



**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	LOT	Survey Coordinates
36	S	5	W	W.M.	24	SE SE	8	ROGUE RIVER (Savage Rapids Dam Diversion): No. 1 - 550 ft. North and 320 ft. West from the SE corner Section 24
36	S	5	W	W.M.	24	SE SE	1	ROGUE RIVER (Savage Rapids Dam Diversion): No. 2 - 900 ft. North and 20 ft. West from the SE corner Section 24
36	S	5	W	W.M.	24	SE SE		ROGUE RIVER (Savage Rapids Dam Replacement Diversion): POD 1 – 900 ft. North and 300 ft. West from the SE¼ corner Section 24
36	S	5	W	W.M.	24	SE SE		ROGUE RIVER (Savage Rapids Dam Replacement) POD 2 – 925 ft. North and 100 ft. West from the SE corner Section 24
36	S	6	W	W.M.	14	NE SW		ROGUE RIVER: 1680 ft. North and 450 ft. West from the S¼ corner. Section 14
36	S	5	W	W.M.	15	SW NW		JONES CREEK: 970 ft. North and 470 ft. East from the W¼ corner Section 15
36	S	5	W	W.M.	28	NW SW		FRUITDALE CREEK: 1400 ft. North and 600 ft. East from the SW corner Section 28
36	S	5	W	W.M.	7	NE NE		GILBERT CREEK: 530 ft. West from the NE corner Section 7
36	S	6	W	W.M.	26	SW SW		SAND CREEK: 170 ft. North and 170 ft. East from the SW corner Section 26
36	S	6	W	W.M.	28	NE NE		SPARROWHAWK CREEK: 400 ft. South and 1220 ft. West from NE corner Section 28

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
36	S	5	W	W.M.	20	SW NE	2		0.85 (TL 1902)
36	S	5	W	W.M.	20	SW NE	2		0.84 (TL 2502)

5. Application T-9357 proposes to add an additional point of diversion (Rogue River only) approximately 5 miles downstream in the source (Rogue River) to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
36	S	5	W	W.M.	20	SW NE	2	—	1008 ft. South and 423 ft. West from the N.E. corner Govt. Lot 2

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon

Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

7. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed new authorized point of diversion will be in addition to diversions operated by the Grants Pass Irrigation District. As such, the use of water under the right will continue to be subject to water use measurement and reporting requirements under ORS 537.099.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

#### **Conclusions of Law**

The additional point of diversion proposed in application T-9357 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

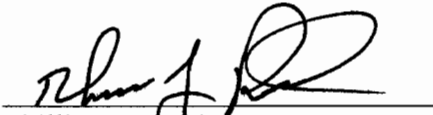
#### **Now, therefore, it is ORDERED:**

1. The change in point of diversion proposed in application T-9357 is 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 Certificate 80971 and any related decree.
3. The proposed change shall be completed on or before October 1, 2006.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
5. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The water user shall cooperate with the Grants Pass Irrigation District as necessary to ensure compliance with water use measurement and annual reporting requirements under ORS 537.099.
7. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. 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 Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

8. The Department shall issue a water right certificate describing the right when it determines that is necessary for record keeping or when the district or users within the district request issuance of a new certificate.

Dated at Salem, Oregon this 11<sup>th</sup> day of May, 2005.

  
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Phillip C. Ward  
Director

Mailing date: MAY 20 2005