## STATE OF OREGON

## COUNTY OF WASHINGTON

## ORDER APPROVING A CHANGE IN 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 6181 submitted by

JAMES A. SMEJKAL 280 EAST SAUNDERS LAKE DRIVE NORTH BEND, OREGON 97459.

The right to be modified, as evidenced by a PORTION of Certificate 45837, was perfected under Permit 12697 with a date of priority of JUNE 23, 1937. The right allows the use of MENDENHALL CREEK, a tributary of WEST DAIRY CREEK, for IRRIGATION OF 2.6 ACRES. This right is limited to 0.02 cubic foot per second, if available at the authorized points of diversion: NW\(\frac{1}{4}\) SW\(\frac{1}{4}\), SECTION 4, T 2 N, R 4 W, W.M.; 1000 FEET SOUTH AND 800 FEET EAST, AND 1020 FEET SOUTH AND 500 FEET EAST, BOTH FROM THE W\(\frac{1}{4}\) CORNER OF SECTION 4, 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:

NW4 SW4 2.6 ACRES SECTION 4 TOWNSHIP 2 NORTH, RANGE 4 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 use from irrigation to MAINTENANCE OF A POND FOR RECREATION, and the point of diversion to the NW $\frac{1}{4}$ , SECTION 4, T 2 N, R 4 W, W.M.; SOUTH 6° 07' 28" WEST, 595.7 FEET FROM THE NE CORNER OF THE NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 4.

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 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.
- 5. The total quantity diverted under this right shall not exceed 6.5 acre-feet during the irrigation season.

Certificate 45837 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 APRIL 22, 1992.

William H Young

Recorded in Special Order Records at Volume 46, Page 234 .