

the 46.2 acres of supplemental irrigation under Certificate 79439 was not authorized for transfer to the originally proposed place of use in Section 4, Township 2 north, Range 28 east, WM.

5. Due to the issue described in Finding #4 above, the applicant requested that the preliminary determination issued on July 24, 2006, be withdrawn so that Transfer T-8418 could be amended in order to resolve the issue raised by the BOR.
6. On September 29, 2006, the Department received an amendment to Transfer T-8418 from the applicant's agent that modified the proposed place of use for the 46.2 acres of primary and supplemental irrigation associated with Certificates 76050 and 79439.
7. The amended place of use for Transfer T-8418 would cover land that already has existing primary and supplemental irrigation rights under Certificates 76050 and 75121. In order to facilitate the approval of Transfer T-8418, Westland Irrigation District filed a Notice of District Permanent Transfer with the Department on September 29, 2006, proposing to remove the 46.2 acres of primary and supplemental irrigation rights from the location of the amended proposed place of use for Transfer T-8418.
8. On October 16, 2006, Westland Irrigation District filed an Application for District Permanent Transfer requesting to change the place of use under Certificates 76050 and 75121. The Department assigned the application number T-10251.
9. On November 24, 2006, the Department issued a revised preliminary determination, reflecting the amendment received on September 29, 2006, proposing to approve Transfer Application T-8418. A copy of the revised preliminary determination was mailed to the applicant. Additionally, notice of the revised preliminary determination for the transfer application was published on the Department's weekly public notice on December 5, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.

10. The portion of the FIRST right to be transferred is as follows:

Certificate: 76050 (Permit 25920), issued in the name of TEEL IRRIGATION DISTRICT
Use: IRRIGATION of 46.2 ACRES
Priority Date: APRIL 22, 1955
Rate: 0.55 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-FORTIETH (1/40th) of one cfs per acre, not to exceed 4.5 acre feet per acre per year
Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ | ¼ | Location Coordinates |
|----------|---|-------|---|----------|-----|----|----|---|
| 3 | N | 29 | E | W.M. | 21 | SW | NE | Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21 |

Authorized Place of Use:

| PRIMARY IRRIGATION | | | | | | | | | |
|--------------------|---|-------|---|----------|-----|----|----|---------|-------------|
| Township | | Range | | Meridian | Sec | ¼ | ¼ | Tax Lot | Acres |
| 3 | N | 28 | E | W.M. | 26 | NE | SW | 7400 | 21.5 |
| 3 | N | 28 | E | W.M. | 26 | NW | SW | 7400 | 24.7 |
| TOTAL: | | | | | | | | | 46.2 |

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

Certificate: 79439 (Permit 7400), in the name of U.S. BUREAU OF RECLAMATION
Use: SUPPLEMENTAL IRRIGATION OF 46.2 ACRES

Priority Date: JULY 1, 1924

Rate/Duty: ONE-EIGHTIETH (1/80th) of one cubic foot per second, 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, tributary to the UMATILLA RIVER. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the Westland Irrigation District Canal.

Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ | ¼ | Location Coordinates | |
|----------|---|-------|---|----------|-----|----|----|----------------------|--|
| 2 | N | 32 | E | W.M. | 34 | NW | SE | McKay Dam | |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | | | | | |
|-------------------------|---|-------|---|----------|-----|----|----|---------|-------------|
| Township | | Range | | Meridian | Sec | ¼ | ¼ | Tax Lot | Acres |
| 3 | N | 28 | E | W.M. | 26 | NE | SW | 7400 | 21.5 |
| 3 | N | 28 | E | W.M. | 26 | NW | SW | 7400 | 24.7 |
| TOTAL: | | | | | | | | | 46.2 |

12. Transfer Application T-8418, as amended on September 29, 2006, proposes to change the place of use for the above described rights (Certificates 76050 and 79439) to:

Proposed Place of Use:

| PRIMARY AND SUPPLEMENTAL IRRIGATION | | | | | | | | | |
|-------------------------------------|---|-------|---|----------|-----|----|----|---------|-------------|
| Township | | Range | | Meridian | Sec | ¼ | ¼ | Tax Lot | Acres |
| 3 | N | 28 | E | W.M. | 27 | NE | SE | 7404 | 7.2 |
| 3 | N | 28 | E | W.M. | 27 | NW | SE | 7404 | 9.4 |
| 3 | N | 28 | E | W.M. | 27 | SW | SE | 7404 | 16.0 |
| 3 | N | 28 | E | W.M. | 27 | SE | SE | 7404 | 23.6 |
| TOTAL: | | | | | | | | | 46.2 |

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

Certificate: 76051 (Permit 25924) in the name of TEEL IRRIGATION DISTRICT
Use: IRRIGATION of 27.8 ACRES
Priority Date: JUNE 27, 1958
Rate: 0.2 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-FORTIETH (1/40th) of one cfs, not to exceed 4.5 acre feet per acre per year
Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

| Township | Range | Meridian | Sec | ¼ | ¼ | Location |
|----------|-------|----------|-----|------|----|--|
| 3 | N | 29 | E | W.M. | 21 | SW NE Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21 |

Authorized Place of Use:

| PRIMARY IRRIGATION | | | | | | | | | |
|--------------------|-------|----------|-----|------|----|---------|-------|------|-------------|
| Township | Range | Meridian | Sec | ¼ | ¼ | Tax Lot | Acres | | |
| 3 | N | 28 | E | W.M. | 26 | SW | SW | 7400 | 0.2 |
| 3 | N | 28 | E | W.M. | 26 | SE | SW | 7400 | 26.3 |
| 3 | N | 28 | E | W.M. | 35 | NE | NW | 7400 | 1.3 |
| TOTAL: | | | | | | | | | 27.8 |

14. Application T-8418 proposes to change the place of use for the above described right (Certificate 76051) to:

Proposed Place of Use:

| PRIMARY IRRIGATION | | | | | | | | | |
|--------------------|-------|----------|-----|------|----|---------|-------|------|-------------|
| Township | Range | Meridian | Sec | ¼ | ¼ | Tax Lot | Acres | | |
| 3 | N | 28 | E | W.M. | 25 | SW | SW | 7402 | 7.0 |
| 3 | N | 28 | E | W.M. | 26 | SE | SE | 7400 | 6.9 |
| 3 | N | 28 | E | W.M. | 35 | NE | NE | 7400 | 6.9 |
| 3 | N | 28 | E | W.M. | 36 | NW | NW | 7402 | 7.0 |
| TOTAL: | | | | | | | | | 27.8 |

15. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

16. A pump and pipe line distribution systems sufficient to use the full amount of water allowed under the existing rights are present.

17. The proposed changes would not result in enlargement of the rights.

18. The proposed changes would not result in injury to other water rights.


Conclusions of Law

The change in place of use proposed in Transfer Application T-8418 is consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-8418 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76050, 79439 and 76051.
3. The former place of use of the transferred water shall no longer receive water as part of these rights.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 76050, 76051 and 79439 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 19th day of January, 2007.



Phillip C. Ward
Director

Mailing date: JAN 22 2007