

STATE OF OREGON

COUNTY OF LANE

ORDER APPROVING A CHANGE IN PLACE OF USE AND USE

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 9398 submitted by

RANDY REITZ (SOUTH COAST WATER DISTRICT)  
727 WILSON STREET  
EUGENE, OREGON 97402

The right to be modified, as evidenced by Certificate 48728, was perfected under Permit 35825 with a date of priority of OCTOBER 18, 1971. The right allows the use of SILTCOOS LAKE, a tributary of PACIFIC OCEAN, for GROUP DOMESTIC FOR 56 FAMILIES AND 10 CAMPSITES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 cubic foot per second, if available at the authorized point of diversion: LOT 5 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), SECTION 26, T 19 S., R 12 W., W.M.; 330 FEET SOUTH AND 3000 FEET EAST FROM THE NW CORNER, SECTION 26, 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:

LOT 6 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
NW $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 26  
TOWNSHIP 19 SOUTH, RANGE 12 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.

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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SW $\frac{1}{4}$   
SECTION 23

LOT 6 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
NW $\frac{1}{4}$  NW $\frac{1}{4}$   
NW $\frac{1}{4}$  NE $\frac{1}{4}$   
SECTION 26  
TOWNSHIP 19 SOUTH, RANGE 12 WEST, W.M.

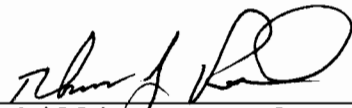
The applicant proposes to change the character of use to QUASI-MUNICIPAL.

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, 2006.
2. Prior to diverting water 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.
3. The water user shall annually report the monthly quantities of water diverted pursuant to OAR Chapter 690, Division 85.
4. 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.
5. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 48728 and any related Decree. The right to the use of water is further restricted to the use of not more than **one million gallons** during any month.

Certificate 48728 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 27<sup>th</sup> day of DECEMBER, 2004.

*For*   
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Phillip C. Ward  
Director

Mailing date: DEC 30 2004