

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

In the Matter of Transfer Application            )    **F I N A L   O R D E R**  
T-10081, Malheur County                        )    **APPROVING A DISTRICT**  
  )    **PERMANENT TRANSFER**

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 STREET WEST  
VALE, OREGON 97918

**Findings of Fact**

1. On January 31, 2006, Vale Irrigation District filed a district transfer application to permanently change the place of use under Certificates 74080 and 74081. The Department assigned the application number T-10081.

2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 74080, issued in the name of Vale Irrigation District

**Use:** Irrigation

**Priority Date:** May 10, 1926 for the use of Malheur River and January 11, 1927 for the use of Malheur River, water stored from Warm Springs Reservoir, drainage water, seepage water, return flow and waste water from the Vale Oregon Project.

**Rate & Duty:** 4½ acre feet per acre during the irrigation season of each year.

**Source:** Malheur River, Warm Springs Reservoir and drainage water, seepage water return flow and waste water from the Vale Oregon Project.

This is a final order in other than 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 either 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

**Authorized Place of Use:**

TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC
19 S	43 E	WM	30	SW NE	100	SHENK	1.80

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

**Certificate:** 74081, issued in the name of Vale Irrigation District

**Use:** Supplemental Irrigation

**Priority Date:** December 16, 1931 for stored water and November 29, 1945 for direct flow.

**Rate & Duty:** ONE-FORTIETH of one cfs.

**Source:** North Fork Malheur River, Tributary of the Malheur River and Beulah Reservoir.

**Authorized Place of Use:**

TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC
19 S	43 E	WM	30	SW NE	100	SHENK	1.80

5. Application T-10081 proposes to change the place of use for both rights in finding of fact numbers 3 and 4 to:

CERTIFICATES 74080 & 74081							
TWP	RNG	MER	SEC	1/4 - 1/4	TL	USER	AC
19 S	43 E	WM	30	NE SW	300	HARTSFIELD	1.80

6. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.

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

8. The proposed change in place of use would not result in enlargement of the rights.

9. The proposed change in place of use would not result in injury to other water rights.

**Conclusions of Law**

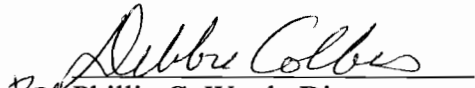
The proposed changes in place of use in Transfer Application T-10081 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes 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 and is subject to all other conditions and limitations contained in Certificates 74080 and 74081 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.

4. A Claim of Beneficial Use shall be submitted pursuant to OAR 690-385-7400 by the applicant to the Department by **October 1, 2007**.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the water right.

Dated at Salem, Oregon this 22<sup>nd</sup> day of June, 2006

  
Phillip C. Ward, Director

Date Mailed: JUL 11 2006