

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

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 7375 submitted by

MT. JEFFERSON FARMS
P.O. BOX 12708
SALEM, OREGON 97309.

The right to be modified, as evidenced by Certificate 64518, was perfected under Permit 44036 with a date of priority of MARCH 22, 1979. The right allows the use of SMALLMAN CREEK, a tributary of the NORTH SANTIAM RIVER, for IRRIGATION OF 13.2 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 authorized point of diversion: LOT 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 3, T 10 S, R 2 W, W.M.; 550 FEET SOUTH AND 660 FEET WEST FROM THE WESTERLY NW CORNER OF SMALLMAN DLC 53, 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 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:

PERMIT 44036

LOT 9 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 4.7 ACRES
LOT 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 6.8 ACRES
LOT 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 1.7 ACRES
SECTION 3

TOWNSHIP 10 SOUTH, RANGE 2 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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

The applicant proposes to change the point of diversion to:

LOT 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 3, T 10 S, R 2 W, W.M.; 430 FEET NORTH AND 180 FEET EAST FROM THE WESTERLY NW CORNER OF SMALLMAN DLC 53.

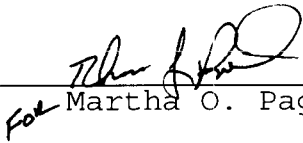
THIS CHANGE TO THIS EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 64518 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed DEC 09 1998.


for Martha O. Pagel, Director