

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A GOVERNMENT ACTION CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510(6), after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8695 submitted by

LYLE TRESHAM
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MCMINNVILLE, OREGON 97128.

The first right to be modified, as evidenced by Certificate 39612, was perfected under Permit 13718 with a date of priority of MAY 15, 1939. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 22.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic foot per second, if available at the authorized point of diversion: SE¼ NW¼, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M., 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 Certificate 44121, was perfected under Permit 13718 with a date of priority of MAY 15, 1939. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the authorized

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 410 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by Certificate 44122, was perfected under Permit 30415 with a date of priority of APRIL 30, 1965. The right allows the use of the SOUTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 63.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 410 FEET NORTH AND 440 FEET EAST FROM THE MOST EASTERLY SE CORNER OF MARTIN DLC 37, 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 any 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:

PERMIT 13718

NW¼ NE¼ 4.7 ACRES
SW¼ NE¼ 0.7 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
SW¼ NE¼ 0.8 ACRE
AS PROJECTED WITHIN
GARRISON DLC 40

NE¼ NW¼ 6.4 ACRES
SE¼ NW¼ 0.9 ACRE
BOTH AS PROJECTED WITHIN
EDSON DLC 38
LOT 1 (SE¼ NW¼) 0.3 ACRE
SE¼ NW¼ 8.2 ACRES
NE¼ SW¼ 0.6 ACRE
NW¼ SE¼ 0.3 ACRE
ALL AS PROJECTED WITHIN
GARRISON DLC 40

SECTION 5

TOWNSHIP 5 SOUTH, 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.

CERTIFICATE 44121

SE¼ SW¼ 7.8 ACRES
SW¼ SE¼ 2.2 ACRES
BOTH AS PROJECTED WITHIN GARRISON DLC 40
SECTION 5

TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

CERTIFICATE 44122

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.2 ACRES
AS PROJECTED WITHIN
EDSON DLC 38

LOT 1 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.6 ACRE
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE
AS PROJECTED WITHIN
GARRISON DLC 40

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 ACRES
AS PROJECTED WITHIN
EDSON DLC 38

LOT 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 1.0 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.9 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 ACRES

ALL AS PROJECTED WITHIN
GARRISON DLC 40
SECTION 5

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.4 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 ACRES
BOTH AS PROJECTED WITHIN
GARRISON DLC 40
SECTION 8

TOWNSHIP 5 SOUTH, 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 and is subject to existing minimum flow policies established by the Water Policy Review Board.

The Oregon Department of Transportation will be constructing a bridge abutment where the authorized point of diversion is located. As a result of this government action, the applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN EDSON DLC 38, SECTION 5, T 5 S, R 4 W, W.M.; 378 FEET NORTH AND 620 FEET EAST FROM THE EASTERLY SE CORNER OF H. D. MARTIN DLC 37.

THIS CHANGE TO AN EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

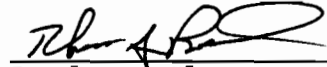
1. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.

2. 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.
3. Water shall be acquired from the same surface water source as the original point of diversion.

Certificates 39612, 44121, and 44122 are cancelled. New certificates will be issued to confirm these water rights.

WITNESS the signature of the Water Resources

Director, affixed MAR 21 2001.



Paul R. Cleary, Director