

STATE OF OREGON

COUNTY OF MALHEUR

FINAL ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections or comments were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7719 submitted by

VALE OREGON IRRIGATION DISTRICT
521 "A" STREET WEST
VALE, OREGON 97918

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by Certificate 1563. The Willow Creek decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 258. The date of priority is 1908.

The right allows the use of WILLOW CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 40 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 cubic foot per second from February 15th to May 1st and 0.50 foot per second from May 1st to September 1st of each year, if available at the authorized point of diversion: J.L. Pope Ditch - SW¼ NE¼ Section 5, Township 17 South, Range 44 East, W.M., or its equivalent in case of rotation.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by a PORTION of Water Right Certificate 1567. The Willow Creek decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 258. The date of priority is 1887.

The right allows the use of WILLOW CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 80.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than a contested case. Under the provisions of OAR 137-004-0080, a person entitled to judicial review of this order may petition for reconsideration of the order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date of the order.

Pursuant to ORS 536.075(1), this order is subject to judicial review under ORS 183.484. Any party affected by this order may appeal the order to the Circuit Court of Marion County or to the circuit court of the county in which all or part of the property affected by the order is situated. Review shall be as provided in ORS 536.075. A petition for judicial review shall be filed within 60 days from the date the order is served, or if a petition for reconsideration has been filed, then within 60 days following the date the order denying such petition is served. The petition shall state the facts showing how the petitioner is adversely affected by the order and the ground or grounds upon which the petitioner contends the order should be reversed or remanded.

beneficially used and shall not exceed 2.0 cubic feet per second from February 15th to May 1st and 1.0 cubic foot per second from May 1st to September 1st of each year, if available at the authorized point of diversion: J.L. Pope Ditch - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Township 17 South, Range 44 East, W.M., or its equivalent in case of rotation.

The third right to be modified, as evidenced by Water Right Certificate 1155, was perfected under Permit 589 with a date of priority of February 14, 1911.

The right allows the use of WILLOW CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 7.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.09 cubic foot per second, if available at the authorized point of diversion: J.L. Pope Ditch - SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Township 17 South, Range 44 East, W.M., or its equivalent in case of rotation.

The authorized place of use is located as follows:

Certificate	Township South	Range East	Section	$\frac{1}{4}, \frac{1}{4}$ Section	Acres
1155	17	44	10	SWSW	7.00
1563	17	44	10	SWSW	40.00
1567	17	44	15	NENE	31.10
1567	17	44	15	NWNE	34.10
1567	17	44	15	SWNE	14.80

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 said decree or permit.

The applicant proposes to change the point of diversion to: Lateral 430 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 17 South, Range 44 East, W.M.; 29 feet North and 1138 feet West from the SE corner of Section 4.

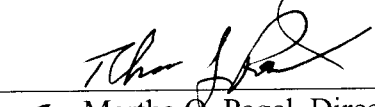
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2000.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion.

3. The irrigation district shall install a headgate and 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 irrigation district shall operate and maintain the headgate and measuring device and shall report monthly quantities diverted annually to the Department. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion

Certificates 1563, 1567 and 1155 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer or in the HB3111 petition filed by Vale Oregon Irrigation District. When satisfactory proof of the completed changes is received, new certificates confirming those water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed _____ ~~SEP 07 1999~~ .



For Martha O. Pagel, Director