

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10989, Malheur County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. 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
P.O. BOX 67
HOMEDALE, ID 83628

Findings of Fact

1. On December 14, 2009, Ridgeview Irrigation District filed a district transfer application to permanently change the place of use under Certificate 81012. The Department assigned the application number T-10989.
2. Notice of the application for transfer was published on, December 29, 2009, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On May 20, 2010 the applicant submitted a modified portion of the application to correct the proposed place of use.
4. The portion of the primary right to be transferred is as follows:

Certificate: 81012 in the name of the UNITED STATES OF AMERICA, BUREAU OF RECLAMATION confirms the right to use the waters of Owyhee River (perfected under Permit S-8171) and water stored in Owyhee Reservoir (constructed under permit R-599), tributaries of the SNAKE RIVER

Use: IRRIGATION of 8.1 acres

Rate: For direct flow are FEBRUARY 14, 1916, for 0.06 cubic foot per second (cfs) and AUGUST 19, 1924, for 0.07 cfs.

Priority Dates: The dates of priority for stored water from Owyhee Reservoir are FEBRUARY 15, 1916, for 7.85 acre feet and AUGUST 20, 1924, for 47.10 acre feet.

Limits: This use of water is limited to an amount actually beneficially used and shall not exceed a total of 0.13 cfs, or the equivalent in case of rotation, measured at the point of diversion from the stream. The amount of water from direct flow of the Owyhee River used for irrigation

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.

shall be limited to 1/60th of one 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 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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Lot	Measured Distance
22 S	45 E	WM	21	NW SW	1	TUNNEL #1 – 495 feet East and 264 feet South from the common corner to Sections 20 and 21

Authorized Places of Use:

IRRIGATION							
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name
22 S	46 E	WM	12	SE SW	3.2	4601	Garold Johnston
22 S	46 E	WM	13	NE NW	1.2	4601	Garold Johnston
22 S	46 E	WM	13	NW NW	1.6	4601	Garold Johnston
22 S	46 E	WM	13	NE SW	2.1	4601	Garold Johnston
Total:					8.1		

5. Transfer Application T-10989 proposes to change the places of use to:

Proposed Places of Use:

IRRIGATION							
Twp	Rng		Sec	Q-Q	Acres	Taxlot	Owner Name
22 S	46 E	WM	12	SE SW	3.20	4601	Garold Johnston
22 S	46 E	WM	13	NW NW	1.67	4601	Garold Johnston
22 S	46 E	WM	13	NE NW	1.00	4601	Garold Johnston
22 S	46 E	WM	13	SW NW	0.71	4601	Garold Johnston
22 S	46 E	WM	13	SE NW	0.76	4601	Garold Johnston
22 S	46 E	WM	13	NE SW	0.76	4601	Garold Johnston
Total:					8.1		

6. The district permanent Transfer Application T-10989 satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use will not result in enlargement of the right.
9. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

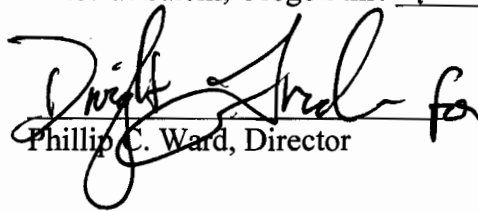
The proposed change in place of use as proposed in Transfer Application T-10989 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water right evidenced by Certificate 81012 is approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 81012 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011.
5. A Claim of Beneficial Use (COBU) shall be submitted by the applicant to the Department by October 1, 2012.
6. Water right Certificate 81012 is modified. The Department will issue a superseding certificate describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 12 day of July, 2010.


Phillip C. Ward, Director

Mailing Date: _____