

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 6633 submitted by

MALLORIE'S DAIRY, INC.
P.O. BOX 618
SILVERTON, OREGON 97381.

The right to be modified, as evidenced by Certificate 14304, was perfected under Permit 14448 with a date of priority of JUNE 24, 1940. The right allows the use of SILVER CREEK, a tributary of the PUDDING RIVER and the PUDDING RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 50.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.630 cubic foot per second, being 0.252 cfs from Silver Creek and 0.378 cfs from the Pudding River, if available at the authorized points of diversion: LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) AND NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T 6 S, R 1 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 2 $\frac{1}{2}$ 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:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.3 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.5 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 ACRES

SECTION 32

TOWNSHIP 6 SOUTH, RANGE 1 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:

DIVERSION POINT B - SW¼ NW¼, SECTION 32, T 6 S, R 1 W,
W.M.; 1750 FEET SOUTH AND 1100 FEET EAST OF THE NW CORNER,
SECTION 32.

DIVERSION POINT G - NE¼ NW¼, SECTION 32, T 6 S, R 1 W,
W.M.; 400 FEET SOUTH AND 1340 FEET EAST OF THE NW CORNER,
SECTION 32.

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 points 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. Regulation for the Silver Creek portion of the water right shall be limited to Silver Creek and its tributaries.

Certificate 14304 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 NOV 13 1996.



Martha O. Pagel, Director