

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF 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, this order approves, as conditioned or limited herein, TRANSFERS 6107 and 6108 submitted by

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The first right to be modified, under Transfer Application 6107, was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Special Order Volume Vol. 34, Page 37, entered October 28, 1980, approving Transfer Application 4573. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 253. The date of priority is 1881.

The right allows the use of EVANS CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 23.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.40 cubic foot per second, if available at the original point of diversion:
NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 7, T 35 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified under Transfer Application 6108, as evidenced by Special Order Volume 34, Page 40, entered October 28, 1980, approving Transfer Application 4581, was perfected under Permit 19543 with a date of priority of JUNE 5, 1950. The right allows the use of EVANS CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 16.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the original point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 7, T 35 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 on 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 authorized point of diversion is:

SE¼ NE¼, SECTION 11, T 35 S, R 4 W, W.M.; 1150 FEET NORTH AND 20 FEET WEST FROM THE E¼ CORNER OF SECTION 11.

The authorized places of use are located as follows:

Transfer 4573

NE¼ NW¼ 9.6 ACRES
NW¼ NW¼ 2.0 ACRES
SW¼ NW¼ 6.0 ACRES
SE¼ NW¼ 6.2 ACRES

SECTION 12

TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.

Transfer 4581

SE¼ NE¼ 14.0 ACRES
SECTION 11

SW¼ NW¼ 2.0 ACRES
SECTION 12

TOWNSHIP 35 SOUTH, RANGE 4 WEST, 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 applicant proposes to change the place of use to:

Transfer 4573

SE¼ NE¼ 13.0 ACRES
SECTION 11

SW¼ NW¼ 3.1 ACRES
SE¼ NW¼ 7.7 ACRES

SECTION 12

TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.

Transfer 4581

NE¼ NW¼ 4.4 ACRES
NW¼ NW¼ 1.3 ACRES
SW¼ NW¼ 4.1 ACRES
SE¼ NW¼ 6.2 ACRES

SECTION 12

TOWNSHIP 35 SOUTH, RANGE 4 WEST, W.M.

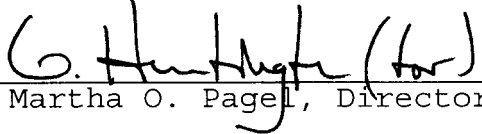
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 1999.
2. The former places of use shall no longer be irrigated as a part of these water rights.

Satisfactory proof of the completion of the changes approved by the orders of the Water Resources Director entered October 28, 1980, at Special Order Volume 34, Pages 37 and 40 approving Transfer 4573 and 4581, are confirmed as described above.

A new certificate will be issued to confirm that portion of Special Order Volume 34, Page 37, 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 DEC 19 1997.



Martha O. Pagel, Director