

**STATE OF OREGON**

**COUNTY OF WALLOWA**

**ORDER APPROVING A CHANGE IN 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 7489 submitted by

LOWER VALLEY IMPROVEMENT DISTRICT  
C/O MAX MALLORY  
67804 PROMISE ROAD.  
WALLOWA, OR 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 2963. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 149. The dates of priority are 1890 for Tract No. 1 and 1884 for Tract No. 2.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 239.9 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

TRACT NO. 1  
SW¼ NE¼ 6.0 ACRES  
LOT 3 (NE¼ NW¼) 6.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

TRACT NO. 2  
SW¼ NE¼ 34.0 ACRES  
LOT 3 (NE¼ NW¼) 43.0 ACRES  
LOT 4 (NW¼ NW¼) 50.9 ACRES  
SE¼ NW¼ 40.0 ACRES

NE $\frac{1}{4}$  SW $\frac{1}{4}$  40.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  20.0 ACRES

SECTION 3

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

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 3004. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 159. The date of priority is 1900.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 19.0 acres. This right is limited to 1 $\frac{1}{2}$  acre feet per acre during any period of 30 days prior to July 31th 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: Rogers Ditch - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1200 feet South and 100 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  19.0 ACRES

SECTION 3

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

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 Certificate 3003. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 159. The date of priority is 1884.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 40.0 acres. This right is limited to 1 $\frac{1}{2}$  acre feet per acre during any period of 30 days prior to July 31th 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: Levi Rogers Ditch - NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1200 feet South and 100 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES

SECTION 3

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

The fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3010. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 162. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 13.0 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE¼ NE¼ 13.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The fifth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3011. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 162. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 39.0 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Levi Rogers Ditch -NW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1200 feet South and 100 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW¼ SE¼ 39.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The sixth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3068. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 176. The dates of priority are Oct. 1900 for Tract No. 1 and 1884 for Tract No. 2.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation 415 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Johnson Ditch and Rogers and Johnson Ditch - NW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1200 feet South and 100 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

TRACT NO. 1  
NE¼ NE¼ (LOT 1) 50.0 ACRES  
NW¼ NE¼ (LOT 2) 45.0 ACRES  
NE¼ NW¼ (LOT 3) 48.0 ACRES  
SECTION 4  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

NE¼ SE¼ 37.0 ACRES  
SE¼ SE¼ 35.0 ACRES  
SECTION 32

N½ SW¼ 80.0 ACRES  
S½ SW¼ 80.0 ACRES  
SECTION 33  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

TRACT NO. 2  
SW¼ NW¼ 40.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The seventh right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3135. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 190. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 7.0 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

N½ SE¼ NE¼ 7.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The eighth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3190. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 205. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 13.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE¼ NE¼ 5.0 ACRES  
NE¼ SE¼ 8.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The ninth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 2951. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 148. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande River for irrigation of 12.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  12.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The tenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 2965. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 149. The date of priority is 1904.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 10.0 acres. This right is limited to 1 $\frac{1}{2}$  acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  10.0 ACRES  
SECTION 33  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The eleventh right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3046. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 171. The date of priority is 1904.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 20.0 acres. This right is limited to 1 $\frac{1}{2}$  acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  20.0 ACRES  
SECTION 33  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The twelfth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3066. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 176. The date of priority is 1904.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 16.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW¼ SW¼ 16.0 ACRES  
SECTION 27  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The thirteenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3071. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 176. The date of priority is 1904.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 47.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE¼ SE¼ 1.0 ACRE  
SECTION 28  
  
NE¼ NE¼ 38.0 ACRES  
NW¼ NE¼ 8.0 ACRES  
SECTION 33  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The fourteenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3124. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 188. The date of priority is 1904.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 9.5 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NW¼ SW¼ 9.5 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The fifteenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3134. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 190. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 40.0 acres and stock. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW¼ NW¼ 40.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The sixteenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3136. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 190. The date of priority is 1890.



The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 45.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW¼ NE¼ 13.0 ACRES  
NW¼ SE¼ 32.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The seventeenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3137. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 190. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 80.0 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW¼ NW¼, Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE¼ NW¼ 40.0 ACRES  
NE¼ SW¼ 40.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The eighteenth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County as evidenced by Certificate 3138. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 190. The date of priority is 1890.

The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation 24.5 acres. This right is limited to 1½ acre feet per acre during any period of 30 days prior to July 31th 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: Lower Valley Ditch - SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1750 feet South and 800 feet East from NW corner, Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  2.5 ACRES  
SECTION 27  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  2.0 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  20.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The nineteenth right to be modified, as evidenced by Certificate 8765, was perfected under Permit 9573 with a date of priority of March 25, 1930. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 12.0 acres. This right is limited to 0.15 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 11, T1N, R42E, 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 under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  7.0 ACRES  
SECTION 3  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  5.0 ACRES  
SECTION 10  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The twentieth right to be modified, as evidenced by Certificate 21985, was perfected under Permit 17440 with a date of priority of December 23, 1946. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 10.0 acres. This right is limited to 0.25 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, 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 under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall

be further limited to a diversion of not to exceed 1½ acre feet per acre for each acre irrigated during any 30-day period from May 1st to July 31st and thereafter shall be limited to a diversion of not to exceed 1 acre feet per acre for each acre irrigated during the remainder of the irrigation season ending October 1st, and shall be still futher limited to a diversion of not to exceed 3½ acre feet per acre per year.

The authorized place of use is located as follows:

SE¼ SW¼ 6.0 ACRES  
SECTION 27  
NE¼ NW¼ 4.0 ACRES  
SECTION 34  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The twenty-first right to be modified, as evidenced by Certificate 34496, was perfected under Permit 29134 with a date of priority of October 11, 1963. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 112.3 acres. This right is limited to 1.65 cubic feet per second, if available at the authorized point of diversion: 920' North and 800' East from the W¼ Corner, Sec. 11, in the SW¼NW¼, Section 11, Township 1 North, Range 42 East, 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 under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the Lower Grande Ronde River is more than 300 c.f.s. at USGS Gage No. 3325 and more than 420 c.f.s. at Ore-Wash border.

The authorized place of use is located as follows:

SW¼ NW¼ 35.3 ACRES  
NW¼ SW¼ 31.0 ACRES  
SECTION 2  
  
SE¼ NE¼ 29.0 ACRES  
NE¼ SE¼ 17.0 ACRES  
SECTION 3  
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The twenty-second right to be modified, as evidenced by Certificate 41165, was perfected under Permit 29810 with a date of priority of June 29, 1969. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 219.0 acres. This right is limited to 3.75 cubic feet per second, if available at the authorized point of diversion: 880'

North and 790' East from W<sup>1</sup>/<sub>4</sub> Corner, Section 11, in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 11, Township 1 North, Range 42 East, 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 under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

LOT 4 (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) 38.4 ACRES  
SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 36.5 ACRES  
SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 0.3 ACRES  
SECTION 2

LOT 1 (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) 38.2 ACRES  
SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 26.4 ACRES  
SECTION 3

NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 3.1 ACRES  
SECTION 10

NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 20.0 ACRES  
NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 34.3 ACRES  
SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 3.2 ACRES  
SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 18.6 ACRES  
SECTION 11

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

The twenty-third right to be modified, as evidenced by Certificate 41175, was perfected under Permit 34130 with a date of priority of June 25, 1969. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 57.7 acres. This right is limited to 1.44 cubic feet per second, if available at the authorized point of diversion: 880' North and 790' East from W<sup>1</sup>/<sub>4</sub> Corner, Section 11, in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 11, Township 1 North, Range 42 East, 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 under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 34.9 ACRES  
SECTION 34

SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 22.8 ACRES  
SECTION 35  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The twenty-fourth right to be modified, as evidenced by Certificate 57661, was perfected under Permit 39142 with a date of priority of April 11, 1974. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 18.5 acres and stock. This right is limited to 0.47 cubic foot per second, being 0.46 c.f.s. for irrigation and 0.01 c.f.s. for stock, if available at the authorized point of diversion: 880' North and 790' East from W<sup>1</sup>/<sub>4</sub> Corner, Section 11, in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 11, Township 1 North, Range 42 East, 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 under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

The authorized place of use is located as follows:

SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 18.5 ACRES  
SECTION 27  
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

The twenty-fifth right to be modified, as evidenced by Certificate 64462, was perfected under Permit 40889 with a date of priority of July 16, 1976. The right allows the use of Wallowa River, a tributary of Grande Ronde River, for irrigation of 128.3 acres. This right is limited to 1.04 cubic feet per second, if available at the authorized point of diversion: SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Section 11, Township 1 North, Range 42 East, W.M.; approx. 860'N and 800'E from W<sup>1</sup>/<sub>4</sub> cor. Section 11, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  SW $\frac{1}{4}$  30.3 ACRES

SW $\frac{1}{4}$  SE $\frac{1}{4}$  40.0 ACRES

SECTION 27

NE $\frac{1}{4}$  NW $\frac{1}{4}$  20.0 ACRES

NW $\frac{1}{4}$  NE $\frac{1}{4}$  38.0 ACRES

SECTION 34

TOWNSHIP 2 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 and certificates.

The applicant proposes to change the point of diversion to: SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 North, Range 42 East, W.M.; 1850'S and 1000'E from NW corner, Section 11.

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, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water available at the original points of diversion.
3. The improvement district 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. The improvement district shall operate and maintain the headgate and measuring device, as needed. The improvement district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.

Certificates 2951, 2963, 2965, 3003, 3004, 3010, 3011, 3046, 3066, 3068, 3071, 3124, 3135, 3136, 3137, 3138, 3190, 8765, 21985, 34496, 41165, 41175, 57661, 64462, are canceled. When satisfactory proof of the completed change is received, new certificates confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed  
April 23, 1997.

  
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Martha O. Pagel, Director