STATE OF OREGON

COUNTY OF DOUGLAS

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 7390 submitted by

GLENN AND JANET JOHNSON
4286 OLD MELROSE ROAD
ROSEBURG OREGON 97470

CHARLES AND JUDITH HANAN
4266 OLD MELROSE ROAD
ROSEBURG OREGON 97470.

The right to be modified, as evidenced by a portion of Certificate 72179, was perfected under Permit 46684 with a date of priority of AUGUST 24, 1981. The right allows the use of SOUTH UMPQUA RIVER, a tributary of UMPQUA RIVER, for IRRIGATION OF 1.84 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.021 cubic foot per second, if available at the authorized point of diversion: SE¼ SE¼, SECTION 16, T 27 S, R 6 W, W.M.;700 FEET NORTH AND 950 FEET WEST FROM THE SE CORNER SECTION 16, 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 any other right existing for the same land, 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 2½ acre-feet for each acre irrigated during the irrigation season of each year.

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 1.84 ACRES
SECTION 16
TOWNSHIP 27 SOUTH, RANGE 6 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:

SE¼ SE¼, SECTION 16, TOWNSHIP 27 SOUTH, RANGE 6 WEST, W.M.;700 FEET NORTH AND 680 FEET WEST FROM SE CORNER SECTION 16.

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, 2005.

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. 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 applicants have given their consent for this water right to be subordinate to the November 3,1983 IN-STREAM Water Right, Certificate 59544.

6. 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 72179 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.

WITNESS the signature of the Water Resources Director, affixed July 30, 2004.

For Phillip C. Ward, Acting Director