

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 6868 submitted by

KRAEMER'S NURSERY, INC.
13523 MARQUAM ROAD NE
MT. ANGEL, OREGON 97362.

The first right to be modified, as evidenced by a PORTION of Special Order Volume Vol. 45, Page 408, entered September 24, 1991, approving Transfer Application 6441, was perfected under Permit G-1100 with a date of priority of NOVEMBER 12, 1958. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 1.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 cubic foot per second, if available at the original well; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2, T 6 S, R 1 W, W.M.; 7 CHAINS NORTH AND 6.5 CHAINS WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 2, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by a PORTION of Special Order Volume Vol. 45, Page 406, entered September 24, 1991, approving Transfer Application 6440, was perfected under Permit G-7296 with a date of priority of MARCH 4, 1977. The right allows the use of A WELL, in the ZOLLNER CREEK BASIN, for IRRIGATION OF 1.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 1.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.015 cubic foot per second, if available at

the original well; NW¼ NE¼, SECTION 11, T 6 S, R 1 W, W.M.; 820 FEET SOUTH AND 20 FEET EAST FROM THE N¼ CORNER OF SECTION 11, 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:

PERMIT G-1100

SE¼ SW¼ 1.4 ACRES
SECTION 2

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

PERMIT G-7296

PRIMARY

NE¼ SW¼ 1.7 ACRES
SECTION 2

SUPPLEMENTAL

SE¼ SW¼ 1.4 ACRES
SECTION 2

TOWNSHIP 6 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 change in points of appropriation allowed under Transfers 6440 and 6441 was not completed for these lands. In accordance with the provisions of OAR 690-16-090(3)(b) the points of appropriation reverted to the last authorized points of appropriation.

The applicant proposes to change the place of use to:

PERMIT G-1100

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.4 ACRES
SECTION 11

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

PERMIT G-7296

PRIMARY

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.7 ACRES
SECTION 11

SUPPLEMENTAL

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.4 ACRES
SECTION 11

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

The applicant proposes to change the points of appropriation to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2, T 6 S, R 1 W, W.M.; 430 FEET NORTH
AND 430 FEET WEST OF THE S $\frac{1}{4}$ CORNER OF SECTION 2.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2, T 6 S, R 1 W, W.M.; 1360 FEET NORTH
AND 920 FEET WEST OF THE S $\frac{1}{4}$ CORNER OF SECTION 2.

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 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 points of appropriation.
5. The former places of use shall no longer be irrigated as parts these water rights.

When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed _____ **MAY 25 1999** _____.



f. r. 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.