

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN POINT OF DIVERSION
AND A CERTIFICATE CORRECTION

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 7691 submitted by

BRIAN A. AND CHARLEEN M. HENRY
P.O. BOX 2175
MYRTLE CREEK, OREGON 97457

DICK AND SANDY GRAF
10062 SOUTH MYRTLE ROAD
MYRTLE CREEK, OREGON 97457

The right to be modified, as evidenced by a portion of Certificate 8914, as corrected below, was perfected under Permit 8310 with a date of priority of APRIL 5, 1927. The right allows the use of SOUTH MYRTLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 40.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.5 cubic foot per second, if available at the original point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 20, T 29 S, R 3 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 authorized point of diversion is:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T 29 S, R 3 W, W.M.;
NORTH 15 DEGREES WEST 760 FEET FROM THE SE CORNER OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$
OF SECTION 20.

The amount of water used for irrigation, together with the amount secured under an 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.

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

The correct authorized place of use is located as follows:

POD 1 - (HENRY)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.9 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
BOTH AS PROJECTED WITHIN CRAIG DLC 37
LOT 8 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 1.4 ACRES
SECTION 19

TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

POD 2 - (GRAF)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.7 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.7 ACRE
ALL AS PROJECTED WITHIN CRAIG DLC 37
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.1 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.2 ACRES
AS PROJECTED WITHIN CRAIG DLC 37
LOT 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) 3.2 ACRES
SECTION 24

TOWNSHIP 29 SOUTH, RANGE 4 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 applicants propose to change the point of diversion to:

POD 1 (HENRY) - LOT 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION 24, T 29 S, R 4 W, W.M.; 500 FEET NORTH FROM THE SE CORNER OF SECTION 24.

POD 2 (GRAF) - SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T 29 S, R 4 W, W.M.; 464 FEET NORTH AND 814 FEET WEST FROM THE SE CORNER OF SECTION 24.

Certified Water Right Examiner #115, William J. Ruppert, and the Watermaster District #15 office, have provided evidence that Certificate 8914 is in error.

The place of use for the right of record is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 ACRES	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0 ACRES	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ACRES		SECTION 24
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 ACRES		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	26.0 ACRES		TOWNSHIP 29 SOUTH,
NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES		RANGE 4 WEST, W.M.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 ACRES		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0 ACRES		
	SECTION 19		

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 ACRES
SECTION 20

TOWNSHIP 29 SOUTH,
RANGE 3 WEST, W.M.

The corrected remainder of the right is confirmed by Certificate 7635~~8~~₉.

THIS CHANGE 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, 2001.
2. The quantity of water diverted at the new points 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. The water users shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The water users 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 users 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 8914 is cancelled. A new certificate will be issued to confirm the corrected 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 16 1999.



Martha O. Pagel, Director