

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to 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 7050 submitted by

MALENSKY LAND HOLDING COMPANY
11335 SW HILLSBORO HIGHWAY
HILLSBORO, OREGON 97123.

The right to be modified, as evidenced by a PORTION of Certificate 51806, was perfected under Permit G-5692 with a date of priority of MAY 7, 1973. The right allows the use of A WELL, in the CHRISTENSEN CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 69.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 cubic foot per second, if available at the original well; NE¼ NW¼, AS PROJECTED WITHIN LEWIS DLC 51, SECTION 31, T 1 S, R 2 W, W.M.; 420 FEET SOUTH AND 2650 FEET EAST FROM THE NW CORNER OF SECTION 31, 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 on 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 per acre 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 as follows:

LOT 4 (SW¼ NE¼) 4.9 ACRES
LOT 3 (SE¼ NW¼) 11.8 ACRES
NE¼ SW¼ 35.0 ACRES
NW¼ SW¼ 0.8 ACRE
LOT 6 (NW¼ SE¼) 17.4 ACRES
SECTION 31
TOWNSHIP 1 SOUTH, RANGE 2 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.

The applicant proposes to change the point of appropriation to:

SE¼ SW¼, SECTION 31, T 1 S, R 2 W, W.M.; 980 FEET SOUTH AND 980 FEET WEST FROM THE SW CORNER OF DLC 52.

THIS CHANGE TO AN 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, 1999.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. 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.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 51806 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 DEC 02 1997.



Martha O. Pagel, Director