



**Authorized Places of Use:**

Irrigation								
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
35 S	1 W	WM	34	SW NE	3.20	1302	MCFALL	001-08
35 S	1 W	WM	34	SW NE	3.30	703	MCFALL	001-08
35 S	1 W	WM	34	SW NE	3.40	705	SOUTHERN OREGON DEVELOPMENT	001-08
35 S	1 W	WM	34	SW NE	0.30	800	FUTURE CONCEPTS LLC	001-08
35 S	1 W	WM	34	NW SE	1.60	703	MCFALL	001-08
35 S	1 W	WM	34	NW SE	1.60	1302	MCFALL	001-08
35 S	1 W	WM	34	NW SE	1.50	705	SOUTHERN OREGON DEVELOPMENT	001-08
<b>Total:</b>					<b>14.90</b>			

4. Transfer Application T-10763 proposes to change the places of use to:

**Proposed Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
35 S	1 W	WM	35	NE NE	7.90	100	HAPPEL	001-08
35 S	1 W	WM	36	NW NW	7.00	201	HAPPEL	001-08
<b>Total:</b>					<b>14.90</b>			

5. The portion of the second right to be transferred is as follows:

**Certificate:** 75429 in the name of EAGLE POINT IRRIGATION DISTRICT

**Use:** IRRIGATION of 30.5 acres

**Priority Date:** April 21, 1915

**Limit:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** Big Butte Creek, a tributary of the Rogue River

**Authorized Points of Diversion:**

POD #	Twp	Rng	Mer	Sec	Lot	Q-Q	Measured Distances
1	35 S	2 E	WM	10		NE NE	1130 FEET SOUTH AND 700 FEET WEST FROM THE EN CORNER OF SECTION 10
2	35 S	2 E	WM	3	4	NW NW	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
35 S	1 W	WM	22	SE NW	2.85	2601	FAHEY	002-08
35 S	1 W	WM	22	SE NW	0.55	2603	FAHEY	002-08
35 S	1 W	WM	34	SE NW	3.70	1201	HOUSE	003-08
35 S	1 W	WM	34	SE NW	3.70	1202	HOUSE	003-08
35 S	1 W	WM	34	NE SW	0.70	1201	HOUSE	003-08
35 S	1 W	WM	34	NE SW	0.90	1202	HOUSE	003-08
35 S	1 W	WM	34	NE SW	6.00	1204	HOUSE	003-08
36 S	1 W	WM	3	NW NW	1.30	200	GREB	005-08
36 S	1 W	WM	10	SW NW	3.60	600	HOUSE	003-08

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	1 W	WM	11	NW SW	7.20	100	SOUTHERN OREGON DEVELOPMENT	006-08
<b>Total:</b>					<b>30.5</b>			

6. Transfer Application T-10763 proposes to change the places of use to:

**Proposed Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name	Notice
36 S	1 E	WM	6	SW NW	1.40	800	MARTIN	006-08
35 S	1 W	WM	15	SW SW	3.40	1700	TERBECK	002-08
35 S	1 W	WM	27	SW SE	15.00	1000	DAWE	003-08
36 S	1 W	WM	10	NW SW	3.60	405	BRITE	004-08
36 S	1 W	WM	34	NW NW	1.30	3002	VALENCIA	005-08
36 S	1 W	WM	1	SE NE	5.80	800	MARTIN	006-08
<b>Total:</b>					<b>30.5</b>			

7. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in places of use will not result in enlargement of the rights.
10. The proposed change in places of use will not result in injury to other water rights.

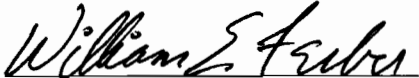
**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-10763 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The proposed changes in place of use to the water rights evidenced by Certificates 68741 and 75429 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 68741 and 75429 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011.
5. A Claim of Beneficial Use (COBU) shall be submitted by the applicant to the Department by October 1, 2012.
6. Water right certificates 68741 and 75429 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 24<sup>th</sup> day of February, 2010.

  
for Phillip C. Ward, Director

Mailing Date: FEB 26 2010