# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	SUPERSEDING FINAL ORDER
T-10261, Umatilla County	)	APPROVING A DISTRICT PERMANENT
•	)	TRANSFER

ORS 540.570 to 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**

- 1. On November 2, 2006, Westland Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76717, 76799, 79439 and 38390. The Department assigned the application number T-10261.
- 2. Notice of the application for transfer was published 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: 76717, issued in the name of Westland Irrigation District (Confirmed by

Umatilla River Decree)

Use: Irrigation (IR) of 7.6 acres

Priority Date: July, 1907

Rate & Duty: 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.

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	POD #1 – Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from West ¼ Corner of Section 21.

## **Authorized Place of Use:**

		AUT	HORIZEI	PLACE (	OF USE -	CERTIFI	CATE 76717 (IR)	
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.0	DUQUETTE	2006-01
4 N	28 E	WM	8	SW NE	6700	5.3	DUQUETTE	2006-01
4 N	28 E	WM	17	NE NE	2200	0.86	DESBRISAY / SEAVERT	2006-02
4 N	28 E	WM	17	NE NE	0.44	DESBRISAY / SEAVERT	2006-02	
					7.60			

Application T-10261 proposes to change the place of use for the above described rights to:

		PRO	POSED	PLACE O	F USE - C	ERTIFIC	ATE 76717 (IR)					
TWP	TWP RNG MER SEC Q-Q TL ACRES USER NOT#											
4 N	28 E	WM	8	SW NE	6700	2.0	DUQUETTE	2006-01				
4 N	28 E	WM	17	SW NE	3700	4.3	QUICK	2006-01				
4 N	28 E	WM	20	NW SW	300	1.30	DESBRISAY / SEAVERT	2006-02				
					TOTAL:	7.60						

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

Certificate: 76799, issued in the name of Westland Irrigation District (Perfected under

Permit 27583)

Use: Irrigation (IR) of 1.35 acres **Priority Date:** April 12, 1961

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

direct flow, and 4.5 ACRE-FEET for each acre irrigated during the

irrigation season of each year.

Source: Umatilla River and McKay Reservoir (constructed under Per. R-584), tributaries

of the Columbia River

# **Authorized Points of Diversion:**

TWP	RNG	MER	SEC	Q-Q	Lot	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE		McKay Dam
3 N	29 E	WM	21	SW NE	4	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W3 Corner of Section 21.

## **Authorized Place of Use:**

	AUTHORIZED PLACE OF USE – CERTIFICATE 76799 (IR)												
TWP	TWP RNG MER SEC Q-Q TL ACRES USER NOT#												
4 N	28 E	WM	8	SW NE	6700	1.35	DUQUETTE	2006-01					

Application T-10261 proposes to change the place of use for the above described rights to:

	PROPOSED PLACE OF USE – CERTIFICATE 76799 (IR)												
TWP	TWP RNG MER SEC Q-Q TL ACRES USER NOT#												
4 N	28 E	WM	17	SW NE	3700	1.35	QUICK	2006-01					

5. The portion of the third 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 7.6 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, a tributary of McKay Creek. Water is released into the

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	Lot	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE		McKay Dam
3 N	30 E	WM	31	sw sw	4	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W3 Corner, Section 21.

## **Authorized Place of Use:**

		AUT	HORIZEI	PLACE (	OF USE –	CERTIFI	CATE 79439 (IS)	
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01
4 N	28 E	WM	8	SW NE	6700	5.30	DUQUETTE	2006-01
4 N	28 E	WM	17	NE NE	2200	0.86	DESBRISAY / SEAVERT	2006-02
4 N	28 E	WM	17	NE NE	2300	0.44	DESBRISAY / SEAVERT	2006-02
					TOTAL:	7.60		

Application T-10261 proposes to change the place of use for the above described rights to:

		PRO	OPOSED	PLACE O	F USE – C	ERTIFIC	ATE 79439 (IS)					
TWP	TWP RNG MER SEC Q-Q TL ACRES USER NOT#											
4 N	28 E	WM	20	NW SW	300	1.30	DESBRISAY / SEAVERT	2006-02				
4 N	28 E	WM	8	SW NE	6700	2.0	DUQUETTE	2006-01				
4 N	28 E	WM	17	SW NE	4.3	QUICK	2006-01					
					TOTAL:	7.60						

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

Certificate: 38390, issued in the name of David C. Ralston (Perfected under

Permit G-3745)

Use: Supplemental Irrigation (IS) of 1.0 acre

Priority Date: July 13, 1967

Quantity: 0.013 cubic foot per second

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second per each acre irrigated

and limited to a diversion of not to exceed 3.0 acre-feet per acre irrigated

Source: A WELL, within the Umatilla River Basin

**Authorized Point of Appropriation:** 

7	rwp	RNG	MER	SEC	Q-Q	Lot	SURVEY COORDINATES
	4 N	28 E	WM	8	SW NE		450 Feet North and 240 feet East from Center of Section 8

#### **Authorized Place of Use:**

		AUT)	HORIZEI	PLACE (	OF USE –	CERTIFI	CATE 38390 (IS)				
TWP											
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01			

Application T-10261 proposes to change the place of use for the above described rights to a different location within the same quarter-quarter located:

PROPOSED PLACE OF USE – CERTIFICATE 38390 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01

- 7. Westland Irrigation District identified an irrigation water right evidenced by Certificate 80450 existing on the proposed place of use lands located within Section 17, T 4 N, R 28 E, W.M., under NOTICE# 2006-01. Norma Quick, the landowner, submitted an affidavit to diminish the existing irrigation water right to supplemental irrigation.
- 8. Pursuant to OAR 690-017-0010(2), the Department has determined that Norma Quick is the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 80450 is appurtenant.
- 9. The portion of the water right to be diminished from irrigation to supplemental irrigation is as follows:

Certificate: 80450 in the name of Norma Quick (perfected under Permit 44614)

Use: IRRIGATION of 5.65 ACRES

Priority Date: August 23, 1979

Rate/Duty: ONE-FORTIETH of one cubic foot per second per acre, further limited to

4.5 acre-feet per acre for each acre irrigated during the irrigation season

Source: UMATILLA RIVER, a tributary of the Columbia River

## **Authorized Point of Diversion:**

TWP	RNG		SEC	Q-Q	Lot	SURVEY COORDINATES
4 N	28 E	WM	16	SW SW		660 feet North and 10 feet East from SW Corner of Section 16

## **Authorized Place of Use:**

IRRIGATION WATER RIGHT UNDER CERTIFICATE 80450 DIMINISHED TO SUPPLEMENTAL IRRIGATION								
TWP	10.10	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	17	SW NE	3700	5.65	QUICK	2006-02

- 10. On January 2, 2007, the Water Resources Department issued an order approving Transfer Application T-10261. The order was recorded in Special Order Volume 70, at Page 775.
- 11. The order contained several scrivener errors in Findings of Fact #3 and #5 summarizing the acres subject to transfer and describing the changes proposed by the transfer.
- 12. This order is issued to correct the scrivener errors and supersede the previous order recorded at Special Order Volume 70, Pages 775 to 780.
- 13. 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.
- 14. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 15. The proposed changes in place of use would not result in enlargement of the rights.
- 16. The proposed change in place of use would not result in injury to other rights.

## **Conclusions of Law**

The proposed change in place of use in Transfer Application T-10261 satisfies the requirements of ORS 540.574(3) and 540.580.

# Now, therefore, it is ORDERED:

- 1. The proposed changes to the water rights evidenced by Certificates 76717, 76799, 79439 and 38390 are approved.
- 2. The portion of Certificate 80450 described in Finding of Fact #9 is diminished from irrigation to supplemental irrigation.

- 3. Certificates 76717, 76799 and 79439 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.
- 4. Certificates 38390 and 80450 are cancelled. New certificates will be issued to describe the remaining portions of the rights NOT modified by the transfer.
- 5. 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 the District's water rights, related decree, and the Final Order approving T-10261.
- 6. The former places of use shall no longer be irrigated as part of these water rights.
- 7. The proposed changes shall be completed on or before October 1, 2008.
- 8. A Claim of Beneficial Use and Final Proof Map shall be submitted by Westland Irrigation District to the Department by October 1, 2009.

Dated at Salem, Oregon this \_\_\_\_\_ day of March, 2007.

Phillip C. Ward, Director

	MAR 1 3 2007	
Mailing Date:		