

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN 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 8316 submitted by

NORTH SANTIAM SCHOOL DISTRICT 29J
1155 NORTH THIRD AVENUE
STAYTON, OREGON 97383.

The right to be modified, as evidenced by of Certificate 44213, was perfected under Permit G-5545 with a date of priority of APRIL 4, 1972. The right allows the use of A WELL, in the MILL CREEK BASIN, for IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 CUBIC FOOT PER SECOND, if available at the original well; SE¼ SE¼, AS PROJECTED WITHIN FOSTER DLC 45, SECTION 4, T 9 S, R 1 W, W.M.; 520 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 4, 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:

SW¼ SW¼ 1.1 ACRES
AS PROJECTED WITHIN
FOSTER DLC 45
SECTION 3

SE¼ SE¼ 3.9 ACRES
AS PROJECTED WITHIN
FOSTER DLC 45
SECTION 4

TOWNSHIP 9 SOUTH, RANGE 1 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 change the place of use to:

SW¼ SW¼ 2.4 ACRES
AS PROJECTED WITHIN
FOSTER DLC 45
SECTION 3

SE¼ SE¼ 2.6 ACRES
AS PROJECTED WITHIN
FOSTER DLC 45
SECTION 4

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

The applicant proposes to change the point of appropriation to:

SE¼ SE¼, AS PROJECTED WITHIN FOSTER DLC 45, SECTION 4,
T 9 S, R 1 W, W.M.; 700 FEET NORTH OF THE SE CORNER OF SECTION 4.

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

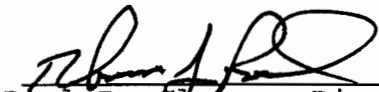
1. The proposed changes shall be completed on or before October 1, 2004.

2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully authorized under the right.
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.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 44213 is cancelled. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed January 30, 2003.


For Paul R. Geary, Director