

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING CHANGES IN POINTS OF DIVERSION,  
AND CANCELLATION OF PORTIONS OF TWO WATER RIGHTS

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 6738 submitted by

RONALD BECHTOLD  
P.O. BOX 101  
GOLD HILL, OREGON 97525.

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 a PORTION of Certificate 16403. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1885.

The right allows the use of the LITTLE APPELEGATE RIVER, a tributary of the APPELEGATE RIVER, for IRRIGATION of 9.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.24 cubic foot per second, if available at the authorized point of diversion: GALLAGHER DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 a PORTION of Certificate 16419. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1885.

The right allows the use of YALE CREEK, or RIGHT FORK OF the LITTLE APPELEGATE RIVER, a tributary of the LITTLE APPELEGATE RIVER, for IRRIGATION of 7.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the authorized point of diversion: SPICER 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:

	CERTIFICATE <u>16403</u>	CERTIFICATE <u>16419</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.1 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.5 ACRES	6.3 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.5 ACRES

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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 the following points on the Little Applegate River:

NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 29, T 39 S, R 2 W, WM;  
1 - 1040 FEET SOUTH AND 860 FEET EAST; 2 - 1530 FEET SOUTH AND 1140 FEET EAST; 750 FEET SOUTH AND 160 FEET EAST; ALL FROM THE N $\frac{1}{4}$  CORNER, SECTION 29.

An affidavit was received from Nancy Krieg, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water is a portion of the right described by Certificate 16403, State Record of Water Right Certificates. The abandoned water is for the use of 0.06 cubic foot per second of water from the Little Applegate River, a tributary of the Applegate River. The date of priority is 1885. The abandoned is for irrigation of 2.4 acres.

A description of the place of use of the abandoned water right is as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  2.4 ACRES  
SECTION 29  
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An affidavit was received from Ronald and Merrie Bechtold, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 16419, State Record of Water Right Certificates. The abandoned water right is for the use of 0.18 cubic foot per second of water from Yale Creek, a tributary of the Little Applegate River. The date of priority is 1885. The abandoned water is for irrigation of 7.2 acres.

A description of the place of use of the abandoned water right is as follows:

NW¼ NE¼            3.7 ACRES  
SW¼ NE¼            3.5 ACRES

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ORS 540.621 provides:

“Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right.”

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, 1999.
2. The quantity of water diverted at the new points 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 headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. When requested by the Department, the water user shall install and maintain suitable devices for measuring and recording the quantity of water available at the original points of diversion. The types and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

5. Water shall be acquired from the same surface water sources as the original points of diversion.
6. The water user shall install and maintain fish screens or fish by-pass devices. The types and plans of the screens or by-pass devices 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.

The water rights requested to be canceled herein are canceled. Certificates 16403 and 16419 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 4/20/98.

  
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Martha O. Pagel, Director