

STATE OF OREGON

COUNTY OF MARION

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

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 8489 submitted by

KRAEMER FARMS
BY RAY STAFFORD
13318 DOMINIC ROAD
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a portion of Certificate 48479, was perfected under Permit 13619 with a date of priority of APRIL 25, 1939. The right allows the use of ABIQUA CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 58.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.74 cubic foot per second, if available at the original point of diversion: SW¼ NW¼, SECTION 24, T 6 S, R 1 W, W.M.; WALKER DITCH - 53.5 CHAINS SOUTH AND 33.0 CHAINS EAST FROM THE NW CORNER OF S. ALLEN DLC 50, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 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 point of diversion is located:

SE¼ NE¼, SECTION 23, T 6 S, R 1 W, W.M.; 2330 FEET SOUTH AND 560 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF GIBSON DLC 54.

The authorized place of use is located as follows:

NE¼ NE¼ 9.4 ACRES

NW¼ NE¼ 5.1 ACRES

SW¼ NE¼ 14.6 ACRES

SE¼ NE¼ 25.5 ACRES

ALL AS PROJECTED WITHIN S. ALLEN DLC 50
SECTION 23

NW¼ NW¼ 2.5 ACRES

SW¼ NW¼ 1.7 ACRES

ALL AS PROJECTED WITHIN S. ALLEN DLC 50
SECTION 24

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 TEMPORARILY change the place of use to:

NW¼ NE¼ 9.4 ACRES
NE¼ NW¼ 17.2 ACRES
NW¼ NW¼ 10.8 ACRES
SW¼ NW¼ 4.0 ACRES
SE¼ NW¼ 17.4 ACRES
SECTION 34

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

The applicant proposes to TEMPORARILY change the point of diversion to:

SE¼ NW¼, SECTION 34, T 6 S, R 1 E, W.M.; 2190 FEET SOUTH AND 1480 FEET EAST FROM THE NW CORNER SECTION 34.

The applicant has provided a statement that water will not be used under the terms of Certificate 40097 and Permits 53651 and G-13783 on the former place of use during the term of this temporary transfer.

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

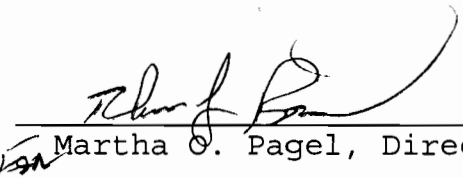
1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as part of this water right during the 2000 irrigation season.
3. The former place of use shall not be irrigated under Water Right Certificate 40097 and Permits 53651 and G-13783 during the 2000 irrigation season.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The use shall revert to the authorized place of use at the end of the 2000 irrigation season.

6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. The use of the remaining water right described by Certificate 48479 shall continue to be in accordance with the terms and conditions of Certificate 48479.

WITNESS the signature of the Water Resources

JUN 01 2000

Director, affixed _____.



Martha O. Pagel, Director