

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN POINTS OF DIVERSION
AND 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 8822 submitted by

WALT AND HELEN C. ROLOFF
53515 LOCUST ROAD
MILTON-FREEWATER, OREGON 97862.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 13280. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1884.

The right allows the use of the SOUTH FORK WALLA WALLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 3.05 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE HALF MINER'S INCHES PER ACRE, measured at the point of diversion - Holstein Ditch.

This is an 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 authorized place of use is located as follows:

NW¼ SE¼ 3.05 ACRES
SECTION 22

TOWNSHIP 5 NORTH, RANGE 36 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 second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 12713. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1885.

The right allows the use of the SOUTH FORK WALLA WALLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 3.55 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE HALF MINER'S INCHES PER ACRE, measured at the point of diversion - Demaris and Gray Ditch.

The authorized place of use is located as follows:

E½ NE¼ SW¼ 3.55 ACRES
SECTION 22

TOWNSHIP 5 NORTH, RANGE 36 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 place of use of Certificate 12713 to:

NW¼ SE¼ 3.55 ACRES
SECTION 22

TOWNSHIP 5 NORTH, RANGE 36 EAST, W.M.

The applicant proposes to change the point of diversion for both rights to:

NW¼ NW¼, SECTION 26, T 5 N, R 36 E, W.M.; 1027 FEET SOUTH AND 915 FEET EAST FROM THE NW CORNER OF SECTION 26.

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

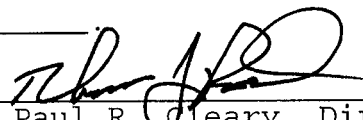
1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. The former place of use of Certificate 12713 shall no longer be irrigated as a part of this water right.
5. 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.

Certificates 12713 and 13280 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 are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed FEB 18 2003


Paul R. Cleary, Director