

STATE OF OREGON

COUNTY OF CROOK

**ORDER APPROVING CHANGES IN PLACE OF USE
AND POINTS 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 7509 submitted by

GARY AND DAPHNE GUMPERT
286050 EAST HIGHWAY 26
PRINEVILLE, OR 97754

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 588. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449The date of priority is 1868.

The right allows the use of MILL CREEK, a tributary of OCHOCO CREEK, for IRRIGATION of 113.0 ACRES, STOCK AND DOMESTIC USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a reasonable amount for domestic and stock use, and 1.42 cubic feet per second for irrigation, the total quantity being limited to four acre feet per acre during each year, if available at the authorized point of diversion: NO NAME 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:

NW¼ NW¼	20.0 ACRES
SW¼ NW¼	33.0 ACRES
NW¼ SW¼	33.0 ACRES
SW¼ SW¼	27.0 ACRES

SECTION 26
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

AMENDED by special order

v. 53 pg. 642

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 was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by Certificate 51178. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1868.

The right allows the use of MILL CREEK, a tributary of OCHOCO CREEK, for IRRIGATING 60.0 ACRES, STOCK AND DOMESTIC USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a reasonable amount for domestic and stock use, and 0.75 cubic feet per second for irrigation, the total quantity being limited to four acre feet per acre during each year, if available at the authorized point of diversion: JOHNSON LAWSON FREELAND DITCHES, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NW¼ NW¼	30.0 ACRES
SW¼ NW¼	30.0 ACRES
SECTION 35	
TOWNSHIP 14 SOUTH, RANGE 17 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 applicants propose to change the place of use of both rights to:

NW ¹ / ₄ NE ¹ / ₄	5.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	7.3 ACRES
NE ¹ / ₄ NW ¹ / ₄	1.8 ACRES
NW ¹ / ₄ NW ¹ / ₄	20.4 ACRES
SW ¹ / ₄ NW ¹ / ₄	38.6 ACRES
SE ¹ / ₄ NW ¹ / ₄	14.7 ACRES
NE ¹ / ₄ SW ¹ / ₄	9.6 ACRES
NW ¹ / ₄ SW ¹ / ₄	29.4 ACRES
SW ¹ / ₄ SW ¹ / ₄	13.1 ACRES
SE ¹ / ₄ SW ¹ / ₄	24.2 ACRES
NW ¹ / ₄ SE ¹ / ₄	0.2 ACRE
SW ¹ / ₄ SE ¹ / ₄	4.1 ACRES

SECTION 26

NE ¹ / ₄ NW ¹ / ₄	4.6 ACRES
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SECTION 35

TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

The applicants propose to change the points of diversion for the above rights to:

SE¹/₄ SE¹/₄, SECTION 22, T 14 S, R 17 E, W.M.; 1122 FEET NORTH AND 346 FEET WEST FROM THE SE CORNER OF SECTION 22.

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for CROOK County as evidenced by Certificate 55564. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1880.

The right allows the use of OCHOCO CREEK, a tributary of THE CROOKED RIVER, for IRRIGATING 40.0 ACRES AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a reasonable amount for stock use, and 0.75 cubic feet per second for irrigation, the total quantity being limited to four acre feet per acre during each year, if available at the original point of diversion: SW¹/₄ SW¹/₄, SECTION 36, T 14 S, R 17 E, WM; OCHOCO DITCH - 350 FEET SOUTH AND 350 FEET EAST FROM THE NW CORNER, SW¹/₄ SW¹/₄, SECTION 36, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized point of diversion is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 35, T 14 S, R 17 E, W.M.; 450 FEET SOUTH AND 570 FEET WEST FROM THE NE CORNER, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 35

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 17 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 applicants propose to change the place of use to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.1 ACRES
SECTION 26

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.3 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.1 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

The applicants propose to change the point of diversion to:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 35, T 14 S, R 17 E, W.M.; 2018 FEET SOUTH AND 2605 FEET EAST FROM THE NW CORNER, SECTION 35.

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

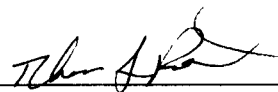
1. The proposed changes shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original points of diversion.

3. When required by the Department, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The types 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. The former places of use shall no longer be irrigated as a part of these water rights.
5. The water user shall install and maintain fish screens or fish by-pass devices on the new diversion points. The type and plans of the screens or by-pass devices must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the general supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 588, 51178, and 55564 are canceled. 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 MAR - 4 1999.



For Martha O. Pagel, Director

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.