

STATE OF OREGON

COUNTY OF LINN

ORDER APPROVING A CHANGE IN POINTS 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 7319 submitted by

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

The first right to be modified, as evidenced by Certificate 16764, was perfected under Permit 16343 with a date of priority of MAY 23, 1945. The right allows the use of SMALLMAN CREEK AND NORTH SANTIAM RIVER, a tributary of the NORTH SANTIAM RIVER, for IRRIGATION OF 40.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.50 cubic foot per second, being 0.25 cubic foot per second from Smallman Creek and 0.25 cubic foot per second from the North Santiam River, if available at the authorized point of diversion: LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) AND NW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN LEWIS STEWART DLC 54, SECTION 10, 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 second right to be modified, as evidenced by Certificate 17064, was perfected under Permit 17584 with a date of priority of MARCH 3, 1947. The right allows the use of the NORTH SANTIAM RIVER, a tributary of the SANTIAM RIVER, for IRRIGATION OF 55.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.688 cubic foot per second, if available at the authorized point of diversion: LOT 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), AND LOT 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 9, 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 third right to be modified, as evidenced by Certificate 21274, was perfected under Permit 18686 with a date of priority of JANUARY 25, 1949. The right allows the use of the NORTH SANTIAM RIVER, a tributary of the SANTIAM RIVER, for IRRIGATION OF 15.91 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: LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) AND LOT 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 9, 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 fourth right to be modified, as evidenced by Certificate 33533, was perfected under Permit 27823 with a date of priority of FEBRUARY 1, 1962. The right allows the use of the NORTH SANTIAM RIVER, a tributary of the SANTIAM RIVER, for IRRIGATION OF 39.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.49 cubic foot per second, if available at the authorized point of diversion: LOT 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 9, T 10 S, R 2 W, W.M.; 2790 FEET NORTH AND 470 FEET EAST FROM THE S $\frac{1}{4}$ CORNER, SECTION 9, or its equivalent in case of rotation, measured at the point of diversion from the source.

The fifth right to be modified, as evidenced by Certificate 43912, was perfected under Permit 36132 with a date of priority of APRIL 12, 1971. The right allows the use of the NORTH SANTIAM RIVER AND SMALLMAN CREEK, tributaries of the SANTIAM RIVER, for IRRIGATION OF 54.3 ACRES FROM THE NORTH SANTIAM RIVER AND 78.3 ACRES FROM SMALLMAN CREEK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.66 cubic feet per second, being 0.68 cubic foot per second from the North Santiam River and 0.98 cubic foot per second from Smallman Creek, if available at the authorized point of diversion: NORTH SANTIAM RIVER - LOT 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) AND LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 9, T 10 S, R 2 W, W.M., SMALLMAN CREEK - LOT 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 9, AND NW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN STEWART DLC 54, SECTION 10, T 10 S, R 2 W, W.M.; NORTH SANTIAM RIVER - 2690 FEET NORTH AND 4190 FEET WEST; 2510 FEET NORTH AND 3060 FEET WEST; SMALLMAN CREEK - 3200 FEET NORTH AND 1360 FEET WEST; 4760 FEET NORTH AND 430 FEET EAST; ALL FROM THE S $\frac{1}{4}$ CORNER, SECTION 9, or its equivalent in case of rotation, measured at the point of diversion from the source.

The sixth right to be modified, as evidenced by Certificate 50391, was perfected under Permit 37628 with a date of priority of FEBRUARY 22, 1973. The right allows the use of SMALLMAN CREEK, a tributary of the NORTH SANTIAM RIVER, for IRRIGATION OF 71.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.89 cubic foot per second, if available at the authorized point of diversion: LOT 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 9, T 10 S, R 2 W, W.M.; 3190 FEET NORTH AND 1370 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 9, 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 places of use are located as follows:

PERMIT 16343
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.4 ACRES
AS PROJECTED WITHIN
STEWART DLC 54
SECTION 9

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.5 ACRES
SECTION 9
TOWNSHIP 10 SOUTH,
RANGE 2 WEST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.1 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 ACRE
ALL AS PROJECTED WITHIN
STEWART DLC 54
SECTION 10
TOWNSHIP 10 SOUTH,
RANGE 2 WEST, W.M.

PERMIT 36132
NORTH SANTIAM RIVER
LOT 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 1.2 ACRES
LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 6.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.1 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.6 ACRES
ALL AS PROJECTED WITHIN
STARKWEATHER DLC 62
LOT 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) 16.6 ACRES
SECTION 9

PERMIT 17584
LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 15.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 ACRES
BOTH AS PROJECTED WITHIN
STEWART DLC 54
LOT 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$) 15.2 ACRES
SECTION 9
TOWNSHIP 10 SOUTH,
RANGE 2 WEST, W.M.

SMALLMAN CREEK
LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 1.5 ACRES
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.4 ACRES
BOTH AS PROJECTED WITHIN
STEWART DLC 54
LOT 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 18.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SECTION 9

PERMIT 18686
LOT 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 4.0 ACRES
LOT 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 1.8 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.2 ACRES
AS PROJECTED WITHIN
STARKWEATHER DLC 62
LOT 5 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) 3.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.31 ACRES
AS PROJECTED WITHIN
STARKWEATHER DLC 62
SECTION 9
TOWNSHIP 10 SOUTH,
RANGE 2 WEST, W.M.

LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 0.5 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.6 ACRES
ALL AS PROJECTED WITHIN
STEWART DLC 54
SECTION 10
TOWNSHIP 10 SOUTH,
RANGE 2 WEST, W.M.

PERMIT 27823
LOT 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.3 ACRE
LOT 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) 25.3 ACRES

PERMIT 37628
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.1 ACRES
SECTION 9
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 points of diversion to:

#1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T 10 S, R 2 W, W.M.; 2780 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER, LOT 5, SECTION 9.

#2 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T 10 S, R 2 W, W.M.; 2470 FEET NORTH AND 3770 FEET WEST FROM THE SE CORNER, LOT 4, SECTION 9.

#3 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T 10 S, R 2 W, W.M.; 3130 FEET NORTH AND 1430 FEET WEST FROM THE SE CORNER, LOT 3, SECTION 9.

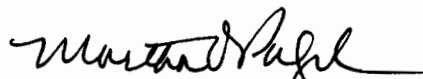
#4 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 10, T 10 S, R 2 W, W.M.; 4820 FEET NORTH AND 380 FEET EAST FROM THE SE CORNER, SECTION 9.

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 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.

Certificates 16764, 17064, 21274, 33533, 43912, and 50391 are 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 AUG 05 1997 .



Martha O. Pagel, Director