

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.531, 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 7145 submitted by

KROUSE RANCH, INC.
15877 NORTH APPELEGATE ROAD
GRANTS PASS, OREGON 97527.

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 Certificate 57368. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1887.

The right allows the use of the APPELEGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 38.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.85 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE¼ SE¼, SECTION 7, T 38 S, R 4 W, W.M.; 1310 FEET SOUTH AND 880 FEET WEST FROM EAST ¼ CORNER OF SECTION 7, 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 authorized place of use is located as follows:

	<u>CHANGE IN POD ONLY</u>	<u>CHANGE IN POU AND POD</u>
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.5 ACRES	
	SECTION 7	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.7 ACRES	3.3 ACRES
	SECTION 8	

TOWNSHIP 38 SOUTH, RANGE 4 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 second right to be modified, as evidenced by Certificate 57366, was perfected under Permit 2836 with a date of priority of MARCH 10, 1916. The right allows the use of the APPLIGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 10.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.125 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 7, T 38 S, R 4 W, W.M.; 1310 FEET SOUTH AND 880 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 7, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES
SECTION 7

TOWNSHIP 38 SOUTH, RANGE 4 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 third right to be modified, as evidenced by Certificate 57367, was perfected under Permit 12879 with a date of priority of NOVEMBER 16, 1937. The right allows the use of the APPLEGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 20.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 7, T 38 S, R 4 W, W.M.; 1310 FEET SOUTH AND 880 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 7, 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 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 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

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

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.0 ACRES
SECTION 7

TOWNSHIP 38 SOUTH, RANGE 4 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 fourth right to be modified, as evidenced by a PORTION of Certificate 57369, was perfected under Permit 27727 with a date of priority of NOVEMBER 21, 1961. The right allows the use of the APPLEGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 35.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.88 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 7, T 38 S, R 4 W, W.M.; 1310 FEET SOUTH AND 880 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 7, 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 existing for the same lands, shall be limited to ONE-FORTIETH 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 4½ acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right to the use of water is limited to the period when the flow of the Rogue River is more than 735 cubic feet per second at its mouth.

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

The authorized place of use is located as follows:

	<u>CHANGE IN POD ONLY</u>	<u>CHANGE IN POU AND POD</u>
SW¼ NE¼	3.4 ACRES	10.4 ACRES
SE¼ NE¼	4.2 ACRES	
NE¼ SE¼	8.2 ACRES	
NW¼ SE¼	2.0 ACRES	
	SECTION 7	
SW¼ NW¼	7.0 ACRES	
	SECTION 8	

TOWNSHIP 38 SOUTH, RANGE 4 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 fifth right to be modified, as evidenced by Certificate 58913, was perfected under Permit 46304 with a date of priority of JULY 29, 1981. The right confirms the use of waters of the APPLGATE RIVER AND APPLGATE RESERVOIR, tributaries of the ROGUE RIVER, for IRRIGATION OF 12.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 50.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 CUBIC FOOT PER SECOND FROM STREAM AND 42.0 ACRE FEET FROM RESERVOIR, if available at the authorized point of diversion: RIVER - NE¼ SE¼, SECTION 7, T 38 S, R 4 W, W.M.; 1310 FEET SOUTH AND 880 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 7; RESERVOIR - S½ SE¼, SECTION 25, T 40 S, R 4 W, W.M., 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 existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow 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 from direct flow and storage, and is subject to the terms and conditions of contract No. 1-07-10-W0285, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

The authorized place of use is located as follows:

	<u>PRIMARY</u>		<u>SUPPLEMENTAL</u>	
	<u>CHANGE IN</u> <u>POD ONLY</u>	<u>CHANGE IN</u> <u>POU AND POD</u>	<u>CHANGE IN</u> <u>POD ONLY</u>	<u>CHANGE IN</u> <u>POU AND POD</u>
SW¼ NE¼	2.2 ACRES	7.8 ACRES	3.4 ACRES	10.4 ACRES
SE¼ NE¼	2.0 ACRES		17.0 ACRES	
NE¼ SE¼			12.2 ACRES	
		SECTION 7		
SW¼ NW¼			7.0 ACRES	
		SECTION 8		
		TOWNSHIP 38 SOUTH, RANGE 4 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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

The applicant proposes to change the place of use to:

CERTIFICATE 57368

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.3 ACRES
SECTION 8

TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.

PERMIT 27727

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.4 ACRES
SECTION 8

TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.

PERMIT 46304

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		10.4 ACRES
	SECTION 8	

TOWNSHIP 38 SOUTH, RANGE 4 WEST, W.M.

The applicant proposes to change the point of diversion to a sump located:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 7, T 38 S, R 4 W, W.M.; 1210 FEET SOUTH AND 800 FEET WEST OF EAST $\frac{1}{4}$ CORNER OF SECTION 7.

THESE CHANGES TO EXISTING WATER RIGHTS 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 quantity of water diverted at the new point of diversion (sump) shall not exceed the quantity of water lawfully available for these rights at their 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 places of use shall no longer be irrigated as parts of these water rights.

Certificates 57366, 57367, 57368, 57369, and 58913, are canceled. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed APR 07 2003.


for Paul R. Cleary, Director