

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION,
CHARACTER OF USE AND PLACE OF USE

Pursuant to ORS 537.705, 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 7856 submitted by

CITY OF JOSEPH
P.O. BOX 15.
JOSEPH, OREGON 97846.

The right to be modified, as evidenced by a PORTION of Certificate 55036, was perfected under Permit G-6026 with a date of priority of FEBRUARY 19, 1974. The right allows the use of the JOSEPH MILL WELLS #1 & #2, in the WALLOWA RIVER BASIN, for INDUSTRIAL USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.84 cubic foot per second (CFS); BEING 0.54 CFS FROM WELL #1 AND 0.30 CFS FROM WELL #2, if available at the original wells; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 2 S, R 45 E, W.M.; WELL #1 - 700 FEET NORTH AND 340 FEET EAST, WELL #2 - 580 FEET NORTH AND 350 FEET EAST FROM THE S $\frac{1}{4}$ CORNER, SECTION 30, or its equivalent in case of rotation, measured at the wells.

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

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 authorized place of use is as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 30
TOWNSHIP 2 SOUTH, RANGE 45 EAST, W.M.

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be reduced.

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 point of appropriation to:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 2 S, R 45 E, W.M. WELL #3- 711 FEET NORTH AND 385 FEET EAST FROM THE S $\frac{1}{4}$ CORNER, SECTION 30.

The applicant further proposes to change the character of use from INDUSTRIAL to MUNICIPAL and change the place of use to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
SECTION 29

SE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 30

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 31

SW $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$
SW $\frac{1}{4}$
SECTION 32
TOWNSHIP 2 SOUTH, RANGE 45 EAST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 5
TOWNSHIP 3 SOUTH, RANGE 45 EAST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2008.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. **Prior** to the diverting of water at the new point of appropriation, the water user **shall** install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the 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 aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 55036 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAY 24 2002.



For Paul R. Cleary, Director