

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING A CHANGE IN PLACE OF USE

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 7170 submitted by

OCHOCO REAL ESTATE, INC.
P.O. BOX 225
PRINEVILLE OREGON 97754

The first right to be modified, as evidenced by a portion of Certificate 68394, was perfected under Permit 5426 with a date of priority of MARCH 13, 1916, FROM MCKAY CREEK, AND AUGUST 10, 1917, FROM ALL OTHER SOURCES HEREIN NAMED. The right allows the use of MCKAY, OCHOCO, DRY, AND JOHNSON CREEKS; ALL WASTE AND RETURN WATER FLOWING IN ALL UNNAMED WATERWAYS, AND OCHOCO RESERVOIR CONSTRUCTED UNDER PERMIT R-528, tributaries of THE CROOKED RIVER, for IRRIGATING 30.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T 15 S, R 17 E, W.M.; 500 FEET NORTH AND 250 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 5, 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 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 from direct flow and storage from the reservoir constructed under Permit R-528.

The second right to be modified, as evidenced by a portion of Certificate 68395, was perfected under permit 25991 with a date of priority of APRIL 8, 1914. The right allows the use of THE CROOKED RIVER AND PRINEVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2223, tributaries of THE DESCHUTES RIVER, for SUPPLEMENTAL IRRIGATION OF 30.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, if available at the authorized points of diversion: PRINEVILLE RESERVOIR - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 11, T 17 S, R 16 E, W.M.; 1650 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 11; CROOKED RIVER OLD MAIN CANAL - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 36, T 15 S, R 15 E, W.M.; 60 FEET NORTH AND 1940 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 36.

The amount of water used for irrigation, together with the amount secured under any 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 the reservoir constructed under Permit R-2223, and shall be further required to maintain a contract between the Ochoco Irrigation District and the Bureau of Reclamation.

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

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.7 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8 ACRES
SECTION 29	
TOWNSHIP 14 SOUTH, RANGE 16 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 place of use to:

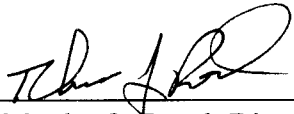
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.3 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	7.1 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.7 ACRE
SECTION 31	
TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.	

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, 2000.
2. The former places of use shall no longer be irrigated as a part of these water rights.

Certificates 68394 and 68395 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 NOV 09 1998.



For Martha O. Pagel, Director