

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13469, Umatilla County	)	TEMPORARY CHANGE IN PLACE
	)	OF USE

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DAVID CORREA  
31777 ANDREWS RD.  
ECHO, OR 97826

**Agent**

BILL PORFILY  
PO BOX 643  
STANFIELD, OR 97875

**Findings of Fact**

1. On June 15, 2020, David Correa filed an application to temporarily change the place of use under four adjudicated, un-certificated rights (Umatilla River Decree, Volume 3, Page 239, Volume 3, Page 240 and Volume 3, Page 195) for a period of 1 year. These lands also have a supplemental water rights under Permit 7400 and Certificate 31294. The Department assigned the application number T-13469.
2. Notice of the application for transfer was published on June 30, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 16, 2020, the agent for the applicant submitted a revised application and map to clarify the place of use and disposition of layered rights. Transfer application T-13469 contains information in the file of water rights existing on the "TO" lands (Permit S-55061, Permit S-54633, Permit S-55190, Permit 55192) proposed in transfer application T-13469. The Applicant has stated these water rights will not be exercised during the 2020 irrigation season and requested that these water rights not be included as part of this Temporary Transfer application.

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.

4. The first right to be temporarily transferred are as follows:

**Decree:** Water Rights evidenced by Umatilla River Decree, (Vol. 3, Pg 239/ Elmer Reeves) (Vol. 3, Pg. 240/ Geo. Ward) (Vol. 3, Pg. 239/B.F. McCullough, J.A. Mendenhall) and (Vol. 15, Pg. 432 / Frank Correa Sr.) the portions identified as in the name of Pioneer Irrigation Company

**Use:** IRRIGATION of 49.0 ACRES

**Priority Date:** JANUARY 9, 1900

**Limit/Duty:** (subject to the provisions of the Umatilla River Decree Vol. 3 Page 127, Paragraph 33)

**Period of Use:** usually MARCH 1 TO NOVEMBER 1

**Source:** UMATILLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION - Vol. 3, Pg. 239 (Reeves)						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
4 N	29 E	WM	31	SW SE	1600	7.0

IRRIGATION - Vol. 3, Pg. 240 (Ward)						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
4 N	29 E	WM	31	NE SW	1600	2.5
4 N	29 E	WM	31	SE SW	1600	6.0
Total						8.5

IRRIGATION - Vol. 3, Pg. 239, Vol 15. Pg. 432 (Correa Sr.)						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
3 N	29 E	WM	8	NE SW	2601	8.0
3 N	29 E	WM	8	SE SW	2601	10.0
3 N	29 E	WM	8	NW SE	2601	12.0
3 N	29 E	WM	8	SW SE	2601	3.5
Total						33.5

5. The uses tabulated above in Volume 3, Pages 239 and 240, and Volume 15, Page 432 of the Umatilla River Decree identifies the Pioneer Ditch as the delivery system, but does not describe the location of the point of diversion from the Umatilla River through the Westland Irrigation District canal at #G-2 (the Pioneer/Courtney headgate). Information is available indicating that the point of diversion on the Umatilla River is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL – NORTH 76 ° 45’ 56” EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

6. Temporary Transfer Application T-13469 proposes to change the place of use of the above described rights to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
3 N	28 E	WM	12	NE SE	4000	19.0
3 N	28 E	WM	12	SE SE	2601	30.0
Total:						49.0

7. The second right to be temporarily transferred is as follows:

**Water Use:** Water Right evidenced by Umatilla River Decree, (Vol. 3, Pg. 195) the portion identified as in the name of Allen Ditch Co. (Fred Andrews)  
**Use:** IRRIGATION of 11.0 ACRES  
**Priority Date:** 1870  
**Limit/Duty:** (subject to the provisions of the Umatilla River Decree Vol. 3, Page 127, Paragraph 33)  
**Period of Use:** usually MARCH 1 TO NOVEMBER 1  
**Source:** UMATILLA RIVER, tributary to the COLUMBIA RIVER  
**Authorized Place of Use:**

IRRIGATION - Vol. 3, Pg. 195 /Andrews						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
3 N	29 E	WM	7	NE SE	2300	5.5
3 N	29 E	WM	7	SE SW	2300	5.5
Total						11.0

8. The water uses tabulated above in Volume 3, Page 241 of the Umatilla River Decree identifies the Allen Ditch as the delivery system, but does not describe the location of the point of diversion from the Umatilla River through the Westland Irrigation District canal at #G-4C (Allen Ditch headgate). Information is available indicating that the point of diversion on the Umatilla River is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL – NORTH 76 ° 45’ 56” EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

9. The Temporary Transfer Application T-13469 proposes to change the place of use of the above described right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax lot	Acres
3 N	28 E	WM	12	NE SE	4000	11.0

10. There are several primary irrigation water rights, Permits S-55061, S-55190, S-55192, S-54633 that are appurtenant to portions of the “TO” lands described above in Finding of Fact #6 and #9. During the term of the Temporary Transfer, water use under these rights are either already shut off, not allocated any water this season, do not supply enough water or

have not been activated by mitigation or intended to be used on these acres and thus shall not be exercised

11. The applicant has indicated that the supplemental water rights Certificate 31294 and Permit S-7400 will not be exercised during the term of this temporary transfer.
12. Transfer Application T-13469 proposes to temporarily transfer a water right from within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and indicated that the applicant has conferred with the district about the proposed transfer and does not object to the transfer.
13. The Department interprets the rate and duty under the terms of the decree to be one-eightieth of one cubic foot per second, not to exceed 3.0 acre-feet per acre for each acre irrigated for these lands.

#### ***Temporary Transfer Review Criteria***

14. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure, pump station, booster pumps, pipeline delivery, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### **Conclusions of Law**

The temporary changes in place of use proposed in Temporary Transfer Application T-13469 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

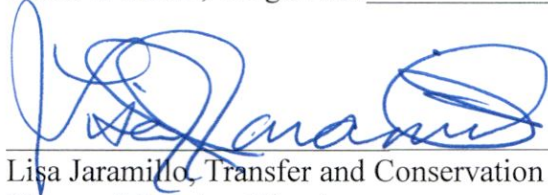
#### **Now, therefore, it is ORDERED:**

1. The temporary change in place of use proposed in Temporary Transfer Application T-13469 is approved.
2. The former places of use **shall not** be irrigated as part of this water right during the 2020 irrigation season.
3. The proposed change in places of use shall revert to the authorized place of use at the end of the 2020 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water rights.

5. A subsequent application for permanent transfer of Umatilla River Decree, Volume 3, Page 239, Volume 3, Page 240 and Volume 3, Page 195 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Umatilla River Decree, Volume 3, Page 239, Volume 3, Page 240 and Volume 3, Page 195. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. The use of the remaining water rights described by Umatilla River Decree, Volume 3, Page 239, Volume 3, Page 240 and Volume 3, Page 195 shall continue to be in accordance with the terms and conditions of Umatilla River Decree, Volume 3, Page 239, Volume 3, Page 240 and Volume 3, Page 195.
8. There are water rights existing on the proposed "TO" lands as identified in Findings of Fact #6 and #9. As described above in Finding #11, water use for primary irrigation under these water rights shall be suspended during the 2020 irrigation season.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

DEC 31 2020

Dated at Salem, Oregon this \_\_\_\_\_.



\_\_\_\_\_  
Lisa Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date: DEC 31 2020 \_\_\_\_\_