

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-11592, Umatilla County) **DISTRICT TEMPORARY TRANSFER**

Authority

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 (Amstad – Correa)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On May 6, 2013, Stacey Wells, on behalf of Westland Irrigation District, filed an application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439 for a period of one year. The Department assigned the application number T-11592.
2. Notice of the application for transfer was published on May 14, 2013, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.

3. The portion of the first primary right to be transferred is as follows:

Certificate: 76051 issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: Irrigation of 119.2 acres

Priority Date: June 27, 1958

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-fortieth of one cubic foot per second or its equivalent and 4.5 acre-feet for each acre irrigated during the irrigation season of each year. .

Source: UMATILLA RIVER, a tributary of the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21.

This final order 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 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.

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						119.2	

4. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SW SW	6106	0.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NE NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	17.6	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						119.2	

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

Certificate: 75126, issued in the names of Todd M. Dimbat, Irrevocable Trust, Kelly L. Molash Irrevocable Trust and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

Duty/Limit: 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-eightieth of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be 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: Well #1 and Well #2, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	WELL#1 - 850 FEET NORTH AND 750 FEET WEST FROM THE S1/4 CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	WELL#3 - 350 FEET NORTH AND 850 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	21	SW NW	6103	0.3	Amstad
Total:						17.4	

6. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						17.4	

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

Certificate: 61534, issued in the names of Travelers Insurance Company; Real Estate Investment Department (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Priority Date: March 30, 1976

Duty/Limit: 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-eightieth of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year., provided further that the right allowed herein for supplemental irrigation shall be 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: Brown Wells #1, #2, #3 and #4, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 FEET NORTH AND 490 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
Total:						39.5	

8. Transfer Application T-11592 proposes temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad

3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						39.5	

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

Certificate: 75128, issued in the names of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

Duty/Limit: 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-eightieth of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be 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: Well #1 and Well #2, within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						19.2	

10. Transfer Application T-11592 proposes to TEMPORARILY change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6104	0.8	Amstad
3 N	29 E	WM	28	NE NW	6104	0.8	Amstad
3 N	29 E	WM	28	NW NW	6104	17.6	Amstad
Total:						19.2	

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

Certificate: 79439, issued in the name of U. S. Bureau of Reclamation Pacific Northwest Region (perfected under Permit S-7400)

Use: Supplemental Irrigation of 67.6 acres

Priority Date: July 1, 1924

Duty/Limit: 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-eightieth of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be 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: McKay Reservoir (constructed under reservoir Permit R-564), a tributary of McKay Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Description - Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted to Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND IRRIGATION DISTRICT CANAL - NORTH 76 DEGEES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
Total:						67.6	

12. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad

3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						67.6	

13. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
14. Diversion structures, pumps, canals and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.570(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11592 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2013 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 76051, 75126, 61534, 75128 and 79439 and any related decree.
4. The use shall revert to the authorized places of use at the end of the 2013 irrigation season.
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. The District shall measure the “amount in” and the “amount out” regarding the use of the supplemental rights and shall maintain both a flow meter where the groundwater is pumped into the Westland Canal and a meter to measure the amount of water that is pumped out of the Westland Canal to the new places of use.
7. A subsequent application for permanent changes to Certificates 76051, 75126, 61534, 75128 and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for changes to these water rights.

8. 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.
9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.
10. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water rights described Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.

Dated at Salem, Oregon this 26 day of July, 2013.


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

Mailing Date: AUG 02 2013