

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING AN ADDITIONAL 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 7169 submitted by

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

The right to be modified, as evidenced by a PORTION of Certificate 54078, was perfected under Permit G-9996 with a date of priority of NOVEMBER 23, 1982. The right allows the use of A WELL, in the ZOLLNER CREEK BASIN, for IRRIGATION OF 2.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the original well; SW¼ SW¼, SECTION 2, T 6 S, R 1 W, W.M.; 160 FEET NORTH AND 600 FEET EAST FROM THE SW CORNER OF SECTION 2, 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.

NOTICE: 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 filed within 60 days after the date this order is served.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.2 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 applicant proposes to add an additional point of appropriation to:

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 FROM THE S $\frac{1}{4}$ CORNER OF SECTION 2.

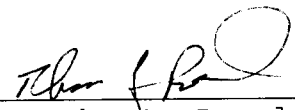
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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

Certificate 54078 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 JUN 22 1999.


For Martha O. Pagel, Director