

STATE OF OREGON

COUNTY OF KLAMATH

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 TRANSFER 6033 submitted by KENNETH L. TUTTLE, M.D.

ROUTE 5, BOX 1310 COVE POINT
KLAMATH FALLS, OREGON 97601

to use the waters of SPRING CREEK, a tributary of the WILLIAMSON RIVER, for the purpose of IRRIGATING 94.3 ACRES.

The right to be transferred, as evidenced by certificate 42748, was perfected under Permit 33408 with a date of priority of JULY 24, 1968. This right is limited to 1.15 cubic feet per second, if available at the original point of diversion: NW 1/4 NE 1/4, SECTION 9, T 34 S, R 7 E, W.M.; 130 FEET SOUTH AND 160 FEET WEST FROM THE NE CORNER OF THE NW 1/4 NE 1/4, or its equivalent in case of rotation, measured at the point of diversion from the source.

The new point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 9, T 34 S, R 7 E, W.M.; 160 FEET NORTH AND 660 FEET WEST FROM THE SE CORNER OF THE NE 1/4 NE 1/4.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use is as follows:

LOT 7 (NE 1/4 SW 1/4)	0.7 ACRE
NW 1/4 SW 1/4	36.6 ACRES
SW 1/4 SW 1/4	20.4 ACRES
LOT 8 (SE 1/4 SW 1/4)	10.3 ACRES
SECTION 15	

NE 1/4 SE 1/4	0.4 ACRE
SECTION 16	

LOT 2 (NE 1/4 NW 1/4)	14.4 ACRES
LOT 2 (NW 1/4 NW 1/4)	10.4 ACRES
LOT 3 (SE 1/4 NW 1/4)	1.1 ACRES
SECTION 22	

TOWNSHIP 34 SOUTH, RANGE 7 WEST, W.M.

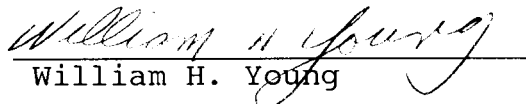
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

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, 1991.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water 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.

Certificate 42748 is canceled. 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 March 1, 1990.


William H. Young

Recorded in Special Order Records at Volume 44, page 103.

T-6033.BE