

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION  
AND PARTIAL CANCELLATION OF A WATER RIGHT

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 8503 submitted by

ROBERT E. JOHNSON  
6358 SOUTH SCHNEIDER ROAD  
WOODBURN, OREGON 97071.

The right to be modified, as evidenced by a PORTION of Certificate 45134, was perfected under Permit G-5687 with a date of priority of MARCH 10, 1975. The right allows the use of A WELL, in the ROCK CREEK BASIN (PUDDING RIVER), for IRRIGATION OF 1.86 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 cubic foot per second, if available at the original well; NE¼ SW¼, SECTION 18, T 5 S, R 1 E, W.M.; 80 FEET SOUTH AND 1850 FEET EAST FROM THE W¼ CORNER OF SECTION 18, 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 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:

NE¼ SW¼ 1.86 ACRES  
SECTION 18

TOWNSHIP 5 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:

NE¼ SW¼, SECTION 18, T 5 S, R 1 E, W.M.; 385.34 FEET SOUTH AND 2098.22 FEET EAST FROM THE W¼ CORNER OF SECTION 18.

Affidavits were received from Robert E. and Bertha A. Johnson and Paul and Gwen Garber, owners of certain lands and the water right appurtenant to it. Portions of the water right have been abandoned and is requested to be cancelled.

The portions are described by Certificate 45134, State Record of Water Right Certificates. The date of priority is March 10, 1975. The water use was for irrigation of 0.40 acre from a well, in the Rock Creek Basin. The amount used was 0.01 cubic foot per second.

The abandoned portions are located as follows:

NE¼ SW¼ 0.40 ACRE  
SECTION 18  
TOWNSHIP 5 SOUTH, RANGE 1 EAST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

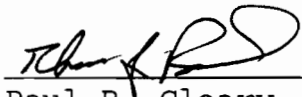
1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point 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.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

The portion of the water right evidenced by Certificate 45134 requested to be cancelled is cancelled.

Certificate 45134 is cancelled. A new certificate will be issued to confirm that portion of the right NOT cancelled and 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 AUG 25 2000.

  
Paul R. Cleary, Director