

STATE OF OREGON

COUNTY OF JEFFERSON

**ORDER APPROVING A CHANGE IN PLACE OF USE
AND ADDITIONAL POINT OF DIVERSION**

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 8451 submitted by

COLUMBIA EMPIRE FARMS, INC.
31461 NE BELL ROAD
SHERWOOD, OREGON 97140

% MARTHA O. PAGEL
SCHWABE, WILLIAMSON & WYATT
1211 SW FIFTH AVE STE 1700
PORTLAND, OREGON 97204.

The right to be modified, as evidenced by a PORTION of Certificate 75969, was perfected under Permit 2716 with a date of priority of NOVEMBER 12, 1915. The right allows the use of TROUT CREEK, a tributary of THE DESCHUTES RIVER, for IRRIGATION OF 54.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.68 cubic foot per second, if available at the authorized point of diversion: CRAM DITCH, 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 a diversion of not to exceed 2.5 acre-feet for each acre including water heretofore appropriated.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.8 ACRES

SECTION 10
TOWNSHIP 9 SOUTH, RANGE 15 EAST, 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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	12.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.7 ACRES

SECTION 10
TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

The applicant proposes to add a point of diversion at:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 3, T 9 S, R 15 E, W.M.; JOHNSON GALLERY - 2622 FEET SOUTH AND 399 FEET EAST FROM THE NW CORNER, SECTION 3.

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

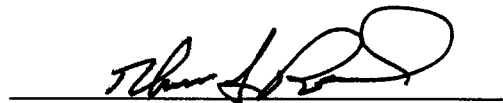
1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

3. **Prior** to the diverting of water at the new point of diversion, 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 75969 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,

affixed JUN 19 2002



for Paul R. Cleary, Director