

STATE OF OREGON

COUNTY OF JACKSON

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 7646 submitted by

JIM CHAISSON, SR.
2200 PINE GATE WAY
WHITE CITY, OREGON 97503.

The first right to be modified, as evidenced by a portion of Certificate 17249, was perfected under Permit 9600 with a date of priority of MARCH 29, 1930. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 27.5 ACRES. 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: NW¼ NW¼, SECTION 29, T 35 S, R 1 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 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.

The second right to be modified was perfected under a portion of Permit 40004 with a date of priority of NOVEMBER 13, 1986. The right allows the use of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION OF 5.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the authorized point of diversion: LOT 8 (NW¼ NW¼), SECTION 29, T 35 S, R 1 W, W.M.; 960 FEET SOUTH AND 1280 FEET EAST FROM NW CORNER OF SECTION 29, 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 third right to be modified was perfected under a portion of Permit 51161 with a date of priority of OCTOBER 11, 1990. The right allows the use of the LOST CREEK RESERVOIR CONSTRUCTED UNDER PERMIT R-8142, a tributary of the ROGUE RIVER, for IRRIGATION OF 7.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.1 ACRE FEET OF STORED WATER ONLY, if available at the authorized point of diversion: RIVER - LOT 8 (NW¼ NW¼), SECTION 29, T 35 S, R 1 W, W.M.; 936 FEET SOUTH AND 1215 FEET EAST OF NW CORNER OF SECTION 29, RESERVOIR - SE¼ NW¼, SECTION 26, T 33 S, R 1 E, W.M.; 2000 FEET SOUTH AND 1700 FEET EAST OF THE NW CORNER OF SECTION 26, 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 a diversion of 4½ acre-feet for each acre irrigated during the irrigation season of each year. This right is subject to the terms and conditions of Contract No. 3-07-10-W0972, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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

The authorized places of use are located as follows:

PERMIT 9600

SE¼ NE¼ 4.7 ACRES
NE¼ SE¼ 21.7 ACRES
NW¼ SE¼ 1.1 ACRES
SECTION 30

PERMIT 40004

SW¼ NE¼ 1.5 ACRES
SE¼ NE¼ 1.6 ACRES
NE¼ SE¼ 2.0 ACRES
SECTION 30

PERMIT 51161

NW¼ SE¼ 7.4 ACRES
SECTION 30

TOWNSHIP 35 SOUTH, RANGE 1 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 to change the point of diversion to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T 35 S, R 1 W, W.M.; 5 FEET SOUTH AND 1770 FEET EAST FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 29.

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, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. 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 sources as the original points 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.

