

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE

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 TRANSFER 6396 submitted by

AGNESS HEMSHORN  
12033 MT. ANGEL-GERVAIS HIGHWAY N.E.  
MT. ANGEL, OREGON 97362

to use the waters of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for the purpose of IRRIGATING 20.4 ACRES.

The right to be transferred, as evidenced by certificate 16850, was perfected under Permit 13936 with a date of priority of JULY 20, 1939. This right is limited to 0.26 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 32, T 5 S, R 1 W, W.M.; 440 FEET NORTH AND 670 FEET WEST FROM THE SE CORNER OF SECTION 32.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the new place of use is as follows:

NE 1/4 SE 1/4 4.8 ACRES  
SECTION 32

NW 1/4 SW 1/4 5.6 ACRES  
SW 1/4 SW 1/4 7.0 ACRES  
SE 1/4 SW 1/4 3.0 ACRES  
SECTION 33

TOWNSHIP 5 SOUTH, RANGE 1 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.

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

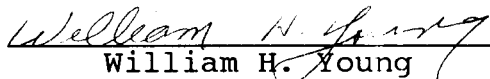
1. The proposed change shall be completed on or before October 1, 1992.
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the 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.
3. The following described lands shall no longer be irrigated as a part of this water right:

SE 1/4 SE 1/4      8.1 ACRES  
SECTION 32

SW 1/4 SW 1/4      12.3 ACRES  
SECTION 33  
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Certificate 16850 is hereby canceled. 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 December 26, 1990.

  
William H. Young

Recorded in Special Order Records at Volume 44, page 466.