

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11039, Umatilla County) DISTRICT TEMPORARY TRANSFER

Authority

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 (L & L FARMS)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On March 22, 2010, Westland Irrigation District filed an application to temporarily change the place of use under Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 for a period of one year. The Department assigned the application number T-11039.
2. Amendment to the application and application map were received by the Department on April, 29, 2010.
3. The portion of the FIRST primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 79990 in the name of L & L FARMS (perfected under Permit G-6893)
Use: IRRIGATION of 250.4 ACRES
Priority Date: JULY 19, 1976
Rate: 1.39 CUBIC FEET PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year
Source: WELL #1, in the SPIKES GULCH RIVER BASIN
Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	SW SE	960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23

This is a final 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.

Certificate: 79991 in the name of L & L FARMS (perfected under Permit G-7036)

Use: SUPPLEMENTAL IRRIGATION of 156.5 ACRES

Priority Date: DECEMBER 2, 1976

Rate: 1.67 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 ACRE-FEET per acre during the irrigation season of each year.

Source: WELL #3, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	NW NW	WELL #3 - 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms-Robert Levy (perfected under Permit S-48968)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.5 ACRE-FEET for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the W ¹ / ₄ Corner of Section 21.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	Permit S - 54582(IS)	
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	--	30.9	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	32.6	--	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	--	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	32.3	32.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	250.4	

4. Transfer Application T-11039 proposes to temporarily change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	NE NW	800	34.2	31.2	34.2	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	--	34.3	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.3	--	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	--	28.3	28.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	250.4	

5. The portion of the SECOND primary right and its layered supplemental water right to be transferred is as follows:

Certificate: 83083, issued in the name of Tony Amstad and L & L Farms-Robert Levy (perfected under Permit S-48968)

Use: IRRIGATION OF 250.4 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.5 ACRE-FEET for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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

Water Use Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083(IR)	Permit S-54582(IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	NE NW	800	34.2	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	28.3	L & L FARMS
TOTAL:						250.4	250.4	

6. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083(IR)	Permit S-54582(IS)	
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	L & L FARMS
TOTAL:						250.4	250.4	

7. The portion of the THIRD primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: Irrigation of 124.6 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cfs and 4.5 ACRE-FEET for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W ¹ / ₄ Corner of Section 21.

Certificate: 79439, issued in the name of U. S. Bureau of Reclamation (Perfected under Permit S-7400)

Use: Supplemental Irrigation of 124.6 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 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	Measured Distances
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 W ¹ / ₄ Corner of Section 21

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 124.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	ACRES			User
						Certificate 76051(IR)	Certificate 79439 (IS)	Permit -- 54582(IS)	
3 N	28 E	WM	28	NE NE	7500	33.0	33.0	33.0	L & L FARMS*
3 N	28 E	WM	28	NW NE	7500	33.0	33.0	33.0	L & L FARMS*
3 N	28 E	WM	28	SW NE	7500	29.3	29.3	29.3	L & L FARMS*
3 N	28 E	WM	28	SE NE	7500	29.3	29.3	29.3	L & L FARMS*
TOTAL:						124.6*	124.6*	124.6*	

* **Note:** These lands have an existing water right (Certificate 75130) for supplemental irrigation that will not be used or transferred during the course of the 2010 irrigation season.

8. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	ACRES			User
						Certificate 76051(IR)	Certificate 79439 (IS)	Permit S- 54582(IS)	
3 N	28 E	WM	33	NE NE	7500	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	7500	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	7500	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	7500	31.0	31.0	31.0	L & L FARMS
TOTAL:						124.6	124.6	124.6	

9. The portion of the FOURTH primary right and its layered supplemental water right to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: Irrigation of 124.6 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Certificate: 75124, issued in the name of L & L FARMS (Perfected under Permit G-6936)

Use: Supplemental Irrigation of 124.6 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet per acre

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	Measured Distances
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

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms/Robert Levy (perfected under Permit S-48968)

Use: Supplemental Irrigation of 124.6 acres

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.5 ACRE-FEET for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 124.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130, and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NE	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	7500	31.3	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	7500	31.3	31.0	31.0	31.0	L & L FARMS
TOTAL:						124.6	124.6	124.6	124.6	

10. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	28	NE NE	7500	33.0	33.0	33.0	33.0	L & L FARMS
3 N	28 E	WM	28	NW NE	7500	33.0	33.0	33.0	33.0	L & L FARMS
3 N	28 E	WM	28	SW NE	7500	29.3	29.3	29.3	29.3	L & L FARMS
3 N	28 E	WM	28	SE NE	7500	29.3	29.3	29.3	29.3	L & L FARMS
TOTALS:						124.6	124.6	124.6	124.6	

11. The portion of the FIFTH primary water right and its layered supplemental water right to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: Irrigation of 125.2 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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: 75124, issued in the name of L & L Farms (perfected under Permit G-6936)

Use: Supplemental Irrigation of 125.2 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: Well #2, within the SPIKES GULCH RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	26	NW NE	930 Feet South from the N¼ Corner of Section 26
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: 83083, issued in the names of Tony Amstad and L & L Farms-Robert Levy (perfected under S-Permit 48968)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

12. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	26	NE NE	7300	26.2	26.2	26.2	26.2	L & L FARMS
3 N	28 E	WM	26	NW NE	7300	35.7	35.7	35.7	35.7	L & L FARMS
3 N	28 E	WM	26	SW NE	7300	35.2	35.2	35.2	35.2	L & L FARMS
3 N	28 E	WM	26	SE NE	7300	28.1	28.1	28.1	28.1	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

13. The portion of the SIXTH primary water right and its layered supplemental water right to be transferred are as follows:

Certificate: 76051, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: IRRIGATION OF 125.2 ACRES

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. 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 S-7400)

Use: Supplemental Irrigation of 125.2 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 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	Measured Distances
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

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms-Robert Levy (perfected under S-Permit 48968)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 ACRE-FEET per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the

right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.5 ACRE-FEET for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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.

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130, and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	26	NE NE	7300	26.2	26.2	26.2	26.2	L & L FARMS
3 N	28 E	WM	26	NW NE	7300	35.7	35.7	35.7	35.7	L & L FARMS
3 N	28 E	WM	26	SW NE	7300	35.2	35.2	35.2	35.2	L & L FARMS
3 N	28 E	WM	26	SE NE	7300	28.1	28.1	28.1	28.1	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

14. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

15. The portion of the SEVENTH primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 75554, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: Irrigation (IR) of 3.0 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	SW SE	960 Feet North and 30 Feet East from the S $\frac{1}{4}$ Corner of Section 23

Certificate: 75555, issued in the name of L & L Farms (perfected under Permit G-7036)

Use: Supplemental Irrigation (IS) of 3.0 acres

Priority Date: December 2, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 3, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	NW NW	60 Feet South and 820 Feet East from the NW Corner of Section 23

Authorized Places of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 75554(IR)	Certificate 75555 (IS)	
3 N	28 E	WM	29	NE SW	8105	3.0	3.0	L & L FARMS

16. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 75554(IR)	Certificate 75555 (IS)	
3 N	28 E	WM	32	SW NW	8105	3.0	3.0	L & L FARMS

17. The portion of the EIGHTH primary right and its layered supplemental water right to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: IRRIGATION OF 120.4 ACRES

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W $\frac{1}{4}$ corner of Section 21.

Certificate: 75554, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: Supplemental Irrigation of 120.4 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	SW SE	960 Feet North and 30 Feet East from the S¼ Corner of Section 23

Certificate: 75555, issued in the name of L & L Farms (perfected under Permit G-7036)

Use: Supplemental Irrigation of 120.4 acres

Priority Date: December 2, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet for each acre irrigated

Source: WELL 3, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	NW NW	60 Feet South and 820 Feet East from the NW Corner of Section 23

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 120.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130, and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75554 (IS)	Certificate 75555 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	29	NE SW	8105	28.3	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	29.7	29.7	29.7	29.7	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	31.1	31.1	L & L FARMS
TOTAL:						120.4	120.4	120.4	120.4	

18. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75554 (IS)	Certificate 75555 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	32	NE NW	8105	30.2	30.2	30.2	30.2	L & L FARMS
3 N	28 E	WM	32	NW NW	8105	31.0	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	SW NW	8105	28.3	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	32	SE NW	8105	30.9	30.9	30.9	30.9	L & L FARMS
TOTAL:						120.4	120.4	120.4	120.4	

19. The portion of the NINTH primary water right and its layered supplemental water right to be transferred are as follows:

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms-Robert Levy (perfected under S-Permit 48968)

Use: IRRIGATION OF 123.4 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 123.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IR)	Permit - S-54582(IS)	
3 N	28 E	WM	32	NE NW	8105	30.2	30.2	L & L FARMS
3 N	28 E	WM	32	NW NW	8105	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	SW NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	32	SE NW	8105	30.9	30.9	L & L FARMS
TOTAL:						123.4	123.4	

20. Transfer Application T-11039 proposes to temporarily change the place of use of the right to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IR)	Permit - S-54582(IS)	
3 N	28 E	WM	29	NE SW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	29.7	29.7	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	L & L FARMS
TOTAL:						123.4	123.4	

21. The portion of the TENTH primary right and its layered supplemental water rights to be transferred are as follows:

Cert Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

Use: Irrigation of 134.6 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cfs and 4.5 ACRE-FEET for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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 S-7400)

Use: Supplemental Irrigation of 134.6 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 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	Measured Distances
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

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms-Robert Levy (perfected under S-Permit 48968)

Use: IRRIGATION OF 134.6 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.5 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.5 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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.

Permit: S-54582, issued in the names of L & L Farms (file under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 134.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: limited to a diversion of not to exceed 4.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: Butter Creek Reservoir, constructed under Permit R-12130 and Sparks Reservoir, constructed under Permit R-13872

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
BUTTER CREEK	3 N	28 E	WM	5	SE SE	440 Feet North and 1170 Feet West from the SE Corner of Section 5
SPARKS	3 N	28 E	WM	34	NE NW	270 Feet South and 2070 Feet East from the NW Corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	23	NE SW	7100	17.0	17.0	17.0	17.0	L & L FARMS
3 N	28 E	WM	23	NW SW	7100	18.4	18.4	18.4	18.4	L & L FARMS
3 N	28 E	WM	23	SW SW	7100	39.7	39.7	39.7	39.7	L & L FARMS
3 N	28 E	WM	23	SE SW	7100	35.3	35.3	35.3	35.3	L & L FARMS

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	23	NE SE	7100	30.3	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	23.7	23.7	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	21.7	21.7	21.7	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	12.1	12.1	12.1	12.1	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	12.1	12.1	12.1	12.1	L & L FARMS
TOTAL:						134.6	134.6	134.6	134.6	

22. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS) (CIRCLE 5)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	4	NE NW	1702	30.3	30.3	30.3	30.3	L & L FARMS*
3 N	28 E	WM	4	NW NW	1800	31.3	31.3	31.3	31.3	L & L FARMS*
3 N	28 E	WM	4	SW NW	1702	23.7	23.7	23.7	23.7	L & L FARMS*
3 N	28 E	WM	4	SE NW	1702	21.7	21.7	21.7	21.7	L & L FARMS*
TOTAL:						107.0*	107.0*	107.0*	107.0*	

*The applicant has stated that the water rights being transferred in on the above described "TO" lands (Circle 5) will be become supplemental to the incoming Certificates 79993 and 76263 transferred in under transfer application T-11040.

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS) (CIRCLE CP5)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	4	NE NW	1702	0.7	0.7	0.7	0.7	SIMPLOT (Bar-U-Inc.)**
3 N	28 E	WM	4	NW NW	1800	1.0	1.0	1.0	1.0	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	SW NW	1702	34.9	34.9	34.9	34.9	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	SE NW	1702	33.0	33.0	33.0	33.0	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	NE SW	1600	30.1	30.1	30.1	30.1	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	NW SW	1600	32.3	32.3	32.3	32.3	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	5	SE NE	1702	1.5	1.5	1.5	1.5	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	5	NE SE	800	1.1	1.1	1.1	1.1	SIMPLOT (Bar-U-Inc.) **
TOTAL:						134.6**	134.6**	134.6**	134.6**	

**The applicant has stated that the water rights existing on these above described "TO" lands (Circle CP5) under Certificate 54836 (IR) and its layered supplemental water rights Certificate 79439, Permit 53063 and those lands transferred in under transfer application T-6783 (Vol. 78, page 48 – 65) will not be used or transferred during the 2010 irrigation season.

23. Notice of the application for transfer was published on March 30, 2010, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.

24. Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

25. Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
26. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
27. The proposed changes would not result in enlargement of the rights.
28. The proposed changes 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 540.570(6) if the Department later finds that the transfer is causing injury to any existing water right.
29. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes a map meeting the requirements of OAR 690-385-2200.

Conclusions of Law

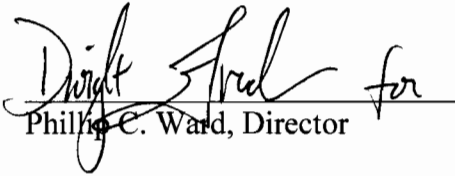
The temporary changes in place of use proposed in Transfer Application T-11039 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The proposed, temporary changes to the water rights evidenced by Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 are approved.
2. The temporary transfer is effective for the 2010 irrigation season.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2010 irrigation season.
4. At the end of the 2010 irrigation season all use of water under this temporary transfer shall automatically revert to the terms and conditions of the original water right permit, certificates or adjudication as evidenced by a court decree.
5. 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.
6. A subsequent application for permanent transfer of Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 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.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582.

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 use of the remaining water rights described by Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582.
10. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 18 day of May, 2010.


Phillip C. Ward, Director

Mailing Date: MAY 21 2010