

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

In the Matter of Transfer Application     )  
T-10998, Umatilla County                )  
  )  
  )  
  )

FINAL ORDER APPROVING A  
DISTRICT PERMANENT TRANSFER,  
PARTIAL DIMINUTION OF A WATER  
RIGHT AND PARTIAL  
CANCELLATIONS OF WATER RIGHTS

**Authority**

ORS 540.570 and 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

WEST EXTENSION IRRIGATION DISTRICT  
PO BOX 100  
IRRIGON, OR 97844

**Findings of Fact**

1. On December 28, 2009, West Extension Irrigation District filed a district transfer application to permanently change the place of use under Certificates 79924, 79925, 79926, 79928 and 79929. The Department assigned the application number T-10998.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On July 21, 2010, the Department received final documents necessary to complete the processing of Transfer Application T-10998.
4. The portion of the FIRST primary right and its layered supplemental water 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. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3 at Pages 213 – 215.)  
**Use:** IRRIGATION (IR) of 58.75 ACRES

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

**Priority Date:** APRIL 14, 1893

**Rate:** 0.73 CUBIC FOOT PER SECOND (cfs) (subject to the provisions of Paragraph 33 of Umatilla River Decree)

**Source:** UMATILLA RIVER, a tributary of 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

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

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 58.75 ACRES

**Priority Date:** SEPTEMBER 12, 1968

**Rate/Duty:** 0.62 CUBIC FOOT PER SECOND (cfs), limited to ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion on not to exceed 4.5 ACRE-FEET per acre for each acre irrigated

**Source:** COLUMBIA RIVER, tributary to 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 Places of Use:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice#
						Certificate 79924 (IR)	Certificate 79929 (IS)		
5 N	26 E	WM	24	SE SE	4100	3.00	3.00	Irrigon Woodlands	2009-5
5 N	26 E	WM	24	SE SE	1801	0.40	0.40	Schultz	2009-5
5 N	26 E	WM	24	SE SE	1900	0.30	0.30	Schultz	2009-5
5 N	26 E	WM	24	SE SE	1901	0.30	0.30	Schultz	2009-5
5 N	26 E	WM	25	NE NE	3508	0.25	0.25	Kuper	2009-5
5 N	26 E	WM	25	NE NE	100	2.00	2.00	Irrigon Woodlands	2009-5
5 N	26 E	WM	25	NE NE	210	0.10	0.10	Keithley	2009-7
5 N	26 E	WM	13	NE NE	3404	0.10	0.10	Aguilar	2009-7
5 N	27 E	WM	13	NW SE	ROW	0.10	0.10	Metcalf	2009-7
5 N	27 E	WM	13	NW SE	ROW	0.20	0.20	Graham	2009-7
5 N	27 E	WM	19	NE SW	1000	0.15	0.15	Gonzales	2009-5
5 N	27 E	WM	19	NE SW	1200	0.40	0.40	Haney	2009-5
5 N	27 E	WM	19	NW SW	3601	0.20	0.20	Wilson	2009-5
5 N	27 E	WM	19	NW SW	3700	0.10	0.10	Wilson	2009-5
5 N	27 E	WM	19	NW SW	4500	0.40	0.40	Wilson	2009-5
5 N	27 E	WM	19	SW SW	1700	0.30	0.30	Brown	2009-5
5 N	27 E	WM	19	SW SW	1900	0.20	0.20	Villegas	2009-5
5 N	27 E	WM	19	SW SW	1901	0.30	0.30	Villegas	2009-5
5 N	27 E	WM	19	SW SW	2600	8.00	8.00	Multiple Owners	2009-5
5 N	27 E	WM	19	SE SW	2600	7.00	7.00	Multiple Owners	2009-5
5 N	27 E	WM	19	SE SW	200	0.30	0.30	Wadkins	2009-5
5 N	27 E	WM	19	SE SW	300	0.30	0.30	Timpy	2009-5
5 N	27 E	WM	19	SE SW	800	1.10*	1.10*	Stewart	2009-5

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice#
						Certificate 79924 (IR)	Certificate 79929 (IS)		
5 N	27 E	WM	19	SE SW	ROW	0.80	0.80	City of Irrigon	2009-5
5 N	27 E	WM	19	SE SW	802	2.80*	2.80*	Prouty	2009-5
5 N	27 E	WM	19	SE SW	803	0.60*	0.60*	Columbia View Community Church	2009-5
5 N	27 E	WM	19	SE SW	1300	0.20	0.20	Lomas	2009-5
5 N	27 E	WM	19	SE SW	1400	0.20	0.20	Lomas	2009-5
5 N	27 E	WM	19	SE SW	1000	0.15	0.15	Gonzales	2009-5
5 N	27 E	WM	19	SE SW	ROW	0.30*	0.30*	City of Irrigon	2009-5
5 N	27 E	WM	19	SE SW	100	0.20	0.20	Sanchez	2009-1
5 N	27 E	WM	19	NW SE	300	1.24	1.24	Matlack	2009-1
5 N	27 E	WM	19	NW SE	301	1.10	1.10	Matlack	2009-1
5 N	27 E	WM	19	NW SE	305	1.36	1.36	Matlack	2009-1
5 N	27 E	WM	19	NW SE	306	0.90	0.90	Eppenbach	2009-1
5 N	27 E	WM	19	NW SE	307	0.90	0.90	Eppenbach	2009-1
5 N	27 E	WM	20	NE SE	2400	1.10	1.10	Strebin	2009-6
5 N	28 E	WM	18	NE SE	205	0.20	0.20	Goodyear	2009-5
5 N	28 E	WM	18	NE SE	2000	2.80	2.80	Multiple Owners	2009-5
5 N	28 E	WM	18	NW SE	2000	15.80	15.80	Multiple Owners	2009-5
5 N	28 E	WM	18	SW SE	2000	2.10	2.10	Multiple Owners	2009-5
5 N	28 E	WM	18	SE SE	2000	0.50	0.50	Multiple Owners	2009-5
<b>TOTAL:</b>						<b>58.75</b>	<b>58.75</b>		

\* Note: these lands have an additional supplemental water right that will be canceled (Certificate 38585).

4. Transfer Application T-10998 proposes to permanently change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 79924 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	SE NE	100	2.95*	2.950*	Chowning	2009-5
4 N	25 E	WM	13	SE SW	100	23.50*	23.50*	Chowning	2009-5
4 N	25 E	WM	13	NE SE	100	1.80‡	1.80‡	Chowning	2009-5
4 N	25 E	WM	13	SW SE	100	7.40*	7.40*	Chowning	2009-5
4 N	25 E	WM	13	SE SE	100	1.80‡	1.80‡	Chowning	2009-5
5 N	26 E	WM	25	SE SW	1602	0.50	0.50	Hellberg	2009-7
5 N	26 E	WM	25	NE SE	100	14.00	14.00	Morrow County School District	2009-5
5 N	27 E	WM	19	NE SW	100	5.70	5.70	Irrigon Parks / US Corp. of Engineers	2009-1
5 N	27 E	WM	20	SE SW	1300	0.20	0.20	Strebin	2009-6
5 N	27 E	WM	20	SE SW	1000	0.90	0.90	Strebin	2009-6
<b>TOTAL:</b>						<b>58.75</b>	<b>58.75</b>		

\* Note: these lands have an existing primary water right (Certificate 86395) that will be diminished to supplemental irrigation.

‡ Note: these lands have an existing primary water right (Certificate 86394) that will be diminished to supplemental irrigation.

5. The portion of the SECOND water 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. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3 at Pages 213 – 215.)  
**Use:** IRRIGATION (IR) of 10.6 ACRES  
**Priority Date:** APRIL 14, 1893  
**Rate:** 0.13 (cfs) (subject to the provisions of Paragraph 33 of Umatilla River Decree)  
**Source:** UMATILLA RIVER, a tributary of 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:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice#
5 N	26 E	WM	25	NE NE	204	0.1	Hannigan	2009-7
5 N	26 E	WM	25	NE NE	208	0.2	Carneal	2009-7
5 N	26 E	WM	25	NE NE	214	0.1	LaChapelle	2009-7
5 N	26 E	WM	25	NE NE	300	0.2	Jones	2009-7
5 N	26 E	WM	25	NE NE	1100	0.3	Morgan	2009-7
5 N	26 E	WM	25	SE NE	2604	0.2	Kuper	2009-7
5 N	26 E	WM	25	SE NE	2605	0.2	Tomlinson	2009-7
5 N	26 E	WM	25	SE NE	2606	0.2	Stull	2009-7
5 N	26 E	WM	25	NE SE	200	0.2	Boardman	2009-7
5 N	26 E	WM	25	SE SE	603	3.9	Strebin	2009-6
5 N	27 E	WM	13	SW SW	1600	4.0	Picard	2009-7
5 N	27 E	WM	13	SW SW	1900,2000, 2100,1800, 1700	1.0	Westfall Addition Easement	2009-7
<b>TOTAL:</b>						<b>10.6</b>		

6. Transfer Application T-10998 proposes to permanently change the place of use of the above described right to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice #
4 N	25 E	WM	14	SW SW	1900	4.0	Purcell	2009-7
5 N	26 E	WM	25	SE SW	1602	1.8	Tim Hellberg	2009-7
5 N	27 E	WM	20	SE SW	1300	2.2	Strebin	2009-6
5 N	27 E	WM	29	NE NW	100	1.7	Strebin	2009-6
5 N	27 E	WM	30	SE NW	121	0.1	Najera-Patton	2009-7
5 N	27 E	WM	30	SE NW	119	0.8	Martinez	2009-7
<b>TOTAL:</b>						<b>10.6</b>		

7. The portion of the THIRD primary right and its layered supplemental water right to be transferred is as follows:

**Certificate:** 79925, issued in the name of WEST EXTENSION IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem in the Order Record of the Water Resources Director in Volume 15, Pages 436 and 437)  
**Use:** IRRIGATION OF 4.4 ACRES  
**Priority Date:** 1906

**Rate & Duty:** 0.055 cfs per acre(subject to Paragraph 33 of the Decree)

**Source:** UMATILLA RIVER, a tributary of 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

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

**Use:** SUPPLEMENTAL IRRIGATION of 4.4 ACRES

**Priority Date:** SEPTEMBER 12, 1968

**Rate/Duty:** 0.047 cfs, limited to ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion on not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

**Source:** COLUMBIA RIVER, tributary to 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 Places of Use:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 79925 (IR)	Certificate 79929 (IS)		
4 N	24 E	WM	14	SE SW	202	2.0	2.0	C. Finley	2009-4
4 N	24 E	WM	14	SW SE	202	1.4	1.4	C. Finley	2009-4
5 N	27 E	WM	13	NW SW	800	1.0	1.0	Amstad	2009-7
<b>TOTAL:</b>						<b>4.4</b>	<b>4.4</b>		

8. Transfer Application T-10998 proposes to permanently change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice#
						Certificate 79925 (IR)	Certificate 79929 (IS)		
4 N	24 E	WM	14	NE SW	205	2.2	2.2	C. Finley	2009-4
4 N	24 E	WM	14	SW SE	202	1.2	1.2	C. Finley	2009-4
5 N	26 E	WM	25	NE NE	200	0.3	0.3	Renteria	2009-7
5 N	27 E	WM	14	SE SE	1800	0.7	0.7	Childers	2009-7
<b>TOTAL:</b>						<b>4.4</b>	<b>4.4</b>		

9. The portion of the FOURTH primary right and its layered supplemental water right to be transferred is as follows:

**Certificate:** 79926, issued in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-408)

**Use:** IRRIGATION OF 20.5 ACRES

**Priority Date:** March 28, 1909

**Rate & Duty:** 1.47 CFS per acre, further limited to a diversion of not to exceed 2.0 ACRE-FEET per acre in any 30 DAY PERIOD and NOT TO EXCEED 10.0 ACRE-FEET per acre THROUGHOUT the irrigation season

**Source:** UMATILLA RIVER, a tributary of 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

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

**Use:** SUPPLEMENTAL IRRIGATION of 20.5 ACRES

**Priority Date:** SEPTEMBER 12, 1968

**Rate/Duty:** 0.22 CUBIC FOOT PER SECOND (cfs), limited to ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion on not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

**Source:** COLUMBIA RIVER, tributary to 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 Places of Use:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice#
						Certificate 79926 (IR)	Certificate 79929 (IS)		
4 N	24 E	WM	14	SE NE	100	6.7	6.7	C. Finley	2009-4
4 N	25 E	WM	13	NW NW	200	5.5	5.5	Riekkola Farms	2009-5
4 N	25 E	WM	13	NE SW	301	3.5*, **	3.5*, **	Terra Poma Land/Chowning	2009-5
4 N	25 E	WM	14	NE SE	1903	1.8‡	1.8‡	Turnbow	2009-5
4 N	25 E	WM	17	SW SW	1003	1.0	1.0	McKinley	2009-5
4 N	25 E	WM	20	NW NW	1200	0.6	0.6	Rahier	2009-5
4 N	25 E	WM	22	NW NE	200	0.8	0.8	Akers	2009-5
4 N	25 E	WM	22	NW NE	201	0.2	0.2	Akers	2009-5
5 N	27 E	WM	21	SW SW	902	0.1	0.1	Suchy	2009-2
5 N	27 E	WM	21	SW SW	901	0.1	0.1	Wells	2009-2
5 N	27 E	WM	21	SW SW	900	0.2	0.2	Geer	2009-2
<b>TOTAL:</b>						<b>20.50</b>	<b>20.50</b>		

\* Note: these lands have an additional supplemental water right that will be canceled (Certificate 79938 = 2.1 acres)

\*\* Note: these lands have an additional supplemental water right that will be canceled (Certificate 79943 = 1.4 acres)

‡ Note: these lands have additional supplemental water rights that will be canceled (Certificates 53069 and 82169 = 2.0 acres)

10. Transfer Application T-10998 proposes to permanently change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 79926 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	SE NE	100	13.40	13.40	Chowning	2009-5
4 N	24 E	WM	14	NE SW	205	6.7	6.7	C. Finley	2009-4
5 N	27 E	WM	21	NE SW	200	0.4	0.4	Harrington	2009-2
<b>TOTAL:</b>						<b>20.50</b>	<b>20.50</b>		

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

**Certificate:** 79926 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-408)

**Use:** IRRIGATION OF 12.35 ACRES

**Priority Date:** March 28, 1909

**Rate & Duty:** limited to a diversion of not to exceed 2.0 ACRE-FEET per acre in any 30 DAY PERIOD and not to exceed 10.0 ACRE-FEET per acre THROUGHOUT the irrigation season

**Source:** UMATILLA RIVER, a tributary of 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:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice#
4 N	24 E	WM	14	NW SE	100	12.10	C. Finley	2009-4
5 N	28 E	WM	17	NE SW	3400	0.25	Wellenbrock	2009-5
<b>TOTAL:</b>						<b>12.35</b>		

12. Transfer Application T-10998 proposes to permanently change the place of use of the above described right to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice#
4 N	25 E	WM	13	SE NE	100	0.25	Chowning	2009-5
4 N	24 E	WM	14	NE SW	205	12.1	C. Finley	2009-4
<b>TOTAL:</b>						<b>12.35</b>		

13. The portion of the SIXTH primary right and its layered supplemental water right to be transferred are as follows:

**Certificate:** 79928, issued in the name of WEST EXTENSION IRRIGATION DISTRICT (perfected under Permit S-33883)

**Use:** IRRIGATION of 22.7 ACRES

**Priority Date:** September 12, 1968

**Rate & Duty:** 0.567 (cfs), limited to ONE-FORTIETH of one cfs and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

**Source:** 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

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

**Use:** SUPPLEMENTAL IRRIGATION of 22.7 ACRES

**Priority Date:** SEPTEMBER 12, 1968

**Rate/Duty:** 0.241 CUBIC FOOT PER SECOND (cfs), limited to ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion on not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

**Source:** COLUMBIA RIVER, tributary to 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 Places of Use:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 79928 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	NE NW	200	0.7	0.7	Riekkola Farms	2009-5
4 N	25 E	WM	13	NW NW	200	0.2	0.2	Riekkola Farms	2009-5
4 N	25 E	WM	20	NE NW	100	1.0	1.0	Braat	2009-5
4 N	25 E	WM	20	NE NW	101	1.3	1.3	Braat	2009-5
4 N	25 E	WM	20	SE NW	101	1.7	1.7	Braat	2009-5
5 N	27 E	WM	20	SW SW	1002	2.2	2.2	WEID	2009-5
5 N	27 E	WM	20	SW SW	1000	6.7	6.7	Strebin	2009-6
5 N	27 E	WM	20	SE SW	1000	0.9	0.9	Strebin	2009-3
5 N	27 E	WM	22	SW NW	802	2.0*	2.0*	E. Brown	2009-3
5 N	27 E	WM	22	SW NW	814	6.0*	6.0*	E. Brown	2009-3
<b>TOTAL:</b>						<b>22.7</b>	<b>22.7</b>		

\*Note: these lands have an additional supplemental water right that will be canceled (Certificate 79941 = 8.0 acres)

14. Transfer Application T-10998 proposes to permanently change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice#
						Certificate 79928 (IR)	Certificate 79929 (IS)		
4 N	25 E	WM	13	NE SE	100	6.3*	6.3*	Chowning	2009-5
4 N	25 E	WM	13	SE SE	100	0.7*	0.7*	Chowning	2009-5
5 N	26 E	WM	35	SW SE	300	5.0	5.0	Sparks	2009-3
5 N	26 E	WM	35	SW SE	305	3.0	3.0	J. Sparks	2009-3
5 N	27 E	WM	20	SW SE	800	0.6	0.6	Strebin	2009-6
5 N	27 E	WM	30	SW NE	107	7.0	7.0	Strebin	2009-6
<b>TOTAL:</b>						<b>22.6</b>	<b>22.6</b>		

\* Note: these lands have an existing primary water right that will be diminished to supplemental irrigation (Certificate 86394)



**Partial Diminution of Certain Water Rights**

15. On March 16, 2010, Glenn Chowning, of Terra Poma Land, LLC, owner of lands to which a portion of Certificate 86394 (supersedes Certificate 80375/T-8376) and groundwater Certificate 86395 (confirms use of Permit G-13419) are appurtenant, submitted affidavits for the partial diminution of each water right. Mr. Glenn Chowning has requested the lands described below be diminished to supplemental irrigation for the incoming district water rights as part of this transfer. These "TO" lands are described in Findings of Fact #4 above.

The portions of the water rights to be diminished to supplemental irrigation are described as follows:

**Certificate:** 86394 issued in the name of GLENN S. CHOWNING (perfected under Permit G-9811)  
**Use:** IRRIGATION of 10.7 ACRES  
**Priority Date:** February 4, 1982  
**Rate:** 0.13 cfs  
**Source:** DEEP WELL #2 and HILLVIEW WELL #4 within the UMATILLA RIVER BASIN  
**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	25 E	WM	13	SW NE	DEEP WELL#2 - 330 Feet North and 1310 Feet East from the Center of Section 13.
4 N	25 E	WM	13	SE NE	HILLVIEW WELL#4 - 3840 Feet North and 2240 Feet East from the S¼ Corner, Section 13.

Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	25 E	WM	13	NE SE	100	8.5
4 N	25 E	WM	13	SE SE	100	2.2
<b>TOTAL:</b>						<b>10.7</b>

**Certificate:** 86395 issued to TERRA POMA LAND CO. LLC, GLENN CHOWNING (perfected under Permit G-13419 and modified by T-9488)  
**Use:** IRRIGATION of 47.5 ACRES  
**Priority Date:** February 7, 1997  
**Rate:** 0.594 cfs  
**Source:** HILLVIEW SUMP WELL #5, within the COLUMBIA RIVER BASIN  
**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	25 E	WM	13	SE NE	3800 Feet North and 2460 Feet East from the S¼ Corner of Section 13.

Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	25 E	WM	13	SE NE	100	16.6
4 N	25 E	WM	13	SE SW	100	23.5
4 N	25 E	WM	13	SW SE	100	7.4
<b>TOTAL:</b>						<b>47.5</b>

**Partial Cancellation of Certain Water Rights**

16. On March 16, 2010, Glenn Chowning, of Terra Poma Land, LLC, owner of lands to which portions of Certificates 79938 and 79943 are appurtenant, submitted affidavits for the partial cancellations of these water rights. Mr. Glenn Chowning has requested the lands described below be cancelled to make way for the incoming District water rights as part of this transfer. These “TO” lands are described in Findings of Fact #9 above.

The portions of the water rights to be cancelled are described as follows:

**Certificate:** 79938 issued in the name of HILLVIEW DAIRY, INC. (perfected under Permit G-3231)

**Use:** SUPPLEMENTAL IRRIGATION of 2.1 ACRES

**Priority Date:** March 30, 1966

**Amount:** 0.03 cfs

**Source:** TILE DRAIN LINE, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	25 E	WM	13	NE SW	810 Feet South and 10 Feet East from the NW Corner of Section 13.

**Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	25 E	WM	13	NE SW	301	2.1

**Certificate:** 79943 issued in the name of HILLVIEW DAIRY, INC. (perfected under Permit G-3231)

**Use:** SUPPLEMENTAL IRRIGATION of 1.4 ACRES

**Priority Date:** March 30, 1966

**Amount:** 0.02 cfs

**Source:** TILE DRAIN LINE, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	25 E	WM	13	NE SW	810 Feet South and 10 Feet East from the NW Corner of Section 13.

**Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	25 E	WM	13	NE SW	301	1.4

17. On July 1, 2010, the City of Irrigon, owners of lands to which a portion of Certificate 38585 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The City of Irrigon has identified a “layered” supplemental water right on the “FROM” lands and does not intend to transfer this water right with the primary water right described in Findings of Fact #3 above and submitted an affidavit for the partial cancellation of 0.3 acres under Certificate 38585.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 38585 in the name of FRED WALKER  
**Use:** SUPPLEMENTAL IRRIGATION of 0.3 ACRES  
**Priority Date:** September 9, 1968  
**Amount:** 0.004 cfs  
**Source:** A Well within the COLUMBIA RIVER Basin

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres
5 N	27 E	WM	19	SE SW	ROW	0.3

18. On July 1, 2010, the Columbia View Community Church, owners of lands to which a portion of Certificate 38585 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The Columbia View Community Church has identified a “layered” supplemental water right on the “FROM” lands and does not intend to transfer this water right with the primary water right described in Findings of Fact #3 above and submitted an affidavit for the partial cancellation of 0.6 acres under Certificate 38585.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 38585 in the name of FRED WALKER  
**Use:** SUPPLEMENTAL IRRIGATION of 0.6 ACRES  
**Priority Date:** September 9, 1968  
**Amount:** 0.008 cfs  
**Source:** A Well within the COLUMBIA RIVER basin

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
5 N	27 E	WM	19	SE SW	803	0.6

19. On July 1, 2010, Vernon and Marilyn Stewart, owners of lands to which a portion of Certificate 38585 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. Vernon and Marilyn Stewart have identified a “layered” supplemental water right on the “FROM” lands and do not intend to transfer this water right with the primary water right described in Findings of Fact #3 above and submitted an affidavit for the partial cancellation of 1.1 acres under Certificate 38585.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 38585 in the name of FRED WALKER  
**Use:** SUPPLEMENTAL IRRIGATION of 1.1 ACRES  
**Priority Date:** September 9, 1968  
**Amount:** 0.014 cfs  
**Source:** A Well within the COLUMBIA RIVER basin

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres
5 N	27 E	WM	19	SE SW	800	1.1

20. On July 16, 2010, Bart and Carolyn Prouty, owners of lands to which a portion of Certificate 38585 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. Bart and Carolyn Prouty have identified a “layered” supplemental water right on their “FROM” lands and do not intend to transfer this water

right with the primary water right described in Findings of Fact #3 above and submitted an affidavit for the partial cancellation of 2.8 acres under Certificate 38585.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 38585 in the name of FRED WALKER  
**Use:** SUPPLEMENTAL IRRIGATION of 2.8 ACRES  
**Priority Date:** September 9, 1968  
**Amount:** 0.037 cfs  
**Source:** A Well within the COLUMBIA RIVER basin

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres
5 N	27 E	WM	19	SE SW	802	2.8

21. July 1, 2010, Ole Turnbow, owner of the land to which a portion of Certificate 82169 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. Mr. Ole Turnbow has identified a “layered” supplemental water right on the “FROM” lands and does not intend to transfer this water right with the primary water right described in Findings of Fact #9 above and submitted an affidavit for the partial cancellation of 2.0 acres under Certificate 82169.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 82169 in the name of CRAIG PRITCHARD  
**Use:** SUPPLEMENTAL IRRIGATION of 2.0 ACRES  
**Priority Date:** August 9, 1985  
**Amount:** 0.042 cfs  
**Source:** The waters of an UNNAMED DRAINAGEWAY, a tributary of the COLUMBIA RIVER

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	25 E	WM	14	NE SE	1903	2.0

22. On July 1, 2010, Ole Turnbow, owner of the land to which a portion of Certificate 53069 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. Mr. Ole Turnbow has identified a “layered” supplemental water right on the “FROM” lands and does not intend to transfer this water right with the primary water right described in Findings of Fact #9 above and submitted an affidavit for the partial cancellation of 2.0 acres under Certificate 53069.

The portion of the water right to be cancelled is described as follows:

**Certificate:** 53069 in the name of GRIEB FARMS, INC.  
**Use:** SUPPLEMENTAL IRRIGATION of 2.0 ACRES  
**Priority Date:** April 19, 1976  
**Amount:** 0.029 cfs  
**Source:** the waters of an UNNAMED DRAINAGEWAY, a tributary of the COLUMBIA RIVER

Place of Use to be cancelled:						
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres
4 N	25 E	WM	14	NE SE	1903	2.0

23. On July 21, 2010, Edwin and Christina Brown, owners of lands to which a portion of Certificate 79941 is appurtenant, submitted an affidavit for the partial cancellation of this water right. Edwin and Christina Brown have identified a “layered” supplemental water right on the “FROM” lands and do not intend to transfer this water right with the primary water right described in Findings of Fact #13 above and submitted an affidavit for the partial cancellation of 8.0 acres under Certificate 79941.

The portions of the water rights to be cancelled are described as follows:

**Certificate:** 79941 issued in the name of OREGON POTATO, INC. (perfected under Permit S-31346)

**Use:** SUPPLEMENTAL IRRIGATION of 8.0 ACRES

**Priority Date:** September 23, 1966

**Amount:** 0.138 cfs

**Source:** COLUMBIA RIVER, a tributary of the Pacific Ocean

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Measured Distances
5N	27 E	WM	15	SW NW	4	2380 Feet North and 350 Feet East from the SW Corner of Section 15.

Place of Use to be Cancelled :							
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres	
5N	27 E	WM	22	SW NW	802	2.0	
5N	27 E	WM	22	SW NW	814	6.0	

24. Notice of the application for transfer was published on January 12, 2010, pursuant to ORS 540.580 and OAR 690-385-4100. No comments were filed in response to the notice.
25. 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.
26. Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
27. Diversion structures, pumps, canals, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
28. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
29. The proposed change in place of use would not result in enlargement of the rights.
30. The proposed change in place of use will not result in injury to other water rights.

### Conclusions of Law

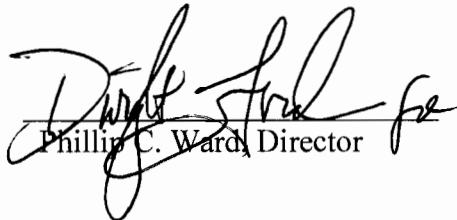
The change in place of use proposed in Transfer Application T-10998 satisfies the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

1. The proposed change to the District's water right evidenced by Certificates 79924, 79925, 79926, 79928 and 79929 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 Water right certificates 79924, 79925, 79926, 79928 and 79929, any related decree and the Final Order approving T-10998.
3. A portion of the water right evidenced by Certificate 86395 is diminished from primary irrigation to supplemental irrigation as described in Findings of Fact #15.
4. A portion of the water right evidenced by water right Certificate 86394 is diminished from primary irrigation to supplemental irrigation as described in Findings of Fact #15.
5. A portion of the water right evidenced by water right Certificate 79938 is cancelled as further described in Finding of Fact #16.
6. A portion of the water right evidenced by water right Certificate 79943 is cancelled as further described in Finding of Fact #16.
7. A portion of the water right evidenced by water right Certificate 82169 is cancelled as further described in Finding of Fact #20.
8. A portion of the water right evidenced by water right Certificate 53069 is cancelled as further described in Finding of Fact #21.
9. A portion of the water right evidenced by water right Certificate 38585 is cancelled as further described in Findings of Fact #17, #18 and #19.
10. A portion of the water right evidenced by water right Certificate 79941 is cancelled as further described in Finding of Fact #24.
11. The former places of use shall no longer be irrigated as part of this water right.
12. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
13. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011.
14. A claim of Beneficial use (COBU) shall be submitted by West Extension Irrigation District to the Department by October 1, 2012.
15. Water right certificates 86395, 86394, 79938, 79943, 79941, 82169, 53069 and 38585 are cancelled. The Department will issue new certificates for those portions not involved in this transfer.

16. Water right certificates 79924, 79925, 79926, 79928 and 79929 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 10 day of August, 2010.

  
Phillip C. Ward, Director

Mailing Date: AUG 11 2010