

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN PLACE OF USE

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 8049 submitted by

VESTAL AND MARJORIE GARNER
P.O. BOX 112
MONMOUTH, OREGON 97361.

The right to be modified, as evidenced by Certificate 76140, was perfected under Permit 50082 with a date of priority of JUNE 29, 1987. The right allows the use of the LITTLE LUCKIAMUTE RIVER, a tributary of the LUCKIAMUTE RIVER, for IRRIGATION OF 16.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.2 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 31, T 8 S, R 5 W, W.M.; 2320 FEET NORTH AND 300 FEET EAST FROM THE SW CORNER OF SECTION 31, 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 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 2½ acre-feet for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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 $\frac{1}{4}$ 2.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.6 ACRES
BOTH AS PROJECTED WITHIN CHAMBERLAIN DLC 54
SECTION 31

TOWNSHIP 8 SOUTH, RANGE 5 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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.1 ACRES
BOTH AS PROJECTED WITHIN CHAMBERLAIN DLC 54
SECTION 31

TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
AS PROJECTED WITHIN CHAMBERLAIN DLC 40
SECTION 36

TOWNSHIP 8 SOUTH, RANGE 6 WEST, W.M.

The receiving landowner is:

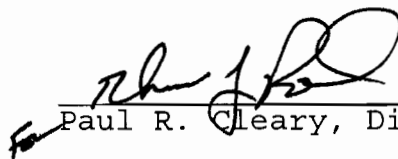
CORPORATION OF THE PRESIDING BISHOP OF
THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
ATTN: ROBERT C. ROYLANCE
139 E. SOUTH TEMPLE STREET, SUITE 110
SALT LAKE CITY, UTAH 84111-1103

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, 2005.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 76140 is cancelled. 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 MAR 25 2004.


Paul R. Cleary, Director