

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING AN ADDITIONAL POINTS 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, TRANSFERS 8938 AND 8939 submitted by:

ANN M. WISNOVSKY
1352 UPPER APPLGATE ROAD
JACKSONVILLE, OREGON 97530

The first right to be modified, under Transfer Application 8938, was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 16395. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is SEPTEMBER 1, 1857.

The right allows the use of the LITTLE APPLGATE RIVER, a tributary of the APPLGATE RIVER, for IRRIGATION OF 35.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.70 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE¼ NE¼, SECTION 14, T 39 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 place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.90 ACRES
LOT 4 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 5.00 ACRES
SECTION 33

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 13.40 ACRES
LOT 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 11.70 ACRES
SECTION 34

TOWNSHIP 38 SOUTH, RANGE 3 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 second right to be modified, under Transfer Application 8939, as evidenced by Certificate 49261, was perfected under Permit 36586 with a date of priority of OCTOBER 27, 1971. The right allows the use of the LITTLE APPLGATE RIVER, a tributary of the APPLGATE RIVER, for IRRIGATION OF 24.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.31 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 14, T 39 S, R 3 W, W.M.; 210 FEET SOUTH AND 970 FEET WEST FROM THE NE CORNER OF SECTION 14, 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 and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

LOT 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 14.40 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.80 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.30 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.20 ACRES
SECTION 34

TOWNSHIP 38 SOUTH, RANGE 3 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 the existing minimum flow policies established by the Water Policy Review Board.

The applicant proposes an additional point of diversion for both rights located:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 4, T 39 S, R 3 W, W.M.; 1250 FEET WEST AND 20 FEET SOUTH OF THE NE CORNER OF SECTION 4.

A Special Order entered March 10, 1926 at Volume 1, Page 256, incorrectly describes the location of the proposed point of diversion under Transfer F-15 for Farmers Ditch. A scrivener's error lists the point of diversion as being within Township 36 South. The actual location is in Township 39 South. This order corrects this error.

THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

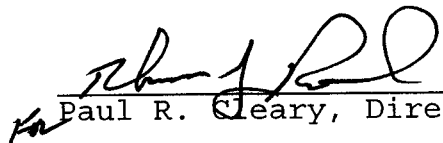
1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

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 point 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 16395 and 49261 are cancelled. 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 31 2002.


Paul R. Cleary, Director