

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE  
AND POINT OF DIVERSION

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 9432 submitted by

BILLY L. COFFER, TRUST  
BILLY L. COFFER, TRUSTEE  
5600 NE MILL CREEK ROAD  
PRINEVILLE, OREGON 97754

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by a portion of Certificate 75204. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 325. The date of priority is 1868. The right allows the use of MILL CREEK, a tributary of the OCHOCO CREEK, for IRRIGATION of 7.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 cubic foot per second, if

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.

available at the authorized point of diversion: STANTON DITCH - SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 10, AND STANTON & EVANS DITCH - SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 11, T 14 S, R 17 E, 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 any 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 4.0 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:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.9 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.8 ACRES

SECTION 15

TOWNSHIP 14 SOUTH, RANGE 17 EAST, 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 and is subject to all other conditions and limitations contained in said decree.

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by a portion of Certificate 75205. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 420-1. The date of priority is 1868. The right allows the use of MILL CREEK, a tributary of the OCHOCO CREEK, for IRRIGATION of 26.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, if available at the authorized point of diversion:

STANTON DITCH - SE¼ SE¼, SECTION 10, T 14 S, R 17 E, 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 any 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 4.0 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:

NW¼ NE¼	5.0 ACRES
SW¼ NE¼	9.1 ACRES
NW¼ SE¼	7.0 ACRES
SW¼ SE¼	5.0 ACRES

SECTION 15  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, 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 and is subject to all other conditions and limitations contained in said decree.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by a portion of Certificate 76365. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1868. The right allows the use of MILL CREEK, a tributary of the CROOKED RIVER, for IRRIGATION OF 21.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 cubic foot per second, if available at the authorized point of diversion: STANTON DITCH, 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 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 4.0 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:

NE¼ SE¼ 10.6 ACRES

SE¼ SE¼ 10.6 ACRES

SECTION 15

TOWNSHIP 14 SOUTH, RANGE 17 EAST, 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 and is subject to all other conditions and limitations contained in said decree.

The FOURTH right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by a portion of Certificate 76366. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1868. The right allows the use of MILL CREEK, a tributary of the CROOKED RIVER, for IRRIGATION of 0.9 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.01 cubic foot per second, if available at the authorized point of diversion: STANTON DITCH, 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 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 4.0 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:

SW $\frac{1}{4}$  NE $\frac{1}{4}$             0.9 ACRE  
SECTION 15  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, 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 and is subject to all other conditions and limitations contained in said decree.

The applicant proposes to **temporarily** change the place of use to: (Certificates 75204, 75205, 76365, 76366 all have 1868 priority date)

NE $\frac{1}{4}$  SW $\frac{1}{4}$             0.6 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$             13.7 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$             13.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$             9.9 ACRES  
SECTION 35  
TOWNSHIP 13 SOUTH, RANGE 17 EAST, W.M.

NW $\frac{1}{4}$  NE $\frac{1}{4}$             3.7 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$             8.7 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$             5.3 ACRES  
SECTION 2  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

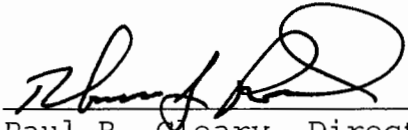
The applicant further proposes to change the point of diversion as follows:

NW¼ SE¼, SECTION 35, T 13 S, R 17 E, W.M.; 35 FEET SOUTH AND 80 FEET WEST FROM NE CORNER, NW¼ SE¼, SECTION 35.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former place of use **shall not** be irrigated as part of this water right during the 2003, 2004, 2005, 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water rights described by Certificates 75204 and 76365 shall continue to be in accordance with the terms and conditions of Certificates 75204 and 76365.
6. **PRIOR** to diverting of water at the new points of diversion, 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.

WITNESS the signature of the Water Resources  
Director, affixed JUL 22 2003.

  
Paul R. Cleary, Director