

STATE OF OREGON
COUNTY OF JACKSON
ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.580, 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 8233, a petition submitted by

EAGLE POINT IRRIGATION DISTRICT
PO BOX 157
EAGLE POINT, OR 97524.

The right to be modified is evidenced by the Special Order recorded at Volume 51, Pages 1384-1386, and formerly evidenced by Certificate 75101. It allows for the use of BIG BUTTE CREEK, a tributary of the ROGUE RIVER, for irrigation of:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.4 ACRES
SECTION 10
TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized points of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 10; LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 3; T 35 S, R 2 E, WM; 1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER, SECTION 10; 1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER, SECTION 3, 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 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 and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

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

The District requests to move the location of this water right to:

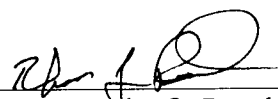
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (TL 1700) 1.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ (TL 1000) 2.4 ACRES
SECTION 11
TOWNSHIP 36 SOUTH, RANGE 1 WEST, W.M.

Special Order Volume 51, Pages 1384-1386 provides: " Prior to December 31, 1998, a transfer application shall be submitted by the Eagle Point Irrigation District to change the place of use of 3.4 acres of irrigation from the NE¼ NE¼, Section 10. If the transfer application from Eagle Point Irrigation District is not received by the Department prior to December 31, 1998, the Department may initiate proceedings to cancel the water right for the 3.4 acres." The application was received by the Department on March 29, 1999, and the water right had not yet been canceled.

This change to an existing district water right may be made subject to the following conditions:

1. The proposed change shall be completed on or before October 1, 2000.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized points of diversion: NE¼ NE¼, SECTION 10; LOT 4 (NW¼ NW¼), SECTION 3; T 35 S, R 2 E, WM; 1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER, SECTION 10; 1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER, SECTION 3, 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 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 and shall be further limited to a diversion of not to exceed 4½ acre-feet for each acre irrigated during the irrigation season of each year. The use shall conform to any reasonable rotation system ordered by the proper state officer.
4. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by EAGLE POINT IRRIGATION DISTRICT on or before October 1, 2001.
5. A new certificate will be issued to confirm all completed changes for which satisfactory proof has been made.

WITNESS the signature of the Water Resources Director, affixed JUN 03 1999


For Martha O. Pagel, Director