

Priority Date: January 9, 1900
Acres: 50.1 acres
Quantity: 0.63 Cubic Foot per Second (CFS)
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Source: Umatilla River, tributary to the Columbia River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	29	E	W.M.	21	SW NE	Westland Canal POD - N76°45'56"E, 2913.19 feet from W 1/4 Corner of Section 21

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
3	N	29	E	W.M.	8	NE SW	2300	17.3
3	N	29	E	W.M.	8	SE SW	2300	22.4
3	N	29	E	W.M.	8	NW SE	2300	8.0
3	N	29	E	W.M.	8	SW SE	2300	2.0

Water Right: Umatilla River Amended Decree, Volume 16, at Page 458, in the name of Pioneer Irrigation Company - Frank Correa, Sr.

Use: Irrigation

Priority Date: January 9, 1900

Acres: 8.0 acres

Quantity: 0.1 Cubic Foot per Second (CFS)

Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	29	E	W.M.	21	SW NE	Westland Canal POD - N76°45'56"E, 2913.19 feet from W 1/4 Corner of Section 21

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
3	N	29	E	W.M.	8	NW SE	2300	8.0

Certificate: 76930 in the name of Courtney Irrigation Company

Use: Irrigation

Priority Date: January 9, 1900

Acres: 62.0 acres

Quantity: 0.775 Cubic Foot per Second (CFS)

Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	29	E	W.M.	21	SW NE	Westland Canal POD - N76°45'56"E, 2913.19 feet from W 1/4 Corner of Section 21

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
3	N	28	E	W.M.	12	NE SE	4000	26.0
3	N	28	E	W.M.	12	NW SE	4000	20.2
3	N	28	E	W.M.	12	SW SE	4000	14.8
3	N	28	E	W.M.	12	SE SE	4000	1.0

5. Application T-9660 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
Umatilla River Decree, Volume 3, at Page 239								
3	N	28	E	W.M.	12	NE SE	4000	30.1
3	N	28	E	W.M.	12	SE SE	4000	20.0
Umatilla River Amended Decree, Volume 16, at Page 458								
3	N	28	E	W.M.	12	SE SE	4000	8.0
Certificate 76930								
3	N	28	E	W.M.	12	NW SE	4000	30.0
3	N	28	E	W.M.	12	SW SE	4000	30.0
3	N	28	E	W.M.	12	SE SE	4000	2.0

6. The temporary transfer application identifies a supplemental right, Permit S-7400, under the water rights described in the Umatilla River Decree, Volume 30, Page 30, and in the Umatilla River Amended Decree, Volume 16, Page 457, and that this supplemental right would not be exercised during the term of the temporary transfer. The place of use description provided in the certificate issued for this permit, being certificates 79440 and 79439, does not show any supplemental right on the same portion of the primary rights requested for temporary transfer.
7. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.

10. The proposed change would result in enlargement of the right because the proposed acreage for the right established under the Umatilla River Decree, Volume 3, at page 239, exceeds the acreage available under the right.
11. The proposed change would result in the routing of return flows around other existing water rights resulting in injury to those rights.

Conclusions of Law

The temporary changes in place of use proposed in application T-9660 are not consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in application T-9660 are not approved.

Dated at Salem, Oregon this 27th day of September, 2004.


Phillip C. Ward
Acting Director

Mailing date: OCT 05 2004

Requests for Reconsideration should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271