

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

In the Matter of Transfer Application	)	F I N A L O R D E R
T-10138, Umatilla County	)	APPROVING A DISTRICT
	)	TEMPORARY TRANSFER

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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**

Westland Irrigation District  
P.O. Box 944  
Hermiston, OR 97838

**Findings of Fact**

1. On April 17, 2006, Westland Irrigation District (WID) filed a district transfer application to temporarily change the place of use under Certificates 76715 and 79439. The Department assigned the application number T-10138.
2. Pursuant to OAR 690-385-3130, WID applied to temporarily change the type of use under Certificate 80450 from irrigation to supplemental irrigation at the proposed place of use for the 2006 irrigation season.
3. WID specified water will not be used under Certificate 38389 for supplemental irrigation on 0.15 acre located in the SW¼ NE¼, Section 33, T 4 N, R 28 E, W.M., during the 2006 irrigation season.
4. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
5. The portion of the rights to be transferred are as follows:  

**Certificate:** 76715 issued in the name of Westland Irrigation District  
**Use:** Irrigation (IR)  
**Priority Date:** March 14, 1903  
**Rate & Duty:** 1/80 of a cubic foot per second (cfs) and subject to the limitations of paragraph 33 of the Umatilla River Decree  
**Source:** Umatilla River, tributary to Columbia River

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 OAR 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.

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - N 76° 45' 56" East 2913 feet from the W¼ corner of Section 21

**Certificate:** 79439: issued in the name of U.S. Bureau of Reclamation

**Use:** Supplemental Irrigation (IS)

**Priority Date:** July 1, 1924

**Rate & Duty:** 1/80 cfs per acre irrigated

**Source:** McKay Reservoir, tributary to McKay Creek

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
2 N	32 E	WM	34	NW SE	McKAY DAM, NW¼ SE¼, Section 34, T 2 N, R 32 E, W.M., WESTLAND CANAL - North 76° 45' 56" East 2913 feet from the W¼ corner of Section 21.

**Authorized Place of Use:**

					Water Right Information		
TWP	RNG	SEC	1/4 - 1/4	TL	IR	IS	USER
4 N	28 E	33	SW NE	4990	7.55	7.55	FRANK MUELLER

6. Application T-10138 proposes to temporarily change the place of use of the rights to:

					Water Right Information		
TWP	RNG	SEC	1/4 - 1/4	TL	IR*	IS	USER
4 N	28 E	17	SW NE	3700	7.55	7.55	NORMA QUICK

**\*Note:** The use of water for irrigation under Certificate 80450 on the lands described in the above table is diminished to supplemental irrigation for the 2006 irrigation season.

- 7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 8. The proposed changes in place of use would not result in enlargement of the rights.
- 9. The proposed changes would not result in injury to other water rights.

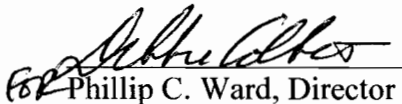
**Conclusions of Law**

The proposed changes in application T-10138 satisfy the requirements of ORS 540.574(3) and 540.570.

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

1. The proposed changes to the water rights evidenced by Certificates 76715 and 79439 are approved.
2. The temporary transfer is effective for the 2006 irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76715 and 79439 and any related decree.
4. The District shall not use water under Certificate 38389 during the 2006 irrigation season at the authorized place of use described as 0.15 acres within the SW corner of the SW $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 33, T 4 N, R 28 E, W.M.
5. Pursuant to OAR 690-385-3130, the use of water for supplemental irrigation at the proposed place of use under Certificate 80450 is restricted to the total rate and duty described by Certificate 76715, and may be used only to make up a deficiency of supply.
6. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
7. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
8. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 22<sup>nd</sup> day of May, 2006.

  
Phillip C. Ward, Director

Mailing Date: MAY 25 2006