

STATE OF OREGON

COUNTY OF JOSEPHINE

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, as conditioned or limited herein, TRANSFER 9282 submitted by

GAYLE WERDEN
5455 DEER CREEK ROAD
SELMA, OREGON 97538.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by a PORTION of Certificate 13883. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is MAY 1887.

The right allows the use of EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 3.97 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE CUBIC FOOT PER SECOND FOR EACH 50 ACRES OF LAND IRRIGATED DURING THE IRRIGATION SEASON FROM APRIL 1 TO NOVEMBER 1 OF EACH YEAR, if available at the authorized point of diversion: Kirbyville Milling & Irrigation Co. Ditch , 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:

NW¹/₄ SE¹/₄ 2.47 ACRES
SW¹/₄ SE¹/₄ 1.50 ACRES
SECTION 21
TOWNSHIP 39 SOUTH, RANGE 8 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 point of diversion to:

SW¹/₄ SE¹/₄, SECTION 21, T 39 S, R 8 W, W.M.; 1350 FEET SOUTH AND 375 FEET EAST OF CENTER ¹/₄ CORNER SECTION 21,

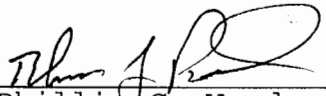
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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, 2007.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully 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 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 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.

Certificate 13883 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.

Dated at Salem, Oregon this 24th day of FEBRUARY, 2005.



F62 Phillip C. Ward
Director

Mailing date: MAR 04 2005