STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING TEMPORARY CHANGES 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 8237 submitted by

DICKMAN FARMS, INC. 15829 MT. ANGEL HIGHWAY NE SILVERTON, OREGON 97381.

The first right to be modified, as evidenced by Certificate 74272, was perfected under Permit 16524 with a date of priority of AUGUST 17, 1945. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 21.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E, WM, 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 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

 NE¼
 SW¼
 0.1
 ACRE

 SE¾
 1.3
 ACRES

 NW¼
 SE¼
 0.5
 ACRE

 SW¼
 SE¼
 19.1
 ACRES

 SE¾
 0.9
 ACRE

 SECTION 31

TOWNSHIP 5 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 second right to be modified, as evidenced by a portion of an Order of the Water Resources Director, entered April 21, 1997, at Special Order Volume 51, Page 393, approving Transfer 6919, was perfected under Permit 16524 with a date of priority of AUGUST 17,1945. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 8.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.10 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E, WM; 1300 FEET NORTH AND 500 FEET EAST FROM THE S¼ CORNER, SECTION 31, 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 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 authorized place of use is located as follows:

SE¼ SW¼ 4.8 ACRES SW¼ SE¼ 3.3 ACRES

SECTION 31

TOWNSHIP 5 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 third right to be modified, as evidenced by a portion of Certificate 74273, was perfected under Permit 39747 with a date of priority of JULY 11, 1975. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 13.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.18 cubic foot per second, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 5 S, R 1 E, WM; 1300 FEET NORTH AND 500 FEET EAST FROM THE S¼ CORNER, SECTION 31, 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 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE% SW% 13.4 ACRES
SE% SW% 0.5 ACRE
SECTION 31
TOWNSHIP 5 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:

	PERMIT						
		<u>16524</u>			<u>39747</u>		
NE¼ SW¼ SE¼ SW¼ NW¼ SE¼		28.7 A 0.5 A 0.8 A	CRE			ACRES ACRE	
SW¼ SE¼		0.01			10.6	ACRES	
SECTION 31							
TOWNSHIP	5	SOUTH,	RANGE	1	EAST,	W.M.	

Satisfactory proof of the completed changes approved by Transfer 6919 has been received.

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

- 1. The changes are temporary. The changes shall be effective upon issuance of this order.
- 2. The former places of use shall not be irrigated as part of these water rights during the 1999 irrigation season.
- 3. The use shall revert to the authorized places of use at the end of the 1999 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. The use of the remaining water right described by Certificates 74272, 74273, and Transfer 6919 shall continue to be in accordance with the terms and conditions of Certificates 74272, 74273, and Transfer 6919.

WITNESS the signature of the Water Resources Director,

affixed <u>MAY 06 1999</u>.

Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.