BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	F	I	N	\mathbf{A}	L	0	R	D	\mathbf{E}	R
T-10359, Umatilla County)	A	APF	PRO	VIN	IG A	DISTI	RICT	Γ		
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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 April 4, 2007, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76050, 75127 and 81815. The Department assigned the application number T-10359.
- 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. Westland Irrigation District specified water for primary irrigation use under a portion of Certificate 76050 and supplemental use under a portion of Certificate 81815 on the "TO" lands will not be used during the course of the 2007 Irrigation Season, and is fully described in Findings of Fact #4.
- 4. The portion of the first right to be transferred are as follows:

Certificate: 76050, issued in the name of Teel Irrigation District

Use: Irrigation (IR) of 496.3 acres **Priority Date:** April 22, 1955

Rate & Duty: ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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.

Source: Umatilla River, a tributary of the Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	29 E	WM	21		WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W1/4 Corner of Section 21

Certificate: 75127, issued in the name of Chester and Rosalie Prior (Perfected under

permit G-6069

Use: Supplemental Irrigation (IS) of 496.3 acres

Priority Date: September 5, 1974

Quantity: 5.39 Cubic Feet Per Second, being 2.2 cfs from Well#8 and 3.19 cfs from

Well#4

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year., 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: Prior Wells # 4 and #8, within the Umatilla River Basin.

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES				
2 N	28 E	WM	1	SE NW	PRIOR WELL #4 – 2640 Feet South and 630 Feet West from the N¼ Corner of Section 1				
2 N	28 E	WM	2	NE SE	PRIOR WELL #8 – 2800 Feet South and 500 Feet West from the NE Corner of Section 2				

Certificate: 81815, issued in the name of Chester Prior, Eagle Ranch

Use: Supplemental Irrigation (IS) of 496.3 acres

Priority Date: August 3, 1981

Rate & Duty: ONE-FORTIETH of one cubic foot per second (or its equivalent) and 1.5 acre-feet for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein be for supplemental irrigation, the right allowed may, in the interest of conserving the ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein. The use of water during the period November 15 to the last day February of each year shall not establish priority of right as against future appropriations for beneficial uses or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

Source: Umatilla River, a tributary of the Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	29 E	WM	21		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)													
TWD	RNG MER SEC QTR-QTR TL CERTIFICATE (ACRES)								HGED					
1 W	RING	MEK	SEC	QIR-QIR	1L	76050 (IR)	75127(IS)	81815 (IS)	USER					
2 N	28 E	WM	1	SW NW	200	25.5	25.5	25.5	CHESTER PRIOR					
2 N	28 E	WM	1	NE SW	200	37.1	37.1	37.1	CHESTER PRIOR					
2 N	28 E	WM	1	NW SW	200	31.0	31.0	31.0	CHESTER PRIOR					
2 N	28 E	WM	1	SW SW	200	28.8	28.8	28.8	CHESTER PRIOR					
2 N	28 E	WM	1	SE SW	200	31.2	31.2	31.2	CHESTER PRIOR					
2 N	28 E	WM	2	NE NE	300	8.2	8.2	8.2	CHESTER PRIOR					
2 N	28 E	WM	2	NW NE	300	36.7	36.7	36.7	CHESTER PRIOR					
2 N	28 E	WM	2	SW NE	300	38.2	38.2	38.2	CHESTER PRIOR					
2 N	28 E	WM	2	SE NE	300	29.2	29.2	29.2	CHESTER PRIOR					
2 N	28 E	WM	2	NE NW	300	33.3	33.3	33.3	CHESTER PRIOR					
2 N	28 E	WM	2	NW NW	300	32.2	32.2	32.2	CHESTER PRIOR					
2 N	28 E	WM	2	SW NW	300	27.8	27.8	27.8	CHESTER PRIOR					
2 N	28 E	WM	2	SE NW	300	30.0	30.0	30.0	CHESTER PRIOR					
2 N	28 E	WM	2	NE SE	500	19.1	19.1	19.1	CHESTER PRIOR					
2 N	28 E	WM	2	NW SE	500	30.0	30.0	30.0	CHESTER PRIOR					
2 N	28 E	WM	2	SW SE	500	35.2	35.2	35.2	CHESTER PRIOR					
2 N	28 E	WM	2	SE SE	500	22.8	22.8	22.8	CHESTER PRIOR					
				TOTA	L:	496.3	496.3	496.3						

Application T-10359 proposes to TEMPORARILY diminish the lands under Certificate 76050 from primary irrigation to supplemental irrigation and change the place of use for the above described rights to:

	SUPPLEMENTAL IRRIGATION (IS)													
TWD	DNC	MED	CEC	OTD OTD	TOT	CERTI	FICATE (A	CRES)	HGED					
IWP	RNG	WIER	SEC	QTR-QTR	TL	76050 (IS)*	75127 (IS)	81815 (IS)	USER					
3 N	28 E	WM	20	NE SE	6700	31.9	31.9	31.9	CHESTER PRIOR					
3 N	28 E	WM	20	NW SE	6700	31.3	31.3	31.3	CHESTER PRIOR					
3 N	28 E	WM	20	SW SE	6700	32.7	32.7	32.7	CHESTER PRIOR					
3 N	28 E	WM	20	SE SE	6700	32.2	32.2	32.2	CHESTER PRIOR					
3 N	28 E	WM	21	NE SE	6800	29.9	29.9	29.9	CHESTER PRIOR					
3 N	28 E	WM	21	NW SE	6900	30.6	30.6	30.6	CHESTER PRIOR					
3 N	28 E	WM	21	SW SE	6800	32.4	32.4	32.4	CHESTER PRIOR					
3 N	28 E	WM	21	SE SE	6800	31.2	31.2	31.2	CHESTER PRIOR					
3 N	28 E	WM	29	NE NE	8100	30.7	30.7	30.7	CHESTER PRIOR					
3 N	28 E	WM	29	NW NE	8100	29.9	29.9	29.9	CHESTER PRIOR					

	SUPPLEMENTAL IRRIGATION (IS)													
	DNG	N CEN	CEC	OWD OWD	mr	CERTI	FICATE (A	CRES)	TICED					
TWP	RNG	RNG MER SEC QTR-QTR		Q1R-Q1R	TL	76050 (IS)*	75127 (IS)	81815 (IS)	USER					
3 N	28 E	WM	29	SW NE	8100	29.6	29.6	29.6	CHESTER PRIOR					
3 N	28 E	WM	29	SE NE	8100	30.0	30.0	30.0	CHESTER PRIOR					
3 N	28 E	WM	29	NE NW	8100	28.7	28.7	28.7	CHESTER PRIOR					
3 N	28 E	WM	29	NW NW	8100	33.1	33.1	33.1	CHESTER PRIOR					
3 N	28 E	WM	29	SW NW	8100	33.1	33.1	33.1	CHESTER PRIOR					
3 N	28 E	WM	29	SE NW	8100	28.5	28.5	28.5	CHESTER PRIOR					
3 N	28 E	WM	30	NE NE	8100	0.2	0.2	0.2	CHESTER PRIOR					
3 N	28 E	WM	30	SE NE	8100	0.3	0.3	0.3	CHESTER PRIOR					
				TOTAL:		496.3	496.3	496.3						

- * NOTE: The applicant has requested to diminish the above described Certificate 76050 (496.3 acres) at the new proposed place of use to supplemental irrigation to existing primary water right Certificates 76050, 76717, 76799 and 76051.
- 5. The use of water under Certificate 75127 for the 2007 irrigation season is subject to the order dated August 28, 2006, recorded at Special Order Volume 69, page 687, approving an allocation of groundwater within the Stage Gulch Critical Groundwater Area.
- 6. The diminishment and proposed use of water for supplemental irrigation under Certificate 76050 on the proposed lands together with the same existing water right Certificate 76050 on these "TO" lands is limited to an appropriation of no more than the allowable rate and duty per each acre as described within the certificate during the 2007 season.
- 7. 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.
- 8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 9. The proposed change in place of use would not result in enlargement of the rights.
- 10. The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

- 1. The proposed change in place of use in Transfer Application T-10359 satisfies the requirements of ORS 540.574(3) and 540.570.
- 2. The use of water under Certificate 76050 is restricted to the limitations contained in the certificate as described in Findings of Fact #6.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76050, 75127 and 81815 are approved.

- 2. The temporary transfer is effective for the 2007 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 Certificates 76050, 75127 and 81815 and any related decree.
- 4. Certificate 75127 is diminished to supplemental irrigation for the 2007 irrigation season, as described in Findings of Fact #4 and #5, and may be used only to make up a deficiency of supply for Certificates 76050, 76051, 76799, and 76717.
- 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 2007 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.

Dated at Salem, Oregon this 2/57 da	ny of <u>May</u> , 2007
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Phillip C. Ward, Director

JUN 0 4 2007

Mailing Date:

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