

STATE OF OREGON

COUNTY OF UMATILLA

**ORDER OF THE OREGON WATER RESOURCES DEPARTMENT APPROVING A
TEMPORARY CHANGE IN PLACE OF USE IN AN IRRIGATION DISTRICT**

Pursuant to ORS 540.570, after the Department published notice in summary form on January 30, 2001, and no objections were filed; and pursuant to ORS 540.570 (3) and OAR 690-21-060 (2) finding that no injury to existing water rights or an enlargement of existing rights would result; this order approves as conditioned or limited herein, TEMPORARY DISTRICT TRANSFER 8657 submitted by:

WESTLAND IRRIGATION DISTRICT
DOUBLE M RANCH, INC.
P. O. BOX 416
STANFIELD, OREGON 97875.

I.

The first water right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and Transfer 3135. The decree is recorded in the Order Record of the Water Resources Director in Volume 3 at Page 246 (Umatilla River Decree). The order approving Transfer 3135 is recorded in Special Order Volume 31 at page 441. The date of priority is March 14, 1903

The right evidenced by Transfer 3135 allows the use of the Umatilla River, a tributary of the Columbia River, for irrigation of 80.0 acres. The authorized point of diversion is located as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 N, Range 29 E, W.M.; north 76 degrees 45 minutes 56 seconds east 2913 feet from the southwest corner of the NW $\frac{1}{4}$, Section 21.

The supplemental irrigation water right for the lands described by Transfer 3135, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 80.0 acres.

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

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The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	SW NE	4100	1.5	DOUBLE M RANCH, INC.
IR	3N	28E	13	SE NE	4100	1.2	DOUBLE M RANCH, INC.
IR	3N	28E	13	NE SW	4180	2.5	DOUBLE M RANCH, INC.
IR	3N	28E	13	SE SW	4101	1.5	DOUBLE M RANCH, INC.
IR	3N	28E	13	NE SE	4190	35.8	DOUBLE M RANCH, INC.
IR	3N	28E	13	NW SE	4190	37.5	DOUBLE M RANCH, INC.

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	NE NE	4100	3.1	DOUBLE M RANCH, INC.
IR	3N	28E	13	NW NE	4100	31.5	DOUBLE M RANCH, INC.
IR	3N	28E	13	SW NE	4100	12.8	DOUBLE M RANCH, INC.
IR	3N	28E	13	NE NW	4100	17.4	DOUBLE M RANCH, INC.
IR	3N	28E	13	SE NW	4100	15.2	DOUBLE M RANCH, INC.

II.

The second water right to be modified, as evidenced by a portion of Certificate 76050, was perfected under Permit 25920. The date of priority is April 22, 1955.

The right allows the use of Umatilla River, a tributary of the Columbia River, for irrigation of 56.6 acres. The authorized point of diversion is located as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 N, Range 29 E, W.M.; north 76 degrees 45 minutes 56 seconds east 2913 feet from the southwest corner of the NW $\frac{1}{4}$, Section 21.

The supplemental irrigation water right for the lands described by a portion of Certificate 76050, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 56.6 acres.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	SW SE	4190	34.4	DOUBLE M RANCH, INC.
IR	3N	28E	13	SE SE	4190	22.2	DOUBLE M RANCH, INC.

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The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	NE SE	4190	3.5	DOUBLE M RANCH, INC.
IR	3N	28E	13	NW SE	4190	17.7	DOUBLE M RANCH, INC.
IR	3N	28E	13	SW SE	4190	17.7	DOUBLE M RANCH, INC.
IR	3N	28E	13	SE SE	4190	17.7	DOUBLE M RANCH, INC.

III.

The third water right to be modified, as evidenced by a portion of Certificate 76051, was perfected under Permit 25924. The date of priority is June 27, 1958.

The right allows the use of Umatilla River, a tributary of the Columbia River, for irrigation of 14.2 acres. The authorized point of diversion is located as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, TOWNSHIP 3 N, RANGE 29 E, W.M.; north 76 degrees 45 minutes 56 seconds east 2913 feet from the southwest corner of the NW $\frac{1}{4}$, Section 21.

The supplemental irrigation water right for the lands described by a portion of Certificate 76051, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 14.2 acres.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	SE SE	4190	14.2	DOUBLE M RANCH, INC.

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	NE SE	4190	14.2	DOUBLE M RANCH, INC

IV.

The fourth water right to be modified was perfected under permit G-3971, as evidenced by a portion of Certificate 41756, and further described by Transfer 6833. The order approving Transfer 6833 is recorded in Special Order Volume 49 at page 239. The date of priority is February 1, 1968.

The right allows the use of ground water for irrigation of 27.3 acres. The authorized points of appropriation are located as follows:

WELL #1 — NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 3 N, Range 28 E, W. M.; 270 feet south and 2540 feet west from the northeast corner, Section 13.

WELL #2 — SW¼ NW¼, Section 18, Township 3 N, Range 29 E, W. M.; 1450 feet south and 3160 feet west from the north ¼ corner, Section 18.

The applicant proposes to change the use of water from primary to supplemental for the period of the temporary transfer.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER
IR	3N	28E	13	NE NE	4100	3.1	DOUBLE M RANCH, INC
IR	3N	28E	13	NW NE	4100	22.1	DOUBLE M RANCH, INC.
IR	3N	28E	13	SW NE	4160	2.1	DOUBLE M RANCH, INC.

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE YEAR **2001 IRRIGATION SEASON** MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(2) water may not be used on either the authorized places of use or proposed places of use prior to March 23, 2001.
2. The authorized places of use will receive no water under any remaining rights or rights transferred-out by Transfer 8657 for the 2001 irrigation season.
3. The authorized places of use will receive no water under any other rights appurtenant to these lands for the 2001 irrigation season unless water rights are transferred to those lands.
4. That portion of Certificate 41756, described in **IV.** above, may be used for supplemental irrigation on the authorized places of use during the 2001 irrigation season.
5. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use.
6. Pursuant to 540.570(6) the Department may further condition or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
7. Pursuant to 540.570(7), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the location, terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Dated MAR 07 2001



Thomas J. Paul, Administrator
Field Services Division