

STATE OF OREGON

COUNTY OF JACKSON

ORDER APPROVING CHANGES IN USE AND PLACE OF USE

Pursuant to ORS 537.348 and 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 8073 submitted by

OREGON WATER TRUST
147 CENTAL
ASHLAND, OREGON 97520.

The 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 48247. The decree is recorded in the Order Record of the Water Resources Director in Volume 14, at Page 498. The date of priority is 1895.

The right allows the use of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION of 19.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.48 cubic foot per second, if available at the original point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 13, T 36 S, R 1 E, WM; 520 FEET SOUTH AND 3215 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 13, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T 36 S, R 1 E, WM; 70 FEET SOUTH AND 2110 FEET EAST FROM THE NW CORNER, SECTION 14.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 ACRES
SECTION 10

SW¼ SW¼ 16.4 ACRES
SE¼ SW¼ 1.0 ACRE

SECTION 11
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 USE and PLACE OF USE to INSTREAM USE FOR FISHERIES ENHANCEMENT in LITTLE BUTTE CREEK. The stream reach is from the authorized point of diversion in the NE¼ NW¼, SECTION 14, T 36 S, R 1 E, WM; 70 FEET SOUTH AND 2110 FEET EAST FROM THE NW CORNER, SECTION 14, to the mouth, in the NE¼ NE¼, SECTION 13, T 36 S, R 2 W, WM.

The applicant proposes to replace portions of the instream water rights for Little Butte Creek, evidenced by Certificates 59818 and 59820, during the irrigation season, from April 1 to October 1, of each year.

The Director finds, in accordance with OAR 690-77-075(2):

1. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right; and,
2. The proposed reaches are appropriate, considering;
 - a. The instream water right begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion; and,
 - c. There are no known areas of natural loss of streamflow to the river bed.

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

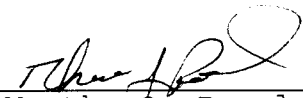
1. The proposed changes shall be effective upon the date of this order.

2. This instream water right shall replace portion of the existing instream water right for Little Butte Creek, evidenced by Certificates 59818 and 59820, during the period from April 1 to October 1, of each year.
3. The former place of use shall no longer be irrigated as a part of this water right.

An instream flow of 0.48 cubic foot per second will maintained, during the period from April 1 to October 1 of each year, in Little Butte Creek, a tributary of the Rogue River, from the authorized point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T 36 S, R 1 E, WM; 70 FEET SOUTH AND 2110 FEET EAST FROM THE NW CORNER, SECTION 14, to the mouth in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T 36 S, R 2 W, WM, with a priority date of 1895.

Certificate 48247 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. A new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed APR 30 1999.


For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.