BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

| In the Matter of Transfer Application |) | FINAL ORDER |
|---------------------------------------|---|-----------------------|
| T-11637, Umatilla County |) | APPROVING A TEMPORARY |
| |) | DISTRICT TRANSFER |

Authority

ORS 540.570 to 540.580 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

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

Findings of Fact

Background

- 1. On July 10, 2013, Hermiston Irrigation District (HID) filed a district transfer application to temporarily change the place of use under a portion of the Umatilla River Decree. The Department assigned the application number T-11637.
- 2. Notice of the application for transfer was published on July 16, 2013, pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
- 3. The portion of the right to be transferred is as follows:
 - Water Right: 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 242.
 - Uses: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 8.0 ACRES

 Priority Dates: FEBRUARY 25, 1904 for the use of natural flow of the Umatilla River through the Maxwell Canal for primary irrigation and September 6, 1905 for supplemental irrigation from water stored in Cold Springs Reservoir. The waters may be jointly and interchangeably upon the lands described by the decree.
 - 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

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.

one-eightieth of once cubic foot per second (or its equivalent) and 3.0 acrefeet 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.

Sources:

Umatilla River and Cold Springs Reservoir, tributaries of the Columbia

River

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Description | |
|-----|------|-----|-----|-------|---------------------------------------|--|
| 4 N | 28 E | WM | 28 | NW SW | Maxwell Canal | |
| 4 N | 29 E | WM | 3 | SE NW | "A" Line Canal/Cold Springs Reservoir | |
| 4 N | 29 E | WM | 22 | SE SW | US Feed Canal | |

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Tax Lot | Acres |
|-----|------|-----|-----|-------|---------|-------|
| 4 N | 28 E | WM | 21 | SW SW | 700 | 8.0 |

4. Transfer Application T-11637 proposes to temporarily change the place of use of the right during the 2013 irrigation season to:

| Twp | Rng | Mer | Sec | Q-Q | Tax Lot | Acres |
|-----|------|-----|-----|-------|---------|-------|
| 4 N | 28 E | WM | 20 | SE SE | 1100 | 8.0 |

- 5. 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.
- 6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 7. The proposed change in place of use would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use as proposed in Transfer Application T-11637 satisfies the requirements of ORS 540.570 and 540.574.

Now, therefore, it is ORDERED:

- 1. The proposed temporary change in place of use to the vested water right evidenced by the Decree of the Circuit Court of the State of Oregon for Umatilla is approved.
- 2. The temporary transfer is effective for 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 the decree.
- 4. 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.
- 5. 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.
- 6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
- 7. The water user shall maintain the existing meters or measuring device and shall make such improvements as may be required by the Department.
- 8. At the end of the **2013** irrigation season all use of water under this temporary transfer reverts 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 ______ day of August, 2013.

Dwight French, Water Right Services Administrator for

Phillip/C. Ward, Director

Mailing date: AUG 3 0 2013