

STATE OF OREGON

COUNTY OF MALHEUR

FINAL ORDER APPROVING 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 7721 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 Water Right Certificate 6936. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The dates of priority are 1886 for 141 acres, 1897 for 70 acres, and October 21, 1903 for 30 acres.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 241 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 12.05 cubic feet per second, if available at the authorized point of diversion: Johnson Ditch - SW¼ SE¼ Section 2, Township 18 South, Range 43 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 Water Right Certificate 6942. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is July 1884.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 82.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.1 cubic feet per second, if available at the authorized point

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.

of diversion: Johnson Ditch - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 18 South, Range 43 East, W.M., or its equivalent in case of rotation.

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by Water Right Certificate 6943. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The date of priority is July 1884.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 121.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 6.0 cubic feet per second, if available at the authorized point of diversion: Johnson Ditch - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 18 South, Range 43 East, W.M., or its equivalent in case of rotation.

The fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by Water Right Certificate 7041. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The dates of priority are 1904 for 27 acres and 1908 for 4.5 acres.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 31.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.58 cubic feet per second, if available at the authorized point of diversion: Johnson Ditch - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 18 South, Range 43 East, W.M., or its equivalent in case of rotation.

The authorized place of use is located as follows:

Certificate Number	Priority Date	Township South	Range East	Section	$\frac{1}{4}$ - $\frac{1}{4}$ Section	Acres
6936	1886	18	44	18	NWSE	37.90
6936	1886	18	44	18	SESW	6.50
6936	1886	18	44	18	SWNE	9.50
6936	1886	18	44	18	SWSE	23.10
6936	1897	18	44	32	NESE	9.50
6936	1903	18	44	32	NWSE	10.70
6936	1897	18	44	32	NWSE	21.80
6936	1897	18	44	32	SENE	4.50
6936	1897	18	44	32	SESE	5.50
6936	1903	18	44	32	SWNE	8.60
6936	1897	18	44	32	SWNE	15.40
6936	1903	18	44	32	SWSE	10.70

6936	1897	18	44	32	SWSE	13.30
6936	1886	18	44	7	NWSW	2.30
6936	1886	18	44	7	SESW	12.70
6936	1886	18	44	7	SWSW	49.00
6942	7/1884	18	44	18	NENW	27.00
6942	7/1884	18	44	18	NESW	12.60
6942	7/1884	18	44	18	SENW	39.00
6942	7/1884	18	44	18	SWNW	3.40
6943	7/1884	18	43	12	SESE	36.70
6943	7/1884	18	43	12	SWSE	1.30
6943	7/1884	18	44	18	NWNW	10.80
6943	7/1884	18	44	18	NWNW	36.20
6943	7/1884	18	44	18	NWSW	10.00
6943	7/1884	18	44	18	SWNW	6.40
6943	7/1884	18	44	18	SWNW	20.10
7041	1904	18	43	12	NESE	17.50
7041	1904	18	43	12	NWSE	6.30
7041	1904	18	43	12	SWSE	3.20
7041	1908	18	43	12	SENW	4.50

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.

The applicant proposes a new point of diversion, located: Lateral 197-13 - SW¼ SE¼ Section 12, Township 18 South, Range 43 East, W.M. 878 feet North and 2847 feet east from the southwest corner of Section 12.

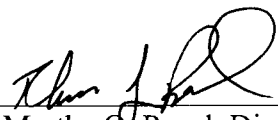
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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 6936, 6942, 6943, and 7041 are canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

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



Martha O. Pagel, Director
Fol