

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION

Pursuant to ORS 537.705, 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 9456 submitted by

COOS BAY-NORTH BEND WATER BOARD
P.O. BOX 539
COOS BAY, OREGON 97420.

The right to be modified, as evidenced by Certificate 74903, was perfected under Permit G-10839 with a date of priority of SEPTEMBER 27, 1977. The right allows the use of WELL NO. 42, in the NORTH INLET BASIN, for MAINTAINING HORSFALL LAKE WATER LEVEL FOR RECREATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 74.0 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T 24 S, R 13 W, W.M.; NORTH 42° EAST, 580 FEET FROM THE WEST QUARTER CORNER OF SECTION 28.

The right shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights as well as prior ground water rights of others.

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

The authorized place of use is as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 28

TOWNSHIP 24 SOUTH, RANGE 13 WEST, W.M.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes an additional point of appropriation located as follows:

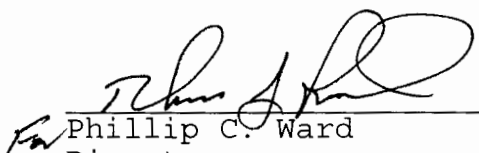
SW¼ NE¼, SECTION 32, T 24 S, R 13 W, W.M.; 2,380 FEET NORTH 24° WEST BEARING FROM E¼ CORNER SECTION 32.

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 appropriation (new well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to appropriating water from the new point of appropriation (new well) the water user shall install and maintain a headgate, an in-line flow meter 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 appropriation.

Certificate 74903 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

Dated at Salem, Oregon this 3rd day of December, 2004.


Phillip C. Ward
Director

Mailing date: DEC 22 2004