

STATE OF OREGON

COUNTY OF MULTNOMAH

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.531, 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 9019 submitted by

MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1
1880 NE ELROD DRIVE
PORTLAND, OREGON 97211.

The right to be modified, as evidenced by a portion of Certificate 68257, was perfected under Permit 14393 with a date of priority of MAY 18, 1939. The right allows the use of the COLUMBIA SLOUGH, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 60.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.76 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN CULLY DLC 39, SECTION 17, T 1 N, R 2 E, W.M.; 2430.58 FEET SOUTH AND 2260.49 FEET WEST FROM THE NE CORNER OF SECTION 17, 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 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 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

NW¼ NE¼ 19.2 ACRES
SW¼ NE¼ 14.2 ACRES
NE¼ NW¼ 6.3 ACRES
NW¼ SE¼ 21.2 ACRES
ALL AS PROJECTED WITHIN CULLY DLC 49
SECTION 17

TOWNSHIP 1 NORTH, RANGE 2 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 point of diversion to a well located:

SW¼ NE¼, AS PROJECTED WITHIN CULLY DLC 39 SECTION 17,
T 1 N, R 2 E, W.M.; 2341.98 FEET SOUTH AND 2228.95 FEET WEST FROM
THE NE CORNER OF SECTION 17.

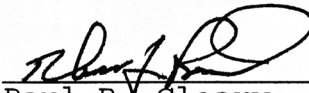
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion (well) shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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. The proposed well shall develop groundwater less than 200 feet below ground level.

5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The water user may not appropriate water at the proposed point of diversion (well) until all required land use approvals are obtained.

Certificate 68257 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 JUL 02 2002.


Paul R. Cleary, Director