

STATE OF OREGON

COUNTY OF LANE

ORDER APPROVING A CHANGE IN 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 7706 submitted by

RONALD AND MARJORIE GERRARD
79630 DELIGHT VALLEY ROAD
COTTAGE GROVE, OREGON 97424.

The right to be modified, as evidenced by a portion of Certificate 33836, was perfected under Permit 27756 with a date of priority of DECEMBER 14, 1961. The right allows the use of the COAST FORK WILLAMETTE RIVER AND UNNAMED SLOUGH OF ROW RIVER, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 37.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.47 cubic foot per second (cfs); being 0.09 cfs from the Coast Fork Willamette River and 0.38 cfs from unnamed slough of the Row River, if available at the authorized points of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN BOWER DLC 53, SE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN VEACH DLC 54, SECTION 22, T 20 S, R 3 W, W.M.; DIVERSION POINTS LOCATED: RIVER - 1330 FEET SOUTH AND 2300 FEET WEST; SLOUGH - 3140 FEET SOUTH AND 1240 FEET WEST; BOTH FROM THE SE CORNER OF COVERDILL DLC 52, 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 an 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 right allowed herein for appropriation of water from the unnamed slough of Row River shall be limited to the period when the flow of Row River is more than 100 cfs measured at its mouth and when the flow of the Coast Fork Willamette River is more than 135 cfs measured at its mouth; the right allowed herein for appropriation of water from the Coast Fork Willamette River shall be limited to the period when the flow of said Coast Fork is more than 135 cfs measured at its mouth.

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

The authorized place of use is located as follows:

COAST FORK WILLAMETTE RIVER

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 ACRES
AS PROJECTED WITHIN BOWER DLC 53

UNNAMED SLOUGH ROW RIVER

LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 1.1 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.3 ACRES
AS PROJECTED WITHIN BOWER DLC 53
LOT 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.2 ACRE
LOT 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 0.3 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.8 ACRES
AS PROJECTED WITHIN BOWER DLC 53
LOT 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 0.7 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.6 ACRES
AS PROJECTED WITHIN BOWER DLC 53
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 ACRE
AS PROJECTED WITHIN VEACH DLC 54
SECTION 22
TOWNSHIP 20 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 point of diversion from the Coast Fork Willamette River and unnamed slough of the Row River to a point on the Coast Fork Willamette River located at:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN BOWER DLC 53, SECTION 22, T 20 S, R 3 W, W.M.; 1531 FEET SOUTH AND 2353 FEET WEST FROM THE SE CORNER OF DLC 54.

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

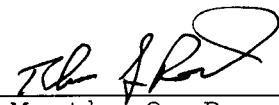
1. The proposed change shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

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 surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 33836 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 April 15, 1998.


For Martha O. Pagel, Director