

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 7584 submitted by

EDER BROTHERS, INC.  
11690 HOOK ROAD NE  
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a portion of Certificate 40304, was perfected under Permit 33026 with a date of priority of OCTOBER 27, 1967. The right allows the use of an UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-5107, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 11.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.14 cubic foot per second, if available at the authorized point of diversion: LOT 3 (NW¼ SE¼), SECTION 16, T 6 S, R 1 W, WM; STREAM - 2840 FEET SOUTH AND 250 FEET EAST, RESERVOIR - 2970 FEET SOUTH AND 300 FEET EAST, BOTH FROM THE NW¼ CORNER, SECTION 16, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-5107.

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

The authorized place of use is located as follows:

LOT 3 (NW¼ SE¼)            11.0 ACRES  
                              SW¼ SE¼            0.2 ACRE  
as projected within TUCKER DLC 59  
                              SECTION 16  
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

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

The applicant proposes to TEMPORARILY change the place of use to:

SE¼ SW¼ 11.2 ACRES  
as projected within TUCKER DLC 59  
SECTION 16  
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

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

1. The change is temporary. The change shall be effective immediately. The use shall revert to the authorized place of use at the end of the 1998 irrigation season.
2. The former place of use shall no longer be irrigated as a part of this water right during the term of this order.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

Certificate 40304 is suspended until the end of the 1998 irrigation season, October 31, 1998, or revocation of this order, which ever occurs first. The use of the remaining water right described by Certificate 40304 shall continue to be in accordance with the terms and conditions of Certificate 40304.

WITNESS the signature of the Water Resources Director, affixed August 14, 1996.

  
for Martha O. Pagel, Director