

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-12677, Malheur County) A DISTRICT PERMANENT TRANSFER
) FOR PLACE OF USE

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

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

Findings of Fact

1. On May 26, 2017, 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-12677.
2. Notice of the District Permanent Transfer Application was published on June 6, 2017, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. The US Bureau of Reclamation was notified of the transfer application on June 6, 2017; no comments were received within 60 days of the notification.
4. The portion of the irrigation 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 4.5 acres

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.

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).

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 Warm Springs Irrigation District under contract between that District and the United States under which the Warm Springs 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	WM	8	SW SW	WARMSPRINGS DAM

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
16 S	43 E	WM	15	NE SW	2.3	1500	HEID	35
16 S	43 E	WM	15	NW SW	1.1	1700	HEID	35
16 S	43 E	WM	15	NW SW	1.0	1600	HEID	35
16 S	43 E	WM	15	NW SW	0.1	1600	HEID	35
Total:					4.5			

5. Transfer Application T-12677 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	43 E	WM	15	NE SW	3.3	1500	HEID	35
16 S	43 E	WM	15	NW SE	1.2	1500	HEID	35
Total:					4.5			

6. The portion of the irrigation 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 4.5 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	43 E	WM	15	NE SW	2.3	1500	HEID	35
16 S	43 E	WM	15	NW SW	1.1	1700	HEID	35
16 S	43 E	WM	15	NW SW	1.0	1600	HEID	35
16 S	43 E	WM	15	NW SW	0.1	1600	HEID	35
Total:					4.5			

7. Transfer Application T-12677 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	43 E	WM	15	NE SW	3.3	1500	HEID	35
16 S	43 E	WM	15	NW SE	1.2	1500	HEID	35
Total:					4.5			

8. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 and contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.

9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

10. The proposed change in place of use will not result in enlargement of the right.

11. The proposed change in place of use will not result in injury to other water right.

Conclusions of Law

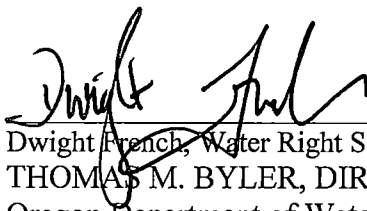
The proposed changes in place of use as proposed in Transfer Application T-12677 satisfy the requirements of ORS 540.574(3) and 540.580.

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 right to the use of the water is restricted to beneficial use at the place of use described in Certificates 74080 and 74081.
3. The former places of use shall no longer be irrigated as part of this water right.

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, 2018**. 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. The Department will issue superseding Certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 31 day of August 2017.



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

Mailing Date: SEP 07 2017