

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, 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 6716 submitted by

DANIEL H. HEMSHORN  
14350 WILCO HIGHWAY  
WOODBURN, OREGON 97071.

The first right to be modified, as evidenced by a portion of Certificate 26475, was perfected under Permit 24001 with a date of priority of DECEMBER 16, 1955. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 6.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 cubic foot per second, if available at the authorized point of diversion: LOT 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 21, T 5 S, R 1 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a portion of Certificate 28118, was perfected under Permit 23347 with a date of priority of DECEMBER 28, 1954. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 7.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 cubic foot per second, if available at

**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 authorized point of diversion: LOT 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 21, T 5 S, R 1 W, W.M., 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 2 $\frac{1}{2}$  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 places of use are located as follows:

PERMIT 24001

NW $\frac{1}{4}$  NE $\frac{1}{4}$  6.0 ACRES  
AS PROJECTED WITHIN  
T. FITZGERALD DLC 54  
SECTION 20

PERMIT 23347

LOT 2 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 5.0 ACRES  
LOT 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 2.8 ACRES  
SECTION 21

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 change the place of use to:

PERMIT 24001

NE $\frac{1}{4}$  NE $\frac{1}{4}$  5.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.7 ACRE  
BOTH AS PROJECTED WITHIN  
T. FITZGERALD DLC 54  
SECTION 20

PERMIT 23347

SE $\frac{1}{4}$  NE $\frac{1}{4}$  7.8 ACRES  
AS PROJECTED WITHIN  
T. FITZGERALD DLC 54  
SECTION 20

NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.3 ACRE  
AS PROJECTED WITHIN  
T. FITZGERALD DLC 54  
SECTION 21

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

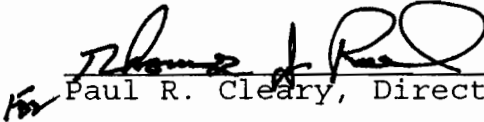
THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. The former place of use shall no longer be irrigated as part of these water rights.

Certificates 26475 and 28118 are cancelled. A new certificate will be issued to confirm that portion of PERMIT 23347 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUN 04 2003.

  
Paul R. Cleary, Director