

**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-10176, 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**

HERMISTON IRRIGATION DISTRICT  
366 E. HURLBURT AVENUE  
HERMISTON, OR 97838

**Findings of Fact**

1. On May 15, 2006, Hermiston Irrigation District filed a district transfer application to temporarily change the type of use of a water right to store water under the Umatilla River Decree. The Department assigned the application number T-10176.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400.
3. The portion of the right to be transferred is as follows:

**Water Right:** Umatilla River Decree, Volume 3, Page 242

**Use:** Stored Water (Irrigation purposes)

**Priority Date:** September 6, 1905

**Quantity:** 10.0 Acre Feet

**Source:** Cold Springs Reservoir

4. Application T-10176 proposes to change the type of use of a water right to store 10.0 acre feet in Cold Springs Reservoir from irrigation purposes to industrial purposes.
5. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.

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.

6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in place of use would not result in enlargement of the right
8. The proposed change(s) would not result in injury to other water rights

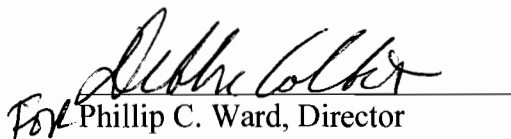
### **Conclusions of Law**

The proposed change in application T-10176 satisfies the requirements of ORS 540.574(3) and 540.570.

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

1. The proposed change to the water right evidenced by the Umatilla River Decree, Volume 3, Page 242, is 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 the Umatilla River Decree.
4. 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.
5. 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 15<sup>th</sup> day of May, 2006.

  
For Phillip C. Ward, Director

Mailing Date:           MAY 25 2006