

**STATE OF OREGON**

**COUNTY OF CROOK**

**ORDER APPROVING A CHANGE IN POINTS 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 8714 submitted by

OCHOCO IRRIGATION DISTRICT  
1001 NW DEER STREET  
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 55977. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1869.

The right allows the use of OCHOCO CREEK, a tributary of THE CROOKED RIVER, for IRRIGATION OF 7.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the authorized point of diversion: Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ), SECTION 6, T 15 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 for the same lands, is limited to a diversion of not to exceed 6.0 acre-feet for each acre irrigated during the irrigation season of each year.

**This is a final 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 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 56459. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1882.

The right allows the use of OCHOCO CREEK, a tributary of THE CROOKED RIVER, for IRRIGATION OF 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, if available at the authorized point of diversion: Lot 4 (NW¼ NW¼), SECTION 6, T 15 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 for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The third right to be modified, as evidenced by a portion of Certificate 68394, was perfected under Permit 5426 with a date of priority of MARCH 13, 1916 from MCKAY CREEK AND AUGUST 10, 1917, FROM ALL OTHER SOURCES NAMED HEREIN. The right allows the use of OCHOCO, MCKAY, DRY AND JOHNSON CREEKS, ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, AND OCHOCO RESERVOIR, CONSTRUCTED UNDER RESERVOIR PERMIT R-528, tributaries of CROOKED RIVER, for SUPPLEMENTAL IRRIGATION OF 10.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized point of diversion: NE¼ SW¼, SECTION 3, T 15 S, R 16 E, W.M.; 50 FEET SOUTH AND 70 FEET WEST FROM THE C¼ CORNER, SECTION 3, 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 4.0 acre-feet for each acre irrigated from direct flow and storage from reservoir, constructed under Permit R-5289, during the irrigation season of each year.

The authorized place of use is located as follows:

CERTIFICATE 55977 PRIMARY  
PERMIT 5426 SUPPLEMENTAL

LOT 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) 4.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  3.0 ACRES  
SECTION 3  
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

CERTIFICATE 56459 PRIMARY  
PERMIT 5426 SUPPLEMENTAL

LOT 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) 3.7 ACRES  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

The right to use 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 the decree.

The applicant proposes to change the points of diversion to:

SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 4, T 15 S, R 16 E, W.M.; 1617 FEET SOUTH AND 38 FEET EAST FROM THE N $\frac{1}{4}$  CORNER, SECTION 4.

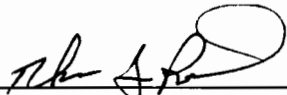
THE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
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 source as the original points of diversion.

Except as modified herein, all other conditions and restrictions on Certificates 56459, 68394, and 55977 remain in effect.

When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm those portions of the rights not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed NOV 16 2001.

  
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for Paul R. Cleary, Director