

STATE OF OREGON

COUNTY OF MARION

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 7658 submitted by

HARRY AND DELORES KLOPFENSTEIN  
11733 SELAH SPRINGS ROAD NE  
SILVERTON, OREGON, 97381.

The right to be modified, as evidenced by Certificate 56546, was perfected under Permit G-8415 with a date of priority of OCTOBER 17, 1978. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 17.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.099 cubic foot per second, if available at the original well; NW¼ NW¼, SECTION 9, T 7 S, R 1 W, W.M.; 50 FEET SOUTH AND 790 FEET WEST FROM THE SW CORNER OF DLC 58, or its equivalent in case of rotation, measured at the well.

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:

NW¼ NW¼ 17.5 ACRES  
SECTION 9

TOWNSHIP 7 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 point of appropriation to:

SW¼ SW¼, SECTION 4, T 7 S, R 1 W, W.M.; 130 FEET NORTH  
AND 465 FEET WEST FROM THE SW CORNER OF DLC 58.

An affidavit was received from Harry Klopfenstein, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and requested to be cancelled.

The portion is described by Certificate 56546, State Record of Water Right Certificates. The date of priority is October 17, 1978. The water use was for irrigation of 0.1 acre from a well, in the Pudding River Basin. The amount used was 0.001 cubic foot per second.

The abandoned portion is located as follows:

NW¼ NW¼ 0.1 ACRE  
SECTION 9  
TOWNSHIP 7 SOUTH, RANGE 1 WEST, 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."

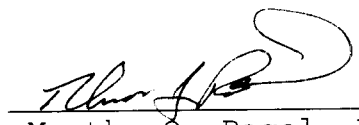
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of appropriation (well) 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 requested to be cancelled is cancelled. Certificate 56546 is cancelled. 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 MAY 24 1999.

  
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.