

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13646, Umatilla) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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 March 9, 2021, Hermiston Irrigation District (HID) filed a completed district transfer application to permanently change the place of use under Certificate 89006. The Department assigned the application number T-13646.
2. Notice of the District Permanent Transfer Application was published on March 30, 2021, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on March 30, 2021; no comments were received within 90 days of the notification.
4. The portion of the first right to be transferred is as follows:
Certificate: 89006 in the name of U.S. BUREAU OF RECLAMATION (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)
Use: PRIMARY and SUPPLEMENTAL IRRIGATION OF 30.7 ACRES
Priority Dates: FEBRUARY 25, 1904 [Umatilla River through the Maxwell Canal (HID-M)] for 13.7 acres and SEPTEMBER 6, 1905 [Umatilla River through the Feed Canal and Cold Springs Reservoir (HID-A)] for 17.0 acres.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Limit/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 (AF) for each acre irrigated each year. For those lands comprised of coarse sand or loose gravel subsoil or loos 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: The UMATILLA RIVER and COLD SPRINGS RESERVOIR (confirmed under Certificate 87137), tributaries of the COLUMBIA RIVER

Authorized Points, of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	28	NW SW	MAXWELL CANAL (HID-M):
4 N	29 E	WM	3	SE NW	COLD SPRINGS DAM and A-CANAL (HID-A): 1490 FEET SOUTH AND 2840 FEET EAST FROM THE NW¼ CORNER OF SECTION 3
4 N	29 E	WM	22	SE SW	FEED CANAL

Authorized Place of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	AF/Acre	Acres	Water User	Canal
2/25/1904	4 N	28 E	WM	3	SE NW	806	6	4.50	BROWN	HID-M
2/25/1904	4 N	28 E	WM	3	NW SW	503	6	0.30	BUSH	HID-M
2/25/1904	4 N	28 E	WM	14	NW NE	202	3	0.30	LEROUX	HID-M
9/6/1905	4 N	28 E	WM	14	SW SW	800	3	1.10	SHERRELL	HID-A
9/6/1905	4 N	28 E	WM	14	SW SW	700	3	0.50	SHERRELL	HID-A
9/6/1905	4 N	28 E	WM	14	SW SW	500	3	1.50	SHERRELL	HID-A
9/6/1905	4 N	28 E	WM	15	SW SE	1200	6	1.70	WINEBARGER	HID-A
2/25/1904	4 N	28 E	WM	15	SE SE	1500	3	1.60	ALTENBERGER	HID-M
2/25/1904	4 N	28 E	WM	16	NW NE	100	6	5.40	HUNSAKER	HID-M
9/6/1905	4 N	28 E	WM	20	NE SE	200	6	3.50	SOPER	HID-A
2/25/1904	4 N	28 E	WM	21	NW NW	1800	6	0.70	RUBIO	HID-M
9/6/1905	4 N	29 E	WM	5	NW NW	3600	6	0.70	MENDOZA	HID-A
9/6/2005	4 N	29 E	WM	5	SW SW	1401	3	1.00	ZABRANSKY	HID-A
9/6/1905	4 N	29 E	WM	6	NE NE	3800	6	0.60	ELLIS	HID-A
9/6/1905	5 N	28 E	WM	28	SW NE	701	6	0.40	KONTOUR	HID-A
9/6/1905	5 N	28 E	WM	28	NE SW	101	3	1.00	KONTOUR	HID-A
2/25/1904	5 N	28 E	WM	34	SE NW	803	6	0.90	PALACIOS	HID-M
9/6/1905	5 N	29 E	WM	32	SE SW	106	6	1.00	ELLIS	HID-A
9/6/1905	5 N	29 E	WM	33	SE NW	700	6	4.00	WILSON	HID-A
								Total:	30.70	

5. Transfer Application T-13646 proposes to change the place of use to:

Proposed Place of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	AF/Acre	Acres	Water User	Canal
9/6/1905	4 N	28 E	WM	12	NE NE	201	3	0.50	HUNTER	HID-A
9/6/1905	4 N	28 E	WM	12	NE NE	200	3	0.50	HUNTER	HID-A
2/25/1904	4 N	28 E	WM	12	NE SE	100	3	0.30	MAIOCCO	HID-M
9/6/1905	4 N	28 E	WM	14	SW SW	100	3	2.80	SHERRELL	HID-A
9/6/1905	4 N	28 E	WM	14	SW SW	600	3	0.30	SHERRELL	HID-A
9/6/1905	4 N	28 E	WM	15	SE SE	1700	6	1.70	ALTENBERGER	HID-A
2/25/1904	4 N	28 E	WM	15	SE SE	1700	3	1.60	ALTENBERGER	HID-M
9/6/1905	4 N	29 E	WM	5	NW NW	3600	6	0.70	MENDOZA	HID-A
9/6/1905	4 N	29 E	WM	6	NE NE	3700	6	0.10	ELLIS	HID-A
9/6/1905	4 N	29 E	WM	6	NE NE	3800	6	1.50	ELLIS	HID-A
2/25/1904	5 N	28 E	WM	26	SW NW	200	6	1.00	TRANER	HID-M
9/6/1905	5 N	28 E	WM	28	SW NE	701	6	0.40	KONTUR	HID-A
9/6/1905	5 N	28 E	WM	28	SW NE	701	3	1.00	KONTUR	HID-A
2/25/1904	5 N	28 E	WM	34	SE NW	803	6	0.90	PALACIOS	HID-M
2/25/1904	5 N	29 E	WM	19	NW SW	1000	6	5.40	FRANKLIN	HID-M
2/25/1904	5 N	29 E	WM	31	SE NW	2500	6	4.50	KAUFMAN	HID-M
9/6/1905	5 N	29 E	WM	33	SE NW	1001	6	7.50	STULL	HID-A
Total:								30.70		

6. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
7. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
8. The water right is subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
10. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
11. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellation of Water Right Certificate 42340

Portions of water right Certificate 42340 are appurtenant to certain authorized lands.

12. On December 14, 2021, Joshua and Daryla Azbransky, owner of lands to which a portion of Certificate 42340 appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiants requested a portion of Certificate 42340 be cancelled as it will not be transferred along with the associated primary. The abandoned portion to be cancelled is described as follows:

Certificate: 42340 in the name of Earl E. & Maola R. Baldwin (perfected under Permit G-4854)
Use: SUPPLEMENTAL IRRIGATION of 1.0 ACRE
Priority Date: FEBRUARY 4, 1970
Rate: 0.01 CUBIC FOOT PER SECOND
Source: A WELL in the Umatilla Basin

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
4 N	29 E	WM	5	SW SW	1401	1.0	ZABRANSKY

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13646 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500 and the abandoned portion of 42340 should be cancelled.

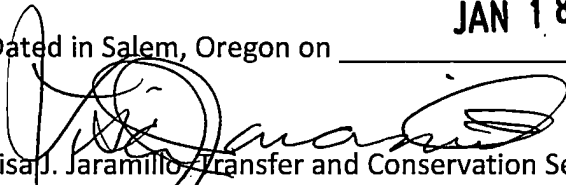
Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by Certificate 89006 is approved.
2. The place of use from which the water right is transferred off by Transfer T-13646 shall no longer be irrigated, and is cancelled from Certificates 89006.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificate 89006, and any related decree.
4. The portion of the water right as evidenced by Certificate 42340 as requested to be canceled is canceled. A new certificate, Certificate 96120, will be issued describing the portions of the right not modified by this Final Order.
5. The district shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use shall be submitted by HID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

7. Water right Certificate 89006 is modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

JAN 18 2022

Dated in Salem, Oregon on _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 19 2022**