

STATE OF OREGON

COUNTY OF LANE

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 7127 submitted by

DAVID C. MALPASS  
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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 MUDDY CREEK and the MCKENZIE RIVER, tributaries 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: McKenzie River: NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 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; Muddy Creek: NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 30, T 15 S, R 3 W, WM; 1350 FEET NORTH AND 490 FEET WEST FROM THE NW CORNER, GREENWOOD DLC 64, SECTION 30, 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 authorized place of use is located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  16.6 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  0.9 ACRE  
SECTION 30  
TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

The second right to be modified, as evidenced by a portion of Certificate 68367, was perfected under Permit 42759 with a date of priority of MARCH 1, 1978. The right allows the use of the MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 100.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.26 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 9, T 17 S, R 3 W, WM; 4440 FEET SOUTH AND 5250 FEET EAST FROM THE SE CORNER, DLC 79, 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 authorized place of use is located as follows:

NE¼ SW¼	40.0 ACRES
SE¼ SW¼	30.0 ACRES
NW¼ SE¼	23.6 ACRES
SW¼ SE¼	7.0 ACRES

SECTION 32

TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

The third 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 0.08 CUBIC FOOT PER SECOND. The right allows the use of the MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 6.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.083 cubic foot per second, if available at the authorized point of diversion: , 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 authorized place of use is located as follows:

NW¼ SW¼ 3.3 ACRES  
SW¼ SW¼ 3.0 ACRES  
both as projected within DLC 64  
SECTION 32  
TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.

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

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:

	PERMIT 17510	PERMIT 42759	PERMIT 50921
SE¼ SW¼		0.1 ACRE	6.3 ACRES
NE¼ SE¼	1.6 ACRES	34.9 ACRES	
NW¼ SE¼	15.9 ACRES		
SW¼ SE¼		27.2 ACRES	
SE¼ SE¼		38.4 ACRES	
SECTION 32			
TOWNSHIP 15 SOUTH, RANGE 3 WEST, W.M.			

The applicant proposes to change the point of diversion on Muddy Creek to:

MUDDY CREEK: SE¼ SW¼, SECTION 32, T 15 S, R 3 W, WM; 870 FEET NORTH AND 2660 FEET WEST FROM THE SE CORNER, SECTION 32.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 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 places of use shall no longer be irrigated as a part of these water rights.

Certificates 68346, 68367, and 68365 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these waters right will be issued.

WITNESS the signature of the Water Resources  
Director, affixed OCT 20 1997.



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Martha O. Pagel, Director