

Limit/Duty: (subject to the provisions of the Umatilla River Decree Vol. 3, Page 127, Paragraph 33)

Period of Use: Usually March 1 to November 1

Source: UMATILLA RIVER, TRIBUTARY TO THE COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION – Vol. 3, Page 239 (Reeves)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	31	SW SE	7.0

IRRIGATION – Vol. 3, Page 240 (Ward)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	31	NE SW	2.5
4 N	29 E	WM	31	SE SW	6.0
Total					8.5

IRRIGATION – Vol. 3, Page 239 (McCullough) Vol. 15; Page 432 (Frank Correa Sr.)					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	8	NE SW	8.0
3 N	29 E	WM	8	SE SW	10.0
3 N	29 E	WM	8	NW SE	12.0
3 N	29 E	WM	8	SW SE	3.5
Total					33.5

4. The uses tabulated above in Volume 3, Pages 239 and 240, and Volume 15, Pages 432 of the Umatilla River Decree identify the Pioneer Ditch delivery system, but do not describe the location of the point of diversion from the Umatilla River through the Westland Irrigation canal at G#2 (the Pioneer/Courtney head gate). Information is available indicating that the point of diversion on the Umatilla River is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL- NORTH 76 45" 56" EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

5. Temporary Transfer Application T-13723 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	12	NE SE	19.0
3 N	28 E	WM	12	SE SE	30.0
Total					49.0

6. The portion of the second right to be temporarily transferred is as follows:
Decree: Water rights Evidenced by Umatilla River Decree, (Vol. 3, Page 195, the portion identified as in the name of Allen ditch Company (Fred Andrews)
Use: IRRIGATION of 11.0 ACRES
Priority Date: 1870
Limit/Duty: (subject to the provisions of the Umatilla River Decree Vol. 3, Page 127, Paragraph 33)
Source: UMATILLA RIVER, TRIBUTARY TO THE COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	7	NE SE	5.5
3 N	29 E	WM	7	SE SE	5.5
Total					11.0
Total					33.5

7. The uses tabulated above in Volume 3, Pages 239 and 240, and Volume 15, Pages 432 of the Umatilla River Decree identify the Pioneer Ditch delivery system, but do not describe the location of the point of diversion from the Umatilla River through the Westland Irrigation canal at G#2 (the Pioneer/Courtney head gate). Information is available indicating that the point of diversion on the Umatilla River is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	WESTLAND CANAL- NORTH 76 45" 56" EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

8. Temporary Transfer Application T-13723 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	12	NE SE	11.0

9. There are water right permits S-55061, S-55190, S-55192, and S-54633 for primary irrigation that are located on portions of the "TO" lands described in Finding of Facts Nos. 3 and 7. During the term of the Temporary Transfer, water use under these permits will either be already shut off, not allocated any water this season, cannot supply enough water, have not been activated by mitigation, or no intended water to be used for these acres and thus shall not be exercised.
10. The applicant has also identified Water Right Certificate 31294 and Water Right Permit S-7400 as supplemental irrigation that will not be exercised on the "FROM LANDS" during the term of this temporary transfer.

11. Temporary Transfer Application T-13723 proposes to temporarily transfer a water right within the boundaries of Westland Irrigation District. The District was notified of the proposed temporary transfer and indicated that the District did not object to the transfer at the proposed new location.
12. The Department interprets the rate and duty under the terms of the decree to be one-eightieth on one cubic foot per second, not to exceed 3.0 acre-feet per acre for each acre irrigated for these lands.

Temporary Transfer Review Criteria

13. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right is present.
15. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
16. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13723 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

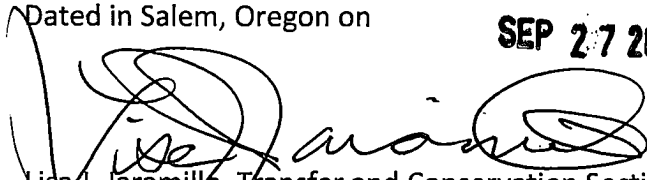
Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13723 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2021 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change cause injury to any existing water right.

5. A subsequent application for permanent transfer of the Umatilla River Decree Vol. 3 Page 127 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of the Umatilla River Decree Vol. 3, Page 127.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by the Umatilla River Decree Vol. 3, Page 127 and shall continue to be in accordance with the terms and conditions of the Umatilla River Decree Vol. 3 Page 127.

Dated in Salem, Oregon on

SEP 27 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

SEP 28 2021