

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING ADDITIONAL POINTS 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 9287 submitted by

D & D FRANK FAMILY LLC
DRAWER 79
MILL CITY, OREGON 97360.

The right to be modified, as evidenced by Certificate 65869, was perfected under Permit G-7322 with a date of priority of MARCH 17, 1977. The right allows the use of WELLS 1 AND 5, in the EAST FORK LITTLE PUDDING RIVER BASIN, for IRRIGATION OF 281.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 10.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.64 CUBIC FEET PER SECOND (CFS), BEING 1.21 CFS FROM WELL 1 AND 2.43 CFS FROM WELL 5, if available at the original wells; SE¼ NE¼, AS PROJECTED WITHIN GOODMAN DLC 42, SECTION 14 AND LOT 2 (NW¼ NW¼), SECTION 13, T 8 S, R 2 W, W.M.; WELL 1 - 1140 FEET NORTH AND 1700 FEET WEST; WELL 2 - 3000 FEET NORTH AND 880 FEET WEST; BOTH FROM THE SE CORNER OF DLC 42, or its equivalent in case of rotation, measured at the well.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
LOT 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)	3.3 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.8 ACRES	
	SECTION 11	
LOT 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)	3.5 ACRES	
LOT 7 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	22.7 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES	
LOT 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	7.3 ACRES	
	SECTION 12	
LOT 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)	4.2 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.1 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 ACRES	
	BOTH AS PROJECTED WITHIN GOODMAN DLC 42	
LOT 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	23.0 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.5 ACRES	8.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.3 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRE	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.6 ACRES	
	ALL AS PROJECTED WITHIN GOODMAN DLC 42	
	SECTION 13	
LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	17.8 ACRES	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0 ACRES	
	AS PROJECTED WITHIN GOODMAN DLC 42	
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)	0.6 ACRE	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.1 ACRES	1.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	23.3 ACRES	
	ALL AS PROJECTED WITHIN GOODMAN DLC 42	
	SECTION 14	

TOWNSHIP 8 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 additional points of appropriation located:

WELL 6 - LOT 7 (NW¼ SW¼), SECTION 12, T 8 S, R 2 W, W.M.; 100 FEET NORTH AND 350 FEET WEST FROM THE NW CORNER OF CAMPBELL DLC 39.

WELL 7 - LOT 8 (SE¼ SW¼), SECTION 12, T 8 S, R 2 W, W.M.; 825 FEET SOUTH AND 10 FEET WEST FROM THE NW CORNER OF CAMPBELL DLC 39.

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, 2004.
2. The quantity of water diverted at the additional points of appropriation (Wells 6 and 7), together with the quantity diverted at the original points of appropriation (Wells 1 and 5), shall not exceed the quantity of water lawfully authorized for the authorized points of appropriation under Permit G-7322.
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 65869 is cancelled. 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 APR 23 2003.


Paul R. Cleary, Director