

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION

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 7922 submitted by

KENNETH L. EVENSTAD
14905 23RD AVENUE NORTH
MINNEAPOLIS, MINNESOTA 55447-4709.

The right to be modified, as evidenced by Certificate 80475, was perfected under Permit G-11416 with a date of priority of MAY 16, 1991. The right allows the use of A WELL, in the YAMHILL RIVER BASIN, for IRRIGATION OF 20.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.0 gallons per minute, if available at the original well; SW¼ NW¼, SECTION 4, T 4 S, R 3 W, W.M.; 870 FEET NORTH AND 750 FEET EAST FROM THE W¼ CORNER OF SECTION 4, or its equivalent in case of rotation, measured at the well.

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 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.6 ACRES
SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.8 ACRES
SECTION 5

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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 an additional point of appropriation located:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T 4 S, R 3 W, W.M.; 1100 FEET NORTH AND 1380 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 4.

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, 2005.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available under the water right.
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.

Certificate 80475 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 MARCH 12, 2004.


For Paul R. Cleary, Director