

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE AND 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 and further finding that no irrigation water from Permits E-19 and 407 have been applied to the subject lands, this order approves, as conditioned or limited herein, TRANSFER 8594 submitted by

ROBERT MACE  
8825 HIGH BANKS ROAD  
CENTRAL POINT, 97502.

The right to be modified, as evidenced by a portion of Certificate 34239, was perfected under Permit 25859 with a date of priority of NOVEMBER 18, 1958. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for SUPPLEMENTAL IRRIGATION of 26.3 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 cubic foot per second, if available at the authorized point of diversion: LOT 2 (NW¼ SE¼), SECTION 15, T 36 S, R 2 W, W.M.; 2380 FEET NORTH AND 90 FEET WEST FROM THE SE CORNER, SW¼ SE¼, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any 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 4½ 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:

LOT 2 (NW¼ SE¼)            17.2 ACRES  
                              SW¼ SE¼            9.1 ACERS  
  SECTION 15  
TOWNSHIP 36 SOUTH, RANGE 2 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 use from SUPPLEMENTAL IRRIGATION to PRIMARY IRRIGATION.

The applicant proposes to change the place of use to:

LOT 2 (NW¼ SE¼)            5.8 ACRES  
                              SW¼ SE¼            0.9 ACRE  
                              SE¼ SW¼            0.8 ACRE  
LOT 3 (NE¼ SW¼)            18.8 ACRES  
  SECTION 15  
TOWNSHIP 36 SOUTH, RANGE 2 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, 2002.

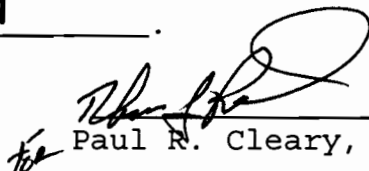
2. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. The former place of use shall no longer be irrigated as a part of this water right.
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.

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 34239 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           OCT 0 8 2001          .

  
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Paul R. Cleary, Director