

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN PLACE OF 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 7776 submitted by

APPLEGATE INVESTMENTS, INC. (BILLY JOE HUNTER)
7170 HWY. 238
JACKSONVILLE, OREGON 97530

The FIRST right to be modified, as evidenced by a portion of Certificate 1148, was perfected under Permit 2982 with a date of priority of JUNE 27, 1916. The right allows the use of BISHOP CREEK, TRIBUTARY OF FORREST CREEK, a tributary of the APPLEGATE RIVER, for IRRIGATION OF 6.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.08 CUBIC FOOT PER SECOND, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

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 authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.5 ACRES

SECTION 23

TOWNSHIP 38 SOUTH, RANGE 3 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 to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.1 ACRES

SECTION 23

TOWNSHIP 38 SOUTH, RANGE 3 WEST, W.M.

The SECOND right to be modified, as evidenced by a portion of Certificate 32557, was perfected under Permit 26859 with a date of priority of JULY 5, 1960. The right allows the use of FOREST CREEK AND HUNTER AND BEST RESERVOIRS NOS. 1 AND 2 CONSTRUCTED UNDER APPLICATION NO. R-34097, PERMIT NO. R-2370, a tributary of the APPLGATE RIVER, for IRRIGATION OF 21.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 6.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.355 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ AS PROJECTED WITHIN BISHOP DLC 42, SECTION 23, T 38 S, R 3 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 any 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 4 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year FROM DIRECT FLOW AND STORAGE FROM RESERVOIRS CONSTRUCTED UNDER PERMIT

NO. R 2370; PROVIDED FURTHER THAT THE RIGHT TO THE USE OF DIRECT FLOW IS LIMITED TO THE PERIOD WHEN THE FLOW OF THE ROGUE RIVER IS MORE THAN 735 C.F.S. AT ITS MOUTH.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$		2.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.3 ACRES	1.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 ACRE	2.5 ACRES
ALL AS PROJECTED WITHIN BISHOP DLC 42 SECTION 23		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 ACRE	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	18.7 ACRES	
BOTH AS PROJECTED WITHIN BISHOP DLC 42 SECTION 26 TOWNSHIP 38 SOUTH, RANGE 3 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 to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.9 ACRE	6.1 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	21.0 ACRES	
ALL AS PROJECTED WITHIN BISHOP DLC 42 SECTION 23 TOWNSHIP 38 SOUTH, RANGE 3 WEST, W.M.		


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, 2002.
2. 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 former place of use shall no longer be irrigated as a part of this water right.

Certificates 1148 and 32557 are canceled. New certificates will be issued to confirm that portion of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed May 21, 2001.



for Paul R. Cleary, Director