

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE

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 8863 submitted by

CHUCK AND BILL BRUCE
380 LAKE CREEK LOOP
EAGLE POINT, OREGON 97524.

The first right to be modified, as evidenced by a PORTION of Certificate 35229, was perfected under Permit 25001 with a date of priority of JULY 10, 1957. The right allows the use of SALT CREEK AND YEW CREEK AND WADE RESERVOIR CONSTRUCTED UNDER PERMIT R-2042, tributaries of LITTLE BUTTE CREEK, for IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 CUBIC FOOT PER SECOND (CFS); BEING 0.03 CFS FROM SALT CREEK AND WADE RESERVOIR AND 0.03 CFS FROM YEW CREEK AND WADE RESERVOIR, if available at the authorized point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11, T 36 S, R 2 E, W.M.; SALT CREEK - 710 FEET SOUTH AND 850 FEET EAST; YEW CREEK - 1100 FEET SOUTH AND 790 FEET EAST; BOTH FROM THE NORTH $\frac{1}{4}$ CORNER OF SECTION 11; WADE RESERVOIR - 1020 FEET NORTH AND 2540 FEET WEST FROM THE SE CORNER OF SECTION 10, 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 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 from direct flow and shall be further limited to a diversion of not to exceed 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit R-2042.

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

The authorized place of use is located as follows:

SW¼ NE¼ 5.0 ACRES
SECTION 16

TOWNSHIP 36 SOUTH, RANGE 2 EAST, W.M.

The second right to be modified, as evidenced by a PORTION of Certificate 35233, was perfected under Permit 27726 with a date of priority of NOVEMBER 21, 1961. The right allows the use of MAPLE CREEK AND 150.0 ACRE-FEET SUPPLEMENTAL STORAGE IN WADE RESERVOIR UNDER THE PROVISIONS OF PERMIT R-2706, a tributary of LITTLE BUTTE CREEK, for SUPPLEMENTAL IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: SW¼ SE¼, SECTION 10; NW¼ NE¼, SECTION 11, T 36 S, R 2 E, W.M.; WADE RESERVOIR - 1020 FEET NORTH AND 2540 FEET WEST FROM THE SE CORNER OF SECTION 10; MAPLE CREEK - 480 FEET SOUTH AND 410 FEET EAST FROM THE NORTH ¼ CORNER OF SECTION 11, 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 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 from direct flow and shall be further limited to a diversion of not to exceed 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit R-2706; the amount allowed herein, together with the amount secured under any other right existing for said lands, shall be limited by the duty of water as fixed herein; provided

further that the right to use of direct flow shall be 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 is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SECTION 16

TOWNSHIP 36 SOUTH, RANGE 2 EAST, 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 applicant proposes to change the place of use of both rights to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES
SECTION 10

TOWNSHIP 36 SOUTH, RANGE 2 EAST, W.M.

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 former place of use shall no longer be irrigated as a part of these water rights.

Certificates 35229 and 35233 are cancelled. New certificates will be issued to confirm those 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.



Paul R. Cleary, Director