

STATE OF OREGON  
COUNTY OF CLACKAMAS

ORDER APPROVING 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 7075 submitted by

MONTECUCCO FARMS  
4120 NORTH LOCUST ROAD  
CANBY, OREGON 97013.

The first right to be modified, as evidenced by a portion of Certificate 37650, was perfected under Permit 21320 with a date of priority of APRIL 16, 1952. The right allows the use of the MOLALLA RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 65.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.82 cubic foot per second, if available at the original point of diversion: LOT 7 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), SECTION 20; NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 29, T 3 S, R 1 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion for this right are located as follows:

LOT 7 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), SECTION 20; NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 29, T 3 S, R 1 E, WM; 4200 FEET NORTH AND 2610 FEET WEST; 1450 FEET NORTH AND 3160 FEET WEST, BOTH FROM THE E $\frac{1}{4}$  CORNER, SECTION 29.

The second right to be modified, as evidenced by Certificate 40849, was perfected under Permit 21320 with a date of priority of APRIL 16, 1952. The right allows the use of the MOLALLA RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 23.94 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.29 cubic foot per second, if available at the original points of diversion: LOT 7 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), SECTION 20; NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 29, T 3 S, R 1 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion for this right is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 29, T 3 S, R 1 E, WM; 1850 FEET SOUTH AND 3090 FEET WEST FROM THE NE CORNER, SECTION 29.

The third right to be modified, as evidenced by Certificate 37527, was perfected under Permit 30409 with a date of priority of APRIL 29, 1965. The right allows the use of the MOLALLA RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 78.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.98 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, SECTION 29, T 3 S, R 1 E, WM; 1850 FEET SOUTH AND 3090 FEET WEST FROM THE NE CORNER, SECTION 29, 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 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 place of use is located as follows:

	PERMIT 21320	PERMIT 30409
	<u>CERTIFICATE 37650</u>	<u>CERTIFICATE 40849</u>
SW¼ SE¼	13.0 ACRES	
SE¼ SW¼	13.6 ACRES	
	SECTION 20	
NW¼ NW¼		29.4 ACRES
SW¼ NW¼		2.6 ACRES
	SECTION 28	
NE¼ NE¼	15.20 ACRES	16.3 ACRES
NW¼ NE¼	18.7 ACRES	3.50 ACRES
SW¼ NE¼		16.2 ACRES
SE¼ NE¼	5.24 ACRES	9.3 ACRES
NE¼ NW¼	20.4 ACRES	
SE¼ NW¼		4.4 ACRES
	SECTION 29	
	TOWNSHIP 3 SOUTH, RANGE 1 EAST, 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 point of diversion to:

NE¼ NW¼, SECTION 29, T 3 S, R 1 E, WM; 1260 FEET SOUTH AND 3120 FEET WEST FROM THE NE CORNER, SECTION 29.

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, 1998.
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 source as the original point of diversion.

Certificates 37650, 40849, and 37527 are 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, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed May 15, 1997.



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Martha O. Pagel, Director