

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A DISTRICT
T-11933, Malheur County) PERMANENT TRANSFER

Authority

ORS 540.570 and 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

Vale Oregon Irrigation District (VOID)
521 A St. W.
Vale, OR 97918

Findings of Fact

1. On November 26, 2014, VOID filed a transfer application to permanently change the place of use under Certificates 74080 and 74081. The Department assigned the application number T-11933.
2. Notice of the application for transfer was published on December 9, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On January 22, 2015, the Department received a revised transfer application and map modifying the place of use.
4. Water Use Permit Application G-17885 was filed March 6, 2015. The lands proposed in this groundwater application are requesting to be layered with the proposed places of use identified in Transfer Application T-11933.
5. The portion of the first right to be transferred is as follows:
 - Certificate:** 74080 in the name of U. S. BUREAU OF RECLAMATION and VALE OREGON IRRIGATION DISTRICT (perfected under Permit R-457)
 - Use:** IRRIGATION OF 95.1 ACRES
 - Priority Date:** 1.) 400 CUBIC FEET PER SECOND from MALHEUR RIVER with a priority of May 10, 1926.
2.) (A) 200 CUBIC FEET PER SECOND from MALHEUR RIVER with a priority of January 11, 1927.
(B) One half of the stored water available each year from Warm Springs Reservoir (Permit No. R-457), which is to be released into the Malheur River and re-diverted therefrom through Vale Oregon Project main canal at a maximum rate of 600 CUBIC FEET PER SECOND.

This is a final 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.

(C) All of the drainage water, seepage water, return flow, and waste water from the Vale Oregon Project, estimated to be 200 CUBIC FEET PER SECOND to be used in Warmsprings Irrigation District under contract between that District and the United States under which the Warmsprings District is to accept such return flow from the Vale Oregon Project and allow the United States, in return, an equivalent amount of stored water and natural flow from the Malheur River.

*NOTE: All of "2" is under priority date of January 11, 1927.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of shall be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	41 E	WM	31	NW SE	VALE PROJECT MAIN CANAL: 1200 FEET NORTH AND 300 FEET EAST FROM THE S 1/4 CORNER OF SECTION 31
23 S	37 E	W.M	8	SW SW	WARMSPRINGS DAM

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	43 E	WM	1	NE NW	1.1
17 S	43 E	WM	1	SW NW	1.9
17 S	43 E	WM	1	SE NW	4.6
17 S	43 E	WM	2	NE NE	0.5
17 S	43 E	WM	2	NE SW	1.8
17 S	43 E	WM	2	NE SE	0.3
17 S	43 E	WM	2	NW SE	1.1
17 S	43 E	WM	12	SW NE	1.5
17 S	44 E	WM	21	SE NW	5.0
17 S	44 E	WM	21	NE SW	3.2
17 S	44 E	WM	21	NW SW	2.5
17 S	44 E	WM	21	SW SW	14.4
17 S	44 E	WM	21	SE SW	36.4
17 S	44 E	WM	24	NW NW	3.7
17 S	44 E	WM	25	NW NW	1.3
17 S	44 E	WM	26	NE SE	2.3
17 S	44 E	WM	26	NW SE	4.9
17 S	44 E	WM	35	NE NE	1.6
17 S	44 E	WM	35	NW NE	7.0
Total					95.1

6. Transfer Application T-11933 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Gov Lot	Tax Lot	Acres
17 S	43 E	WM	1	NE NW	3	1900	0.7
17 S	43 E	WM	1	NW NW	4	2000	1.0
17 S	43 E	WM	1	SW NW		2100	5.0
17 S	43 E	WM	1	SE NW		2100	6.6
17 S	43 E	WM	2	NE NE	1	3100	1.6
17 S	43 E	WM	2	SE NE		3000	1.3
17 S	43 E	WM	2	SE NW		3400	0.2
17 S	43 E	WM	2	NE SW		3400	1.1
17 S	43 E	WM	12	NW NE		4600	3.0
17 S	43 E	WM	12	SW NE		4600	7.0
17 S	44 E	WM	21	SE NW		8300	2.3
17 S	44 E	WM	21	NE SW		8300	2.2
17 S	44 E	WM	21	NW SW		8400	17.4
17 S	44 E	WM	21	SW SW		8400	0.2
17 S	44 E	WM	21	SE SW		8400	0.2
17 S	44 E	WM	24	NE NW		11000	5.3
17 S	44 E	WM	24	SW NW		10900	1.3
17 S	44 E	WM	24	NW NW		11000	1.0
17 S	44 E	WM	24	NW SW		10900	5.2
17 S	44 E	WM	24	SW SW		10700	1.5
17 S	44 E	WM	24	SE SW		10700	2.3
17 S	44 E	WM	25	NW NW		12100	1.7
17 S	44 E	WM	25	SW NW		12100	3.1
17 S	44 E	WM	25	NW SW		1200	6.1
17 S	44 E	WM	26	SE NE		12100	3.1
17 S	44 E	WM	26	NE SE		1200	3.5
17 S	44 E	WM	26	SW SE		15900	9.4
17 S	44 E	WM	35	NE NE		15900	0.9
17 S	44 E	WM	35	NW NE		15900	0.9
Total:							95.1

7. The portion of the second right to be transferred is as follows:

Certificate: 74081 in the names of Vale Oregon Irrigation District and U. S Bureau of Reclamation (perfected under Permit S-16707)

Use: Supplemental Irrigation of 95.1 acres.

Priority Date: December 16, 1931 for stored water, and November 29, 1945, for direct flow.

Rate: 100.0 CUBIC FEET PER SECOND for direct flow, and 62,770.0 ACRE-FEET from storage

Limit/Duty: The amount of water used for supplemental irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) per acre for each acre irrigated during the irrigation season of each year.

Source: NORTH FORK MALHEUR RIVER, a tributary of MALHEUR RIVER, and BEULAH RESERVOIR (A.K.A. AGENCY VALLEY RESERVOIR, R-671)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	41 E	WM	31	NW SE	VALE PROJECT MAIN CANAL: 1200 FEET NORTH AND 300 FEET EAST FROM THE S1/4 CORNER OF SECTION 31
19S	37 E	W.M	15	SW SE	AGENCY VALLEY DAM

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	43 E	WM	1	NE NW	1.1
17 S	43 E	WM	1	SW NW	1.9
17 S	43 E	WM	1	SE NW	4.6
17 S	43 E	WM	2	NE NE	0.5
17 S	43 E	WM	2	NE SW	1.8
17 S	43 E	WM	2	NE SE	0.3
17 S	43 E	WM	2	NW SE	1.1
17 S	43 E	WM	12	SW NE	1.5
17 S	44 E	WM	21	SE NW	5.0
17 S	44 E	WM	21	NE SW	3.2
17 S	44 E	WM	21	NW SW	2.5
17 S	44 E	WM	21	SW SW	14.4
17 S	44 E	WM	21	SE SW	36.4
17 S	44 E	WM	24	NW NW	3.7
17 S	44 E	WM	25	NW NW	1.3
17 S	44 E	WM	26	NE SE	2.3
17 S	44 E	WM	26	NW SE	4.9
17 S	44 E	WM	35	NE NE	1.6
17 S	44 E	WM	35	NW NE	7.0
Total:					95.1

8. Transfer Application T-11933 proposes to change the place of use of the above described right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Tax Lot	Acres
17 S	43 E	WM	1	NE NW	3	1900	0.7
17 S	43 E	WM	1	NW NW	4	2000	1.0
17 S	43 E	WM	1	SW NW		2100	5.0
17 S	43 E	WM	1	SE NW		2100	6.6
17 S	43 E	WM	2	NE NE	1	3100	1.6
17 S	43 E	WM	2	SE NE		3000	1.3
17 S	43 E	WM	2	SE NW		3400	0.2
17 S	43 E	WM	2	NE SW		3400	1.1
17 S	43 E	WM	12	NW NE		4600	3.0
17 S	43 E	WM	12	SW NE		4600	7.0
17 S	44 E	WM	21	SE NW		8300	2.3
17 S	44 E	WM	21	NE SW		8300	2.2
17 S	44 E	WM	21	NW SW		8400	17.4
17 S	44 E	WM	21	SW SW		8400	0.2
17 S	44 E	WM	21	SE SW		8400	0.2
17 S	44 E	WM	24	NE NW		11000	5.3
17 S	44 E	WM	24	SW NW		10900	1.3
17 S	44 E	WM	24	NW NW		11000	1.0
17 S	44 E	WM	24	NW SW		10900	5.2

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Tax Lot	Acres
17 S	44 E	WM	24	SW SW		10700	1.5
17 S	44 E	WM	24	SE SW		10700	2.3
17 S	44 E	WM	25	NW NW		12100	1.7
17 S	44 E	WM	25	SW NW		12100	3.1
17 S	44 E	WM	25	NW SW		1200	6.1
17 S	44 E	WM	26	SE NE		12100	3.1
17 S	44 E	WM	26	NE SE		1200	3.5
17 S	44 E	WM	26	SW SE		15900	9.4
17 S	44 E	WM	35	NE NE		15900	0.9
17 S	44 E	WM	35	NW NE		15900	0.9
						Total	95.1

9. The 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.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in place of use would not result in enlargement of the rights.
12. The proposed change in place of use will not result in injury to other water rights.

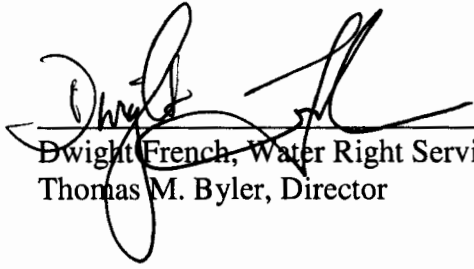
Conclusions of Law

The change in place of use proposed in Transfer Application T-11933 satisfies the requirements of ORS 540.574(3) and 540.580

Now, therefore, it is ORDERED:

1. The proposed change to the water rights evidenced by Certificates 74080 and 74081 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 74080 and 74081, and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.
5. Certificates 74080 and 74081 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 11 day of April, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: APR 14 2016