

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN POINT OF DIVERSION AND 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 8127 submitted by

ERNIE DODSON AND LEE THORNALLY  
1399 HIGHWAY 234  
EAGLE POINT, OREGON 97524.

The first right to be modified, as evidenced by a portion of Certificate 74671, was perfected under Permit 8572 with a date of priority of JULY 5, 1928. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 1.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.014 cubic foot per second, if available at the authorized point of diversion: SE¼ SE¼, SECTION 16; NE¼ NE¼, SECTION 21, T 34 S, R 1 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

**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.**

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 NE¼        0.9 ACRE  
SE¼ NE¼        0.2 ACRE  
SECTION 21  
TOWNSHIP 34 SOUTH, RANGE 1 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:

NE¼ NE¼, SECTION 21, T 34 S, R 1 W, W.M.; 1080 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 21.

SE¼ NE¼, SECTION 21, T 34 S, R 1 W, W.M.; 1390 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 21.

The applicant proposes to change the place of use:

NE¼ NE¼        0.4 ACRE  
SE¼ NE¼        0.7 ACRE  
SECTION 21  
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

The second right to be modified, as evidenced by a portion of Certificate 57501, was perfected under Permit 40805 with a date of priority of JUNE 21, 1976. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, 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 0.013 cubic foot per second, if available at the

authorized point of diversion: LOT 1, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 34 S, R 1 W, W.M.; 1180 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 21, 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.

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 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )            1.0 ACRES  
SECTION 21  
TOWNSHIP 34 SOUTH, RANGE 1 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:

NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 34 S, R 1 W, W.M.; 1080 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 21.

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 34 S, R 1 W, W.M.; 1390 FEET SOUTH AND 1280 FEET WEST FROM NE CORNER, SECTION 21.

The applicant proposes to change the place of use:

LOT 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )            1.0 ACRES  
SECTION 21  
TOWNSHIP 34 SOUTH, RANGE 1 WEST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

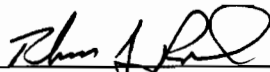
1. The proposed changes shall be completed on or before October 1, 2002.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water 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.

Certificates 74671 and 57501 are canceled. New certificates will be issued to confirm those portions 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.

  
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for Paul R. Cleary, Director