

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 7671 submitted by

ERNEST E. AND ANNETTE WISEMAN
79922 HIGHWAY 82
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 a PORTION of Certificate 2982. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Pages 155-156. The date of priority is MAY 1897.

The right allows the use of the SOUTH FORK OF WALLOWA RIVER, a tributary of the WALLOWA RIVER, for IRRIGATION OF 5.0 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

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.

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: CLEARWATER DITCH.

The authorized place of use is located as follows:

(POD ONLY)
NW¼ SW¼ 2.0 ACRES
SE¼ SW¼ 3.0 ACRES
SECTION 13
TOWNSHIP 1 NORTH, RANGE 42 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 SOUTH FORK OF WALLOWA RIVER, a tributary of the WALLOWA RIVER, for IRRIGATION OF 14.6 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

(POU & POD)

NW¼ SW¼ 0.5 ACRE

SW¼ SW¼ 14.1 ACRES

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 13398, was perfected under Permit 12623 with a date of priority of APRIL 30, 1937. The right allows the use of the LOSTINE AND WALLOWA RIVERS, a tributary of the GRANDE RONDE RIVER for IRRIGATION OF 27.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.677 cubic foot per second, if available at the original point of diversion: SW¼ SW¼, SECTION 33, T 1 N, R 43 E, W.M. and NW¼ SE¼, SECTION 11, T 1 S, R 43 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre from Lostine and Wallowa Rivers, provided that water shall be appropriated from Wallowa River only during those periods when there is an insufficient quantity available from Lostine River to make up the quantity allowed herein, and then only so much as may be required to make a total appropriation from both sources of not to exceed the quantity allowed herein.

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

The authorized place of use is located as follows:

	(POD ONLY)	(POD/POU)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.4 ACRES	7.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 ACRES	

SECTION 13

NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.5 ACRES

SECTION 24

TOWNSHIP 1 NORTH, RANGE 42 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 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 TO BE CONSTRUCTED UNDER PERMIT R396, CERTIFICATE NO. 4937, a tributary of the MINAM LAKE for SUPPLEMENTAL IRRIGATION OF 14.6 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.078 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 amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent in case of rotation.

The authorized place of use is located as follows:

(POD ONLY)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.5 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 14.1 ACRES

SECTION 31

TOWNSHIP 1 NORTH, RANGE 42 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 place of to:

CERTIFICATE 3180

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.6 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.4 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.6 ACRES

SECTION 13

TOWNSHIP 1 NORTH, RANGE 42 East, W.M.

CERTIFICATE 13398

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.5 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.7 ACRES

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.9 ACRES

SECTION 13

Township 1 NORTH, RANGE 42 East, W.M.

CERTIFICATE 4930

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.6 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.4 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 ACRES

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.6 ACRES

SECTION 13

Township 1 NORTH, RANGE 42 East, W.M.

The applicant further proposes to change the point of diversion to:

NW¼ SW¼, SW¼ SW¼, SECTION 33, T 1 N, R 43 E, W.M.;
1357 FEET NORTH AND 12 FEET EAST; 1233 FEET NORTH AND 27 FEET
EAST BOTH FROM THE SW CORNER, SECTION 33.

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

1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new points 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 diverting water at the new points 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 place of use shall no longer be irrigated as a part of this water right.
6. The appropriator shall record and report total flow figures when requested by the Watermaster.

Certificates 2982, 3180, 13398 and 4930 is canceled. Certificates 3180 and 4930 are also being modified by T-8213 and T-8221. New certificates will be issued to confirm that portion of the right NOT involved in these transfers. When satisfactory proof of the completed changes is received, new certificates confirming this water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed FEB 26 2003.


Paul R. Cleary, Director