

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

In the Matter of the Completion of a Change ) DETERMINATION OF SATISFACTORY  
in Place of Use Under Transfer Application ) PROOF OF COMPLETION FOR A  
T-10589, Malheur County ) PERMANENT DISTRICT TRANSFER

**Authority**

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

**Applicant**

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

**Findings of Fact**

1. On February 6, 2018, the Department signed a final order, which was mailed on February 7, 2018, and recorded in Special Order Volume 107, Pages 630-642, approving Transfer Application T-10589 involving Certificates 74080, 74081, 74087, 76204, and 1614. The final order established October 1, 2019, as the date for completion of the authorized changes in place of use.
2. On September 21, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10589 satisfying the requirements for providing proof of use under OAR 690-385-7400.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

3. On October 26, 2020, the Department received certain corrected tables and maps of the authorized places of use being confirmed in T-10589.
4. This Determination of Satisfactory Proof of completion for a permanent district transfer pertains to Certificates 74080 and 74081 issued in the name of Vale Oregon Irrigation District, and Certificates 74080 and 74081 issued in the names of Vale Oregon Irrigation District and the U.S. Bureau of Reclamation. A confirming certificate will be issued separately for the portion of the transfer initiated under Certificate 1614.
5. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T- 10589.
6. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
7. The proposed place of use for Certificate 74080 as approved the final order for Transfer Application T-10589, and as recorded in Special Order Volume 107, Pages 630-642 is shown in Table 1, below:

**Table 1:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User <sup>1</sup>
16 S	43 E	WM	9	SE NW	1.90	1100	Gum Creek North/Monte
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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User <sup>1</sup>
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
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
<b>Total:</b>					<b>125.66</b>		

<sup>1</sup>The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

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
<b>Total:</b>					<b>17.2</b>		

8. The proposed place of use for Certificate 76204 as approved the final order for Transfer Application T-10589, and as recorded in Special Order Volume 107, Pages 630-642 is shown in Table 2, below:

**Table 2:**

IRRIGATION <sup>1</sup>							
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
659	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
<b>Total:</b>					<b>17.2</b>		

<sup>1</sup>This table was incorrectly labeled "Supplemental Irrigation" in the transfer final order. It is shown here as corrected.

9. The proposed place of use for Certificate 74081 as approved the final order for Transfer Application T-10589, and as recorded in Special Order Volume 107, Pages 630-642 is shown in Table 3, below:

**Table 3:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User <sup>1</sup>
16 S	43 E	WM	9	SE NW	1.90	1100	<b>Gum Creek North/Monte</b>
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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User <sup>1</sup>
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
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	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
<b>Total:</b>					<b>142.86</b>		

<sup>1</sup>The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

10. The proposed place of use for Certificate 74087 as approved the final order for Transfer Application T-10589, and as recorded in Special Order Volume 107, Pages 630-642 is shown in Table 4, below:

**Table 4:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q <sup>1</sup>	Acres	Tax Lot <sup>2</sup>	Water User <sup>3</sup>
16 S	43 E	WM	9	SE NW	1.9	1100	<b>Gum Creek North/Monte</b>

<sup>1</sup>The Q-Q was incorrectly listed as the NENE in the transfer final order; it is shown here as corrected.

<sup>2</sup>The Tax Lot was incorrectly listed as the 1000 in the transfer final order; it is shown here as corrected.

<sup>3</sup>The water user listed in **bold** is different from the water user that was listed in the transfer final order. It has been updated here to reflect the changes as shown in the CBU.

11. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-10589 was completed to the extent authorized in the transfer as described in Tables 1, 2, 3 and 4, above.

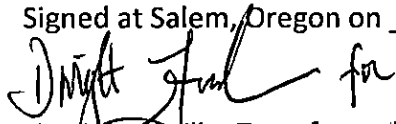
**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1, 2, 3 and 4, above.
3. The applicant has demonstrated proof of completion under T-10589 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-10589 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

1. Water right Certificates 74080, 74081, 74087, and 76204, are modified as shown in Tables 1, 2, 3 and 4, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on OCT 26 2020



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

Mailing Date: OCT 27 2020