

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION

Pursuant to ORS 537.705, 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 7020 submitted by

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

The first right to be modified, as evidenced by a PORTION of Certificate 35019, was perfected under Permit G-2083 with a date of priority of MARCH 28, 1962. The right allows the use of WELLS NOS. 1, 2, 3, in the CLEAR LAKE BASIN, for IRRIGATION OF 87.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.09 cubic feet per second; being 0.82 c.f.s. from Wells 1 and 2 and 0.27 c.f.s. from Well 3; if available at the original wells; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, BOTH AS PROJECTED WITHIN SMITH DLC 69, SECTION 27, T 6 S, R 3 W, W.M.; WELL NO. 1 - 1480 FEET SOUTH AND 1240 FEET EAST, WELL NO. 2 - 2170 FEET SOUTH AND 1040 FEET EAST, WELL NO. 3 - 1750 FEET SOUTH AND 20 FEET EAST, ALL FROM THE NW CORNER, SMITH DLC 69, or its equivalent in case of rotation, measured at the well.

The second right to be modified, as evidenced by Certificate 57923, was perfected under Permit G-7306 with a date of priority of MARCH 9, 1977. The right allows the use of A WELL, in the CLAGGETT CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 26.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 cubic foot per second, if available at the original well; NW $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN SMITH DLC 69, SECTION 27, T 6 S, R 3 W, W.M.; 1500 FEET NORTH AND 700 FEET EAST FROM THE SW CORNER, SMITH DLC 69, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 per acre 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 places of use are as follows:

PERMIT G-2083

WELLS 1 AND 2	WELL 3
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.2 ACRES	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 ACRES	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.3 ACRES	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.2 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.9 ACRES	ALL AS PROJECTED WITHIN
ALL AS PROJECTED WITHIN	SMITH DLC 69
SMITH DLC 69	SECTION 27
SECTION 27	

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

PERMIT G-7306

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
ALL AS PROJECTED WITHIN
SMITH DLC 69
SECTION 27

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to add additional points of appropriation to:

WELL NO. 2A - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27, T 6 S, R 3 W, W.M.; 2150 FEET SOUTH AND 1040 FEET EAST FROM THE NW CORNER, SMITH DLC 69.

WELL NO. 3 - SW $\frac{1}{4}$ NW $\frac{1}{4}$. SECTION 27, T 6 S, R 3 W, W.M.; 1750 FEET SOUTH AND 20 FEET EAST FROM THE NW CORNER, SMITH DLC 69.

OREY WELL - SW $\frac{1}{4}$ NW $\frac{1}{4}$. SECTION 27, T 6 S, R 3 W, W.M.; 1500 FEET NORTH AND 700 FEET EAST FROM THE SW CORNER, SMITH DLC 69.

WEATHERS NO. 3 WELL - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 28, T 6 S, R 3 W, W.M.; 510 FEET SOUTH AND 1000 FEET WEST FROM THE NW CORNER, SMITH DLC 69.

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, 1998.
2. The quantity of water diverted at the new points of appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the 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 aquifer as the original points of appropriation.

Certificates 35019 and 57923 are cancelled. A new certificate will be issued to confirm that portion of Certificate 35019 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 May 27, 1997.



Martha O. Pagel, Director