

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN 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 6917 submitted by

WILBUR VANDERBECK
37717 SOUTH HIGHWAY 213
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a portion of Certificate 31832, was perfected under Permit 26152 with a date of priority of APRIL 30, 1959. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 14.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion: NE¼ SE¼ AND SE¼ SE¼, BOTH AS PROJECTED WITHIN J. JACK DLC 41, SECTION 8, T 6 S, R 1 E, 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 place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.5 ACRES
AS PROJECTED WITHIN J. JACK DLC 41
SECTION 8

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.4 ACRES
BOTH AS PROJECTED WITHIN J. JACK DLC 41
SECTION 9

TOWNSHIP 6 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 change the place of use to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 ACRES
AS PROJECTED WITHIN J. JACK DLC 41
SECTION 8

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.2 ACRES
BOTH AS PROJECTED WITHIN J. JACK DLC 41
SECTION 9

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

The applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, AS PROJECTED WITHIN J. JACK DLC 40, SECTION 8,
T 6 S, R 1 E, W.M.; 1930 FEET NORTH AND 680 FEET WEST OF THE SE
CORNER OF SECTION 8.

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

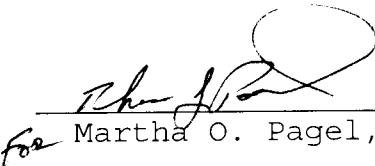
1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and 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 surface water source as the original points of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. 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 31832 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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.