

STATE OF OREGON

COUNTY OF LAKE

ORDER APPROVING A CHANGES IN POINTS 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 9170 submitted by

JA CATTLE CO., LLC
ATTN: LEE HALL
4614 HENEY COURT
VALLEY SPRINGS, CALIFORNIA 95252.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for LAKE County as evidenced by Certificate 68493. The decree is recorded in the Order Record of the Water Resources Director in Volume 7, at Page 233. The date of priority is 1880.

The right allows the use of THOMAS CREEK AND TRIBUTARIES, tributaries of GOOSE LAKE, for IRRIGATION OF 90.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed

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.

THREE-FOURTHS ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD PRIOR TO JUNE 1ST AND ONE-HALF ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD AFTER JUNE 1ST OF EACH YEAR AND TWO AND ONE HALF ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON; TO BE DIVERTED UNDER A HEAD OF NOT TO EXCEED ONE-FORTIETH OF A SECOND FOOT PER ACRE, if available at the authorized point of diversion: LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 30, T 38 S, R 20 E, W.M.; 4761.82 FEET NORTH AND 21.77 FEET EAST FROM THE SE CORNER OF SECTION 25, T 38 S, R 19 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	10.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 ACRES

SECTION 31

TOWNSHIP 38 SOUTH, RANGE 20 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for LAKE County as evidenced by Certificate 68492. The decree is recorded in the Order Record of the Water Resources Director in Volume 7, at Page 233. The date of priority is 1880.

The right allows the use of THOMAS CREEK AND TRIBUTARIES, tributaries of GOOSE LAKE, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed THREE-FOURTHS ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD PRIOR TO JUNE 1ST AND ONE-HALF ACRE FOOT PER ACRE DURING ANY 30 DAY PERIOD

AFTER JUNE 1ST OF EACH YEAR AND TWO AND ONE HALF ACRE FEET PER ACRE DURING ANY IRRIGATION SEASON; TO BE DIVERTED UNDER A HEAD OF NOT TO EXCEED ONE-FORTIETH OF A SECOND FOOT PER ACRE, if available at the authorized point of diversion: LOT 1 (NW¼ NW¼), SECTION 30, T 38 S, R 20 E, W.M.; 4761.82 FEET NORTH AND 21.77 FEET EAST FROM THE SE CORNER OF SECTION 25, T 38 S, R 19 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The authorized place of use is located as follows:

SE¼ SW¼ 10.0 ACRES
SECTION 31
TOWNSHIP 38 SOUTH, RANGE 20 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The THIRD right to be modified, as evidenced by Certificate 68494, was perfected under Permit 25070 with a date of priority of APRIL 22, 1957. The right allows the use of WEST BRANCH THOMAS CREEK, a tributary of GOOSE LAKE, for IRRIGATION OF 71.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.78 cubic feet per second if available at the authorized point of diversion: LOT 1 (NW¼ NW¼), SECTION 30, T 38 S, R 20 E, W.M.; 4761.82 FEET NORTH AND 21.77 FEET EAST FROM THE SE CORNER OF SECTION 25, T 38 S, R 19 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-FORTIETH 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 2.5 acre-feet per acre 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.

LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	9.1 ACRES
LOT 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	35.8 ACRES
LOT 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	26.3 ACRES

SECTION 31

TOWNSHIP 38 SOUTH, RANGE 20 EAST, W.M.

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

The applicant proposes to change the points of diversion for **Certificates 68492 and 68493** to:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 31, T 38 S, R 20 E, W.M.; 2486 FEET SOUTH AND 2492 FEET EAST FROM THE NW CORNER, SECTION 31.

The applicant further proposes to change the point of diversion for **Certificate 68394** to:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 31, T 38 S, R 20 E, W.M.; 2456 FEET SOUTH AND 2460 FEET EAST FROM THE NW CORNER, SECTION 31.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2004.
2. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

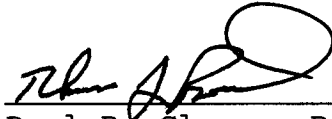
3. **Prior** to diverting water at the new points of diversion, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved 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.

Certificates 68492, 68493 and 68494 are canceled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed OCT 09 2002.



Paul R. Cleary, Director