

STATE OF OREGON  
COUNTY OF CROOK

ORDER REVOKING DEPARTMENT'S ORDER OF MAY 12, 2003,  
APPROVING TRANSFER APPLICATION T-9427

ORDER APPROVING AN EMERGENCY USE DROUGHT  
TEMPORARY CHANGE IN PLACE OF USE AND POINT OF DIVERSION

Pursuant to ORS 536.750 and ORS 540.510 Leonard Langley, Keystone Ranch, submitted a Drought Transfer Application for a temporary change in place of use and point of diversion. Pursuant to ORS 540.530 and OAR 690-19-0055, the Department issued an Order approving the temporary change in place of use and point of diversion. The Order, as required under OAR 690-019-0055, included a condition that the Director may revoke the temporary transfer if injury to an existing water right is shown and cannot be mitigated.

On June 10, 2003, the Department received a timely filed protest and on June 13, 2003, the Department also received a comment asserting the temporary transfer as approved is causing injury.

After review of the protest and comment, the Department is revoking it's Order of May 12, 2003 and is issuing this Order as modified approving Temporary Transfer Application T-9427 submitted by LEONARD LANGLEY, KEYSTONE RANCH, 950 S. KEYSTONE RANCH ROAD, PRINEVILLE, OREGON 97754. The protest submitted on

**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.

the Department's May 12, 2003 order is still in effect and pursuant to ORS 540.520, a hearing will be scheduled to address this matter.

The 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 654. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The dates of priority are 1873 FOR 37.0 ACRES AND 1906 FOR 18.0 ACRES.

The right allows the use of OCHOCO, VEAZIE AND LAWSON CREEKS, tributaries of the CROOKED RIVER, for IRRIGATION OF 55.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.69 cubic foot per second, the total quantity being limited to four acre-feet per acre, if available at the authorized point of diversion: SE¼ SW¼, SECTION 29, T 14 S, R 18 E, W.M.; 2016 FEET EAST AND 1214 FEET NORTH FROM THE SW CORNER, SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is as follows:

SE¼ NE¼	32.0 ACRES (POU & POD)
NE¼ NE¼	2.0 ACRES (POU & POD)
NW¼ NE¼	1.5 ACRES (POU & POD)
NW¼ NW¼	1.5 ACRES (POU & POD)
SECTION 1	
TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.	
SE¼ NE¼	18.0 ACRES (POU ONLY)
SECTION 6	
TOWNSHIP 15 SOUTH, RANGE 18 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 said decree.

The applicant proposes to **TEMPORARILY** change the place of use to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.2 ACRES (POU & POD)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 ACRES (POU & POD)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.5 ACRES (POU & POD)
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.3 ACRES (POU & POD)

SECTION 1

TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.5 ACRES (POU)
NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.4 ACRES (POU)
NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.1 ACRES (POU)

SECTION 7

TOWNSHIP 15 SOUTH, RANGE 18 EAST, W.M.

The applicant further proposes to **TEMPORARILY** change the point of diversion to:

NW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 1, T 15 S, R 17 E, W.M.; 2208 FEET WEST AND 857 FEET SOUTH FROM THE NE CORNER, SECTION 1.

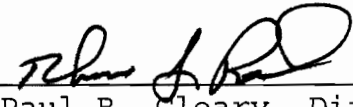
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are **temporary**. These changes shall be effective upon issuance of this order.
2. The proposed place of use shall revert to the authorized place of use at the end of the 2003 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. The proposed point of diversion shall revert to the authorized points of diversion at the end of the 2003

irrigation season or the end of the Governor's declared drought, whichever occurs first.

4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The quantity of water diverted at the new point of diversion, together with the quantity diverted at the authorized point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion.
6. **Prior** to diverting water, the water user shall provide a method, approved by the Department, to monitor streamflows at the original points of diversion
7. Water used under Certificate 654 at the original location together with water used at the proposed location shall not exceed 0.69 cubic foot per second and 220 acre-feet during the 2003 irrigation season.
8. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
9. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.
10. **Prior** to diverting water from the new point 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 AUG 12 2003.

  
for Paul R. Cleary, Director