

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

In the Matter of Transfer Application            ) **F I N A L O R D E R**  
 T-10261, Umatilla County                         ) APPROVING A DISTRICT  
   ) PERMANENT TRANSFER

ORS 540.570 to 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**

1. On November 2, 2006, Westland Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76717, 76799, 79439 and 38390. The Department assigned the application number T-10261.
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. The portion of the first right to be transferred is as follows:

**Certificate:** 76717, issued in the name of Westland Irrigation District (Confirmed by Umatilla River Decree)  
**Use:** Irrigation (IR) of 1.0 acre  
**Priority Date:** July, 1907  
**Rate & Duty:** 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.  
**Source:** Umatilla River, a tributary of the Columbia River

This is a final order in other than 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 either 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.

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
3 N	29 E	WM	21	SW NE	POD #1 – Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from West ¼ Corner of Section 21.

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE - CERTIFICATE 76717 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.0	DUQUETTE	2006-01
4 N	28 E	WM	8	SW NE	6700	5.3	DUQUETTE	2006-01
4 N	28 E	WM	17	NE NE	2200	0.86	DESBRISAY / SEAVERT	2006-02
4 N	28 E	WM	17	NE NE	2300	0.44	DESBRISAY / SEAVERT	2006-02
TOTAL:						7.60		

Application T-10261 proposes to change the place of use for the above described rights to a different location within the same quarter-quarter located:

PROPOSED PLACE OF USE - CERTIFICATE 76717 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	2.0	DUQUETTE	2006-01
4 N	28 E	WM	17	SW NE	3700	4.3	QUICK	2006-01
4 N	28 E	WM	20	NW SW	300	1.30	DESBRISAY / SEAVERT	2006-02
TOTAL:						7.60		

4. The portion of the second right to be transferred is as follows:

**Certificate:** 76799, issued in the name of Westland Irrigation District (Perfected under Permit 27583)

**Use:** Irrigation (IR) of 1.35 acres

**Priority Date:** April 12, 1961

**Rate & Duty:** ONE-FORTIETH of one cubic foot per second (or its equivalent) from direct flow, and 4.5 ACRE-FEET for each acre irrigated during the irrigation season of each year.

**Source:** Umatilla River and McKay Reservoir (constructed under Per. R-584), tributaries of the Columbia River

**Authorized Points of Diversion:**

TWP	RNG	MER	SEC	Q-Q	Lot	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE	--	McKay Dam
3 N	29 E	WM	21	SW NE	4	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W3 Corner of Section 21.

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE – CERTIFICATE 76799 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.35	DUQUETTE	2006-01

Application T-10261 proposes to change the place of use for the above described rights to:

PROPOSED PLACE OF USE – CERTIFICATE 76799 (IR)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	17	SW NE	3700	1.35	QUICK	2006-01

5. The portion of the third 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 5.3 acres

**Priority Date:** July 1, 1924

**Rate & Duty:** ONE-EIGHTIETH 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, a tributary of McKay Creek. Water is released into the 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	Lot	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE	--	McKay Dam
3 N	30 E	WM	31	SW SW	4	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W3 Corner, Section 21.

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE – CERTIFICATE 79439 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01
4 N	28 E	WM	8	SW NE	6700	5.30	DUQUETTE	2006-01
4 N	28 E	WM	17	NE NE	2200	0.86	DESBRISAY / SEAVERT	2006-02
4 N	28 E	WM	17	NE NE	2300	0.44	DESBRISAY / SEAVERT	2006-02
TOTAL:						7.60		

Application T-10261 proposes to change the place of use for the above described rights to:

PROPOSED PLACE OF USE – CERTIFICATE 79439 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	20	NW SW	300	1.30	DESBRISAY / SEAVERT	2006-02
4 N	28 E	WM	8	SW NE	6700	2.0	DUQUETTE	2006-01
4 N	28 E	WM	17	SW NE	3700	4.3	QUICK	2006-01
TOTAL:						7.60		

6. The portion of the fourth right to be transferred is as follows:

**Certificate:** 38390, issued in the name of David C. Ralston (Perfected under Permit G-3745)

**Use:** Supplemental Irrigation (IS) of 1.0 acre

**Priority Date:** July 13, 1967

**Quantity:** 0.013 cubic foot per second

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second per each acre irrigated and limited to a diversion of not to exceed 3.0 acre-feet per acre irrigated

**Source:** A WELL, within the Umatilla River Basin

**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	Q-Q	Lot	SURVEY COORDINATES
4 N	28 E	WM	8	SW NE	--	450 Feet North and 240 feet East from Center of Section 8

**Authorized Place of Use:**

AUTHORIZED PLACE OF USE – CERTIFICATE 38390 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01

Application T-10261 proposes to change the place of use for the above described rights to a different location within the same quarter-quarter located:

PROPOSED PLACE OF USE – CERTIFICATE 38390 (IS)								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	8	SW NE	6700	1.00	DUQUETTE	2006-01

7. Westland Irrigation District identified an irrigation water right evidenced by Certificate 80450 existing on the proposed place of use lands located within Section 17, T 4 N, R 28 E, W.M., under NOTICE# 2006-01. Norma Quick, the landowner, submitted an affidavit to diminish the existing irrigation water right to supplemental irrigation.
8. Pursuant to OAR 690-017-0010(2), the Department has determined that Norma Quick is the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 80450 is appurtenant.
9. The portion of the water right to be diminished from irrigation to supplemental irrigation is as follows:

**Certificate:** 80450 in the name of Norma Quick (perfected under Permit 44614)  
**Use:** IRRIGATION of 5.65 ACRES  
**Priority Date:** August 23, 1979  
**Rate/Duty:** ONE-FORTIETH of one cubic foot per second per acre, further limited to 4.5 acre-feet per acre for each acre irrigated during the irrigation season  
**Source:** UMATILLA RIVER, a tributary of the Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	Lot	SURVEY COORDINATES
4 N	28 E	WM	16	SW SW	--	660 feet North and 10 feet East from SW Corner of Section 16

**Authorized Place of Use:**

IRRIGATION WATER RIGHT UNDER CERTIFICATE 80450 DIMINISHED TO SUPPLEMENTAL IRRIGATION								
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	USER	NOT#
4 N	28 E	WM	17	SW NE	3700	5.65	QUICK	2006-02

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

**Conclusions of Law**


The proposed change in place of use in Transfer Application T-10261 satisfies the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes to the water rights evidenced by Certificates 76717, 76799, 79439 and 38390 are approved.
2. The portion of Certificate 80450 described in Finding of Fact #9 is diminished from irrigation to supplemental irrigation.
3. Certificates 76717, 76799 and 79439 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.
4. Certificates 38390 and 80450 are cancelled. New certificates will be issued to describe the remaining portions of the rights NOT modified by the transfer.

5. 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 the District's water rights, related decree, and the Final Order approving T-10261.
6. The former places of use shall no longer be irrigated as part of these water rights.
7. The proposed changes shall be completed on or before October 1, 2008.
8. A Claim of Beneficial Use and Final Proof Map shall be submitted by Westland Irrigation District to the Department by October 1, 2009.

Dated at Salem, Oregon this 2<sup>nd</sup> day of January, 2007.

  
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Phillip C. Ward, Director

**JAN 05 2007**

Mailing Date: \_\_\_\_\_