

**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-10157, Umatilla County                        )    **APPROVING A DISTRICT**  
  )    **TEMPORARY TRANSFER**

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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**

Westland Irrigation District  
P.O. Box 944  
Hermiston, OR 97838

**Findings of Fact**

1. On April 27, 2006, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76050, 75127, 75129 and 81599.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
3. Pursuant to OAR 690-385-3130 the applicant applied to temporarily change the subject water rights to supplemental irrigation at the proposed place of use during the 2006 irrigation season. Certificates 76050, 76051, 76717, 76715, 76799 and 76723 are the authorized irrigation water rights at the proposed place of use of the subject water rights.

4. The portion of the water rights to be transferred are as follows:

**Certificate:** 76050 issued in the name of Teel Irrigation District

**Use:** Irrigation of 735.9 acres

**Priority Date:** April 22, 1955

**Rate & Duty:** One-fortieth of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

**Source:** Umatilla River, tributary to Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	1/4 - 1/4	SURVEY COORDINATES
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 minutes 56 seconds East 2913.19 ft. from W¼ corner of Section 21

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.

**Certificate:** 75127, issued in the name of Chester and Rosalie Prior

**Use:** Irrigation of 11.4 acres

Supplemental Irrigation of 564.2 acres

**Priority Date:** September 5, 1974

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** Prior Wells 4, 7, and 8, within the Umatilla River Basin

**Authorized Points of Appropriation:**

TWP	RNG	MER	SEC	1/4 - 1/4	SURVEY COORDINATES
2 N	28 E	WM	1	SE NW	Well 4 - 2640 ft. South & 630 ft. West from N¼ corner of section 1.
2 N	28 E	WM	2	SE NW	Well 7 - 2500 ft. South & 2580 ft. East from NW corner of section 2.
2 N	28 E	WM	2	NE SE	Well 8 - 2800 ft. South & 500 ft. West from NE corner of section 2.

**Certificate:** 75129, issued in the name of Chester and Rosalie Prior

**Use:** Supplemental Irrigation of 171.7 acres

**Priority Date:** March 26, 1974

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right confirmed herein shall not authorize appropriation from the aquifer supplying these wells within the Butter Creek Water areas as finally determined.

**Source:** Prior Wells 2, 3, 5 and 6, within the Umatilla River Basin

**Authorized Points of Appropriation:**

TWP	RNG	MER	SEC	1/4 - 1/4	SURVEY COORDINATES
3 N	28 E	WM	36	NW NE	Well 2 - 750 ft. South & 2620 ft. West from NE corner section 36.
3 N	28 E	WM	36	NW SE	Well 3 - 1780 ft. North & 2600 ft. West from SE corner section 36.
3 N	28 E	WM	35	NW NE	Well 5 - 770 ft. South & 2640 ft. East from NW corner section 35.
3 N	28 E	WM	35	NE SW	Well 6 - 1940 ft. North & 2540 ft. East from SW corner section 35.

**Certificate:** 81599, issued in the name of Chester Prior, Eagle Ranch

**Use:** Supplemental Irrigation of 747.2 acres

**Priority Date:** August 3, 1981

**Rate & Duty:** 1/80 cfs per acre irrigated (out of season – November 15 to June 15 of each year)

**Source:** Umatilla River, tributary to Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	1/4 - 1/4	SURVEY COORDINATES
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 minutes 56 seconds East 2913.19 ft. from W¼ corner of Section 21

**Authorized Places of Use:**

IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)										
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)				USER
						(IR)		(IS)		
						76050	75127	75127	75129	
2 N	28 E	WM	1	NE NW	200	32.2	--	32.2	--	EAGLE RANCH
2 N	28 E	WM	1	NW NW	200	31.6	--	31.6	--	EAGLE RANCH
2 N	28 E	WM	1	SW NW	200	29.6	--	29.6	--	EAGLE RANCH
2 N	28 E	WM	1	SE NW	200	--	11.3	--	--	EAGLE RANCH
2 N	28 E	WM	1	NE SW	200	37.1	--	37.1	--	EAGLE RANCH
2 N	28 E	WM	1	NW SW	200	31.0	--	31.0	--	EAGLE RANCH
2 N	28 E	WM	1	SW SW	200	28.8	--	28.8	--	EAGLE RANCH
2 N	28 E	WM	1	SE SW	200	31.2	--	31.2	--	EAGLE RANCH
2 N	28 E	WM	2	NE NE	300	8.2	--	8.2	--	EAGLE RANCH
2 N	28 E	WM	2	NW NE	300	36.7	--	36.7	--	EAGLE RANCH
2 N	28 E	WM	2	SW NE	300	38.2	--	38.2	--	EAGLE RANCH
2 N	28 E	WM	2	SE NE	300	29.2	--	29.2	--	EAGLE RANCH
2 N	28 E	WM	2	NE NW	300	33.3	--	33.3	--	EAGLE RANCH
2 N	28 E	WM	2	NW NW	300	32.2	--	32.2	--	EAGLE RANCH
2 N	28 E	WM	2	SW NW	300	27.8	--	27.8	--	EAGLE RANCH
2 N	28 E	WM	2	SE NW	300	30.0	--	30.0	--	EAGLE RANCH
2 N	28 E	WM	2	NE SE	500	19.1	--	19.1	--	EAGLE RANCH
2 N	28 E	WM	2	NW SE	500	30.0	--	30.0	--	EAGLE RANCH
2 N	28 E	WM	2	SW SE	500	35.2	--	35.2	--	EAGLE RANCH
2 N	28 E	WM	2	SE SE	500	22.8	--	22.8	--	EAGLE RANCH
3 N	28 E	WM	25	SE SW	7402	8.9	--	--	8.9	EAGLE RANCH
3 N	28 E	WM	25	SW SE	7402	8.1	--	--	8.1	EAGLE RANCH
3 N	28 E	WM	35	NW NE	7400	9.0	--	--	9.0	EAGLE RANCH
3 N	28 E	WM	35	SW NE	7400	5.8	--	--	5.8	EAGLE RANCH
3 N	28 E	WM	35	SE NW	7400	6.0	--	--	6.0	EAGLE RANCH
3 N	28 E	WM	35	NE SW	7400	6.0	--	--	6.0	EAGLE RANCH
3 N	28 E	WM	35	NE SE	7400	29.0	--	--	29.0	EAGLE RANCH
3 N	28 E	WM	35	NW SE	7400	37.6	--	--	37.6	EAGLE RANCH
3 N	28 E	WM	35	SW SE	7400	33.8	--	--	33.8	EAGLE RANCH
3 N	28 E	WM	35	SW SW	7400	11.2	--	--	11.2	EAGLE RANCH
3 N	28 E	WM	36	NW NE	7402	8.1	--	--	8.1	EAGLE RANCH
3 N	28 E	WM	36	NE NW	7402	8.2	--	--	8.2	EAGLE RANCH
<b>TOTAL:</b>						<b>735.9</b>	<b>11.3</b>	<b>564.2</b>	<b>171.7</b>	

5. Application T-10157 proposes to temporarily diminish the irrigation water rights described by Certificates 76050 and 75127 from irrigation to supplemental irrigation, and change the place of use of the rights to the following location:

SUPPLEMENTAL IRRIGATION (IS) – CERTIFICATES 76050, 75127 and 75129									
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)			USER
						(IS)			
						76050	75127	75129	
3 N	28 E	WM	9	NE SW	3000	28.0	28.0	--	EAGLE RANCH
3 N	28 E	WM	9	NW SW	2900	29.8	29.8	--	EAGLE RANCH
3 N	28 E	WM	9	SW SW	3100	35.9	35.9	--	EAGLE RANCH
3 N	28 E	WM	9	SE SW	3100	31.6	31.6	--	EAGLE RANCH
3 N	28 E	WM	9	NE SE	2900	31.1	31.1	--	EAGLE RANCH
3 N	28 E	WM	9	NW SE	3000	33.4	33.4	--	EAGLE RANCH
3 N	28 E	WM	9	SW SE	2900	35.3	35.3	--	EAGLE RANCH
3 N	28 E	WM	9	SE SE	2900	30.6	30.6	--	EAGLE RANCH
3 N	28 E	WM	10	NE SW	2900	29.1	29.1	--	EAGLE RANCH
3 N	28 E	WM	10	NW SW	2900	32.5	32.5	--	EAGLE RANCH
3 N	28 E	WM	10	SW SW	2900	32.4	32.4	--	EAGLE RANCH
3 N	28 E	WM	10	SE SW	2900	28.4	28.4	--	EAGLE RANCH
3 N	28 E	WM	15	NE SW	4501	31.2	31.2	--	EAGLE RANCH
3 N	28 E	WM	15	NW SW	4501	32.4	32.4	--	EAGLE RANCH
3 N	28 E	WM	15	SW SW	4501	30.6	30.6	--	EAGLE RANCH
3 N	28 E	WM	15	SE SW	4501	31.2	31.2	--	EAGLE RANCH
3 N	28 E	WM	29	NE NE	8100	30.5	30.5	--	EAGLE RANCH
3 N	28 E	WM	29	NW NE	8100	29.7	29.7	--	EAGLE RANCH
3 N	28 E	WM	29	SW NE	8100	29.6	0.5	29.1	EAGLE RANCH
3 N	28 E	WM	29	SE NE	8100	18.7	11.3	18.7	EAGLE RANCH
3 N	28 E	WM	29	NE NW	8100	28.7	--	28.7	EAGLE RANCH
3 N	28 E	WM	29	NW NW	8100	33.1	--	33.1	EAGLE RANCH
3 N	28 E	WM	29	SW NW	8100	33.1	--	33.1	EAGLE RANCH
3 N	28 E	WM	29	SE NW	8100	28.5	--	28.5	EAGLE RANCH
3 N	28 E	WM	30	NE NE	8100	0.2	--	0.2	EAGLE RANCH
3 N	28 E	WM	30	SE NE	8100	0.3	--	0.3	EAGLE RANCH
<b>TOTAL:</b>						<b>735.9</b>	<b>575.5</b>	<b>171.7</b>	

6. The season of use for Certificate 81599 expired for the 2006 irrigation season and the water right will not be used at the temporary proposed place of use.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed changes in place of use would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights.

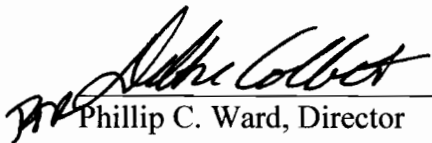
**Conclusions of Law**

The proposed changes in application T-10157 satisfy the requirements of ORS 540.574(3) and 540.570.

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

1. The proposed changes to the water rights evidenced by Certificates 76050, 75127 and 75129 are approved.
2. The temporary transfer is effective for the 2006 irrigation season.
3. 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 76050, 75127 and 75129 and any related decree.
4. Pursuant to OAR 690-385-3130, the use of water for supplemental irrigation right under Certificates 76050, 75127 and 75129 is restricted to the total rate and duty described by the authorized irrigation water rights at the temporary place of use: Certificates 76050, 76051, 76717, 76715, 76799 and 76723. The use of water for supplemental irrigation under Certificates 76050, 75127 and 75129 may be used only to the extent of any supply deficiency for the authorized irrigation water rights at the temporary place of use.
5. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
6. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
7. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 11<sup>th</sup> day of July, 2006.

  
Phillip C. Ward, Director

Mailing Date: JUL 17 2006