

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-12647, Morrow County) A DISTRICT TEMPORARY
) TRANSFER

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

1. On April 19, 2017, Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 75126, 61534, 75128, and 79439. The Department assigned the application number T-12647.

2. Notice of the application for transfer was published on April 25, 2017, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.

3. The portion of the first right to be transferred is as follows:

Certificate: 76051 issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: IRRIGATION of 119.2 acres

Priority Dates: JUNE 27, 1958

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-FORTIETH of one cubic foot per second (CFS), or its equivalent, and 4.5 acre-feet (AF) for each acre irrigated during the irrigation season of each year.

Source: UMATILLA RIVER, a tributary of the COLUMBIA RIVER

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 137-004-0080, you may 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 Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - 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	Tax Lot	Acres	Water User
3 N	29 E	WM	20	NW NE	6106	5.20	WID
3 N	29 E	WM	20	SW NE	6106	7.60	WID
3 N	29 E	WM	20	SE NE	6106	4.30	WID
3 N	29 E	WM	20	SE SW	6103	11.10	WID
3 N	29 E	WM	20	NE SE	6106	0.10	WID
3 N	29 E	WM	20	NW SE	6106	0.50	WID
3 N	29 E	WM	20	SE SE	6106	4.50	WID
3 N	29 E	WM	21	SW NW	6106	0.30	WID
3 N	29 E	WM	21	NW SW	6106	1.20	WID
3 N	29 E	WM	21	SW SW	6106	23.80	WID
3 N	29 E	WM	21	SE SW	6106	3.80	WID
3 N	29 E	WM	21	SE SW	6106	2.50	WID
3 N	29 E	WM	28	NE NW	6106	2.00	WID
3 N	29 E	WM	28	NW NW	6106	22.10	WID
3 N	29 E	WM	29	NE NE	6106	2.40	WID
3 N	29 E	WM	29	NE NW	6104	8.00	WID
3 N	29 E	WM	29	SW NW	6104	0.60	WID
3 N	29 E	WM	29	SW SW	6104	9.60	WID
3 N	29 E	WM	30	SE SE	6104	9.60	WID
Total:						119.20	

4. Transfer Application T-12647 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	24	NE NW	7200	29.90	WID
3 N	28 E	WM	24	NW NW	7200	30.60	WID
3 N	29 E	WM	20	SE SE	6106	4.50	WID
3 N	29 E	WM	21	SW SW	6106	8.90	WID
3 N	29 E	WM	21	SW SW	6106	2.80	WID
3 N	29 E	WM	21	SW SW	6106	2.40	WID
3 N	29 E	WM	21	SW SW	6106	6.40	WID
3 N	29 E	WM	21	SW SW	6106	0.80	WID
3 N	29 E	WM	21	SW SW	6106	2.50	WID
3 N	29 E	WM	21	SE SW	6106	0.20	WID
3 N	29 E	WM	21	SE SW	6106	3.60	WID
3 N	29 E	WM	28	NE NW	6106	1.20	WID
3 N	29 E	WM	28	NE NW	6106	0.80	WID
3 N	29 E	WM	28	NW NW	6106	17.60	WID
3 N	29 E	WM	28	NW NW	6106	0.80	WID
3 N	29 E	WM	28	NW NW	6106	3.80	WID

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	29	NE NE	6106	2.40	WID
Total:						119.20	

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

Certificate: 75126 issued in the name of Todd M. Dimbat Irrevocable Trust and Kelly L. Molash Irrevocable Trust; Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.40 acres

Priority Date: October 1, 1975

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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 herein. The diversion shall be further limited to appropriation of water only to the extent that does not impact or substantially interfere with existing surface water rights of others

Source: WELLS 1 & 3 in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	16	SE SW	WELL 1-850 FEET NORTH AND 750 FEET WEST FROM THE S¼ CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	WELL 3-350 FEET NORTH AND 850 FEET WEST FROM THE S¼ CORNER OF SECTION 16

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	NW NE	6106	5.20	Amstad
3 N	29 E	WM	20	SW NE	6106	7.60	Amstad
3 N	29 E	WM	20	SE NE	6106	4.30	Amstad
3 N	29 E	WM	21	SW NW	6103	0.30	Amstad
Total:						17.40	

6. Transfer Application T-12647 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	21	SW SW	6106	2.80	Amstad
3 N	29 E	WM	21	SW SW	6106	2.40	Amstad
3 N	29 E	WM	21	SW SW	6106	6.40	Amstad
3 N	29 E	WM	21	SE SW	6106	0.20	Amstad
3 N	29 E	WM	21	SE SW	6106	3.60	Amstad
3 N	29 E	WM	28	NE NW	6106	1.20	Amstad
3 N	29 E	WM	28	NW NW	6106	0.80	Amstad

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
Total:						17.4	

7. The portion of the third right to be transferred is as follows:

Certificate: 61534 in the name of TRAVELERS INSURURANCE COMPANY (as perfected under Permit G-7078)

Use: Supplemental Irrigation of 100.0 acres

Priority Date: March 30, 1976

Rate & Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-EIGHTIETH of one cfs, or its equivalent, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELLS in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL 1-80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SE SE	BROWN WELL 2-610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL 3-1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL 4-140 FEET NORTH AND 490 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 19

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	NW NE	6106	5.20	Amstad
3 N	29 E	WM	20	SW NE	6106	7.60	Amstad
3 N	29 E	WM	20	SE NE	6106	4.30	Amstad
3 N	29 E	WM	20	SE SW	6103	11.10	Amstad
3 N	29 E	WM	20	NE SE	6106	0.10	Amstad
3 N	29 E	WM	20	NW SE	6106	0.50	Amstad
3 N	29 E	WM	20	SE SE	6106	4.50	Amstad
3 N	29 E	WM	21	SW NW	6106	0.30	Amstad
3 N	29 E	WM	21	NW SW	6106	1.20	Amstad
3 N	29 E	WM	21	SW SW	6106	23.80	Amstad
3 N	29 E	WM	21	SE SW	6106	3.80	Amstad
3 N	29 E	WM	21	SE SW	6106	2.50	Amstad
3 N	29 E	WM	28	NE NW	6106	2.00	Amstad
3 N	29 E	WM	28	NW NW	6106	22.10	Amstad
3 N	29 E	WM	29	NE NE	6106	2.40	Amstad
3 N	29 E	WM	29	NE NW	6104	8.00	Amstad
3 N	29 E	WM	29	SW NW	6104	0.60	Amstad
Total:						100.0	

8. Transfer Application T-12647 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	24	NE NW	7200	29.90	Corea
3 N	28 E	WM	24	NW NW	7200	30.60	Corea
3 N	29 E	WM	20	SE SE	6106	4.50	Corea
3 N	29 E	WM	21	SW SW	6106	8.90	Corea
3 N	29 E	WM	21	SW SW	6106	2.80	Corea
3 N	29 E	WM	21	SW SW	6106	2.50	Corea
3 N	29 E	WM	21	SW SW	6106	2.40	Corea
3 N	29 E	WM	21	SW SW	6106	6.40	Corea
3 N	29 E	WM	21	SE SW	6106	0.20	Corea
3 N	29 E	WM	21	SE SW	6106	3.60	Corea
3 N	29 E	WM	28	NE NW	6106	1.20	Corea
3 N	29 E	WM	28	NW NW	6106	0.80	Corea
3 N	29 E	WM	28	NW NW	6106	3.80	Corea
3 N	29 E	WM	29	NE NE	6106	2.40	Corea
Total:						100.0	

9. The portion of the fourth right to be transferred is as follows:

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.20 acres

Priority Date: September 26, 1974

Rate & Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acres irrigated during the irrigation season of each year, 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 herein.

Source: BROWN WELL 2, in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	29	SW SW	6104	9.60	Amsted
3 N	29 E	WM	30	SE SE	6104	9.60	Amsted
Total:						19.20	

10. Transfer Application T-12647 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	21	SW SW	6104	0.80	Corea
3 N	29 E	WM	28	NE NW	6104	0.80	Corea
3 N	29 E	WM	28	NW NW	6104	17.60	Corea
Total:						19.20	

11. The portion of the fifth right to be transferred are as follows:

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

Use: Supplemental Irrigation of 67.60 acres

Priority Date: July 1, 1924

Rate & Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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 herein.

Source: MCKAY RESERVOIR (constructed under permit R-564) a tributary of MCKAY CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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 W¼ CORNER OF SECTION 21

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	SE NE	6106	4.30	Amsted
3 N	29 E	WM	20	NE SE	6106	0.10	Amsted
3 N	29 E	WM	20	SE SE	6106	4.50	Amsted
3 N	29 E	WM	21	SW NW	6106	0.30	Amsted
3 N	29 E	WM	21	NW SW	6106	1.20	Amsted
3 N	29 E	WM	21	SW SW	6106	23.80	Amsted
3 N	29 E	WM	21	SE SW	6106	3.80	Amsted
3 N	29 E	WM	21	SE SW	6106	2.50	Amsted
3 N	29 E	WM	28	NE NW	6106	2.00	Amsted
3 N	29 E	WM	28	NW NW	6106	22.10	Amsted
3 N	29 E	WM	29	NE NE	6106	2.40	Amsted
3 N	29 E	WM	29	SW NW	6104	0.60	Amsted
Total:						67.60	

12. Transfer Application T-12647 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	24	NE NW	7200	29.90	Corea
3 N	28 E	WM	24	NW NW	7200	30.60	Corea
3 N	29 E	WM	21	SW SW	6106	2.40	Corea
3 N	29 E	WM	21	SW SW	6106	2.50	Corea
3 N	29 E	WM	21	SE SW	6106	0.20	Corea
3 N	29 E	WM	28	NE SW	6106	1.20	Corea
3 N	29 E	WM	28	NW NW	6106	0.80	Corea
Total:						67.60	

13. Temporary Transfer Application T-12647 proposes to temporarily transfer a water right in the name of the U.S. Bureau of Reclamation. The Bureau was notified of the proposed temporary transfer and did not provide any comments within a 60 day comment period.
14. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
15. 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.
16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
17. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
19. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
20. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

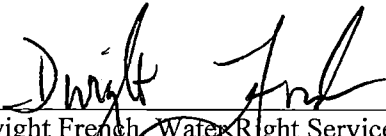
The temporary change in place of use proposed in Temporary Transfer Application T-12647 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Transfer Application T-12647, are approved.

2. The former places of use **shall not** be irrigated as part of these water rights during the 2017 irrigation season.
3. The use shall revert to the authorized place of use after the 2017 irrigation season.
4. Any application for permanent transfer of Certificates 76051, 75126; 61534, 75128, and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificates 76051, 75126, 61534, 75128, and 79439 under ORS 540.610.
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 water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. 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.
9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128, and 79439.
10. The use of the remaining water rights described by Certificates 76051, 75126, 61534, 75128, and 79439 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128, and 79439.

Signed at Salem, Oregon this 9 day of August 2017.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: AUG 17 2017