

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

COUNTY OF UMATILLA

In the Matter of a Proposed Change) ORDER APPROVING
 In Place of Use of Water Within an) A PERMANENT
 Irrigation District — TRANSFER 9591) DISTRICT TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.580, WESTLAND IRRIGATION DISTRICT, P.O. Box 944, Hermiston, OR, 97838, petitioned the Oregon Water Resources Department to permanently change the place of use of water within the boundaries of the irrigation district. The petition was received on October 2, 2003, and included the required fees.
2. The Department assigned the petition transfer application number T-9591.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated November 4, 2003. The petition was noticed as a transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. The following rights are proposed to be modified:

a) PRIMARY IRRIGATION

Certificate 76050: issued in the name of Teel Irrigation District

Use: Irrigation (Primary)

Priority Date: April 22, 1955

Rate & Duty: 1/40 cfs per acre irrigated and 4.5 acre-feet per acre per season

Source: Umatilla River, tributary of the Columbia River

Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION			
3	N	29	E	W.M.	21	SW	NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

b) SUPPLEMENTAL IRRIGATION

Certificate 75129: issued in the name of Chester and Rosalie Prior

Use: Irrigation (Supplemental)

Priority Date: March 26, 1974

Rate & Duty: 1/80 cfs per acre irrigated and 3.0 acre-feet per acre

Source: (4) Prior Wells within the Umatilla River Basin

Points of Diversion:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	28	E	W.M.	36	NW	NE	Well #2 - 750 Feet South and 2620 Feet West from the NE Corner, Section 36
3	N	28	E	W.M.	36	NW	SE	Well #3 - 1780 Feet North and 2600 Feet West from the SE Corner, Section 36
3	N	28	E	W.M.	35	NW	NE	Well #5 - 770 Feet South and 2640 Feet East from the NW Corner, Section 35
3	N	28	E	W.M.	35	NE	SW	Well #6 - 1940 Feet North and 2540 Feet East from the SW Corner, Section 35

6. Westland Irrigation District petitioned to permanently change the place of use of primary irrigation, diverted through the Westland Canal, appurtenant to 6.0 acres under the above listed rights. The petition proposed to change the place of use from the location identified in Table 1 to the location listed in Table 2.

TABLE 1. AUTHORIZED PLACE OF USE UNDER CERTIFICATES 76050 and 76129.													
TWP		RNG		MER	SEC	QTR-QTR		TL	USE	AC	CERT#	APPLICANT	NOT#
3	N	28	E	W.M.	35	SW	SE	7400	IR(P) IR(S)	6.00	76050 76129	CHESTER PRIOR	2003-01
									TOTAL =	6.00 acres			

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2. PROPOSED CHANGE IN PLACE OF USE													
TWP		RNG		MER	SEC	QTR-QTR		TL	USE	AC	CERT#	RECIPIENT	NOT#
3	N	28	E	W.M.	35	SE	SE	7400	IR(P) IR(S)	6.00	76050 76129	CHESTER PRIOR	2003-01
									TOTAL =	6.00 acres			

7. Pursuant to ORS 540.574 and ORS 540.580, in reviewing the petition submitted by Westland Irrigation District, the Department has determined the following:
- a) The petition contains the information required under ORS 540.574(3).
 - b) The petition meets the requirements of ORS 540.580.
 - c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
 - d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
 - e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
 - f) The lands from which the water right would be moved by the proposed transfer will not continue to receive water under the water right.
 - g) The use authorized by the water right subject to transfer will not change; and
 - h) The proposed change in place of use will not result in injury to other water rights.
8. The petition was filed prior to the end of the calendar year or prior to any delivery of water as required under ORS 540.580(2).

CONCLUSIONS OF LAW

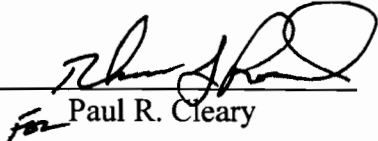
1. The petition submitted by Westland Irrigation District proposing permanent changes in place of use within district boundaries included the information, and satisfied the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.580.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.580 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED:

1. The proposed changes to the water right certificates 76050 and 75129 may be made provided the following conditions are met by the water user:
 - a. The proposed changes shall be completed on or before October 1, 2005.
 - b. The former places of use shall no longer be irrigated as a part of this water right.
 - c. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by Westland Irrigation District, on or before October 1, 2006.
2. Except as modified herein, all other conditions and limitations of these permitted rights remain in effect.
3. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of Certificate 76050 NOT modified by this or any other order.
4. Certificate 75129 is canceled. When satisfactory proof of the completed change is received, a new certificate confirming that water right will be issued.
5. The Department shall issue Certificate 80652, a new and superseding certificate, to confirm that portion of the right NOT involved in this transfer.

WITNESS the signature of the Water Resources Director affixed MAR 25 2004.



for Paul R. Cleary