

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN CHARACTER 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 9396 submitted by

DOUGLAS COUNTY NATURAL RESOURCES  
1036 SE DOUGLAS AVE. ROOM 306  
ROSEBURG, OREGON 97470.

The right to be modified, as evidenced by a portion of Certificate 80057, was perfected under Permit R-8444 with a date of priority of SEPTEMBER 2, 1980. Certificate 80057 allows the right to store the waters of BERRY CREEK, a tributary of OLALLA CREEK, in BEN IRVING RESERVOIR to be appropriated under Permit 46786 for IRRIGATION. The amount of water to be stored each year under this right is not more than 500.0 ACRE-FEET, if available at the authorized point of diversion.

The dam shall be operated and maintained according to the approved plans and specifications on file with the Water Resources Department.

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 reservoir is located as follows:

SW $\frac{1}{4}$   
SECTION 17

NE $\frac{1}{4}$  SW $\frac{1}{4}$   
S $\frac{1}{2}$  SW $\frac{1}{4}$   
SE $\frac{1}{4}$   
SECTION 18

NW $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 19

W $\frac{1}{2}$  NE $\frac{1}{4}$   
N $\frac{1}{2}$  NW $\frac{1}{4}$   
SE $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 20

TOWNSHIP 29 SOUTH, RANGE 7 WEST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

The applicant proposes to change the character of use from IRRIGATION USE to MULTIPURPOSE USE.

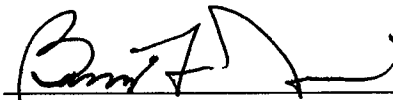
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.
2. 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.

Certificate 80057 is canceled. 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           AUG 26 2003          .

*for*   
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Paul R. Cleary, Director