

District

SCANNED

T-14487

SEP 04 2025

Name Jordan Valley Irrigation DistrictAddress PO Box 205  
Arocl, OR 97902Change in POU  
Date Filed 6/20/2024  
Initial notice date 7/2/2024  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 8/12/2024 Vol 131 Page 887-891C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Paul Garvin  
garvin.hydrogeo@gmail.com

CWRE \_\_\_\_\_

CC's list BOR

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Jordan Creek, Antelope ReservoirTrib. of Owyhee River, Jack CreekUse Irrigation, Supplemental Irr. County Malheur

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# S-310 Per # S-10843 Cert # 75583 PR Date 9-16-1909

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date 6-20-24 Amount 1,360.00 Receipt # 143162

## FEES REFUNDED

Date \_\_\_\_\_ Amount \_\_\_\_\_ Receipt # \_\_\_\_\_





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

August 12, 2024

Jordan Valley Irrigation District  
PO Box 205  
Arock, OR 97902

REFERENCE: District Transfer T-14487

Enclosed is a copy of the final order approving your District Transfer.

The time allowed to complete the transfer is specified in the final order. You are required to submit a claim of beneficial use to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized final order whichever comes first. If necessary, you may request more time by filing for transfer extension. All extensions are subject to approval.

To file a claim please include:

1. **A CLAIM OF BENEFICIAL USE form**
2. **A CLAIM OF BENEFICIAL USE SITE REPORT**
3. **A Claim of Beneficial Use Map** (this map does not need to be prepared by a Certified Water Rights Examiner (CWRE))

All forms needed to file a claim for a district transfer are available at

<https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer/Pages/Forms.aspx>

If you have any questions related to the approval of this transfer, you may contact your caseworker Ann Reece by telephone at (503) 979-3214 or by e-mail at [Ann.L.Reece@water.oregon.gov](mailto:Ann.L.Reece@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Right Services Support  
Transfers and Conservation Section

cc: Jered L. Hoshaw, Watermaster Dist. # 9 (via email)  
Paul Garvin, Agent  
U.S. Bureau of Reclamation

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-14487, Malheur County	)	A DISTRICT PERMANENT TRANSFER FOR
	)	CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

**Applicant**

JORDAN VALLEY IRRIGATION DISTRICT  
PO BOX 205  
AROCK, OR 97902

**Findings of Fact**

1. On June 20, 2024, Jordan Valley Irrigation District (JVID) filed a district transfer application to permanently change the place of use under Certificate 75583. The Department assigned the application number T-14487.
2. Notice of the District Permanent Transfer Application was published on July 2, 2024, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On July 17, 2024, the applicant's agent amended the application by submitting a correcting map and authorized place of use table to correct scrivener's errors.
4. The portion of the right to be transferred is as follows:

**Certificate:** 75583 in the name of JORDAN VALLEY IRRIGATION DISTRICT (perfected under Permit S-10843)

**Use:** PRIMARY IRRIGATION OF 59.5 ACRES

**Priority Date:** SEPTEMBER 16, 1909

**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 a diversion of ONE-SIXTIETH of one cubic foot per second (or its equivalent) and 2.0 ACRE-

This final order in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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).



FEET per acre irrigated prior to JUNE 1 of each year and thereafter 0.5 ACRE-FOOT for each acre irrigated per month during the irrigation season of each year (WITH THE EXCEPTION OF CERTAIN LANDS NOT INVOLVED IN THIS TRANSFER LISTED IN THE CERTIFICATE).

**Source:** JORDAN CREEK AND ANTELOPE RESERVOIR (PERMIT R-664), a tributary of OWYHEE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	43 E	WM	36	NW NW	AROK DIVERSION DAM: 560 FEET SOUTH AND 1060 FEET EAST FROM THE NW 1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
31 S	42 E	WM	2	SE NE	4.10	600	FRETWELL
31 S	42 E	WM	2	SE NW	10.70	600	FRETWELL
31 S	42 E	WM	2	NE SW	5.00	600	FRETWELL
31 S	42 E	WM	2	SW SW	9.90	800	FRETWELL
31 S	42 E	WM	2	SE SW	7.90	600	FRETWELL
31 S	42 E	WM	2	NE SE	0.50	600	FRETWELL
31 S	42 E	WM	2	NW SE	0.40	600	FRETWELL
31 S	42 E	WM	2	SW SE	0.20	300	FRETWELL
31 S	42 E	WM	2	SE SE	4.30	300	FRETWELL
31 S	42 E	WM	11	NE NE	3.60	300	FRETWELL
31 S	42 E	WM	11	NW NE	1.70	300	FRETWELL
31 S	42 E	WM	11	NE NW	1.30	600	FRETWELL
31 S	42 E	WM	12	NW NW	3.50	300	FRETWELL
31 S	42 E	WM	12	SW NW	6.40	300	FRETWELL
<b>TOTAL</b>					<b>59.50</b>		

5. Transfer Application T-14487 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
31 S	42 E	WM	2	SW NE	19.60	500	FRETWELL
31 S	42 E	WM	2	SE NE	17.50	600	FRETWELL
31 S	42 E	WM	2	SE NW	2.40	600	FRETWELL
31 S	42 E	WM	2	NE SW	1.00	600	FRETWELL
31 S	42 E	WM	2	NW SW	0.40	800	FRETWELL
31 S	42 E	WM	2	SW SW	3.30	800	FRETWELL
31 S	42 E	WM	2	NE SE	0.90	600	FRETWELL
31 S	42 E	WM	2	NW SE	5.00	600	FRETWELL
31 S	42 E	WM	2	SE SE	1.70	300	FRETWELL
31 S	42 E	WM	11	NE NE	0.30	300	FRETWELL
31 S	42 E	WM	11	SE NE	3.10	1401	FRETWELL



IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
31 S	42 E	WM	11	NW NW	1.10	1500	FRETWELL
31 S	42 E	WM	12	NE NW	1.10	300	FRETWELL
31 S	42 E	WM	12	NW NW	2.10	300	FRETWELL
TOTAL					59.50		

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

#### Conclusions of Law

The proposed change in place of use as proposed in Transfer Application T-14487 complies with and satisfies the requirements of ORS 540.580 and OAR 690-385-4500.

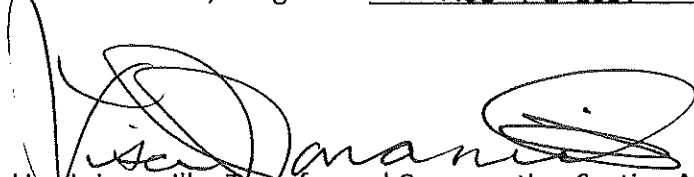
#### Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water right evidenced by Certificate 75583 is approved.
2. The place of use from which the water right is transferred off by Transfer T-14487 shall no longer be irrigated and is cancelled from Certificate 75583.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificate 75583.
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, 2025**. A Claim of Beneficial Use shall be submitted by JVID to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. Water right Certificate 75583 is modified. After satisfactory proof of completion has been determined by the Department, a superseding water right certificate will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on **AUG 12 2024**

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing Date: **AUG 13 2024**





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

July 1, 2024

Jordan Valley Irrigation District  
PO Box 205  
Arock, OR 97902

Reference: District Permanent Transfer T-14487

On June 20, 2024, we received your district transfer application requesting PLACE OF USE changes. The application was accompanied by \$1360.00. Your receipt number 143162 is enclosed.

By copy of this letter, we are asking the Watermaster for their report regarding the potential for injury to existing water rights which may be caused by the change.

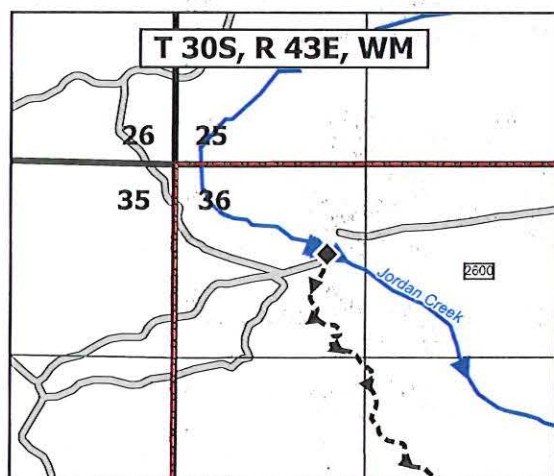
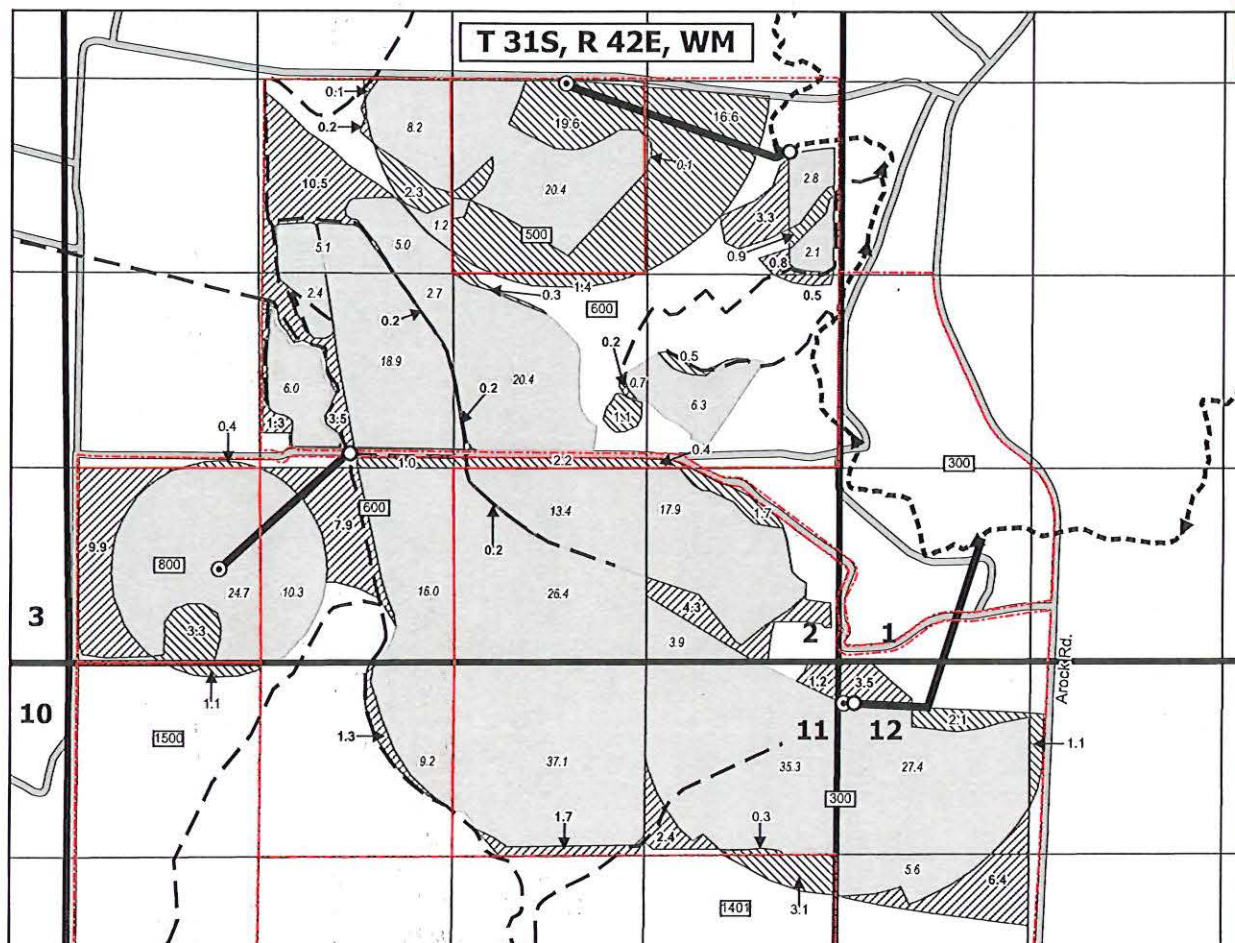
This application will be published on the Department's weekly notice dated July 2, 2024, viewable at [http://apps.wrd.state.or.us/apps/misc/wrd\\_notice\\_view/?notice\\_id=21](http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21). A copy of the application can be assessed through this public notice link. Pursuant to Oregon administrative rules, the Department is requesting public comments on the recently filed district transfer application listed above. Comments may be submitted by any interested persons within 30 days of the weekly notice publication date. Comments must be received by the Department on or before August 1, 2024. For details on how to file comments please refer to the Department's weekly notice. Details for filing protests, if applicable, are also noted on the weekly notice.

If you have any questions, please call the Transfer Section, (503) 986-0935.












cc: Watermaster # 9, Jered L. Hoshaw (*via email*)  
Paul Garvin, Agent

Enclosure





### LEGEND

-  "From" Lands
-  "To" Lands
-  Unchanged Lands
-  Malheur County Taxlot Boundary 300
-  Center Pivot Pad
-  Pump
-  POD
-  Ditch/ Drainage Channel
-  South Side Unit Canal
-  Mainline
-  Road

### Notes:

POD 1 (Arock Diversion Dam): 560' S and 1,060' E from NW Corner of Section 36

Acerages of "From" Lands denoted in bold font

Acerages of "To" Lands denoted in regular font

Acerages of Unchanged Lands denoted in italic font



### Map to Accompany District Transfer Application Certificate 75583 Jordan Valley Irrigation District

Prepared on behalf of Robert and Terry Fretwell

Date: 7/23/24  
Drawn by: Paul F. Garvin

1 inch = 1,320 feet





## Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

Transfer Application: T-14487

Review Due Date:

Applicant Name: Jordan Valley Irrigation District

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Jered Hoshaw

Date of Review: 08/02/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
Regulation on Jordan Creek occurs annually and generally goes back to 1865 priority date. It does not effect the water rights involved in this transfer as they are located downstream from where the regulation occurs and water is delivered from Arock Diversion dam and the South Side Canal.
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter\***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages\***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will  
 be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**  
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

**Approval of an Alternate Measurement Device**      T-  
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Watermaster signature

\_\_\_\_\_  
 District

\_\_\_\_\_  
 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, OR 97301-1266



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **143162**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: OWYHEE Watershed Council  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>F-14487</u>

CASH: ☐ CHECK: # 4417 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,360.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** PCA - 46110

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>1360.00</u>	

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **143162**

DATED: 6-20-24 BY: unmiele





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

# Application for District Permanent Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to the application is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app\\_criteria\\_review](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review).

Change in Place of Use Only

## 1A. APPLICANT INFORMATION

IRRIGATION DISTRICT Jordan Valley Irrigation District			PHONE NO. 541-586-2378	ADDITIONAL CONTACT NO.
ADDRESS PO Box 205			COUNTY Malheur	
CITY Arock	STATE OR	ZIP 97902	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

## 1B. AGENT INFORMATION

AGENT/BUSINESS NAME Paul Garvin/Garvin HydroGeo LLC			PHONE NO. 503-347-7188	ADDITIONAL CONTACT NO.
ADDRESS 1705 Main St. Ste. 101			FAX NO.	
CITY Baker City	STATE OR	ZIP 97814	E-MAIL GARVIN.HYDROGEO@GMAIL.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

## 2. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (Attach additional pages as necessary.)

	Certificate	Permit / Previous Transfer	Decree
1.	75583	S -10843	-

Received

JUN 20 2024

OWRD



Received

JUN 20 2024

OWRD

### 3. ATTACHMENTS

Check each of the following **attachments** included with this application. The application will be returned if all required attachments are not included.

<b>Supplemental Form A –</b> <b>Description of Proposed Change(s) to a Water Right</b> <input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer. <b>Map</b> <input checked="" type="checkbox"/> Permanent Transfer A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE).	<b>Fees:</b> <input checked="" type="checkbox"/> Amount enclosed: \$ <u>1,360</u> See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900. <b>Land Use Compatibility Statement</b> (not required since a,b,c and d apply) <input type="checkbox"/> The Land Use Information Form is <u>not</u> required if water is to be diverted, conveyed and/or used only on federal lands or if <u>ALL</u> of the following apply: a) a change in place of use only, b) a change that does not involve the placement or modification of structures, c) the use of water is for irrigation <b>only</b> and d) the use is located within an irrigation district or an exclusive farm use zone.
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### 4. SIGNATURES

The district certifies the following:

- (1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;
- (2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district;
- (3) For lands which are no longer irrigated or susceptible of irrigation that are included in this transfer under the authority of ORS 540.572 and OAR 690-385-5000, notices as required under ORS.572 and OAR 690-385-5100 have been given to the user and any security interest holder of record of intent to transfer the right and the user was provided an opportunity to resolve the matter in the manner described by ORS 540.572 and OAR 690-385-5400 and 690-385-5600.
- (4) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

  
District Manager signature

  
name (print) date

OR

  
Authorized District Representative signature

  
name (print) date

#### **Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.





# District Permanent Water Right Transfer Application

## Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. **A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.**

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

### 1. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	75583	
	Certificate Number	
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	-
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	-
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for Supplemental Irrigation	-	-
	Permit Number	

- Name on Permit, Certificate, or Decree: Jordan Valley Irrigation District

- Priority Date(s): 11/16/1909

If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

Source(s) of Water to be Affected by Transfer: Jordan Creek and Antelope Reservoir

Tributary to: Owyhee River

- Are there **other water rights**, Permits or Ground Water Registrations associated with this land?  
☐ YES ☒ NO

If "Yes", what are the Permit, Registration or Certificate Numbers? \_\_\_\_\_

Any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.



- Certificate Number or other identifying number: 75583

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP (N or S)	RNG (E or W)	SEC	Q-Q	DLC	GOV'T LOT	MEASURED DISTANCES
POD 1 (Arock Diversion Dam)	30S	43E	36	NWNW			560' S and 1,060' E from NW Corner of Section 36

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▪ Certificate Number or other identifying number 75583

Provided the district filed notice of a change in place of use pursuant to OAR 690-385-4100, reference the District Internal Notice Number (DINN) used to describe the change(s) to be made permanent by this transfer.

Government lot (GOV'T LOT) and donation land claim numbers (DLC) must be included in the tables below **only** if the information is reflected on the existing water right.

**TABLE I. – AUTHORIZED PLACE OF USE  
“From”**

POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP (N or S)	RNG (E or W)	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
1	9/16/1909	IR	31S	42E	2	SENE			600	4.1	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SENW			600	10.7	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NESW			600	5.0	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SWSW			800	9.9	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SESW			600	7.9	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NESE			600	0.5	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NWSE			600	0.4	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SWSE			300	0.2	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SESE			300	4.3	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	NENE			300	3.6	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	NWNE			300	1.7	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	NENW			600	1.3	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	12	NWNW			300	3.5	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	12	SWNW			300	6.4	Fretwell, Robert C. and Terry	
TOTAL:										59.5		

Revised by Paul Garvin 7/23/2024



▪ Certificate Number or other identifying number: 75583

**TABLE II. – PROPOSED PLACE OF USE  
“To”**

POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP (N or S)	RNG (E or W)	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
1	9/16/1909	IR	31S	42E	2	SWNE			500	19.6	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SENE			600	17.5	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SENW			600	2.4	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NESW			600	1.0	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SWSW			800	3.3	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NWSW			800	0.4	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NESE			600	0.9	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	NWSE			600	5.0	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	2	SESE			300	1.7	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	NENE			300	0.3	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	NWNW			1500	1.1	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	11	SENE			1401	3.1	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	12	NWNW			300	2.1	Fretwell, Robert C. and Terry	
1	9/16/1909	IR	31S	42E	12	NENW			300	1.1	Fretwell, Robert C. and Terry	
<b>TOTAL:</b>										<b>59.5</b>		

Revised by Paul Garvin 7/23/2024



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

In the Matter of Transfer Application                     )  
T-10472, Malheur County                                     )  
   )     **FINAL ORDER**  
   )     **APPROVING A 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**

JORDAN VALLEY IRRIGATION DISTRICT  
PO BOX 205  
AROCK, OR 97902

**Findings of Fact**

**Background**

1. On October 17, 2007, Jordan Valley Irrigation District filed a district transfer application to permanently change the place of use under Certificate 75583. The Department assigned the application number T-10472.
2. Notice of the application for transfer was published on October 23, 2007, 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:** 75583 in the name of JORDAN VALLEY IRRIGATION DISTRICT (perfected under Permit S-10843)  
**Use:** IRRIGATION of 40.8 ACRES  
**Priority Date:** SEPTEMBER 16, 1909  
**Limit/Duty:** ONE-SIXTIETH of one cubic foot per second (CFS), or its equivalent, and 2.0 ACRE FEET per acre irrigated prior to JUNE 1 of each year and thereafter 0.5 ACRE-FOOT per acre irrigated per month during the irrigation season of each year, WITH THE EXCEPTION OF THE 258.5 ACRES FOR WHICH W.S. SKINNER (NOW SKINNER RANCHES, INC.) WAS DECREED A RIGHT IN SKINNER-VS-JORDAN VALLEY

This is a final 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.



IRRIGATION CO. (137 OR.480) WHICH SHALL BE LIMITED TO THE DUTY OF WATER AS SET OUT IN SAID DECREE. IN NO EVENT SHALL THE QUANTITY OF WATER DIVERTED FROM JORDAN CREEK FOR THE NORTHSIDE AND SOUTHSIDE UNITS AT THE NORTHSIDE AND SOUTHSIDE DIVERSION DAM FROM DIRECT FLOW AND/OR STORAGE FROM ANTELOPE RESERVOIR AND FOR USE ON THE ANTELOPE UNIT FROM DIRECT FLOW THROUGH THE FEEDER CANAL AND/OR STORAGE FROM ANTELOPE RESERVOIR EXCEED ONE ACRE-FOOT PER ACRE PER MONTH DURING THE IRRIGATION SEASON MEASURED AT THE FARM HEADGATE OR ITS EQUIVALENT FOR EACH ACRE IRRIGATED.

**Source:** JORDAN CREEK and ANTELOPE RESERVOIR CONSTRUCTED under PERMIT R-664, tributaries to OWYHEE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
30 S	43 E	WM	36	NW NW	AROCK DIVERSION DAM: 560 FEET SOUTH AND 1060 FEET EAST FROM THE NW CORNER OF SECTION 36
30 S	45 E	WM	32	NW SE	ANTELOPE DAM: 2260 FEET NORTH AND 690 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 32
30 S	46 E	WM	18	NE NE	DIVERSION DAM: 330 FEET SOUTH AND 660 FEET WEST FROM THE NE CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
31 S	42 E	WM	1	SE SW	28.5
31 S	42 E	WM	1	SW SE	12.3
<b>TOTAL:</b>					<b>40.8</b>

4. Application T-10472 proposes to permanently change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
31 S	42 E	WM	12	NE SE	2.0
31 S	42 E	WM	12	NW SE	30.0
31 S	42 E	WM	12	SW SE	7.8
31 S	42 E	WM	12	SE SE	1.0
<b>TOTAL:</b>					<b>40.8</b>

**Transfer Review Criteria [OAR 690-385-4000]**

- 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.
- The water right is subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use would not result in enlargement of the right.



8. The proposed change in place of use would not result in injury to other water rights.
9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10472.

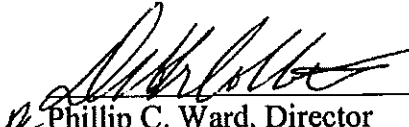
#### Conclusions of Law

The permanent change in place of use proposed in application T-10472 satisfies the requirements of ORS 540.574(3) and 540.580.

#### Now, therefore, it is ORDERED:

1. The permanent change in place of use proposed in application T-10472 is 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 75583 and any related decree.
3. The former place of use of the transferred right shall no longer receive water under the 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. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The approved change shall be completed on or before **October 1, 2009**.
7. A Claim of Beneficial Use and Final Proof Map shall be submitted by Jordan Valley Irrigation District to the Department by October 1, 2010.
8. Water right Certificate 75583 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 3 day of January 2008.

  
Phillip C. Ward, Director

Mailing date: JAN 07 2008



**SUPERSEDED**

- Certificate Number or other identifying number 75583

Provided the district filed notice of a change in place of use pursuant to OAR 690-385-4100, reference the District Internal Notice Number (DINN) used to describe the change(s) to be made permanent by this transfer.

Government lot (GOV'T LOT) and donation land claim numbers (DLC) must be included in the tables below **only** if the information is reflected on the existing water right.

TABLE I. – AUTHORIZED PLACE OF USE "From"												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
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TOTAL:										59.4		

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SUPERSEDED  
SUPERSEDED

▪ Certificate Number or other identifying number: 75583

**TABLE II. – PROPOSED PLACE OF USE  
“To”**

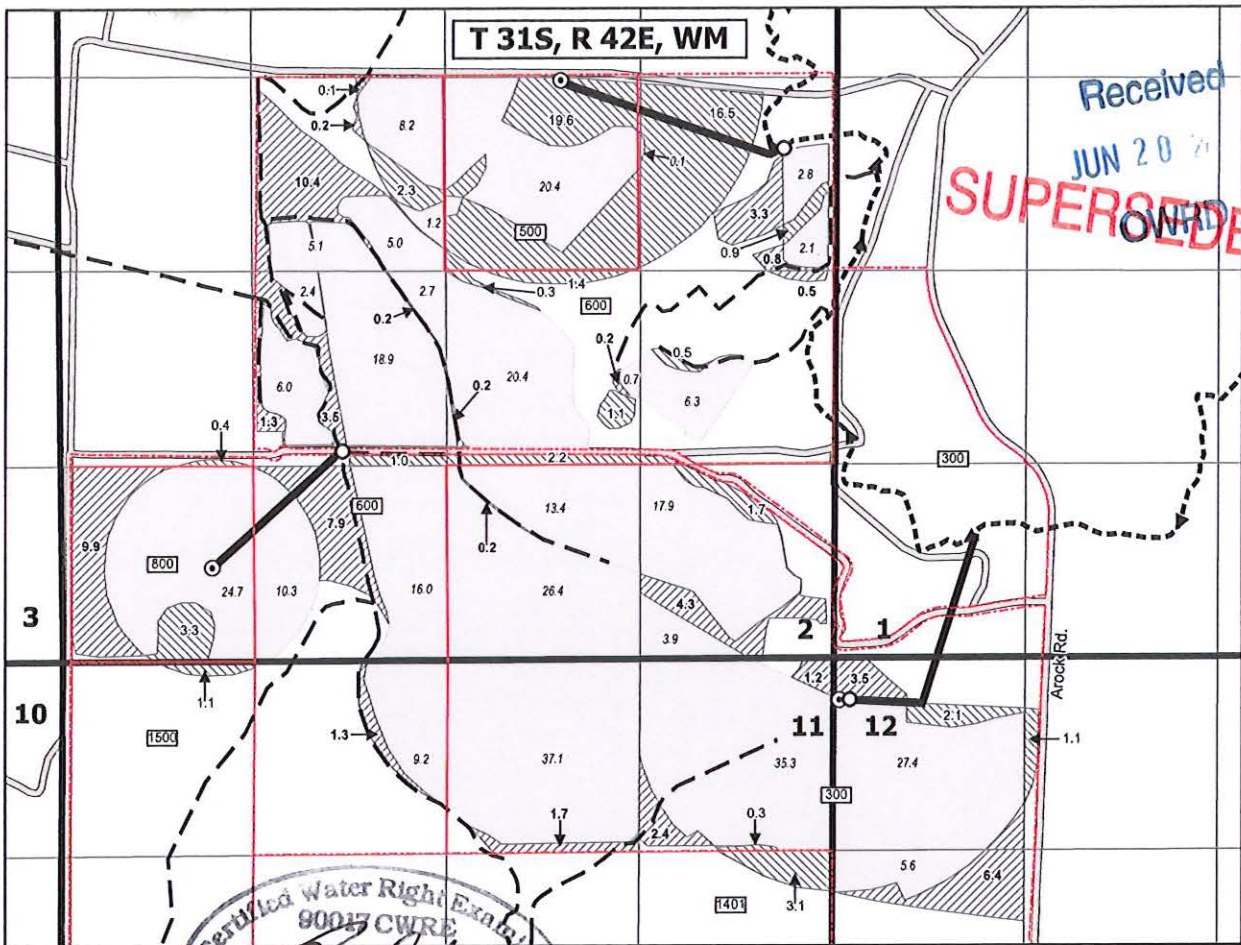
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			TWP (N or S)	RNG (E or W)	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
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<b>TOTAL:</b>										<b>59.4</b>		

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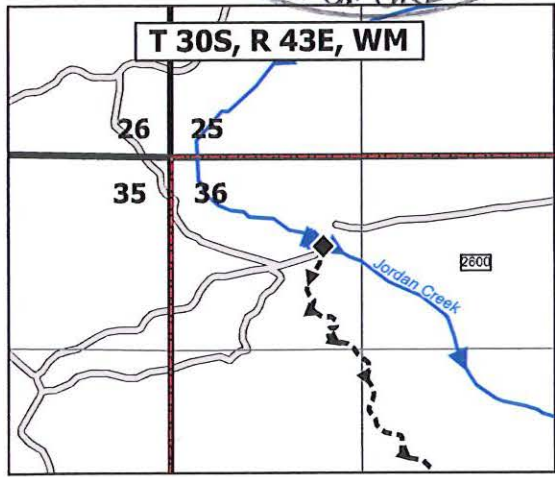
JUN 20 2024

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Certified Water Right Examiner  
 80017 CWRE  
*Paul F. Garvin*  
 PAUL F. GARVIN  
 April 23, 2015  
 STATE OF OREGON



14487 -

### LEGEND

- "From" Lands
- "To" Lands
- Unchanged Lands
- Malheur County Taxlot Boundary
- Center Pivot Pad
- Pump
- POD
- Ditch/ Drainage Channel
- South Side Unit Canal
- Mainline
- Road



### Map to Accompany District Transfer Application Certificate 75583 Jordan Valley Irrigation District

Prepared on behalf of Robert and Terry Fretwell

1 inch = 1,320 feet



Notes:  
 POD 1 (Arock Diversion Dam): 560' S and 1,060' E from NW Corner of Section 36  
 Acreages of "From" Lands denoted in bold font  
 Acreages of "To" Lands denoted in regular font  
 Acreages of Unchanged Lands denoted in italic font