

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION (WELL)

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections being filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6816 submitted by

MILLER FORESTS INC.
P.O BOX 12395
SALEM, OREGON 97309

The first right to be modified, as evidenced by Certificate 56058, was perfected under Permit 46657 with a date of priority of December 8, 1981. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 86.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.08 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within R. ERIN DLC 73, SECTION 31., T.7S., R 3W., W.M.; 1440 FEET NORTH AND 660 FEET EAST FROM SW CORNER SECTION 31, 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 a PORTION of Certificate 15130, was perfected under Permit 14874 with a date of priority of April 18, 1941. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 192.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.40 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within R. ERIN DLC 73, SECTION 31, T.7S., R 3W., W.M., 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 a diversion of 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:

CERTIFICATE 56058

LOT 7 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)	15.8 ACRES
LOT 7 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	0.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within R. ERIN DLC 73	4.5 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	0.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	5.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	7.0 ACRES
LOT 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)	1.9 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	0.9 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	5.0 ACRES

SECTION 31

SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	5.2 ACRES
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SECTION 32
TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	10.0 ACRES
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SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within J. TOWNSEND DLC 74	29.5 ACRES
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SECTION 6
TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.

CERTIFICATE 15130

SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	16.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	28.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0 ACRES

all as projected within J. TOWNSEND DLC 74
SECTION 31

NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.5 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.3 ACRES

both as projected within J. TOWNSEND DLC 74
SECTION 32
TOWNSHIP 7 SOUTH, RANGE 3 WEST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within J. TOWNSEND DLC 47	4.0 ACRES
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SECTION 5
TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.9 ACRES
both as projected within J. TOWNSEND DLC 47
SECTION 6
TOWNSHIP 8 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 above.

The applicant proposes AN ADDITIONAL POINT OF DIVERSION (WELL) located: NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within R. ERIN DLC 73, SECTION 31., T.7S., R 3W., W.M.; 200 FEET NORTH AND 150 FEET WEST FROM NW CORNER J. TOWNSEND 74.

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, 1997.
2. The quantity of water diverted at the new point of diversion (well), 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. 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. Water shall be acquired from the same source as the original point of diversion.
5. If, within five years of the date of this order, the Department finds that the diversion causes substantial interference with existing ground water rights that would not have occurred in the absence of the change, the use of water from the new point of diversion shall be subordinate to any ground water right, including exempt uses, existing at the time of this order, injured by the change.
6. The Department shall approve an application to return to the last authorized surface water point of diversion if the water right holder submits an application within five years of the date of this order.

Certificate 56058 and Certificate 15130 are cancelled. A new certificate will be issued to confirm that portion of the right described in Certificate 15130 NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,

affixed November 7, 1995.



Martha O. Page, Director