

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN POINT OF DIVERSION, A CHANGE IN PLACE OF USE, AND PARTIAL CANCELLATION OF A WATER RIGHT

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 8029 submitted by

ILLINOIS VALLEY SOIL AND WATER CONSERVATION DISTRICT
P.O. BOX 352
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 Certificate 2721. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 427. The date of priority is 1883.

The right allows the use of ALTHOUSE CREEK, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 17.0 ACRES, DOMESTIC, AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the authorized point of diversion: SPENCE AND MATHEWSON DITCH, 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 JOSEPHINE County as evidenced by Certificate 2722. The decree is recorded in the Order Record of the Water Resources Director in Volume 4, at Page 427. The date of priority is 1883.

The right allows the use of ALTHOUSE CREEK, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 53.8 ACRES, DOMESTIC, AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.08 cubic feet per second, if available at the authorized point of diversion: SPENCE AND MATHEWSON DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

The authorized places of use are located as follows:

CERTIFICATE 2721

RAY JAMES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 ACRES
SECTION 1
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

CERTIFICATE 2722

STEVENSON

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3.8 ACRES
SECTION 35
TOWNSHIP 39 SOUTH,
RANGE 8 WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.6 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

DOUGLAS JAMES

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRE
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

BROWN

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.1 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

SALKIN

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 ACRE
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

FINCHER

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

HOOPER

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.3 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

BECK

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.6 ACRE
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 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 place of use of 5.6 acres of CERTIFICATE 2722 located at:

FINCHER

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

BECK

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.6 ACRE
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

to:

FINCHER

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.6 ACRES
SECTION 2
TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

The applicant proposes to change the point of diversion to:

SALKIN

DIVERSION POINT 1 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 40 S, R 8 W, W.M.; 548 FEET SOUTH AND 1269 FEET WEST FROM THE NE CORNER OF SECTION 2.

BROWN, FINCHER, JAMES (DOUGLAS), JAMES (RAY), STEVENSON

DIVERSION POINT 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 40 S, R 8 W, W.M.; 404 FEET SOUTH AND 1326 FEET WEST FROM THE NE CORNER OF SECTION 2.

HOOPER

DIVERSION POINT 3 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T 40 S, R 8 W, W.M.; 479 FEET SOUTH AND 2221 FEET WEST FROM THE NE CORNER OF SECTION 2.

The receiving landowners are:

RAY L. JAMES
3833 HOLLAND LOOP ROAD
CAVE JUNCTION, OREGON 97523

LOREN AND CERISE BROWN
1317 J STREET
CRESCENT CITY, CALIFORNIA
95531

HELENA Z. SALKIN, TRUSTEE
P.O. BOX 375
CAVE JUNCTION, OREGON 97523

DOUGLAS S. JAMES
LADENA E. FRY
P.O. BOX 870
CAVE JUNCTION, OREGON 97523

CLAYTON FINCHER
P.O. BOX 703
CAVE JUNCTION, OREGON 97523

HARLEY E. AND JEANETTE R.
STEVENSON
3790 TAKILMA ROAD
CAVE JUNCTION, OREGON 97523

PAUL G. AND GLENNYS HOOPER
3864 TAKILMA ROAD
CAVE JUNCTION, OREGON 97523

Affidavits were received from PAUL G. AND GLENNYS HOOPER, HARLEY E. AND JEANETTE R. STEVENSON, CLAYTON FINCHER, AND LOREN AND CERISE BROWN, owners of certain lands and the water right appurtenant to the lands. Portions of the water right have been abandoned and are requested to be cancelled.

The portions are described by Certificate 2272, State Record of Water Right Certificates. The date of priority is 1883. The water use was for IRRIGATION of 13.2 ACRES from ALTHOUSE CREEK, a tributary of the ILLINOIS RIVER. The amount used was 0.264 CUBIC FOOT PER SECOND (CFS), BEING 0.05 CFS (HOOPER), 0.024 CFS (STEVENSON), 0.18 CFS (FINCHER), AND 0.01 CFS (BROWN).

The abandoned portions are located as follows:

HOOPER

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.7 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

FINCHER

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.8 ACRES
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

STEVENSON

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.2 ACRE
SECTION 35
TOWNSHIP 39 SOUTH,
RANGE 8 WEST, W.M.

BROWN

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.6 ACRE
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.9 ACRE
SECTION 2
TOWNSHIP 40 SOUTH,
RANGE 8 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

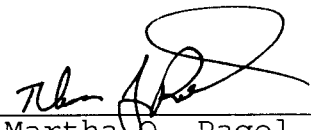
THESE CHANGES TO THESE EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USERS:

1. The proposed changes shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
3. The water users shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices 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 former places of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain fish screen or fish by-pass devices. The type and plans of the screen or by-pass devices 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.

The portions of the water right requested to be cancelled are cancelled. Certificates 2721 and 2722 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
Director, affixed SEP 04 1998 _____.

For 

Martha D. Pagel, Director