

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11934, Umatilla County) PERMANENT DISTRICT 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

HERMISTON IRRIGATION DISTRICT
366 E. HURLBURT AVENUE
HERMISTON, OR 97838

Findings of Fact

1. On November 28, 2014, Hermiston Irrigation District filed an application to change the place of use under Certificate 89006. The Department assigned the application number T-11934.
2. On January 21, 2015, the applicant submitted new maps and the tabulation table portion of the application to better clarify the place of use.

3. The portions of the right to be transferred are as follows:

Certificate: 89006, issued in the name of United States Bureau of Reclamation (Decree of the Circuit Court of the State of Oregon for Umatilla County, of record at Salem, in the Order Record of the Water Resources Director, in Volume 3, at Page 127, as modified in re: Waters of Umatilla River, 88 OR 376)

Use: Irrigation of 7.6 acres

Priority Date: November 14, 1894 and February 25, 1904, for use of natural flow of the Umatilla River through the Maxwell Canal for primary irrigation and September 6, 1905 for primary and supplemental irrigation from the Umatilla River through the Feed Canal and water stored in Cold Springs Reservoir.

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.

The waters may be used jointly and interchangeably upon the lands described hereunder.

Rate & Duty: For those lands comprised of loam or fine sand or fine textured soil the amount of water diverted 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) and 3.0 ACRE-FEET for each acre irrigated each year. For those lands comprised of coarse sand or loose gravel subsoil or loose coarse texture soil the amount of water diverted for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of one-fortieth of one cubic foot per second (or its equivalent) and 6.0 ACRE-FEET for each acre irrigated each year.

Source: UMATILLA RIVER and COLD SPRINGS RESERVOIR, tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4N	28E	WM	28	NW SW	MAXWELL CANAL
3N	29E	WM	22	SE SW	USA FEED CANAL
4N	29E	WM	3	SW NE	COLD SPRINGS DAM/ "A" LINE CANAL - 1490 FEET SOUTH AND 2840 FEET EAST FROM THE NW CORNER OF SECTION 3

Authorized Place of Use:

PRIMARY & SUPPLEMENTAL IRRIGATION - UMATILLA RIVER DECREE - VOL. 3, PAGE 242									
Twp	Rng	Mer	Sec	Q - Q	TL	Duty (ac-ft)	Acres	Water User	NOTICE#
5N	28E	WM	34	SE NW	802	6.0	0.60	DAVID & RHINA PALACIOS	2014-01
4N	28E	WM	3	SE NW	702	6.0	1.60	SHIRLEY HENSEL	2014-02
4N	28E	WM	3	SE NW	703	6.0	3.60	SHIRLEY HENSEL	2014-02
4N	28E	WM	4	SE SE	1600	6.0	0.74	11 TH & ELM PROPERTIES LLC	2014-02
4N	28E	WM	20	NE SE	800	6.0	0.05	KENNETH & KATHLEEN DOPPS	2014-02
4N	28E	WM	20	SE SE	800	6.0	1.01	KENNETH & KATHLEEN DOPPS	2014-02
TOTAL:							7.60		

4. Transfer Application T-11934 proposes to change the place of use for the above described right to:

Proposed Place of Use:

PRIMARY & SUPPLEMENTAL IRRIGATION - UMATILLA RIVER DECREE - VOL. 3, PAGE 242									
Twp	Rng	Mer	Sec	Q - Q	TL	Duty (ac-ft)	Acres	Water User	NOTICE #
5N	29E	WM	32	NE SW	500	6.0	0.60	LUGO & VERONICA AIMES, PRECIOUS	2014-01
4N	28E	WM	20	SE SE	1100	6.0	7.00	KENNETH & KATHLEEN DOPPS	2014-02
TOTAL:							7.60		

6. Notice of the application for transfer was published on December 9, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.

7. 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.
8. Diversion structures, district canals, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing right are present.
9. The district Transfer Application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
10. The water right is subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.


Conclusions of Law

The proposed change in place of use in Transfer Application T-11934 satisfies the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The proposed change to the District's existing water right, evidenced by Certificate 89006, is approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the District's water right, related decree, and the Final Order approving T-11934.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The proposed changes shall be completed on or before **October 1, 2016**. A Claim of Beneficial Use and Final Proof Map shall be submitted by Hermiston Irrigation District to the Department by October 1, 2017.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. Certificate 89006 is modified. The Department will issue a superseding certificate describing the right when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 3 day of February, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Department of Water Resources

Mailing Date: FEB 06 2015