

STATE OF OREGON

COUNTY OF WALLOWA

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.532, 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 7479 submitted by

NORMAN & AMY LOU WERST  
74822 LOWER DIAMOND LANE  
WALLOWA, OR 97885

The 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 2978. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, at Page 151, 152, 153, and 154. The date of priority is 1893.

The right allows the use of BEAR CREEK, a tributary of WALLOWA RIVER, for STOCK AND IRRIGATION OF 8.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.5 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: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, T 1 N., R 42 E, WM; 1200'N. & 1650'E from SW corner, Section 26, 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:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  8.1 ACRES  
SECTION 5  
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 applicant proposes to change the point of diversion from Bear Creek to Wallowa River, Weaver-Johnson Ditch: SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3, T 1 N, R 42 E, W.M.; 1000'N & 1550'E from SW corner, Section 3.

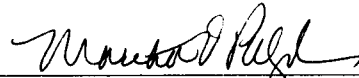
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change was completed over 10 years ago.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water under the terms of this order, the water user shall install and maintain a headgate, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted, at the new point of diversion, and available at the old point of diversion. 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 water user shall operate and maintain the headgate and measuring devices, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring devices, as needed.

Certificate 2978 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. In addition, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed September 20, 1996.



\_\_\_\_\_  
Martha O. Pagel, Director