

STATE OF OREGON

COUNTY OF YAMHILL

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

Pursuant to ORS 540.510 to 540.531, after notice was given, protests withdrawn, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7869 submitted by

BAKER ROCK
21880 SW FARMINGTON ROAD
BEAVERTON, OREGON 97007.

The right to be modified was perfected under Permit 51935 with a date of priority of JANUARY 18, 1991. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for INDUSTRIAL USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.67 cubic feet per second, if available at the authorized point of diversion: NW¼ NW¼, SECTION 29, T 3 S, R 2 W, W.M.; 150 FEET NORTH AND 2710 FEET EAST FROM THE SW CORNER OF RODGERS DLC 55, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW¼ NW¼
SECTION 29

NE¼ NE¼
SECTION 30

TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this right, the permittee shall install meters or other suitable measuring devices as approved by the director. The permittee shall maintain the meter of measuring device

in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the right.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact a ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

The use shall conform to any reasonable rotation system ordered by the proper state officer.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 11

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 5 S, R 3 W, W.M.; SLOUGH - 1450 FEET NORTH AND 860 FEET WEST, WELL - 1150 FEET NORTH AND 720 FEET WEST, BOTH FROM E $\frac{1}{4}$ CORNER OF SECTION 11.

Proof to the satisfaction of the Department has been received that the appropriation was perfected under Permit 51935.

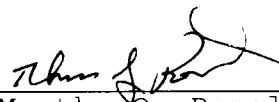
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. The former place of use shall no longer be irrigated as a part of this water right.

5. The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

When satisfactory proof of the completed change is received, a certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed JAN 28 1999.



for Martha O. Pagel, Director