

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13407, Umatilla) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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 2, 2020, Westland Irrigation District (WID) filed a district transfer application to permanently change the place of use under Certificates 76715, 79439, 76050, and 76051. The Department assigned the application number T-13407.
2. On April 28, 2020, the applicant's agent withdrew the 3.2 acres under T-11328 (81752) from the transfer and submitted revised maps and tables.
3. Notice of the District Permanent Transfer Application was published on April 28, 2020, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. The U.S. Bureau of Reclamation was notified of the transfer application on April 28, 2020; no comments were received within 90 days of the notification.

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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

5. 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)

Use: IRRIGATION of 6.3 acres AND STOCK WATER

Priority Dates: MARCH 14, 1903

Limit/Duty: The amount of water used 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) 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: The UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL: NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	SE NE	2.5	4100	DOUBLE M RANCH, INC
3 N	28 E	WM	14	NE SE	3.4	100	DOUBLE M RANCH, INC
3 N	28 E	WM	14	SE SE	0.4	100	DOUBLE M RANCH, INC
Total					6.3		

6. Transfer Application T-13407 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User
3 N	29 E	WM	18	NW NW	55.55	1.3	5300	DOUBLE M RANCH, INC
3 N	29 E	WM	18	SW NW	55.85	5.0	5300	DOUBLE M RANCH, INC
Total						6.3		

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

Certificate: 76050, issued in the name of Teel Irrigation District (perfected under Permit 25920)

Use: Irrigation of 56.6 acres

Priority Date: April 22, 1955

Rate & Duty: The amount of water used 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 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: Umatilla River, a tributary of the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	NE SE	16.0	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NW SE	7.4	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SW SE	15.6	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SE SE	17.6	4190	DOUBLE M RANCH, INC
Total					56.6		

8. Transfer Application T-12670 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION							
wp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	NE SE	15.2	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NW SE	1.2	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SW SE	11.2	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SE SE	29.0	4190	DOUBLE M RANCH, INC
Total					56.6		

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

Certificate: 76051 issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: IRRIGATION of 14.2 acres

Priority Dates: JUNE 27, 1958

Rate & Duty: The amount of water used 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 (CFS), or its equivalent, and 4.5 acre-feet (AF) for each acre irrigated during the irrigation season of each year.

Source: UMATILLA RIVER, a tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	SE SE	14.2	4190	DOUBLE M RANCH, INC

10. Transfer Application T-12647 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	SE NE	1.6	4100	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NE SE	12.6	100	DOUBLE M RANCH, INC
Total					14.2		

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

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

Use: SUPPLEMENTAL IRRIGATION of 77.1 acres

Priority Date: JULY 1, 1924

Limit/Duty: The amount of water used 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) 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

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 W¼ CORNER OF SECTION 21

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	28 E	WM	13	SE NE	2.5	4100	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NE SE	16.0	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NW SE	7.4	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SW SE	15.6	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SE SE	31.8	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	14	NE SE	3.4	100	DOUBLE M RANCH, INC
3 N	28 E	WM	14	SE SE	0.4	100	DOUBLE M RANCH, INC
Total					77.1		

Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-13407 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 76715, 79439, 76050, and 76051 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 76715, 79439, 76050, and 76051, and any related decree.
3. The proposed changes in place of use as proposed in Transfer Application T-13407 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
4. The place of use from which the water right is removed by T-13407 shall no longer be irrigated under the transferred rights.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use shall be submitted by WID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificates 76715, 79439, 76050, and 76051 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

JAN 26 2021

Dated in Salem, Oregon on _____

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 27 2021**

12. Transfer Application T-13407 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User
3 N	28 E	WM	13	SE NE		1.6	4100	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NE SE		27.8	100	DOUBLE M RANCH, INC
3 N	28 E	WM	13	NW SE		1.2	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SW SE		11.2	4190	DOUBLE M RANCH, INC
3 N	28 E	WM	13	SE SE		29.0	4190	DOUBLE M RANCH, INC
3 N	29 E	WM	18	NW NW	55.55	1.3	5300	DOUBLE M RANCH, INC
3 N	29 E	WM	18	SW NW	55.85	5.0	5300	DOUBLE M RANCH, INC
Total						77.1		

13. The authorized places of use as described in Finding of Facts #5, #7, #9 and #11, above, are appurtenant to lands described in Water Right Permits S-54633, S-55061, S-55190 and S-55192. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant’s agent has stated that these permit(s) are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer.
14. The proposed lands described in Finding of Facts #6, #8, #10 and #12, above, will become appurtenant to lands described in Water Right Permits S-54633, S-55061, S-55190 and S-55192. Use of water under these permits are subject to an annual use condition as follows:
 - a. If water from Permits S-54633, S-55061, S-55190 or S-55192 are used for supplemental irrigation, then pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
15. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
16. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
17. The water right is subject to transfer as defined in OAR 690-385-0100(17).
18. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
19. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
20. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.