

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 537.348 and 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 8520 submitted by

OREGON WATER TRUST
111 SW NAITO PARKWAY, SUITE 404
PORTLAND, OREGON 97204.

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 Certificate 275. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 120. The date of priority is 1884 for 15.0 acres and 1904 for 13.0 acres.

The right allows the use of SQUAW CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 28.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.56 cubic foot per second (cfs), being 0.30 cfs for 1884 and 0.26 cfs for 1904, if available at the authorized point of diversion: J.D. FRYREAR

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.

DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ SW¼	5.5 ACRES
SE¼ SW¼	20.5 ACRES
NW¼ SE¼	2.0 ACRES

SECTION 26
TOWNSHIP 14 SOUTH, RANGE 10 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 SECOND right to be modified, as evidenced by Certificate 28760, was perfected under Permit 27307 with a date of priority of MAY 31, 1961. The right allows the use of SQUAW CREEK, a tributary of the DESCHUTES RIVER, FOR IRRIGATION OF 21.55 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.43 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: NE¼ SW¼, SECTION 26, T 14 S , R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26, 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-FIFTIETH 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 4½ 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 SE¼	9.26 ACRES
NE¼ SW¼	6.57 ACRES
SE¼ SW¼	5.67 ACRES
SW¼ SE¼	0.05 ACRE

SECTION 26

TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The applicant proposes to change the USE and PLACE OF USE to INSTREAM USE FOR FISHERIES ENHANCEMENT in SQUAW CREEK. The reach is from the authorized point of diversion in the NE¼ SW¼, SECTION 26, T 14 S , R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER, SECTION 26, to the mouth of Squaw Creek.

The applicant proposes to replace portions of the instream water rights for Squaw Creek, evidenced by Certificate 73223, during the period from April 1 to November 1 for Certificate 275 and from July 10 to November 1 for Certificate 28760, of each year.

The Director finds, in accordance with OAR 690-77-075(2):

1. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right; and,
2. The proposed reaches are appropriate, considering;
 - a. The instream water right begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion; and,
 - c. There are no known areas of natural loss of streamflow to the river bed.

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

1. The proposed changes shall be effective upon the date of this order.
2. This instream water right shall replace portion of the existing instream water right from Squaw Creek, evidenced by Certificate 73223, during the period from April 1 to November 1 for Certificate 275 and from July 10 to November 1 for Certificate 28760, of each year.
3. The former place of use shall no longer be irrigated as a part of this water right.

An instream flow of 0.99 cubic foot per second (cfs) will be maintained as follows:

<u>Rate</u>	<u>Priority Date</u>	<u>Period of Use</u>
0.30 cfs	1884	April 1 to November 1
0.26 cfs	1904	April 1 to November 1
0.43 cfs	May 31, 1961	July 10 to November 1

in Squaw Creek, a tributary of the Deschutes River, from the authorized point of diversion, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T 14 S , R 10 E, W.M.; 1370 FEET NORTH AND 190 FEET WEST FROM THE S $\frac{1}{4}$ CORNER, SECTION 26, to the mouth of Squaw Creek.

Certificates 275 and 28760 are canceled. New certificates confirming these water rights will be issued.

