

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION
AND CANCELLATION OF A PORTION OF TWO WATER RIGHTS

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 8886 submitted by

DON H. JACKSON
732 REDWOOD HIGHWAY
GRANTS PASS, OREGON 97527.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County as evidenced by a PORTION of Certificate 32848. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Page 523. The date of priority is FEBRUARY 1892.

The right allows the use of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 19.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.384 cubic foot

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.

per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 1, T 38 S, R 5 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW¼ SW¼ 0.1 ACRE
SW¼ SW¼ 19.1 ACRES
SECTION 27
TOWNSHIP 37 SOUTH, RANGE 5 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 SECOND right to be modified, as evidenced by a portion of Certificate 12281, was perfected under Permit 12889 with a date of priority of NOVEMBER 24, 1937. The right allows the use of APPLEGATE RIVER, a tributary of ROGUE RIVER, for IRRIGATION OF 1.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.018 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 1, T 38 S, R 5 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, together with the amount secured under any 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 2½ 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 authorized place of use is located as follows:

NW¼ NW¼ 1.4 ACRES
SECTION 34
TOWNSHIP 37 SOUTH, RANGE 5 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 an additional point of diversion:

NW¼ SW¼, SECTION 27, T 37 S, R 5 W, W.M.; 1030 FEET SOUTH AND 1020 FEET EAST OF THE W¼ CORNER, SECTION 27.

PARTIAL CANCELLATION OF CERTIFICATES 62848 AND 12281

The applicant has submitted a partial cancellation affidavit for Certificate 32848.

An affidavit was received from Don H. Jackson, owner of certain land and the water right appurtenant to it. The landowner requests a portion of the water right be canceled.

The portion is described by Certificate 32848, State Record of Water Right Certificates. The date of priority is February 1892. The water use was for irrigation of 1.7 acres from Applegate River, a tributary of Rogue River. The amount used was 0.034 cubic foot per second.

The canceled portion is located as follows:

NW¼ NW¼ 0.2 ACRE (TAX LOT 700)
SW¼ SW¼ 1.0 ACRE (TAX LOT 700)
SW¼ SW¼ 0.5 ACRE (TAX LOT 602)
SECTION 27
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W.M.

The applicant has submitted a partial cancellation affidavit for Certificate 12281.

An affidavit was received from Don H. Jackson, owner of certain land and the water right appurtenant to it. The landowner requests a portion of the water right be canceled.

The portion is described by Certificate 12281, State Record of Water Right Certificates. The date of priority is November 24, 1937. The water use was for irrigation of 0.1 acres from Applegate River, a tributary of Rogue River. The amount used was 0.001 cubic foot per second.

The canceled portion is located as follows:

NW¼ NW¼ 0.1 ACRE (TAX LOT 800)
SECTION 34
TOWNSHIP 37 SOUTH, RANGE 5 WEST, W. M.

ORS 540.621 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 canceling the water right."

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

1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

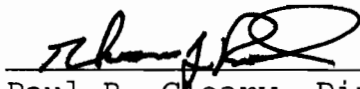
3. **Prior** to diverting water at the new point of diversion, the water user **shall** install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. The water user **shall** notify the Watermaster and the Ditch Association prior to the use of the additional point of diversion.
5. The Ditch association must reduce the diversion rate at the Ditch Association headgate by an amount equal to the that which will be pumped at the additional point of diversion.
6. Water shall be acquired from the same surface water source as the original point of diversion.
7. 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.

Certificates 32848 and 12281 are canceled. New certificates will be issued to confirm that portion of the rights NOT involved in this transfer. 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 May 31, 2003.


for Paul R. Cleary, Director