

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN PLACE OF USE
AND 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 7874 submitted by

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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 50534. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1870.

The right allows the use of OCHOCO CREEK, a tributary of CROOKED RIVER, for IRRIGATION OF 14.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.24 cubic foot per second for irrigation and a reasonable amount for domestic and stock use; the total quantity being limited to 6.0 acre-feet per acre during each year, if available at the authorized point of diversion: COMBS AND SLAYTON-COMBS DITCH - 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.

Notice: 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, 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 HEREIN NAMED. The right allows the use of OCHOCO CREEK, MCKAY, DRY, AND JOHNSON CREEKS, ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, AND OCHOCO RESERVOIR, CONSTRUCTED UNDER PERMIT R-528, tributaries of the CROOKED RIVER, for SUPPLEMENTAL IRRIGATION OF 14.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.18 cubic foot per second, if available at the authorized point of diversion: DIRECT DIVERSION 62 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 15 S, R 16 E, W.M.; 1310 FEET NORTH AND 100 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 1, 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 from direct flow and storage from the reservoir constructed under Permit R-523.

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

The authorized place of use for both rights is located as follows:

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 0.5 ACRE
SECTION 1

LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) 6.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.2 ACRES
SECTION 2

TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

For decreed lands, 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. For permitted lands, the right to use water for the above purpose is restricted to beneficial use on

the lands or place of use described.

The applicant proposes to change the place of use of both rights to:

LOT 4 (NW¼ NW¼) 0.3 ACRE
SECTION 1

LOT 1 (NE¼ NE¼) 6.2 ACRES
SE¼ NE¼ 8.2 ACRES
SECTION 2

TOWNSHIP 15 SOUTH, RANGE 16 EAST, W.M.

The applicant proposes to change the point of diversion of Certificate 50534 to:

DIRECT DIVERSION 62 - SW¼ NW¼, SECTION 1, T 15 S, R 16 E, W.M.; 1310 FEET NORTH AND 100 FEET EAST FROM THE W¼ CORNER, SECTION 1.

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

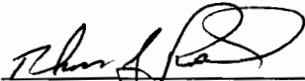
1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required 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 places of use shall no longer be irrigated as a part of these water rights.

Except as modified herein, all other conditions and restrictions on Certificates 50354 and 68394 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

DEC 19 2001


for Paul R. Cleary, Director
