

July

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13671, Mahleur County) A DISTRICT TEMPORARY TRANSFER
)

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily 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

RIDGEVIEW IRRIGATION DISTRICT
PO BOX 67
HOMEDALE, ID 83628

Findings of Fact

1. On April 8, 2021, Ridgeview Irrigation District (RID) filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificate 81012. The Department assigned the application number T-13671.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on April 27, 2021; no comments were received within 90 days of the notification.
4. The portion of the right to be transferred is as follows:

Certificate: 81012 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-8179)

Use: IRRIGATION of 15.40 acres

Rate: 0.26 Cubic Foot per Second

Priority Dates: FEBRUARY 14, 1916 & AUGUST 19, 1924 (Live Flow), and FEBRUARY 15, 1916 and AUGUST 20, 1924 (Stored Water)

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.

Limit/Duty: The amount of water used for irrigation shall be limited to 1/60th of one cubic foot per second 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 amount of water from direct flow of the Owyhee River together with water store 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.

Source: OWYHEE RIVER and OWYHEE RESERVOIR (constructed under Permit R-599), tributary to the SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	45 E	WM	21	NW SW	TUNNEL #1: 264 FEET SOUTH AND 495 FEET EAST FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	NOTICE	
22 S	46 E	WM	11	NE SW	7.62	1500	PRICE SEED FARMS LLC	2021-01	
22 S	46 E	WM	11	NW SW	7.78	1500	PRICE SEED FARMS LLC	2021-01	
Total:					15.40				

- Transfer Application T-13671 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
22 S	46	WM	3	NE SW	8	5.40	1300	PRICE SEED FARMS LLC	2021-01
22 S	46	WM	3	SE SW	9	2.90	1500	PRICE SEED FARMS LLC	2021-01
22 S	46	WM	10	SW NE	4	2.80	1600	PRICE SEED FARMS LLC	2021-01
22 S	46	WM	10	SE NE		0.30	1600	PRICE SEED FARMS LLC	2021-01
22 S	46	WM	10	NE NW	3	1.80	100	PRICE SEED FARMS LLC	2021-01
22 S	46	WM	10	NE SE	5	2.20	1600	PRICE SEED FARMS LLC	2021-01
Total:						15.40			

- The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
- Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
11. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
12. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13671 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Transfer Application T-13671 is approved.
2. The lands from which the water rights described by Water Right Certificate 81012 are temporarily removed shall not receive any water under the right during the 2021 season.
3. The use shall revert to the authorized place of use after the 2021 irrigation season.
4. Any application for permanent transfer of Certificate 81012 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used on the proposed lands under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 81012, under ORS 540.610.
6. The use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
7. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.

9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 81012.
10. The use of the remaining water rights described by Certificate 81012 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificate 81012.

Dated in Salem, Oregon on **AUG 0 4 2021**


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **AUG 0 6 2021**