

STATE OF OREGON

COUNTY OF CLACKAMAS

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 6960 submitted by

FEODOSEY EGOROFF  
7488 SOUTH GIBSON ROAD  
WOODBURN, OREGON 97071.

The first right to be modified, as evidenced by a PORTION of Certificate 39025, was perfected under Permit G-2869 with a date of priority of JUNE 10, 1965. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 26.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the original well; NW¼ NE¼, SECTION 29, T 5 S, R 1 E, WM; 30 FEET SOUTH AND 2400 FEET WEST FROM THE NE CORNER, SECTION 29, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by a PORTION of Certificate 45024, was perfected under Permit G-4487 with a date of priority of JANUARY 15, 1969. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 25.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the original well; NW¼ NE¼, SECTION 29, T 5 S, R 1 E, WM; 580 FEET SOUTH AND 2590 FEET WEST FROM THE NE CORNER, SECTION 29, 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:

	<u>G-2869</u>	<u>G-4487</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6 ACRES	15.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.2 ACRES	1.7 ACRES
	SECTION 20	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3 ACRE	0.3 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.1 ACRES	8.1 ACRES
	SECTION 29	
	TOWNSHIP 5 SOUTH, RANGE 1 EAST, 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:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 5 S, R 1 E, WM; 1020 FEET NORTH AND 3000 FEET WEST FROM THE NE CORNER, SECTION 29.

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

The proposed well will cause increased interference with an unnamed stream, tributary to Rock Creek. Rock Creek and its tributaries have been withdrawn from further appropriation. The increased interference will cause injury to existing water rights for use of water from Rock Creek and its tributaries when water is present in the unnamed stream.

If water is appropriated from the proposed well only at times that water is not present in the unnamed stream, the existing water rights for use of water from Rock Creek and its tributaries will not be injured because there will be no decrease in water present in Rock Creek and its tributaries caused by use of the proposed well.

ORS 540.530 says, "If, after hearing or examination, the Water Resources Commission finds that the proposed change can be effected without injury to existing water right, the commission shall make an order approving the transfer, ..."

If the approval order is conditioned so that water may only be used at times when water is not present in the unnamed stream, tributary to Rock Creek, the transfer application may be approved.

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 appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points 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. Water may only be appropriated from the well at times when no surface water is flowing in the unnamed stream, tributary of Rock Creek, as observed at the bridge on South Gibson Road, near South Elliot Road, in the SE¼ SW¼, Section 20, T 5 S, R 1 E, WM.

Certificates 39025 and 45024 are cancelled. New certificates will be issued to confirm that portion of the rights 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 13, 1997.

  
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Martha O. Pagel, Director