

STATE OF OREGON

COUNTY OF CLACKAMAS

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 9107 submitted by

DICKMAN FARMS, INC.
15829 MT. ANGEL-SCOTTS MILLS HWY NE
SILVERTON, OREGON 97381.

The FIRST right to be modified, as evidenced by Special Order Volume 51, Page 633, entered July 21, 1997, approving Transfer Application 6920, was perfected under Permit 12393 with a date of priority of SEPTEMBER 29, 1936. Proof to the satisfaction of the Director that use of water has been accomplished under the terms and conditions of Transfer Application 6920 has been received. The right allows the use of BUTTE CREEK, a tributary of the WILLAMETTE RIVER, for IRRIGATION of 11.8 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 NW¼, AS PROJECTED WITHIN 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.

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 SECOND right to be modified, as evidenced by Special Order Volume 51, Page 633, entered July 21, 1997, approving Transfer Application 6920, was perfected under Permit 49627 with a date of priority of JANUARY 15, 1986. Proof to the satisfaction of the Director that use of water has been accomplished under the terms and conditions of Transfer Application 6920 has been received. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION of 11.8 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 NW¼, AS PROJECTED WITHIN JACK DLC 41, SECTION 8, T 6 S, R 1 E, W.M.; 640 FEET SOUTH AND 480 FEET WEST FROM THE N¼ CORNER, SECTION 8, or its equivalent in case of rotation, measured at the point of diversion from the source.

The THIRD right to be modified, as evidenced by a PORTION of Certificate 74654, was perfected under Permit 12393 with a date of priority of SEPTEMBER 29, 1936. The right allows the use of BUTTE CREEK, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 3.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, AS PROJECTED WITHIN 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 FOURTH right to be modified, as evidenced by Certificate 74653, was perfected under Permit 49627 with a date of priority of JANUARY 15, 1986. The right allows the use of BUTTE CREEK, a tributary of the PUDDING RIVER, for IRRIGATION OF 3.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, AS PROJECTED WITHIN JACK DLC 41, SECTION 8, T 6 S, R 1 E, W.M.; 640 FEET SOUTH AND 480 FEET WEST FROM THE N¼ CORNER, SECTION 8, 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 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:

PERMIT 12393

NW¼ NE¼ 5.6 ACRES

SW¼ NE¼ 6.2 ACRES

SECTION 8

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

PERMIT 49627

NE¼ NW¼ 4.6 ACRES

NW¼ NE¼ 7.2 ACRES

SECTION 8

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

CERTIFICATE 74654

NW¼ NE¼ 3.5 ACRES

SECTION 8

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

CERTIFICATE 74653

NW¼ NE¼ 3.5 ACRES

SECTION 8

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 TEMPORARILY change the place of use to:

PERMIT 12393

NW¼ NE¼ 4.6 ACRES
SW¼ NE¼ 7.2 ACRES

SECTION 8

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

PERMIT 49627

NE¼ NW¼ 5.6 ACRES
NW¼ NE¼ 6.2 ACRES

SECTION 8

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

CERTIFICATE 74654

NW¼ NE¼ 3.5 ACRES

SECTION 8

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

CERTIFICATE 74653

NW¼ NE¼ 3.5 ACRES

SECTION 8

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

NOTE: This transfer proposes to "swap" Permit 12393 land with Permit 49627 lands and Certificate 74654 lands with Certificate 74653 lands. This places the senior water rights on lands north of the buried mainline.

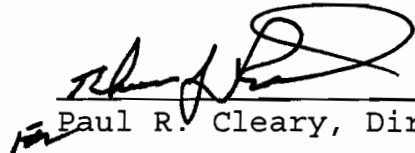
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 2002, 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. The use of the remaining water right described by Certificate 74654 shall continue to be in accordance with the terms and conditions of Certificate 74654.
6. 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.

WITNESS the signature of the Water Resources

Director, affixed August 26, 2002.


Paul R. Cleary, Director