

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN PLACES OF USE  
AND 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 7341 submitted by

LES SCHWAB TIRE CENTERS OF OREGON, INC.  
P.O. BOX 667  
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 Certificate 534. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 449. The date of priority is 1885.

The right allows the use of MOWRY CREEK (MAURY CREEK), a tributary of CROOKED RIVER, for IRRIGATION OF 31.0 ACRES, DOMESTIC AND STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.39 cubic foot per second, and a reasonable amount for domestic and stock measured at the point of diversion from the source.

This is a final 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.

The second right to be modified, as evidenced by Certificate 32421, was perfected under Permit 26104 with a date of priority of APRIL 6, 1959. The right allows the use of CROOKED RIVER, a tributary of the DESCHUTES RIVER, for IRRIGATION OF 177.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 13.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.85 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 11, T 17 S, R 21 E, W.M., 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 an other right existing for the same lands, is limited to ONE-FORTIETH 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 third right to be modified, as evidenced by Certificate 52349, was perfected under Permit 32025 with a date of priority of SEPTEMBER 26, 1966 FOR STORAGE AND NOVEMBER 2, 1966 FOR MAURY CREEK. The right allows the use of MAURY CREEK AND MAINLINE RESERVOIR 1, CONSTRUCTED UNDER PERMIT R-4871, tributaries of CROOKED RIVER, for IRRIGATION OF 68.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.71 cubic feet per second, or its equivalent in case of rotation, measured at the point of diversion from the source, if available at the authorized points of diversion: NE $\frac{1}{4}$  SW $\frac{1}{4}$  AND SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 10, T 17 S, R 21 E, W.M.; RESERVOIR - 4460 FEET SOUTH AND 130 FEET EAST; CREEK - 2670 FEET SOUTH AND 1450 FEET EAST, BOTH FROM THE NW CORNER OF SECTION 10.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH 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 from direct flow and storage from reservoir constructed under Permit R-4871.

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

The authorized places of use are located as follows:

CERTIFICATE 534

NE $\frac{1}{4}$  NE $\frac{1}{4}$  10.0 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  8.0 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  5.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  3.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  5.0 ACRES  
SECTION 10

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

PERMIT 26104

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3 ACRE	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.6 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.2 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.3 ACRE	

SECTION 10

SW $\frac{1}{4}$  NE $\frac{1}{4}$  20.4 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  39.6 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  18.4 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  20.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  12.4 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  6.0 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  4.4 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  14.4 ACRES  
SECTION 11

SW $\frac{1}{4}$  NW $\frac{1}{4}$  13.6 ACRES  
SECTION 12

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

PERMIT 32025

NW¼ NE¼ 2.2 ACRES  
SW¼ NE¼ 19.9 ACRES  
NE¼ NW¼ 25.4 ACRES  
SE¼ NW¼ 21.0 ACRES  
SECTION 10

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

The applicant proposes to change the places of use to:

CERTIFICATE 534

SW¼ NE¼ 7.1 ACRES  
SE¼ NW¼ 1.4 ACRES  
NE¼ SW¼ 1.6 ACRES  
NW¼ SE¼ 20.9 ACRES  
SECTION 10

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

PERMIT 26104

NE¼ NE¼ 17.9 ACRES  
SE¼ NE¼ 9.8 ACRES  
SECTION 9

NW¼ NE¼ 5.0 ACRES  
SW¼ NE¼ 12.5 ACRES  
NE¼ NW¼ 33.0 ACRES  
NW¼ NW¼ 26.0 ACRES  
SW¼ NW¼ 17.0 ACRES  
SE¼ NW¼ 23.4 ACRES  
SECTION 10

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

PERMIT 32025

SW¼ NE¼ 7.7 ACRES  
SE¼ NE¼ 0.8 ACRE  
SE¼ NW¼ 1.4 ACRES  
NE¼ SW¼ 1.6 ACRES  
NE¼ SE¼ 29.2 ACRES  
NW¼ SE¼ 27.8 ACRES  
SECTION 10

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

The applicant proposes to change the point of diversion of PERMIT 26104 to:

SE¼ SE¼, SECTION 4, T 17 S, R 21 E, W.M.; 30 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 4.

An affidavit was received from Les Schwab Tire Centers of Oregon, the owner of certain lands and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned right is a portion of the right described by Certificate 32421, State Record of Water Right Certificates. The abandoned water right is for the use of water from The Crooked River, a tributary of the Deschutes River. The date of priority is April 6, 1959. The abandoned water right is for the irrigation of 32.8 acres and supplemental irrigation of 13.6 acres.

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE¼ NE¼	32.8 ACRES	
	SECTION 11	
SW¼ NW¼		13.6 ACRES
	SECTION 12	

TOWNSHIP 17 SOUTH, RANGE 21 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

The quantity of water, 0.85 cfs, allowed by Certificate 32421 for the 177.4 acres is well under the rate that would be allowed for the acres irrigated. Since only 144.6 acres is to be used at the new location, no quantity of water is being abandoned but is being applied to a lesser area, still at a rate less than would be normally allowed for the number of acres irrigated.

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, 2003.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of 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.
5. The former place of use shall no longer be irrigated as a part of these water rights.

6. The water user shall install and maintain a fish screen or fish by-pass device. The type 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 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 portion of the water right evidenced by Certificate 32421 requested to be cancelled is cancelled.

Certificates 534, 32421, and 52349 are canceled. 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

**JAN 0 8 2002**

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Paul R. Cleary, Director