

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 7473 submitted by:

LOWER VALLEY WATER IMPROVEMENT DISTRICT
C/O DALE JOHNSON
77583 HWY 82
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 a PORTION of Certificates 3067. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, Page 176. The date of priority is 1887.

The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for stock and irrigation of 130.0 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 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 NW¼ SW¼, Section 3, Township 1 North, Range 42 East, W.M.; 1100 feet South and 900 feet East from the W¼ corner, Section 3, or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to 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.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 29.5 ACRES
SECTION 32
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 47.5 ACRES
SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.0 ACRES
SECTION 5
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 a PORTION of Certificates 3068. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, Page 176. The date of priority is October 1900.

The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for stock and irrigation of 375.0 acres. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1 $\frac{1}{2}$ 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 1 North, Range 42 East, W.M.; 1100 feet South and 900 feet East from the W $\frac{1}{4}$ corner, Section 3, or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to 1 $\frac{1}{2}$ 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.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
SECTION 32
TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

NE¼ SW¼ 40.0 ACRES
NW¼ SW¼ 40.0 ACRES
SW¼ SW¼ 40.0 ACRES
SE¼ SW¼ 40.0 ACRES

SECTION 33

TOWNSHIP 2 NORTH, RANGE 42 EAST, W.M.

Lot 1(NE¼ NE¼) 50.0 ACRES
Lot 2(NW¼ NE¼) 45.0 ACRES
Lot 3(NE¼ NW¼) 48.0 ACRES

SECTION 4

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 a PORTION of Certificates 3177. The decree is recorded in the Order Record of the Water Resources Director in Volume 5, Page 200. The dates of priority are 1905 for Tract No. 1 and July 1, 1897 for Tract No. 2.

The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for stock and irrigation of 47.0 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 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 NE¼ SW¼, Section 4, Township 1 North, Range 42 East, W.M.; 400 feet South and 2000 feet East from the W¼ corner, Section 4, or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to 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.

The authorized place of use is located as follows:

Tract No. 1
SW¼ NW¼ 5.0 ACRES
NW¼ SW¼ 2.0 ACRES

SECTION 4

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

Tract No. 2
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 ACRES
SECTION 4
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0 ACRES
SECTION 5
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The fourth right to be modified, as evidenced by Certificate 3949, was perfected under Permit 4374 with a date of priority of December 5, 1919. The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for irrigation of 25.0 acres. This right is limited to 0.31 cubic foot per second, if available at the authorized point of diversion: Weaver Ditch, or its equivalent in case of rotation.

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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.0 ACRES
SECTION 4
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The fifth right to be modified, as evidenced by a portion of Certificate 8699, was perfected under Permit 4375 with a date of priority of December 5, 1919. The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for irrigation of 40.0 acres. This right is limited to 0.5 cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 1 North, Range 42 East, W.M.; 110 feet South and 900 feet East from the W $\frac{1}{4}$ corner, Section 3, or its equivalent in case of rotation.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 4
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The sixth right to be modified, as evidenced by Certificate 8700, was perfected under Permit 4375 with a date of priority of December 5, 1919. The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for irrigation of 60.0 acres. This right is limited to 0.75 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, Section 3, Township 1 North, Range 42 East, W.M.; 110 feet South and 900 feet East from the W¼ corner, Section 3, or its equivalent in case of rotation.

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:

SE¼NE¼ 40.0 ACRES
NE¼ SE¼ 20.0 ACRES
SECTION 4
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The seventh right to be modified, as evidenced by Certificate 8701, was perfected under Permit 4375 with a date of priority of December 5, 1919. The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for irrigation of 40.0 acres. This right is limited to 0.5 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, Section 3, Township 1 North, Range 42 East, W.M.; 110 feet South and 900 feet East from the W¼ corner, Section 3, or its equivalent in case of rotation.

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:

SW¼ NE¼ 40.0 ACRES
SECTION 4
TOWNSHIP 1 NORTH, RANGE 42 EAST, W.M.

The eighth right to be modified, as evidenced by Certificate 8771, was perfected under Permit 9691 with a date of priority of June 12, 1950. The right allows the use of the Wallowa River, a tributary of the Grande Ronde River, for irrigation of 18.0 acres. This right is limited to 0.23 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, Section 3, Township 1 North, Range 42 East, W.M.; 110 feet

South and 900 feet East from the W¹/₄ corner, Section 3, or its equivalent in case of rotation.

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:

S¹/₂ NE¹/₄ SE¹/₄ 18.0 ACRES
SECTION 4
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 use shall conform to any reasonable rotation system ordered by the proper state officer.

The applicant proposes to change the points of diversion to a common point of diversion located:

SE¹/₄ SW¹/₄, Section 3, Township 1 North, Range 42 East, W.M.; 1000 feet North and 1550 feet East from SW corner, Section 3.

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

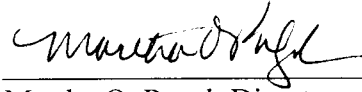
1. The proposed change shall be completed on or before October 1, 1998.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversions, shall not exceed the quantity of water available at the original points of diversion.
3. The water user shall install 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. The water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation 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 3067, 3068, 3177, 3949, 8699, 8700, 8701, and 8771 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed

~~OCT 28 1996~~



Martha O. Pagel, Director