

**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-10074, Umatilla County) APPROVING A PERMANENT
) DISTRICT TRANSFER
)

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 AVE
HERMISTON, OR 97838

Findings of Fact

1. On January 23, 2006, HERMISTON IRRIGATION DISTRICT, filed a district transfer application to permanently change the place of use of water under their vested right for irrigation within the boundaries of the irrigation district. The Department assigned the application number T-10074.
2. 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.
3. The portion of the right to be transferred is as follows:

Certificate: 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, as modified herein and issued in the name of Hermiston Irrigation District.

Use: Irrigation and Supplemental Irrigation

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

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 OR 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.

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 Columbia River

Authorized Points of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION
4 N	28 E	W.M.	28	NW SW	Maxwell Canal
4 N	2 9E	W.M.	3	SE NW	"A" Line Canal / Cold Springs Dam

Authorized Place of Use:

IRRIGATION & SUPPLEMENTAL IRRIGATION – UMATILLA RIVER DECREE – VOL. 3, PAGE 242									
TWP	RNG	MER	SEC	1/4 -1/4	TAX LOT	AC	DUTY AC-FT	USER	NOTICE#
4N	29E	W.M.	6	NE SW	100	2.50	6.0	WEEMS	2006-01
4N	29E	W.M.	6	NW SE	300	0.40	6.0	ISHMAEL	2006-02
4N	28E	W.M.	12	SE NE	1300	2.00	3.0	SATHER	2006-03
4N	28E	W.M.	15	SW NE	100	0.20	6.0	BURNS	2006-04
4N	28E	W.M.	15	SW NE	100	2.80	3.0	BURNS	2006-04
TOTAL:						7.90			

4. Application T-10074 proposes to change the place of use to:

IRRIGATION & SUPPLEMENTAL IRRIGATION – UMATILLA RIVER DECREE – VOL. 3, PAGE 242									
TWP	RNG	MER	SEC	1/4 -1/4	TAX LOT	AC	DUTY AC-FT	USER	NOTICE#
4N	29E	W.M.	5	NW NW	3500	1.00	6.0	NELSON	2006-01
4N	29E	W.M.	5	NW NW	3700	0.50	6.0	SATHER / BURNS	2006-01
4N	29E	W.M.	5	NW NW	3600	1.00	6.0	PATTERSON	2006-01
4N	29E	W.M.	5	NW NW	3700	0.40	6.0	SATHER / BURNS	2006-02
4N	29E	W.M.	5	NW NW	4200	1.00	3.0	SAMOSKA	2006-03
4N	29E	W.M.	5	NW NW	4000	1.00	3.0	SHOEMAKE	2006-03
4N	29E	W.M.	5	NW NW	3700	0.20	6.0	SATHER / BURNS	2006-04
4N	29E	W.M.	5	NW NW	3800	0.80	3.0	SATHER / BURNS	2006-04
4N	29E	W.M.	5	NW NW	4100	1.00	3.0	CHERRY	2006-04
4N	29E	W.M.	5	NW NW	3900	1.00	3.0	SOWELL	2006-04
TOTAL:						7.90			

5. 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.
6. The water rights are 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 in place of use would not result in injury to other water rights.


Conclusions of Law

The proposed change in place of use in Transfer Application T-10074 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change to the District's vested water right evidenced by Decree of the Circuit Court of the State of Oregon for Umtilla County, of record at Salem, in the Order Record of the Water Resources Director, in Volume 3, at Page 242 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 decree and the Final Order approving T-10074.
3. The former places of use shall no longer be irrigated as part of this water right.
4. Water may be used on the proposed place of use described under Notices 2006-03 and 2006-04 only when water is available in the "A" line canal, and the district shall cease deliveries to those lands when the "A" line canal conveys no water.
5. The proposed changes shall be completed on or before October 1, 2007.
6. A Claim of Beneficial Use and Final Proof Map shall be submitted by the applicant to the Department by October 1, 2008.
7. The Department shall issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 24th day of March, 2006



Phillip C. Ward, Director

Mailing Date: MAR 28 2006