

diverted therefrom through Vale Oregon Project main canal at a maximum rate of 600 CUBIC FEET PER SECOND.

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 Warm Springs Irrigation District under contract between that District and the United States under which the Warm Springs 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.

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.

Source: The MALHEUR RIVER, tributary to the SNAKE RIVER

Authorized Points 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 S¼ 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 | Tax Lot | Water User |
| 18 S | 44 E | WM | 30 | SW SE | 0.9 | 8503 | COUNTY OF MALHEUR |
| 18 S | 44 E | WM | 30 | SE SE | 7.8 | 8503 | COUNTY OF MALHEUR |
| 18 S | 44 E | WM | 31 | NE NE | 3.3 | 8503 | COUNTY OF MALHEUR |
| Total: | | | | | 12.0 | | |

5. Transfer Application T-13305 proposes to change the place of use to:

Proposed Place of Use:

| IRRIGATION | | | | | | | |
|------------|------|-----|-----|-------|-------|---------|------------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User |
| 17 S | 44 E | WM | 24 | NE SW | 12.0 | 10800 | WILCOX |

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

Certificate: 74081 in the name of U.S. BUREAU OF RECLAMATION and VALE OREGON IRRIGATION DISTRICT (perfected under Permit S-16707)

Use: SUPPLEMENTAL IRRIGATION of 12.0 acres

Priority Dates: DECEMBER 16, 1931 (stored water)
NOVEMBER 29, 1945 (direct flow)

Limits/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 the equivalent for each acre irrigated during the irrigation season of each year.

Source: NORTH FORK MALHEUR RIVER, tributary to the MALHEUR RIVER, and BELUAH RESERVOIR (A.K.A AGENCY VALLEY RESERVOIR, Permit R-671)

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---------------------------------------------------------------------------------------------|
| 19 S | 37 E | WM | 15 | SW SE | AGENCY VALLEY DAM |
| 20 S | 41 E | WM | 31 | NW SE | VALE PROJECT MAIN CANAL: 1200 FEET NORTH AND 300 FEET EAST FROM THE S¼ CORNER OF SECTION 31 |

Authorized Place of Use:

| IRRIGATION | | | | | | | |
|---------------|------|-----|-----|-------|-------------|---------|-------------------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User |
| 18 S | 44 E | WM | 30 | SW SE | 0.9 | 8503 | COUNTY OF MALHEUR |
| 18 S | 44 E | WM | 30 | SE SE | 7.8 | 8503 | COUNTY OF MALHEUR |
| 18 S | 44 E | WM | 31 | NE NE | 3.3 | 8503 | COUNTY OF MALHEUR |
| Total: | | | | | 12.0 | | |

7. Transfer Application T-13305 proposes to change the place of use to:

Proposed Place of Use:

| IRRIGATION | | | | | | | |
|------------|------|-----|-----|-------|-------------|---------|------------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User |
| 17 S | 44 E | WM | 24 | NE SW | 12.0 | 10800 | WILCOX |

8. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
9. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
10. The water right is subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
12. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
13. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13305 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

