

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE,
A CHANGE IN POINT OF DIVERSION,
AND AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, 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 7191 submitted by

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LOYD AND PAULA FERY
11022 RAINWATER LANE SE
AUMSVILLE, OREGON 97325.

The first right to be modified, as evidenced by Certificate 21538, was perfected under Permit 18989 with a date of priority of SEPTEMBER 15, 1949. The right allows the use of AN UNNAMED SPRING, a tributary of AN UNNAMED SLOUGH, TRIBUTARY OF THE NORTH SANTIAM RIVER, for IRRIGATION OF 13.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 17, T 9 S, R 1 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 23111, was perfected under Permit 22587 with a date of priority of AUGUST 4, 1953. The right allows the use of AN UNNAMED SLOUGH, a tributary of the NORTH SANTIAM RIVER, for SUPPLEMENTAL IRRIGATION OF 29.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 17, T 9 S, R 1 W, W.M., 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 places of use are located as follows:

PERMIT 18989

POINT OF DIVERSION ONLY

NE¼ SE¼ 1.7 ACRES
NW¼ SE¼ 11.0 ACRES
SW¼ SE¼ 0.5 ACRE
SE¼ SE¼ 0.3 ACRE
SECTION 17

TOWNSHIP 9 SOUTH, RANGE 1 WEST, W.M.

PERMIT 22587

PLACE OF USE POINT OF DIVERSION
AND POINT OF DIVERSION ONLY

NW¼ SE¼	0.2 ACRE	1.8 ACRES
SW¼ SE¼	0.8 ACRE	24.4 ACRES
SE¼ SE¼		2.0 ACRES

SECTION 17

TOWNSHIP 9 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 change the place of use to:

PERMIT 22587

SW¼ SE¼ 1.0 ACRE
SECTION 17

TOWNSHIP 9 SOUTH, RANGE 1 WEST, W.M.

The applicant proposes to change the point of diversion of Permit 22587 to:

SW¼ SE¼, SECTION 17, T 9 S, R 1 W, W.M.; 830 FEET SOUTH AND 340 FEET EAST FROM THE SE CORNER OF DLC 42.

The applicant proposes to add an additional point of diversion for Permit 18989 to:

SW¼ SE¼, SECTION 17, T 9 S, R 1 W, W.M.; 830 FEET SOUTH AND 340 FEET EAST FROM THE SE CORNER OF DLC 42.

The application for Permit 22587 originally requested primary irrigation. Permit 22587 was issued for supplemental irrigation, being supplemental to Permit 1401 for Santiam Water Control District. Certificate 23111, confirming Permit 22587, was issued prior to the perfection of Permit 1401. Permit 1401 was not perfected on the land described in Certificate 23111. The right perfected under Permit 22587 should have been for primary irrigation.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2000.
2. The quantity of water diverted for Permit 22587 at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The quantity of water diverted for Permit 18989 at the new point of diversion shall not exceed the quantity of water lawfully available at the unnamed spring and shall not exceed the quantity of water actually contributed by the unnamed spring to the drain tile flow.

4. The water user shall install and maintain a suitable measurement device for measuring the quantity of water that enters the drain tile from the authorized point of diversion of Permit 18989.
5. The water user shall install and maintain a suitable measurement device for measuring the quantity of water diverted at the proposed point of diversion.
6. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. Water shall be acquired from the same surface water source as the original points of diversion.
8. The former place of use shall no longer be irrigated as a part of Permit 22587.
9. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 21538 and 23111 are cancelled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights, including the correction of use for the right perfected under Permit 22587, will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAY 06 1998 .



for 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 filled within 60 days after the date this order is served.