

**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-10578, Umatilla County) **APPROVING A DISTRICT**
) **TEMPORARY TRANSFER**

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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 March 27, 2008, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76715 and 79439. The Department assigned the application number T-10578.
2. The portion of the right to be transferred is as follows:
Certificate: 76715, issued in the name of Westland Irrigation District
Use: Irrigation (IR) of 9.0 acres
Priority Date: March 14, 1903
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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

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

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.

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 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	Survey Coordinates
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 W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76715 (IR)	79439 (IS)	
4 N	28 E	WM	33	NE NW	103	9.0	9.0	WALKER

- Application T-10578 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76715 (IR)	79439 (IS)	
4 N	28 E	WM	31	SE NW	400	9.0	9.0	BURTON

- Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
- The district temporary 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.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed changes in place of use would not result in enlargement of the rights.
- The proposed changes in place of use would not result in injury to other rights.

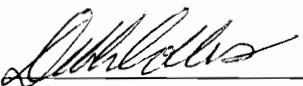
Conclusions of Law

The proposed change in place of use in Transfer Application T-10578 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76715 and 79439 are approved.
2. The temporary transfer is effective for the 2008 irrigation season.
3. 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 Certificates 76715 and 79439 and any related decree.
4. The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
5. The use of water on both the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
6. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
7. At the end of the 2008 irrigation season, all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610
9. The water user shall maintain and operate the existing headgate and measurement device and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 16th day of May, 2008.


✶ Phillip C. Ward, Director

Mailing Date: MAY 23 2008