

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN PLACE OF USE
AND AN ADDITIONAL 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 7814 submitted by

THE BROADMEAD TRUST
HEIDI HARPER, TRUSTEE
3250 MARY STREET, SUITE 206.
COCONUT GROVE, FLORIDA 33133-5232

The right to be modified, as evidenced by a portion of Certificate 30029, was perfected under Permit 21652 with a date of priority of MARCH 28, 1950. The right allows the use of SALT CREEK AND RESERVOIR CONSTRUCTED UNDER APPLICATION R-24551, PERMIT R-1405, a tributary of the SOUTH YAMHILL RIVER, for IRRIGATION OF 327.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.65 cubic feet per second, if available at the authorized point of diversion: LOT 3 (NW¼ NE¼), SECTION 14, T 6 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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit R-1405.

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

The authorized place of use is located as follows:

		CHANGE IN POU <u>AND AN APOD</u>	<u>APOD ONLY</u>
	NW $\frac{1}{4}$ NE $\frac{1}{4}$		13.4 ACRES
	AS PROJECTED WITHIN E. STONE DLC 67		
	NW $\frac{1}{4}$ NE $\frac{1}{4}$		0.2 ACRE
	SW $\frac{1}{4}$ NE $\frac{1}{4}$		10.0 ACRES
	BOTH AS PROJECTED WITHIN J. EADES DLC 47		
LOT 3	(SW $\frac{1}{4}$ NE $\frac{1}{4}$)		14.5 ACRES
	SE $\frac{1}{4}$ NE $\frac{1}{4}$		7.2 ACRES
	NE $\frac{1}{4}$ NW $\frac{1}{4}$		35.9 ACRES
	AS PROJECTED WITHIN E. STONE DLC 67		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$		13.2 ACRES
	AS PROJECTED WITHIN E. STONE DLC 67		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$		2.6 ACRES
	SW $\frac{1}{4}$ NW $\frac{1}{4}$		3.6 ACRES
	BOTH AS PROJECTED WITHIN M. BURKS DLC 68		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$		3.2 ACRES
	AS PROJECTED WITHIN E. STONE DLC 67		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$		2.2 ACRES
	SE $\frac{1}{4}$ NW $\frac{1}{4}$		31.5 ACRES
	BOTH AS PROJECTED WITHIN J. EADES DLC 47		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$		5.6 ACRES
	AS PROJECTED WITHIN E. STONE DLC 67		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
	NW $\frac{1}{4}$ SW $\frac{1}{4}$		18.2 ACRES
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.7 ACRES	7.3 ACRES
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE	26.1 ACRES
	ALL AS PROJECTED WITHIN J. EADES DLC 47		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		2.0 ACRES
LOT 4	(NW $\frac{1}{4}$ SE $\frac{1}{4}$)		22.9 ACRES
	NW $\frac{1}{4}$ SE $\frac{1}{4}$		16.6 ACRES
	SW $\frac{1}{4}$ SE $\frac{1}{4}$		13.2 ACRES
	BOTH AS PROJECTED WITHIN J. EADES DLC 47		
LOT 5	(SW $\frac{1}{4}$ SE $\frac{1}{4}$)		21.6 ACRES
LOT 6	(SE $\frac{1}{4}$ SE $\frac{1}{4}$)		3.2 ACRES

SECTION 11

LOT 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 2.0 ACRES
LOT 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 1.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.4 ACRE
AS PROJECTED WITHIN J. EADES DLC 47
SECTION 14

TOWNSHIP 6 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 change the place of use of 9.4 acres to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.3 ACRE
BOTH AS PROJECTED WITHIN DLC 47
LOT 4 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 1.0 ACRES
LOT 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 0.1 ACRES
SECTION 11

TOWNSHIP 6 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to add an additional point of diversion to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 6 S, R 5 W, W.M.; 400 FEET SOUTH AND 3750 FEET EAST FROM THE NE CORNER OF BILLING DLC 48.

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

1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 30029 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 **MAY 26 1999** .



For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filled within 60 days after the date this order is served.