STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE, PLACE OF USE AND 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 7782 submitted by

DAVID BERGER
102 CATHERINE AVENUE
GLIDE, OREGON 97433.

The right to be modified, as evidenced by Certificate 37701, was perfected under Permit 31879 with a date of priority of AUGUST 17, 1966. The right allows the use of A SPRING STREAM, a tributary of LITTLE RIVER, for DOMESTIC USE OF ONE FAMILY INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND GARDEN. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 cubic foot per second, if available at the authorized point of diversion: SE¼ SE¼, SECTION 7, T 27 S, R 1 W, W.M.; 1310 FEET NORTH AND 1060 FEET WEST FROM SE CORNER SECTION 7, or its equivalent in case of rotation, measured at the point of diversion from the source.

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.

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

The authorized place of use is located as follows:

SE¼ SE¼
SECTION 7
TOWNSHIP 27 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 character of use from DOMESTIC USE OF ONE FAMILY INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND GARDEN to IRRIGATION OF 0.4 ACRE.

The applicant further proposes to change the place of use:

NE¼ SW¼ 0.4 ACRE
AS PROJECTED WITHIN DLC #46
SECTION 19
TOWNSHIP 26 SOUTH, RANGE 3 WEST, W.M.

The applicant further proposes to change the point of diversion to:

NE¼ SW¼, SECTION 19, T 26 S, R 3 W, W.M.; 3600 FEET SOUTH AND 3425 FEET WEST FROM 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, 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. Water shall be acquired from the same surface water source as the original point of diversion.

4. The former place of use shall no longer be irrigated as a part of this water right.

5. The use of water for irrigation shall be limited to 0.005 cubic foot per second and shall not exceed 1.0 acre-foot during the irrigation season of each year.

6. 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.

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.

Certificate 37701 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 SEP 0 5 2003.

For Paul R. Cleary, Director