

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN USE, PLACE OF USE,
AND 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 7516 submitted by

WILLAMETTE INDUSTRIES, INC.
P.O. BOX 907
ALBANY, OREGON 97321.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for POLK County as evidenced by a portion of Certificate 40236. The decree is recorded in the Order Record of the Water Resources Director in Volume 17, at Page 216. The date of priority is 1905.

The right allows the use of the NORTH FORK ASH CREEK, a tributary of ASH CREEK, for MAINTENANCE OF LOG POND. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, as projected within LEWIS DLC 67, SECTION 33, T 7 S, R 5 W, WM; 2100 FEET SOUTH AND 1100 FEET EAST FROM THE NW CORNER, LEWIS DLC 67, or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
as projected within LEWIS DLC 67
SECTION 33
TOWNSHIP 7 SOUTH, RANGE 5 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 and is subject to all other conditions and limitations contained in the decree.

The applicant has provided evidence that, in accordance with Section 5, Chapter 752, Oregon Laws 1995, the water has been used continuously in the operation of applicant's industrial facility.

The applicant proposes to change the use to INDUSTRIAL USE.

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$
as projected in both LEVENS DLC 51 and LEWIS DLC 67
SECTION 32

S $\frac{1}{2}$ SW $\frac{1}{4}$
as projected within LEWIS DLC 67
SECTION 33
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

N $\frac{1}{2}$ NW $\frac{1}{4}$
as projected within LEWIS DLC 42
SECTION 4

E $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within GUTHRIE DLC 47
N $\frac{1}{2}$ NE $\frac{1}{4}$
as projected within LEVENS DLC 37
SECTION 5
TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

The applicant also proposes to change the point of diversion to:

SE¼ SE¼, as projected within LEWIS DLC 67, SECTION 32, T 7 S, R 5 W, WM; 1845 FEET SOUTH AND 305 FEET EAST FROM THE NW CORNER, LEWIS DLC 67.

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

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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 former log pond shall no longer receive water as a part of this water right.
6. The quantity of water diverted for industrial use shall not exceed 0.01 cubic foot per second.
7. 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 40236 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 AUG 30 1999.


For Martha O. Pagel, Director