

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING AN ADDITIONAL 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 7227 submitted by

D & E LAND COMPANY  
7385 HOWELL PRAIRIE ROAD NE  
SILVERTON, OREGON 97381.

The right to be modified, as evidenced by a portion of Certificate 45684, was perfected under Permit G-3771 with a date of priority of AUGUST 3, 1967. The right allows the use of A WELL, in the LITTLE PUDDING RIVER BASIN, for IRRIGATION OF 60.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.52 cubic foot per second, if available at the original well; NW¼ NW¼, AS PROJECTED WITHIN ORCHARD DLC 59, SECTION 10, T 6 S, R 2 W, W.M.; 610 FEET NORTH AND 1920 FEET WEST FROM SW CORNER, BENET DLC 58, 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:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  15.1 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  0.7 ACRE  
BOTH AS PROJECTED WITHIN ORCHARD DLC 59  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  10.5 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  3.6 ACRES  
BOTH AS PROJECTED WITHIN HARPOOL DLC 66  
SECTION 9

NE $\frac{1}{4}$  NW $\frac{1}{4}$  2.5 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  16.7 ACRES  
BOTH AS PROJECTED WITHIN ORCHARD DLC 59  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.0 ACRE  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  10.5 ACRES  
BOTH AS PROJECTED WITHIN SMITH DLC 97  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.2 ACRE  
AS PROJECTED WITHIN HARPOOL DLC 66  
SECTION 10  
TOWNSHIP 6 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 an additional point of appropriation at:

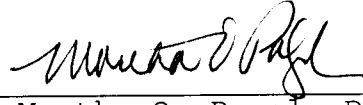
WELL #2 - NE $\frac{1}{4}$  NW $\frac{1}{4}$ , AS PROJECTED WITHIN ORCHARD DLC 59, SECTION 10, T 6 S, R 2 W, W.M.; 630 FEET NORTH AND 410 FEET WEST FROM THE SW CORNER. BENET DLC 58.

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, 1997.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, 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.

Certificate 45684 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 September 20, 1996.



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Martha O. Pagel, Director