

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-9148 submitted by

CHUCK EDER
11580 HOOK ROAD NE
MT ANGEL, OREGON 97362.

The permit to be modified is Permit G-15026 with a date of priority of MAY 8, 2001. The permit allows the use of TWO WELLS, in the PUDDING RIVER BASIN, for NURSERY OPERATIONS ON 92.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 3.0 cubic feet per second, if available at the original wells; WELL 1 - LOT 8 (NE¼ SE¼), SECTION 8, T 6 S, R 1 W, W.M.; 180 FEET NORTH AND 550 FEET WEST FROM THE SOUTHERLY SW CORNER OF G. SETTLEMIER DLC 53; WELL 2 - SE¼ SE¼, SECTION 8, T 6 S, R 1 W, W.M.; 900 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF SECTION 8, T 6 S, R 1 W, W.M., 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 for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre 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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.2 ACRES
AS PROJECTED WITHIN JOHNSON DLC 56
LOT 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) 8.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.4 ACRE
AS PROJECTED WITHIN JOHNSON DLC 56
LOT 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 5.7 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.4 ACRES
AS PROJECTED WITHIN JOHNSON DLC 56
LOT 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 21.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.7 ACRES
SECTION 8

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 ACRES
SECTION 9

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 change the point of appropriation of WELL 1 to:

WELL 1A - LOT 8 (NE¼ SE¼), SECTION 8, T 6 S, R 1 W, W.M.; 130 FEET NORTH AND 550 FEET WEST FROM THE SOUTHERLY SW CORNER OF G. SETTLEMIER DLC 53.

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

1. The combined quantity of water diverted at the new point of appropriation (well) shall not exceed the maximum rate and duty allowed under the water right permit.
2. Before water use may begin from the proposed well, the permittee shall install and maintain a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require to permittee to report general water use information, including the place and nature of use of water under the permit.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. The proposed well shall be constructed to be continuously cased and continuously sealed to a minimum depth of 120 feet below ground surface.
5. All other terms and conditions of the permit remain the same.

Permit G-15026, in the name of CHUCK EDER is amended as described herein.

WITNESS the signature of the Water Resources
Director, affixed JAN 21 2004.


Paul R. Cleary, Director