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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13969, Morrow and Umatilla Counties)	A DISTRICT PERMANENT TRANSFER FOR
)	CHANGES IN PLACES OF USE AND A PARTIAL
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to 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

WEST EXTENSION IRRIGATION DISTRICT
P.O. BOX 100
IRRIGON, OR 97844

Findings of Fact

1. On April 8, 2022, West Extension Irrigation District (WEID) filed a district transfer application to permanently change the places of use under Certificates 79924, 79925, 94120, 79929, 87872, and 65771. The Department assigned the application number T-13969.
2. Notice of the District Permanent Transfer Application was published on April 19, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on April 19, 2022; no comments were received within 90 days of the notification.
4. On February 14, 2023, WEID submitted minor corrections to the tables and a map.
5. The portion of the first right to be transferred is as follows:

Certificate: 79924 in the name of WEST EXTENSION IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)

This final order in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Use: IRRIGATION of 8.4 acres and LIVESTOCK USE

Priority Dates: APRIL 14, 1893

Limit/Duty: Subject to the provisions of Paragraph 33 of the Umatilla River Decree

Source: The UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	28	SW SW	1100 FEET NORTH AND 520 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	25	NE NE	0.30	3300	MOSS	NPT-2021-01
5 N	26 E	WM	25	NE NE	0.30	3500	POURIER	NPT-2021-01
5 N	27 E	WM	30	NW NW	0.10	900	CARMONA	NPT-2021-01
5 N	27 E	WM	30	NW NW	0.20	1400	LOPEZ-GOMEZ	NPT-2021-01
5 N	27 E	WM	30	SW NW	0.80	1300	SWANSON	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	100	ESTRADA	NPT-2021-01
5 N	27 E	WM	31	NW SW	1.00	201	HOLZ	NPT-2021-01
5 N	27 E	WM	31	NW SW	3.25	202	HOLZ	NPT-2021-01
5 N	27 E	WM	31	NW SW	0.25	ROW	WEID	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2200	TUINSTR	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2200	TUINSTR	NPT-2021-01
Total					8.40			

6. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	26	SE SW	1.00	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SE SW	1.50	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SW SE	3.30	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SW SE	1.50	400	MCNAMEE	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.30	117	PENN	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	700	VALENCIA	NPT-2021-01
Total					8.40			

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

Certificate: 79925 in the name of WEST EXTENSION IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)

Use: IRRIGATION of 0.9 acres AND STOCK WATER

Priority Dates: 1906

Limit/Duty: Subject to the provisions of Paragraph 33 of the Umatilla River Decree

Source: The UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	28	SW SW	1100 FEET NORTH AND 520 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	27 E	WM	21	NE NW	0.50	300	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.40	300	GERBER	NPT-2021-05
Total					0.90			

8. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	27 E	WM	21	NE NW	0.10	400	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.80	400	GERBER	NPT-2021-05
Total:					0.90			

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

Certificate: 94120 in the name of WEST EXTENSION IRRIGATION DISTRICT (perfected under Permit S-45999)

Use: IRRIGATION of 17.3 acres

Priority Dates: JUNE 15, 1981

Limit/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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	23	SE NE	800 FEET NORTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	22	SE NE	1	1.20	200	SVANTONSKY	NPT-2021-02
5 N	26 E	WM	23	NE NW	7	0.10	802	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	NE NW	7	0.40	807	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	NE NW	7	0.30	808	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	NW NW	8	0.20	600	KETELSON	NPT-2021-02
5 N	26 E	WM	23	SW NW	4	0.20	3500	MEAKINS	NPT-2021-02

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	23	SE NW	3	1.60	1400	JACKSON	NPT-2021-02
5 N	26 E	WM	23	SE NW	3	1.10	802	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	SE NW	3	0.70	807	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	SE NW	3	0.80	808	SCHRIEVER	NPT-2021-02
5 N	26 E	WM	23	SE SW	3	0.30	3101	VILLARREAL	NPT-2021-02
5 N	26 E	WM	24	SE SW		0.20	800	MORROW COUNTY SCHOOLS	NPT-2021-03
5 N	26 E	WM	24	NE SE		0.40	3501	PARKER	NPT-2021-02
5 N	26 E	WM	24	SW SE		0.20	125	WHITBECK	NPT-2021-02
5 N	26 E	WM	25	SE NE		8.40	2600	MORROW COUNTY SCHOOLS	NPT-2021-03
5 N	26 E	WM	25	SE NE		1.00	2700	MORROW COUNTY SCHOOLS	NPT-2021-03
5 N	26 E	WM	26	NW NW		0.20	326	HILL	NPT-2021-02
Total						17.30			

10. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	22	SW NE	2	0.60	400	SHERRELL	NPT-2021-02
5 N	26 E	WM	22	NW SE	2	0.10	400	SHERRELL	NPT-2021-02
5 N	26 E	WM	24	NW SE		0.50	202	TOLAR	NPT-2021-02
5 N	26 E	WM	25	SE NE		0.10	2600	MORROW COUNTY SCHOOLS	NPT-2021-03
5 N	26 E	WM	26	SE NE		6.50	400	MCNAMEE	NPT-2021-02
5 N	26 E	WM	26	SE NE		0.30	400	MCNAMEE	NPT-2021-03
5 N	26 E	WM	26	NE SE		9.20	400	MCNAMEE	NPT-2021-03
Total						17.30			

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

Certificate: 79929 in the name of WEST EXTENSION IRRIGATION DISTRICT (perfected under Permit S-33883)

Use: SUPPLEMENTAL IRRIGATION 4.50 acres

Priority Dates: SEPTEMBER 12, 1968

Limit/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-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	17	NW SW	1900 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 17
5 N	28 E	WM	10	NW SE	2150 FEET NORTH AND 3500 FEET EAST FROM THE SW CORNER OF SECTION 10

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	25	NE NE	0.30	3300	MOSS	NPT-2021-01
5 N	26 E	WM	25	NE NE	0.30	3500	POURIER	NPT-2021-01
5 N	27 E	WM	21	NE NW	0.50	300	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.40	300	GERBER	NPT-2021-05
5 N	27 E	WM	30	SW NW	0.80	1300	SWANSON	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	100	ESTRADA	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2200	TUINSTR	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2200	TUINSTR	NPT-2021-01
Total					4.50			

12. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	26	SE SW	1.00	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SW SE	1.50	400	MCNAMEE	NPT-2021-01
5 N	27 E	WM	21	NE NW	0.10	400	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.80	400	GERBER	NPT-2021-05
5 N	27 E	WM	30	SE NW	0.30	117	PENN	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	700	VALENCIA	NPT-2021-01
Total					4.50			

13. The portion of the fifth right to be transferred is as follows:

Certificate: 87872 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-7400)

Use: SUPPLEMENTAL IRRIGATION of 9.30 acres

Priority Date: JULY 1, 1924

Limit/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 any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: RETURN FLOW FROM THE IRRIGATION SYSTEMS ALONG THE UMATILLA RIVER USING WATER STORED IN MCKAY RESERVOIR, TRIBUTARY TO THE COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY RESERVOIR DAM
5 N	28 E	WM	28	SW SW	RE-DIVERSION POINT – THREE MILE FALLS DIVERSION LOCATED 1100 FEET NORTH AND 520 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	25	NE NE	0.30	3300	MOSS	NPT-2021-01
5 N	26 E	WM	25	NE NE	0.30	3500	POURIER	NPT-2021-01
5 N	27 E	WM	21	NE NW	0.50	300	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.40	300	GERBER	NPT-2021-05
5 N	27 E	WM	30	NW NW	0.10	900	CARMONA	NPT-2021-01
5 N	27 E	WM	30	NW NW	0.20	1400	LOPEZ-GOMEZ	NPT-2021-01
5 N	27 E	WM	30	SW NW	0.80	1300	SWANSON	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	100	ESTRADA	NPT-2021-01
5 N	27 E	WM	31	NW SW	1.00	201	HOLZ	NPT-2021-01
5 N	27 E	WM	31	NW SW	3.25	202	HOLZ	NPT-2021-01
5 N	27 E	WM	31	NW SW	0.25	ROW	WEID	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	NW SE	0.15	2200	TUINSTR	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2100	HERKAMP	NPT-2021-01
5 N	28 E	WM	18	SW SE	0.55	2200	TUINSTR	NPT-2021-01
Total					9.30			

14. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	26	SE SW	1.00	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SE SW	1.50	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SW SE	3.30	400	MCNAMEE	NPT-2021-01
5 N	26 E	WM	26	SW SE	1.50	400	MCNAMEE	NPT-2021-01
5 N	27 E	WM	21	NE NW	0.10	400	GERBER	NPT-2021-05
5 N	27 E	WM	21	SE NW	0.80	400	GERBER	NPT-2021-05
5 N	27 E	WM	30	SE NW	0.30	117	PENN	NPT-2021-01
5 N	27 E	WM	30	SE NW	0.80	700	VALENCIA	NPT-2021-01
Total					9.30			

15. The portion of the sixth right to be transferred is as follows:

Certificate: 65771 in the name of MORROW COUNTY SCHOOL DISTRICT (perfected under Permit G-9504)

Use: SUPPLEMENTAL IRRIGATION of 1.7 acres

Priority Dates: AUGUST 13, 1981

Rate: 0.02 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

Source: A WELL within the COLUMBIA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	25	SE NE	1220 FEET NORTH AND 1240 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	25	SE NE	1.7	2600	MORROW COUNTY SCHOOLS	NPT-2021-03

16. Transfer Application T-13969 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
5 N	26 E	WM	25	SE NE	0.20	2600	MORROW COUNTY SCHOOLS	NPT-2021-03
5 N	26 E	WM	25	SE NE	1.50	2700	MORROW COUNTY SCHOOLS	NPT-2021-03
Total:					1.70			

17. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
18. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
19. The water right is subject to transfer as defined in OAR 690-385-0100(17).
20. The proposed change in places of use, as conditioned, will not result in enlargement of the right as defined in OAR 690-385-0100(4).
21. The proposed change in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
22. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellation of Water Right Certificate 96925

Portions of water right Certificate 96925 are appurtenant to certain authorized lands involved in T-13969.

23. On December 12, 2023, Herbert Hill, owner of lands to which a portion of Certificate 96925 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested a portion of Certificate 96925 be cancelled as it will not be transferred

along with the associated primary. The abandoned portion to be cancelled is described as follows:

Certificate: 96925 in the name of Robert V. Gillett (perfected under Permit G-7749)
Use: SUPPLEMENTAL IRRIGATION of 0.2 ACRE
Priority Date: AUGUST 10, 1977
Rate: 0.002 CUBIC FOOT PER SECOND
Source: A WELL with the COLUMBIA RIVER BASIN

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres
5 N	26 E	WM	26	NW NW	326	0.2

Conclusions of Law

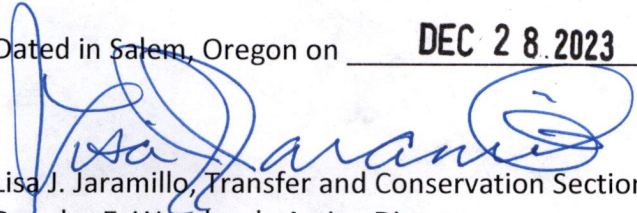
The proposed change in places of use as proposed in Transfer Application T-13969 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes in places of use to the water rights evidenced by Certificates 79924, 79925, 94120, 79929, 87872, and 65771 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-13969 shall no longer be irrigated, and are cancelled from Certificates 79924, 79925, 94120, and 79929, 87872.
3. Water right Certificate 65771 is cancelled. A new Certificate 97542 will be issued describing that portion of the right not modified by this transfer.
4. The portions of the water right as evidenced by Certificates 96925 as requested to be canceled are canceled. A new Certificate 97541 will be issued describing the balance of the right not modified by this Final Order.
5. The right to the use of the water at the places of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 79924, 79925, 94120, 79929, and 87872, and any related decree.
6. The district shall maintain and operate the existing measurement devices on their points of diversion and shall make such improvements as may be required by the Department.
7. Water Use Measurement Conditions for the proposed lands transferred under Certificate 65771 :
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use shall be submitted by WEID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
 9. After satisfactory proof of completion has been determined by the Department a new certificate confirming the right transferred under Certificate 65771 will be issued.
 10. Water right Certificates 79924, 79925, 94120, 79929, and 87872 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on DEC 28 2023.


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: DEC 29 2023