

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 8081 submitted by

GLENN J. AND JERILYNN BARTON  
26881 MIRLO CIR.  
MISSION VIEJO, CA 92691.

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 68432. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1894.

The right allows the use of ELK CREEK, a tributary of ROGUE RIVER, for IRRIGATION OF 1.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion, or its

**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.

equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NE $\frac{1}{4}$         0.2 ACRE  
NE $\frac{1}{4}$  SE $\frac{1}{4}$         1.5 ACRES  
SECTION 35  
TOWNSHIP 33 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 point of diversion to:

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 35, T 33 S, R 1 W, W.M.; 490 FEET SOUTH AND 410 FEET WEST FROM THE EAST  $\frac{1}{4}$  CORNER, SECTION 35.

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, 2004.
2. The quantity of water diverted at the new point 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. **Prior** to the diverting of water at the new point of diversion, 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, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

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 68432 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 02 2002.

  
for Paul R. Cleary, Director