

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 8917 submitted by

HAZEL L. MCINTOSH, TRUSTEE; MCINTOSH TRUST
6940 HOLLAND LOOP ROAD
CAVE JUNCTION, OREGON 97523.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by a PORTION of Certificate 7140. The decree is recorded in the Order Record of the Water Resources Director in Volume 1 AND 5, at Pages 253 AND 398. The dates of priority are 1872 FOR TRACT #1 AND 1906 FOR TRACT #2.

The right allows the use of SUCKER CREEK, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 51.95 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.96 cubic foot per second (cfs), being 0.72 cfs for 35.0 acres and 0.12 cfs for

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.

6.0 acres of Tract #1 and 0.12 cfs for Tract #2; and that the use for irrigation purposes shall be confined to the season April 1st to October 31st of each year.

The authorized place of use is located as follows:

TRACT # 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 ACRES

SECTION 32

TRACT #2

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.45 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.5 ACRES

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 7 WEST, 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:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T 39 S, R 7 W, W.M.; 220 FEET SOUTH AND 40 FEET WEST FROM N $\frac{1}{4}$ CORNER, SECTION 32.

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, 2003.
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.

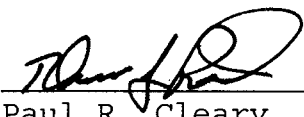
3. Prior to the diverting of water at the new point of diversion, the water user **shall** install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be 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.

Certificate 7140 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 August 7, 2002.



For Paul R. Cleary, Director