

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 7283 submitted by

EDER BROTHERS, INC.  
11690 HOOK ROAD NE  
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a PORTION of Certificate 40210, was perfected under Permit G-3455 with a date of priority of JUNE 9, 1967. The right allows the use of WELL NUMBER 2, in the WILLAMETTE RIVER BASIN, for IRRIGATION OF 56.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.69 cubic foot per second, if available at the original well; SW $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN RONDEAU DLC 47, SECTION 34, T 5 S, R 2 W, W.M.; 130 FEET NORTH AND 3990 FEET EAST FROM THE SW CORNER OF RONDEAU DLC 47, 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 2 $\frac{1}{2}$  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:

LOT 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 1.0 ACRE  
LOT 1 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 1.2 ACRES  
SECTION 34  
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

LOT 2 (NW¼ NE¼) 10.1 ACRES  
LOT 3 (NE¼ NW¼) 25.3 ACRES  
LOT 4 (NW¼ NW¼) 18.7 ACRES  
SECTION 3

LOT 1 (NE¼ NE¼) 0.1 ACRE  
SECTION 4  
TOWNSHIP 6 SOUTH, RANGE 2 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:

LOT 3 (NE¼ NW¼), SECTION 3, T 6 S, R 2 W, W.M.; 450 FEET SOUTH AND 3010 FEET EAST FROM THE SW CORNER OF RONDEAU DLC 47.

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, 1999.
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.

Certificate 40210 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 5/4/98.

  
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Martha O. Pagel, Director