

STATE OF OREGON

COUNTY OF BENTON

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 8807 submitted by

VENELL FARMS, INC.  
ATTN: LARRY VENELL  
30742 VENELL PLACE  
CORVALLIS, OREGON 97333.

The FIRST right to be modified, as evidenced by a portion of Certificate 62366, was perfected under Permit 43176 with a date of priority of MAY 11, 1978. The right allows the use of the WAGNER LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 33.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 23, T 13 S, R 5 W, W.M.; 550 FEET SOUTH AND 3250 FEET WEST FROM THE NE CORNER, SECTION 23, or its equivalent in case of rotation, measured at the point of diversion from the source.

**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 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 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 SW¼            15.3 ACRES  
AS PROJECTED WITHIN DLC 47  
SECTION 14

LOT 2 (SE¼ SE¼)        2.7 ACRES  
SE¼ SE¼            15.9 ACRES  
AS PROJECTED WITHIN DLC 47  
SECTION 15  
TOWNSHIP 13 SOUTH, RANGE 5 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 SECOND right to be modified, as evidenced by Certificate 24136, was perfected under Permit 21557 with a date of priority of JUNE 26, 1952. The right allows the use of the WINKLE LAKE, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 120.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.56 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, SECTION 23, AS PROJECTED WITHIN ISAAC WINKLE DLC #47, T 13 S, R 5 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 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 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:

NE¼ SW¼	27.2 ACRES
SE¼ SW¼	37.8 ACRES
NE¼ SE¼	0.7 ACRE
NW¼ SE¼	33.8 ACRES
SW¼ SE¼	18.7 ACRES

SECTION 14

NE¼ NW¼	2.4 ACRES
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SECTION 23

TOWNSHIP 13 SOUTH, RANGE 5 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 TEMPORARILY change the place of use to:

CERTIFICATE 62366

SW¼ SE¼	0.9 ACRE
SE¼ SE¼	33.0 ACRES

BOTH AS PROJECTED WITHIN DLC 48

SECTION 22

TOWNSHIP 13 SOUTH, RANGE 5 WEST, W.M.

CERTIFICATE 24136

SW¼ NE¼	0.5 ACRE
SE¼ NE¼	25.5 ACRES
NE¼ SE¼	40.0 ACRES
NW¼ SE¼	9.0 ACRES
SW¼ SE¼	0.7 ACRE

ALL AS PROJECTED WITH DLC 48  
SECTION 22

NW¼ NW¼	24.0 ACRES
NW¼ SW¼	12.4 ACRES
SW¼ SW¼	8.5 ACRES

ALL AS PROJECTED WITHIN DLC 48  
SECTION 23

TOWNSHIP 13 SOUTH, RANGE 5 WEST, W.M.

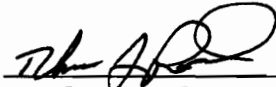
THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of this water right during the 2001 irrigation season.
3. The portion of the water right evidenced by Permit S-53361 appurtenant to the proposed place of use, **shall not** be used during the 2001 irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2001 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

6. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The use of the remaining water right described by Certificate 62366 shall continue to be in accordance with the terms and conditions of Certificate 62366.

WITNESS the signature of the Water Resources

Director, affixed JUL 19 2001.

  
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Paul R. Cleary, Director