

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 9406 submitted by

DAN HAMMELMAN
14477 DOMINIC ROAD NE
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by a PORTION of Certificate 51091, was perfected under Permit G-6706 with a date of priority of FEBRUARY 5, 1976. The right allows the use of WALCREST WELL 4, in the ZOLLNER CREEK BASIN, for IRRIGATION of 22.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic feet per second, if available at the original well located at: SW¼ SW¼ AS PROJECTED WITHIN EASTHAM DLC 63, SECTION 36, T 5 S, R 1 W, W.M.; 660 FEET NORTH AND 870 FEET EAST FROM SW CORNER, SECTION 36, 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 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:

NE¼ SW¼	3.9 ACRES
NW¼ SW¼	4.0 ACRES
SW¼ SW¼	7.3 ACRE
SE¼ SW¼	6.9 ACRES

ALL AS PROJECTED WITHIN EASTHAM DLC 63
SECTION 36
TOWNSHIP 5 SOUTH, RANGE 1 WEST, 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 **temporarily** change the place of use to:

SW¼ SE¼	9.3 ACRES
SE¼ SE¼	12.8 ACRES

SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

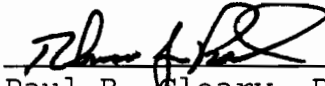
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.

2. The former place of use shall not be irrigated as part of this water right during the 2003, 2004 and 2005 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2005 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. **Prior** to diverting water at the reservoir, the water user **shall** install a totalizing flow meter on the discharge from the well to Bochsler Creek and install a meter on line to the proposed place of use. 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.
6. The use of the remaining water right described by Certificate 51091 shall continue to be in accordance with the terms and conditions of Certificate 51091.

WITNESS the signature of the Water Resources

Director, affixed May 31, 2003.



Paul R. Cleary, Director