

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **DISTRICT TEMPORARY TRANSFER 9115**, a petition submitted by:

WESTLAND IRRIGATION DISTRICT (Walker to Barton)  
P.O. BOX 944  
HERMISTON, OR 97838

The rights to be modified are as follows:

**Certificate 76715; Umatilla River Decree - Vol. 3, Pages 246-247 and Vol. 437-439, and 441:** Irrigation; Priority Date - March 14, 1903; Authorized Source - Umatilla River

Authorized Point of Diversion

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

**Certificate 79439; Permit 7400:** Supplemental Irrigation; Priority Date - July 1, 1924; Authorized Source - McKay Reservoir

Authorized Point of Diversion

McKay Dam - NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

**TABLE A - Tabulation/Inventory of "FROM LANDS"**

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	QTR/QTR	TAX LOT	PRIORITY	ACRES
76715 79439	IRR SUPP	4N	28E	33	NESW	103	3/14/1903 7/1/1924	9.0
<b>IRR TOTAL</b>								<b>9.0</b>
<b>SUPP TOTAL</b>								<b>9.0</b>

The proposed place of use is located as follows:

**TABLE B - Tabulation/Inventory of "TO LANDS".**

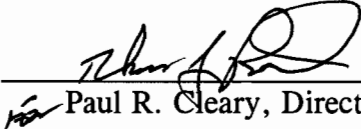
TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	QTR/QTR	TAX LOT	PRIORITY	ACRES
76715 79439	IRR SUPP	4N	28E	31	SESW	6400	3/14/1903 7/1/1924	9.0
<b>IRR TOTAL</b>								<b>9.0</b>
<b>SUPP TOTAL</b>								<b>9.0</b>

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2002 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.
2. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.

3. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands.
4. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
6. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed           MAY 29 2002          .

  
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Paul R. Cleary, Director