

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 9114 submitted by

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

The FIRST right to be modified, as evidenced by Certificate 72192, was perfected under Permit G-6392 with a date of priority of MARCH 17, 1975. The right allows the use of TWO WELLS in the ZOLLNER CREEK BASIN, for IRRIGATION of 9.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second, if available at the original wells: NW¼ SW¼, SE¼ SW¼, SECTION 18, T 6 S, R 1 E, W.M.; WELL 3 - 1330 FEET NORTH AND 1270 FEET EAST; WELL 5 - 530 FEET NORTH AND 1370 FEET EAST; BOTH FROM THE SW CORNER OF SECTION 18, or its equivalent in case of rotation, measured at the wells.

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 a PORTION of Permit G-15079 (five year renewable permit extended to October 31, 2003) with a date of priority of MARCH 14, 1990. The right allows the use of ONE WELL in the ZOLLNER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 9.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the original well: SE¼ SW¼, SECTION 18, T 6 S, R 1 E, W.M.; WELL 5 - 530 FEET NORTH AND 1370 FEET EAST FROM THE SW CORNER OF SECTION 18, 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 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 2.5 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:

NW¼ SW¼ 9.6 ACRES
SECTION 18
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:

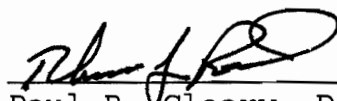
NW¼ NW¼ 8.2 ACRES
SW¼ NW¼ 1.4 ACRES
SECTION 19
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

THIS CHANGE TO EXISTING WATER RIGHTS 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 72192 and Permit G-15079 shall continue to be in accordance with the terms and conditions of Certificate 72192 and Permit G-15079.
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 SEP 05 2002.


Paul R. Cleary, Director