

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11431, Umatilla County) DISTRICT 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
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On June 8, 2012, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555 , 79991, 75121 and Water Use Permit S-54582, within the boundaries of the irrigation district. The Department assigned the application number T-11431.
2. Amendments clarifying the place of use were received by the Department on June 29, 2012.
3. Notice of the application for temporary transfer was published June 12, 2012, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
4. 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 622.80 acres

Priority Date: June 27, 1958

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:

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

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 135.60 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 249.80 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 1.50 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 4.50 acre-feet for each acre irrigated in any one yard, 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 West¼ corner of Section 21

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

Use: Supplemental Irrigation of 249.80 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 ofr 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 N1/4 corner of Section 26

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

Use: Supplemental Irrigation of 622.80 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	23	SW SE	960 Feet North and 30 feet east from the S1/4 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 622.80 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	76051 (IR)	79439 (IS)	83083 (IS)	75124 (IS)	75554 (IS)	75555 (IS)	Permit S-54582 (IS)	User
3N	28E	33	NE NE	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	NW NE	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	SW NE	7500	31.00	--	31.00	31.00	--	--	31.00	L & L
3N	28E	33	SE NE	7500	31.00	--	31.00	31.00	--	--	31.00	L & L
3N	28E	33	NE NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	NW NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	SW NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L

3N	28E	33	SE NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	28	NE SE	7403	27.20	27.20	--	--	--	--	27.20	L & L
3N	28E	28	NW SE	7403	28.00	28.00	--	--	--	--	28.00	L & L
3N	28E	28	SW SE	7403	30.90	30.90	--	--	--	--	30.90	L & L
3N	28E	28	SE SE	7403	30.90	30.90	--	--	--	--	30.90	L & L
3N	28E	29	NE SW	8105	28.30		--	--	28.30	28.30	28.30	L & L
3N	28E	29	NW SW	8105	29.70		--	--	29.70	29.70	29.70	L & L
3N	28E	29	SW SW	8105	31.30		--	--	31.30	31.30	31.30	L & L
3N	28E	29	SE SW	8105	31.10		--	--	31.10	31.10	31.10	L & L
3N	28E	23	NE SW	7100	17.10	17.10	--	--	--	--	17.10	L & L
3N	28E	23	NW SW	7100	18.50	18.50	--	--	--	--	18.50	L & L
3N	28E	23	SW SW	7100	40.20	40.20	--	--	--	--	40.20	L & L
3N	28E	23	SE SW	7100	35.60	35.60	--	--	--	--	35.60	L & L
3N	28E	26	NE NW	7300	12.10	12.10	--	--	--	--	12.10	L & L
3N	28E	26	NW NW	7300	12.10	12.10	--	--	--	--	12.10	L & L
Total:				622.80	135.60	249.80	249.80	120.40	120.40	622.80		

5. Transfer Application T-11431 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)	75555 (IS)	Permit S-54582 (IS)	User
2N	28E	4	NE NE	800	34.00	--	34.00	34.00	--	--	34.00	L & L
2N	28E	4	NW NE	800	33.90	--	33.90	33.90	--	--	33.90	L & L
2N	28E	4	SW NE	800	29.20	--	29.20	29.20	--	--	29.20	L & L
2N	28E	4	SE NE	800	29.20	--	29.20	29.20	--	--	29.20	L & L
2N	28E	4	NE SE	800	33.50	--	33.50	33.5	--	--	33.50	L & L
2N	28E	4	NW SE	800	33.00	--	33.00	33.0	--	--	33.00	L & L
2N	28E	4	SW SE	800	28.30	--	28.30	28.3	--	--	28.30	L & L
2N	28E	4	SE SE	800	28.70	--	28.70	28.7	--	--	28.70	L & L
3N	28E	27	NE NW	7403	25.00	25.00	--	--	--	--	25.00	L & L
3N	28E	27	NW NW	7403	30.40	30.40	--	--	--	--	30.40	L & L
3N	28E	27	SW NW	7403	30.40	30.40	--	--	--	--	30.40	L & L
3N	28E	27	SE NW	7403	31.20	31.20	--	--	--	--	31.20	L & L
3N	28E	23	NE SW	7100	17.10	--	--	--	17.10	17.10	17.10	L & L
3N	28E	23	NW SW	7100	18.50	--	--	--	18.50	18.50	18.50	L & L
3N	28E	23	SW SW	7100	25.00	--	--	--	25.00	25.00	25.00	L & L
3N	28E	23	SE SW	7100	35.60	--	--	--	35.60	35.60	35.60	L & L
3N	28E	26	NE NW	7300	12.10	--	--	--	12.10	12.10	12.10	L & L
3N	28E	26	NW NW	7300	12.10	--	--	--	12.10	12.10	12.10	L & L
3N	28E	29	NE SW	8105	28.30	28.30	--	--	--	--	28.30	L & L
3N	28E	29	NW SW	8105	29.70	29.70	--	--	--	--	29.70	L & L
3N	28E	29	SW SW	8105	31.30	31.30	--	--	--	--	31.30	L & L
3N	28E	29	SE SW	8105	31.10	31.10	--	--	--	--	31.10	L & L
3N	28E	32	SE NE	8105	15.20	15.20	--	--	--	--	15.20	L & L
Total:				622.80	135.60	249.80	249.80	120.40	120.40	622.80		

6. The portion of the second primary right and its layered supplemental rights to be transferred is as follows:
Certificate: 76050, issued in the name of Teel Irrigation District (perfected under Permit S-25920)

Use: Irrigation of 117.0 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 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:

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: 75121, issued in the name of L & L Farms (perfected under Permit G-8570)

Use: Supplemental Irrigation of 117.0 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 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: 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 S1/4 corner of Section 23
3 N	28 E	WM	26	NW NE	Well 2 - 930 Feet South from the N1/4 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 117.0 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)	75121 (IS)	Permit S-54582 (IS)	User
3N	28E	27	NE NW	7403	25.00	25.00	25.00	L & L
3N	28E	27	NW NW	7403	30.40	30.40	30.40	L & L
3N	28E	27	SW NW	7403	30.40	30.40	30.40	L & L
3N	28E	27	SE NW	7403	31.20	31.20	31.20	L & L
Total:					117.00	117.00	117.00	

7. Transfer Application T-11431 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)	75121 (IS)	Permit S-54582 (IS)	User
3N	28E	28	NE SE	7500	27.20	27.20	27.20	L & L
3N	28E	28	NW SE	7500	28.00	28.00	28.00	L & L
3N	28E	28	SW SE	7500	30.90	30.90	30.90	L & L
3N	28E	28	SE SE	7500	30.90	30.90	30.90	L & L
Total:					117.00	117.00	117.00	

8. The portion of the third primary right and its layered supplemental rights to be transferred are as follows:

Certificate: 79990, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: Irrigation of 123.10 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 cubic foot per second (cfs), or its equivalent, and 3 acre-feet for each acre irrigated during the irrigation season of each year.

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	Well 1 – 960 feet North and 30 feet East from the s1/4 corner of Section 23

Certificate: 83083, issued in the name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)

Use: Supplemental Irrigation of 123.10 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 4.50 acre-feet for each acre irrigated in any one yard, 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 West¼ 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 123.10 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

Certificate: 79991, issued in the name of L & L Farms (perfected under Permit G-7036)

Use: Supplemental Irrigation of 29.2 acres

Priority Date: December 2, 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 cubic foot per second (cfs), or its equivalent, and 3 acre-feet for each acre irrigated during the irrigation season of each year.

Source: Well 3 in the Spikes Gulch River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	NW NW	60 feet South and 820 feet East from the NW corner of Section 23

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Sec	Q - Q	Tax Lot	79990 (IR)	83083 (IS)	Permit S-54582 (IS)	79991 (IS)	User	
3N	28E	33	NE SW	8103	29.20	29.20	29.20	29.20	L & L	
3N	28E	33	NW SW	8103	30.90	30.90	30.90	--	L & L	
3N	28E	33	SW SW	8103	32.60	32.60	32.60	--	L & L	
3N	28E	33	SE SW	8103	30.40	30.40	30.40	--	L & L	
Total:					123.10	123.10	123.10	29.20		

9. Transfer Application T-11431 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	79990 (IR)	83083 (IS)	Permit S-54582 (IS)	79991 (IS)	User
2N	28E	4	NE NW	800	32.20	32.20	32.20	29.20	L & L
2N	28E	4	NW NW	800	34.30	34.30	34.30	--	L & L
2N	28E	4	SW NW	800	28.30	28.30	28.30	--	L & L
2N	28E	4	SE NW	800	28.30	28.30	28.30	--	L & L
Total:					123.10	123.10	123.10	29.20	

10. The portion of the third 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: Supplemental Irrigation of 388.1 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 4.50 acre-feet for each acre irrigated in any one yard, 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 West¼ 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 15.20 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

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

Use: Supplemental Irrigation of 388.1 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 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	23	SW SE	960 Feet North and 30 feet east from the S1/4 corner of Section 23

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	75554 (IS)	User
2N	28E	4	NE NE	800	34.00	34.00	--	L & L
2N	28E	4	NW NE	800	33.90	33.90	--	L & L
2N	28E	4	SW NE	800	29.20	29.20	--	L & L
2N	28E	4	SE NE	800	29.20	29.20	--	L & L
2N	28E	4	NE NW	800	32.20	32.20	--	L & L
2N	28E	4	NW NW	800	34.30	34.30	--	L & L
2N	28E	4	SW NW	800	28.30	28.30	--	L & L
2N	28E	4	SE NW	800	28.30	28.30	--	L & L
2N	28E	4	NE SE	800	33.50	33.50	--	L & L
2N	28E	4	NW SE	800	33.00	33.00	--	L & L
2N	28E	4	SW SE	800	28.30	28.30	--	L & L
2N	28E	4	SE SE	800	28.70	28.70	--	L & L
3N	28E	32	SE NE	8105	15.20	15.20	15.20	L & L
Total:					388.1	388.1	15.20	

11. Transfer Application T-11431 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)	75554 (IS)	User
3N	28E	23	SW SW	7100	15.20	15.20	15.20	L & L
3N	28E	33	NE NE	7500	31.30	31.30	--	L & L
3N	28E	33	NW NE	7500	31.30	31.30	--	L & L
3N	28E	33	SW NE	7500	31.00	31.00	--	L & L
3N	28E	33	SE NE	7500	31.00	31.00	--	L & L

3N	28E	33	NE NW	7500	31.30	31.30	--	L & L
3N	28E	33	NW NW	7500	31.30	31.30	--	L & L
3N	28E	33	SW NW	7500	31.30	31.30	--	L & L
3N	28E	33	SE NW	7500	31.30	31.30	--	L & L
3N	28E	33	NE SW	8103	29.20	29.20	--	L & L
3N	28E	33	NW SW	8103	30.90	30.90	--	L & L
3N	28E	33	SW SW	8103	32.60	32.60	--	L & L
3N	28E	33	SE SW	8103	30.40	30.40	--	L & L
Total:					388.10	388.10	15.20	

12. 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-11429:

Supp'l to Cert	Twp	Rng	Sec	Q - Q	Tax Lot	83083	Permit S-54582	76263	79439
76263	3N	28E	32	NE NW	8105	31.0	31.0	31.0	--
76263	3N	28E	32	NW NW	8105	31.7	31.7	31.7	--
76263	3N	28E	32	SW NW	8105	31.9	31.9	31.9	--
76263	3N	28E	32	SE NW	8105	31.5	31.5	31.5	--
76263 and 79993	3N	28E	23	NE SE	7100	30.3	30.3	30.3	30.3
76263 and 79993	3N	28E	23	NW SE	7100	31.3	31.3	31.3	31.3
76263 and 79993	3N	28E	23	SW SE	7100	23.7	23.7	23.7	23.7
76263 and 79993	3N	28E	23	SE SE	7100	21.7	21.7	21.7	21.7
76263 and 79993	3N	28E	26	NE NE	7300	8.5	8.5	8.5	8.5
Total:						241.6	241.6	241.6	115.5

13. 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.
14. 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.
15. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
16. The proposed changes in place of use would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.

Conclusions of Law

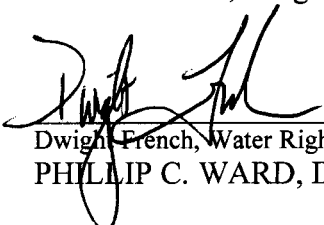
The temporary changes in place of use proposed in Transfer Application T-11431 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11431 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2012 irrigation season.

3. The use shall revert to the authorized places of use at the end of the 2012 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 Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 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 #12 are temporarily diminished to supplemental irrigation for the incoming primary irrigation water rights identified in Transfer Application T-11429.
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 Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 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 Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582.

Dated at Salem, Oregon this 9th day of August, 2012.



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

AUG 10 2012
Mailing Date: _____