

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 9161 submitted by

KRAEMER FARMS  
13318 DOMINIC ROAD NE  
MT ANGEL, OREGON 97362.

The PORTION of the right to be modified, was perfected under Permit G-11688 with a date of priority of JUNE 19, 1990. Proof to the satisfaction of the Director that use of water has been accomplished under the terms and conditions of Permit G-11688 has been received. The right allows the use of STETSON WELL, in the PUDDING RIVER BASIN for IRRIGATION OF 38.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original well located at: NW¼ SE¼, AS PROJECTED WITHIN BURBAGE DLC 37, SECTION 3, T 6 S, R 1 E, W.M.; 1930 FEET NORTH AND 1960 FEET EAST FROM THE SW CORNER OF BURBAGE DLC 37, 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 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 irrigation season under this right is limited to March 1 through October 31 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:

SW¼ NE¼            38.7 ACRES  
AS PROJECTED WITHIN BURBAGE DLC 37  
SECTION 3  
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 SW¼            18.4 ACRES  
SW¼ SW¼            7.3 ACRES  
SECTION 3

NE¼ SE¼            5.0 ACRES  
SE¼ SE¼            8.0 ACRES  
SECTION 4

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

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

1. This change is temporary. This 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 and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2003 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 Permit G-11688 shall continue to be in accordance with the terms and conditions of Permit G-11688.

WITNESS the signature of the Water Resources

Director, affixed SEP 05 2002.

  
for Paul R. Cleary, Director