

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 7261 submitted by

CARL AND JANE SMITH
11172 EAST EVANS CREEK ROAD
ROGUE RIVER, OREGON 97537.

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 16115. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1896.

The right allows the use of EVANS CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 1.8 ACRES. This right is limited to 0.05 cubic foot per second, if available at the authorized point of diversion: WILLIAMS-WHALEN DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.07 ACRES
SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.73 ACRE
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 point of diversion to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, T 35 S, R 4 W, WM; 175 FEET SOUTH AND 693 FEET WEST FROM THE SE CORNER, SECTION 1.

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, 1996.
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 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.

Certificate 16115 is cancelled. 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 May 23, 1995.



Martha O. Pagel, Director