

STATE OF OREGON

COUNTY OF CURRY

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

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 7616 submitted by

PAUL BRICE AND SHARON L. WAGNER  
93614 ELK RIVER ROAD  
PORT ORFORD, OREGON 97465.

The right to be modified, as evidenced by Certificate 53433, was perfected under Permit 39065 with a date of priority of MARCH 21, 1975. The right allows the use of the ELK RIVER, a tributary of the PACIFIC OCEAN, for IRRIGATION of 36.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.45 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 36, T 32 S, R 15 W, WM; 1800 FEET NORTH AND 120 FEET EAST FROM THE S¼ CORNER, SECTION 36, 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 2¼ 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:

SW¼ NE¼	5.0 ACRES
NE¼ SE¼	13.0 ACRES
NW¼ SE¼	18.0 ACRES

SECTION 36

TOWNSHIP 32 SOUTH, RANGE 15 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 place of use to:

SE¼ NW¼	3.2 ACRES
NE¼ SW¼	21.2 ACRES
NW¼ SW¼	0.2 ACRE
SW¼ SW¼	5.2 ACRES
SE¼ SW¼	6.2 ACRES

SECTION 27

TOWNSHIP 32 SOUTH, RANGE 15 WEST, W.M.

The applicant also proposes to change the point of diversion to the SE¼ NW¼, SECTION 27, T 32 S, R 15 W, WM; 2769 FEET NORTH AND 649 FEET WEST FROM THE S¼ CORNER, SECTION 27.

THESE CHANGES TO AN EXISTING WATER RIGHT 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, 1998.
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. When required by the Department, 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 former place of use shall no longer be irrigated as a part of this water right.

Certificate 53433 is cancelled. 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 May 13, 1997.

  
Martha O. Pagel, Director