

**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-8715, Umatilla County                        ) APPROVING A PERMANENT  
  ) DISTRICT TRANSFER AND PARTIAL  
  ) CANCELLATION OF A WATER RIGHT

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**

WEST EXTENSION IRRIGATION DISTRICT  
P.O. BOX 100  
IRRIGON, OR 97844

**Findings of Fact**

1. On March 8, 2001, West Extension Irrigation District filed a district transfer application to permanently change the place of use under Certificates 79924 and 79929. The Department assigned the application number T-8715.
2. The District requested the transfer application be placed on administrative hold pending the issuance of an order approving a petition to map water rights within the district pursuant to ORS 541.329. The Department recently approved the petition and issued certificates confirming the place of use of water rights within the district boundaries. The application was amended on June 12, 2006, to correctly reference the water rights subject to transfer.
3. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. The portion of the rights to be transferred are as follows:

<p>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.</p>
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**Certificate:** 79924, issued in the name of West Extension Irrigation District

**Use:** Irrigation (IR) of 66.3 acres

**Priority Date:** April 14, 1893

**Rate & Duty:** The amount of water to which this right is entitled to an amount actually beneficially used and shall not exceed 0.79 cubic foot per second, subject to the provisions of Paragraph 33 of the Umatilla River decree

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

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
5 N	28 E	WM	28	SW SW	1100 FEET NORTH AND 520 FEET EAST FROM SW CORNER OF SECTION 28.

**Certificate:** 79929, issued in the name of West Extension Irrigation District

**Use:** Supplemental Irrigation (IS) of 47.3 acres

**Priority Date:** September 12, 1968

**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:** Columbia River, tributary to the Pacific Ocean

**Authorized Points of Diversion:**

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
5 N	28 E	WM	10	NW SE	2150 FEET NORTH AND 3500 FEET EAST FROM SW CORNER OF SECTION 10.
5 N	28 E	WM	17	NW SW	1900 FEET NORTH AND 150 FEET EAST FROM SW CORNER OF SECTION 17.

**Authorized Place of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	QTR-QTR	TL	CERTIFICATE (ACRES)		USER
						79924 (IR)	79929 (IS)	
5 N	26 E	WM	25	NW NE	600	1.10	1.10	MORFORD
5 N	26 E	WM	25	NW NE	701	0.80	0.80	KROSKE
5 N	26 E	WM	25	NW NE	702	0.90	0.90	BURRES
5 N	26 E	WM	25	NW NE	800	0.70	0.70	OLSON
5 N	26 E	WM	25	NW NE	900	3.90	3.90	HUWE
5 N	26 E	WM	25	NW NE	1300	4.40	4.40	HULSE
5 N	26 E	WM	25	NW NE	1500	2.40	2.40	MONTEGNA
5 N	26 E	WM	25	NW NE	1702	1.80	0.00	GILPIN
<b>SUB-TOTAL:</b>						<b>16.00</b>	<b>14.20</b>	
5 N	26 E	WM	25	SW NE	1800	3.50	0.00	GORDANIER
5 N	26 E	WM	25	SW NE	1801	1.80	0.00	VICE
5 N	26 E	WM	25	SW NE	1900	1.60	0.00	RICHARDS
5 N	26 E	WM	25	SW NE	2000	1.50	0.00	GARCILAZO
5 N	26 E	WM	25	SW NE	2100	0.20	0.20	CREAMER

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	QTR-QTR	TL	CERTIFICATE (ACRES)		USER
						79924 (IR)	79929 (IS)	
5 N	26 E	WM	25	SW NE	2101	2.90	2.90	GILCREASE
5 N	26 E	WM	25	SW NE	2102	5.00	5.00	NUXALL
5 N	26 E	WM	25	SW NE	2400	4.10	0.00	BIAMONTE
5 N	26 E	WM	25	SW NE	2500	1.30	1.30	CREAMER
<b>SUB-TOTAL:</b>						<b>21.90</b>	<b>9.40</b>	
5 N	26 E	WM	25	SE NE	2600	11.60	11.60	MORROW CO.
5 N	26 E	WM	25	SE NE	2700	2.20	2.20	MORROW CO.
<b>SUB-TOTAL:</b>						<b>13.80</b>	<b>13.80</b>	
5 N	26 E	WM	25	NE NW	200	4.60	4.60	ALLEN
5 N	26 E	WM	25	NE NW	1500	4.30	4.30	HULSE
<b>SUB-TOTAL:</b>						<b>8.90</b>	<b>8.90</b>	
5 N	26 E	WM	25	SE NW	1603	2.30	0.00	GUI TERREZ
5 N	26 E	WM	25	SE NW	1604	2.40	0.00	GUI TERREZ
5 N	26 E	WM	25	SE NW	1703	1.00	1.00	AKERS
<b>SUB-TOTAL:</b>						<b>5.70</b>	<b>1.00</b>	
<b>TOTAL:</b>						<b>66.30</b>	<b>47.30</b>	

Application T-8715 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	QTR-QTR	TL	CERTIFICATE (ACRES)		USER
						79924 (IR)	79929 (IS)	
5 N	27 E	WM	13	NW SW	1200	0.20	0.20	NELSON
5 N	27 E	WM	13	NE SE	104	0.60	0.60	KRAMER
5 N	27 E	WM	13	NE SE	203	0.20	0.20	FURSTENBERG
5 N	27 E	WM	13	NW SE	600	0.30	0.30	METCALF
<b>SUB-TOTAL:</b>						<b>1.30</b>	<b>1.30</b>	
5 N	27 E	WM	14	SE SW	801	0.70	0.00	KALAL
5 N	27 E	WM	14	SE SW	900	0.70	0.00	KALAL
<b>SUB-TOTAL:</b>						<b>1.40</b>	<b>0.00</b>	
5 N	27 E	WM	30	NW NW	800	0.10	0.00	SANCHEZ
5 N	27 E	WM	30	NW NW	900	0.10	0.00	STONE
5 N	27 E	WM	30	NW NW	1000	0.20	0.00	FOSTER
5 N	27 E	WM	30	NW NW	1400	0.20	0.00	LOPEZ-GOMEZ
5 N	27 E	WM	30	NW NW	1700	0.10	0.00	BERNAL
5 N	27 E	WM	30	NW NW	1800	0.10	0.00	STRONG
5 N	27 E	WM	30	NW NW	2000	0.20	0.00	STANDLEY
5 N	27 E	WM	30	NW NW	2100	0.20	0.00	HARRISON
5 N	27 E	WM	30	NW NW	2600	0.20	0.00	DAVIS

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	QTR-QTR	TL	CERTIFICATE (ACRES)		USER
						79924 (IR)	79929 (IS)	
<b>SUB-TOTAL:</b>						<b>1.40</b>	<b>0.00</b>	
5 N	27 E	WM	30	SW NW	100	0.80	0.80	STRATTON
5 N	27 E	WM	30	SW NW	200	0.80	0.80	STRATTON
5 N	27 E	WM	30	SW NW	300	0.80	0.80	LANDEROS
5 N	27 E	WM	30	SW NW	400	0.80	0.80	MEYERS
5 N	27 E	WM	30	SW NW	500	0.80	0.80	CALVERT
5 N	27 E	WM	30	SW NW	600	0.80	0.80	BISHOP
5 N	27 E	WM	30	SW NW	700	0.80	0.80	SMITH
5 N	27 E	WM	30	SW NW	800	0.80	0.80	BURNELL
5 N	27 E	WM	30	SW NW	900	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1000	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1100	0.80	0.80	BURNELL
5 N	27 E	WM	30	SW NW	1200	0.80	0.80	BURNELL
5 N	27 E	WM	30	SW NW	1300	0.80	0.80	SWANSON
5 N	27 E	WM	30	SW NW	1400	0.80	0.80	SWANSON
5 N	27 E	WM	30	SW NW	1500	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1600	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1700	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1800	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	1900	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	2000	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	2100	0.70	0.70	BURNELL
5 N	27 E	WM	30	SW NW	2500	0.90	0.90	RODRIGUEZ
<b>SUB-TOTAL:</b>						<b>16.80</b>	<b>16.80</b>	
5 N	27 E	WM	30	SE NW	100	0.80	0.80	ESTRADA
5 N	27 E	WM	30	SE NW	102	0.80	0.80	TOBOLA
5 N	27 E	WM	30	SE NW	103	0.80	0.80	CARTER
5 N	27 E	WM	30	SE NW	104	0.80	0.80	MARSTERS
5 N	27 E	WM	30	SE NW	105	0.80	0.80	HURTADO
5 N	27 E	WM	30	SE NW	106	0.80	0.80	SPAUR
5 N	27 E	WM	30	SE NW	107	0.80	0.80	HANSEN
5 N	27 E	WM	30	SE NW	108	0.80	0.80	DUMLER
5 N	27 E	WM	30	SE NW	109	0.80	0.80	JUNG
5 N	27 E	WM	30	SE NW	110	0.80	0.80	GUMBERT
5 N	27 E	WM	30	SE NW	111	0.80	0.80	ROA
5 N	27 E	WM	30	SE NW	112	0.80	0.80	STITH
5 N	27 E	WM	30	SE NW	114	0.80	0.80	NORDQUIST
5 N	27 E	WM	30	SE NW	115	0.80	0.00	CALVILLO
5 N	27 E	WM	30	SE NW	116	0.70	0.00	CALVILLO

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	QTR-QTR	TL	CERTIFICATE (ACRES)		USER
						79924 (IR)	79929 (IS)	
5 N	27 E	WM	30	SE NW	118	0.70	0.30	DIKE
5 N	27 E	WM	30	SE NW	121	0.60	0.00	NAJERA
5 N	27 E	WM	30	SE NW	900	2.50	0.00	ELWARD
<b>SUB-TOTAL:</b>						<b>15.70</b>	<b>10.70</b>	
5 N	27 E	WM	31	NW SW	201	1.00	0.00	HOLTZ
5 N	27 E	WM	31	NW SW	202	3.50	0.00	HOLTZ
<b>SUB-TOTAL:</b>						<b>4.50</b>	<b>0.00</b>	
5 N	28 E	WM	18	SW NW	604	0.20	0.20	GREENAWALT
5 N	28 E	WM	18	SE NW	604	0.50	0.50	GREENAWALT
5 N	28 E	WM	18	SE NW	600	3.30	3.30	DEMPSEY
5 N	28 E	WM	18	NE SW	600	1.10	1.10	DEMPSEY
5 N	28 E	WM	18	NE SW	604	0.80	0.80	GREENAWALT
5 N	28 E	WM	18	NW SW	604	3.10	3.10	GREENAWALT
5 N	28 E	WM	18	NW SW	605	2.50	2.50	GRIGGS
5 N	28 E	WM	18	NW SW	100	0.30	0.30	BRIDGEWATER
<b>SUB-TOTAL:</b>						<b>11.80</b>	<b>11.80</b>	
4 N	25 E	WM	14	SW SW	1100	2.20	0.00	PARKER
4 N	25 E	WM	14	SW SW	2000	3.00	0.00	KEGLER
<b>SUB-TOTAL:</b>						<b>5.20</b>	<b>0.00</b>	
4 N	25 E	WM	20	SE NE	1200	1.00	0.00	JURNEY
<b>SUB-TOTAL:</b>						<b>1.00</b>	<b>0.00</b>	
4 N	25 E	WM	20	SW NE	7400	1.70	1.70	VILLEGAS
4 N	25 E	WM	20	SW NE	7403	1.50	1.50	VILLEGAS
4 N	25 E	WM	20	SW NE	7404	2.00	2.00	VILLEGAS
4 N	25 E	WM	20	SW NE	7405	1.50	1.50	VILLEGAS
<b>SUB-TOTAL:</b>						<b>6.70</b>	<b>6.70</b>	
4 N	26 E	WM	1	NE NW	301	0.50	0.00	DOONEY
<b>SUB-TOTAL:</b>						<b>0.50</b>	<b>0.00</b>	
<b>TOTAL:</b>						<b>66.30</b>	<b>47.30</b>	

5. Upon review of the proposed transfer, Department staff identified an irrigation water right evidenced by Certificate 50921 existing on the proposed place of use lands located within section 18, T 5 N, R 28 E, W.M.. The Department requested the landowners cancel or diminish the existing water right to supplemental irrigation.
6. The Department received affidavits from the landowners listed in the following table to cancel a portion of Water Right Certificate 50921 issued in the name of O. L. Carpenter. Certificate 50921 allows for the use of 1.74 cubic feet per second (cfs) from the Columbia River for irrigation of 104.47 acres. The date of priority is March 23, 1956. The affiants

requested the Department cancel a total of 10.99 acres of water right appurtenant to their lands for the use of 0.18 cfs located as follows:

CANCELLATION AFFIDAVITS – CERTIFICATE 50921							
TWP	RNG	SEC	QTR-QTR	TL	Gov't Lot	ACRES	AFFIANTS
5N	28E	18	SW NW	604	4	0.26	GREENAWALT / GRIGGS
5N	28E	18	SE NW	604	3	0.41	GREENAWALT / GRIGGS
5N	28E	18	SE NW	600	3	2.91	DEMPSEY
5N	28E	18	NE SW	604		0.84	GREENAWALT / GRIGGS
5N	28E	18	NE SW	600		0.70	DEMPSEY
5N	28E	18	NW SW	604		2.84	GREENAWALT / GRIGGS
5N	28E	18	NW SW	605		3.03	GRIGGS
TOTAL:						10.99	

7. Pursuant to OAR 690-017-002(a), the Department has determined that the affiants listed in the table above are the record owners, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 50921 is appurtenant.
8. The Department has determined the portion of Certificate 50921 which has been abandoned is for the use of 0.18 cfs from the Columbia River for irrigation of 10.99 acres.
9. 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.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in place of use would not result in enlargement of the rights.

**Conclusions of Law**


1. The proposed change in place of use in Transfer Application T-8715 satisfies the requirements of ORS 540.574(3) and 540.580.
2. The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 50921 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

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

1. The proposed changes to the District’s existing water right Certificates 79924 and 79929 are approved.
2. The Department shall issue new water right certificates on a determination that it is necessary to produce a certificate describing each right.

3. Certificate 50921 is canceled and the Department shall issue Certificate 82634, a new and superseding certificate, to describe the remaining portion of the water right NOT canceled by the provisions of this order.
4. 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 rights, related decree, and the Final Order approving T-8715.
5. The former places of use shall no longer be irrigated as part of these water rights.
6. The proposed changes shall be completed on or before October 1, 2007.
7. A Claim of Beneficial Use and Final Proof Map shall be submitted by the West Extension Irrigation District to the Department by October 1, 2008.

Dated at Salem, Oregon this 6<sup>th</sup> day of September, 2006.

  
Phillip C. Ward, Director

Mailing Date: SEP 14 2006