

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11549, Malheur County                                 )     DISTRICT PERMANENT TRANSFER

**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**

OWYHEE IRRIGATION DISTRICT  
17 SOUTH FIRST ST.  
NYSSA, OR 97913

**Findings of Fact**

1. On March 18, 2013, Owyhee Irrigation District (OID) filed a district transfer application to permanently change the place of use under Certificates 75691, 75708 and 75689. The Department assigned the application number T-11549.
2. On May 16, 2013 final amendments and clarifications to the places of use involved in this transfer were received by the Department.
3. Notice of the application for transfer was published on April 2, 2012, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. The portion of the first right to be transferred is as follows:

**Certificate:** 75691 in the name of UNITED STATES OF AMERICA; BUREAU OF RECLAMATION (perfected under Permit S-8171)

**Use:** IRRIGATION of 122.38 acres

**Priority Dates:** FEBRUARY 15, 1916 for stored water and AUGUST 19, 1924 for direct flow.

**Duty/Limit:** The amount of water from direct flow of the Owyhee River used for irrigation shall be limited to 1/60<sup>th</sup> of one cubic foot per second (cfs) per acre, or its equivalent for each acre irrigated and shall be further limited to 3.0 acre-feet (af) per acre for each acre irrigated during the irrigation season of each year. The amount of water from direct flow of the Owyhee River together with water stored in Owyhee Reservoir and with the amount secured under any other water right existing for the same lands, shall be limited to a diversion of not

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.

to exceed 6.7 af for each acre irrigated during the irrigation season of each year and shall conform to any reasonable rotation system as may be ordered by the proper state officer.

**Sources:** OWYHEE RIVER and water stored in OWYHEE RESERVOIR (constructed under Permit R-599), tributaries of the SNAKE RIVER

**Authorized Points of Diversion (POD):**

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Owyhee Dam	22 S	45 E	WM	20	NW SE	200 feet south and 2010 feet west from the common corner to Sections 20 and 21
Glory Hole Spillway	22 S	45 E	WM	20	NWSE	200 feet south and 1680 feet west from the common corner to Sections 20 and 21
Tunnel 1	22 S	45 E	WM	21	NW SW	495 feet east and 264 feet south from the common corner to Sections 20 and 21

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
21 S	46 E	WM	14	NE SW	1.00	700	Adrian School District #61	12-10201
18 S	46 E	WM	27	SW SW	0.90	600	Bishop	12-46401
18 S	46 E	WM	28	SW SE	2.70	800	Kemble	12-46100
18 S	46 E	WM	28	NW SE	4.60	800	Kemble	12-46100
20 S	46 E	WM	16	SW NW	7.10	1900	Brown	12-21402
20 S	46 E	WM	17	SE NW	2.30	1900	Brown	12-21402
20 S	46 E	WM	17	SW NE	1.20	1900	Brown	12-21402
20 S	46 E	WM	17	SE NE	2.34	1900	Brown	12-21402
20 S	46 E	WM	17	NW NE	0.30	1900	Brown	12-21402
20 S	46 E	WM	17	NE NE	0.20	1900	Brown	12-21402
20 S	46 E	WM	20	NE NE	2.76	100	Stephen	12-19400
19 S	46 E	WM	28	NW NW	0.60	5400	Mautz	12-29300
19 S	46 E	WM	28	NW NW	3.33	5400	Mautz	12-29300
19 S	46 E	WM	28	SE NW	12.90	5400	Mautz	12-29300
19 S	46 E	WM	28	NE SW	9.00	5400	Mautz	12-29300
17 S	47 E	WM	21	NW NW	0.90	203	Finnerty	12-67101
20 S	46 E	WM	20	NE NW	0.10	200	Tullett	12-25900
20 S	46 E	WM	20	NE NW	0.80	200	Tullett	12-25900
20 S	46 E	WM	20	NW NE	1.70	200	Tullett	12-25900
20 S	46 E	WM	20	SW NE	0.40	200	Tullett	12-25900
20 S	46 E	WM	15	NW SW	2.50	500	Whipple	12-35500
20 S	46 E	WM	15	NW SW	2.50	500	Whipple	12-35500
20 S	46 E	WM	15	SW SW	1.00	500	Whipple	12-35500
18 S	47 E	WM	5	SE SE	0.70	1600	Grimaldo	12-151600
18 S	47 E	WM	17	SE NE	0.95	4401	Harris	12-140501
18 S	45 E	WM	9	SW NW	1.40	1000	Jantz	12-56601
18 S	45 E	WM	9	NWSW?	5.20	1000	Jantz	12-56601
18 S	45 E	WM	9	SW SW	6.90	1000	Jantz	12-56601
18 S	45 E	WM	9	NE SW	5.00	500	Jantz	12-56601
18 S	45 E	WM	9	SW NE	1.60	300	Jantz	12-56601
18 S	45 E	WM	9	NW SE	1.90	300	Jantz	12-56601
18 S	45 E	WM	9	SW SE	0.70	300	Jantz	12-56601
18 S	45 E	WM	9	SW SE	2.20	300	Jantz	12-56601
18 S	45 E	WM	16	NE NW	13.70	700	Jantz	12-56601
18 S	45 E	WM	16	NW NE	5.80	300	Jantz	12-56601
18 S	45 E	WM	16	SW NE	1.50	300	Jantz	12-56601
18 S	45 E	WM	16	SW NW	10.10	700	Jantz	12-56601
18 S	45 E	WM	16	NE SW	0.60	700	Jantz	12-56601

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User Name	Notice
17 S	47 E	WM	16	NW SW	2.30	1000	Stirm	12-66500
17 S	47 E	WM	16	NE SW	0.70	1000	Stirm	12-66500
<b>TOTAL:</b>					<b>122.38</b>			

5. Transfer Application T-11549 proposes to change the places of use to:

**Proposed Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
21 S	46 E	WM	14	NW SW	0.50	800	Two Rivers Development Inc.	12-10202
21 S	46 E	WM	14	NW SW	0.50	900	Two Rivers Development Inc.	12-10202
18 S	46 E	WM	27	SW SW	0.90	700	Bishop	12-46401
18 S	46 E	WM	28	SE SE	7.30	800	Kemble	12-46100
20 S	46 E	WM	17	NE NE	13.44	1900	Brown	12-21402
20 S	46 E	WM	20	NE NE	0.38	100	Stephen	12-19400
20 S	46 E	WM	20	SE NE	2.38	100	Stephen	12-19400
19 S	46 E	WM	28	NW NW	1.60	5400	Mautz	12-29300
19 S	46 E	WM	28	SW NW	24.23	5400	Mautz	12-29300
19 S	46 E	WM	28	SW NW	0.90	5400	Finnerty	12-67101
20 S	46 E	WM	20	SE NW	3.00	200	Tullett	12-25900
20 S	46 E	WM	15	NW SW	0.50	500	Whipple	12-35500
20 S	46 E	WM	15	SW SW	5.50	500	Whipple	12-35500
18 S	45 E	WM	9	NW SW	2.11	1000	Jantz	12-56601
18 S	45 E	WM	9	NE SW	4.00	500	Jantz	12-56601
18 S	45 E	WM	16	NE NW	13.40	700	Jantz	12-56601
18 S	45 E	WM	16	NW NE	4.00	300	Jantz	12-56601
18 S	45 E	WM	16	SE NW	16.06	700	Jantz	12-56601
18 S	45 E	WM	16	SW NE	13.80	700	Jantz	12-56601
18 S	45 E	WM	9	SW SE	1.40	300	Jantz	12-56601
20 S	46 E	WM	20	SW NE	6.48	400	Malheur County	-----
<b>Total:</b>					<b>122.38</b>			

6. The portion of the supplemental irrigation right to be transferred is as follows:

**Certificate:** 75708, in the name of Owyhee Irrigation District (perfected under Permit S-1786)

**Use:** SUPPLEMENTAL IRRIGATION of 1.65 acres

**Priority Date:** July 8, 1913

**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 cfs per acre, or its equivalent for each acre irrigated each year.

**Source:** Snake River, a tributary of the Columbia River

**Authorized Points of Diversion:**

POD Name	Twp	Rng	Mer	Sec	Lot	Q-Q	Additional Description
Dunaway Pumping Plant	20 S	47 E	WM	18	3	NE SW	River Mile 394.2

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
18 S	47 E	WM	17	SE NE	0.95	4401	Harris	12-140501

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
18 S	47 E	WM	17	SE SE	0.70	1600	Grimaldo	12-151600
<b>TOTAL:</b>					<b>1.65</b>			

7. Transfer Application T-11549 proposes to change the places of use to:

**Proposed Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
20 S	46 E	WM	20	SW NE	1.65	400	Malheur County	12-140501

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

**Certificate:** 75689, in the name of UNITED STATES OF AMERICA, BUREAU OF RECLAMATION (perfected under Permit S-24285)

**Use:** SUPPLEMENTAL IRRIGATION of 0.70 acre

**Priority Date:** October 1, 1951

**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-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 6.7 af for each acre irrigated during the irrigation season of each year.

**Source:** Snake River, a tributary of the Columbia River

**Authorized Points of Diversion:**

POD Name	Twp	Rng	Mer	Sec	Lot	Q-Q	Additional Description
Dunaway Pumping Plant	20 S	47 E	WM	18	3	NE SW	River Mile 394.2

**Authorized Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
18 S	47 E	WM	5	SE SE	0.70	1600	Grimaldo	-----

9. Transfer Application T-11549 proposes to change the places of use to:

**Proposed Places of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Owner Name	Notice
20 S	46 E	WM	20	SW NE	0.70	400	Malheur County	-----

10. 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.

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

12. The proposed change in places of use will not result in enlargement of the rights.

13. The proposed change in places of use will not result in injury to other water rights.

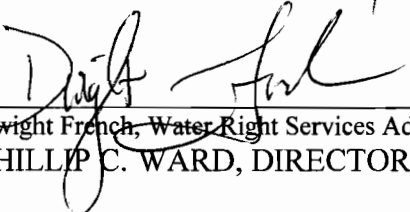
## Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-11549 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 75691, 75708 and 75689 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 75691, 75708 and 75689 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
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, 2014. A Claim of Beneficial Use shall be submitted to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificates 75691, 75708 and 75689 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 7 day of June, 2013.

  
Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: JUNE 14 2013