





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

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

**Use:** IRRIGATION of 17.0 acres

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

**Rate / Duty:** 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 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 to exceed 6.7 acre-feet 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:** The OWYHEE RIVER and water stored in OWYHEE RESERVOIR (constructed under Permit R-599), tributaries of the SNAKE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	45 E	WM	20	NW SE	OWYHEE DAM: 200 FEET SOUTH AND 2010 FEET WEST FROM THE COMMON CORNER OF SECTIONS 20 AND 21
22 S	45 E	WM	20	NW SE	GLORY HOLE SPILLWAY: 200 FEET SOUTH AND 1680 FEET WEST FROM THE COMMON CORNER TO SECTIONS 20 AND 21
22 S	45 E	WM	21	NW SW	TUNNEL 1: 495 FEET EAST AND 264 FEET SOUTH FROM THE COMMON CORNER TO SECTIONS 20 AND 21

**Authorized Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
17 S	46 E	WM	12	SE SW	0.70	2903	PRENTISS	21-60500
17 S	46 E	WM	12	SW SE	1.90	2903	PRENTISS	21-60500
17 S	47 E	WM	7	SW SW	2.20	700	BEZATES	21-58401
17 S	47 E	WM	7	SE SW	0.80	700	BEZATES	21-58401
17 S	47 E	WM	7	SE SW	1.10	700	BEZATES	21-58401
17 S	47 E	WM	7	NW SE	1.90	700	BEZATES	21-58401
17 S	47 E	WM	7	SW SE	0.40	700	BEZATES	21-58401
17 S	47 E	WM	8	SE SW	0.50	1000	TSCHIDA	21-17200
17 S	47 E	WM	29	SW NW	2.40	1500	LAISURE	21-59506
18 S	47 E	WM	8	NE NE	2.70	1500	WARRINGTON	21-14100
19 S	46 E	WM	12	NW SW	0.60	901	SCHERTZ	21-36802
20 S	46 E	WM	2	SW SE	1.80	1000	SCHULTHIES	21-28200
<b>Total</b>					<b>17.00</b>			

6. Transfer Application T-13885 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
17 S	46 E	WM	12	SW SE	2.60	2903	PRENTISS	21-60500
17 S	47 E	WM	7	NE SW	0.60	700	BEZATES	21-58401
17 S	47 E	WM	7	NE SW	2.50	700	BEZATES	21-58401
17 S	47 E	WM	7	NE SW	2.70	700	BEZATES	21-58401
17 S	47 E	WM	7	NW SE	0.60	700	BEZATES	21-58401
17 S	47 E	WM	8	NE SW	0.50	1000	TSCHIDA	21-17200
17 S	47 E	WM	18	SE SE	1.20	1300	FERRARIN	21-61100
20 S	46 E	WM	2	NE SW	1.80	1000	SCHULTHIES	21-28200
20 S	46 E	WM	22	SW NW	1.20	500	PETERSON FARMS	21-18500
21 S	46 E	WM	14	SW NW	1.80	700	SHENK	21-4802
21 S	46 E	WM	14	NW SW	1.50	500	SHENK	21-4802
<b>Total:</b>					<b>17.00</b>			

7. 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 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
8. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
9. The water right is subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
11. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
12. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

**Partial Cancellation of Water Right Certificate 75708**

13. The portion of the first right to be partially canceled is as follows:

**Certificate:** 75708 in the name of OWYHEE IRRIGATION DISTRICT (perfected under Permit S-1786)

**Use:** SUPPLEMENTAL IRRIGATION of 2.7 acres

**Priority Date:** JULY 8, 1913

**Limit / Duty:** The amount used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent)



**Source:** The SNAKE RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Measured Distances
20 S	47 E	WM	18	NE SW	3	DUNAWAY PUMPING PLANT; River Mile 394.2

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
18 S	47 E	WM	8	NE NE	2.70	1500	WARRINGTON	21-14100

14. The portion of the water right as evidenced by Water Right Certificate 75708 which has been abandoned is for supplemental irrigation on certain lands described in Finding of Fact #5. Water use is no longer authorized on the abandoned portion of the Certificate 75708 at the place of use described in Finding of Fact #13, above. The total quantity of water available under Certificate 75708 is reduced by 0.03 cubic foot per second.

**Regarding Certificate 75689 for Supplemental Irrigation; Forfeiture for Non-use**

15. 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 75689 has been used in conjunction with primary irrigation under Certificate 75691 on certain lands described in Finding of Fact #5. Once transfer T-13885 is approved by this Final Order, in absence of a primary underlying water right, the lands listed below in Finding of Fact 20 will be subject to forfeiture and cancellation proceedings under ORS 540.610 if not used for five consecutive years.

16. The portion of the Certificate 75689 for supplemental irrigation used in conjunction with Certificate 75691 for primary irrigation involved in Transfer T-13885 is as follows:

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

**Use:** SUPPLEMENTAL IRRIGATION of 2.7 acres

**Priority Date:** OCTOBER 1, 1951

**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-FORTIETH 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 6.7 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** The SNAKE RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Measured Distances
20 S	47 E	WM	18	NE SW	3	DUNAWAY PUMPING PLANT; River Mile 394.2

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
18 S	47 E	WM	8	NE NE	2.70	1500	WARRINGTON	21-14100

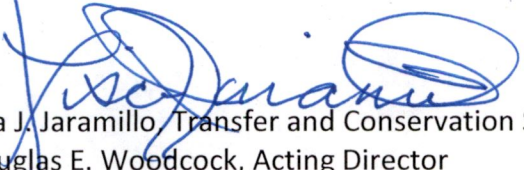
**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-13885 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned portions of Certificate 75708 should be cancelled.

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

1. The proposed change in place of use to the water right evidenced by Certificate 75691 is approved.
2. The portion of Certificate 75608 appurtenant to the lands described in Finding of Fact #13 is cancelled.
3. Certificate 75708 is modified to reflect the cancellation of 2.7 acres, as described in Findings of Fact #13 and 14. A superseding water right certificate will be issued when the Department determines it is necessary for record keeping.
4. The places of use from which the water rights are transferred off by Transfer T-13885 shall no longer be irrigated and are cancelled from Certificate 75691.
5. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificate 75691.
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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use shall be submitted by OID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. Water right Certificate 75691 is modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on OCT 31 2022

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

Mailing Date: NOV 02 2022