

STATE OF OREGON

COUNTY OF LINN

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 7005 submitted by

MUDDY CREEKS IRRIGATION PROJECT  
32255 BOWERS DRIVE  
HARRISBURG, OREGON 97446.

The right to be modified, as evidenced by a PORTION of Certificate 51599, was perfected under Permit 17510 with a date of priority of FEBRUARY 9, 1939. The right allows the use of the MCKENZIE RIVER and MUDDY CREEK, a tributary of the WILLAMETTE RIVER, FOR IRRIGATION OF 68.0 ACRES. This right is limited to 0.85 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within SPORES DLC 38, SECTION 9, T 17 S, R 3 W, WM; MCKENZIE RIVER - 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER OF MANSFIELD DLC 79; and SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within DAVIS DLC 41, SECTION 21, T 16 S, R 3 W, WM; MUDDY CREEK - 4190 FEET NORTH AND 2190 FEET EAST FROM THE NE CORNER OF BROWN DLC 58, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 3.0 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	7.2 ACRES
as projected within VAUGHN DLC 48	
LOT 6 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )	11.0 ACRES
LOT 7 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )	15.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0 ACRES
as projected within VAUGHN DLC 48	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	14.6 ACRES
LOT 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ )	11.0 ACRES
SECTION 4	
TOWNSHIP 16 SOUTH, RANGE 3 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:

NE $\frac{1}{4}$	SW $\frac{1}{4}$	2.1 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	9.1 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	19.6 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	6.4 ACRES

SECTION 16

NE $\frac{1}{4}$	NW $\frac{1}{4}$	10.5 ACRES
NW $\frac{1}{4}$	NW $\frac{1}{4}$	19.8 ACRES

SECTION 21

TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.

The applicant also proposes to change the point of diversion on Muddy Creek to:

NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 21, T 16 S, R 3 W, WM; MUDDY CREEK - 830 FEET NORTH AND 1800 FEET EAST FROM THE NW CORNER OF DAVIS DLC 41.

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, 1994.
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 available at the original point 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 place of use shall no longer be irrigated as a part of this water right.

Certificate 51599 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 September 29, 1993.

  
**L REED MARBUTT**

Martha O. Pagel