

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

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 7128 submitted by

BARNARD CONSTRUCTION  
P.O. BOX 99  
BOZEMAN, MONTANA 59771-0099.

The first right to be modified, as evidenced by a PORTION of Certificate 55974, tabulated in the name of Pine Products, was perfected under Permit 5426 with a date of priority of MARCH 13 1916 FOR MCKAY CREEK AND AUGUST 10, 1917 FOR ALL OTHER SOURCES HEREIN NAMED. The right allows the use of OCHOCO, MCKAY, DRY AND JOHNSON CREEKS, AND ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS AND OCHOCO RESERVOIR CONSTRUCTED UNDER PERMIT R-528, tributary of the CROOKED RIVER, for IRRIGATION OF 21.2 ACRES. This right is limited to 0.27 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 5, T 15 S, R 17 E, WM; OCHOCO FEED CANAL (OCHOCO DAM) - 500 FEET NORTH AND 250 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 5, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a PORTION of Certificate 57613, tabulated in the name of Pine Products, was perfected under Permit 25991 with a date of priority of APRIL 8, 1914. The right allows the use of CROOKED RIVER AND PRINEVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-2223, tributary of the DESCHUTES RIVER, for SUPPLEMENTAL IRRIGATION OF 21.2 ACRES. This right is limited to 0.27 cubic foot per second, if available from the authorized point of diversion: SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 36, T 15 S, R 15 E, WM; OID MAIN CANAL - 60 FEET NORTH AND 1940 FEET SOUTH FROM THE SE CORNER, SECTION 36, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under these rights is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from direct flow and 4.0 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoirs constructed under Permit R-528 and Permit R-2223, and shall be further required to maintain a contract between the Ochoco Irrigation District and the Bureau of Reclamation for use of water from Prineville Reservoir.

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

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$             2.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$             18.8 ACRES  
SECTION 23  
TOWNSHIP 14 SOUTH, RANGE 15 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the character of use to INDUSTRIAL USE (Gravel Washing and Dust Control).

The applicant proposes to change the place of use to:

W $\frac{1}{2}$  SE $\frac{1}{4}$   
SECTION 23  
TOWNSHIP 14 SOUTH, AND 15 EAST, W.M.

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, 1995.
2. The former place of use shall no longer be irrigated as a part of these water rights.

Certificates 55974 and 57613 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed September 6, 1994.

  
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Martha O. Pagel, Director