

STATE OF OREGON

COUNTY OF CROOK

**ORDER APPROVING CHANGES IN PLACE OF USE,
POINTS OF DIVERSION, ADDITIONAL POINTS OF DIVERSION,
AND PARTIAL CANCELLATION OF A WATER RIGHT**

Pursuant to ORS 537.705, after notice was given, two protests were filed in a timely manner, however, the protestant submitted a letter dated April 14, 2004, stating that they did not object to the transfer as conditioned in this order.

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 8614 submitted by

LEONARD LANGLEY
950 S. KEYSTONE RANCH ROAD
PRINEVILLE, OREGON 97754.

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 and 1906.

The right allows the use of OCHOCO, VEAZIE, AND LAWSON CREEKS, tributaries of CROOKED RIVER, for IRRIGATION OF 556.0 ACRES, DOMESTIC AND STOCK USE, AND THE DEVELOPMENT OF 25 HORSEPOWER. 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, stock use, and power development, and 6.95 cubic feet per second for irrigation, being 3.15 cfs under the 1873 priority and 3.8 cfs under the 1906 priority, if available at the authorized points of diversion: OCHOCO CREEK - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T 14 S, R 18 E, W.M.; LAWSON CREEK - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 12, T 15 S, R 17 E, W.M.; VEAZIE CREEK - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 5, T 15 S, R 18 E, W.M., or its equivalent in case of rotation, measured at the points of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to 4.0 acre-feet for each acre irrigated during the irrigation season, being the period of February 1 to December 1 of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in an uncontested 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 authorized place of use is located as follows:

	<u>1873 PRIORITY</u>	<u>1906 PRIORITY</u>
SE $\frac{1}{4}$ NE $\frac{1}{4}$		5.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		2.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES	10.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 ACRES	8.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		22.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 ACRES	12.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES	
SECTION 31		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 ACRES	
SECTION 32		
TOWNSHIP 14 SOUTH, RANGE 18 EAST, W.M.		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.0 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.5 ACRES	30.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0 ACRES	
SECTION 1		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		28.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		8.0 ACRES
SECTION 12		
TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.		
NE $\frac{1}{4}$ NE $\frac{1}{4}$		15.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 ACRES	12.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.0 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$		30.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.5 ACRES	2.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.0 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES	20.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		32.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 ACRES	10.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		32.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		24.0 ACRES
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 the decree.

The applicant proposes to change the place of use to:

	<u>1873</u>	<u>1906 OCHOCO</u>	<u>1906 VEAZIE/LAWSON</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.6 ACRES	3.5 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$		7.3 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		6.6 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.9 ACRES		0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.1 ACRES	1.2 ACRES	8.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 ACRES	1.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.3 ACRE	24.2 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.7 ACRES	1.2 ACRES	30.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$			9.7 ACRES
SECTION 31			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 ACRE		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.4 ACRES		12.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.4 ACRES		5.4 ACRES
SECTION 32			
TOWNSHIP 14 SOUTH, RANGE 18 EAST, W.M.			
NE $\frac{1}{4}$ NE $\frac{1}{4}$		7.2 ACRES	5.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$		17.7 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$		18.5 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		8.3 ACRES	18.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$			1.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$			1.4 ACRES
SECTION 1			
TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.			
NE $\frac{1}{4}$ NE $\frac{1}{4}$		7.0 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.2 ACRES		11.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.1 ACRES		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25.7 ACRES		5.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.2 ACRES		4.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.9 ACRES		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.1 ACRES		3.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	23.1 ACRES		12.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	27.0 ACRES		6.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.2 ACRES		22.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.5 ACRE		
SECTION 6			

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

SECTION 7
TOWNSHIP 15 SOUTH, RANGE 18 EAST, W.M.

The applicant proposes to change the points of diversion to:

VEAZIE CREEK:

LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 6, T 15 S, R 18 E, W.M.; 1200 FEET SOUTH AND 1400 FEET WEST FROM THE NE CORNER, SECTION 6.

LAWSON CREEK:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 1, T 15 S, R 17 E, W.M.; 213 FEET SOUTH AND 75 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 1.

The applicant proposes to add points of diversion at:

OCHOCO CREEK:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T 14 S, R 18 E, W.M.; 1042 FEET NORTH AND 2261 FEET WEST FROM THE SE CORNER, SECTION 31.

LOT 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 1, T 15 S, R 17 E, W.M.; 857 FEET SOUTH AND 2208 FEET WEST FROM THE NE CORNER, SECTION 1.

An affidavit was received from LEONARD L. AND VICKIE L. LANGLEY, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 654, State Record of Water Right Certificates. The abandoned water right is for the use of 0.68 cubic foot per second from OCHOCO CREEK, a tributary of CROOKED RIVER. The date of priority is 1873. The abandoned water right is for irrigating 54.5 acres, stock and domestic.

A description of the place of use of the abandoned right is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.5 ACRES

SECTION 13
TOWNSHIP 15 SOUTH, RANGE 17 EAST, W.M.


ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

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 completed on or before October 1, 2005.
2. The quantity of water diverted at diversion #1, #2, and #3 together cannot exceed the quantity of water passing below point of diversion #1.
3. Diversion from points of diversion #1, #2, and #3 together shall not exceed that which is lawfully available at point of diversion #1.
4. **Before water use begins**, the water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable measuring devices at points of diversion #1, #2, and proposed point of diversion #3, and shall install and maintain suitable measuring devices to measure the by-pass flows below point of diversion #1. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction, and shall be installed under the general supervision of the Department.
5. Upon notice of the Watermaster to the water user, WRD may require reporting of water use at any time during the irrigation season.
6. Water shall be acquired from the same surface water source as the original point of diversion.
7. The former places of use shall no longer be irrigated as part of this water right.
8. The water user shall install and maintain fish screens or fish by-pass devices. 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 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.

The right requested to be canceled is canceled. Certificate 654 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed APR 15 2004.



Paul R. Cleary, Director