

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, and 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 7904 submitted by

DAVID OBERSINNER  
7886 NORTH HOWELL ROAD NE  
SILVERTON, OREGON 97381.

The first right to be modified, as evidenced by a portion of Certificate 33754, was perfected under Permit 29413 with a date of priority of FEBRUARY 24, 1964. The right allows the use of the PUDDING RIVER, a tributary of the MOLALLA RIVER, for IRRIGATION OF 3.6 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 authorized point of diversion: NW¼ NE¼, AS PROJECTED WITHIN NEWSON DLC 55, SECTION 20, T 6 S, R 1 W, W.M.; 810 FEET SOUTH AND 3750 FEET EAST FROM THE NW CORNER OF NEWSON DLC 55, 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 an 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 second right to be modified, as evidenced by Special Order Volume 45, Page 150, entered March 13, 1991, approving Transfer Application 6471, was perfected under Permit G-5359 with a date of priority of MARCH 2, 1971. The right allows the use of WELL 1, in the PUDDING RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 3.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NE¼ NE¼, AS PROJECTED WITHIN DLC 55, SECTION 19, T 6 S, R 1 W, W.M.; 890 FEET SOUTH AND 280 FEET EAST FROM THE NW CORNER OF NEWSON DLC 55, or its equivalent in case of rotation, measured at the well.

The authorized points of appropriation for this right are:

WELL 1 - NE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN DLC 55,  
SECTION 19, T 6 S, R 1 W, W.M.; 890 FEET SOUTH AND 280 FEET  
EAST FROM THE NW CORNER OF NEWSON DLC 55.

WELL 2 - NE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN DLC 55,  
SECTION 19, T 6 S, R 1 W, W.M.; 820 FEET SOUTH AND 610 FEET  
EAST FROM THE NW CORNER OF NEWSON DLC 55.

The water user shall maintain an in-line flow meter or other  
suitable device for measuring and recording the quantity of  
water diverted and keep a complete record of the amount of  
ground water withdrawn. The type and plans of the measuring  
device must be approved by the Department.

The quantity of water diverted at the additional points of  
appropriation, together with that diverted from the original  
point of appropriation, shall not exceed the quantity of water  
available from the original point of appropriation.

The amount of water used for irrigation, together with the  
amount secured under an 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 place of use is located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  3.6 ACRES  
AS PROJECTED WITHIN NEWSON DLC 55  
SECTION 19  
TOWNSHIP 6 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:

SW $\frac{1}{4}$  SE $\frac{1}{4}$  0.4 ACRE  
AS PROJECTED WITHIN NEWSON DLC 55  
SECTION 17

NW $\frac{1}{4}$  NE $\frac{1}{4}$  1.4 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.8 ACRES  
BOTH AS PROJECTED WITHIN NEWSON DLC 55  
SECTION 20

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

THIS CHANGE TO THESE 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, 2000.
2. The former place of use shall no longer be irrigated as a  
part of these water rights.

Satisfactory proof of the completion of the changes approved  
by the order of the Water Resources Director entered March 13,  
1991, at Special Order Volume 45, Page 150, approving Transfer  
6471, is confirmed as described above.

Certificate 33754 is cancelled. New certificates will be  
issued to confirm those portions of these rights 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 NOV 10 1998.

  
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Martha O. Pagel, Director