

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11328, Umatilla County) DISTRICT PERMANENT TRANSFER

Authority

ORS 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

WESTLAND IRRIGATION DISTRICT
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On December 12, 2011, Westland Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76715, 79439, 82441 and 87152. The Department assigned the application number T-11328.
2. Notice of the application for transfer was published on December 20, 2011, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the FIRST right to be transferred is as follows:

Certificate: 76715 in the name of WESTLAND IRRIGATION DISTRICT
(confirmed by Decree of the Circuit Court of the State of Oregon for Umatilla County, Volume 3 at pages 246-247 and Volume 15, at pages 437-439

Use: IRRIGATION of 15.7 ACRES

Rate: Limited to a diversion on ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from March 1 to November 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year

Priority Date: MARCH 14, 1903

Source: UMATILLA RIVER, a tributary of the COLUMBIA RIVER

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.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCES
3 N	29 E	WM	21	SW NE	POD #1: North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	10.7	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	5.0	5300	DOUBLE M RANCH
TOTAL:					15.7		

4. Transfer Application T-11328 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	14.0	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	1.7	5300	DOUBLE M RANCH
TOTAL:					15.7		

5. The portion of the SECOND right to be transferred is as follows:

Certificate: 79439 issued in the name of U.S. BUREAU OF RECLAMATION
(perfected under Permit 7400)

Use: SUPPLEMENTAL IRRIGATION (IS) of 15.7 ACRES

Priority Date: JULY 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent)
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 Permit 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	MEASURED DISTANCES
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 West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	10.7	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	5.0	5300	DOUBLE M RANCH
TOTAL:					15.7		

6. Transfer Application T-11328 proposes to change the place of use of the above described right to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	14.0	5300	DOUBLE M RANCH
3 N	29 E	WM	18	SW NW	1.7	5300	DOUBLE M RANCH
TOTAL:					15.7		

7. The portion of the THIRD water right to be transferred is as follows:

Certificate: 82441 in the name of DOUBLE M RANCH, INC.
(perfected under Permit G-102220)

Use: IRRIGATION (IR) of 32.6 ACRES

Rate: Limited to a diversion on ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet per acre

Priority Date: JANUARY 10, 1983

Source: WELLS within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCES
3 N	28 E	WM	13	NW NE	WELL #1: 270 FEET SOUTH AND 2540 FEET WEST FROM THE NE CORNER OF SECTION 13
3 N	29 E	WM	18	SW NW	WELL #2: 1450 FEET SOUTH AND 3160 FEET WEST FROM THE N¼ CORNER OF SECTION 18

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	32.6	5300	DOUBLE M RANCH

8. Transfer Application T-11328 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	29 E	WM	18	NW NW	32.6	5300	DOUBLE M RANCH

9. The portion of the FOURTH water right to be transferred is as follows:

Certificate: 81752 in the name of DOUBLE M RANCH, INC.
(perfected under Permit G-3971)

Use: IRRIGATION (IR) of 17.1 ACRES

Rate: Limited to a diversion on ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet per acre

Priority Date: FEBRUARY 1, 1968

Source: WELLS within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCES
3 N	28 E	WM	13	NW NE	WELL #1: 270 FEET SOUTH AND 2540 FEET WEST FROM THE NE CORNER OF SECTION 13
3 N	29 E	WM	18	SW NW	WELL #2: 1450 FEET SOUTH AND 3160 FEET WEST FROM THE N¼ CORNER OF SECTION 18

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	28 E	WM	13	NW NE	2.1	4100	DOUBLE M RANCH
3 N	28 E	WM	13	NE NW	15.0	4100	DOUBLE M RANCH
TOTAL:					17.1		

10. Transfer Application T-11328 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER
3 N	28 E	WM	13	NE NW	16.9	4100	DOUBLE M RANCH
3 N	28 E	WM	13	NW NW	0.2	4100	DOUBLE M RANCH
TOTAL:					17.1		

11. 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.
12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed changes in place of use, as conditioned, would not result in enlargement of the rights.
14. The proposed changes in place of use will not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-11328 satisfies the requirements of ORS 540.574(3) and 540.580.


Now, therefore, it is ORDERED:

- The change in place of use to the water rights evidenced by Certificates 76715, 79439, 82441 and 81752 proposed in Transfer Application T-11328, is approved as conditioned below.
- 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 Certificates 76715, 79439, 82441, 81752, any related decree and this Final Order approving Transfer Application T-11328.

3. Water Use Measurement conditions:
 - a.) Westland Irrigation District shall monitor the quantity of water diverted from Well #2 authorized under Certificate 82441 pumped into the Westland Canal and conveyed down the Canal and re-diverted at Pump 7A.
 - b.) Before water use may begin under this order, the District and water user shall install a new totalizing flow meter, or, with prior approval of the Director, another suitable measuring device (in addition to Meter# 95-740-6 located at Well#2), at the location (Pump 6E?) where water from Well #2 enters the Westland Canal to be re-diverted down-canal at pump 7A.
 - c.) b. The water user shall maintain the meters or measuring devices in good working order.
 - d.) c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
4. The District and water user shall monitor the flow meters to verify that approximately 67% of the water delivered to lands in the NW Quarter of Section 18, T3N, R29E, at meter #08-03539-06 is equal to the amount of water that is pumped into Westland Canal (at Pump 6E?) from Well #2 as measured by the new meter, in as close to real time as possible.
5. Water from Well #1 may be applied to the 32.6 acres under Certificate 82441 located in the NW Quarter of Section 18, T3N, R29E ONLY when surface water is no longer available to serve lands in the NW Quarter under Certificates 76715 and 79439 for irrigation and supplemental irrigation purposes respectively.
6. Only water from Well #1 shall be authorized to be used under Certificate 81752 on the 17.1 acres of land located in NW Quarter of Section 13, T3N, R28E.
7. Water Right Certificates 82441 and 81752 are cancelled. New certificates will be issued describing that portion of Water Right Certificates 82441 and 81752 NOT affected by this transfer.
8. The former places of use shall no longer be irrigated as part of these water rights.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2013**. A Claim of Beneficial Use shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
10. Water right certificates 76715 and 79439 are modified. The Department will issue superseding certificates describing the District's rights when it determines that is necessary for record keeping.

11. After satisfactory proof of beneficial use is received for Water Right Certificates 82441 and 81752, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 12 day of April, 2012.



Dwight French, Water Right Services Division Administrator for
Phillip C. Ward, Director

Mailing date: APR 13 2012