

STATE OF OREGON
COUNTY OF MALHEUR

ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION AND
PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9383 submitted by

TREASURE VALLEY COMMUNITY COLLEGE
650 COLLEGE BLVD
ONTARIO, OREGON 97914

The FIRST right to be modified, as evidenced by a PORTION of Certificate 22842, was perfected under Permit U-226 with a date of priority of DECEMBER 15, 1947. The right allows the use of THREE WELLS, in the MALHEUR RIVER BASIN, for IRRIGATION OF 27.20 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, or its equivalent in case of rotation, measured at the wells:

WELL 2 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T 18 S, R 47 E, W.M.
WELL 3 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T 18 S, R 47 E, W.M.
WELL 4 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T 18 S, R 47 E, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to THREE-EIGHTIETHS of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The authorized place of use is as follows:

WELL 2

NW¹/₄ NE¹/₄ 6.9 ACRES
SW¹/₄ NE¹/₄ 20.0 ACRES

WELLS 3 & 4

NW¹/₄ SE¹/₄ 0.3 ACRES
SECTION 9
TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The SECOND right to be modified, as evidenced by a Certificate 41130, was perfected under Permit G-4193 with a date of priority of JUNE 18, 1968. The right allows the use of A WELL, in the MALHEUR RIVER BASIN, for IRRIGATION OF 15.20 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the original well;
NW¹/₄ SE¹/₄, SECTION 9, TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.;
420 FEET NORTH AND 40 FEET WEST FROM SE CORNER, NW¹/₄ SE¹/₄, SECTION 9, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW¹/₄ SE¹/₄ 15.2 ACRES
SECTION 9
TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to add additional points of appropriation so that water under each of the rights to be modified, as evidenced by certificates 22842 and 41130 may be appropriated from any one, or any combination, of the following wells:

WELL 1 - NW¼ SE¼; 890 FEET SOUTH AND 1270 FEET EAST;
WELL 2 - NW¼ SE¼; 510 FEET SOUTH AND 200 FEET EAST;
WELL 3 - SW¼ NE¼; 30 FEET NORTH AND 550 FEET EAST;
WELL 4 - SW¼ NE¼; 920 FEET NORTH AND 250 FEET EAST;
WELL 6 - NW¼ NE¼; 1540 FEET NORTH AND 560 FEET EAST;
WELL 7 - NW¼ NE¼; 1680 FEET NORTH AND 810 FEET EAST;
WELL 8 - NE¼ SE¼; 760 FEET SOUTH AND 1550 FEET EAST;
ALL FROM THE CENTER OF SECTION 9, T 18 S, R 47 E, W.M.

An affidavit was received from Treasure Valley Community College, owner of certain lands and the appurtenant water right. A portion of Certificate 22842 has been abandoned and is requested to be canceled.

The water right is a PORTION of the right described by Certificate 22842, State Record of Water Right Certificates. The abandoned water right is for IRRIGATION OF 12.6 ACRES from Well 2, in the MALHEUR RIVER BASIN. The date of priority is DECEMBER 15, 1947. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second.

A description of the place of use of the abandoned right is as follows:

 NW¼ NE¼ 4.0 ACRES
 SW¼ NE¼ 8.6 ACRES
 SECTION 9
 TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.

Pursuant to ORS 540.621, "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED WHEN THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.

3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original points of appropriation.

Certificates 22842 and 41130 are canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

Dated at Salem, Oregon this 7th day of June, 2004.


For Phillip C. Ward
Acting Director

Mailing date: JUN 11 2004