

STATE OF OREGON

COUNTY OF DOUGLAS

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 7041 submitted by

GARY AND SANDRA NICHOLS
4247 CANYONVILLE-RIDDLE ROAD
RIDDLE, OREGON 97469.

The right to be modified, as evidenced by a portion of Certificate 6745, was perfected under Permit 5324 with a date of priority of JANUARY 4, 1922. The right allows the use of COW CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 0.58 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.007 cubic foot per second, if available at the authorized point of diversion: SW¼ SW¼, SECTION 19, T 30 S, R 5 W, WM, 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 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:

SE¼ SE¼ 0.58 ACRE
SECTION 24
TOWNSHIP 30 SOUTH, RANGE 6 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:

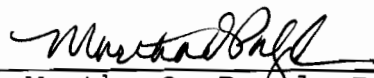
SE¼ SE¼, SECTION 24, T 30 S, R 6 W, WM; 1043 FEET NORTH AND 147 FEET WEST FROM THE SE CORNER, SECTION 24.

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, 1998.
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.

Certificate 6745 is cancelled. 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 JUN 20 1997.



Martha O. Pagel, Director