

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 8775 submitted by

JOE BEITLER  
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MEDFORD, OREGON 97504.

The first 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 43982. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at page 523. The priority is 1898.

The right allows the use of the ROGUE RIVER, a tributary of PACIFIC OCEAN, for IRRIGATION OF 11.2 ACRES, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.28 cubic foot per second, if available at the authorized point of diversion: LOT 5 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), SECTION 20, T 35 S, R 1 W, W.M., 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH  $\frac{1}{4}$  CORNER OF SECTION 20, 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 right to use the 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 authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  11.2 ACRES  
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The second right to be modified, as evidenced by a PORTION of Certificate 43984, was perfected under Permit 3013 with a date of priority of JUNE 2, 1916. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 10.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: LOT 5 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), SECTION 20, T 35 S, R 1 W, W.M., 620 FEET NORTH AND 980 FEET WEST FROM THE SOUTH  $\frac{1}{4}$  CORNER OF SECTION 20, 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 for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.5 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  9.0 ACRES  
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The third right to be modified, as evidenced by a PORTION of Certificate 32443, was perfected under Permit 26751 with a date of priority of MAY 3, 1960. The right allows the use of A SPRING AND SIDE CHANNEL OF ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 15.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: LOT 5 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), SECTION 20, T 35 S, R 1 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 for 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 4 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to the use of water is limited to the period when the flow of the Rogue River is more than 1000 cubic feet per second (cfs) at Raygold, more than 1000 cfs immediately above Savage Rapids Dam and more than 735 cfs at its mouth.

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

The authorized place of use are located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  15.4 ACRES  
SECTION 29

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

The right to use the water for the above purposes are restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 29, T 35 S, R 1 W, W.M.; 860 FEET NORTH AND 770 FEET WEST FROM THE CENTER  $\frac{1}{4}$  CORNER OF SECTION 29.

THIS CHANGE TO EXISTING WATER RIGHTS 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 under these rights.
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.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. 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 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.

Certificates 43982, 43984, and 32443 are cancelled. New certificates will be issued to confirm the portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources  
Director, affixed DEC 16 2002.

  
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Paul R. Cleary, Director