



each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** ROGUE RIVER, tributary to the PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 W	WM	18	SW NE	2350 FEET SOUTH AND 1840 FEET WEST FROM THE NE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	2 W	WM	17	NE NW	2.9
36 S	2 W	WM	17	NW NW	0.3
36 S	2 W	WM	17	SW NW	8.2
36 S	2 W	WM	17	SE NW	8.4
36 S	2 W	WM	18	NE NE	7.7
36 S	2 W	WM	18	NW NE	2.5
36 S	2 W	WM	18	SW NE	28.9
36 S	2 W	WM	18	SE NE	13.7
36 S	2 W	WM	18	NE NW	2.3
36 S	2 W	WM	18	SE NW	17.1
36 S	2 W	WM	18	NW SE	0.1
Total					92.1

- Notification T-11277 proposes to move the authorized point of diversion approximately 1600 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	2 W	WM	18	NW SE	1130 FEET SOUTH AND 2510 FEET WEST FROM THE E <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 18

- Notice of the change in a point of diversion due to government action was published on August 9, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On September 14, 2011 the Department issued a Final Order for the notification, recorded at Special Order Volume 85, Pages 387 to 389. Shortly following issuance of the order the Department determined that the order should be reconsidered due to inconsistency with the statutory authority for processing changes in point of diversion due to government action. On its own motion, the Department withdrew the order and reconsidered the fish screening and water measurement conditions in the order.
- This order is issued to supersede the previous order recorded at Special Order Volume 85, Pages 387 to 389, and to remove the fish screening and measurement conditions because, upon reconsideration, the Department finds insufficient basis under ORS 510(6) for adding such conditions.

8. Recent government action resulted in the removal of Gold Ray Dam. This action resulted in a change in the surface level from which water is diverted under this right. The change in surface level rendered the authorized point of diversion unusable.

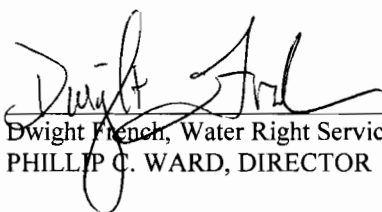
### **Conclusions of Law**

The proposed change in point of diversion due to government action T-11277 is consistent with the requirements of ORS 540.510(6), and the conditions in Special Order Volume 85, Pages 387-389 should be corrected in the record.

### **Now, therefore, it is ORDERED:**

1. The order recorded at Special Order Volume 85, pages 387-389 is withdrawn, is of no further force or effect, and is superseded by this order.
2. The change in point of diversion due to government action proposed in Government Action Point of Diversion Change T-11277 is approved. Certificate 87286 will be issued confirming the new point of diversion for the portion of the right included in this order.
3. 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.
4. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 86997 and any related decree.
5. Water right certificate 86997 is cancelled. Certificate 87230 has been issued describing that portion of the right not affected by this order.

Dated at Salem, Oregon this 7 day of November, 2011.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR