

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 7998 submitted by

GERALD HANSEN
8575 HIGHWAY 140
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 Certificate 17188. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1874.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 CUBIC FOOT PER SECOND; MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES THE NATURAL STREAM, FROM APRIL 1ST TO OCTOBER 1ST OF EACH YEAR, if available at the authorized point of diversion: BROWNSBORO DITCH - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T 36 S, R 1 E, W.M.; 580 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 3, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by Certificate 46187. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1874 for TRACTS NO. 1 and 2, and 1908 for TRACT NO. 3.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION OF 9.0 ACRES AND DOMESTIC FOR TRACT NO. 1 AND IRRIGATION OF 33.2 ACRES FOR TRACTS NO. 2 AND 3. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 CUBIC FOOT PER SECOND (CFS) FOR TRACT NO. 1 AND 0.7 CFS FOR TRACT NO. 2 AND 0.09 CFS FOR TRACT NO. 3; MEASURED AT THE HEAD OF THE DITCH OR THE POINT WHERE THE SAME LEAVES

THE NATURAL STREAM, FROM APRIL 1ST TO OCTOBER 1ST OF EACH YEAR, if available at the authorized point of diversion: BROWNSBORO DITCH - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T 36 S, R 1 E, W.M.; 580 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 3, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized places of use are located as follows:

CERTIFICATE 17188

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES
SECTION 4

TOWNSHIP 36 SOUTH, RANGE 1 EAST, W.M.

CERTIFICATE 46187

TRACT NO. 1

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.0 ACRES
SECTION 4

TRACT NO. 2

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES
SECTION 4

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SECTION 5

TRACT NO. 3

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7 ACRES
SECTION 4

TOWNSHIP 36 SOUTH, RANGE 1 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 to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 4, T 36 S, R 1 E, W.M.; 980 FEET NORTH AND 20 FEET WEST FROM THE SE CORNER OF SECTION 4.

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, 1999.
2. The quantity of water diverted at the new 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.

Certificates 17188 and 46187 are cancelled. 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

JUN 23 1998

Director, affixed _____.



Martha O. Pagel, Director