

STATE OF OREGON

COUNTY OF MALHEUR

**ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION
AND CHANGES 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 7371 submitted by

Rakhra Mushroom Farm Corp
1000 Washington Street East
Vale, OR 97918

Ag-Dryers, Inc.
PO Box 280
Vale, OR 97918

The first right to be modified, as evidenced by Certificate 55594, was perfected under Permit G-9978 with a date of priority of February 8, 1983. The right allows the use of a WELL (POA A), tributary of the MALHEUR RIVER BASIN, for the purpose of AGRICULTURAL COMMODITY DRYING. This right is limited to 0.39 cubic foot per second, if available at the authorized point of appropriation: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T. 18 S., R. 45 E., W.M.; 60 feet South and 60 feet West from SE corner NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20.

The use of water for agricultural commodity drying in excess of 5,000 gallons per day shall be subsequent in priority to any future beneficial consumptive use.

The second right to be modified, as evidenced by Certificate 65086, was perfected under Permit G-10101 with a date of priority of May 9, 1983. The right allows the use of WELL 1, (POA B), with any deficiency in supply from WELL 1 to be made up by appropriation from WELL 2, (POA C), tributaries of the MALHEUR RIVER BASIN, for the purpose of HEATING AND/OR COOLING IN THE PROCESSING OF MUSHROOMS. This right is limited to 0.52 cubic foot per second, if available at the authorized points of appropriation: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T. 18 S., R. 45 E., W.M.; WELL 1- 252 feet north and 249 feet west, WELL 2- 302 feet north and 272 feet west, both from the SW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20.

The use of water for heat extraction shall be subsequent in priority to future beneficial consumptive use unless the effluent is returned to the producing or other suitable ground water reservoir or is put to secondary beneficial consumptive use as directed or approved by the Water Resources Director.

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

The authorized places of use are located as follows:

POA	INDUSTRIAL USE	Q,Quarter	RATE	PRIORITY
A	AG & COMMERCIAL DRYING	SW¼SE¼	0.39 CFS	February 8, 1983
B & C	MUSHROOM HEATING COOLING, PROCESSING	SE¼ SE¼	0.52 CFS	May 9, 1983

SECTION 20
TOWNSHIP 18 SOUTH, RANGE 45 EAST, W.M.

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

Under the provisions of an agreement between the applicants, the applicants propose to change the place of use of the right described by Certificate 55594 for a like portion (0.39 cubic foot per second) of the right described by Certificate 65086 and to add the authorized points of appropriation as described in Certificate 65086 to the right described by 55594.

POA	INDUSTRIAL USE	Q,Quarter	RATE	PRIORITY
A, B & C	AG & COMMERCIAL DRYING	SW¼SE¼	0.39 CFS	May 9, 1983
B & C	MUSHROOM HEATING COOLING, PROCESSING	SE¼ SE¼	0.39 CFS	February 8, 1983
B & C	MUSHROOM HEATING COOLING, PROCESSING	SE¼ SE¼	0.13 CFS	May 9, 1983

SECTION 20
TOWNSHIP 18 SOUTH, RANGE 45 EAST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USERS:

1. The proposed changes shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water available at the original points of appropriation for each priority.
3. When required by the Department, the water users 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 controlling and measuring devices must be approved by the Department prior to beginning construction and shall be installed under

the general supervision of the Department.

4. The portion of the right perfected under Permit G-9978 for use of 0.39 cubic foot per second of water for heating and/or cooling in the processing of mushrooms in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, shall be combined with the portion of the right perfected under Permit G-10101 for use of 0.13 cubic foot per second of water for heating and/or cooling in the processing of mushrooms in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20. The two right may not be separated in the future, except to return the right as originally perfected.
5. These rights are subject to an agreement between Ag-Dryers, Inc., OTM Co., West One Bank, and Rakhra Mushroom Farm Corp, dated December 4, 1990, and by reference made a part hereof.

Certificates 55594 and 65086 are canceled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights shall be issued.

WITNESS the signature of the Water Resources Director, affixed June 9, 1997.



Martha O. Pagel, Director