

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN PLACE OF USE
AND 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 7320 submitted by

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

The right to be modified, as evidenced by a portion of Certificate 22698, was perfected under Permit 20356 with a date of priority of MAY 22, 1951. The right allows the use of THOMAS CREEK, a tributary of the SANTIAM RIVER, for IRRIGATION OF 15.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 10 S, R 2 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 $\frac{1}{4}$ 2.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.5 ACRES
SECTION 20

TOWNSHIP 10 SOUTH, RANGE 2 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 to:

NE¼ NE¼ 1.3 ACRES
SE¼ NE¼ 6.5 ACRES
SE¼ SE¼ 8.1 ACRES
SECTION 19

TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ SW¼, SECTION 20, T 10 S, R 2 W, W.M.; 1650 FEET
SOUTH AND 530 FEET EAST OF W¼ CORNER OF SECTION 20.

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, 1999.
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 22698 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 2/18/98.



Martha O. Pagel, Director