

STATE OF OREGON

COUNTY OF CLATSOP

ORDER APPROVING A TEMPORARY CHANGE IN CHARACTER OF USE  
AND 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 7328 submitted by

KNAPPA WATER ASSOCIATION  
ROUTE 6 BOX 290-A  
ASTORIA, OREGON 97103.

The first right to be modified, as evidenced by Certificate 33899, was perfected under Permit 7003 with a date of priority of JULY 8, 1924. The right allows the use of MILL CREEK, a tributary of BIG CREEK (COLUMBIA RIVER), for DOMESTIC USE. This right is limited to 0.50 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 32, T 8 N, R 7 W, WM; 4224.08 FEET SOUTH AND 1558.45 FEET EAST FROM THE CORNER BETWEEN SECTIONS 29 AND 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 68351, was perfected under Permit 32022 with a date of priority of SEPTEMBER 23, 1966. The right allows the use of MILL CREEK, a tributary of BIG CREEK, for DOMESTIC WATER PURPOSES. This right is limited to 0.75 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 32, T 8 N, R 7 W, WM; 4224.08 FEET SOUTH AND 1558.45 FEET EAST FROM THE CORNER BETWEEN SECTIONS 29 AND 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by Certificate 68352, was perfected under Permit 34049 with a date of priority of DECEMBER 18, 1968. The right allows the use of MILL CREEK, a tributary of BIG CREEK, for QUASI-MUNICIPAL (KNAPPA AND BROWNSMEAD COMMUNITIES). This right is limited to 0.78 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 32, T 8 N, R 7 W, WM; 4224.08 FEET SOUTH AND 1558.45 FEET EAST FROM THE CORNER BETWEEN SECTIONS 29 AND 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The authorized places of use are located as follows:

PERMIT 7003

NW $\frac{1}{4}$  NW $\frac{1}{4}$   
SECTION 17  
TOWNSHIP 8 NORTH, RANGE 7 WEST, W.M.

PERMIT 32022

SW $\frac{1}{4}$  SW $\frac{1}{4}$   
SECTION 8

ALL  
SECTION 20

SW $\frac{1}{4}$   
SECTION 16

NW $\frac{1}{4}$   
SECTION 21

W $\frac{1}{2}$   
SE $\frac{1}{4}$   
W $\frac{1}{2}$  NE $\frac{1}{4}$   
SECTION 17

E $\frac{1}{2}$  NE $\frac{1}{4}$   
SECTION 24

ALL  
SECTION 19

W $\frac{1}{2}$   
SECTION 29

NE $\frac{1}{4}$   
SECTION 30

TOWNSHIP 8 NORTH, RANGE 7 WEST, W.M.

PERMIT 34049

THE AREA LOCATED WITHIN THE SERVICE  
BOUNDARY FOR KNAPPA WATER ASSOCIATION

The rights to use the water for the above purposes are restricted to beneficial use on the lands or places of use described

The applicant proposes to TEMPORARILY change the character of USE to INSTREAM USE FOR TROUT HABITAT and the place of use to the channel of MILL CREEK in the reach from the authorized diversion point to the culvert under Big Creek Mainline Road in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, T 8 N, R 7 W, WM, for the duration of a lease between Knappa Water Association and the Oregon Department of Fish and Wildlife, dated April 18, 1995, and by reference made a part herein.

The term of the lease is 20 years, effective upon the date of this order. The lease may be terminated upon 30 day written notice by either party, Knappa Water Association or Oregon Department of Fish and Wildlife.


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

1. The proposed changes are temporary and shall be effective upon the date of this order and shall expire upon expiration or termination of the lease referenced herein, unless extended.
2. When required by the Department, the water user shall install and maintain suitable devices for measuring and recording the quantity of water at the authorized diversion point. The type and plans of the measuring device must be approved by the Department and shall be installed under the general supervision of the Department.

Temporary instream flows of 2.03 cubic feet per second of water, being 0.50 cfs with priority of July 8, 1924, 0.75 cfs with priority of September 23, 1966, and 0.78 cfs with priority of December 18, 1968, will be maintained in MILL CREEK from the authorized point of diversion in the SE¼ NW¼, SECTION 32, T 8 N, R 7 W, WM; 4224.08 FEET SOUTH AND 1558.45 FEET EAST FROM THE CORNER BETWEEN SECTIONS 29 AND 30, to the culvert under Big Creek Mainline Road in the SE¼ SW¼, Section 29, T 8 N, R 7 W, WM, subject to prior rights and availability, for the term of the lease described herein.

The rights to use 2.03 cubic foot per second of water from Mill Creek for Domestic and Quasi-Municipal uses is SUSPENDED, without loss of priority, for the term of the lease referenced herein. Certificates 33899, 68351, and 68352 are suspended for the term of the lease. Upon expiration or termination of the lease, the use of water shall revert to the original uses and places of use, as defined above.

WITNESS the signature of the Water Resources Director,  
affixed SEP 19 1995.

  
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Martha O. Page, Director