

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 6655 submitted by

A & R SPADA FARMS
7251 ST. PAUL HIGHWAY NE
ST. PAUL, OREGON 97137.

The first right to be modified, as evidenced by Certificate 35781, was perfected under Permit 29737 with a date of priority of JUNE 11, 1964. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 58.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.73 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN SWIFT DLC 57, AND LOT 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 9, T 6 S, R 3 W, W.M.; 2060 FEET NORTH AND 7150 FEET WEST AND 2950 FEET NORTH AND 5660 FEET WEST, RESPECTIVELY, FROM NE CORNER DORROUGH DLC 64, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 36491, was perfected under Permit 24332 with a date of priority of JUNE 29, 1956. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 64.4 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: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T 6 S., R 3 W., W.M.; 2060 FEET NORTH AND 7150 FEET WEST FROM NE CORNER, DORROUGH DLC 64, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by Certificate 42134, was perfected under Permit 34140 with a date of priority of JANUARY 31, 1969. The right allows the use of the WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 21.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.27 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, AS PROJECTED WITHIN SWIFT DLC 57 AND LOT 5 (SW¼ SE¼), SECTION 9, T 6 S., R 3 W., W.M.; 2060 FEET NORTH AND 7150 FEET WEST AND 2950 FEET NORTH AND 5660 FEET WEST, RESPECTIVELY, FROM NE CORNER DORROUGH DLC 64, 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 places of use are located as follows:

CERTIFICATE 35781

NE¼ SW¼ 0.5 ACRE
 LOT 6 (NE¼ SW¼) 0.5 ACRE
 SW¼ SW¼ 0.3 ACRE
 SE¼ SW¼ 20.3 ACRES
 ALL AS PROJECTED WITHIN
 SWIFT DLC 57
 LOT 5 (SE¼ SW¼) 11.2 ACRES
 LOT 5 (SW¼ SE¼) 14.0 ACRES
 SECTION 9

LOT 8 (NW¼ NE¼) 4.5 ACRES
 LOT 8 (NE¼ NW¼) 7.0 ACRES
 NW¼ NW¼ 0.3 ACRES
 SECTION 16

CERTIFICATE 36491

LOT 8 (NW¼ NE¼) 14.7 ACRES
 LOT 7 (SW¼ NE¼) 0.2 ACRE
 LOT 8 (NE¼ NW¼) 33.0 ACRES
 NW¼ NW¼ 2.1 ACRES
 SW¼ NW¼ 0.1 ACRE
 LOT 7 (SE¼ NW¼) 14.3 ACRES
 SECTION 16

CERTIFICATE 42134

LOT 6 (NE¼ SW¼) 0.3 ACRE
 NE¼ SW¼ 13.5 ACRES
 SW¼ SW¼ 0.3 ACRE
 SE¼ SW¼ 7.4 ACRES
 ALL AS PROJECTED WITHIN
 SWIFT DLC 57
 SECTION 9

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or places of use described.

The applicant proposes to change the points of diversion to:

DIVERSION POINT A - SW¼ SW¼, SECTION 9, T 6 S., R 3 W., W.M.; 2950 FEET NORTH AND 5660 FEET WEST FROM NE CORNER DORROUGH DLC 64.

DIVERSION POINT B - NW¼ NE¼, SECTION 16, T 6 S., R 3 W., W.M.; S 60° 31' W 2526.10 FEET FROM THE NE CORNER OF SECTION 16.

THIS CHANGE TO THESE EXISTING WATER RIGHTS 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 points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points 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.

Certificates 35781, 36491, and 42134 are cancelled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed **OCT 28 1996** _____.



Martha O. Pagel, Director