

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

In the Matter of Transfer Application) S U P E R S E D I N G
T-10279, Umatilla County) F I N A L O R D E R
)

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

HERMISTON IRRIGATION DISTRICT
366 E. HURLBURT AVE
HERMISTON, OR 97838

Findings of Fact

1. On December 8, 2006, Hermiston Irrigation District filed a district transfer application to permanently change the place of use under their vested Decreed right, Umatilla River Decree, Vol. 3, page 242 within the boundaries of the irrigation district. The Department assigned the application number T-10279.
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 water right to be transferred is as follows:
Certificate: Decree of the Circuit Court of the State of Oregon for Umtilla County. Of record at Salem, in the Order Record of the Water Resources Director, in Volume 3, at Page 242, as modified herein and issued in the name of Hermiston Irrigation District.
Use: Irrigation and Supplemental Irrigation
Priority Date: February 25, 1904, for use of natural flow of the Umatilla River through the Maxwell Canal for primary irrigation and September 6, 1905 for supplemental irrigation from water stored in Cold Springs Reservoir. The waters may be used jointly and interchangeably upon the lands described by the decree.

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 OR 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.

Rate & Duty: For those lands comprised of loam or fine sand or fine textured soil the amount of water diverted for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of one-eightieth of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated each year. For those lands comprised of coarse sand or loose gravel subsoil or loose coarse texture soil the amount of water diverted for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of one-fortieth of one cubic foot per second (or its equivalent) and 6.0 acre-feet for each acre irrigated each year.

Source: Umatilla River and Cold Springs Reservoir, tributary of Columbia River

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	LOCATION
4N	28E	W.M.	28	NW SW	MAXWELL CANAL
4N	29E	W.M.	3	SE NW	"A" LINE CANAL / COLD SPRINGS DAM

Authorized Place of Use:

IRRIGATION & SUPPLEMENTAL IRRIGATION UMATILLA RIVER DECREE - VOL. 3, PAGE 242								
TWP	RNG	SEC	Q-Q	TL	AC	USER	DUTY (ac-ft)	NOTICE#
4N	28E	9	SE SE	800	2.26	KOESTER	6.0	2006-05
4N	28E	11	SW SE	3300	0.30	HOOKER	3.0	2006-07
4N	28E	14	NE NE	101	1.25	FAITH PRESBYTERIAN	3.0	2006-10
4N	28E	15	NW SW	201	1.25	LARKIN	6.0	2006-08
4N	28E	15	NW SW	202	1.25	LARKIN	6.0	2006-08
5N	29E	31	SE SE	2600	0.87	GOODYEAR	6.0	2006-07
5N	29E	32	NE NE	100	0.76	NOLAND	6.0	2006-09
TOTAL:					7.94			

4. Application T-10279 proposes to change the place of use to:

IRRIGATION & SUPPLEMENTAL IRRIGATION UMATILLA RIVER DECREE - VOL. 3, PAGE 242								
TWP	RNG	SEC	Q-Q	TL	AC	USER	DUTY (ac-ft)	NOTICE#
4N	28E	01	NW SE	701	0.87	HECKER	6.0	2006-07
4N	28E	01	NW SE	701	0.30	HECKER	3.0	2006-07
5N	28E	34	NW NW	603	0.76	WHITEBREAD	6.0	2006-09
5N	28E	34	NW NW	603	1.25	WHITEBREAD	3.0	2006-10
5N	28E	34	NW NW	604	2.50	WHITEBREAD	6.0	2006-08
5N	29E	29	SE NW	2801	2.26	KOESTER	6.0	2006-05
TOTAL:					7.94			

5. 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.
6. The application was filed prior to the end of the calendar year or prior to any delivery of water as required under ORS 540.580(2).
7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use would not result in enlargement of the right.
9. The proposed change in place of use would not result in injury to other water rights
10. On February 28, 2007, the Water Resources Department issued an order approving District Permanent transfer Application T-10279.
11. The order contained a scrivener's error in the quarter-quarter description of the proposed place of use for District Internal Notice Number 2006-05.
12. This order corrects the scrivener's error and supersedes the previous order recorded at Special Order Volume 71, Pages 236 to 238

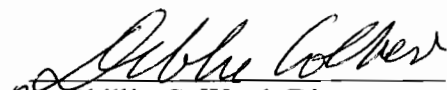
Conclusions of Law

The proposed changes in place of use in Transfer Application T-10279 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change to the District's vested water right evidenced by Decree of the Circuit Court of the State of Oregon for Umatilla County, of record at Salem in the Order Record of the Water Resources Director, in Volume 3, at Page 242 is approved.
2. 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 decree and the Final Order approving T-10279.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008.
5. The water right evidenced by Decree of the Circuit Court of the State of Oregon for Umatilla County, recorded in Volume 3, at Page 242, is modified. The Department will issue a certificate describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 21ST day of March, 2007.


 PWC Phillip C. Ward, Director

Mailing Date: MAR 27 2007