

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given, protests withdrawn, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8563 submitted by

RIVERBEND LANDFILL COMPANY, INC.
13469 SW HIGHWAY 18
MCMINNVILLE, OREGON 97128.

The right to be modified, as evidenced by a portion of Certificate 19485, was perfected under Permit 18197 with a date of priority of FEBRUARY 6, 1948. The right allows the use of the SOUTH FORK YAMHILL RIVER, a tributary of the YAMHILL RIVER, for IRRIGATION OF 26.7 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 authorized point of diversion: NW¼ NW¼, AS PROJECTED WITHIN A. MILLER DLC 64, SE¼ NW¼, AS PROJECTED WITHIN J. MONROE DLC 74, SECTION 12, T 5 S, R 5 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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 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.

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

The authorized place of use is located as follows:

NE¼ NW¼ 5.0 ACRES
AS PROJECTED WITHIN J. MONROE DLC 74
LOT 5 (NE¼ NW¼) 5.4 ACRES
SE¼ NW¼ 13.6 ACRES
AS PROJECTED WITHIN J. MONROE DLC 74
LOT 4 (SE¼ NW¼) 2.7 ACRES
SECTION 12

TOWNSHIP 5 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 applicant proposes to change the character of use from IRRIGATION OF 25.7 ACRES to INDUSTRIAL USE, LIMITED TO DUST CONTROL, CONSTRUCTION, AND FIRE PROTECTION.

The applicant proposes to change the place of use to:

INDUSTRIAL USE

IRRIGATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$
AS PROJECTED WITHIN
J. CORNWALL DLC 63
LOT 5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
BOTH AS PROJECTED WITHIN
A. MILLER DLC 64
LOT 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$
BOTH AS PROJECTED WITHIN
J. CORNWALL DLC 63

LOT 5 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 1.0 ACRE

SECTION 1

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

THE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2002.
2. 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.
3. The amount of water used for the proposed industrial use shall be limited to 0.32 cubic foot per second and shall not exceed 64.25 acre-feet during the irrigation season, April 1 to September 30, of each year.
4. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 19485 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 **MAY 30 2001** .


For Paul R. Cleary, Director