

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8324 submitted by

WESTLAND IRRIGATION DISTRICT  
P.O. BOX 416  
STANFIELD, OREGON 97875.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as tabulated in the name of Western Land and Irrigation Company on page 246 of the decree. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is MARCH 14, 1903.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 12.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, subject to the provisions of Paragraph 33 of the decree, if available at the authorized point of diversion:  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 3 N, R 29 E, WM; WESTLAND CANAL –  
N 76° 45' 56" E, 2913.19 FEET FROM THE W $\frac{1}{4}$  CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

Notice: Under the provisions of OAR-137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$       12.1 ACRES  
SECTION 32  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as tabulated in the name of Westland Irrigation District on page 439 of the decree. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 378. The date of priority is MARCH 14, 1903.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 17.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, subject to the provisions of Paragraph 33 of the decree recorded in Volume 1, Page 127, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 3 N, R 29 E, WM; WESTLAND CANAL - N 76° 45' 56" E, 2913.19 FEET FROM THE W $\frac{1}{4}$  CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$       17.4 ACRES  
SECTION 33  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as tabulated in the name of Western Land and Irrigation Company on page 247 of the decree. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is JULY, 1907.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 4.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.05 cubic foot per second, subject to the provisions of Paragraph 33 of the decree, if available at the authorized point of diversion: SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SECTION 21, T 3 N, R 29 E, WM; WESTLAND CANAL - N 76° 45' 56" E, 2913.19 FEET FROM THE W $\frac{1}{4}$  CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$         4.0 ACRES  
SECTION 17  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 2689. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1885.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION (supplemental) of 12.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.20 cubic foot per second, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$         12.1 ACRES  
SECTION 32  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The fifth right to be modified, as evidenced by a portion of Permit 7400, with a date of priority of JULY 7, 1924. The permit allows the use of MCKAY RESERVOIR, CONSTRUCTED UNDER PERMIT R-584, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 33.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 87.4 acre-feet, if available at the authorized point of diversion: MCKAY DAM - NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 34, T 2 N, R 32 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, shall be limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized places of use are located as follows:

NE $\frac{1}{4}$  NW $\frac{1}{4}$         4.0 ACRES  
SECTION 17

SW $\frac{1}{4}$  NE $\frac{1}{4}$         12.1 ACRES  
SECTION 32

SE $\frac{1}{4}$  NW $\frac{1}{4}$  17.4 ACRES  
SECTION 33  
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to TEMPORARILY change the places of use to:

1903 PRIORITY and PERMIT 7400

NE $\frac{1}{4}$  SW $\frac{1}{4}$  15.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  5.4 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  4.7 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  4.4 ACRES

SECTION 16

1907 PRIORITY and PERMIT 7400

SW $\frac{1}{4}$  NE $\frac{1}{4}$  1.0 ACRE  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  1.0 ACRE  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  1.0 ACRE  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  1.0 ACRE

SECTION 17

TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The applicant states the right evidenced by Certificate 2689, for use of water from Butter Creek, is not being transferred and will not be used.

The applicant states the portion of the right evidence by a portion of Certificate 55232, appurtenant to the proposed place of use shall become supplemental to these right during the term of this order.

THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 1999 irrigation season.
3. The uses shall revert to the authorized places of use at the end of the 1999 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The portion of the right evidenced by Certificate 2689, for use of water from Butter Creek, described above, shall not be used during the 1999 irrigation season.
6. The portion of the right evidenced by Certificate 55323 appurtenant to the new place of use shall be supplemental to these rights for the 1999 irrigation season.
7. The use of the remaining water right described by Certificates 2689, 55323, Permit 7400, and the decrees shall continue to be in accordance with the terms and conditions of Certificates 2689, 55323, Permit 7400, and the decrees.

WITNESS the signature of the Water Resources Director,

affixed SEP 15 1999.



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Martha O. Pagel, Director