

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-10589, Malheur County) A DISTRICT PERMANENT TRANSFER
) FOR PLACE OF USE AND PARTIAL
) DIMINUTION OF A PORTION OF A
) PERFECTED WATER RIGHT

Authority

Oregon Revised Statute (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. 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 April 3, 2008, VALE OREGON IRRIGATION DISTRICT (VOID) filed a district transfer application to permanently change the place of use under Certificates 1614, 74080, 74081, 74087, and 76204. The Department assigned the application number T-10589.
2. Notice of the District Permanent Transfer Application was published on April 15, 2008, 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 April 1, 2008; no comments were received within 60 days of the notification.
4. On January 29, 2019, the department received an amended application and maps from VOID.
5. 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 125.66 acres and SUPPLEMENTAL IRRIGATION OF 17.20 acres
Priority Dates: MAY 10, 1926 & JANUARY 11, 1927

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).

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

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	9	NE SE	0.20	300	Heid, Monte
16 S	43 E	WM	9	NE SE	1.70	300	Heid, Monte
16 S	43 E	WM	22	SW SE	2.50	6700	Schaffeld, John
16 S	43 E	WM	22	SE SE	4.80	6700	Schaffeld, John
16 S	43 E	WM	25	NE SW	2.10	800	Schaffeld, Family Trust
16 S	43 E	WM	26	SWSW	1.70	1200	Goettsche Joint Family Trust
16 S	43 E	WM	27	NW SE	3.20	9400	Schaffeld, Family Trust
16 S	43 E	WM	27	NW SE	4.40	9400	Schaffeld, Family Trust
16 S	43 E	WM	34	NE NE	1.70	9600	Schaffeld, Family Trust
16 S	43 E	WM	34	NE NE	3.40	9600	Schaffeld, Family Trust
17 S	44 E	WM	6	NE SE	0.60	200	Donavahn's Dairy Inc
17 S	44 E	WM	6	NE SE	1.20	1000	Walker, Brian D
17 S	44 E	WM	6	NW SE	0.30	200	Donavahn's Dairy Inc
17 S	44 E	WM	6	NW SE	1.40	1000	Walker, Brian D
17 S	44 E	WM	16	NE NE	2.20	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	0.40	4700	Wilcox, Jerry
17 S	44 E	WM	21	NW SE	5.50	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	0.60	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	1.20	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	2.10	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	24	NW SE	2.00	11200	Schultz, Don
17 S	44 E	WM	24	SW SE	0.90	11200	Schultz, Don
17 S	44 E	WM	24	SE SE	1.60	11200	Schultz, Don
18 S	43 E	WM	25	SE SE	0.05	5001	Greenfield, Roger & Jeanette

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
18 S	43 E	WM	25	SE SE	0.10	5001	Greenfield, Roger & Jeanette
18 S	43 E	WM	25	SE SE	0.85	5001	Greenfield, Roger & Jeanette
18 S	43 E	WM	26	SE NE	1.10	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	SE NE	1.70	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	NE SW	0.90	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	0.40	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SE SW	1.30	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	SE SW	2.30	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	NW SE	0.60	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	2.20	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.70	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	2.80	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	3.60	5900	Hamilton, Thomas R & Lori D
18 S	44 E	WM	20	NE NE	1.30	200	Helm, Jack C
18 S	44 E	WM	20	NW NE	1.30	200	Helm, Jack
18 S	44 E	WM	20	NW NE	4.60	200	Helm, Jack
18 S	44 E	WM	20	SW NE	1.80	200	Helm, Jack C
18 S	44 E	WM	20	NENW	0.08	200	Helm, Jack
18 S	44 E	WM	20	NENW	2.00	200	Helm, Jack
18 S	44 E	WM	20	NENW	5.08	200	Helm, Jack
18 S	44 E	WM	20	NWNW	6.50	500	Helm, Jack
18 S	44 E	WM	20	SW NW	0.50	500	Helm, Jack C
18 S	44 E	WM	20	SE NW	0.20	200	Helm, Jack C
18 S	44 E	WM	20	SE NW	0.30	200	Helm, Jack C
18 S	44 E	WM	20	NE SW	3.20	500	Helm, Jack C
18 S	44 E	WM	20	NWSW	4.60	500	Helm, Jack
18 S	44 E	WM	20	SE SW	3.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SW	4.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SW	6.50	500	Helm, Jack C
18 S	44 E	WM	20	NE SE	2.70	200	Helm, Jack C
18 S	44 E	WM	20	SW SE	5.10	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	1.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	1.20	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	2.50	500	Helm, Jack C
18 S	44 E	WM	27	SW NE	3.00	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	29	SW NW	0.20	700	Bourasa, Dustin A & Billie Jo
18 S	44 E	WM	29	SE NW	0.70	700	Bourasa, Dustin A & Billie Jo
Total:					125.66		

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
19	42	WM	32	SE SW	4.5	400	Fisher, Frank	
19	42	WM	32	SW SE	7.2	400	Fisher, Frank	
20	41	WM	23	SW NE	5.5	300	Ingram, Ty & Christina	
Total:					17.2			

6. Transfer Application T-10589 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	9	SE NW	1.90	1100	Gum Creek North
16 S	43 E	WM	25	NE SW	5.60	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NE SW	6.00	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NWSW	2.10	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NWSW	4.00	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SWSW	1.40	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SE SW	1.40	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SE SW	1.60	800	Schaffeld, Family Trust
16 S	43 E	WM	26	SWSW	0.50	1200	Goettsche Joint Family Trust
16 S	43 E	WM	26	SE SW	1.20	1200	Goettsche Joint Family Trust
17 S	44 E	WM	6	SW NE	2.80	1600	Donovan's Dairy
17 S	44 E	WM	6	SE NE	0.70	1600	Donovan's Dairy
17 S	44 E	WM	16	NE NE	1.20	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	0.40	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	1.00	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SW SE	8.80	4300	Romans, Kurt W & Rachel R
17 S	44 E	WM	21	SW SE	0.60	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	24	NE SW	4.50	10800	Schultz, Don
18 S	43 E	WM	25	NE SE	1.00	5000	Greenfield, Roger
18 S	43 E	WM	26	SW NE	0.13	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	SE NE	0.60	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	NE SW	0.60	5800	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	0.20	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	1.00	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	2.10	5800	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	0.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	7.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SWSW	1.00	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SWSW	1.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SE SW	0.77	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	NW SE	0.40	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	0.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	0.60	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.10	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.10	5900	Hamilton, Thomas R & Lori D
18 S	44 E	WM	20	SW NE	3.60	200	Helm, Jack C
18 S	44 E	WM	20	NENW	0.43	200	Helm, Jack
18 S	44 E	WM	20	NENW	0.70	200	Helm, Jack
18 S	44 E	WM	20	NWNW	0.50	500	Helm, Jack
18 S	44 E	WM	20	SW NW	3.00	500	Helm, Jack C
18 S	44 E	WM	20	SW NW	5.63	500	Helm, Jack C
18 S	44 E	WM	20	SE NW	0.70	200	Helm, Jack C
18 S	44 E	WM	20	SE NW	3.60	200	Helm, Jack C
18 S	44 E	WM	20	NE SW	0.70	500	Helm, Jack C
18 S	44 E	WM	20	NE SW	0.90	500	Helm, Jack C

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
18 S	44 E	WM	20	NWSW	1.40	500	Helm, Jack
18 S	44 E	WM	20	NE SE	3.50	200	Helm, Jack C
18 S	44 E	WM	20	NW SE	30.00	500	Helm, Jack
18 S	44 E	WM	20	SE SE	0.80	500	Helm, Jack
18 S	44 E	WM	20	SE SE	2.00	500	Helm, Jack
18 S	44 E	WM	27	NW NE	0.90	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	27	SW NE	2.10	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	29	SW NW	0.20	700	Bourasa, Dustin A & Billie Jo
18 S	44 E	WM	29	SW NW	0.70	700	Bourasa, Dustin A & Billie Jo
Total:					125.66		

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
20 S	41 E	WM	1	NE SE	3.3	1800	Fisher, Frank
20 S	41 E	WM	1	SE SE	4.0	1800	Fisher, Frank
20 S	41 E	WM	23	SE SW	5.5	300	Flowertree Farms Inc
20 S	42 E	WM	5	NENW	3.0	300	Fisher, Frank E & Mickey G
20 S	42 E	WM	5	NENW	1.4	400	Fisher, Frank
Total:					17.2		

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

Certificate: 76204 in the name of VALE OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Malheur County)

Use: IRRIGATION of 17.2 acres

Priority Date: April 1885

Limits/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 a diversion of 1.5 ACRE FEET per acre in any 30 day period prior to June 1st of each year, a diversion of 1.0 acre-foot per acre in any 30 day period after June 1st of each year, or a total diversion of 3.0 ACRE FEET for each acre irrigated during the irrigation season of each year at a rate not to exceed ONE-TWENTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.

Source: The NORTH FORK OF THE MALHEUR RIVER, tributary to the MALHEUR RIVER

Authorized Points of Diversion:

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

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
19 S	42 E	WM	32	SE SW	4.5	400	Fisher, Frank
19 S	42 E	WM	32	SW SE	7.2	400	Fisher, Frank
20 S	41 E	WM	23	SW NE	5.5	300	Ingram, Ty & Christina
Total:					17.2		

8. Transfer Application T-10589 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
20 S	41E	WM	1	NE SE	3.3	1800	Fisher, Frank
20 S	41 E	WM	1	SE SE	4.0	1800	Fisher, Frank
20 S	41 E	WM	23	SE SW	5.5	300	Flowertree Farms Inc
20 S	42 E	WM	5	NENW	3.0	300	Fisher, Frank E & Mickey G
20 S	42 E	WM	5	NENW	1.4	400	Fisher, Frank
Total:					17.2		

9. The portion of the third 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 142.86 acres

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

Limits/Duty: The amount of water used for irrigation or 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 from February 15th to May 1st, and ONE-EIGHTIETH of one cubic foot per second from May 1st to September 1st, 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
16 S	43 E	WM	4	SW SW	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:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	9	NE SE	0.20	300	Heid, Monte
16 S	43 E	WM	9	NE SE	1.70	300	Heid, Monte
16 S	43 E	WM	22	SW SE	2.50	6700	Schaffeld, John
16 S	43 E	WM	22	SE SE	4.80	6700	Schaffeld, John
16 S	43 E	WM	25	NE SW	2.10	800	Schaffeld, Family Trust
16 S	43 E	WM	26	SWSW	1.70	1200	Goettsche Joint Family Trust
16 S	43 E	WM	27	NW SE	3.20	9400	Schaffeld, Family Trust
16 S	43 E	WM	27	NW SE	4.40	9400	Schaffeld, Family Trust
16 S	43 E	WM	34	NE NE	1.70	9600	Schaffeld, Family Trust
16 S	43 E	WM	34	NE NE	3.40	9600	Schaffeld, Family Trust
17 S	44 E	WM	6	NE SE	0.60	200	Donavahn's Dairy Inc
17 S	44 E	WM	6	NE SE	1.20	1000	Walker, Brian D
17 S	44 E	WM	6	NW SE	0.30	200	Donavahn's Dairy Inc

Twp	Rng	Mer	Sec	Q-Q	IRRIGATION		Water User
					Acre	Tax Lot	
17 S	44 E	WM	6	NW SE	1.40	1000	Walker, Brian D
17 S	44 E	WM	16	NE NE	2.20	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	0.40	4700	Wilcox, Jerry
17 S	44 E	WM	21	NW SE	5.50	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	0.60	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	1.20	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	21	SW SE	2.10	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	24	NW SE	2.00	11200	Schultz, Don
17 S	44 E	WM	24	SW SE	0.90	11200	Schultz, Don
17 S	44 E	WM	24	SE SE	1.60	11200	Schultz, Don
18 S	43 E	WM	25	SE SE	0.05	5001	Greenfield, Roger & Jeanette
18 S	43 E	WM	25	SE SE	0.10	5001	Greenfield, Roger & Jeanette
18 S	43 E	WM	25	SE SE	0.85	5001	Greenfield, Roger & Jeanette
18 S	43 E	WM	26	SE NE	1.10	5500	Tibbitts, William Kay & Lorna
18 S	43 E	WM	26	SE NE	1.70	5500	Tibbitts, William Kay & Lorna
18 S	43 E	WM	26	NE SW	0.90	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	0.40	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SE SW	1.30	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	SE SW	2.30	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	NW SE	0.60	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	2.20	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.70	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	2.80	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	3.60	5900	Hamilton, Thomas R & Lori D
18 S	44 E	WM	20	NE NE	1.30	200	Helm, Jack C
18 S	44 E	WM	20	NW NE	1.30	200	Helm, Jack
18 S	44 E	WM	20	NW NE	4.60	200	Helm, Jack
18 S	44 E	WM	20	SW NE	1.80	200	Helm, Jack C
18 S	44 E	WM	20	NENW	0.08	200	Helm, Jack
18 S	44 E	WM	20	NENW	2.00	200	Helm, Jack
18 S	44 E	WM	20	NENW	5.08	200	Helm, Jack
18 S	44 E	WM	20	NW NW	6.50	500	Helm, Jack
18 S	44 E	WM	20	SW NW	0.50	500	Helm, Jack C
18 S	44 E	WM	20	SE NW	0.20	200	Helm, Jack
18 S	44 E	WM	20	SE NW	0.30	200	Helm, Jack C
18 S	44 E	WM	20	NE SW	3.20	500	Helm, Jack C
18 S	44 E	WM	20	NWSW	4.60	500	Helm, Jack C
18 S	44 E	WM	20	SE SW	3.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SW	4.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SW	6.50	500	Helm, Jack C
18 S	44 E	WM	20	NE SE	2.70	200	Helm, Jack C
18 S	44 E	WM	20	SW SE	5.10	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	1.00	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	1.20	500	Helm, Jack C
18 S	44 E	WM	20	SE SE	2.50	500	Helm, Jack C
18 S	44 E	WM	27	SW NE	3.00	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	29	SW NW	0.20	700	Bourasa, Dustin A & Billie Jo
18 S	44 E	WM	29	SE NW	0.70	700	Bourasa, Dustin A & Billie Jo
19 S	42 E	WM	32	SE SW	4.5	400	Fisher, Frank
19 S	42 E	WM	32	SW SE	7.2	400	Fisher, Frank

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
20 S	41 E	WM	23	SW NE	5.5	300	Ingram, Ty & Christina
Total:					142.86		

10. Transfer Application T-10589 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	9	SE NW	1.90	1100	Gum Creek North
16 S	43 E	WM	25	NE SW	5.60	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NE SW	6.00	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NWSW	2.10	800	Schaffeld, Family Trust
16 S	43 E	WM	25	NWSW	4.00	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SWSW	1.40	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SE SW	1.40	800	Schaffeld, Family Trust
16 S	43 E	WM	25	SE SW	1.60	800	Schaffeld, Family Trust
16 S	43 E	WM	26	SWSW	0.50	1200	Goettsche Joint Family Trust
16 S	43 E	WM	26	SE SW	1.20	1200	Goettsche Joint Family Trust
17 S	44 E	WM	6	SW NE	2.80	1600	Donovan's Dairy
17 S	44 E	WM	6	SE NE	0.70	1600	Donovan's Dairy
17 S	44 E	WM	16	NE NE	1.20	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	0.40	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SE NE	1.00	4700	Wilcox, Jerry A & Sylvia L
17 S	44 E	WM	16	SW SE	8.80	4300	Romans, Kurt W & Rachel R
17 S	44 E	WM	21	SW SE	0.60	8600	Anthony, Edward F & Nancy A
17 S	44 E	WM	24	NE SW	4.50	10800	Schultz, Don
18 S	43 E	WM	25	NE SE	1.00	5000	Greenfield, Roger
18 S	43 E	WM	26	SW NE	0.13	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	SE NE	0.60	5500	Tibbitts, William Ray & Lorna
18 S	43 E	WM	26	NE SW	0.60	5800	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	0.20	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NE SW	1.00	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	2.10	5800	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	0.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NWSW	7.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SWSW	1.00	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SWSW	1.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SE SW	0.77	5800	Jacobs, Jerry R & Laura
18 S	43 E	WM	26	NW SE	0.40	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	0.50	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	NW SE	0.60	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.10	5900	Hamilton, Thomas R & Lori D
18 S	43 E	WM	26	SW SE	0.10	5900	Hamilton, Thomas R & Lori D
18 S	44 E	WM	20	SW NE	3.60	200	Helm, Jack C
18 S	44 E	WM	20	NENW	0.43	200	Helm, Jack
18 S	44 E	WM	20	NENW	0.70	200	Helm, Jack
18 S	44 E	WM	20	NWNW	0.50	500	Helm, Jack
18 S	44 E	WM	20	SW NW	3.00	500	Helm, Jack C
18 S	44 E	WM	20	SW NW	5.63	500	Helm, Jack C
18 S	44 E	WM	20	SE NW	0.70	200	Helm, Jack C

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
18 S	44 E	WM	20	SE NW	3.60	200	Helm, Jack C
18 S	44 E	WM	20	NE SW	0.70	500	Helm, Jack C
18 S	44 E	WM	20	NE SW	0.90	500	Helm, Jack C
18 S	44 E	WM	20	NWSW	1.40	500	Helm, Jack
18 S	44 E	WM	20	NE SE	3.50	200	Helm, Jack C
18 S	44 E	WM	20	NW SE	30.00	500	Helm, Jack
18 S	44 E	WM	20	SE SE	0.80	500	Helm, Jack
18 S	44 E	WM	20	SE SE	2.00	500	Helm, Jack
18 S	44 E	WM	27	NW NE	0.90	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	27	SW NE	2.10	700	Rubelt, Jerry & Ruth V
18 S	44 E	WM	29	SW NW	0.20	700	Bourasa, Dustin A & Billie Jo
18 S	44 E	WM	29	SW NW	0.70	700	Bourasa, Dustin A & Billie Jo
20 S	41E	WM	1	NE SE	3.3	1800	Fisher, Frank
20 S	41 E	WM	1	SE SE	4.0	1800	Fisher, Frank
20 S	41 E	WM	23	SE SW	5.5	300	Flowertree Farms Inc
20 S	42 E	WM	5	NENW	3.0	300	Fisher, Frank E & Mickey G
20 S	42 E	WM	5	NENW	1.4	400	Fisher, Frank
Total:					142.86		

11. The portion of the fourth right to be transferred is as follows:

Certificate: 74087 in the name VALE OREGON IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Malheur County)

Use: SUPPLEMENTAL IRRIGATION of 1.9 acres

Priority Dates: 1909

Rate: 0.047 CUBIC FOOT PER SECOND FROM FEBRUARY 15TH TO MAY 1ST AND 0.024 CUBIC FOOT PER SECOND FROM MAY 1ST TO SEPTEMBRES 1ST, if available at the authorized points of diversion, or the equivalent in case of rotation. The total quantity diverted during each irrigation season shall not exceed 5.706 Acre-Feet.

Limits/Duty: The amount of water used for irrigation or 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: WILLOW CREEK, tributary to the MALHEUR RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	43 E	WM	4	SW SW	DERRICK DAM: 468 FEET NORTH AND 20 FEET EAST FROM SW CORNER, SECTION 4
16 S	43 E	WM	9	NE NE	LATERAL 379: 30 FEET SOUTH AND 1190 FEET WEST FROM NE CORNER, SECTION 9
16 S	43 E	WM	9	SW NW	GUM CREEK DIVERSION

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	9	NE SE	0.2	100	Heid, Monte
16 S	43 E	WM	9	NE SE	1.7	300	Heid, Monte

12. Transfer Application T-10589 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
16 S	43 E	WM	9	NE NE	1.9	100	Heid, Monte

13. The portion of the fifth right to be transferred is as follows:

Certificate: 1614 in the name of ROBT M RUSSELL (confirmed by decree of the Circuit Court of the State of Oregon for Malheur County)

Use: IRRIGATION, LIVESTOCK AND DOMESTIC of 1.7 ACRES

Priority Date: 1906

Rate: 0.04 CFS from February 15th to May 1st and 0.02 CFS from May 1st to September 1st of each year, or the equivalent in case of rotation, the total quantity diverted during each irrigation season not to exceed 5.1 acre feet.

Source: LITTLE WILLOW CREEK, tributary to WILLOW CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	26	SWSW	1.7	1200	Goettsche Joint Family Trust

14. The Willow Creek Decree further describes the **limit and duty** as ONE-FORTIETH of one cubic foot per second from February 15th to May 1st and ONE-EIGHTIETH of one cubic foot per second from May 1st to September 1st, not to exceed 3.0 acre-feet per acre during any irrigation season. The **season of use** for irrigation as described in decree is February 15th to September 1st.

15. On January 29, 2018, the department received an affidavit requesting that 1.7 acres involved in the transfer under water right Certificate 1614 be diminished from primary irrigation to supplemental irrigation.

16. Transfer Application T-10589 proposes to change the place of use for certificate 1614 (as diminished from primary to supplement irrigation to):

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
16 S	43 E	WM	26	SE SW	0.5	1200	Goettsche Joint Family Trust
16 S	43 E	WM	26	SE SW	1.2	1200	Goettsche Joint Family Trust
Total:					1.7		

Regarding Certificate 41125 for Supplemental Irrigation; Forfeiture for Non-use

17. 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 41125 has been used in conjunction with primary irrigation under Certificate 76204 on certain lands described in Finding of Fact #7. Once transfer T-10589 is approved by this Final Order, in absence of a primary underlying water right, the lands listed below in Finding of Fact 18 will be subject to forfeiture and cancellation proceedings under ORS 540.610 if not used for five consecutive years.

18. The portion of the Certificate 41125 for supplemental irrigation used in conjunction with Certificate 76204 for primary irrigation involved in Transfer T-10589.

Certificate: 41125 in the name of the RAMOND G. WINTERS (perfected under Permit G-3016)

Use: SUPPLEMENTAL IRRIGATION of 5.5 acres

Priority Date: JANUARY 6, 1966

Rate: 0.07 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-EIGHTIETH 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 3.0 acre-feet per for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL within the MALHEUR RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
20 S	41 E	WM	23	SW NE	150 FEET SOUTH AND 430 FEET WEST FROM THE NE1/4 CORNER OF THE SW1/4 NE1/4, SECTION 23

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
20 S	41 E	WM	23	SW NE	5.5	300

Regarding Permits S-50728 and S-54916

19. Certain lands under Certificate 74080 authorized for primary irrigation involved in this transfer may be layered with primary irrigation authorized under Permit S-50728 or Permit S-54916. OAR 690-385-6000 states that if the water right records show two or more rights as primary on the same land, the right with the oldest priority date shall be considered the primary water right unless the applicant designates a right, other than the right with the oldest priority date, as the primary water right. All other water rights shall be diminished to supplemental water rights. At the time proof is submitted for Permit S-50728 and Permit S-54916 the water right holder will be required to designate which appurtenant water right

on a given parcel will be for primary irrigation and which one will be diminished to supplemental irrigation.

20. 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.
21. 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.
22. The water right is subject to transfer as defined in OAR 690-385-0100(17).
23. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
24. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
25. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

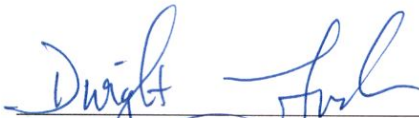
The proposed changes in place of use as proposed in Transfer Application T-10589 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 74080, 74081, 74087, 76204, and 1614 are approved.
2. The diminution of 1.7 acres under Certificate 1614 from primary irrigation to supplemental irrigation is approved.
3. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 74080, 74081, 74087, 76204, and 1614 and any related decree.
4. The proposed changes in place of use as proposed in Transfer Application T-10589 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
5. The place of use from which the water right is removed by T-10589 shall no longer be irrigated under the transferred rights.
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. Water Right Certificate 1614 is hereby cancelled. A new certificate will be issued describing that portion of Water Right Certificate 1614 NOT modified by this transfer.

8. 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 VOID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of completion has been determined by the Department, a new certificate confirming the portion of the right transferred under Certificate 1614 will be issued.
10. Water right Certificates 74080, 74081, 74087, and 76204 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 FEB 06 2018



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

Mailing Date: FEB 07 2018