

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE
AND A TEMPORARY CHANGE IN POINT OF DIVERSION

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 8779 submitted by

KRAEMER FARMS
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13318 DOMINIC ROAD NE
MT. ANGEL, OREGON 97362.

The first right to be modified, as evidenced by a portion of Certificate 62395, was perfected under Permit 47800 with a date of priority of SEPTEMBER 20, 1983. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 46.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.57 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, AS PROJECTED WITHIN DLC 41, SECTION 8, T 6 S, R 1 E, W.M.; 950 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 8, 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 any 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 and shall be further

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.

limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The second right to be modified, as evidenced by a portion of Certificate 62397, was perfected under Permit G-10143 with a date of priority of SEPTEMBER 20, 1983. The right allows the use of TWO WELLS in the BUTTE CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 46.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.57 cubic foot per second, if available at the original wells: NW¼ NW¼, SE¼ NW¼, SECTION 17, T 6 S, R 1 E, W.M.; 1200 FEET SOUTH AND 80 FEET EAST; 1470 FEET SOUTH AND 1990 FEET EAST; BOTH FROM THE NW CORNER OF SECTION 17, 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 any 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 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. The right shall be limited to any deficiency in the available supply of any prior right from the same land and shall not exceed the limitation allowed herein.

The amount of water placed into Butte Creek from the two wells is limited to any deficiency from Butte Creek under the water right evidenced by Certificate 62395. This right is further limited to appropriation of water to the extent that it does not impair or substantially interfere with existing rights of others.

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

The authorized place of use is located as follows:

SW¼ NE¼ 0.5 ACRE
SE¼ NW¼ 1.4 ACRES
NE¼ SW¼ 33.1 ACRES
NW¼ SE¼ 11.1 ACRES

ALL AS PROJECTED WITHIN ALLEN DLC 42
SECTION 9

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 ACRES
LOT 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) 11.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16.8 ACRES
LOT 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 5.8 ACRES
SECTION 4

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

The applicant proposes to TEMPORARILY change the point of diversion to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN JACK DLC 41, SECTION 8, T 6 S, R 1 E, W.M.; 2110 FEET SOUTH AND 1120 FEET EAST FROM THE NW $\frac{1}{4}$ CORNER OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 8.

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

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as part of these water rights during the 2001 and 2002 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2002 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. 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.

6. The use of the remaining water right described by Certificates 62395 and 62397 shall continue to be in accordance with the terms and conditions of Certificates 62395 and 62397.

WITNESS the signature of the Water Resources
Director, affixed JUN 11 2001.


Paul R. Cleary, Director