

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13027, Malheur County) A DISTRICT PERMANENT TRANSFER
) FOR PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

OWYHEE IRRIGATION DISTRICT
17 SOUTH FIRST STREET
NYSSA, OR 97913

Findings of Fact

1. On September 17, 2018, Owyhee Irrigation District (OID) filed a completed district transfer application to permanently change the places of use under Certificates 75691, and Permit G-17560. The Department assigned the application number T-13027.
2. Notice of the District Permanent Transfer Application was published on September 25, 2018, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on September 25, 2018; no comments were received within 90 days of the notification.
4. The portion of the first right to be transferred is as follows:
Certificate: 75691 in the name of the UNITED STATES OF AMERICA; BUREAU OF RECLAMATION (perfected under Permit S-8171)
Use: IRRIGATION of 0.5 acres
Priority Date: FEBRUARY 15, 1916 for stored water and AUGUST 19, 1924 for direct flow
Rate / Duty: The amount of water from direct flow of the Owyhee River used for irrigation shall be limited to 1/60th of one cubic foot per second (cfs) per acre, or its equivalent for each acre irrigated and shall be further limited to 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The

This is an order in other than a 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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

amount of water from direct flow of the Owyhee River together with water stored in Owyhee Reservoir and with the amount secured under any other water right existing for the same lands, shall be limited to a diversion of not to exceed 6.7 acre-feet for each acre irrigated during the irrigation season of each year and shall conform to any reasonable rotation system as may be ordered by the proper state officer.

Sources: The OWYHEE RIVER and water stored in OWYHEE RESERVOIR (constructed under Permit R-599), tributaries of the SNAKE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	45 E	WM	20	NW SE	OWYHEE DAM: 200 FEET SOUTH AND 2010 FEET WEST FROM THE COMMON CORNER OF SECTIONS 20 AND 21
22 S	45 E	WM	20	NW SE	GLORY HOLE SPILLWAY: 200 FEET SOUTH AND 1680 FEET WEST FROM THE COMMON CORNER TO SECTIONS 20 AND 21
22 S	45 E	WM	21	NW SW	TUNNEL 1: 495 FEET EAST AND 264 FEET SOUTH FROM THE COMMON CORNER TO SECTIONS 20 AND 21

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
20 S	46	E	23	NW SW	0.5	600	PETERSON	18-13700	

5. Transfer Application T-13027 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
20 S	46	E	23	SW NW	0.5	600	PETERSON	18-13700	

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

Permit: G-17560 in the name of PETERSON FARMS INC (Application G-17995)

Use: SUPPLEMENTAL IRRIGATION of 0.5 acres

Priority Date: FEBRUARY 9, 2015

Limit / Duty: The amount of water used for irrigation under this right, together with the amount secured for any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: THREE WELLS within the SNAKE RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	46 E	WM	23	SW NW	WELL 3: 100 FEET SOUTH AND 650 FEET EAST FROM THE NW CORNER, SWNW OF SECTION 23
20 S	46 E	WM	22	SW NW	WELL 4: 170 FEET SOUTH AND 170 FEET EAST FROM THE NW CORNER, SWNW OF SECTION 22
20 S	46 E	WM	27	SW NW	WELL 5: 1380 FEET SOUTH AND 8 FEET EAST FROM THE NW CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
20 S	46	E	23	NW SW	0.5	600	PETERSON	18-13700

- Transfer Application T-13027 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
20 S	46	E	23	SW NW	0.5	600	PETERSON	18-13700

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

Conclusions of Law

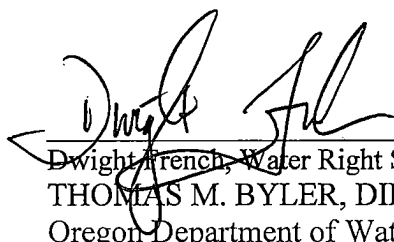
The proposed changes in place of use as proposed in Transfer Application T-13027 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

- The proposed change in place of use to the water rights evidenced by Certificate 75691, and Permit G-17560 are approved.
- Permit G-17560 is cancelled. A superseding permit will be issued describing the change in place of use.
- The right to the use of the water is restricted to beneficial use at the place of use not modified in this order and is subject to all other conditions and limitations contained in Certificate 75691.
- The place of use from which the water rights are removed by T-13027 shall no longer be irrigated under the transferred rights.

5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificate 75691 is modified. The Department will issue a superseding certificate describing the right when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 08 2019



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: JAN 09 2019