

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING CHANGES IN PLACE OF USE, CHARACTER OF USE  
AND PARTIAL CANCELLATION OF A WATER RIGHT

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 8622 submitted by

TOUVELLE BIRD AND WATERFOWL REFUGE  
1175 EAST MAIN, SUITE 1C  
MEDFORD, OREGON 97504.

The 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 65148. 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 71.45 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.894 cubic foot

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.

per second, if available at the authorized point of diversion:  
LOT 7 (NE¼ NW¼), SECTION 6, T 36 S, R 1 W, W.M.; TABLE ROCK  
DITCH - 333 FEET SOUTH AND 1987 FEET EAST FROM THE NW CORNER,  
SECTION 6, 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 for the same lands, is limited to  
ONE-EIGHTIETH of one cubic foot per second per acre, or its  
equivalent for each acre irrigated during the irrigation season  
of each year.

The authorized place of use is located as follows:

WITHIN THAT PART OF DLC 37	6.01 ACRES
WITHIN THAT PART OF DLC 38	29.97 ACRES
SECTION 12	

WITHIN THAT PART OF DLC 38	7.73 ACRES
WITHIN THAT PART OF DLC 41	22.84 ACRES
LOT 8 (NE¼ NW¼)	4.90 ACRES
SECTION 13	

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 proposes to change the character of use from  
IRRIGATION to POND MAINTENANCE. The use of water for pond  
maintenance shall be limited to 0.894 CUBIC FOOT PER SECOND and  
shall be further limited to a diversion of not to exceed 321.53  
ACRE-FEET during the irrigation season being APRIL 1 to OCTOBER  
31 of each year.

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

NE $\frac{1}{4}$  SW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 37  
NE $\frac{1}{4}$  SW $\frac{1}{4}$   
SE $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SW $\frac{1}{4}$   
ALL AS PROJECTED WITHIN DLC 38  
SECTION 12

NE $\frac{1}{4}$  NW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 38  
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 41  
LOT 8 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
NW $\frac{1}{4}$  NW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 38  
NW $\frac{1}{4}$  NW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 41  
SW $\frac{1}{4}$  SW $\frac{1}{4}$   
AS PROJECTED WITHIN DLC 41  
SECTION 13  
TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

An affidavit was received from Bret Breeze, owner of certain land and the water right appurtenant to it. The landowner requests a portion of the water right to be canceled.

The portion is described by Certificate 65148, State Record of Water Right Certificates. The date of priority is September 22, 1888. The water use was for domestic, stock and irrigation of 15.35 acres from the Rogue River, a tributary of the Pacific Ocean. The amount used was 0.192 cubic foot per second.

The canceled portion is location as follows:

WITHIN THAT PART OF DLC 38 (SW¼ SW¼) 7.52 ACRES  
SECTION 12

WITHIN THAT PART OF DLC 38 (NW¼ NW¼) 6.66 ACRES

WITHIN THAT PART OF DLC 41 (NW¼ NW¼) 1.17 ACRES

SECTION 13

TOWNSHIP 36 SOUTH, RANGE 2 WEST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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

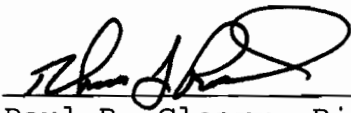
1. The proposed changes shall be completed on or before October 1, 2004.
2. The use of water for pond maintenance shall be limited to 0.894 cubic foot per second and shall be further limited to a diversion of not to exceed 321.53 acre-feet during the irrigation season being April 1 to October 31 of each year.
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. The former place of use shall no longer be irrigated as a part of this water right.

The portion of the water right evidenced by Certificate 65148 requested to be canceled is canceled.

Certificate 65148 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. 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 APR 04 2003.

  
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For Paul R. Cleary, Director