

STATE OF OREGON

COUNTY OF BENTON

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 6661 submitted by

ROBERT MEISTER  
23291 DECKER ROAD  
PHILOMATH, OREGON 97370.

The first right to be modified, as evidenced by a PORTION of Certificate 20366, was perfected under Permit 14311 with a date of priority of APRIL 30, 1940. The right allows the use of the SOUTH FORK MARY'S RIVER (GREASY CREEK), a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 0.5 ACRE. This right is limited to 0.01 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 12 S, R 6 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a PORTION of Certificate 57175, was perfected under Permit 37459 with a date of priority of OCTOBER 5, 1972. The right allows the use of GREASY CREEK, a tributary of the MARY'S RIVER, FOR IRRIGATION OF 4.3 ACRES. This right is limited to 0.05 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 29, T 12 S, R 6 W, WM; 1350 FEET NORTH AND 1150 FEET WEST FROM THE SE CORNER, SECTION 29, or its equivalent in the case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under these rights 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:

	<u>PERMIT 14311</u>	<u>PERMIT 37459</u>
SE $\frac{1}{4}$ SE $\frac{1}{4}$		0.2 ACRE
	SECTION 29	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 ACRE	4.1 ACRES
	SECTION 32	
	TOWNSHIP 12 SOUTH, R 6 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 fish and wildlife.

The applicant proposes to change the place of use to the pond located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$   
SECTION 32  
TOWNSHIP 12 SOUTH, RANGE 6 WEST, W.M.

And the applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 32, T 12 S, R 6 W, WM; 740 FEET NORTH AND 380 FEET WEST FROM THE SE CORNER OF THE NE $\frac{1}{4}$  NE $\frac{1}{4}$ .

THESE CHANGES TO EXISTING WATER RIGHTS 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, 1995.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original points 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 places of use shall no longer be irrigated as a part of these water rights.
5. The diversion rate and volume of water (duty) shall not exceed 0.01 cfs and 1.25 acre-feet under priority of April 23, 1940, and 0.05 cfs and 10.75 acre-feet under priority of October 5, 1972.
6. Water under these water rights may be appropriated only during the irrigation season of April 1 to September 30 of each year.

Certificates 20366 and 57175 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed July 25, 1994.

*A. Reed Marbut*  
A. REED MARBUT  
/ Martha O. Pagel, Director