

STATE OF OREGON

COUNTIES OF LANE AND 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 7033 submitted by

DAVID C. MALPASS
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 MCKENZIE RIVER AND MUDDY CREEK, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 58.1 ACRES. This right is limited to 0.73 cubic foot per second, if available at the authorized points 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; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T 15 S, R 3 W, WM; 3830 FEET NORTH AND 1900 FEET WEST FROM THE NW CORNER OF GREENWOOD DLC 64; NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within SMITH DLC 53, SECTION 16, T 16 S, R 3 W, WM; 960 FEET SOUTH AND 710 FEET WEST FROM THE NW CORNER OF WILKINS 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 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:

CHANGE IN PLACE OF USE AND POINT OF DIVERSION

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.9 ACRES

SECTION 30
TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

CHANGE IN POINT OF DIVERSION ONLY

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.6 ACRES
both as projected within SMITH DLC 53
SECTION 16

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 ACRES
both as projected within SMITH DLC 53
SECTION 17
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 point of diversion from Muddy Creek only to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within SMITH DLC 53, SECTION 16, T 16 S, R 3 W, WM; 560 FEET NORTH AND 500 FEET WEST FROM THE NORTHERLY CORNER OF LOT 5.

The applicant also proposes to change the place of use of 25.3 acres to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.9 ACRES
both as projected within SMITH DLC 53
SECTION 17
TOWNSHIP 16 SOUTH, RANGE 3 WEST, W.M.

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, 1995.
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.
5. 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 December 3, 1993.


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Martha O. Pagel