

STATE OF OREGON

COUNTY OF DOUGLAS

*Amended
by 152
p541*

ORDER APPROVING A CHANGE IN PLACE OF USE
AND POINT OF DIVERSION
AND CANCELLATION OF A PORTION OF A WATER RIGHT

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 7906 submitted by

WILLIAM C. WOOLEY
1665 SMITH RIVER ROAD
DRAIN, OREGON 97435.

The right to be modified, as evidenced by a portion of Certificate 38335, was perfected under Permit 31189 with a date of priority of MARCH 4, 1966. The right allows the use of PASS CREEK, a tributary of ELK CREEK, for IRRIGATION OF 1.0 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 4, T 22 S, R 5 W, W.M.; 1030 FEET WEST AND 1480 FEET SOUTH FROM THE NE CORNER, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33, T 21 S, R 5 W, 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 an other right existing for the same lands, is limited to 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 2 $\frac{1}{2}$ 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
SECTION 4
TOWNSHIP 22 SOUTH, RANGE 5 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 place of use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
SECTION 4
TOWNSHIP 22 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 4, T 22 S, R 5 W, W.M.; 200 FEET
NORTH AND 210 FEET WEST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 4.

The receiving landowner is:

Karlene Willemsen
1030 Umpqua Highway
Drain, Oregon 97435

An affidavit was received from William C. Wooley, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and requested to be cancelled.

The portion is described by Certificate 65174, State Record of Water Right Certificates. The date of priority is APRIL 30, 1973. The water use was for SUPPLEMENTAL IRRIGATION of 1.0 ACRE from AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-6266, a tributary of PASS CREEK. The amount used was 1.45 ACRE FEET STORED WATER ONLY.

The abandoned portion is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
SECTION 21
TOWNSHIP 22 SOUTH, RANGE 5 WEST, W.M.

ORS 540.610 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 cancelling the water right."

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, 1999.

2. The quantity of water diverted at the new 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.
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 surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. 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.

The portion of the water right requested to be cancelled is cancelled. Certificates 38335 and 65174 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in the transfer and cancellation proceedings. 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 4/30/98.



Martha O. Pagel, Director