

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A CHANGE IN TYPE OF USE, PLACE OF USE
AND PARTIAL CANCELLATION 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 8213 submitted by

ERNEST G. & REBEKA KNIFONG
68304 ALLEN CANYON LOOP
LOSTINE, OREGON 97857.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by a PORTION of Certificate 2938. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Pages 143-144. The date of priority is 1885 in Tract No. 2.

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 right allows the use of the SPRING AND SPRING BRANCHES, tributaries of the WALLOWA RIVER, for SUPPLEMENTAL IRRIGATION OF 6.0 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 points of diversion: SMALL DITCHES.

The authorized place of use is located as follows:

NE¼ SE¼ 6.0 ACRES (USE)
SECTION 6
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 SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by a PORTION of Certificate 3180. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Pages 200, 201 and 202. The date of priority is MARCH 27, 1901.

The right allows the use of the LOSTINE RIVER (AKA SOUTH FORK OF THE WALLOWA RIVER), a tributary of the WALLOWA RIVER, for IRRIGATION OF 10.0 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 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: WESTSIDE DITCH

The authorized place of use is located as follows:

TRACT NO. #13
SW¼ SW¼ 10.0 ACRES (POU)
SECTION 31
TOWNSHIP 1 NORTH, 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 THIRD right to be modified, as evidenced by a PORTION of Certificate 4930, was perfected under Permit 3271 with a date of priority of MAY 29, 1916. The right allows the use of the MINAM LAKE RESERVOIR CONSTRUCTED UNDER PERMIT R-396, a tributary of the MINAM LAKE for SUPPLEMENTAL IRRIGATION OF 10.0 ACRES. 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, if available at the original point of diversion.

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

The authorized place of use is located as follows:

SW¼ SW¼ 10.0 ACRES (POU)
SECTION 31
TOWNSHIP 1 NORTH, 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.

The applicant proposes to change the character of use of 6.0 acres from certificate 2938 to: PRIMARY IRRIGATION.

CERTIFICATE 2938

NE¼ SE¼ 6.0 ACRES (USE)
SECTION 6

The applicant further proposes to change place of use to:

CERTIFICATE 3180

NE¼ SE¼ 10.0 ACRES (POU)
SECTION 6

CERTIFICATE 4930

NE¼ SE¼ 10.0 ACRES (POU)
SECTION 6

TOWNSHIP 1 SOUTH, RANGE 43 EAST, W.M.

Pursuant to OAR 693-380-2320, the applicant submitted an affidavit authorizing the cancellation of the existing underlying 6.0 acres of PRIMARY IRRIGATION from EAST FORK OF BEAR CREEK being a PORTION of Certificate 2938.

In addition, the affidavit also authorized the cancellation of 3.0 ACRES being a PORTION of the right described by Certificate 2938, State Record of Water Right Certificates. 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 from EAST FORK OF BEAR CREEK, a tributary of the WALLOWA RIVER. The date of priority is JUNE 17, 1893. The abandoned water right is for IRRIGATION of 9.0 ACRES.

The authorized place of use of the abandoned right for irrigation use is as follows:

NE¼ SE¼ 9.0 ACRES
SECTION 6

TOWNSHIP 1 SOUTH, RANGE 43 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."

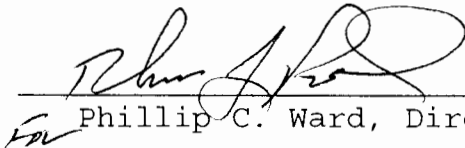
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED WHEN THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2006.
2. Water shall be acquired from the same surface water source as the original point of diversion.
3. The former places of use shall no longer be irrigated as a part of these water rights.

Certificates 2938, 3180 and 4930 are canceled. Certificates 3180 and 4930 were also modified by transfers T-7671 and T-8221. New certificates will be issued to confirm those portions of the rights NOT involved in these transfers. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed FEB 22 2005.


Phillip C. Ward, Director