

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 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 |
| 17 S | 46 E | WM | 26 | SW SE | 2.33 | 7000 | JOYCE | 17-60202 |
| 17 S | 46 E | WM | 26 | SE SE | 2.63 | 7100 | JOYCE | 17-60202 |
| 17 S | 47 E | WM | 3 | NW NW | 0.30 | 100 | RANDALL TRUST | 17-75101 |
| 17 S | 47 E | WM | 8 | SE SW | 0.60 | 1000 | TSCHIDA | 17-77200 |
| 17 S | 47 E | WM | 16 | NW NW | 4.10 | 700 | WALKER | 17-77701 |
| 18 S | 47 E | WM | 4 | NW NW | 1.40 | 1600 | LEBOUTILLIER | 17-152301 |
| 19 S | 46 E | WM | 24 | SW NE | 3.00 | 700 | MITCHELL | 17-83701 |
| 20 S | 45 E | WM | 13 | NW NE | 2.50 | 1300 | BANCROFT | 17-24200 |
| 20 S | 46 E | WM | 17 | SW SE | 0.30 | 201 | CLEAVER | 17-24501 |
| 20 S | 46 E | WM | 17 | SE SE | 1.9 | 201 | CLEAVER | 17-24501 |
| 20 S | 46 E | WM | 17 | SE SE | 0.9 | 200 | CLEAVER | 17-24501 |
| 21 S | 46 E | WM | 11 | SE SW | 0.45 | 1600 | MARTIN | 17-6500 |
| Total | | | | | 20.41 | | | |

7. Transfer Application T-12849 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 |
| 17 S | 46 E | WM | 26 | SE SW | 1.80 | 7000 | JOYCE | 17-60202 |
| 17 S | 46 E | WM | 26 | SW SE | 3.16 | 7000 | JOYCE | 17-60202 |
| 17 S | 47 E | WM | 3 | NW NW | 0.30 | 100 | RANDALL TRUST | 17-75101 |
| 17 S | 47 E | WM | 8 | NE SW | 0.60 | 1000 | TSCHIDA | 17-77200 |
| 20 S | 45 E | WM | 12 | SW SE | 2.50 | 1300 | BANCROFT | 17-24200 |

| IRRIGATION | | | | | | | | |
|---------------|------|-----|-----|-------|--------------|---------|------------|----------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User | Notice |
| 20 S | 45 E | WM | 13 | NE NE | 4.00 | 1300 | BANCROFT | 17-24200 |
| 20 S | 45 E | WM | 13 | NW NE | 4.50 | 1300 | BANCROFT | 17-24200 |
| 20 S | 46 E | WM | 17 | NE SE | 1.20 | 201 | CLEAVER | 17-24501 |
| 20 S | 46 E | WM | 17 | SW SE | 1.90 | 201 | CLEAVER | 17-24501 |
| 21 S | 46 E | WM | 11 | SE SW | 0.45 | 1600 | MARTIN | 17-6500 |
| Total: | | | | | 20.41 | | | |

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 OAR 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 the 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.

Partial Cancellation of Two Water Rights

14. The portion of the first right to be partially canceled is as follows:

Certificate: 75708 in the name of OWYHEE IRRIGATION DISTRICT (perfected under Permit S-1786)

Use: SUPPLEMENTAL IRRIGATION of 1.4 acres

Priority Date: JULY 8, 1913

Limit / Duty: The amount used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent)

Source: The SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | G-Lot | Measured Distances |
|------|------|-----|-----|-------|-------|---|
| 20 S | 47 E | WM | 18 | NE SW | 3 | DUNAWAY PUMPING PLANT; River Mile 394.2 |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | | | | |
|-------------------------|------|-----|-----|-------|-------|---------|--------------|-----------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User | Notice |
| 18 S | 47 E | WM | 4 | NW NW | 1.4 | 1600 | LEBOUTILLIER | 17-152301 |

15. The portion of the water right as evidenced by Water Right Certificate 75708 which has been abandoned is for supplemental irrigation on certain lands described in Finding of Fact #6. Water use is no longer authorized on the abandoned portion of the Certificate 75708 at the place of use described in Finding of Fact #14, above. The total quantity of water available under Certificate 75708 is reduced by 0.02 cubic foot per second.

16. The portion of the second right to be partially canceled is as follows:

Certificate: 75671 in the name of OWYHEE IRRIGATION DISTRICT (perfected under Permit S-1233)

Use: SUPPLEMENTAL IRRIGATION of 3.0 acres

Priority Date: JULY 8, 1913

Limit /-Duty: The amount used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent)

Source: The SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | G-Lot | Measured Distances |
|------|------|-----|-----|-------|-------|---|
| 20 S | 47 E | WM | 18 | NE SW | 3 | DUNAWAY PUMPING PLANT; River Mile 394.2 |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | | | | |
|-------------------------|------|-----|-----|-------|-------|---------|------------|----------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User | Notice |
| 19 S | 46 E | WM | 24 | SW NE | 3.0 | 700 | MITCHELL | 17-83701 |

17. The portion of the water right as evidenced by Water Right Certificate 75671 which has been abandoned is for supplemental irrigation on certain lands described in Finding of Fact #6. Water use is no longer authorized on the abandoned portion of the Certificate 75671 at the place of use described in Finding of Fact #16, above. The total quantity of water available under Certificate 75671 is reduced by 0.04 cubic foot per second.

Regarding Certificate 75689 for Supplemental Irrigation; Forfeiture for Non-use

18. As stated in OAR 690-385-0100(15) “[a] supplemental water right is an additional appropriation of water to make up a deficiency in supply from an existing water right. A supplemental water right is used in conjunction with a primary right.” Certificate 75689 has been used in conjunction with primary irrigation under Certificate 75691 on certain lands described in Finding of Fact #6. Once transfer T-12849 is approved by this Final Order, in absence of a primary underlying water right, the lands listed below in Finding of Fact #19 will be subject to forfeiture and cancellation proceedings under ORS 540.610 if not used for five consecutive years.

19. The portion of the Certificate 75689 for supplemental irrigation used in conjunction with Certificate 75691 for primary irrigation involved in Transfer T-12553.

Certificate: 75689 in the name of the UNITED STATES OF AMERICA; BUREAU OF RECLAMATION (perfected under Permit S-24285)

Use: SUPPLEMENTAL IRRIGATION of 1.4 acres

Priority Date: OCTOBER 1, 1951

Rate: 0.04 CUBIC FOOT PER SECOND

Limit / Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 6.7 acre-feet for each acre irrigated during the irrigation season of each year.

Source: The SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | G-Lot | Measured Distances |
|------|------|-----|-----|-------|-------|---|
| 20 S | 47 E | WM | 18 | NE SW | 3 | DUNAWAY PUMPING PLANT; River Mile 394.2 |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | | | | |
|-------------------------|------|-----|-----|-------|-------|---------|--------------|-----------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Tax Lot | Water User | Notice |
| 18 S | 47 E | WM | 4 | NW NW | 1.40 | 1600 | LEBOUTILLIER | 17-152301 |

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12849 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned portions of Certificates 75671 and 75708 should be cancelled.

Now, therefore, it is ORDERED:

1. The portions of Certificates 75671 and 75708 appurtenant to the lands described in Finding of Fact #14 and 16, respectively, are cancelled.
2. Certificates 75671 and 75708 shall be modified to reflect the cancellation of 3.0 and 1.4 acres, respectively, as described in Finding of Facts #14, #15, #16 and #17.
3. The proposed change in place of use to the water rights evidenced by Certificate 75691 is approved.
4. 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 Certificates 75691, 75671, 75708, and 75689.
5. The place of use from which the water right is removed by T-12849 shall no longer be irrigated under the transferred right.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.

8. Water right Certificates 75691, 75671, 75708, and 75689 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on SEP 19 2018



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

Mailing Date: SEP 20 2018