

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING A CHANGE IN 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 8362 submitted by

GARY SEITZ TRUSTEE
5520 SOUTH FORK LITTLE BUTTE CREEK ROAD
EAGLE POINT, OREGON 97524.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 44953. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1888.

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 daytime 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 right allows the use of SOUTH FORK OF LITTLE BUTTE CREEK, a tributary of LITTLE BUTTE CREEK, for IRRIGATION OF 7.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.155 cubic foot per second; measured at the head of the ditch or the point where the same leaves the natural stream, from April 1 to October 1 of each year, if available at the authorized point of diversion: NE¼ NE¼, SECTION 10, T 37 S, R 2 E, W.M.; RANGLES & RAGSDALE DITCH - 330 FEET SOUTH AND 680 FEET WEST FROM THE NE CORNER, SECTION 10, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Special Order Volume 29, Page 279, entered September 12, 1977, approving Transfer Application 3620, was perfected by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1888.

The right allows the use of SOUTH FORK OF LITTLE BUTTE CREEK, a tributary of LITTLE BUTTE CREEK, for IRRIGATION OF 3.0 ACRES. 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; from April 1 to October 1 of each year, if available at the original point of diversion: NE¼ NE¼, SECTION 10, T 37 S, R 2 E, W.M.; RANGLES & RAGSDALE DITCH - 330 FEET SOUTH AND 680 FEET WEST FROM THE NE CORNER, SECTION 10, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located:

LOT 4 (NW¼ NW¼), SECTION 3, T 37 S, R 2 E, W.M.;
1160 FEET SOUTH AND 130 FEET EAST FROM THE NW CORNER OF
SECTION 3.

The authorized places of use are located as follows:

CERTIFICATE 44953

LOT 4 (NW¼ NW¼) 7.0 ACRES
SECTION 3

TOWNSHIP 37 SOUTH, RANGE 32 EAST, W.M.

TRANSFER 3620

LOT 4 (NW¼ NW¼) 3.0 ACRES
SECTION 3

TOWNSHIP 37 SOUTH, RANGE 32 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the point of diversion of both rights to:

LOT 4 (NW¼ NW¼), SECTION 3, TOWNSHIP 37 SOUTH, RANGE 2 EAST, W.M.; 1400 FEET SOUTH AND 620 FEET EAST FROM THE NW CORNER OF SECTION 3.

Satisfactory proof of the completion of the changes approved by the order of the Water Resources Director entered September 12, 1977, at Special Order Volume 29, Page 279, approving Transfer Application 3620, is confirmed as described above.

THIS CHANGE TO EXISTING WATER RIGHTS 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, 2001.

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 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.

Certificate 44953 is canceled. A new certificate will be issued to confirm that portion of Certificate 44953 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 **JUN 29 2000** .



For Martha O. Pagel, Director