

6.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: USUALLY MARCH 1 TO NOVEMBER 1

Source: UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	6	NW SE	6.5
3 N	29 E	WM	8	NW SE	1.3
3 N	29 E	WM	8	SW SE	3.1
TOTAL					10.9

3. Temporary Transfer Application T-11022 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	6.5
3 N	28 E	WM	12	SE SE	4.4
TOTAL					10.9

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

Decree: Umatilla River in the name of Pioneer Irrigation Co. (Frank Correa, Sr. and Minerva Mendenhall)

Use: IRRIGATION of 46.9 ACRES

Priority Date: JANUARY 9, 1900

Limit/Duty: For raw land or loose, coarse textured soil, the amount of water is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

For fine textured soil, the amount of water is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 6.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: USUALLY MARCH 1 TO NOVEMBER 1

Source: UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	5	NW NW	6.8
3 N	29 E	WM	6	NE NE	2.7
3 N	29 E	WM	6	SE NE	10.5
3 N	29 E	WM	8	NE SW	9.1
3 N	29 E	WM	8	SE SW	8.9
3 N	29 E	WM	8	NW SE	7.4
3 N	29 E	WM	8	SW SE	1.5
TOTAL					46.9

- Temporary Transfer Application T-11022 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	20.0
3 N	28 E	WM	12	NW SE	0.1
3 N	28 E	WM	12	SW SE	0.2
3 N	28 E	WM	12	SE SE	26.6
TOTAL					46.9

- The applicant has indicated that the supplemental water right (Permit S-7400) will not be exercised during the term of this temporary transfer.
- The Department interprets the rate and duty under the terms of the decree to be one-eightieth of one cubic foot per second, not to exceed 3.0 acre-feet per acre for each acre irrigated for these lands.
- The uses of domestic and livestock as outlined in the Umatilla River Decree, Volume 3, Page 239, and Volume 15, Page 432, are not being affected by this transfer.
- Notice of the application for temporary transfer was published on pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Temporary Transfer Application T-11022 proposes to temporarily transfer water rights within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.
- Temporary Transfer Application T-11022 proposes to temporarily transfer water rights that have a supplemental right served by a Bureau of Reclamation storage project. The Bureau was notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use proposed in application Temporary Transfer Application T-11022 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-11022 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2010, 2011, 2012, 2013 and 2014 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2014 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of this water right evidenced by the associated decree (Umatilla River Decree Volume 3, Page 239 and Volume 15, Page 432) 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.
6. 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, Volume 3, Page 239 and Volume 15, Page 432.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

9. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
10. The use of the remaining water rights described by the Umatilla River Decree, Volume 3, Page 239 and Volume 15, Page 432 shall continue to be in accordance with the terms and conditions of the Umatilla River Decree.

Dated at Salem, Oregon this 2nd day of April, 2010.

William E. Forbes
for Phillip C. Ward, Director

Mailing Date: APR 07 2010