

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN PLACE OF USE AND 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 7604 submitted by

ELIZABETH B. AND JOHN E. ROSS REVOCABLE TRUST DATED OCTOBER 8, 1991
ELDERHURST STOCK FARMS, A PARTNERSHIP
NO. 5 BLUE RIDGE CT.
MADISON, WISCONSIN 53705

The right to be modified was perfected under Permit 82 and confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by a PORTION of Certificate 658. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 336. The date of priority is JULY 8, 1909

The right allows the use of OCHOCO CREEK, a tributary of THE CROOKED RIVER, for IRRIGATION of 8.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.10 cubic foot per second, if available at the authorized point of diversion: TABLELAND DITCH - LOT 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 2, T 15 S, R 17 E, W.M.; S 73° 51' W, 1040 FEET FROM THE N $\frac{1}{4}$ CORNER, SECTION 2, 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 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.

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES

SECTION 35
TOWNSHIP 14 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 place of use to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.1 ACRES
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SECTION 25
TOWNSHIP 14 SOUTH, RANGE 16 EAST, W.M.

The applicant proposes to change the point of diversion to:

OCHOCO FEED CANAL - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T 15 S, R 17 E, W.M.; 500 FEET NORTH AND 250 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 5.

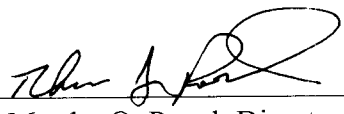
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
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 former place of use shall no longer be irrigated as a part of this water right.

Certificate 658 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 _____ **SEP 13 1999**



For Martha O. Pagel, Director