

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN PLACE OF USE, CHARACTER OF USE,
AND 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 8274 submitted by

WES BROWN, GARY BUCK, JASON EMONDS
412 AIRPORT ROAD
CAVE JUNCTION, OREGON 97523.

The right to be modified, as evidenced by a portion of Certificate 76872, was perfected under Permit 13080 with a date of priority of JUNE 21, 1938. The right allows the use of PARKER CREEK, a tributary of ROUGH AND READY CREEK, for IRRIGATION OF 1.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the original point of diversion: SE¼ SW¼, SECTION 12, T 40 S, R 9 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

Notice: 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.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated throughout the irrigation season of each year, APRIL 1 to NOVEMBER 1, and shall be further limited to a diversion of not to exceed 4½ 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:

NE¼ SE¼	0.5 ACRE (BROWN -TAX LOT 1002)
NE¼ SE¼	0.5 ACRE (BUCK - TAX LOT 1000)
SE¼ SE¼	0.5 ACRE (EMONDS-TAX LOT 1001)

SECTION 12

TOWNSHIP 40 SOUTH, RANGE 9 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 applicants propose to change the use to DOMESTIC USE INCLUDING IRRIGATION NOT TO EXCEED ¼ ACRE OF NON-COMMERCIAL LAWN AND GARDEN FOR EACH FAMILY DURING THE IRRIGATION SEASON OF EACH YEAR, FROM APRIL 1ST TO NOVEMBER 1ST.

The applicants propose to change the point of diversion to:

NW¼ SW¼, SECTION 12, T 40 S, R 9 W, W.M., 2450 FEET NORTH AND 580 FEET EAST FROM THE SW CORNER, SECTION 12.

The applicants also propose to change the place of use to:

NE¼ SE¼ 0.25 ACRE & DOMESTIC (BUCK - TAX LOT 1000)
NE¼ SE¼ 0.25 ACRE & DOMESTIC (BROWN -TAX LOT 1002)
SW¼ SE¼ 0.25 ACRE & DOMESTIC (EMONDS-TAX LOT 1001)

SECTION 12

TOWNSHIP 40 SOUTH, RANGE 9 WEST, W.M.

Proof to the satisfaction of the Director of the completed changes approved by Transfer 5891 have been received.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 2003.
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. **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.
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.

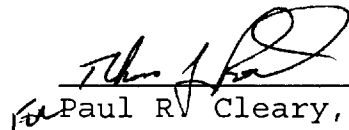
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish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

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 JAN 14 2002.


Paul R. Cleary, Director