

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A CHANGE IN PLACE OF USE AND
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 8221 submitted by

WOLFE HERFORD RANCH, WTK INC.
ATTN:STEPHEN WOLFE
69405 BAKER ROAD
WALLOWA, OREGON 97885.

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 Certificate 3061. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 175. The dates of priority is 1879 for 24.0 acres and 1881 for 1.0 acre.

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 LOSTINE RIVER (AKA SOUTH FORK OF THE WALLOWA RIVER), a tributary of the WALLOWA RIVER, for IRRIGATION OF 25.0 ACRES 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 points of diversion: GASTIN AND TULLY HILL DITCHES, or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized place of use is located as follows:

NE¼ NW¼	4.4 ACRES (POD AND POU)
NE¼ NW¼	2.6 ACRES (POD ONLY)
SE¼ NW¼	9.0 ACRES (POD ONLY)
NE¼ SW¼	9.0 ACRES (POD ONLY)

SECTION 29

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 SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for WALLOWA County as evidenced by Certificate 3097. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Pages 182. The date of priority is 1881.

The right allows the use of the LOSTINE RIVER (AKA SOUTH FORK OF

WALLOWA THE RIVER), tributary of WALLOWA RIVER for IRRIGATION OF 38.0 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 point of diversion: TULLEY HILL DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

NW¼ NW¼ 33.2 ACRES (POD ONLY)
NW¼ NW¼ 4.8 ACRES (POD AND POU)
SECTION 29
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 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 WALLOWA RIVER), a tributary of the WALLOWA RIVER, for IRRIGATION OF 36.5 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 point of diversion: WESTSIDE DITCH, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

TRACT NO. 13

NW¼ SW¼ 36.5 ACRES (POU AND POD)

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 FOURTH 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 MINAM LAKE, for SUPPLEMENTAL IRRIGATION OF 36.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.196 cubic foot per second, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized place of use is located as follows:

NW¼ SW¼ 36.5 ACRES (POU ONLY)
SECTION 31
TOWNSHIP 1 NORTH, RANGE 43 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 point of diversion to:

SE¼ SW¼, SECTION 29, T 1 N, R 43 E, WM; 1233' NORTH & 2520' EAST FROM THE SW CORNER, SECTION 29.

The applicant further proposes to change the places of use to:

CERTIFICATE 3061

SE¼ NW¼ 3.0 ACRES
NE¼ SW¼ 1.1 ACRES
NW¼ SW¼ 0.3 ACRES
SECTION 29
TOWNSHIP 1 NORTH, RANGE 43 EAST, W.M.

CERTIFICATE 3097

NW¼ SW¼ 4.8 ACRES
SECTION 29

CERTIFICATE 3180

SW¼ SW¼ 6.8 ACRES
SECTION 20

SW¼ NW¼ 28.1 ACRES
NW¼ SW¼ 1.6 ACRES
SECTION 29

CERTIFICATE 4930

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.8 ACRES

SECTION 20

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28.1 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.6 ACRES

SECTION 29

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

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

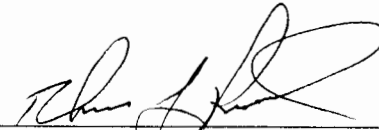
1. The proposed changes shall be completed on or before October 1, 2006.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. **PRIOR** to the diverting of water at the new point of diversion, 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.
5. The former places of use shall no longer be irrigated as a part of this water right.

Certificates 3061, 3097 3180 and 4930 are canceled. Certificates 3180 and 4930 were also modified by transfers T-7671 and T-8213. 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 this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed FEB 22 2005.



Phillip C. Ward, Director