

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING A CHANGE IN 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 7864 submitted by

LARRY A. AND S. DIANE BELL
1180 NORTH 9TH STREET
PHILOMATH, OREGON 97370.

The right to be modified, as evidenced by a portion of Certificate 51551, was perfected under Permit 43042 with a date of priority of MARCH 31, 1978. The right allows the use of MARY'S RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 6.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN EGAN DLC 49, SECTION 2, T 12 S, R 6 W, W.M.; 950 FEET SOUTH AND 170 FEET EAST FROM THE SW CORNER KENNEDY DLC 77, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for 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 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>POU AND POD</u>	<u>POD ONLY</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$ AS PROJECTED WITHIN EGAN DLC 49	1.8 ACRES	3.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ AS PROJECTED WITHIN KENNEDY DLC 77		1.0 ACRES

SECTION 2
TOWNSHIP 12 SOUTH, RANGE 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 place of use to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.8 ACRES
AS PROJECTED WITHIN EGAN DLC 41
SECTION 35
TOWNSHIP 11 SOUTH, RANGE 6 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN EGAN DLC 49, SECTION 35, T
11 S, R 6 W, W.M.; 250 FEET NORTH AND 150 FEET WEST FROM THE SW
CORNER OF KENNEDY DLC 77.

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, 2000.
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 lawfully available at the original point of diversion.

3. 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. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 51551 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 JAN 27 1999.



for Martha O. Pagel, Director