

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 7738 submitted by

KING FARMS
4285 DESART ROAD NE
SILVERTON, OREGON 97381.

The right to be modified, as evidenced by a portion of Certificate 51933, was perfected under Permit 43766 with a date of priority of SEPTEMBER 18, 1978. The right allows the use of the PUDDING RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 17.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 18, T 7 S, R 1 W, WM; 710 FEET SOUTH AND 140 FEET EAST FROM THE SW CORNER LOT 2 (SW¼ NE¼), 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 place of use is located as follows:

| | |
|--------------------------------------|------------|
| LOT 1 (SW¼ NW¼) | 3.5 ACRES |
| LOT 1 (SE¼ NW¼) | 13.5 ACRES |
| SECTION 18 | |
| TOWNSHIP 7 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 TEMPORARILY change the place of use to:

SE¼ SE¼ 17.0 ACRES
SECTION 18
TOWNSHIP 7 SOUTH, RANGE 1 WEST, W.M.

The applicant has provided a statement that water will not be used on the proposed place of use under the water right evidenced by Certificate 23156.

THIS 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 change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as a part of this water right during the 1997 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 1997 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 proposed place of use may not irrigated under any other water right during the term of this order.
6. The use of the remaining water right described by Certificate 51399 shall be in accordance with the terms and conditions of Certificate 51399.

WITNESS the signature of the Water Resources Director, affixed April 21, 1997.



Martha O. Pagel, Director