

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING TEMPORARY CHANGES 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 8480 submitted by

DICKMAN FARMS, INC.
15829 MT ANGEL-SCOTTS MILL HIGHWAY SE
SILVERTON, OREGON 97381.

The first right to be modified, as evidenced by a portion of Certificate 74272, was perfected under Permit 16524 with a date of priority of AUGUST 17, 1945. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 20.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, AND SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T 5 S, R 1 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is a final order in other than 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 second right to be modified, as evidenced by Certificate 76186, was perfected under Permit 16524 with a date of priority of AUGUST 17, 1945. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 8.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.10 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E WM; 1300 FEET NORTH AND 500 FEET EAST FROM THE S¼ CORNER, SECTION 31, 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 a portion of Certificate 74273, was perfected under Permit 39747 with a date of priority of JULY 11, 1975. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 26.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E WM; 1300 FEET NORTH AND 500 FEET EAST FROM THE S¼ CORNER, SECTION 31, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fourth right to be modified, as evidence by Certificate 76159, was perfected under Permit 39747 with a date of priority of JULY 11, 1975. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 1.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E WM; 1300 FEET NORTH AND 500 FEET EAST FROM THE S¼ CORNER, SECTION 31, 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 the amount secured under an other right 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 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 places of use are located as follows:

PERMIT 16524

CERTIFICATE

74272

76186

| | | |
|---------|------------|-----------|
| SE¼ SW¼ | 1.1 ACRES | 4.8 ACRES |
| SW¼ SE¼ | 18.7 ACRES | 3.3 ACRES |
| SE¼ SE¼ | 0.9 ACRE | |

PERMIT 39747

CERTIFICATE

74273

76159

| | | |
|---------|------------|-----------|
| NE¼ SW¼ | 1.6 ACRES | |
| SE¼ SW¼ | 25.3 ACRES | 1.8 ACRES |

SECTION 31

TOWNSHIP 5 SOUTH, RANGE 1 EAST, 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 TEMPORARILY change the place of use to:

PERMIT

16524

39747

| | | |
|---------|------------|------------|
| NE¼ SW¼ | 1.6 ACRES | 15.1 ACRES |
| SE¼ SW¼ | 27.2 ACRES | 2.6 ACRES |
| NW¼ SE¼ | | 0.8 ACRE |
| SW¼ SE¼ | | 10.2 ACRES |

SECTION 31

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


THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2000 and 2001 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2001 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 rights described by Certificates 74272 and 74273 shall continue to be in accordance with the terms and conditions of Certificates 74272 and 74273.

WITNESS the signature of the Water Resources Director,

affixed **MAY 1 0 2000** .



~~For~~ Martha O. Pagel, Director