

STATE OF OREGON

COUNTY OF JOSEPHINE

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, as conditioned or limited herein, TRANSFER 7788 submitted by

DOUGLAS S. JAMES
3680 HOLLAND LOOP
CAVE JUNCTION, OREGON 97523.

The right to be modified, as evidenced by a portion of Certificate 4905, was perfected under Permit 4571 with a date of priority of APRIL 27, 1920. The right allows the use of SUCKER CREEK, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 46.8 ACRES AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.66 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T 39 S, R 8 W, W.M.; 850 FEET NORTH 50 DEGREES EAST FROM THE SW CORNER OF SECTION 36, 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.

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

The authorized place of use is located as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 15.1 ACRES
SECTION 35
TOWNSHIP 39 SOUTH, RANGE 8 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 point of diversion to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T 39 S, R 8 W, W.M.; 2180 FEET SOUTH 18 DEGREES, 22 MINUTES WEST, FROM THE E $\frac{1}{4}$ CORNER OF SECTION 35.

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 point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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 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.
6. 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 4905 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 SEP 03 1997.



Martha O. Pagel, Director