

STATE OF OREGON

COUNTY OF YAMHILL

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 7769 submitted by

JOHN W. KIRSCH
6900 POVERTY BEND ROAD
MCMINNVILLE, OREGON 97128.

The right to be modified, as evidenced by a portion of Certificate 15108, was perfected under Permit 13491 with a date of priority of FEBRUARY 21, 1939. The right allows the use of the NORTH YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 18.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.23 cubic foot per second, if available at the authorized points of diversion: NW¼ SW¼ AND SW¼ NW¼, AS PROJECTED WITHIN CHAS. S. TUSTIN DLC 45, SECTION 3, T 4 S, R 4 W, W.M., AND LOTS 1 AND 2, SECTION 4, T 4 S, R 4 W, W.M., 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 2½ 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:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.1 ACRES
BOTH AS PROJECTED WITHIN DLC 45
SECTION 3

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 2.0 ACRES
LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 3.4 ACRES
SECTION 4

TOWNSHIP 4 SOUTH, RANGE 4 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 place of use to:

LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 3.0 ACRES
LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 3.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE
SECTION 4

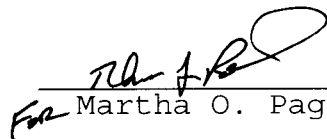
TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.

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, 2000.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 15108 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 APR 21 1999.



For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filled within 60 days after the date this order is served.