

STATE OF OREGON

COUNTY OF KLAMATH

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 8239 submitted by

KENNETH AND CONNIE MASTEN
4550 BURGENDORF ROAD
KLAMATH FALLS, OREGON 97623.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for KLAMATH County as evidenced by Certificate 51342. The decree is recorded in the Order Record of the Water Resources Director in Volume 7, at Page 147. The date of priority is 1902.

The right allows the use of the LOST RIVER AND TRIBUTARY SPRINGS, a tributary of TULE LAKE, for IRRIGATION OF 528.2 ACRES IN TRACT 1 AND 201.8 ACRES IN TRACT 2. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 9.12 cubic feet per second, if available at the authorized points of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 17, T 39 S, R 11 E, W.M.; TRACT 1 - S 31° 02' E, 2754.4 FEET FROM THE N $\frac{1}{4}$ CORNER, SECTION 17; TRACT 2 - N 38° 01' 30" E, 1100 FEET FROM THE SW CORNER, SECTION 17, or its equivalent in case of rotation, measured at the points of diversion from the source.

This is a final 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.

The authorized place of use is located as follows:

TRACT 1

SE ¹ / ₄ NW ¹ / ₄	30.0 ACRES
NE ¹ / ₄ SW ¹ / ₄	32.0 ACRES
SE ¹ / ₄ SW ¹ / ₄	29.0 ACRES

SECTION 7

NE ¹ / ₄ NE ¹ / ₄	1.8 ACRES
NW ¹ / ₄ NE ¹ / ₄	0.2 ACRE
SW ¹ / ₄ NE ¹ / ₄	13.0 ACRES
SE ¹ / ₄ NE ¹ / ₄	31.0 ACRES
NE ¹ / ₄ SE ¹ / ₄	31.0 ACRES
NW ¹ / ₄ SE ¹ / ₄	1.0 ACRE

SECTION 8

NE ¹ / ₄ SW ¹ / ₄	39.0 ACRES
NW ¹ / ₄ SW ¹ / ₄	39.0 ACRES
SE ¹ / ₄ SW ¹ / ₄	2.0 ACRES
NW ¹ / ₄ SE ¹ / ₄	36.0 ACRES

SECTION 9

SE ¹ / ₄ NE ¹ / ₄	20.0 ACRES
NW ¹ / ₄ NW ¹ / ₄	3.2 ACRES

SECTION 17

NE ¹ / ₄ NW ¹ / ₄	35.0 ACRES
SW ¹ / ₄ NW ¹ / ₄	30.0 ACRES
SE ¹ / ₄ NW ¹ / ₄	32.0 ACRES
NE ¹ / ₄ SW ¹ / ₄	40.0 ACRES
NW ¹ / ₄ SW ¹ / ₄	30.0 ACRES
SE ¹ / ₄ SW ¹ / ₄	16.0 ACRES
SW ¹ / ₄ SE ¹ / ₄	37.0 ACRES

SECTION 18

TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

TRACT 2

NW¼ NW¼	1.8 ACRES
SW¼ NW¼	34.0 ACRES
SE¼ NW¼	10.0 ACRES
NE¼ SW¼	10.0 ACRES
NW¼ SW¼	36.0 ACRES
SW¼ SW¼	15.0 ACRES

SECTION 17

NE¼ NE¼	21.0 ACRES
SE¼ NE¼	38.0 ACRES
NW¼ SE¼	27.0 ACRES
SE¼ SE¼	9.0 ACRES

SECTION 18

TOWNSHIP 39 SOUTH, RANGE 11 EAST, 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 points of diversion to:

NE¼ NE¼, SECTION 19, T 39 S, R 11 E, W.M.; S 01° W, 1150 FEET FROM THE NE CORNER, SECTION 19.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

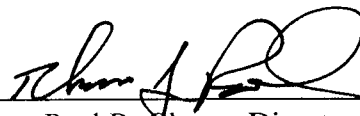
1. The proposed change shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. **Prior** to the diverting of water from the new point of diversion, 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 51342 is canceled. 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 21, 2002.



Paul R. Cleary, Director