

STATE OF OREGON

COUNTY OF JOSEPHINE

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 7563 submitted by

STEVEN M. AND MARY ANNE McMAHAN
4300 BRIDGEVIEW/TAKILMA ROAD
CAVE JUNCTION, OREGON 97523.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by Certificate 45764. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is 1881 FOR TRACT NO. 1 AND 1905 FOR TRACT NO. 2.

The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 30 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE CUBIC FOOT PER SECOND FOR EACH 50 ACRES OF LAND IRRIGATED DURING THE IRRIGATION SEASON FROM APRIL 1 TO NOVEMBER 1 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 12312, was perfected under Permit 4449 with a date of priority of JANUARY 30, 1920. The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized points of diversion: (#1) SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14 AND (#2) SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2, T 40 S, R 8 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation for Certificate 12312, 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized places of use are located as follows:

Certificate 45764

Tract No. 1
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 acres

Tract No. 2
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 acres
Section 2
Township 40 South, Range 8
West, W.M.

Certificate 12312

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.6 acres
Section 2
Township 40 South, Range 8
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 points of diversion to:

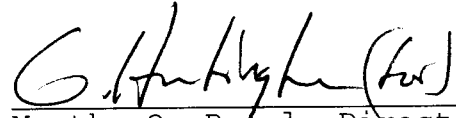
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T 40 S, R 8 W, W.M.; 2290 FEET SOUTH AND 1120 FEET WEST FROM THE NORTH $\frac{1}{4}$ CORNER, SECTION 2.

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, 1997.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points 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. Regulation will be as a surface diversion. If the East Fork of the Illinois River goes dry immediately upstream of the new diversion points, water use will be curtailed.

Certificates 12312 and 45764 are cancelled. When satisfactory proof of the completed change is received, a new certificate confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed ~~SEP 30 1996~~.



Martha O. Pagel, Director