

STATE OF OREGON

COUNTY OF JACKSON

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 8829 submitted by

DEBRA LILLIAN THOMPSON  
1485 BROWSBORO-MERIDIAN RD  
EAGLE POINT, OREGON 97524.

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 17164. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1885.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 32.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.80 cubic foot per second; measured at the head of the ditch or point where the same leaves the natural stream, from APRIL 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> of

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.

each year, if available at the authorized point of diversion, or its equivalent in case of rotation.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$         22.0 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$         10.0 ACRES  
SECTION 6  
TOWNSHIP 36 SOUTH, RANGE 1 EAST, 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 was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by Certificate 17170. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1885 for Tract No. 1 and 1908 for Tract No. 2.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 11.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second for Tract No. 1 and 0.25 cubic foot per second for Tract No.2; measured at the head of the ditch or point where the same leaves the natural stream, from APRIL 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> of each year, if available at the authorized point of diversion, or its equivalent in case of rotation.

The authorized place of use is located as follows:

TRACT NO. 1  
SW $\frac{1}{4}$  SE $\frac{1}{4}$         1.5 ACRES  
SECTION 31

TRACT NO. 2  
SW¼ SE¼        10.0 ACRES  
SECTION 31  
TOWNSHIP 35 SOUTH, RANGE 1 EAST, 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 THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by Certificate 17163. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1885 For Tract No. 1 and 1908 for Tract No. 2.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 10.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 cubic foot per second for Tract No. 1 and 0.19 cubic foot per second for Tract No. 2; measured at the head of the ditch or point where the same leaves the natural stream, from APRIL 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> of each year, if available at the authorized point of diversion, or its equivalent in case of rotation.

The authorized place of use is located as follows:

TRACT NO. 1  
SE¼ SE¼        3.0 ACRES  
SECTION 31

TRACT NO. 2  
SE¼ SE¼        7.5 ACRES  
SECTION 31  
TOWNSHIP 35 SOUTH, RANGE 1 EAST, 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 points of diversion to:

NW¼ NW¼, SECTION 5, T 36 S, R 1 E, W.M.; 250 FEET SOUTH AND 660 FEET EAST FROM THE NW CORNER OF SECTION 5.

THIS CHANGE TO EXISTING WATER RIGHTS 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, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the 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 points of diversion.

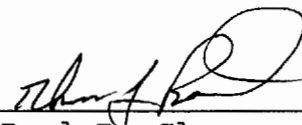
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish 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.

Certificates 17163, 17164, and 17170, are canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 10 2002.

  
For Paul R. Cleary, Director