

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN PLACES OF USE
AND A CHANGE 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 8120 submitted by

ARTHUR C. MILLER
16035 TILLER-TRAIL HIGHWAY
DAYS CREEK, OREGON 97429.

The first right to be modified, as evidenced by a PORTION of Certificate 7169, was perfected under Permit 5342 with a date of priority of JANUARY 14, 1922. The right allows the use of POOLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 15.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the authorized point of diversion, 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 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 during the irrigation season of each year.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.0 ACRES
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 3 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:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 30 S, R 3 W, W.M.; 430 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 30.

The second right to be modified, as evidenced by a PORTION of Certificate 23862, was perfected under Permit 17542 with a date of priority of FEBRUARY 10, 1947. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for IRRIGATION OF 27.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the authorized point of diversion: LOT 8 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), SECTION 30, T 30 S, R 3 W, W.M.; 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 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 2 $\frac{1}{2}$ acres 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.

The authorized place of use is located as follows:

PRIMARY IRRIGATION

LOT 4 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 4.8 ACRES
SECTION 25
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.3 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 ACRES
BOTH AS PROJECTED WITHIN AMSLER DLC 39
LOT 8 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 20.9 ACRES
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 3 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:

PRIMARY IRRIGATION

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.4 ACRES
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
SECTION 25
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.4 ACRES
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ N $\frac{1}{2}$, SECTION 25, T 30 S, R 4 W, W.M.; 1930 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF AMSLER DLC 51.

The third right to be modified, as evidenced by a PORTION of Certificate 40077, was perfected under Permit 32713 with a date of priority of JULY 3, 1967. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for IRRIGATION OF 25.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, if available at the authorized point of diversion: LOT 3 (SW¼ N½), SW¼ N½, AS PROJECTED WITHIN AMSLER DLC 51, SECTION 25, T 30 S, R 4 W, W.M.; 1960 FEET SOUTH AND 80 FEET WEST; 1930 FEET SOUTH AND 980 FEET EAST FROM THE NW CORNER OF AMSLER DLC 51; 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 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 2½ acres 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.

The authorized place of use is located as follows:

NE¼ N½ 0.1 ACRE
SW¼ N½ 6.4 ACRES
SE¼ N½ 10.4 ACRES
ALL AS PROJECTED WITHIN AMSLER DLC 51
SECTION 25
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

NW¼ SW¼ 8.8 ACRES
AS PROJECTED WITHIN AMSLER DLC 39
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 3 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 $\frac{1}{4}$ 4.8 ACRES
SECTION 25
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.9 ACRES
SECTION 30
TOWNSHIP 30 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 30, T 30 S, R 3 W, W.M.; 430 FEET
NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 30.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2003.
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. 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.
4. Water shall be acquired from the same surface water source
as the original point of diversion.
5. The former places of use shall no longer be irrigated as a
part of these water rights.

6. The water user shall install and maintain fish screens or fish by-pass devices. The type and plans of the screens or by-pass devices 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.

Certificates 7169, 23862, and 40077 are cancelled. New certificates will be issued to confirm that portion of these rights NOT involved in this transfer. 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 MAR 28 2002.



for Paul R. Cleary, Director