

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12040, Umatilla County)	A DISTRICT TEMPORARY TRANSFER

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Agent

WILLIAM I. PORFILY
PO BOX 643
STANFIELD, OR 97875

Findings of Fact

1. On April 17, 2015, Mike Wick, Manager of Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582. The Department assigned the application number T-12040.
2. Notice of the application for transfer was published on April 28, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
4. The portion of the FIRST primary right and its layered supplemental water rights to be transferred are as follows:
 - Certificate:** 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)
 - Use:** Irrigation of 123.7 acres
 - Priority Date:** June 27, 1958
 - Quantity:** 0.83 CUBIC FOOT PER SECOND (CFS)
 - 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 (AF) 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: 75124, issued in the name of L & L Farms (perfected under Permit G-6936)**Use:** Supplemental Irrigation of 123.7 acres**Priority Date:** July 19, 1976**Quantity:** 1.43 cfs

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 3.0 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 N¼ CORNER OF SECTION 26

Certificate: 83083, issued in the name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)**Use:** Supplemental Irrigation of 123.7 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 1.5 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 4.5 acre-feet for each acre irrigated in any one year, 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 W¼ 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 123.7 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 being April 1– October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	33	NE NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	33	NW NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	33	SW NW	8105	29.8	29.8	29.8	29.8	L & L FARMS
3 N	28 E	33	SE NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:					123.7	123.7	123.7	123.7	

5. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
2 N	28 E	4	NE SE	800	33.5	33.5	33.5	33.5	L & L FARMS
2 N	28 E	4	NW SE	800	33.0	33.0	33.0	33.0	L & L FARMS
2 N	28 E	4	SW SE	800	28.5	28.5	28.5	28.5	L & L FARMS
2 N	28 E	4	SE SE	800	28.7	28.7	28.7	28.7	L & L FARMS
TOTAL:					123.7	123.7	123.7	123.7	

6. The portion of the SECOND primary right and its layered supplemental water right to be transferred are 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 123.7 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 1.5 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 4.5 acre-feet for each acre irrigated in any one year, 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 W¼ 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 123.7 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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	TL	83083 (IR)	Per. S-54582(IS)	Water User
2 N	28 E	4	NE SE	800	33.5	33.5	L & L FARMS
2 N	28 E	4	NW SE	800	33.0	33.0	L & L FARMS
2 N	28 E	4	SW SE	800	28.5	28.5	L & L FARMS
2 N	28 E	4	SE SE	800	28.7	28.7	L & L FARMS
TOTAL:					123.7	123.7	

8. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q - Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
3 N	28 E	33	NE NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	33	NW NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	33	SW NW	8105	29.8	29.8	L & L FARMS
3 N	28 E	33	SE NW	8105	31.3	31.3	L & L FARMS
TOTAL:					123.7	123.7	

9. The portion of the THIRD primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: Irrigation of 8.0 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 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 8.0 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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

Use: Supplemental Irrigation of 8.0 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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76050 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	26	SW NW	7300	4.0	4.0	4.0	L & L FARMS
3 N	28 E	WM	26	SE NW	7300	4.0	4.0	4.0	L & L FARMS
Total:						8.0	8.0	8.0	

10. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	76050 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	26	SW NE	7300	0.9	0.9	0.9	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	1.5	1.5	1.5	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	1.7	1.7	1.7	L & L FARMS
3 N	28 E	WM	26	SW NW	7300	1.1	1.1	1.1	L & L FARMS
3 N	28 E	WM	26	SE NW	7300	1.5	1.5	1.5	L & L FARMS
3 N	28 E	WM	27	SE NE	7404	1.3	1.3	1.3	L & L FARMS
Total:						8.0	8.0	8.0	

12. The portion of the FOURTH primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit 25924)

Use: Irrigation of 116.5 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 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: 75555, issued in the name of L & L Farms (perfected under Permit G-7036)

Use: Supplemental Irrigation of 116.5 acres

Priority Date: December 2, 1976

Quantity: 1.24 cfs

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, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELL 3, within the SPIKES GULCH basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	23	NW NW	WELL #3 - 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 116.5 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 being April 1 - October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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

Use: Supplemental Irrigation of 116.5 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 1.5 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 4.5 acre-feet for each acre irrigated in any one year, 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 W¼ CORNER OF SECTION 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	75555(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	29	NE SW	8105	28.3	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	25.8	25.8	25.8	25.8	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	31.1	31.1	L & L FARMS
Total:						116.5	116.5	116.5	116.5	

13. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SE	7500	27.2	27.2	27.2	27.2	L & L FARMS
3 N	28 E	WM	28	NW SE	7500	28.0	28.0	28.0	28.0	L & L FARMS
3 N	28 E	WM	28	SW SE	7500	30.4	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	28	SE SE	7500	30.9	30.9	30.9	30.9	L & L FARMS
Total:						116.5	116.5	116.5	116.5	

15. The portion of the FIFTH primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit 25924)

Use: Irrigation of 116.5 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 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: 79439, issued in the name of U. S. Bureau of Reclamation (perfected under Permit S-7400)

Use: Supplemental Irrigation of 116.5 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 116.5 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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	Mer	Sec	Q-Q	TL	76051(IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SE	7500	27.2	27.2	27.2	L & L FARMS
3 N	28 E	WM	28	NW SE	7500	28.0	28.0	28.0	L & L FARMS
3 N	28 E	WM	28	SW SE	7500	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	28	SE SE	7500	30.9	30.9	30.9	L & L FARMS
Total:						116.5	116.5	116.5	

16. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	79439(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	29	NE SW	8105	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	25.8	25.8	25.8	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	31.1	L & L FARMS
Total:						116.5	116.5	116.5	

17. The portion of the SIXTH right primary right and its layered supplemental rights to be transferred is as follows:

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

Use: IRRIGATION of 124.7 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 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, in the SPIKES GULCH basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	26	NW NE	960 FEET NORTH AND 30 FEET EAST FROM THE S¼ 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 124.7 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 1.5 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 4.5 acre-feet for each acre irrigated in any one year, 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 W¼ CORNER OF SECTION 21

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

Use: SUPPLEMENTAL IRRIGATION of 32.4 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 3.0 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: SUPPLEMENTAL IRRIGATION of 124.7 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	79990 (IR)	83083 (IS)	79991 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	30.9	--	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	31.8	31.8	--	31.8	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	29.6	29.6	--	29.6	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	3.2	3.2	3.2	3.2	L & L FARMS
Total:						124.7	124.7	32.4	124.7	

18. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	79990 (IR)	83083 (IS)	79991 (IS)	Per. S-4582(IS)	Water User
2 N	28 E	WM	4	NE NW	800	34.2	34.2	32.4	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	34.3	--	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.1	28.1	--	28.1	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.1	28.1	--	28.1	L & L FARMS
TOTAL:						124.7	124.7	32.4	124.7	126.3

19. The portion of the SEVENTH primary right and its layered supplemental water right 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: Irrigation of 124.7 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 1.5 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 4.5 acre-feet for each acre irrigated in any one year, 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 W¼ 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 124.7 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
2 N	28 E	WM	4	NE NW	800	34.2	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.1	28.1	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.1	28.1	L & L FARMS
Total:						124.7	124.7	

20. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	31.8	31.8	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	29.6	29.6	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	3.2	3.2	L & L FARMS
Total:						124.7	124.7	

21. The EIGHTH primary water right and its layered supplemental rights to be transferred is as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: IRRIGATION of 129.4 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 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 (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: SUPPLEMENTAL IRRIGATION of 129.4 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 (or its equivalent) and 3.0 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 sub 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 S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NW NE	WELL 2 - 930 FEET SOUTH FROM THE N¼ 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 129.4 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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	Mer	Sec	Q - Q	TL	76050 (IR)	75121 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	27	NE NW	7403	28.4	28.4	28.4	L & L FARMS
3 N	28 E	WM	27	NW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SE NW	7403	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	27	NE SE	7404	9.0	9.0	9.0	L & L FARMS
Total:						129.4	129.4	129.4	

22. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	76050 (IR)	75121 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SW	7500	30.5	30.5	30.5	L & L FARMS
3 N	28 E	WM	28	NW SW	7500	30.2	30.2	30.2	L & L FARMS
3 N	28 E	WM	28	SW SW	7500	34.3	34.3	34.3	L & L FARMS
3 N	28 E	WM	28	SE SW	7500	34.4	34.4	34.4	L & L FARMS
Total:						129.4	129.4	129.4	

23. The portion of the NINTH primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 76051, issued in the name of Teel Irrigation District (perfected under Permit 25924)

Use: Irrigation of 129.4 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 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: 79439, issued in the name of U. S. Bureau of Reclamation (perfected under Permit S-7400)

Use: Supplemental Irrigation of 129.4 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 129.4 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

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	Mer	Sec	Q-Q	TL	76051 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SW	7500	30.5	30.5	30.5	L & L FARMS
3 N	28 E	WM	28	NW SW	7500	30.2	30.2	30.2	L & L FARMS
3 N	28 E	WM	28	SW SW	7500	34.3	34.3	34.3	L & L FARMS
3 N	28 E	WM	28	SE SW	7500	34.4	34.4	34.4	L & L FARMS
Total:						129.4	129.4	129.4	

24. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	79439(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	27	NE NW	7403	28.4	28.4	28.4	L & L FARMS
3 N	28 E	WM	27	NW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SE NW	7403	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	27	NE SE	7400	9.0	9.0	9.0	L & L FARMS
Total:						129.4	129.4	129.4	

Transfer Review Criteria (ORS 540.572; 540.570 and 540.580; OAR 690-385)

25. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
26. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights is present.
27. The district temporary transfer application satisfies the criteria of ORS 540.570 and 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.
28. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).
29. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
30. All other applicable requirements for district temporary water right transfers are met.
31. The proposed changes would not result in enlargement of the rights.
32. The proposed changes would not result in injury to other water rights.

Conclusions of Law


The temporary change in place of use proposed in Temporary Transfer Application T-12040 is consistent with the requirements of ORS 540.570 and OAR 690-385-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use as proposed in Transfer Application T-12040 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2015 irrigation season, except as specifically outlined and described herein.
3. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
4. A subsequent application for permanent transfer of Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 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, Division 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. 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, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582.

6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. 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.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. 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.
10. The use of the remaining water right described by Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555, and water use Permit S-54582.

Dated at Salem, Oregon this 30 day of June, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUL 02 2015