

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN POINT OF DIVERSION, 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 8057 submitted by

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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 68692. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1908.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 5.4 ACRES. The amount of water to which this right is entitled is limited to an amount

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.

actually beneficially used and shall not exceed 0.11 cubic foot per second, MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM, FROM APRIL 1ST TO OCTOBER 1ST OF EACH YEAR, if available at the authorized point of diversion: SW¼ SE¼, SECTION 31, T 35 S, R 1 E, W.M.; 560 FEET NORTH AND 2990 FEET EAST FROM THE SW CORNER, SECTION 31, 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 SE¼ 5.4 ACRES
SECTION 36
TOWNSHIP 35 SOUTH, RANGE 1 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 place of use to:

NE¼ NW¼ 5.4 ACRES
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 1 EAST, W.M.

The applicant also proposes to change the point of diversion to:

NE¼ NW¼, SECTION 5, T 36 S, R 1 E, W.M.; 1300 FEET SOUTH AND 1250 FEET WEST FROM THE N¼ CORNER, SECTION 5.

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 75892. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1908.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 19.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM, FROM APRIL 1ST TO OCTOBER 1ST OF EACH YEAR if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source. The right to use any of said waters for domestic and stock purposes shall be limited to those rights specifically authorized for such use and shall continue throughout the year, in an amount as is reasonably necessary for such purposes, not exceeding the quantity herein limited.

The point of diversion is located as follows:

POD 1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T 35 S, R 1 E, W.M.;
560 FEET NORTH AND 2990 FEET EAST FROM SW CORNER, SECTION 31.

The quantity of water diverted for domestic and stock purposes shall not exceed ONE-FORTIETH of a second foot for each authorized water right holder having one hundred head of stock or less; and in excess of one hundred head of stock, each authorized water right holder having a right therefor shall be entitled to divert ONE-FORTIETH of one second foot for each additional hundred head of stock; but during the irrigation season as herein limited, the quantity diverted by each water right holder for irrigation purposes in the amount to which he is entitled to divert the same, shall include the water to which he is entitled for stock and domestic purposes.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.8 ACRES

SE¼ SW¼ 3.8 ACRES
SECTION 31
TOWNSHIP 35 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.

The applicant proposes to change the place of use to:

NW¼ NE¼ 14.4 ACRES
NE¼ NW¼ 4.6 ACRES
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 1 EAST, W.M.

The applicant also proposes to change the point of diversion to:

NE¼ NW¼, SECTION 5, T 36 S, R 1 E, W.M.; 1300 FEET SOUTH AND 1250 FEET WEST FROM THE N¼ CORNER, SECTION 5.

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 17165. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1888 FOR TRACT NO. 2 AND 1908 FOR TRACT NO. 3.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 10.2 ACRES IN TRACT NO.2 AND 3.2 ACRES IN TRACT NO.3. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 cubic foot per second FOR TRACT NO. 2 AND 0.08 cubic foot per second FOR TRACT NO. 3, MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM, FROM APRIL 1ST TO OCTOBER 1ST OF EACH YEAR, if available

at the authorized point of diversion, 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:

TRACT NO.2

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES

TRACT NO.3

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.2 ACRES

SECTION 5

TOWNSHIP 36 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.

The applicant proposes to add an additional point of diversion:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 5, T 36 S, R 1 E, W.M.; 1300 FEET SOUTH AND 1250 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 5.

THESE CHANGES 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, 2003.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. 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.

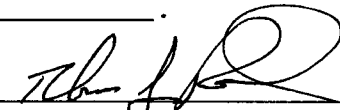
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen 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 68692, 75892, and 17165 are canceled. The portion of Certificate 17165 not involved with this transfer was transferred under T-8830. New certificates will be issued to confirm that portion of Certificates 68692 and 75892 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 MAY 20 2002.


~~For~~ Paul R. Cleary, Director