

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-14056, 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

VALE OREGON IRRIGATION DISTRICT
521 A ST WEST
VALE, OR 97918

Findings of Fact

1. On July 28, 2022, VALE OREGON IRRIGATION DISTRICT (VOID) filed a district transfer application to permanently change the place of use under Certificates 74080 and 74081. The Department assigned the application number T-14056.
2. Notice of the District Permanent Transfer Application was published on August 2, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. The U.S. Bureau of Reclamation was notified of the transfer application on August 2, 2022; no comments were received within 90 days of the notification.
4. On August 16, 2022, VOID amended their application to include missing items and to correct a scrivener’s error.
5. On January 23, 2023, VOID amended the map.
6. The portion of the first right to be transferred is as follows:

Certificate: 74080 in the name of U.S. BUREAU OF RECLAMATION and VALE OREGON IRRIGATION DISTRICT (perfected under Permit S-7867)

Use: IRRIGATION of 2.2 acres

This final order is in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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).

Priority Dates: MAY 10, 1926 & JANUARY 11, 1927

Limits/Duty: One half of the stored water available each year from Warmsprings Reservoir (Permit No. R-457), which is to be released into the Malheur River and re-diverted therefrom through Vale Oregon Project main canal at a maximum rate of 600 CUBIC FEET PER SECOND.

All of the drainage water, seepage water, return flow, and waste water from the Vale Oregon Project, estimated to be 200 CUBIC FEET PER SECOND to be used in Warmsprings Irrigation District under contract between that District and the United States under which the Warmsprings District is to accept such return flow from the Vale Oregon Project and allow the United States, in return, an equivalent amount of stored water and natural flow from the Malheur River.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of shall be limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: The MALHEUR RIVER, tributary to the SNAKE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	41 E	WM	31	NW SE	VALE PROJECT MAIN CANAL: 1200 FEET NORTH AND 300 FEET EAST FROM THE S¼ CORNER OF SECTION 31
23 S	37 E	W.M	8	SW SW	WARMSPRINGS DAM *should be NW SE

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	44 E	WM	31	NE SW	2.2	1500	ERSTROM	N/A

7. Transfer Application T-14056 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
16 S	44 E	WM	31	SE SW	1.6	5700	ERSTROM	N/A
16 S	44 E	WM	31	SW SE	0.6	5700	ERSTROM	N/A
Total:					2.2			

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

Certificate: 74081 in the name of U.S. BUREAU OF RECLAMATION and VALE OREGON IRRIGATION DISTRICT (perfected under Permit S-16707)

Use: SUPPLEMENTAL IRRIGATION of 0.8 acres

Priority Dates: DECEMBER 16, 1931 (stored water)
NOVEMBER 29, 1945 (direct flow)

Limits/Duty: The amount of water used for supplemental irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or the equivalent for each acre irrigated during the irrigation season of each year.

Source: NORTH FORK MALHEUR RIVER, tributary to the MALHEUR RIVER, and BELUAH RESERVOIR (A.K.A AGENCY VALLEY RESERVOIR, Permit R-671)

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
19 S	37 E	WM	15	SW SE	AGENCY VALLEY DAM
20 S	41 E	WM	31	NW SE	VALE PROJECT MAIN CANAL: 1200 FEET NORTH AND 300 FEET EAST FROM THE S¼ CORNER OF SECTION 31

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
16 S	44 E	WM	31	NE SW	2.2	1500	ERSTROM	N/A	

9. Transfer Application T-14056 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	
16 S	44 E	WM	31	SE SW	1.6	5700	ERSTROM	N/A	
16 S	44 E	WM	31	SW SE	0.6	5700	ERSTROM	N/A	
Total:					2.2				

10. 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 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
11. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
12. The water right is subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
14. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
15. 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-14056 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 74080 and 74081 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14056 shall no longer be irrigated and are cancelled from Certificates 74080 and 74081.
3. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 74080 and 74081.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use shall be submitted by VOID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 74080 and 74081 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on FEB 13 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: FEB 14 2023