

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN POINT OF DIVERSION AND PLACE OF USE

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 7061 submitted by

WINNIFRED A. BATES
40686 MCDOWELL CREEK DRIVE
LEBANON, OREGON 97355.

The right to be modified, as evidenced by a PORTION of Certificate 43496, was perfected under Permit 36592 with a date of priority of NOVEMBER 2, 1971. The right allows the use of the SOUTH SANTIAM RIVER, a tributary of the SANTIAM RIVER, for IRRIGATION OF 3.5 ACRES. This right is limited to 0.04 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, T 13 S, R 1 W, WM; 760 FEET SOUTH AND 920 FEET EAST FROM THE NW CORNER OF LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 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 $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 ACRES
SECTION 11
TOWNSHIP 13 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 point of diversion to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, T 13 S , R 1 W, WM; 1060 FEET SOUTH AND 1200 FEET EAST FROM THE NW CORNER OF LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

The applicant also proposes to change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 ACRES
SECTION 11
TOWNSHIP 13 SOUTH, RANGE 1 WEST, W.M.

The receiving landowner is:

GERALD AND JANIS MURRELL
P.O. BOX 121
HEPPNER, OREGON 97836

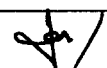
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1995.
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 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. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 43496 is cancelled. 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 March 14, 1994.


M. REED MARBUT

 Martha O. Pagel