

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING ADDITIONAL POINTS 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 7030 submitted by

BOB FESSLER  
11796 MONITOR-McKEE ROAD NE  
WOODBURN, OREGON 97071.

The first right to be modified, as evidenced by Certificate 33474, was perfected under Permit G-2020 with a date of priority of DECEMBER 20, 1961. The right allows the use of a WELL, in the UNNAMED TRIBUTARY (LABISH DITCH) BASIN, for IRRIGATION OF 135.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.69 cubic feet per second, if available at the original well; SE $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER, D. SMITH DLC 97, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by a portion of Certificate 39153, was perfected under Permit G-3454 with a date of priority of MAY 18, 1967. The right allows the use of a WELL, in the LITTLE PUDDING RIVER BASIN, for IRRIGATION OF 58.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.73 cubic foot per second, if available at the original well; SE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER, HARPOOL DLC 60, or its equivalent in case of rotation, measured at the well.

The third right to be modified, as evidenced by Certificate 46906, was perfected under Permit G-5915 with a date of priority of AUGUST 30, 1973. The right allows the use of a WELL, in the LAKE LABISH BASIN, for IRRIGATION OF 27.68 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 cubic foot per second, if available at the original well; NW $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER, HARPOOL DLC 60, or its equivalent in case of rotation, measured at the well.

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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 places of use are as follows:

CERTIFICATE 33474

|                         |            |                         |            |
|-------------------------|------------|-------------------------|------------|
| SW¼ NE¼                 | 0.2 ACRE   | SW¼ NW¼                 | 0.2 ACRE   |
| SE¼ NE¼                 | 6.6 ACRES  | NW¼ SW¼                 | 1.0 ACRE   |
| NE¼ SE¼                 | 39.9 ACRES | SW¼ SW¼                 | 35.1 ACRES |
| NW¼ SE¼                 | 9.4 ACRES  | SE¼ SW¼                 | 27.5 ACRES |
| SW¼ SE¼                 | 1.5 ACRES  | ALL AS PROJECTED WITHIN |            |
| SE¼ SE¼                 | 13.7 ACRES | W. HARPOOL DLC 60       |            |
| ALL AS PROJECTED WITHIN |            | SECTION 10              |            |
| W. HARPOOL DLC 60       |            |                         |            |
| SECTION 9               |            |                         |            |

CERTIFICATE 39153

|                         |            |                          |          |
|-------------------------|------------|--------------------------|----------|
| NE¼ NE¼                 | 1.8 ACRES  | NW¼ NW¼                  | 0.1 ACRE |
| NW¼ NE¼                 | 1.3 ACRES  | SW¼ NW¼                  | 0.9 ACRE |
| SW¼ NE¼                 | 21.0 ACRES | BOTH AS PROJECTED WITHIN |          |
| SE¼ NE¼                 | 32.9 ACRES | W. HARPOOL DLC 60        |          |
| ALL AS PROJECTED WITHIN |            | SECTION 10               |          |
| W. HARPOOL DLC 60       |            |                          |          |
| SECTION 9               |            |                          |          |

CERTIFICATE 46906

|                                    |            |
|------------------------------------|------------|
| LOT 2 (SW¼ NE¼)                    | 0.8 ACRE   |
| SW¼ NE¼                            | 6.6 ACRES  |
| AS PROJECTED WITHIN HARPOOL DLC 60 |            |
| SE¼ NW¼                            | 0.7 ACRE   |
| NE¼ SW¼                            | 2.18 ACRES |
| LOT 3 (NW¼ SE¼)                    | 1.4 ACRES  |
| NW¼ SE¼                            | 16.0 ACRES |
| AS PROJECTED WITHIN HARPOOL DLC 60 |            |
| SECTION 9                          |            |

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 to add additional points of appropriation to the water rights described herein so that the acreage described can be irrigated from any of the following points of diversion:

SE $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER, D. SMITH DLC 97.

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER, HARPOOL DLC 60.

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN W. HARPOOL DLC 60, SECTION 9, T 6 S, R 2 W, W.M.; 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER, HARPOOL DLC 60.

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, 1998.
2. The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points 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.

Certificates 33474, 39153, and 46906 are cancelled. A new certificate will be issued to confirm that portion of Certificate 39153 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed OCT 9 1996.

  
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Martha O. Pagel, Director

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