

STATE OF OREGON

COUNTY OF JOSEPHINE/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 7263 submitted by

CHERYL L. SHAW  
980 KUBLI ROAD  
GRANTS PASS, OREGON 97527.

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 Certificate 16291. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1897.

The right allows the use of CARIS CREEK, a tributary of the APPELEGATE RIVER, for IRRIGATION OF 7.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.14 cubic foot per second, if available at the authorized point of diversion: CARIS DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 16293. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1908.

The right allows the use of CARIS CREEK, a tributary of the APPELEGATE 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: GW BAILEY DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 16299. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1896.

The right allows the use of MINERS CREEK, a tributary of CARIS CREEK, for IRRIGATION OF 1.0 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.02 cubic foot per second, if available at the authorized point of diversion: CARIS DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 32942. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is 1908.

The right allows the use of CARIS CREEK, a tributary of the APPLGATE RIVER, for IRRIGATION OF 9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 30, T 37 S, R 4 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized places of use are located as follows:

**CERTIFICATE 16291**

SE¼ SE¼ 7.0 ACRES  
SECTION 25  
TOWNSHIP 37 SOUTH,  
RANGE 5 WEST,  
W.M.

**CERTIFICATE 16293**

NE¼ NE¼ 1.7 ACRES  
SECTION 36  
TOWNSHIP 37 SOUTH,  
RANGE 5 WEST,  
W.M.

**CERTIFICATE 16299**

SW¼ SW¼ 1.0 ACRES  
SECTION 30  
TOWNSHIP 37 SOUTH,  
RANGE 4 WEST,  
W.M.

**CERTIFICATE 32942**

SE¼ SE¼ 4.0 ACRES  
SECTION 25  
TOWNSHIP 37 SOUTH,  
RANGE 5 WEST,  
W.M.

SW¼ SW¼ 5.0 ACRES  
SECTION 30  
TOWNSHIP 37 SOUTH,  
RANGE 4 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:

NW¼ SW¼, SECTION 30, T 37 S, R 4 W, W.M.; 1610 FEET NORTH AND 150 FEET EAST FROM THE CORNER OF SECTIONS 25, 30, 31, AND 36, T 37 S, R 5 W, W.M. AND T 37 S, R 4 W, W.M., RESPECTIVELY.

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, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old 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.

Certificates ~~16291~~, ~~16293~~, 16299, and 32942 are cancelled. New certificates will be issued to confirm those portions of these 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 March 11, 1997.

  
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Martha O. Pagel, Director