

STATE OF OREGON

COUNTY OF JACKSON

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 8266 submitted by

R.R.I.P., LLC
7196 DURANGO STREET
LAS VEGAS, NEVADA 89120.

The FIRST right to be modified, as evidenced by a PORTION of Certificate 31328, was perfected under Permit 19294 with a date of priority of MARCH 10, 1950. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 20 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 cubic foot per second, if available at the authorized point of diversion: NE¼ NW¼, SECTION 6, T 36 S, R 1 W, W.M., 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 per acre for each acre irrigated during the irrigation season from APRIL 2 TO OCTOBER 31, 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 SE¼ 20.0 ACRES
SECTION 1
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 SECOND right to be modified, as evidenced by a PORTION of Certificate 34350, was perfected under Permit 20107 with a date of priority of FEBRUARY 13, 1951. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.046 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼), SECTION 6, T 36 S, R 1 W, W.M.; 420 FEET SOUTH AND 1810 FEET EAST FROM THE NW CORNER, SECTION 6, 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 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

Lot 6 (SW¼ NW¼) 2.8 ACRES

Lot 5 (NW¼ SW¼) 0.9 ACRE

SECTION 6

TOWNSHIP 36 SOUTH, RANGE 1 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 THIRD right to be modified, as evidenced by a PORTION of Certificate 36484, was perfected under Permit 23998 with a date of priority of DECEMBER 9, 1955. The right allows the use of A SLOUGH, a tributary of the ROGUE RIVER, for SUPPLEMENTAL IRRIGATION OF 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.046 cubic foot per second, if available at the authorized point of diversion: LOT 6 (SW¼ NW¼), SECTION 6, T 36 S, R 1 W, W.M.; PORTABLE PUMPING FROM SLOUGH BETWEEN POINTS LOCATED 1010 FEET EAST AND 1710 FEET SOUTH; AND 610 FEET EAST AND 2630 FEET SOUTH; FROM THE NW CORNER, SECTION 6, 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 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

Lot 6 (SW¼ NW¼) 2.8 ACRES

Lot 5 (NW¼ SW¼) 0.9 ACRE

SECTION 6

TOWNSHIP 36 SOUTH, RANGE 1 WEST, WM

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:

NW¼ SW¼, SECTION 6, T 36 S, R 1 W, W.M.; 668 FEET SOUTH AND 224 FEET EAST OF W¼ CORNER, SECTION 6.

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, 2002.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points 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 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.

Certificates 31328, 34350 and 36484 are canceled. New certificates will be issued to confirm that portion of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed **OCT 22 2001** .



For Paul R. Cleary, Director