

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN 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 6440 submitted by

KRAEMER'S NURSERY, INC.
13523 MARQUAM ROAD
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a PORTION of Certificate 52219, was perfected under Permit G-7296 with a date of priority of MARCH 4, 1977. The right allows the use of a WELL, a tributary of ZOLLNER CREEK BASIN, for IRRIGATION OF 13.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 28.7 ACRES. The right is limited to 0.21 cubic foot per second, if available at the original well; NE 1/4 NE 1/4, SECTION 11, T 6 S, R 1 W, W.M.; 820 FEET SOUTH AND 20 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 11, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 1/2 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 as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 SW 1/4	12.4 ACRES	
SE 1/4 SW 1/4	1.0 ACRES	28.7 ACRES
SECTION 2		
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.		

The applicant proposes to change the point of appropriation to:

NE 1/4 SW 1/4 AND SE 1/4 SW 1/4, SECTION 2, T 6 S, R 1 W, W.M.; NORTH NEW WELL - 1380 FEET NORTH AND 920 FEET WEST, AND SOUTH NEW WELL - 680 FEET NORTH AND 430 FEET WEST, BOTH FROM THE SOUTH 1/4 CORNER OF SECTION 2.

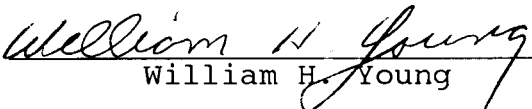
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1992.
2. The quantity of water diverted at the new points of appropriation (wells) shall not exceed the quantity of water available from the original point of appropriation.
3. 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 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 52219 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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
SEPTEMBER 24, 1991.



William H. Young

Recorded in Special Order Records at Volume 45, Page 407.