

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.705, 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 6941 submitted by

STEPHEN H. AND ANN H. SMITH.
8462 SOUTH HEINZ ROAD
CANBY, OREGON 97013

The right to be modified, as evidenced by a PORTION of Certificate 43219, was perfected under Permit G-4921 with a date of priority of SEPTEMBER 23, 1971. The right allows the use of WELL NUMBER 1, a tributary of BEAR CREEK, for IRRIGATION OF 21.0 ACRES. The right is limited to 0.26 cubic feet per second, if available at the original well: NE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN WHEALDON DLC 43, SECTION 33; 1810 FEET NORTH AND 830 FEET EAST FROM THE SW CORNER, WHEALDON DLC 43; or its equivalent in case of rotation, measured at the well.

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 as follows:

WELL NO. 1

13.3 ACRES NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.7 ACRES SE $\frac{1}{4}$ NW $\frac{1}{4}$
BOTH PROJECTED WITHIN WHEALDON DLC 43
SECTION 33
TOWNSHIP 4 SOUTH, RANGE 1 EAST, W. M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 4 S, R 1 E, W.M.; 1500 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER, WHEALDON DLC 43.

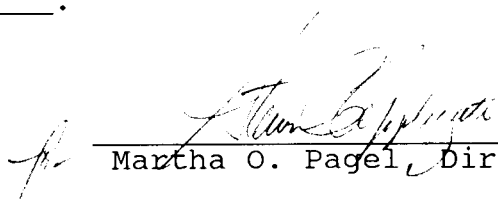
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1996.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 43219 is cancelled. A new certificate will be issued for 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 SEP 10 1995.



Martha O. Pagel, Director