

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, 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, TEMPORARY TRANSFER 9489 submitted by

SCHNOOR LAND & TRUST LLC  
MARTIN & BETTY JEAN HOWARD  
16305 NE OCHOCO HIGHWAY  
PRINEVILLE, OREGON 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 a portion of Certificate 550. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1894.

The right allows the use of OCHOCO CREEK, a tributary of the CROOKED RIVER, for IRRIGATION of 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, the total quantity being limited to four acre feet per

**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.

acre during each year, if available at the authorized point of diversion: NW¼ NE¼, SECTION 1, T 14 S R 17 E, W.M.; 40 FEET EAST AND 908 FEET SOUTH FROM THE SOUTH ¼ CORNER, SECTION 36; or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

SE¼ SW¼            4.0 ACRES  
SECTION 36  
TOWNSHIP 14 SOUTH, RANGE 17 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 and is subject to all other conditions and limitations contained in said 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 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 and 1906.

The right allows the use of OCHOCO, VEAZIE AND LAWSON CREEKS, a tributary of the CROOKED RIVER, for IRRIGATION of 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, the total quantity being limited to four acre feet per acre during each year, if available at the authorized point of diversion: NW¼ NE¼, SECTION 1, T 14 S R 17 E, W.M.; 320 FEET EAST AND 860 FEET SOUTH FROM THE SOUTH ¼ CORNER, SECTION 36; or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$             2.5 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$             1.5 ACRES  
SECTION 1  
TOWNSHIP 15 SOUTH, RANGE 17 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 and is subject to all other conditions and limitations contained in said decree.

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

CERTIFICATE 654  
SE $\frac{1}{4}$  SW $\frac{1}{4}$             4.0 ACRES  
SECTION 36  
TOWNSHIP 14 SOUTH, RANGE 17 EAST, W.M.

CERTIFICATE 550  
NE $\frac{1}{4}$  NW $\frac{1}{4}$             2.5 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$             1.5 ACRES  
SECTION 1  
TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.

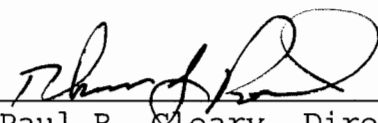
THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. These changes are temporary. These changes shall be effective upon issuance of this order.
2. The former place of use **shall not** be irrigated as part of this water right during the 2004, 2005, 2006, 2007 and 2008 irrigation seasons.

3. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water rights described by Certificates 550 and 654 shall continue to be in accordance with the terms and conditions of Certificates 550 and 654.
6. When required by the Department, 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 MARCH 10, 2004.

  
For Paul R. Cleary, Director