

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11712, Malheur County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

OWYHEE IRRIGATION DISTRICT
17 SOUTH FIRST ST.
NYSSA, OR 97913

Findings of Fact

1. On January 9, 2014, Owyhee Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificate 75691. The Department assigned the application number T-11712.
2. Notice of the application for transfer was published on January 14, 2013, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On March 10, 2014, the applicant provided additional review materials for the portion of the right to be transferred.
4. The portion of the first right to be transferred is as follows:

Certificate: 75691 in the name of UNITED STATES OF AMERICA; BUREAU OF RECLAMATION (perfected under Permit S-8171)

Use: IRRIGATION of 20.67acres

Priority Dates: FEBRUARY 15, 1916 for stored water and AUGUST 19, 1924 for direct flow.

Duty/Limit: The amount of water from direct flow of the Owyhee River used for irrigation shall be limited to 1/60th of one cubic foot per second (cfs) per acre, or its equivalent for each acre irrigated and shall be further limited to 3.0 acre-feet (af) per acre for each acre irrigated during the irrigation season of each year. The amount of water from direct flow of the Owyhee River together with water stored in Owyhee Reservoir and with the amount secured under any other water right existing for the same lands, shall be limited to a diversion of not to exceed 6.7 af for each acre irrigated during the irrigation season of each year and shall conform to any reasonable rotation system as may be 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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Sources: OWYHEE RIVER and water stored in OWYHEE RESERVOIR (constructed under Permit R-599), tributaries of the SNAKE RIVER

Authorized Points of Diversion (POD):

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
OWYHEE DAM	22S	45E	WM	20	NW SE	200 FEET SOUTH AND 2010 FEET WEST FROM THE COMMON CORNER OF SECTIONS 20 AND 21
GLORY HOLE SPILLWAY	22S	45E	WM	20	NW SE	200 FEET SOUTH AND 1680 FEET WEST FROM THE COMMON CORNER TO SECTIONS 20 AND 21
TUNNEL 1	22S	45E	WM	21	NW SW	495 FEET EAST AND 264 FEET SOUTH FROM THE COMMON CORNER TO SECTIONS 20 AND 21

Authorized Places of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
20S	45E	WM	25	SE SW	1.02	800	Barlow Farms	13-21700
20S	45E	WM	25	SW SE	1.03	900	Barlow Farms	13-21700
20S	45E	WM	25	SW SW	1.02	800	Barlow Farms	13-21700
19S	46E	WM	23	NE NW	4.10	500	Kesler	13-36200
20S	46E	WM	17	NE NW	2.60	1900	Brown	13-21403
20S	46E	WM	18	NW NW	2.60	300	Bennett	13-25600
20S	46E	WM	18	NE NW	4.00	300	Bennett	13-25600
20S	46E	WM	18	SE NW	1.10	300	Bennett	13-25600
20S	46E	WM	32	SW SE	3.10	1100	Bennett	13-3300
20S	46E	WM	32	SE SE	0.10	700	Bennett	13-3300
Total:					20.67			

5. Transfer Application T-11712 proposes to change the places of use to:

Proposed Places of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
20S	45E	WM	25	SW SW	0.64	800	Barlow Farms	13-21700
20S	45E	WM	25	SE SW	0.20	800	Barlow Farms	13-21700
20S	45E	WM	25	SE SE	2.23	900	Barlow Farms	13-21700
19S	46E	WM	14	SW NE	4.10	500	Kesler	13-37101
20S	46E	WM	17	SE NE	2.60	1900	Grant 4-D Farms	13-21402
20S	46E	WM	18	NW NW	2.20	300	Bennett	13-25600
20S	46E	WM	32	SE SE	4.90	700	Bennett	13-3300
20S	46E	WM	32	SW SE	3.80	1100	Bennett	13-3300
Total:					20.67			

6. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in places of use will not result in enlargement of the rights.

9. The proposed change in places of use will not result in injury to other water rights.

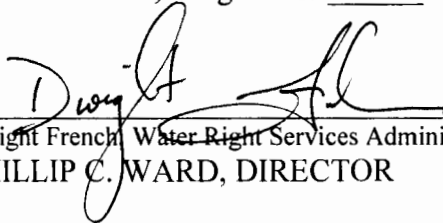
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11712 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificate 75691 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 75691, and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. A Claim of Beneficial Use shall be submitted to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificate 75691 is modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 25 day of March 2014.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 04 2014