

STATE OF OREGON

COUNTY OF JOSEPHINE

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 7257 submitted by

ROBERT J. NICOLAW  
4200 DON ALEGRE PLACE  
LOS ANGELES, CALIFORNIA 90008.

The right to be modified, as evidenced by Certificate 14192, was perfected under Permit 13214 with dates of priority of AUGUST 13, 1938 FOR 1.0 CFS and OCTOBER 26, 1938 FOR 0.85 CFS. The right allows the use of the WEST FORK OF THE ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for COMMERCIAL FISH PONDS. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.85 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 26, T 40 S, R 9 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 26  
TOWNSHIP 40 SOUTH, RANGE 9 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 to:

SE $\frac{1}{4}$  NE $\frac{1}{4}$   
SECTION 25  
TOWNSHIP 40 SOUTH, RANGE 9 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 25, T 40 S, R 9 W, WM; 350 FEET SOUTH AND 450 FEET EAST FROM THE NW CORNER, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 25.

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

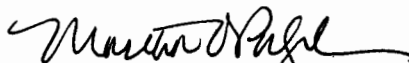
1. The proposed changes shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water 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 place of use shall no longer receive water as a part of this water right.
6. The water user shall work with the Watermaster to develop and implement a strategy for insuring the separation of water used for fish culture and for irrigation.
7. 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 general supervision of the Department of Fish and Wildlife.

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 14192 is 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 \_\_\_\_\_

**SEP 16 1997**



Martha O. Pagel, Director