

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.

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	14	SW NW	4400	25.3	Prior
3 N	28 E	WM	14	SE NW	4400	33.5	Prior
3 N	28 E	WM	14	NE SW	4490	8.4	Prior
3 N	28 E	WM	14	SW SW	4400	11.0	Prior
3 N	28 E	WM	15	SE NE	4400	9.2	Prior
3 N	28 E	WM	15	NE SE	4400	1.4	Prior
3 N	28 E	WM	15	NW SE	4400	6.5	Prior
3 N	28 E	WM	15	SE SE	4400	3.5	Prior
Total:						98.8	

4. Transfer Application T-11593 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	15	NE SE	4400	0.5	Prior
3 N	29 E	WM	18	SW SW	5800	7.6	Prior
3 N	29 E	WM	19	NE NW	6100	10.7	Prior
3 N	29 E	WM	19	NW NW	6100	42.0	Prior
3 N	29 E	WM	19	SW NW	6100	28.0	Prior
3 N	29 E	WM	19	SE NW	61400	10.00	Prior
Total:						98.8	

5. The portion of the second right to be transferred is as follows:

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

Use: Supplemental Irrigation of 98.8 acres

Priority Date: July 1, 1924

Duty/Limit: 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 cubic foot 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: McKay Reservoir (constructed under reservoir Permit R-564), a tributary of McKay Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Description - Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted to Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND IRRIGATION DISTRICT CANAL - NORTH 76 DEGEES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	14	SW NW	4400	25.3	Prior
3 N	28 E	WM	14	SE NW	4400	33.5	Prior
3 N	28 E	WM	14	NE SW	4490	8.4	Prior
3 N	28 E	WM	14	SW SW	4400	11.0	Prior
3 N	28 E	WM	15	SE NE	4400	9.2	Prior
3 N	28 E	WM	15	NE SE	4400	1.4	Prior
3 N	28 E	WM	15	NW SE	4400	6.5	Prior
3 N	28 E	WM	15	SE SE	4400	3.5	Prior
Total:						98.8	

6. Transfer Application T-11593 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	15	NE SE	4400	0.5	Prior
3 N	29 E	WM	18	SW SW	5800	7.6	Prior
3 N	29 E	WM	19	NE NW	6100	10.7	Prior
3 N	29 E	WM	19	NW NW	6100	42.0	Prior
3 N	29 E	WM	19	SW NW	6100	28.0	Prior
3 N	29 E	WM	19	SE NW	61400	10.00	Prior
Total:						98.8	

7. The portion of the second right to be transferred is as follows:

Certificate: 76799, issued in the name of Westland Irrigation District (perfected under Permit S-27583)

Use: Irrigation of 1.0 acre

Priority Date: July 1, 1924

Duty/Limit: 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 (or its equivalent) from direct flow and 4.5 acre-feet for each acre irrigated during the irrigation of each year from direct flow and storage.

Source: Umatilla River and McKay Reservoir (constructed under reservoir Permit R-584), tributaries of the Columbia River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Description - Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted to Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND IRRIGATION DISTRICT CANAL - NORTH 76 DEGEES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	15	NE SE	4400	1.0	Prior

8. Transfer Application T-11593 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	19	NE NW	6100	0.85	Prior
3 N	29 E	WM	19	NW NW	6100	0.15	Prior

9. A portion of the proposed place of use described above has other, existing water rights (Certificates 76050 and 81784) for primary irrigation appurtenant. To avoid enlargement of the water rights, Certificates 76050 and 81784 must be diminished to supplemental irrigation during the 2013 irrigation season.
10. The portions of Certificate 76050 and 81784 that must be diminished are as follows:

Certificate	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
76050	3 N	29 E	W.M.	18	SW SW	5800	7.60	Prior
76050	3 N	29 E	W.M.	19	NE NW	6100	5.70	Prior
76050	3 N	29 E	W.M.	19	NW NW	6100	41.20	Prior
76050	3 N	29 E	W.M.	19	SW NW	6100	28.00	Prior
76050	3 N	29 E	W.M.	19	SE NW	6100	10.00	Prior
81784	3 N	29 E	W.M.	19	NE NW	6100	5.00	Prior
81784	3 N	29 E	W.M.	19	NW NW	6100	0.80	Prior
81784	3 N	29 E	W.M.	19	NE NW	6100	0.85	Prior
81784	3 N	29 E	W.M.	19	NW NW	6100	0.15	Prior

11. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
12. Diversion structures, pumps, canals and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.

13. The proposed changes, as conditioned (See Findings of Fact #9 and #10), would not result in enlargement of the rights.
14. 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.

Conclusions of Law

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

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11593 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 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, 79439 and 76799 and any related decree.
4. The use shall revert to the authorized places of use at the end of the 2013 irrigation season.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. The water rights as identified in Finding of Fact # 10 are diminished to supplemental irrigation for the 2013 irrigation season.
7. A subsequent application for permanent changes to Certificates 76051, 75126, 61534, 75128 and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for changes to these water rights.
8. 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.
9. 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 76715, 79439 and 76799.
10. The water user and/or District shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water rights described Certificates 76715, 79439 and 76799 and shall continue to be in accordance with the terms and conditions of Certificates 76715, 79439 and 76799.

Dated at Salem, Oregon this 26 day of July, 2013.



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

Mailing Date: AUG 02 2013