

STATE OF OREGON
COUNTY OF MALHEUR
FINAL ORDER APPROVING AN ADDITIONAL 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 7835 submitted by

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

The 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 Malheur River decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 228. The dates of priority are 1886, 1897, and October 21, 1903.

The right allows the use of BULLY CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 241.0 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: HARRIS DITCH - being within the NW¼ SE¼ Section 19; 1350 feet West and 1320 feet North of the SE corner of Section 19; Township 18 South, Range 44 East, W.M., or its equivalent in case of rotation.

The amount of water used for irrigation under this right is limited to a diversion of ONE-TWENTIETH of one cubic foot per second, and is further limited to a diversion of not to exceed 1.5 acre feet per acre in any 30 day period prior to June 1st, 1 acre foot per acre in any 30 day period after June 1st, of each year, or 3 acre feet per acre, or its equivalent during any season.

The authorized place of use is located as follows:

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.

Township South	Range East	Section	Quarter Quarter	Acres
18	44	18	NWSE	37.9
18	44	18	SESW	6.5
18	44	18	SWNE	9.5
18	44	18	SWSE	23.1
18	44	32	NESE	9.5
18	44	32	NWSE	10.7
18	44	32	NWSE	21.8
18	44	32	SENE	4.5
18	44	32	SESE	5.5
18	44	32	SWNE	8.6
18	44	32	SWNE	15.4
18	44	32	SWSE	10.7
18	44	32	SWSE	13.3
18	44	7	NWSW	2.3
18	44	7	SESW	12.7
18	44	7	SWSW	49.0

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 applicant proposes to add a point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 18 South, Range 44 East, WM.; 2065 feet North and 764 feet East from the SE corner of Section 18.

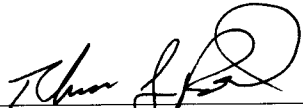
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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, together with that diverted at any other diversion for the same right, 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.

Certificate 6936 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

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



For Martha O. Pagel, Director