

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 TRANSFER 6367 submitted by

ALBERTINA P. SOUZA
739 ELK CREEK ROAD
TRAIL, OREGON 97541

to use the waters of ELK CREEK, a tributary of the ROGUE RIVER, for the purpose of IRRIGATING 1.8 ACRES.

The right to be transferred was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by certificate 63764. The decree is recorded in the Order Record of the WATER RESOURCES DIRECTOR in Volume 4, at page 1. The date of priority is 1894.

This right is limited to 0.04 cubic foot per second, if available at the original point of diversion: JOHNSON BROTHERS DITCH, or its equivalent in case of rotation, measured at the point of diversion from the creek.

The new point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 30, T 33 S, R 1 E, W.M.; 1570 FEET NORTH AND 650 FEET EAST FROM THE S 1/4 CORNER OF SECTION 30.

A description of the place of use is as follows:

NW 1/4 SE 1/4 1.8 ACRES
SECTION 30
TOWNSHIP 33 SOUTH, RANGE 1 EAST, W.M.

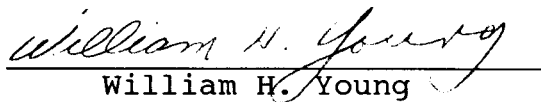
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

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, 1991.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water 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 or measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 63764 was cancelled in the order approving T-6328. A new certificate will be issued to confirm that portion of the right NOT involved in these transfers. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed July 3, 1990.


William H. Young

Recorded in Special Order Records at Volume 44, Page 301.

T-6367.TES