

STATE OF OREGON

COUNTY OF UNION

**ORDER APPROVING A CHANGE IN PLACE OF USE
AND CANCELING A PORTION OF A WATER RIGHT**

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 7667 submitted by

KENNETH AND JEANETTE KNOTT
59926 COMSTOCK RD.
COVE, OR 97824

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by a PORTION of Certificate 339. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 207. The date of priority is 1864.

The right allows the use of MILL CREEK, a tributary of CATHERINE CREEK, for DOMESTIC AND IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second for irrigation and domestic during the irrigation season from May 1st to September 1st and 0.01 cubic foot per second for domestic from September 1st to May 1st of each year, if available at the authorized point of diversion; McNeill Ditch, or its equivalent in case of rotation.

The authorized place of use is located as follows:

NW¼ NW¼ 14.0 ACRES
SW¼ NW¼ 2.0 ACRES
SECTION 26
TOWNSHIP 3 SOUTH, RANGE 40 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 MILL CREEK decree.

The applicant proposes to change the place of use to:

SW¼NW¼ 16.0 ACRES
SECTION 26
TOWNSHIP 3 SOUTH, RANGE 40 EAST, W.M.

An affidavit was received from KENNETH D. AND JEANETTE S. KNOTT, the owners of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by Certificate 339, State Record of Water Right Certificates. The abandoned water right is for the use of 0.13 cubic foot per second from MILLARD BRANCH OF MILL CREEK, a tributary of CATHERINE CREEK. The date of priority is 1897. The abandoned water right is for IRRIGATION. A description of the place of use of the abandoned right is as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 14.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 ACRES
SECTION 26
TOWNSHIP 3 SOUTH, RANGE 40 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."

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, 1999.
2. The former place of use shall no longer be irrigated as a part of this water right.

The portion of the water right described herein requested to be canceled is canceled. Certificate 339 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 3/30/98.



Martha O. Page, Director