

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12245, Umatilla County) DISTRICT PERMANENT TRANSFER

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.

Applicant

HERMISTON IRRIGATION DISTRICT
366 E. HURLBURT AVE.
HERMISTON, OR 97838

Findings of Fact

1. On December 28, 2015, Hermiston Irrigation District filed a district transfer application to permanently change the place of use under Certificate 89006. The Department assigned the application number T-12245.
2. Notice of the application for transfer was published on January 5, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
Certificate: 89006 in the name of UNITED STATES BUREAU OF RECLAMATION (confirmed by decree and entered in the Order Record Volume 3, at Page 127)
Use: Primary and Supplemental Irrigation of 18.75 acres
Priority Date: September 6, 1905 and February 25, 1904
Season of Use: The diversion of water from the Umatilla River for irrigation is limited to the irrigation season between March 1 and November 1 of each year.
Limit/Duty: For those lands comprised of loam or fine sand or fine textured soil, the amount of water diverted for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of one-eightieth of one cubic foot per second (or its equivalent) and 3.0 acre-feet (af) for each acre irrigated each year.
Source: Umatilla River and Cold Springs Reservoir, tributaries of the Columbia River

This is an 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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Description/Measured Distances
4 N	29 E	WM	3	SW NE	COLD SPRINGS DAM
				SE NW	A-CANAL: 1490 FEET SOUTH AND 2840 FEET EAST FROM THE NORTHWEST CORNER OF SETION 3

Authorized Places of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	AF/Acre	Acres	Water User	Notice
2/25/1904	4 N	28 E	WM	4	SE SE	1600	6.0	3.06	11 th & Elm Properties LLC	2015-03
2/25/1904	4 N	28 E	WM	4	SE SE	1602	6.0	1.90	Carpenter	2015-03
2/25/1904	4 N	28 E	WM	4	SE SE	1603	6.0	1.30	Dad's Properties LLC	2015-03
2/25/1904	4 N	28 E	WM	4	SE SE	1604	6.0	1.00	11 th & Elm Properties LLC	2015-03
2/25/1904	4 N	28 E	WM	4	SE SE	1605	6.0	1.00	11 th & Elm Properties LLC	2015-03
2/25/1904	4 N	28 E	WM	12	NW SE	300	3.0	0.40	Luke	2015-03
2/25/1904	4 N	28 E	WM	13	NW NW	600	3.0	0.60	Johnson	2015-03
2/25/1904	4 N	28 E	WM	14	NE SW	400	3.0	0.45	Corey	2015-03
2/25/1904	4 N	28 E	WM	14	NE NW	1600	3.0	0.20	Cruikshank	2015-03
2/25/1904	4 N	28 E	WM	15	NW SW	600	3.0	0.17	Dorran	2015-03
2/25/1904	4 N	28 E	WM	16	NE NE	700	3.0	5.00	Skyes	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	1500	3.0	0.10	Reel	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2400	3.0	0.10	Bowman	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3500	3.0	0.10	Townsend	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	1300	3.0	0.10	Mallory	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	1400	3.0	0.10	Hochhalter	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	1800	3.0	0.10	Hickey	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2000	3.0	0.10	Littlefield	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2100	3.0	0.10	Shannon	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2200	3.0	0.10	Guidice	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2500	3.0	0.10	Eisele	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2700	3.0	0.20	Reinauer	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2800	3.0	0.10	Arntt	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	2900	3.0	0.10	Mallory	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3000	3.0	0.10	Kennedy	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3200	3.0	0.10	Canchola	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3300	3.0	0.10	Pomeroy	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3600	3.0	0.10	Galeanaia	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3700	3.0	0.10	Sharp	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3800	3.0	0.10	Weatherford	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	3900	3.0	0.10	Haigh	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	4100	3.0	0.10	Duenasdine	2015-03
2/25/1904	4 N	28 E	WM	16	SW NE	4200	3.0	0.10	Wick	2015-03
9/6/1905	4 N	29 E	WM	6	SW NE	4700	6.0	0.70	Knight	2015-03
2/25/1904	5 N	28 E	WM	15	SW NW	402	3.0	0.67	Wilson	2015-03
							Total	18.75		

- Transfer Application T-12245 proposes to change the place of use to:

Proposed Place of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	AF/Acre	Acres	Water User	Notice
2/25/1904	5 N	28 E	WM	26	SE NW	300	3.0	9.79	Wolfe	2015-03
2/25/1904	5 N	28 E	WM	26	SE NW	300	6.0	7.84	Wolfe	2015-03
9/6/1905	5 N	28 E	WM	26	SE NW	300	6.0	0.70	Wolfe	2015-03
2/25/1904	5 N	28 E	WM	26	SE NW	600	6.0	0.42	Wolfe	2015-03
								Total	18.75	

- 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.
- Water use permit G-11406 in the name of W. Bryan and Lou Ann Wolfe and Robert and Dorothy Greenwood is appurtenant to a portion of the proposed place of use. The Department determined this appurtenant portion is supplemental irrigation and requires no further action.
- The water right is subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use would not result in enlargement of the right.
- 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-12245 satisfies the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- The proposed change in place of use is approved.
- 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 Certificate 89006 and any related decree.
- The former place of use shall no longer be irrigated as part of this water right.
- The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
- The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
- Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use shall be submitted by Hermiston

Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

7. Water right certificate 89006 is modified. The Department will issue a superseding certificate describing the rights when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 11 day of February, 2016.



Dwight French, Water Right Services Administrator for
Thomas M. Byler, Director
Oregon Department of Water Resources

Mailing Date: FEB 22 2016