

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-14186, Umatilla) A DISTRICT PERMANENT TRANSFER FOR
) PLACE OF USE AND PARTIAL DIMINUTION
) 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

WESTLAND IRRIGATION DISTRICT
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On March 1, 2023, Westland Irrigation District (WID) filed a district transfer application to permanently change the place of use under Certificates 76715, 76717, 76723, 76050, 76799 and 79439. The Department assigned the application number T-14186.
2. Notice of the District Permanent Transfer Application was published on March 28, 2023, 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 March 28, 2023; no comments were received within 90 days of the notification.
4. On November 14, 2023, the applicant's agent submitted a revised application to more accurately describe the place of use changes.
5. The portion of the first right to be transferred is as follows:
Certificate: 76715 in the name of WESTLAND IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County)
Use: IRRIGATION AND STOCK WATER of 8.9 ACRES

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).

Priority Dates: MARCH 14, 1903

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-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

Source: The UMATILLA RIVER, tributary of the COLUMBIA RIVER

Authorized Point 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:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NE	6.80	4400	D PRIOR & A PRIOR & M PRIOR	E 16
3 N	28 E	WM	15	SW SW	2.10	4501	D PRIOR & A PRIOR & M PRIOR	E 15
Total					8.90			

6. Transfer Application T-14186 proposes to change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NW	2.90	4501	A PRIOR	E 10
3 N	28 E	WM	15	SW SW	1.50	4501	D PRIOR	E 15
3 N	28 E	WM	16	SW NW	1.50	3101	M PRIOR	E 08
3 N	28 E	WM	16	SW SW	1.50	3101	M PRIOR	E 13
3 N	28 E	WM	16	SW SE	1.50	4700	D PRIOR	E 14
Total					8.90			

7. The portion of the second right to be transferred is 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)

Use: IRRIGATION of 55.3 ACRES AND STOCK WATER

Priority Dates: JULY 1907

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-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.

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

Authorized Point 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:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NW	2.10	4501	D PRIOR & A PRIOR & M PRIOR	E-10
3 N	28 E	WM	15	NE SW	3.20	4501	D PRIOR & A PRIOR & M PRIOR	E-15
3 N	28 E	WM	15	NW SW	32.40	4501	D PRIOR & A PRIOR & M PRIOR	E-15
3 N	28 E	WM	15	SW SW	17.60	4501	D PRIOR & A PRIOR & M PRIOR	E-15
Total					55.30			

8. Transfer Application T-14186 proposes to change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	NE NW	7.00	4501	A PRIOR	E-10
3 N	28 E	WM	15	SE NW	11.40	4501	A PRIOR	E-10
3 N	28 E	WM	15	SW SW	9.20	4501	D PRIOR	E-15
3 N	28 E	WM	16	SE NW	9.20	3101	M PRIOR	E-08
3 N	28 E	WM	16	SW SW	9.30	3101	M PRIOR	E-13
3 N	28 E	WM	16	SE SE	9.20	4600	D PRIOR	E-14
Total					55.30			

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

Certificate: 76723 in the name of WESTLAND IRRIGATION DISTRICT (perfected under Permit S-46568)

Use: IRRIGATION of 67.0 ACRES

Rate: 1.68 CUBIC FEET PER SECOND

Priority Dates: JULY 31, 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 per acre, (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

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:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	NE SW	28.00	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	15	SW SW	7.80	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	15	SE SW	31.20	4501	D PRIOR & A PRIOR & M PRIOR	E 15
Total					67.00			

10. Transfer Application T-14186 proposes to change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SW NW	9.0	4501	A PRIOR	E-10
3 N	28 E	WM	15	SE NW	13.3	4501	A PRIOR	E-10
3 N	28 E	WM	15	SW SW	11.20	4501	D PRIOR	E-15
3 N	28 E	WM	16	SW NW	11.10	3101	M PRIOR	E-08
3 N	28 E	WM	16	SW SW	11.20	3101	M PRIOR	E-13
3 N	28 E	WM	16	SW SE	11.20	4700	D PRIOR	E-14
Total					67.00			

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

Certificate: 76050 in the name of TEEL IRRIGATION DISTRICT (perfected under Permit S-25920)

Use: IRRIGATION of 113.6 ACRES

Priority Dates: APRIL 22, 1955

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), and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: UMATILLA RIVER, a tributary of the COLUMBIA RIVER

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:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	NE NW	7.00	4501	D PRIOR & A PRIOR & M PRIOR	E-10
3 N	28 E	WM	15	SW NW	9.00	4501	D PRIOR & A PRIOR & M PRIOR	E-10
3 N	28 E	WM	15	SE NW	28.00	4501	D PRIOR & A PRIOR & M PRIOR	E-10
3 N	28 E	WM	16	SW NW	13.90	3101	D PRIOR & A PRIOR & M PRIOR	E-08
3 N	28 E	WM	16	SE NW	9.20	3101	D PRIOR & A PRIOR & M PRIOR	E-08
3 N	28 E	WM	16	SW SW	23.30	3101	D PRIOR & A PRIOR & M PRIOR	E-13
3 N	28 E	WM	16	SW SE	14.00	4700	D PRIOR & A PRIOR & M PRIOR	E-14

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	16	SE SE	9.20	4600	D PRIOR & A PRIOR & M PRIOR	E-14
Total					113.60			

12. Transfer Application T-14186 proposes to change the place of use to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SW NW	1.40	4501	A PRIOR	E-10
3 N	28 E	WM	15	NE SW	31.20	4501	D PRIOR	E-15
3 N	28 E	WM	15	NW SW	32.40	4501	D PRIOR	E-15
3 N	28 E	WM	15	SW SW	7.95	4501	D PRIOR	E-15
3 N	28 E	WM	15	SE SW	31.60	4501	D PRIOR	E-15
3 N	28 E	WM	16	SW NW	0.75	3101	M PRIOR	E-08
3 N	28 E	WM	16	SW SW	0.75	3101	M PRIOR	E-13
3 N	28 E	WM	16	SE SE	0.75	4600	D PRIOR	E-14
3 N	28 E	WM	26	SW SW	6.80	7400	D PRIOR & A PRIOR & M PRIOR	#43
Total					113.60			

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

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

Use: IRRIGATION of 7.8 ACRES

Priority Dates: APRIL 12, 1961

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) from direct flow, and 4.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage. The right to stored water is subject to the terms of contracts between the United States Bureau of Reclamation and the District.

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

Authorized Points 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 Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NW	4.70	4501	D PRIOR & A PRIOR & M PRIOR	E-10
3 N	28 E	WM	15	SW SW	3.10	4501	D PRIOR & A PRIOR & M PRIOR	E-15
Total					7.80			

14. Transfer Application T-14186 proposes to change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NW	2.60	4501	A PRIOR	E-10
3 N	28 E	WM	15	SW SW	1.30	4501	D PRIOR	E-15
3 N	28 E	WM	16	SW NW	1.30	3101	M PRIOR	E-08
3 N	28 E	WM	16	SW SW	1.30	3101	M PRIOR	E-13
3 N	28 E	WM	16	SW SE	1.30	4700	D PRIOR	E-14
Total					7.80			

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

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

Use: SUPPLEMENTAL IRRIGATION of 238.00 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 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 therein.

Source: MCKAY RESERVOIR (constructed under Permit R-584), a tributary of MCKAY CREEK

Authorized Points 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 RE-DIVERSION: NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	SE NE	6.80	4400	D PRIOR & A PRIOR & M PRIOR	E 16
3 N	28 E	WM	15	NE NW	7.00	4501	D PRIOR & A PRIOR & M PRIOR	E 10
3 N	28 E	WM	15	SW NW	9.00	4501	D PRIOR & A PRIOR & M PRIOR	E 10
3 N	28 E	WM	15	SE NW	23.30	4501	D PRIOR & A PRIOR & M PRIOR	E 10
3 N	28 E	WM	15	NE SW	31.20	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	15	NW SW	32.40	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	15	SW SW	27.50	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	15	SE SW	31.20	4501	D PRIOR & A PRIOR & M PRIOR	E 15
3 N	28 E	WM	16	SW NW	13.90	3101	D PRIOR & A PRIOR & M PRIOR	E 08
3 N	28 E	WM	16	SE NW	9.20	3101	D PRIOR & A PRIOR & M PRIOR	E 08
3 N	28 E	WM	16	SW SW	23.30	3101	D PRIOR & A PRIOR & M PRIOR	E 13

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	16	SW SE	14.00	4700	D PRIOR & A PRIOR & M PRIOR	E 14
3 N	28 E	WM	16	SE SE	9.20	4600	D PRIOR & A PRIOR & M PRIOR	E 14
Total					238.00			

16. Transfer Application T-14186 proposes to change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Circle
3 N	28 E	WM	15	NE NW	7.00	4501	A PRIOR	E 10
3 N	28 E	WM	15	SW NW	10.40	4501	A PRIOR	E 10
3 N	28 E	WM	15	SE NW	27.60	4501	A PRIOR	E 10
3 N	28 E	WM	15	NE SW	31.20	4501	D PRIOR	E 15
3 N	28 E	WM	15	NW SW	32.40	4501	D PRIOR	E 15
3 N	28 E	WM	15	SW SW	29.85	4501	D PRIOR	E 15
3 N	28 E	WM	15	SE SW	31.60	4501	D PRIOR	E 15
3 N	28 E	WM	16	SW NW	13.35	3101	M PRIOR	E 8
3 N	28 E	WM	16	SE NW	9.20	3101	M PRIOR	E 8
3 N	28 E	WM	16	SW SW	22.75	3101	M PRIOR	E 13
3 N	28 E	WM	16	SW SE	12.70	4700	D PRIOR	E 14
3 N	28 E	WM	16	SE SE	9.95	4600	D PRIOR	E 14
Total					238.00			

17. The authorized places of use as described in Finding of Facts #5, 7, 9, 11, 13, & 15, are appurtenant to lands described under Permit S-55061, S-54633, S-55401, and S-55192. These permits provide for pre-planned (only) annual use of water from the Columbia River, tributary to the Pacific Ocean, within certain constraints and permissions as outlined in the permits.

18. The proposed places of use as described in Finding of Facts #6, 8, 10, 12, 14, & 16, above, are appurtenant to lands described under Permit S-55061, S-54633, S-55401, and S-55192. These permits provide for pre-planned (only) use of water from the Columbia River, tributary to the Pacific Ocean. Use of water under these permits is subject to the following annual use condition:

a. If water under Permit S-55061, S-54633, S-55401, and S-55192, is planned for use as supplemental irrigation, then pre-existing primary rights for the same place of use cannot be transferred to another place of use or character of use.

19. 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.

20. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.

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

22. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
23. The proposed change in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
24. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Diminution of Certificate 79672

25. A portion of water right Certificate 79672 is appurtenant to a portion of the proposed place of use under Certificate 76050. Therefore, to avoid layering of two primary water rights for irrigation, a portion of lands under Certificate 79672 will be diminished to supplemental irrigation as a result of this order.
26. On November 17, 2023, Eagle Ranch, c/o Arthur, David and Michael Prior, owner of lands to which a portion of Certificate 79672 is appurtenant, submitted an affidavit requesting a portion of Certificate 79672 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 79672 in the name of Chester Prior(perfected under Permit G-6588

Use: IRRIGATION of 6.80 ACRE

Priority Date: OCTOBER 15, 1975

Rate: 0.085 CUBIC FOOT PER SECOND

Source: THREE WELLS IN THE UMATILLA RIVER BASIN

Place of Use to be diminished:

DIMINUTION FROM PRIMARY IRRIGATION ON CERTIFICATE 79672						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
3 N	28 E	WM	26	SW SW	6.80	7400

Conclusions of Law

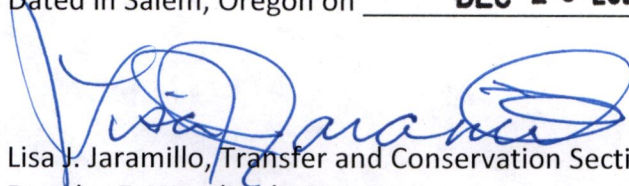
The proposed changes in place of use as proposed in Transfer Application T-14186 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 76715, 76717, 76723, 76050, 76799 and 79439 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14186 shall no longer be irrigated, and are cancelled from Certificates 76715, 76717, 76723, 76050, 76799 and 79439.
3. 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 76715, 76717, 76723, 76050, 76799 and 79439, and any related decree.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

5. 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 WID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 76715, 76717, 76723, 76050, 76799 and 79439 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