

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN POINT OF DIVERSION (WELL)

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections being filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6859 submitted by

HARRY AND DAVID, AN OREGON CORPORATION  
P.O. BOX 9000, 2518 SOUTH PACIFIC HIGHWAY  
MEDFORD, OREGON 97501

The right to be modified, as evidenced by a portion of Certificate 20757, was perfected under Permit 20620 with a date of priority of OCTOBER 23, 1951. The right allows the use of KENDALL SLOUGH a tributary of the ROGUE RIVER, for IRRIGATION of 83.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.04 cubic foot per second, if available at the authorized points of diversion located: SW $\frac{1}{4}$  SW $\frac{1}{4}$  AND SE $\frac{1}{4}$  SW $\frac{1}{4}$  SECTION 16, T. 36S., R. 2W., 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, is limited to a diversion of 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 4 $\frac{1}{2}$  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:

Lot 1	(NW $\frac{1}{4}$ NW $\frac{1}{4}$ )	1.5	ACRES
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26.4	ACRES
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2	ACRES
Lot 2	(NE $\frac{1}{4}$ NW $\frac{1}{4}$ )	2.0	ACRES
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.2	ACRES
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.8	ACRES
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.4	ACRES

SECTION 21

TOWNSHIP 36 SOUTH, RANGE 2 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 applicant proposes to CHANGE THE POINT OF DIVERSION TO A WELL located: SE¼ SW¼, SECTION 16, T. 36S., R. 2W., W.M., NORTH 67 FEET AND WEST 3575 FEET FROM THE SE CORNER SECTION 16.

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, 1997.
2. The quantity of water diverted at the new point of diversion (well) shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, 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 source as the original point of diversion.
5. If, within five years of the date of this order, the Department finds that the diversion causes substantial interference with existing ground water rights that would not have occurred in the absence of the change, the use of water from the new point of diversion shall be subordinate to any ground water right, including exempt uses, existing at the time of this order, injured by the change.
6. The Department shall approve an application to return to the last authorized surface water point of diversion if the water right holder submits an application within five years of the date of this order.

Certificate 20757 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed November 14, 1995.



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Martha O. Pagel, Director