

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
OREGON DEPARTMENT OF TRANSPORTATION,)
HIGHWAY DIVISION (WESTLAND IRRIGATION) ORDER APPROVING
DISTRICT) FOR APPROVAL OF A CHANGE) TRANSFER 5698
IN PLACE OF USE OF WATER)

On August 30, 1985, an application was filed in the office of the Water Resources Director by Oregon Department of Transportation, Highway Division for approval of a change in place of use of water from Umatilla River under an existing right of record, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at pages 247 and 248, Volume 3, in the name of Western Land and Irrigation Company, for irrigation of, among other lands, a certain 8.8 acres in NE 1/4 SE 1/4, 2.0 acres in NW 1/4 SE 1/4, 18.0 acres in SW 1/4 SE 1/4, Section 12, Township 4 North, Range 27 East, WM; 9.75 acres in NE 1/4 NW 1/4, Section 5, Township 4 North, Range 28 East, WM; and 0.63 acre in SE 1/4 SW 1/4, Section 32, Township 5 North, Range 28 East, WM, with a date of priority of July, 1907.

By a Supplemental Decree of the Circuit Court for Umatilla County, entered September 1, 1961, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at page 439, Volume 15, in the name of Westland Irrigation District, for irrigation of, among other lands, a certain 3.0 acres in NW 1/4 SE 1/4, Section 12, Township 4 North, Range 27 East, WM, with a date of priority of July, 1907.

Water Right Permit 27583, in the name of Westland Irrigation District, describes a right which includes the use of water from Umatilla River and McKay Reservoir for irrigation of among other lands, 1.0 acre in SE 1/4 SW 1/4, Section 32, Township 5 North, Range 28 East, WM, with a date of priority of April 12, 1961.

These lands also have a supplemental right under Permit 7400 to the use of water stored in McKay Reservoir with a date of priority of July 1, 1924.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom to a certain 10.0 acres in NE 1/4 NW 1/4, 10.0 acres in SE 1/4 NW 1/4, 13.18 acres in NE 1/4 SW 1/4 and 10.0 acres in SE 1/4 SW 1/4, Section 15, Township 3 North, Range 28 East, WM.

The lands involved herein are within the boundaries of the Westland Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

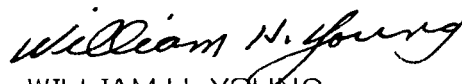
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved, without loss of priority.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1987.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change in place of use shall be considered perfected, and at a later date certificate of water right shall be issued to Westland Irrigation District confirming this and other changes within the District, at the time certificates are issued confirming rights allowed in the Umatilla River Adjudication proceedings.

Dated at Salem, Oregon, this 5th day of November, 1985.


WILLIAM H. YOUNG
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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