

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

In the Matter of Transfer Application)
T-11330, Umatilla County) FINAL ORDER APPROVING A
) DISTRICT PERMANENT TRANSFER
) AND DIMINISHING PORTIONS OF
) WATER RIGHT PERMITS

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
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On December 12, 2011, Westland Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76715, 79439, 82441 and 87152. The Department assigned the application number T-11328.
2. Notice of the application for transfer was published on December 20, 2011, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. 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, Volume 3 at pages 246-247 and Volume 15, at pages
437-439)

Use: IRRIGATION (IR) of 9.0 ACRES

Rate: Limited to a diversion on 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

Priority Date: MARCH 14, 1903

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 DISTANCE
3 N	29 E	WM	21	SW NE	POD #1: North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
4 N	28 E	WM	33	NE NW	9.0	103	KENT MADISON	2011-01

4. Application T-11330 proposes to change the place of use of the above described rights to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
3 N	27 E	WM	01	NW SW	9.0	4700	KENT MADISON	2011-01

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

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

Use: SUPPLEMENTAL IRRIGATION (IS) of 9.0 ACRES

Priority Date: JULY 1, 1924

Rate & Duty: 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-564), a tributary of
MCKAY CREEK. Water is run down the natural channels of McKay
Creek and the Umatilla River and is re-diverted at Westland Irrigation
District Canal

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	MEASURED DISTANCE
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 West ¼ Corner of Section 21

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
4 N	28 E	WM	33	NE NW	9.0	103	KENT MADISON	2011-01

6. Application T-11328 proposes to change the place of use of the above described right to:

Proposed Place of Use:

TWP	RNG	MER	SEC	Q - Q	ACRES	Tax Lot	USER	DINN
3 N	27 E	WM	01	NW SW	9.0	4700	KENT MADISON	2011-01

7. 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use will not result in injury to other water rights.

Diminishment of a Portion of a Water Right Permit

11. On December 16, 2011, Kent Madison and Shannon Madison, owners of certain lands to which a portion of Permit 51017 and Permit 54675 are appurtenant, submitted an affidavit to diminish a portion of the water use permits from primary irrigation to supplemental irrigation for the incoming district right, and is described as follows:

Permit: 51017 (Application S-70272) in the name of KENT R. and SHANNON K. MADISON
Use: IRRIGATION of 9.0 ACRES
Priority Date: APRIL 2, 1990
Rate/Duty: ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to November 1 of each year. It is further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 ACRE-FEET for each acre in any one year
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	G LOT	MEASURED DISTANCES
4 N	25 E	WM	2	NE NW	7	POD 1: 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	POD 2: 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13
5 N	28 E	WM	10	NE SE		POD 3: 1960 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 10

Permit: 54675 (Application S-86866) in the name of KENT MADISON
Use: IRRIGATION of 9.0 ACRES
Priority Date: MAY 21, 2007

Rate/Duty: ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to 4.5 acre-feet per acre for each acre irrigated during the period from March 1 to April 14 and October 1 to November 1 of each year. It is further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre irrigated during the period from November 2 to the end of February, provided the use of water shall not exceed 4.5 ACRE-FEET for each acre in any one year

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	G LOT	MEASURED DISTANCES
4 N	25 E	WM	2	NE NW	7	POD 1: 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	POD 2: 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

Authorized Place of Use Diminished to Supplemental Irrigation:

TWP	RNG	MER	SEC	Q - Q	Tax Lot	ACRES	PERMITTEES
3 N	27 E	WM	1	NW SW	4700	9.0	KENT MADISON

Conclusions of Law


The change in place of use proposed in Transfer Application T-11330 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The change in place of use to the water rights evidenced by Certificates 76715 and 79439 proposed in Transfer Application T-11330 is 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-11330.
3. The portions of Permits 51017 and 54675 described in Finding of Fact #11 are diminished from irrigation to supplemental irrigation.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. The water user shall maintain and operate the existing measurement device(s) and shall make such improvements as may be required by the Department.
6. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2013.
7. A Claim of Beneficial Use (COBU) shall be submitted by Westland Irrigation District to the Department by October 1, 2014.

8. 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, Oregon this 16 day of February, 2012.



Dwight French, Water Right Services Division Administrator for
Phillip C. Ward, Director

Mailing date: **FEB 21 2012**