

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

In the Matter of Transfer Application)
T-9845, Umatilla County) CORRECTING ORDER
)

Applicant

Westland Irrigation District
P.O. Box 944
Hermiston, OR 97838

Findings of Fact

1. The Department issued a final order approving Transfer application T-9845 on April 25, 2005. The order is recorded in Special Order Volume 64, page 275. The order contained several scrivener’s errors. The errors and corrections are described in the subsequent findings of fact.
2. Finding of Fact #7 incorrectly lists the authorized place of use for irrigation under Certificate 75121 as:

TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	27	NE	SW	7403	3.10	L & L FARMS	2004- 03

The correct location of the authorized place of use for irrigation under Certificate 75121 is:

TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	27	SE	SW	7403	3.10	L & L FARMS	2004- 03

3. Finding of Fact # 8 incorrectly describes the nature of the transfer as a change in place of use only. The change is both a change in place of use and type of use with the right for 3.10 acres diminished from irrigation to supplemental irrigation at the new place of use. Thus, Finding of Fact #8 should read:

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.

Application T-9845 proposes to diminish the 3.10 acres of irrigation under Certificate 75121 listed in Finding of Fact #7 to supplemental irrigation, and change the place of use to:

CERTIFICATE 75121 –IRRIGATION DIMINISHED TO SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	23	NW	SW	7100	3.10	L & L FARMS	2004- 03

CERTIFICATE 75121 - SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	NE	SE	8105	30.00	L & L FARMS	2004- 03
3	N	28	E	W.M	29	NW	SE	8105	26.20	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SW	SE	8105	29.30	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SE	SE	8105	32.20	L & L FARMS	2004- 03
TOTAL:									117.70		

4. Finding of Fact #9 incompletely described the point of diversion for Certificate 79439 and incorrectly listed the Notice Number. The corrections are as follows:

Point of Diversion:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION			
2	N	32	E	W.M.	34	NW	SE	McKay Dam – water released from the reservoir into McKay Creek and Umatilla River:			
3	N	29	E	W.M.	21	SW	NE	Rediverted at 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:

CERTIFICATE 79439 - SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	NE	NW	8100	28.70	EAGLE RANCH	2004- 04
3	N	28	E	W.M	29	NW	NW	8100	33.10	EAGLE RANCH	2004- 04
3	N	28	E	W.M	29	SW	NW	8100	33.10	EAGLE RANCH	2004- 04
3	N	28	E	W.M	29	SE	NW	8100	28.50	EAGLE RANCH	2004- 04

CERTIFICATE 79439 - SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	30	NE	NE	8100	0.20	EAGLE RANCH	2004- 04
3	N	28	E	W.M	30	SE	NE	8100	0.30	EAGLE RANCH	2004- 04
TOTAL:									123.90		


5. Finding of Fact #11 incorrectly lists the priority date for Permit 48450. The correct priority date is as follows:

Priority Date: August 3, 1981

Now, therefore, it is ORDERED:

This order corrects scrivener's errors in the order approving Transfer Application T-9845 recorded in Special Order Volume 64, Page 275.

Dated at Salem, Oregon this 20th day of October, 2006.


 P.C.W. Phillip C. Ward, Director

Mailing Date: OCT 23 2006