

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

In the Matter of Transfer Application) **F I N A L O R D E R**
T-10126, Umatilla County) **APPROVING A DISTRICT**
) **TEMPORARY TRANSFER**

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 3, 2006, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439. The Department assigned the application number T-10126.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the water rights to be transferred are as follows:

Certificate: 76051 issued in the name of Teel Irrigation District

Use: Irrigation (IR)

Priority Date: June 27, 1958

Rate & Duty: 1/40 of a cubic foot per second (cfs) and 4.5 acre-feet (AF) per acre irrigated

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - N 76° 45' 56" East 2913 ft. from the W¼ corner of Section 21

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.

Certificate: 75126, issued in the name of Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee, Echo, Oregon

Use: Supplemental Irrigation (IS)

Priority Date: October 1, 1975

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Wells #1 & #3

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner, Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner, Section 16

Certificate: 61534, in the name of Travelers Insurance Company

Use: Supplemental Irrigation (IS)

Priority Date: March 30, 1976

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Brown Wells #1, 2, 3, & 4

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	20	SW SE	Brown Well #1 – 80 feet North and 2500 feet West from the SE Corner, Section 20
3 N	29 E	WM	30	SE SE	Brown Well #2 – 610 feet North and 50 feet West from the SE Corner, Section 30
3 N	29 E	WM	30	SE NE	Brown Well #3 – 1400 feet South and 1310 feet West from the NE Corner, Section 30
3 N	29 E	WM	19	SE NW	Brown Well #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust

Use: Supplemental Irrigation (IS)

Priority Date: September 26, 1974

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Well (Brown Well #2)

Authorized Point of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	30	SE SE	610 feet North and 50 feet West from the SE Corner of Section 30

Certificate: 79439: issued in the name of U.S. Bureau of Reclamation

Use: Supplemental Irrigation (IS)

Priority Date: July 1, 1924

Rate & Duty: 1/80 cfs per acre irrigated

Source: McKay Reservoir, tributary to McKay Creek

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
2 N	32 E	WM	34	NW SE	McKay Dam, NW¼ SE¼, Section 34, T 2 N, R 32 E, W.M., water is run down natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal - North 76° 45' 56" East 2913 ft. from the W¼ corner of Section 21.

5. Westland Irrigation District applied to temporarily change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

Authorized Place of Use:

TABLE 1 - FROM LANDS									
					Water Right Certificates				
					Irrigation (IR)	Supplemental Irrigation (IS)			
TWP	RNG	SEC	1/4 - 1/4	TL	76051	75126	61534	75128	79439
3 N	29 E	20	NW NE	6106	5.00	5.00	5.00		
3 N	29 E	20	SW NE	6106	10.00	10.00	10.00		
3 N	29 E	20	SE NE	6106	4.00	4.00	4.00		4.00
3 N	29 E	20	SE SW	6103	11.10		11.10		
3 N	29 E	20	NE SE	6106	0.10		0.10		0.10
3 N	29 E	20	NW SE	6106	0.50		0.50		
3 N	29 E	20	SE SE	6106	4.50		4.50		4.50
3 N	29 E	21	SW NW	6106	0.30	0.30	0.30		0.30
3 N	29 E	21	NW SW	6106	1.20		1.20		1.20
3 N	29 E	21	SW SW	6106	23.80		23.80		23.80
3 N	29 E	21	SE SW	6106	3.80		3.80		3.80
3 N	29 E	28	NE NW	6106	2.00		2.00		2.00
3 N	29 E	28	NW NW	6106	22.10		22.10		22.10
3 N	29 E	29	NE NE	6106	2.40		2.40		2.40
3 N	29 E	29	NE NW	6104	8.00		8.00		
3 N	29 E	29	SW NW	6104	0.60		0.60		0.60
3 N	29 E	29	SW SW	6104	9.60			9.60	
3 N	29 E	30	SE SE	6104	9.60			9.60	
TOTALS:					118.60	19.30	99.40	19.20	64.80

6. Application T-10126 proposes to TEMPORARILY change the place of use of the rights to:

TABLE 2 - TO LANDS									
					Water Right Certificates				
					Irrigation (IR)	Supplemental Irrigation (IS)			
TWP	RNG	SEC	1/4 - 1/4	TL	76051	75126	61534	75128	79439
3 N	28 E	24	NE NW	7200	29.90		29.90		29.90
3 N	28 E	24	NW NW	7200	30.60		30.60		30.60
3 N	29 E	20	SE SE	6106	4.50		4.50		
3 N	29 E	21	SW SW	6106	9.20		9.20		
3 N	29 E	21	SW SW	6106	5.00	5.00	5.00		
3 N	29 E	21	SW SW	6106	2.10	2.10	2.10		2.10
3 N	29 E	21	SW SW	6106	6.40	6.40	6.40		
3 N	29 E	21	SW SW	6106	0.80			0.80	
3 N	29 E	21	SE SW	6106	0.20	0.20	0.20		0.20
3 N	29 E	21	SE SW	6106	3.60	3.60	3.60		
3 N	29 E	28	NE NW	6106	1.20	1.20	1.20		1.20
3 N	29 E	28	NE NW	6106	0.80			0.80	
3 N	29 E	28	NW NW	6106	17.60			17.60	
3 N	29 E	28	NW NW	6106	0.80	0.80	0.80		0.80
3 N	29 E	28	NW NW	6106	3.50		3.50		
3 N	29 E	29	NE NE	6106	2.40		2.40		
TOTALS:					118.60	19.30	99.40	19.20	64.80

- 7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 8. The proposed changes in place of use would not result in enlargement of the rights.
- 9. The proposed changes would not result in injury to other water rights.

Conclusions of Law

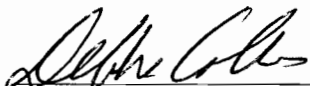
The proposed changes in application T-10126 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- 1. The proposed changes to the water rights evidenced by Certificates 76051, 75126, 61534, 75128 and 79439 are approved.
- 2. The temporary transfer is effective for the 2006 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 76051, 75126, 61534, 75128 and 79439 and any related decree.

4. Pursuant to OAR 690-385-3130, the use of water as a supplemental right under Certificates 75126, 61534, 75128 and 79439 are restricted to the total rate and duty described by the primary District irrigation water right, Certificate 76051, and may be used only to the extent of any supply deficiency for the primary water right at the proposed place of use. 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.
5. 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.
6. At the end of the 2006 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 28th day of April, 2006.


45P Phillip C. Ward, Director

MAY 1 2 2006
Mailing date: _____