



**Priority Date:** JULY 1907

**Source:** UMATILLA RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3 N	29 E	WM	21	SW NE	POD #1 - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

**Certificate:** 79439 issued in the name of U.S. BUREAU OF RECLAMATION  
(perfected under Permit 7400)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 7.15 ACRES

**Priority Date:** JULY 1, 1924

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent)  
provided further that the right allowed herein for supplemental irrigation  
shall be limited to any deficiency in the available supply of any prior  
right existing for the same land and shall not exceed the limitation  
allowed therein

**Source:** MCKAY RESERVOIR (constructed under Permit R-564), a tributary of  
MCKAY CREEK. Water is run down the natural channels of McKay  
Creek and the Umatilla River and is re-diverted at Westland Irrigation  
District Canal

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

**Authorized Place of Use: (NOTICES #2008-01 & 2008-02)**

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		User	Notice #
						76717 (IR)	79439 (IS)		
4 N	28 E	WM	6	NE SE	4200	0.65	0.65	MATTHEW DOHERTY	2008-01
4 N	28 E	WM	6	NE SE	4201	0.20	0.20	MATTHEW DOHERTY	2008-01
4 N	28 E	WM	7	SE SW	1100	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1200	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1300	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1400	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1500	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1600	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1700	0.70	0.70	KENT MADISON	2008-02
4 N	28 E	WM	7	SE SW	1000	1.40	1.40	KENT MADISON	2008-02
<b>TOTAL:</b>						<b>7.15</b>	<b>7.15</b>		

4. Application T-10762 proposes to change the place of use of the above described rights to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		User	Notice #
						76717 (IR)	79439 (IS)		
4 N	28 E	WM	7	SE NW	300	0.85	0.85	JOHN WILGERS	2008-01
3 N	27 E	WM	1	NW SW	4700	6.30**	6.30**	KENT MADISON	2008-02
<b>TOTAL:</b>						<b>7.15</b>	<b>7.15</b>		

\*\*SEE Finding of Fact #13 below.

5. The portion of the SECOND right to be transferred is as follows:

**Certificate:** 76799 in the name of WESTLAND IRRIGATION DISTRICT  
(perfected under Permit 27583)

**Use:** IRRIGATION of 0.25 ACRE

**Priority Date:** APRIL 12, 1961

**Rate & Duty:** Limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) from direct flow, and 4½ ACRE-FEET for each acre irrigated during the irrigation season of each year from direct flow and storage

**Source:** UMATILLA RIVER and MCKAY RESERVOIR (constructed under Permit R-584), tributary of the COLUMBIA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21
2 N	32 E	WM	34	NW SE	McKAY DAM

**Authorized Place of Use: (NOTICE #2008-01)**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice #
4 N	28 E	WM	6	NE SE	4200	0.25	MATTHEW DOHERTY	2008-01
<b>TOTAL:</b>						<b>0.25</b>		

6. Application T-10762 proposes to change the place of use of the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	User	Notice #
4 N	28 E	WM	7	SE NW	300	0.25	JOHN WILGERS	2008-01
<b>TOTAL:</b>						<b>0.25</b>		

7. The portion of the THIRD primary water right and its supplemental water rights to be transferred are as follows:

**Certificate:** 76717 in the name of WESTLAND IRRIGATION DISTRICT (confirmed by Decree of the Circuit Court of the State of Oregon for Umatilla County, Volume 3 at pages 247-249 and Volume 15, at pages 439-441, and Volume 16, at pages 459-460)

**Use:** IRRIGATION (IR) of 0.3 ACRE

**Rate:** Limited to a diversion on ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from March 1 to November 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year

**Priority Date:** JULY 1907

**Source:** UMATILLA RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3 N	29 E	WM	21	SW NE	POD#1 – North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

**Certificate:** 79439 issued in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit 7400)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 0.3 ACRE

**Priority Date:** JULY 1, 1924

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent), provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein

**Source:** MCKAY RESERVOIR (constructed under Permit R-564), a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
2 N	32 E	WM	34	NW SE	MCKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

**Certificate:** 52822 in the name of JOHN L. KING (perfected under Permit G-8229)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 0.3 ACRE

**Priority Date:** MAY 1, 1973

**Quantity:** 0.004 CUBIC FOOT PER SECOND (cfs)  
**Rate & Duty:** Limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be 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

**Source:** A WELL, within the Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
4 N	28 E	WM	17	NW NE	830 feet South and 870 feet East from the North ¼ Corner of Section 17

**Authorized Places of Use: (NOTICE #2008-03)**

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)			User	Notice #
						76717 (IR)	79439 (IS)	52822 (IS)		
4 N	28 E	WM	17	NW NE	2600	0.30	0.30	0.30	FERGUSON	2008-03
<b>TOTAL:</b>						<b>0.30</b>	<b>0.30</b>	<b>0.30</b>		

8. Application T-10762 proposes to change the place of use of the above described rights to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)			User	Notice #
						76717 (IR)	79439 (IS)	52822 (IS)		
4 N	28 E	WM	17	NW NE	2700	0.30	0.30	0.30	STACY WILSON	2008-03
<b>TOTAL:</b>						<b>0.30</b>	<b>0.30</b>	<b>0.30</b>		

9. The District permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.

10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

11. The proposed changes in place of use would not result in enlargement of the rights.

12. The proposed changes in place of use will not result in injury to other water rights.

***Diminishment of a Portion of a Water Right Permit***

13. On March 27, 2009, Kent Madison and Shannon Madison, owners of certain lands to which a portion of Permit 51017 is appurtenant, submitted affidavits to diminish a portion of the water use permit from primary irrigation to supplemental irrigation for the incoming district right, and is described as follows:

**Permit:** 51017 (Application S-70272) in the name of KENT R. and SHANNON K. MADISON

**Use:** IRRIGATION of 6.3 ACRES

**Priority Date:** APRIL 2, 1990

**Rate/Duty:** ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to November 1 of each year. It is further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 ACRE-FEET for each acre in any one year

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Survey Coordinates
4 N	25 E	WM	2	NE NW	7	150 feet South and 2990 feet West from the NE Corner of Section 2

**Authorized Place of Use to be Diminished to Supplemental Irrigation:**

Twp	Rng	Mer	Sec	Q - Q	TL	Acres	Permittees
3 N	27 E	WM	1	NW SW	4700	6.30	KENT & SHANNON MADISON

**Conclusions of Law**


The change in place of use proposed in Transfer Application T-10762 satisfies the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the portion of water use Permit 51017, described in Finding of Fact #13 above, shall be diminished to supplemental irrigation.

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

1. The change in place of use to the water rights evidenced by Certificates 76717, 76799, 79439 and 52822, proposed in Transfer Application T-10762, is approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76717, 76799, 79439 and 52822, any related decree and this Final Order approving Transfer Application T-10762.
3. Water right Certificate 52822 is cancelled. A new certificate will be issued describing that portion of water right Certificate 52822 NOT affected by this transfer.
4. Water right certificates 76717, 76799 and 79439 are modified. The Department will issue superseding certificates describing the District's rights when it determines that is necessary for record keeping.
5. The portion of water use Permit 51017 described in Finding of Fact #13 is diminished from primary irrigation to supplemental irrigation.
6. The former places of use shall no longer be irrigated as part of these water rights.

7. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
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 approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2010.
10. A Claim of Beneficial Use (COBU) shall be submitted by Westland Irrigation District to the Department by October 1, 2011.
11. When satisfactory proof of the completed change for the portion of Certificate 52822 involved in Transfer Application T-10762 is received, a new certificate confirming the transferred portion of Certificate 52822 will be issued.

Dated at Salem, Oregon this 28<sup>th</sup> day of April, 2009.

  
Phillip C. Ward, Director *PS*

Mailing date: APR 29 2009