

STATE OF OREGON

COUNTY OF LANE

ORDER APPROVING A CHANGE IN CHANGE IN PLACE OF USE

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 7364 submitted by

HUGH MALPASS
92969 COBURG ROAD
HARRISBURG, OREGON 97446.

The first right to be modified, as evidenced by a portion of Certificate 68346, was perfected under Permit 17510 with a date of priority of FEBRUARY 9, 1939. The right allows the use of the MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 17.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, as projected within SPORES DLC 38, SECTION 9, T 17 S, R 3 W, WM; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER, MANSFIELD DLC 79, T 17 S, R 3 W, WM, 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 3 acre-feet for each acre irrigated during the irrigation season of each year.

The second right to be modified, as evidenced by a portion of Certificate 68365, was perfected under Permit 50921 with a date of priority of AUGUST 13, 1986 FOR 0.003 CUBIC FOOT PER SECOND AND OCTOBER 2, 1986 FOR 0.07 CUBIC FOOT PER SECOND. The right allows the use of the MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 6.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.073 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, as projected within SPORES DLC 38, SECTION 9, T 17 S, R 3 W, WM; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER, MANSFIELD DLC 79, T 17 S, R 3 W, WM, 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 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:

PERMIT 17510

SW¼ SE¼ 2.4 ACRES

SE¼ SE¼ 10.0 ACRES

both as projected within

ROWE DLC 54

SECTION 12

PERMIT 50921

NW¼ SE¼ 6.0 ACRES

SECTION 13

LOT 12 (NE¼ NE¼) 4.5 ACRES

LOT 11 (NW¼ NE¼) 0.6 ACRES

SECTION 13

TOWNSHIP 16 SOUTH, RANGE 4 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 point of diversion to:

PERMIT 17510

SE¼ SW¼ 1.5 ACRES

SW¼ SE¼ 12.5 ACRES

both as projected within

ROWE DLC 54

SECTION 12

PERMIT 50921

SE¼ SW¼ 1.0 ACRE

SW¼ SE¼ 5.0 ACRES

both as projected within

ROWE DLC 54

SECTION 12

LOT 11 (NW¼ NE¼) 2.8 ACRES

LOT 10 (NE¼ NW¼) 0.7 ACRE

SECTION 13

TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M.

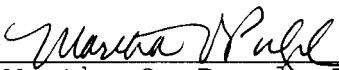
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1999.

2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 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 OCT 28 1997.



Martha O. Pagel, Director