BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12413, Umatilla County)	A DISTRICT PERMANENT
)	TRANSFER

Authority

ORS 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. 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 June 20, 2016, Westland Irrigation District filed a district transfer application to permanently change the places of use within the boundaries of the irrigation district under Certificates 79439, and 76715. The Department assigned the application number T-12413.
- 2. Notice of the application for transfer was published on June 28, 2016, pursuant to OAR 690-385-4400(3)(b). No comments were filed in response to the notice.
- 3. The next water right to be transferred is as follows:

Certificate: 76715, issued in the name of Westland Irrigation District (confirmed by the

Umatilla River Decree Volume 3, Pages 246-247, and Volume 15, Pages

437-439 and 441)

Use: IRRIGATION of 3.0 acres

Priority Date: March 14, 1903

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) 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.

This final order 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 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.

Source: 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	l	WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE WEST 1/4 CORNER OF SECTION 21

Authorized Places of Use:

	IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User		
3 N	28 E	WM	14	NW SE	100	0.90	Double M Ranch, Inc.		
3 N	28 E	WM	14	SW SE	100	1.20	Double M Ranch, Inc.		
3 N	28 E	WM	14	SE SE	100	0.90	Double M Ranch, Inc.		
	Total:								

4. Transfer Application T-12413 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

	IRRIGATION									
Twp	Rng	Mer	Sec	$Q \cdot Q$	Circle	Tax Lot	Acres	Water User		
3 N	28 E	WM	13	NW SE	32	4190	1.50	Double M Ranch, Inc.		
3 N	28 E	WM	13	NW SE	32	4190	1.50	Double M Ranch, Inc.		
				3.00						

5. The portion of the next water right to be transferred are as follows:

Certificate: 79439, issued in the name of U.S. Bureau of Reclamation

(Constructed Under R-564 and Perfected under Permit 7400)

Use: Supplemental Irrigation of 3.0 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 available limitation allowed the right.

for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, 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 IRRIGATION DISTRICT CANAL: NORTH 76 DEGREES 45 MINUTES AND 56 SECONDS EAST; 2913.19 FEET FROM THE WEST 1/4 CORNER OF SECTION 21

Authorized Places of Use:

	SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User		
3 N	28 E	WM	14	NW SE	100	0.90	Double M Ranch, Inc.		
3 N	28 E	WM	14	SW SE	100	1.20	Double M Ranch, Inc.		
3 N	28 E	WM	14	SE SE	100	0.90	Double M Ranch, Inc.		
					3.00				

6. Transfer Application T-12413 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

	SUPPLEMENTAL IRRIGATION								
Twp	Twp Rng Mer Sec Q-Q Tax Lot Acres Water User								
3 N	28 E	WM	13	NW SE	4190	1.50	Double M Ranch, Inc.		
3 N	28 E	WM	13	NW SE	4910	1.50	Double M Ranch, Inc.		
					3.00				

Transfer Review Criteria (ORS 540.572; 540.570 and 540.580; OAR 690-385)

- 7. 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.
- 8. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- 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 proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(6).
- 11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 12. All other applicable requirements for district water right transfers are met.
- 13. The proposed changes would not result in enlargement of the rights as defines in OAR-690-385-0100(4).

Conclusions of Law

The change in place of use proposed in Transfer Application T-12413 satisfies the requirements of ORS 540.580.

Now, therefore, it is ORDERED:

- 1. The changes in place of use as proposed in Transfer Application T-12413 are 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 76715, 79439, any related decree, and this Final Order approving Transfer Application T-12413.
- 3. The former places of use shall no longer be irrigated as part of these water rights.
- 4. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
- 5. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2016.
- 6. A Claim of Beneficial Use (COBU) shall be submitted by Westland Irrigation District to the Department by October 1, 2017.
- 7. Water right certificates 76715 and 79439 are modified. The Department will issue superseding certificates describing the District's rights when it determines that is necessary for record keeping.

Dated at Salem, On	regon this day of August 2016.	
Dist -	ll	
Dwight French, W	ater Right Services Administrator, for	
Thomas M. Byler,	Director	
Oregon Water Res	ources Department	
Mailino Date	AUG 1 7 2016	