in the SANTIAM RIVER BASIN, for IRRIGATION OF 22.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the original well; SW¼ NW¼, SECTION 14, T 9 S, R 1 W, W.M.; 1090 FEET NORTH AND 3560 FEET EAST FROM THE C¼ CORNER OF SECTION 15, 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 portion of a water right requested to be cancelled is described by Certificate 42412, State Record of Water Right Certificates. The date of priority is June 14, 1968. The water use was for irrigation of 3.2 acres from a well, in the Santiam River Basin. The amount used was 0.04 cubic foot per second.

The abandoned portion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 ACRE
SECTION 14

TOWNSHIP 9 SOUTH, RANGE 1 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

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, 2002.
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. 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 aquifer as the original point of appropriation.
5. The use of water for industrial use shall be limited to 0.28 cubic foot per second and shall not exceed 56.0 acre feet during the irrigation season of each year, being March 1 to October 31.

6. The former place of use shall no longer be irrigated as part of this water right.

The portion of the water right evidenced by Certificate 42412 requested to be cancelled is cancelled.

Certificate 42412 is cancelled.

When satisfactory proof of the completed change of that portion of the water right evidenced by Certificate 42412 not cancelled by this order is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAR 21 2001.


Paul R. Cleary, Director