

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer T-9377, Marion)
County) Order amending a Final Order
)

Findings of Fact

1. An order of the Water Resources Director approving Transfer Application 9377, in the name of Miller Forests, Inc., by John Miller, was entered March 10, 2004, at Special Order Volume 59, Page 309 and amended by Special Order Volume 61, Page 587, entered September 27, 2004.
2. A scrivener's error was discovered in the approval order's description of the total quantity of water authorized for use under Certificate 30041.
3. The order incorrectly states the total quantity of water authorized for use:

“The second right to be modified, as evidenced by Certificate 30041, was perfected under Permit 16685 with a dates of priority of OCTOBER 16, 1945 FOR 1.49 CUBIC FEET PER SECOND(CFS) AND JANUARY 16, 1946 FOR 0.24 CFS. The right allows the use of CLAGGETT CREEK, a tributary of CLEAR LAKE, for IRRIGATION OF 138.6 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 point of diversion: SE¼ NE¼, NE¼ SE¼, AS PROJECTED WITHIN SMITH DLC 69, SECTION 27, T 6 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.”

4. The order should read:

“The second right to be modified, as evidenced by Certificate 30041, was perfected under Permit 16685 with a dates of priority of OCTOBER 16, 1945 FOR 1.49 CUBIC FEET PER SECOND(CFS) AND JANUARY 16, 1946 FOR 0.24 CFS. The right allows the use of CLAGGETT CREEK, a tributary of CLEAR LAKE, for IRRIGATION OF 138.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed **1.73** cubic feet per second, if available at the authorized point of diversion: SE¼ NE¼, NE¼ SE¼, AS PROJECTED WITHIN SMITH

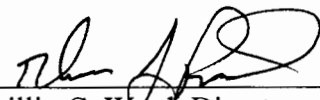
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

DLC 69, SECTION 27, T 6 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.”

Now, therefore, it is ORDERED:

The order of the Water Resources Director approving Transfer Application 9377, in the name of Miller Forests, Inc., by John Miller, entered March 10, 2004, at Special Order Volume 59, Page 309 is AMENDED as described herein. All other terms and conditions of the transfer approval order remain the same.

Dated at Salem, Oregon this 7th day of JANUARY, 2005.



Phillip C. Ward, Director

Mailing Date: 1-12-05