

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: 75126, Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee (Perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

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

Source: Wells #1 & #3 within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner of Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner of Section 16

Certificate: 61534, in the name of Travelers Insurance Company

Use: Supplemental Irrigation of 100.0 acres

Priority Date: March 30, 1976

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

Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin

Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 – 80 feet North and 2500 feet West from the SE Corner of Section 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 – 610 feet North and 50 feet West from the SE Corner of Section 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 – 1400 feet South and 1310 feet West from the NE Corner of Section 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (Perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

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

Source: Brown Well #2 in the Umatilla River Basin

Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	BROWN WELL #2 – 610 feet North and 50 feet West from the SE Corner of Section 30

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

Use: Supplemental Irrigation of 67.6 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 Umatilla River and is re-diverted at Westland I.D 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

Authorized Places of Use:

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)												
Twp						Water Right Certificates						
						Primary (IR)		Supplemental (IS)				User
						76051	75126	61534	75128	79439		
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	User	
3 N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	--	AMSTAD	
3 N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	--	AMSTAD	
3 N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	--	4.3	AMSTAD	
3 N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	--	AMSTAD	
3 N	29E	WM	20	NE SE	6106	0.1	--	0.1	--	0.1	AMSTAD	
3 N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	--	AMSTAD	
3 N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	4.5	AMSTAD	
3 N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	--	0.3	AMSTAD	
3 N	29E	WM	21	NW SW	6106	1.2	--	1.2	--	1.2	AMSTAD	
3 N	29E	WM	21	SW SW	6106	23.8	--	23.8	--	23.8	AMSTAD	
3 N	29E	WM	21	SE SW	6106	6.3	--	6.3	--	6.3	AMSTAD	
3 N	29E	WM	28	NE NW	6106	2.0	--	2.0	--	2.0	AMSTAD	
3 N	29E	WM	29	NW NW	6106	22.1	--	22.1	--	22.1	AMSTAD	
3 N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	2.4	AMSTAD	
3 N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	--	AMSTAD	
3 N	29E	WM	29	SW NW	6104	0.6	--	0.6	--	0.6	AMSTAD	
3 N	29E	WM	29	SW SW	6104	9.6	--	--	9.6	--	AMSTAD	
3 N	29E	WM	30	SE SE	6104	9.6	--	--	9.6	--	AMSTAD	
TOTALS:						119.2	17.4	100.0	19.2	67.6		

- Transfer Application T-10853 proposes to transfer the above described rights to the proposed locations:

Proposed Place of Use

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					User
						Primary (IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	
3N	28E	WM	24	NE NW	7200	29.9	--	29.9	--	29.9	CORREA RANCH
3N	28E	WM	24	NW NW	7200	30.6	--	30.6	--	30.6	CORREA RANCH
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	8.9	--	8.9	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.8	2.8	2.8	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.5	--	2.5	--	2.5	AMSTAD
3N	29E	WM	21	SW SW	6106	2.4	2.4	2.4	--	2.4	AMSTAD
3N	29E	WM	21	SW SW	6106	6.4	6.4	6.4	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	21	SE SW	6106	0.2	0.2	0.2	--	0.2	AMSTAD
3N	29E	WM	21	SE SW	6106	3.6	3.6	3.6	--	--	AMSTAD
3N	29E	WM	28	NE NW	6106	1.2	1.2	1.2	--	1.2	AMSTAD
3N	29E	WM	28	NE NW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	28	NW NW	6106	17.6	--	--	17.6	--	AMSTAD
3N	29E	WM	28	NW NW	6106	0.8	0.8	0.8	--	0.8	AMSTAD
3N	29E	WM	28	NW NW	6106	3.8	--	3.8	--	--	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	--	AMSTAD
TOTALS:						119.2	17.4	100.0	19.2	67.6	

- Notice of the application for transfer was published on April 28, 2009, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
- 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.
- Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed changes would not result in enlargement of the rights.
- 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.

10. 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.

Conclusions of Law

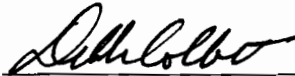
The temporary changes in place of use proposed in Transfer Application T-10853 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The proposed temporary changes to the water rights evidenced by Certificates 76051, 75126, 61534, 75128 and 79439 are approved.
2. The district temporary transfer is effective for the 2009 irrigation season.
3. At the end of the 2009 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.
4. 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.
5. The use of water on both the lands from which the water rights are 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. A subsequent application for permanent transfer of 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, 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 76051, 75126, 61534, 75128 and 79439.
8. The use of the remaining water rights described by Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

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 16th day of June, 2009.



Phillip C. Ward, Director *κ*

Mailing Date: JUN 22 2009