

STATE OF OREGON

COUNTY OF MARION

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 TRANSFER 6735 submitted by

THERESA SMITH
10300 NOSOCK ROAD NE
GERVAIS, OREGON 97026

to use the waters of A WELL in the PUDDING RIVER BASIN for IRRIGATING 44.6 ACRES.

The right to be transferred, as evidenced by Certificate 67216, was perfected under Permit G-8856 with a date of priority of AUGUST 13, 1979. The right is limited to 0.56 cubic foot per second, if available at the original wells; LOT 4 (SE 1/4 SW 1/4), SECTION 29, and SE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 44, SECTION 30, T 5 S, R 1 W, W.M.; WELL 1 - 1200 FEET NORTH AND 3750 FEET WEST FROM THE SE CORNER OF SECTION 29; WELL 2 - 940 FEET SOUTH AND 460 FEET EAST FROM THE SE CORNER OF LOT 1 (SW 1/4 NE 1/4), SECTION 30, or its equivalent in case of rotation, measured at the well.

The new point of appropriation (well) is located as follows:

NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 44, SECTION 31, T 5 S, R 1 W, W.M.; 560 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 44.

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 2.5 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.

A description of the place of use is as follows:

SE 1/4 SE 1/4 2.9 ACRES
AS PROJECTED WITHIN DLC 44
SECTION 30

NW 1/4 NE 1/4 17.7 ACRES
AS PROJECTED WITHIN DLC 44
SECTION 31

LOT 1 (NW 1/4 NW 1/4) 5.5 ACRES
NW 1/4 NW 1/4 18.5 ACRES
AS PROJECTED WITHIN DLC 44
SECTION 32

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

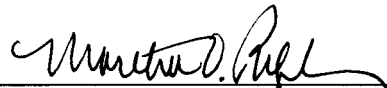
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1993.
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original points of appropriation (well 1 and well 2).
3. When required by the Department, 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. The well at the new point of appropriation shall be constructed to the well construction standards in effect as of the date of this order and must include an access port.
5. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 67216 is hereby canceled. A new certificate shall 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 4, 1993.



Martha O. Pagel

Recorded in Special Order Records at Volume 47, Page 165.

T-6735.VRG