

STATE OF OREGON

COUNTY OF YAMHILL

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 8923 submitted by

DON BAIRD
7570 THOMPSON LANE
DAYTON, OREGON 97114.

The first right to be modified, as evidenced by a PORTION of Certificate 35057, was perfected under Permit G-2010 with a date of priority of DECEMBER 4, 1961. The right allows the use of WELL 1, in the WILLAMETTE RIVER BASIN, for IRRIGATION OF 22.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the original well; SE¼ SW¼, AS PROJECTED WITHIN CHRISMAN DLC 50, SECTION 21, T 4 S, R 3 W, W.M.; 1000 FEET SOUTH AND 3070 FEET WEST FROM THE NE CORNER OF DLC 50, or its equivalent in case of rotation, measured at the well.

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 Certificate 39553, was perfected under Permit G-3710 with a date of priority of JUNE 1, 1967. The right allows the use of A WELL, in the WILLAMETTE RIVER BASIN, for IRRIGATION OF 15.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the original well; SE¼ SW¼, AS PROJECTED WITHIN CHRISMAN DLC 50, SECTION 21, T 4 S, R 3 W, W.M.; 1000 FEET SOUTH AND 3070 FEET WEST FROM THE NE CORNER OF DLC 50, 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 2½ acre-feet per acre 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:

PERMIT G-2010

SW¼ SW¼ 9.5 ACRES
SE¼ SW¼ 12.8 ACRES
BOTH AS PROJECTED WITHIN
CHRISMAN DLC 50
SECTION 21

PERMIT G-3710

SE¼ SE¼ 1.6 ACRES
AS PROJECTED WITHIN
CHRISMAN DLC 20
SECTION 20

SW¼ SW¼ 14.0 ACRES
AS PROJECTED WITHIN
CHRISMAN DLC 20
SECTION 21

TOWNSHIP 4 SOUTH, RANGE 3 WEST, W.M.

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

The applicant proposes to change the point of appropriation to:

SE¼ SW¼, AS PROJECTED WITHIN CHRISMAN DLC 50, SECTION 21, T 4 S, R 3 W, W.M.; 135 FEET SOUTH AND 2630 FEET WEST FROM THE NE CORNER OF DLC 50.

THIS CHANGE TO EXISTING WATER RIGHTS 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, 2003.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully 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.
5. The proposed well shall be cased and sealed to a depth of 50 feet below land surface.

Certificates 35057 and 39553 are cancelled. A new certificate will be issued to confirm that portion of Permit G-2010 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 3 0 2002.


Paul R. Cleary, Director