

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING 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 7089 submitted by

FRANK W. OLSON
83108 HWY 82
WALLOWA, ORE 97885

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by Certificate 45011. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 205. The dates of priority are 1896 FOR TRACT NO. 2 AND APRIL 8, 1886 FOR TRACT NO. 3.

The right allows the use of LOSTINE RIVER, AKA SOUTH FORK OF THE WALLOWA RIVER, a tributary of WALLOWA RIVER, for IRRIGATION OF 16.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1½ acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season, if available at the authorized point of diversion: MILES DITCH - SW¼ NW¼, SECTION 10, T 1 S, R 43 E, WM AND MILES MAGILL DITCH - NW¼ SW¼, SECTION 10, T 1 S, R 43 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE¼ NE¼ 12.0 ACRES
SE¼ NE¼ 4.0 ACRES
SECTION 9
TOWNSHIP 1 SOUTH, RANGE 43 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 point of diversion to:
SE¼ SW¼, SECTION 15, T 1 S, R 43 E, W.M.; 1200 FEET NORTH
AND 2165 FEET EAST OF SW CORNER, SECTION 15

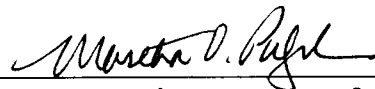
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1997.
2. The quantity of water diverted at the new 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.

Certificate 45011 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed April 8, 1996.



Martha O. Pagel, Director