

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING CHANGES IN PLACE OF USE
AND 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 7690 submitted by

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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 532, as modified by an order of the State Engineer entered on November 26, 1947, at Special Order Volume 5, Page 555, approving Transfer C-72. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at page 449. The date of priority is 1891.

This right allows the use of PAULINA CREEK, a tributary of the CROOKED RIVER, for IRRIGATION OF 241.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 3.02 cubic feet per second, if available at the original point of diversion: SW¼ NW¼, SECTION 5, T 16 S, R 23 E, WM; 2000 FEET SOUTH AND 1144 FEET EAST FROM THE NW CORNER, SECTION 5, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 686, as modified by an order of the State Engineer, entered November 26, 1947, at Special Order Volume 5, Page 555, approving Transfer C-72. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, Page 449. The date of priority is 1891.

The right allows the use of PAULINA CREEK, a tributary of the CROOKED RIVER, for IRRIGATION OF 25.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.31 cubic foot per second, if available at the original point of diversion: SW¼ NW¼, SECTION 5, T 16 S, R 23 E, WM; 2000 FEET SOUTH AND 1144 FEET EAST FROM THE NW CORNER, SECTION 5, or its equivalent in the case of rotation, measured at the point of diversion from the source.

The authorized point of diversion for both rights is as follows:

NW¼ SE¼, SECTION 17, T 16 S, R 23 E, WM; 2205 FEET NORTH AND 1950 FEET WEST FROM THE SE CORNER, SECTION 17.

The third right to be modified, as evidenced by a portion of Certificate 24181, was perfected under Permit 14085 with a date of priority of NOVEMBER 28, 1939. The right allows the use of PAULINA CREEK, a tributary of BEAVER CREEK, for IRRIGATION OF 211.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 cubic feet per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 17, T 16 S, R 23 E, W.M.; 450 FEET SOUTH AND 1900 FEET WEST FROM THE E¼ CORNER, SECTION 17, 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 rights existing 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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

CERTIFICATE 24181

SE¼ NE¼	2.5 ACRES
NE¼ NW¼	0.6 ACRE
SE¼ NW¼	15.0 ACRES
NE¼ SW¼	5.0 ACRES
NE¼ SE¼	6.8 ACRES
SE¼ SE¼	5.2 ACRES
SECTION 20	

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.5 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.3 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.9 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.8 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.8 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.4 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.2 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.8 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.8 ACRES

SECTION 29

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

CERTIFICATE 532

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0 ACRES

SECTION 20

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

CERTIFICATE 686

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ACRES

SECTION 29

TOWNSHIP 16 SOUTH, RANGE 23 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

The applicant proposes to change the points of diversion to:

LOT 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), SECTION 5, T 16 S, R 23 E, W.M.;
 425 FEET SOUTH AND 850 FEET EAST FROM THE NW CORNER,
 SECTION 5; and,

During low water, PORTABLE PUMPING ALONG PAULINA CREEK between points located 425 FEET SOUTH AND 850 FEET EAST FROM THE NW CORNER OF SECTION 5 and 800 FEET NORTH AND 2200 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 8, T 16 S, R 23 E, W.M.

The applicant also proposes to change the place of use to:

CERTIFICATE 24181

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	29.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.3 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.8 ACRES

SECTION 8

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

CERTIFICATE 532

NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.9 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.3 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26.1 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.0 ACRES

SECTION 5

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 21.6 ACRES

SECTION 8

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

CERTIFICATES 686

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ACRES

SECTION 8

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

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, 1999.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. The water user shall install and maintain fish screens or fish by-pass devices for both the fixed point of diversion and the portable pump. The types and plans of the screen or by-pass device 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.

4. 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.
5. The former places of use shall no longer be irrigated as a part of these water rights.

Certificates 24181, 532 and 686 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. 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 SEP 29 1998.



For Martha O. Pagel, Director