

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING CHANGES IN PLACE OF USE  
AND AN ADDITIONAL 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 6404 submitted by

JACOB WOOD  
11161 TABLE ROCK ROAD  
CENTRAL POINT, OREGON 97502.

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 32726. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 4.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per

**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.

second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

LOT 6            3.3 ACRES  
SECTION 10

LOT 15          1.1 ACRE  
SECTION 15  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

NW¼ NE¼          4.4 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The SECOND 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 32729. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

NE $\frac{1}{4}$  SW $\frac{1}{4}$  2.0 ACRES  
AS PROJECTED WITHIN DLC 43  
SECTION 10  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

NW $\frac{1}{4}$  NE $\frac{1}{4}$  2.0 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The THIRD 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 32730. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 12.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.16 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) SECTION 6, T 36 S, R 1 W, W.M., 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:

SW¼ SW¼            6.2 ACRES  
SE¼ SW¼            6.6 ACRES  
AS PROJECTED IN DLC 43  
SECTION 10  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

NW¼ NE¼            6.8 ACRES  
NE¼ NE¼            6.0 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The FOURTH 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 32733. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 6.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

SE¼ SE¼        8.9 ACRES  
AS PROJECTED WITHIN THE S½ OF DLC 44  
SECTION 9  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

NE¼ NE¼        8.9 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The SIXTH 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 32745. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 10.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

SOUTH 30 ACRES OF SE¼ SE¼      2.5 ACRES  
                                  NE¼ SE¼      4.2 ACRES  
AS PROJECTED WITHIN THE N½ OF DLC 44  
SECTION 9  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

NE¼ NE¼      6.7 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The FIFTH 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 32736. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 8.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

LOT 5 (NE¼ SW¼)        10.4 ACRES  
SECTION 10  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

SE¼ SE¼            3.2 ACRES  
SECTION 33  
TOWNSHIP 35 SOUTH, RANGE 2 WEST, W.M.

NE¼ NE¼            7.2 ACRES  
SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

The SEVENTH 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 32750. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

LOT 5 (SW¼ SE¼)            3.7 ACRES  
SECTION 10  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

SE¼ SE¼            3.7 ACRES  
SECTION 33  
TOWNSHIP 35 SOUTH, RANGE 2 WEST, W.M.

The EIGHTH 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 32751. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is SEPTEMBER 22, 1888.

The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 26.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 cubic foot per second, if available at the authorized point of diversion: LOT 7 (NE¼ NW¼) SECTION 6, T 36 S, R 1 W, W.M., 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:

NW¼ SW¼ 1.9 ACRES  
SW¼ SW¼ 9.0 ACRES  
AS PROJECTED WITHIN DLC 44  
SECTION 10

NW¼ NW¼ 15.4 ACRES  
AS PROJECTED IN DLC 43  
SECTION 15  
TOWNSHIP 36 SOUTH, RANGE 2 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 proposed to change the place of use to:

SE¼ SE¼ 20.0 ACRES  
NE¼ SE¼ 6.3 ACRES  
SECTION 33  
TOWNSHIP 35 SOUTH, RANGE 2 WEST, W.M.

The NINTH right to be modified, as evidenced by a portion of Certificate 36767, was perfected under Permit 33110 with a date of priority of DECEMBER 20, 1967. The right allows the use of SNIDER CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 9, T 36 S, R 2 W, W.M.; 1650 FEET SOUTH AND 870 FEET WEST FROM THE NE CORNER, SECTION 9, 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 4½ acre-feet for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

NE¼ NE¼            2.3 ACRES  
SE¼ NE¼            0.7 ACRE  
SECTION 9  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, 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 an additional point of diversion:

NE¼ NE¼, SECTION 16, T 36 S, R 2 W, W.M.; 200 FEET WEST AND 10 FEET SOUTH FROM THE NW CORNER, SECTION 15.

The applicant also proposes to change the place of use to:

SW¼ SW¼            3.0 ACRES  
AS PROJECTED WITHIN DLC 44  
SECTION 10  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

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

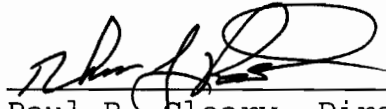
1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required 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 former place of use shall no longer be irrigated as a part of this water right.
6. 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 32726, 32729, 32730, 32733, 32736, 32754, 32750, 32751 and 36767 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificate confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed APR 26 2002.

  
For Paul R. Cleary, Director