

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

In the Matter of Transfer Application                     )   FINAL ORDER APPROVING A DISTRICT  
T-11598, Umatilla County                                     )   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**

1. On May 17, 2013, Westland Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582. The Department assigned the application number T-11598.
2. Notice of the application for temporary transfer was published May 28, 2013, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the FIRST primary right and its layered supplemental rights to be transferred is as follows:

**Certificate:** 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)  
**Use:** Irrigation of 381.7 acres  
**Priority Date:** June 27, 1958  
**Rate:** 2.56 CUBIC FEET PER SECOND (cfs)  
**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-FORTIETH of one cubic foot per second (cfs), or its equivalent, and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** UMATILLA RIVER, a tributary of the Columbia River  
**Authorized Point of Diversion:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q - Q</b>	<b>Measured Distances</b>
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

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

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

**Use:** Supplemental Irrigation of 124.8 acres

**Priority Date:** July 1, 1924

**Rate & Duty:** The amount of water used 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 cfs, (or its equivalent) 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, (constructed under reservoir Permit R-564) a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

**Authorized Point of Diversion and Re-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	RE-DIVERSION - 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 name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)

**Use:** Supplemental Irrigation of 249.8 acres

**Priority Date:** August 10, 1981

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated 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

**Certificate:** 75124, issued in the name of L & L Farms (perfected under Permit G-6936)

**Use:** Supplemental Irrigation of 249.8 acres

**Priority Date:** July 19, 1976

**Rate & Duty:** The amount of water used 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 cfs per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year, 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 herein.

**Source:** WELL 2, in the SPIKES GULCH RIVER BASIN

**Authorized Point 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

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

**Use:** Supplemental Irrigation of 7.1 acres

**Priority Date:** July 19, 1976

**Rate & Duty:** The amount of water used 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 cfs per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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 herein.

**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

**Water Use Permit:** S-54582, in the name of L & L Farms (filed under application S-87119)

**Use:** Supplemental Irrigation of 381.7 acres

**Priority Date:** March 6, 2008

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be 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.

**Season:** April 1 – October 31

**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	Sec	Q - Q	Tax Lot	76051(IR)	79439(IS)	83083(IS)	75124(IS)	75554(IS)	Permit S-54582 (IS)	User
3 N	28 E	28	NE NE	7500	33.0	33.0	--	--	--	33.0	L & L
3 N	28 E	28	NW NE	7500	33.0	33.0	--	--	--	33.0	L & L
3 N	28 E	28	SW NE	7500	29.4	29.4	--	--	--	29.4	L & L
3 N	28 E	28	SE NE	7500	22.3	22.3	--	--	--	22.3	L & L
3 N	28 E	28	SE NE	7500	7.1	7.1	--	--	--	7.1	L & L
3 N	28 E	29	SW SE	8105	5.6	--	--	--	5.5	5.6	L & L
3 N	28 E	29	SE SE	8105	1.5	--	--	--	1.5	1.5	L & L
3 N	28 E	33	NE NE	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	NW NE	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SW NE	8105	31.0	--	31.0	31.0	--	31.0	L & L
3 N	28 E	33	SE NE	8105	31.0	--	31.0	31.0	--	31.0	L & L
3 N	28 E	33	NE NW	8105	31.3	--	31.3	31.3	--	31.3	L & L

3 N	28 E	33	NW NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SW NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SE NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
<b>Total:</b>					<b>381.7</b>	<b>124.8</b>	<b>249.8</b>	<b>249.8</b>	<b>7.1</b>	<b>381.7</b>	

4. Transfer Application T-11598 proposes to transfer the above described rights as follows:  
**Proposed Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
Twp	Rng	Sec	Q - Q	Tax Lot	76051 (IR)	79439 (IS)	83083 (IS)	75124 (IS)	75554 (IS)	Per. S-54582 (IS)	User
3 N	28 E	4	NE NE	800	34.0	--	34.0	34.0	--	34.0	L & L
3 N	28 E	4	NW NE	800	33.9	--	33.9	33.9	--	33.9	L & L
3 N	28 E	4	SW NE	800	29.2	--	29.2	29.2	--	29.2	L & L
3 N	28 E	4	SE NE	800	29.2	--	29.2	29.2	--	29.2	L & L
3 N	28 E	4	NE SE	800	33.5	--	33.5	33.5	--	33.5	L & L
3 N	28 E	4	NW SE	800	33.0	--	33.0	33.0	--	33.0	L & L
3 N	28 E	4	SW SE	800	28.3	--	28.3	28.3	--	28.3	L & L
3 N	28 E	4	SE SE	800	28.7	--	28.7	28.7	--	28.7	L & L
3 N	28 E	28	SE NE	7500	7.1	7.1	--	--	7.0	7.1	L & L
3 N	28 E	29	NE SE	8105	30.0	28.3	--	--	--	30.0	L & L
3 N	28 E	29	NW SE	8105	26.2	29.7	--	--	--	26.2	L & L
3 N	28 E	29	SW SE	8105	29.3	31.3	--	--	--	29.3	L & L
3 N	28 E	29	SW SE	8105	5.6	31.3	--	--	--	5.6	L & L
3 N	28 E	29	SE SE	8105	32.2	31.1	--	--	--	32.2	L & L
3 N	28 E	29	SE SE	8105	1.5		--	--	--	1.5	L & L
<b>Total:</b>					<b>381.7</b>	<b>124.8</b>	<b>249.8</b>	<b>249.8</b>	<b>7.0</b>	<b>381.7</b>	

5. The portion of the SECOND primary right and its layered supplemental rights 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 249.8 acres

**Priority Date:** August 10, 1981

**Rate & Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-FORTIETH of one cfs per acre, or its equivalent for each acre irrigated 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 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 WEST ¼ CORNER OF SECTION 21

**Water Use Permit:** S-54582, in the name of L & L Farms (filed under application S-87119)

**Use:** Supplemental Irrigation of 249.8 acres

**Priority Date:** March 6, 2008

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be 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)

**Season:** April 1 – October 31

**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	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	User
2 N	28 E	4	NE NE	800	34.0	34.0	L & L
2 N	28 E	4	NW NE	800	33.9	33.9	L & L
2 N	28 E	4	SW NE	800	29.2	29.2	L & L
2 N	28 E	4	SE NE	800	29.2	29.2	L & L
2 N	28 E	4	NE SE	800	33.5	33.5	L & L
2 N	28 E	4	NW SE	800	33.0	33.0	L & L
2 N	28 E	4	SW SE	800	28.3	28.3	L & L
2 N	28 E	4	SE SE	800	28.7	28.7	L & L
<b>Total:</b>					<b>249.8</b>	<b>249.8</b>	

6. Transfer Application T-11598 proposes to transfer the above described rights as follows:

**Proposed Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	User
3 N	28 E	33	NE NE	8105	31.3	31.3	L & L
3 N	28 E	33	NW NE	8105	31.3	31.3	L & L
3 N	28 E	33	SW NE	8105	31.0	31.0	L & L
3 N	28 E	33	SE NE	8105	31.0	31.0	L & L
3 N	28 E	33	NE NW	8105	31.3	31.3	L & L
3 N	28 E	33	NW NW	8105	31.3	31.3	L & L
3 N	28 E	33	SW NW	8105	31.3	31.3	L & L
3 N	28 E	33	SE NW	8105	31.3	31.3	L & L
<b>Total:</b>					<b>249.8</b>	<b>249.8</b>	

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

**Certificate:** 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Special Order Volume 77, Pages 129-130)

**Use:** Irrigation of 125.7 acres

**Priority Date:** April 22, 1955

**Rate & Duty:** The amount of water used for irrigation together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-FORTIETH of one cfs, or its equivalent, and 4.5 acre-feet 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	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 8.0 acres

**Priority Date:** July 1, 1924

**Rate & Duty:** The amount of water used 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 cfs, (or its equivalent) 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, (constructed under reservoir Permit R-564) a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

**Authorized Point of Diversion and Re-Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances/Description
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	RE-DIVERSION - WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

**Certificate:** 75121, issued in the name of L & L Farms (as modified by Final Order approving T-9645/satisfactory proof made: Special Order Volume 77, Pages 129 – 130)

**Use:** SUPPLEMENTAL IRRIGATION of 117.7 acres

**Priority Date:** April 19, 1979

**Rate & Duty:** The amount of water used 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 cfs (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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 herein.

**Source:** Wells 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	WELL 1 - 960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NW NE	WELL 2 - 930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26
3 N	28 E	WM	23	NW NW	60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

**Water Use Permit:** S-54582, in the name of L & L Farms (filed under application S-87119)

**Use:** SUPPLEMENTAL IRRIGATION of 125.7 acres

**Priority Date:** March 6, 2008

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands shall be 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)

**Season:** April 1 – October 31

**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	Sec	Q - Q	Tax Lot	76050 (IR)	79439 (IS)	75121 (IS)	Permit S-54582 (IS)	User
3 N	28 E	26	SW NW	7300	4.0	4.0	--	4.0	L & L
3 N	28 E	26	SE NW	7300	4.0	4.0	--	4.0	L & L
3 N	28 E	29	NE SE	8105	30.0	--	30.0	30.0	L & L
3 N	28 E	29	NW SE	8105	26.2	--	26.2	26.2	L & L
3 N	28 E	29	SW SE	8105	29.3	--	29.3	29.3	L & L
3 N	28 E	29	SE SE	8105	32.2	--	32.2	32.2	L & L
<b>Total:</b>					<b>125.7</b>	<b>8.0</b>	<b>117.7</b>	<b>125.7</b>	

8. Transfer Application T-11598 proposes to transfer the above described rights as follows:

**Proposed Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	Tax Lot	76050 (IR)	79439 (IS)	75121 (IS)	Permit S-54582 (IS)	User
3 N	28 E	26	SW NE	7300	0.9	0.9	--	0.9	L & L
3 N	28 E	26	NE NW	7300	1.5	1.5	--	1.5	L & L
3 N	28 E	26	NW NW	7300	1.7	1.7	--	1.7	L & L
3 N	28 E	26	SW NW	7300	1.1	1.1	--	1.1	L & L
3 N	28 E	26	SE NW	7300	1.5	1.5	--	1.5	L & L
3 N	28 E	27	SE NE	7404	1.3	1.3	--	1.3	L & L
3 N	28 E	28	NE NE	7500	33.0	--	33.0	33.0	L & L
3 N	28 E	28	NW NE	7500	33.0	--	33.0	33.0	L & L
3 N	28 E	28	SW NE	7500	29.4	--	29.4	29.4	L & L
3 N	28 E	28	SE NE	7500	22.3	--	22.3	22.3	L & L
<b>Total:</b>					<b>125.7</b>	<b>8.0</b>	<b>117.7</b>	<b>125.7</b>	

9. The following table describes the location of water rights that are requested to be temporarily diminished to supplemental irrigation to the water right moving "TO" or "ON" via Transfer Application T-11599:

Supp'l to Cert	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	83083 (IS)	76050 (IS)	75121 (IS)
79993	2 N	28 E	WM	4	SW NW	800	0.8	--	--
79993	2 N	28 E	WM	4	SE NW	800	0.8	--	--
76263	2 N	28 E	WM	4	NE SW	800	24.7	3.5	5.5
76263	2 N	28 E	WM	4	NW SW	800	33.5	0.1	--

76263	2 N	28 E	WM	4	SW SW	800	8.0	14.7	--	
76263	2 N	28 E	WM	4	SE SW	800	--	14.0	--	
76263	3 N	28 E	WM	32	NE NW	8105	31.0	--	--	
76263	3 N	28 E	WM	32	NW NW	8105	31.7	--	--	
76263	3 N	28 E	WM	32	SW NW	8105	31.9	--	--	
76263	3 N	28 E	WM	32	SE NW	8105	31.5	--	--	
<b>Total:</b>							<b>193.9</b>	<b>32.3</b>	<b>5.5</b>	

10. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
11. The District has agreed to measure the “amount in” and “amount out” in regards to the use of the supplemental water rights and shall maintain both a flow meter where the groundwater is pumped into the Westland Canal, and a meter to measure the amount of water that is pumped out of the Westland Canal to the new places of use.
12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed changes in place of use would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

#### Conclusions of Law

The temporary changes in place of use proposed in Transfer Application T-11598 satisfy the requirements of ORS 540.574(3) and 540.570.

#### Now, therefore, it is ORDERED:

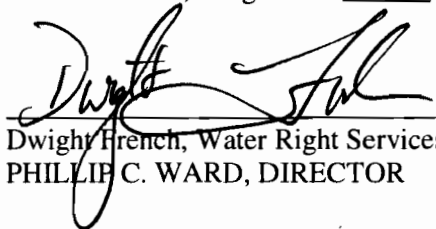
1. The temporary changes proposed in Transfer Application T-11598 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2013 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2013 irrigation season.
4. The right to the use of the water at the temporary place of use authorized by this transfer shall be in accordance with the conditions and limitations contained in 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 as well as any related decree.
5. The use of water on 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 water rights as identified in Finding of Fact #9 are temporarily diminished to supplemental irrigation for the incoming primary irrigation water rights identified in Transfer Application T-11599.
7. The use of water for supplemental irrigation at the proposed places of use described herein is restricted to the total rate and duty described by the relevant certificate and may be used only to make up a deficiency of supply.
8. The applicant shall install a measurement device at the site where groundwater is pumped into the Westland Canal. The District shall also operate and maintain a measurement device at the point where the District pumps from the Westland Canal to the proposed places of use. The District shall



measure and record the amount of water monthly and provide the information to the Watermaster upon request.

9. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
10. 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.
11. A subsequent application for permanent transfer of 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 and 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
12. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
13. The use of the remaining water rights described by 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582.

Dated at Salem, Oregon this 22 day of July, 2013.

  
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Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: AUG 01 2013