

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 8712 submitted by

JBM FARM COMPANY
11750 HOOK ROAD NE
MT ANGEL, OREGON 97362.

The first right to be modified, as evidenced by a portion of Certificate 28364, was perfected under Permit 21522 with a date of priority of MAY 14, 1952. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 46.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, 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 any 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.

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 second right to be modified, as evidenced by a PORTION of Certificate 56268, was perfected under Permit G-7573 with a date of priority of JUNE 23, 1977. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 46.6 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 original well; NW¼ NW¼, SECTION 16, T 6 S, R 1 W, W.M.; 80 FEET SOUTH AND 540 FEET EAST FROM THE NW CORNER OF SECTION 16, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 2¼ acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use for both rights is located as follows:

	NE¼ NE¼	7.6 ACRES
LOT 1	(NW¼ NE¼)	15.4 ACRES
	NW¼ NE¼	9.1 ACRES
	SW¼ NE¼	5.0 ACRES
	NE¼ NW¼	9.4 ACRES
	SE¼ NW¼	0.1 ACRE
ABOVE AS PROJECTED WITHIN JOHNSON DLC 56		
SECTION 17		

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:

LOT 8 (NE¼ SE¼) 7.0 ACRES
LOT 7 (NW¼ SE¼) 1.0 ACRE
LOT 9 (SW¼ SE¼) 7.0 ACRES
SE¼ SE¼ 28.6 ACRES
SECTION 8


LOT 4 (SW¼ SW¼) 3.0 ACRES
SECTION 9

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

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

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of these water rights during the **2001, 2002, 2003, 2004, and 2005** irrigation seasons.
3. The use shall revert to the authorized place of use at the **end** of the **2005** 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 28364 and 56268 shall continue to be in accordance with the terms and conditions of Certificates 28364 and 56268.

WITNESS the signature of the Water Resources
Director, affixed **MAY 0 2 2001** .



Paul R. Cleary, Director