

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING 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 8048 submitted by

DALE FESSLER  
12666 MONITOR-MCKEE ROAD  
WOODBURN, OREGON, 97021.

The right to be modified, as evidenced by Certificate 75817, was perfected under Permit G-10930 with a date of priority of APRIL 13, 1988. The right allows the use of ONE WELL, in the ZOLLNER CREEK BASIN, for IRRIGATION OF 18.88 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 106.0 gallons per minute, if available at the original well; NW¼ NW¼, SECTION 34, T 5 S, R 1 W, W.M.; 230 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 34, 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:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  15.20 ACRES  
SECTION 33

NW $\frac{1}{4}$  NW $\frac{1}{4}$  3.68 ACRES  
SECTION 34

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

The use of water shall be limited when it interferes with the prior surface or ground water rights of others.

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 so that water for this right may be appropriated from any one or both of the following wells:

NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 33, T 5 S, R 1 W, W.M.; 260 FEET SOUTH AND 210 FEET WEST OF THE NE CORNER OF SECTION 33.

NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 34, T 5 S, R 1 W, W.M.; 762 FEET SOUTH AND 32 FEET EAST OF THE NW CORNER OF SECTION 34.

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

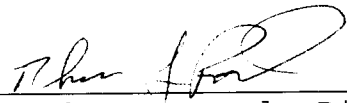
1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of appropriation (wells) shall not exceed the quantity of water lawfully available from the original point of appropriation.

3. The water user shall install in-line flow meters or other suitable devices 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. The proposed wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include air lines and pressure gauges or access ports for a measuring line, adequate to determine water level elevation in the wells at all times.
5. The proposed wells shall be constructed at the locations specified in the transfer application.
6. Water shall be acquired from the same gravel aquifer as the original point of appropriation.

Certificate 75817 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 JUN 08 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.