



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department
North Central Region
116 S.E. Dorion Avenue
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

FINAL ORDER

April 7, 2000

Westland Irrigation District
P.O. Box 416
Stanfield, Oregon 97875

RE: Approval of District Temporary Transfer File T-8443 (Mueller to Newman)

Pursuant to ORS 540.570, Westland Irrigation District filed a request to move the place of use of certain water rights within the District for the 2000 irrigation season. The changes requested are enumerated on the attached sheet. Notice of the request was published in summary form by the Water Resources Department on February 29, 2000. Public comments were accepted for 30 days following publication. No comments were received.

Pursuant to ORS 540.570 (3) and OAR 690-21-060 (2), staff have reviewed the requested changes. This review finds that the proposed changes do not injure existing rights or result in enlargement of the subject rights. Therefore, the request as enumerated on the attached sheet and as conditioned below, is approved for the 2000 irrigation season.

1. Pursuant to 540.570 (2) water will not be used on the subject lands until 60 days after the district's notice was received or the start of the irrigation season, whichever is later. The notice was received February 17, 2000. Water will not be used on the subject lands until April 17, 2000.
2. The "FROM" lands will receive no water under the rights involved with T-8443 for the 2000 irrigation season.

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

3. The "FROM" lands will receive no water under any other rights appurtenant to these lands for the 2000 irrigation season, unless water rights are transferred to the "FROM" lands. In no case shall a temporary transfer allow the enlargement of the water right.
4. There is an existing water right evidenced by Certificate 54736 (G-6785) on portions of the land to which this application requests to move water. The water user shall not use water under the existing water right evidenced by Certificates 54736 (G-6785) on this land during the 2000 irrigation season.
5. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands.
6. Pursuant to 540.570 (6), the Department may further condition or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
7. Pursuant to 540.570 (7), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Copies of the approved request and associated maps are on file at the Department's North Central Region office in Pendleton.

Sincerely,



Bernadette Williams
Field Water Rights Technician

cc: Mike Ladd, Region Manager
Tony Justus, Watermaster
Frank Dye, Assistant Watermaster

attachment

TEMPORARY TRANSFER, 2000 IRRIGATION SEASON
WESTLAND IRRIGATION DISTRICT

MUELLER TO NEWMAN

- 1) **Umatilla River Decree - Volume 3, Page 127:** Irrigation; Priority Date - March 14, 1903; Authorized Source - Umatilla River

Authorized Point of Diversion: SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the West Corner, Section 21

- 2) **Permit 7400:** Supplemental Irrigation; Priority Date - July 7, 1924; Authorized Source - McKay Reservoir

Authorized Point of Diversion: NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.; 2231 Feet North and 3227 Feet East from the Southwest Corner, Section 34

FROM LANDS									
Name	W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
Mueller	Decree & 7400	4N	28E	32	SWNE	5500	3/14/1903 & 7/7/1924	IRRIG & SUPP	12.1 ¹
Mueller	Decree & 7400	4N	28E	32	NESW	5400	3/14/1903 & 7/7/1924	IRRIG & SUPP	2.8 ¹
Mueller	Decree & 7400	4N	28E	32	SESW	5400	3/14/1903 & 7/7/1924	IRRIG & SUPP	5.5 ¹
Mueller	Decree & 7400	4N	28E	32	SWSE	5400	3/14/1903 & 7/7/1924	IRRIG & SUPP	5.5 ¹

Westland Irrigation District Temporary Transfer, 2000 Irrigation Season

IRRIG TOTAL									25.9
SUPP TOTAL									25.9

¹ Any Butter Creek water rights on these same acres have been subordinated (made supplemental) by Westland Irrigation District through the HB 3111 process. These supplemental Butter Creek rights will not be transferred or used during the 2000 irrigation season.

TO LANDS									
Name	W/R #	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
Newman	Decree & 7400	4N	28E	20	NESW	500	3/14/1903 & 7/7/1924	IRRIG & SUPP	25.9 ²
IRRIG TOTAL									25.9
SUPP TOTAL									25.9

²Any water right appurtenant to the proposed place of use will not be used during the 2000 irrigation season.