



**Certificate:** 75544, issued in the name L & L Farms

**Use:** Supplemental Irrigation (IS) of 78.5 acres

**Priority Date:** July 19, 1976

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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, within the Spikes Gulch River Basin

**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
3 N	28 E	WM	23	SW SE	Well 1 – 960 feet North & 30 feet East from the S¼ corner of section 23

**Certificate:** 75555, issued in the name of L & L Farms

**Use:** Supplemental Irrigation (IS) of 78.5 acres

**Priority Date:** December 2, 1976

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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. 2

**Source:** Well 3, within the Spikes Gulch River Basin

**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
3 N	28 E	WM	23	NW NW	Well 3 - 60 feet South & 820 feet East from NW corner of section 23

**Authorized Place of Use:**

IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)			USER
						76051 (IR)	75554 (IS)	75555 (IS)	
3 N	28 E	WM	29	NE SW	8105	17.5	17.5	17.5	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	29.7	29.7	29.7	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	L & L FARMS
<b>TOTAL:</b>						<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	

4. Application T-10151 proposes to TEMPORARILY change the place of use of the rights to:

CERTIFICATES 76051 (IR), 75555 (IS) and 75554 (IS)									
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)			USER
						76051 (IR)	75554 (IS)	75555 (IS)	
2 N	28 E	WM	4	SW NW	800	0.8	0.8	0.8	L & L FARMS
3 N	28 E	WM	9	NW SW	2900	0.8	0.8	0.8	L & L FARMS
3 N	28 E	WM	9	SW SW	3100	30.2	30.2	30.2	L & L FARMS

CERTIFICATES 76051 (IR), 75554 (IS) and 75554 (IS)									
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)			USER
						76051 (IR)	75554 (IS)	75554 (IS)	
3 N	28 E	WM	9	SE SW	3100	33.5	33.5	33.5	L & L FARMS
3 N	28 E	WM	9	NE SE	2900	13.2	13.2	13.2	L & L FARMS
<b>TOTAL:</b>						<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	

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

**Certificate:** 81417, issued in the name of Tony Amstad and L & L Farms/Robert Levy

**Use:** Irrigation (IR) of 203.1 acres

**Priority Date:** August 10, 1981

**Rate & Duty:** One-fortieth of one cubic foot per second and 1.5 acre-feet for each acre irrigated during the irrigation season of each year. The use allowed herein may be made anytime between November 15 and June 15 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

**Source:** Umatilla River, tributary to Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
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.

**Authorized Place of Use:**

IRRIGATION (IR)								
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER	
2 N	28 E	WM	4	SW NE	800	0.4	L & L FARMS	
2 N	28 E	WM	4	SE NE	800	0.5	L & L FARMS	
2 N	28 E	WM	4	SW NW	800	0.8	L & L FARMS	
2 N	28 E	WM	4	SE NW	800	0.8	L & L FARMS	
2 N	28 E	WM	4	NE SW	800	30.2	L & L FARMS	
2 N	28 E	WM	4	NW SW	800	33.5	L & L FARMS	
2 N	28 E	WM	4	SW SW	800	13.2	L & L FARMS	
2 N	28 E	WM	4	NE NE	800	33.5	L & L FARMS	
2 N	28 E	WM	4	NW NE	800	33.0	L & L FARMS	
2 N	28 E	WM	4	SW NE	800	28.5	L & L FARMS	
2 N	28 E	WM	4	SE SE	800	28.7	L & L FARMS	
<b>TOTAL:</b>						<b>203.1</b>		

6. Application T-10151 proposes to TEMPORARILY change the place of use of the right to:

CERTIFICATES 81417 (IR)							
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER
3 N	28 E	WM	29	NE SW	8105	15.1	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	29.7	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	33.7	L & L FARMS
3 N	28 E	WM	33	NE NE	8105	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	8105	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	8105	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	8105	31.0	L & L FARMS
<b>TOTAL:</b>						<b>203.1</b>	

7. The portions of these rights to be transferred are as follows:

**Certificate:** 76051, issued in the name of Teel Irrigation District

**Use:** Irrigation (IR) 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 Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
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 L & L Farms

**Use:** Supplemental Irrigation (IS) of 124.6 acres

**Priority Date:** July 19, 1976

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, 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, within the Spikes Gulch River Basin

**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
3 N	28 E	WM	26	NW NE	Well 2 – 930 feet South from the N¼ corner, section 26

**Authorized Places of Use:**

IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)		USER
						76051 (IR)	75124 (IS)	
3 N	28 E	WM	33	NE NE	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	8105	31.3	31.3	L & L FARMS

IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)								
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)		USER
						76051 (IR)	75124 (IS)	
3 N	28 E	WM	33	SW NE	8105	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	8105	31.0	31.0	L & L FARMS
<b>TOTAL:</b>						<b>124.6</b>	<b>124.6</b>	

8. Application T-10151 proposes to TEMPORARILY change the place of use of the rights to:

CERTIFICATES 76051 (IR) and 75124 (IS)								
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICATE (ACRES)		USER
						76051 (IR)	75124 (IS)	
2 N	28 E	WM	4	SW NE	800	0.4	0.4	L & L FARMS
2 N	28 E	WM	4	SE NE	800	0.5	0.5	L & L FARMS
2 N	28 E	WM	4	NE SE	800	33.5	33.5	L & L FARMS
2 N	28 E	WM	4	NW SE	800	33.0	33.0	L & L FARMS
2 N	28 E	WM	4	SW SE	800	28.5	28.5	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	L & L FARMS
<b>TOTAL:</b>						<b>124.6</b>	<b>124.6</b>	

9. Transfer Application T-10152 in the name of J. R. Simplot Co. changes the place of use of irrigation under Certificates 76263 and 79993 to the same location as the following irrigation water right:

**Certificate:** 76051, issued in the name of Teel Irrigation District

**Use:** Irrigation (IR) of 241.6 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 Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	¼ ¼	SURVEY COORDINATES
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.

**Authorized Place of Use:**

CERTIFICATE 76051 - IRRIGATION (IR)								
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER	
3 N	28 E	WM	23	NE SW	7100	17.1	L & L FARMS	
3 N	28 E	WM	23	NW SW	7100	18.5	L & L FARMS	
3 N	28 E	WM	23	SW SW	7100	39.2	L & L FARMS	
3 N	28 E	WM	23	SE SW	7100	35.6	L & L FARMS	
3 N	28 E	WM	23	NE SE	7100	30.3	L & L FARMS	

CERTIFICATE 76051 - IRRIGATION (IR)							
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER
3 N	28 E	WM	23	NW SE	7100	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	12.1	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	12.1	L & L FARMS
<b>TOTAL:</b>						<b>241.6</b>	

10. Application T-10151 proposes to TEMPORARILY diminish Certificate 76051 from irrigation to supplemental irrigation at the authorized place of use described as follows:

CERTIFICATE 76051 - DIMINISHED TO SUPPLEMENTAL IRRIGATION							
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER
3 N	28 E	WM	23	NE SW	7100	17.1	L & L FARMS
3 N	28 E	WM	23	NW SW	7100	18.5	L & L FARMS
3 N	28 E	WM	23	SW SW	7100	39.2	L & L FARMS
3 N	28 E	WM	23	SE SW	7100	35.6	L & L FARMS
3 N	28 E	WM	35	NE SE	7100	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	12.1	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	12.1	L & L FARMS
<b>TOTAL:</b>						<b>241.6</b>	

11. Transfer Application T-10152 in the name of J. R. Simplot Co. also changes the place of use of irrigation under Certificates 76263 and 79993 to the same location as the following supplemental irrigation water right:

**Certificate:** 79439, issued in the name Bureau of Reclamation, Westland Irrigation District

**Use:** Supplemental Irrigation (IS) of 241.6 acres

**Priority Date:** July 1, 1924

**Rate & Duty:** limited to a diversion of 1/80 cfs 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 herein.

**Source:** McKay Reservoir, 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	1/4 - 1/4	SURVEY COORDINATES
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 <sup>1</sup> / <sub>4</sub> corner of Section 21.

**Authorized Place of Use:**

CERTIFICATE 79439 - SUPPLEMENTAL IRRIGATION (IS)							
TWP	RNG	MER	SEC	1/4 - 1/4	TL	Acres	USER
3 N	28 E	WM	23	NE SW	7100	17.1	L & L FARMS
3 N	28 E	WM	23	NW SW	7100	18.5	L & L FARMS
3 N	28 E	WM	23	SW SW	7100	39.2	L & L FARMS
3 N	28 E	WM	23	SE SW	7100	35.6	L & L FARMS
3 N	28 E	WM	23	NE SE	7100	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	12.1	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	12.1	L & L FARMS
<b>TOTAL:</b>						<b>241.6</b>	

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**

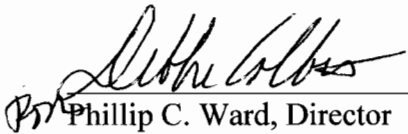
The proposed changes in application T-10151 satisfy the requirements of ORS 540.574(3) and 540.570.

**Now, therefore, it is ORDERED:**

1. The proposed changes to the water rights evidenced by Certificates 76051, 75554, 75555, 75124, and 81417 are approved.
2. The temporary transfer is effective for the 2006 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 76051, 75554, 75555, 75124, and 81417 and any related decree.
4. Pursuant to OAR 690-385-3130, the use of water as supplemental irrigation under Certificates 76051 and 79439 as described in *Findings of Fact* # 9, #10 and #11 is restricted to the total rate and duty described by Certificates 76263 and 79993, and may be used only to the extent of any supply deficiency for those rights. 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.

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. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 28<sup>th</sup> day of July, 2006.

  
Phillip C. Ward, Director

Mailing Date: AUG 02 2006