

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN PLACE OF USE AND POINT OF APPROPRIATION

Pursuant to ORS 537.705, 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 9436 submitted by

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT  
3040 BIDDLE ROAD  
MEDFORD, OREGON 97504.

The right to be modified, as evidenced by a PORTION of CERTIFICATE 80609 was perfected under PERMIT G-11302 with a date of priority of SEPTEMBER 29, 1987. The right allows the use of WELL NO. 3 IN THE QUARTZ CREEK BASIN, for IRRIGATION OF 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7 gallons per minute, if available at the well; NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, SECTION 9, T 35 S, R 6 W, W.M.; 920 FEET SOUTH AND 380 FEET EAST FROM NW CORNER, SECTION 9, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on 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 2.5 acre-feet per acre 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 as follows:

NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2.4 ACRES
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2.6 ACRES
SECTION 9	
TOWNSHIP 35 SOUTH, RANGE 6 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.

This is a final order in other than 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 applicant proposes to change the place of use to:

SW¼ NW¼            0.5 ACRES  
SE¼ NW¼            4.5 ACRES

SECTION 9  
TOWNSHIP 35 SOUTH, RANGE 6 WEST, W.M.

The applicant proposes to change the point of appropriation to:

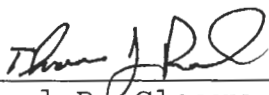
SE¼ NW¼, SECTION 9, T 35 S, R 6 W, W.M.; WELL #1, 120 FEET NORTH AND 70 FEET WEST OF THE CENTER OF SECTION 9.

THESE CHANGES 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, 2005.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. Prior to appropriating water the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the 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 aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 80609 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.

Dated at Salem, Oregon this 24<sup>th</sup> day of May, 2004.

  
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For Paul R. Cleary  
Director

Mailing date:           MAY 25 2004