

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN 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 7039 submitted by

MILLER FORESTS, INC.
P.O. BOX 12395
SALEM, OREGON 97309.

The right to be modified, as evidenced by Certificate 29419 , was perfected under Permit 25971 with a date of priority of FEBRUARY 2, 1959. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for SUPPLEMENTAL IRRIGATION OF 82.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.03 cubic feet per second, if available at the authorized point of diversion: LOT 1 (NE¼ SE¼), SECTION 34, T 8 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:

SW¼ NE¼ 22.8 ACRES
SE¼ NE¼ 39.0 ACRES
LOT 1 (NE¼ SE¼) 15.2 ACRES
LOT 2 (NW¼ SE¼) 5.2 ACRES
SECTION 34
TOWNSHIP 8 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 point of diversion to:

LOT 1 (NE¼ SE¼), SECTION 34, T 8 S, R 4 W, W.M.; 650 FEET SOUTH AND 560 FEET WEST FROM THE E¼ CORNER, SECTION 34.

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, 1998.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, 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.

Certificate 29419 is cancelled. 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 OCT 9 1996 .



Martha O. Pagel, Director