

**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 7887 submitted by

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

The rights to be modified were confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County as evidenced by Water Right Certificates 1585 and 1608. The Willow Creek decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 258. The dates of priority are 1910 for Certificate 1585, and 1882 for Certificate 1608.

The rights allow the use of WILLOW CREEK, a tributary of MALHEUR RIVER, for IRRIGATION OF 204.0 ACRES, being 144.0 acres from Certificate 1608 and 60.0 acres from Certificate 1585. The amount of water to which these rights are entitled is limited to an amount actually beneficially used and shall not exceed 5.125 cubic feet per second, being 3.6 cubic feet per second from Certificate 1608, and 1.525 cubic feet per second from Certificate 1585, from February 15th to May 1st and 2.563 cubic feet per second, being 1.8 cubic feet per second from Certificate 1608, and 0.763 cubic foot per second from Certificate 1585, from May 1st to September 1st of each year, if available at the authorized point of diversion: SE¼NE¼, Section 23, Township 16 South, Range 43 East, WM.

The amount of water used for irrigation under this right is limited to a diversion of ONE-FORTIETH of one cubic foot per second from February 15th to May 1st and ONE-EIGHTIETH of one cubic foot per second from May 1st to September 1st of each year (or its equivalent) for acre irrigated.

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	Priority Date	Acres
16	44	31	NENE	1882	26.00
16	44	31	NWNE	1882	1.40
16	44	31	SENE	1882	6.50
16	44	31	SWNE	1882	1.10
16	44	32	NESW	1910	6.10
16	44	32	NWSW	1882	20.00
16	44	32	SESW	1882	27.30
16	44	32	SWNW	1910	9.90
16	44	32	SWSE	1882	30.00
16	44	32	SWSW	1882	31.70
17	44	6	NENE	1910	39.00
17	44	6	NWNE	1910	5.00

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 an additional point of diversion, located: Chamberlain Pump -SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 32, Township 16 South, Range 44 East, W.M.; 2062 feet East from the southwest corner of Section 32..

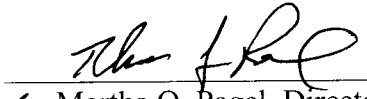
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

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.

Certificates 1585 and 1608 are canceled. When satisfactory proof of the completed change is received, new certificates confirming this water right will be issued.

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

  
for Martha O. Pagel, Director