

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 7042 submitted by

J. FRANK SCHMIDT & SON CO.
P.O. BOX 189
BORING, OREGON 97009.

The right to be modified, as evidenced by Certificate 36260, was perfected under Permit G-2923 with a date of priority of AUGUST 31, 1965. The right allows the use of ONE WELL, in the GRIBBLE CREEK BASIN, for IRRIGATION OF 36.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.45 cubic foot per second, if available at the original well; NE¼ NW¼, AS PROJECTED WITHIN MARKS DLC 39, SECTION 20, T 4 S, R 1 E, W.M.; 280 FEET SOUTH AND 1320 FEET EAST FROM THE NORTH INTERIOR CORNER, MARKS DLC 39, 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:

SW¼ SW¼ 20.4 ACRES
SE¼ SW¼ 5.6 ACRES
BOTH AS PROJECTED WITHIN MARKS DLC 37
SECTION 17

NE¼ NW¼ 1.9 ACRES
NW¼ NW¼ 8.1 ACRES
BOTH AS PROJECTED WITHIN MARKS DLC 37
SECTION 20
TOWNSHIP 4 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:

WELL #3 - SE¼ SW¼, SECTION 17, T 4 S, R 1 E, W.M.;
5180 FEET SOUTH AND 2620 FEET EAST OF THE NW CORNER, SECTION 17.

WELL #4 - NW¼ SE¼, SECTION 17, T 4 S, R 1 E, W.M.;
2860 FEET SOUTH AND 2660 FEET EAST OF THE NW CORNER, SECTION 17.

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, 1998.
2. The quantity of water diverted at the new point of appropriations (wells) shall not exceed the quantity of water lawfully 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. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 36260 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 JUN 05 1997.



Martha O. Pagel, Director