

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, 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 7363 submitted by

GARRETT AND WILMA SYTSMA
10825 WAYPARK DRIVE NE
SALEM, OREGON 97305.

The right to be modified, as evidenced by a portion of Certificate 45427, was perfected under Permit 20271 with a date of priority of MARCH 28, 1951. The right allows the use of SOUTH DRAINAGE DITCH AND THE PUDDING RIVER, a tributary of the WILLAMETTE 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 0.09 cubic foot per second, any deficiency in the available supply in the South drainage ditch to be made up by diversion from the Pudding River, providing that the total quantity diverted from both sources shall not exceed one-eightieth cubic foot per second for each acre irrigated, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN PARKER DLC 49; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, BOTH AS PROJECTED WITHIN CAREY DLC 58, SECTION 5, T 6 S, R 1 W, W.M., 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 2 $\frac{1}{2}$ 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 located as follows:

PUDDING RIVER AND SOUTH DRAINAGE DITCH

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.8 ACRE
AS PROJECTED WITHIN CAREY DLC 58
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.2 ACRES
BOTH AS PROJECTED WITHIN PARKER DLC 49
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11.4 ACRES
BOTH AS PROJECTED WITHIN CAREY DLC 58
SECTION 5

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.9 ACRES
AS PROJECTED WITHIN PARKER DLC 49
SECTION 8

TOWNSHIP 6 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 change the place of use to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 24.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.1 ACRES
SECTION 4

TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T 6 S, R 1 W, W.M.; 1380 FEET SOUTH AND 1050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 4.

The receiving landowners are:

STANLEY V. AND BEVERLY A. SEIFER
11045 WAYPARK DRIVE NE
SALEM, OREGON 97305

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

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and 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 surface water sources as the original points of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

