

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, as conditioned or limited herein, TRANSFER 6138 submitted by

HARRIS AND WOOD CATTLE COMPANY
P.O. BOX 522
FORT KLAMATH, OREGON 97626.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for KLAMATH County as evidenced by a PORTION of Certificate 1093. The decree is recorded in the Order Record of the Water Resources Director in Volume 2, at Page 1. The date of priority is 1892.

The right allows the use of Anna Creek, a tributary of the WOOD RIVER, for IRRIGATION OF 126.5 ACRES. This right is limited to 1.57 cubic foot per second from APRIL 1st TO JULY 20th of each year and 0.80 cfs thereafter until the close of the irrigation season, if available at the authorized point of diversion: STORMER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.5 ACRES
SECTION 4

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 5

TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

The second right to be modified, as evidenced by Certificate 7834, was perfected under Permit 8312 with a date of priority of JUNE 25, 1927. The right allows the use of ANNA CREEK, a tributary of the WOOD RIVER, for IRRIGATION OF 10.0 ACRES. This right is limited to .13 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T 33 S, R 7 $\frac{1}{2}$ E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

LOT 9 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 10.0 ACRES
SECTION 4
TOWNSHIP 33 SOUTH, RANGE 7 $\frac{1}{2}$ EAST, W.M.

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

The applicant proposes to change the point of diversion to:


NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 5, T 33 S, R 7 $\frac{1}{2}$ E, WM; S 12° 23' 20" W,
2705 FEET FROM THE N $\frac{1}{4}$ CORNER, SECTION 5.

THIS CHANGE 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, 1995.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water available at the original points of diversion.
3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificates 1093 and 7834 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed February 4, 1994.


A. REED MARBUT

Martha O. Pagel