

**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-10611, Umatilla County) **APPROVING A 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
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On May 5, 2008, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76715, 79439 and 82441. The Department assigned the application number T-10611.
2. Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right and its supplemental water right to be transferred are as follows:
 - Certificate:** 76715, in the name of Westland Irrigation District (confirmed by the Umatilla River Decree)
 - Use:** Irrigation (IR) of 15.7 acres
 - Priority Date:** March 14, 1903
 - Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and subject to the limitations of Paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year.
 - Season:** MARCH 1 to NOVEMBER 1
 - Source:** Umatilla River, a tributary of the Columbia River

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

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

Use: Supplemental Irrigation of 15.7 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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 therein.

Source: McKay Reservoir (constructed under R-564), a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 Feet from the W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE(ACRES)		User
						76715 (IR)	79439 (IS)	
3 N	29 E	WM	18	NW NW	5600	10.7	10.7	DOUBLE M RANCH, INC
3 N	29 E	WM	18	SW NW	5600	5.0	5.0	DOUBLE M RANCH, INC
TOTAL:						15.7	15.7	

5. Transfer Application T-10611 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		User
						76715 (IR)	79439 (IS)	
3 N	29 E	WM	18	NW NW	5600	14.0	14.0	DOUBLE M RANCH, INC
3 N	29 E	WM	18	SW NW	5600	1.7	1.7	DOUBLE M RANCH, INC
TOTAL:						15.7	15.7	

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

Certificate: 82441, in the name of Double M Ranch, Inc. (perfected under Permit G-10222)

Use: Irrigation of 32.60 acres

Priority Date: January 10, 1983

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) 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.

Source: Well #1, within the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	28E	WM	13	NW NE	WELL #1 - 270 Feet South and 2540 Feet West from the NE Corner of Section 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	28E	WM	13	NW NE	32.6

- Transfer Application T-10611 proposes to TEMPORARILY change the place of use for the above described right to within the same quarter-quarter located:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User
3 N	29 E	WM	18	NW NW	5600	32.6	DOUBLE M RANCH, INC

- The district temporary 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.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use would not result in enlargement of the rights.
- The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

The proposed changes in place of use in Transfer Application T-10611 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- The proposed changes in place of use as proposed in Transfer Application T-10611 are approved.
- The temporary transfer is effective for the 2008 irrigation season.
- The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
- 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 76715, 79439, 82441 and any related decree.

5. 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.
6. 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.
7. At the end of the 2008 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication, as evidenced by a court decree.
8. The District shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 23rd day of June, 2008.


Phillip C. Ward, Director

PC

Mailing Date: JUN 26 2008