

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13955, Umatilla County	)	A TEMPORARY CHANGE
	)	IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DAVID CORREA  
31777 ANDREWS RD  
ECHO, OR 97826

**Findings of Fact**

1. On March 28, 2022, DAVID CORREA, filed an application to temporarily change the place of use under the Umatilla River Decree Vol. 3, Page 127, for a period of 1 year. The Department assigned the application number T-13955.
2. On May 10, 2023, the Department contacted the applicant's agent regarding the proposed period of use date.
3. On May 10, 2023, the agent for the applicant submitted written documentation changing the period of use to two years.
4. Notice of the application for transfer was published on April 5, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a 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 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.

5. The portion of the first right to be temporarily transferred is as follows:

**Decree:** Water rights evidenced by the Umatilla River Decree, (Vol. 3, Page 239/Elmer Reeves) Vol. 3, Page 239/ Geo L. Ward) (Vol. 3, Page 239/ B.F McCullough, J.A. Mendenhall) and Vol. 15, Page 432/ Frank Correa Sr.) the portions identified as in the name of Pioneer Irrigation Company  
**Use:** IRRIGATION of 49.0 ACRES  
**Priority Date:** JANUARY 9, 1900  
**Limit/Duty:** Subject to the provisions of the Umatilla River Decree Vol. 3, Page 127 Paragraph 33  
**Period of Use:** Usually March 1 to November 1  
**Source:** UMATILLA RIVER a tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	8	NE SW	8.0
3 N	29 E	WM	8	SE SW	10.0
3 N	29 E	WM	8	NW SE	12.0
3 N	29 E	WM	8	SW SE	3.5
4 N	29 E	WM	31	SE SW	8.5
4 N	29 E	WM	31	SW SE	7.0
Total					49.0

6. The Umatilla River Decree does not provide a detailed description of the point of diversion; however, the applicant provided a description of the point as:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	W.I.D. DIVERSION- NORTH 76'45"56" E. 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

7. Temporary Transfer Application T-13955 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	12	NE SE	19.0
3 N	29 E	WM	12	SE SE	30.0
Total					49.0

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

**Decree:** Water rights evidenced by the Umatilla River Decree, (Vol. 3, Page 195, the portion identified as in the name of Allen Ditch Company (Fred Andrews)  
**Use:** IRRIGATION of 11.0 ACRES  
**Priority Date:** 1870  
**Limit/Duty:** Subject to the provisions of the Umatilla River Decree Vol. 3, Page 127, Paragraph 33  
**Period of Use:** Usually March 1 to November 1

**Source:** UMATILLA RIVER a tributary of the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	7	NE SE	5.5
3 N	29 E	WM	7	SE SE	5.5
Total					11.0

9. The uses tabulated above in Volume 3, Pages 239 and 240, and Volume 15, Pages 432 of the Umatilla River Decree identified as the Pioneer Ditch delivery system, but do not describe the location of the point of diversion from the Umatilla River through the Westland Irrigation canal at G#2 (the Pioneer/Courtney headgate). Information is available indicating that the point of diversion on the Umatilla River is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	W.I.D. DIVERSION- NORTH 76'45"56" E. 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

10. Temporary Transfer Application T-13955 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	12	NE SE	11.0

11. There are water right Permits S-55061, S-55192, S-55190, and S-54633 for primary irrigation these are located on portions of the "TO" lands described in Finding of Facts Nos. 5, and 8. During the term of the Temporary Transfer, water use under these permits will either be already shut off, not allocated any water this season, cannot supply enough water, have not been activated by mitigation, or no intended water to be used for these acres and thus shall not be exercised.
12. A portion of the authorized "FROM" lands have appurtenant supplemental water rights for irrigation described in water use Permit S-7400 and Certificate 31294.
13. Temporary Transfer Application T-13955 proposes to temporarily transfer a water right within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.

**Temporary Transfer Review Criteria**

14. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.

16. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
17. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### **Conclusions of Law**

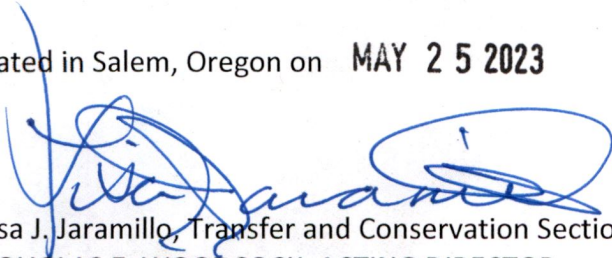
The temporary change in place of use proposed in Temporary Transfer Application T-13955 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **Now, therefore, it is ORDERED:**

1. The former place of use **shall not** be irrigated as part of this water right during the 2022 and 2023 irrigation seasons.
2. The use shall revert to the authorized place of use at the end of the 2023 irrigation season.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. For those portions of the authorized from lands have appurtenant supplemental water rights for irrigation described in water use Permit S-7400 and Certificate 31294. No water use shall take place for the duration of this Temporary Transfer.
5. For those acres layered with Permits 55061, 55192, 55190, and 54633, no use shall take place for the duration of this Temporary Transfer.
6. A subsequent application for permanent transfer of Umatilla River Decree at Vol. 3, Page 127 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of the Umatilla River Decree at Vol. 3, Page 127.

8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by the Umatilla River Decree at Vol. 3, Page 127 shall continue to be in accordance with the terms and conditions of said Decree.

Dated in Salem, Oregon on **MAY 25 2023**

A handwritten signature in blue ink, appearing to read 'Lisa J. Jaramillo', is written over a circular stamp or mark.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

*Mailing Date:* **MAY 26 2023**