

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE
AND 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 7663 submitted by

EAGLE POINT GOLF CLUB, L.L.C.
100 EAGLE POINT DRIVE
EAGLE POINT, OREGON 97524.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 46674. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1908.

The right allows the use of LITTLE BUTTE CREEK, a tributary of ROGUE RIVER, for IRRIGATION OF 13.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.323 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 35, T 35 S, R 1 W, WM; 120 FEET NORTH AND 1125 FEET EAST FROM THE SW CORNER, SECTION 35, or its equivalent in case of rotation, measured at the point of diversion from the source, from April 1st to October 1st of each year.

The authorized point of diversion is located:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T 36 S, R 1 W, WM; 35 FEET SOUTH AND 1975 FEET WEST FROM THE SE CORNER, DLC 46.

The authorized place of use is located as follows:

TRACT 16 - (SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 ACRES
 AND SE $\frac{1}{4}$ SW $\frac{1}{4}$)
 SECTION 3
TOWNSHIP 36 SOUTH, RANGE 1 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:

NE¼ NE¼ 2.0 ACRES
SE¼ NE¼ 11.0 ACRES
SECTION 10
TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ SW¼, SECTION 3, T 36 S, R 1 W, WM; 450 FEET EAST AND 125 FEET NORTH FROM THE SW CORNER, SECTION 3.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 1999.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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 place of use shall no longer be irrigated as a part of this water right.
6. 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 general 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.

Certificate 46674 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed DEC 22 1997.



Martha O. Pagel, Director