

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION AND A CHANGE IN PLACE OF USE

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 TRANSFER 6390 submitted by

ELMER LUCHT FARMS, INC.
9918 SOUTH GIBSON ROAD
MOLALLA, OREGON 97038

to use the waters of 2 WELLS in the BUTTE CREEK BASIN for the purpose of IRRIGATING 230.8 ACRES.

The right to be transferred, as evidenced by certificate 64615, was perfected under Permit G-8561 with a date of priority of MAY 3, 1979. The right is limited to 1.9 cubic feet per second, if available at the original well; NE 1/4 NW 1/4, SECTION 27, T 5 S, R 1 E, W.M.; WELL 1 - 350 FEET SOUTH AND 610 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the well.

The additional point of appropriation is located as follows:

SW 1/4 SE 1/4, SECTION 22, T 5 S, R 1 E, W.M.; WELL 2 - 152 FEET NORTH AND 2584 FEET WEST FROM THE SE CORNER OF SECTION 22.

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 with the additional point of appropriation is as follows:

NW 1/4 NE 1/4	19.2 ACRES
SW 1/4 NE 1/4	11.5 ACRES
NE 1/4 NW 1/4	4.5 ACRES
SE 1/4 NW 1/4	2.8 ACRES
SECTION 27	
TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.	

A description of the place of use with the additional point of appropriation only is as follows:

SE 1/4 SW 1/4	36.1 ACRES
SW 1/4 SE 1/4	9.8 ACRES
SECTION 22	

NW 1/4 NW 1/4 21.8 ACRES
SW 1/4 NW 1/4 10.4 ACRES
SECTION 26

NE 1/4 NE 1/4 28.6 ACRES
NW 1/4 NE 1/4 19.5 ACRES
SW 1/4 NE 1/4 11.8 ACRES
SE 1/4 NE 1/4 23.0 ACRES
NE 1/4 NW 1/4 15.5 ACRES
SE 1/4 NW 1/4 16.3 ACRES
SECTION 27

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.

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. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water 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. The well at the additional point of appropriation shall be constructed to the well construction standards in effect as of the date of this order and must include an access port.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. The following former place of use shall not longer be irrigated as part of this water right:

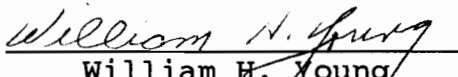
NW 1/4 NW 1/4 11.4 ACRES
SW 1/4 NW 1/4 6.8 ACRES
SECTION 26

NE 1/4 NE 1/4 7.6 ACRES
NE 1/4 NW 1/4 12.2 ACRES
SECTION 27

TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.

Certificate 64615 is hereby canceled. 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 27, 1990.


William H. Young

Recorded in Special Order Records at Volume 44, Page 476.