

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN USE AND PLACE OF USE

Pursuant to ORS 537.348 and 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 7958 submitted by

OREGON WATER TRUST  
111 SW FRONT AVENUE, SUITE 404  
PORTLAND, OREGON 97204.

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 448. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 433. The date of priority is 1885.

The right allows the use of SQUAW CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the authorized point of diversion: SMITH DITCH, 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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  SW $\frac{1}{4}$             3.0 ACRES  
                                 SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

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 12307. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Pages 120 and 471. The date of priority is 1885.

The right allows the use of SQUAW CREEK, a tributary of the DESCHUTES RIVER, for IRRIGATION of 34.45 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.69 cubic foot per second, if available at the authorized point of diversion: SMITH DITCH, 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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$             34.45 ACRES  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 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 USE and PLACE OF USE to INSTREAM USE FOR FISHERIES ENHANCEMENT in SQUAW CREEK. The reaches are from the Smith Ditch Diversion in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 9, T 15 S, R 10 E, WM, to the confluence with Indian Ford Creek in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 3, T 13 S, R 12 E, WM; and from the confluence of Indian Ford Creek to the mouth in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 7, T 13 S, R 12 E, WM.

The applicant proposes to replace portion of the instream water rights for Squaw Creek, evidenced by Certificates 73223 and 73224, during the irrigation season, from March 1 to October 31, of each year.

The Director finds, in accordance with OAR 690-77-075(2):

1. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right; and,
2. The proposed reaches are appropriate, considering;
  - a. The instream water right begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion; and,

- c. There are no known areas of natural loss of streamflow to the river bed.

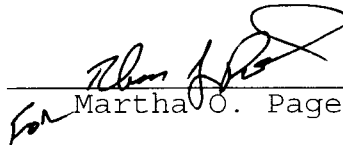
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be effective upon the date of this order.
2. This instream water right shall replace portion of the existing instream water right from Squaw Creek, evidenced by Certificates 73223 and 73224, during the period from March 1 to October 31, of each year.
3. The former place of use shall no longer be irrigated as a part of this water right.

An instream flow of 0.75 cubic foot per second will be maintained, during the period from March 1 to October 31 of each year, in Squaw Creek, a tributary of the Deschutes River, from the authorized point of diversion, Smith Ditch, in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 9, T 15 S, R 10 E, WM, to the confluence with Indian Ford Creek in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 3, T 13 S, R 12 E, WM; and, from the confluence of Indian Ford Creek to the mouth in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 7, T 13 S, R 12 E, WM, with a priority date of 1885.

Certificates 448 and 12307 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. A new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed SEP 17 1998.

  
For Martha O. Pagel, Director