

**STATE OF OREGON**

**COUNTY OF CROOK**

**ORDER APPROVING A CHANGE IN POINT 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 7248 submitted by

BUTLER RANCH, INC.  
RT. 1, BOX 38  
TERREBONNE, OR 97760

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 52183. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1892.

The right allows the use of THE CROOKED RIVER, a tributary of THE DESCHUTES RIVER, for IRRIGATING 11.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.137 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 8, T. 15 S., R. 16 E., W.M.; 744.2 FEET SOUTH AND 321 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 8, or its equivalent in case of rotation, measured at the point 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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further 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:

SW¼ SW¼ 11.0 acres  
Section 20  
Township 14 South, Range 14 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 point of diversion to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T. 14 S., R. 14 E., W.M.; 1896 FEET SOUTH & 1717 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 20.

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

1. The proposed change shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type 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. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 52183 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 7/9/97.

  
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Martha O. Pagel, Director