

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN USE,
PARTIAL CANCELLATION AND CANCELLATION OF WATER RIGHTS

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 8652 submitted by

CRISPIN M. CALDWELL
800 HIGHWAY 234
EAGLE POINT, OREGON 97524.

The right to be modified, as evidenced by a PORTION of Certificate 67816, was perfected under Permit 44691 with a date of priority of OCTOBER 24, 1979. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for SUPPLEMENTAL IRRIGATION OF 127.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.60 cubic feet per second, if available at the authorized point of diversion: LOT 1, NW¼ NW¼, SECTION 16, T 35 S, R 1 W, W.M.; 48 FEET SOUTH AND 120 FEET EAST FROM THE NW CORNER, SECTION 16, or its equivalent in case of rotation, measured at the point of diversion from the source.

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.

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 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

The authorized place of use is located as follows:

| | | |
|-------|--------------------------------------|------------|
| | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 20.5 ACRES |
| LOT 1 | (NW $\frac{1}{4}$ NW $\frac{1}{4}$) | 17.6 ACRES |
| LOT 2 | (SW $\frac{1}{4}$ NW $\frac{1}{4}$) | 17.7 ACRES |
| | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 30.5 ACRES |
| | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 34.4 ACRES |
| | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 6.8 ACRES |

SECTION 16

TOWNSHIP 35 SOUTH, RANGE 1 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 use may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The applicant proposes to change the use from SUPPLEMENTAL IRRIGATION to PRIMARY IRRIGATION.

An affidavit was received from Crispin M. Caldwell, owner of certain land and the water right appurtenant to it. A portion of Certificate 31450 has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 31450, State Record of Water Right Certificates. The abandoned water right is for use of 0.71 cubic foot per second from Reese Creek, a tributary of the Rogue River. The date of priority is December 17, 1958. The abandoned water right is for irrigation of 57.2 acres.

A description of the place of use of the abandoned right for irrigation is as follows:

| | |
|-----------------------------------|------------|
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 17.8 ACRES |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 34.4 ACRES |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 5.0 ACRES |

SECTION 16

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

An affidavit was received from Crispin M. Caldwell, owner of certain land and the water right appurtenant to it. Certificate 29128 has been abandoned and is requested to be canceled.

The abandoned water right is the right described by Certificate 29128, State Record of Water Right Certificates. The abandoned water right is for use of 0.24 cubic foot per second from Reese Creek, a tributary of the Rogue River. The date of priority is March 31, 1952. The abandoned water right is for irrigation of 18.8 acres.

A description of the place of use of the abandoned right for irrigation is as follows:

| | |
|--|------------|
| LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) | 13.0 ACRES |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 5.8 ACRES |

SECTION 16

TOWNSHIP 35 SOUTH, RANGE 1 WEST, W.M.

An affidavit was received from Crispin M. Caldwell, owner of certain land and the water right appurtenant to it. Certificate 30916 has been abandoned and is requested to be canceled.

The abandoned water right is the right described by Certificate 30916, State Record of Water Right Certificates. The abandoned water right is for use of 0.64 cubic foot per second from Reese Creek, a tributary of the Rogue River. The date of priority is April 8, 1942. The abandoned water right is for irrigation of 51.5 acres.

A description of the place of use of the abandoned right for irrigation is as follows:

| | |
|--|------------|
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 14.7 ACRES |
| LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) | 4.6 ACRES |
| LOT 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) | 17.7 ACRES |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 12.7 ACRES |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 1.8 ACRES |

SECTION 16

TOWNSHIP 35 SOUTH, RANGE 1 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."

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, 2003.
2. 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.

3. 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.

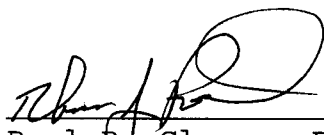
The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

The portion of the water rights evidenced by Certificate 67816 and 31450 that have been abandoned and requested to be canceled are canceled. The water rights evidenced by Certificates 29128 and 30916 that have been abandoned and requested to be canceled are canceled.

Certificates 67816 and 31450 are canceled. New certificates will be issued to confirm that portion of the rights 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 MAY 17 2002 .



For Paul R. Cleary, Director