

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, **TEMPORARY DISTRICT TRANSFER 9076**, a petition submitted by:

WESTLAND IRRIGATION DISTRICT (Simplot - L& L Farms)
P.O. BOX 944
HERMISTON, OR 97838-9076

The rights to be modified are as follows:

- 1) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958; Authorized Source - Umatilla River

Authorized Point of Diversion

SW¼ NE¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner, Section 21.

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

TABLE A - "FROM" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	23	NESW	7100	6/27/1958	IR	6.2
76051	3N	28E	29	NESE	8105	6/27/1958	IR	30.0
76051	3N	28E	29	NWSE	8105	6/27/1958	IR	26.2
76051	3N	28E	29	SWSE	8105	6/27/1958	IR	29.3

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.

Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	29	SESE	8105	6/27/1958	IR	32.2
IR TOTAL								123.9

The proposed place of use is located as follows:

TABLE B - "TO" LANDS								
Certificate	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	29	NENW	8100	6/27/1958	IR	28.7
76051	3N	28E	29	NWNW	8100	6/27/1958	IR	33.1
76051	3N	28E	29	SWNW	8100	6/27/1958	IR	33.1
76051	3N	28E	29	SENW	8100	6/27/1958	IR	28.5
76051	3N	28E	30	NENE	8100	6/27/1958	IR	0.2
76051	3N	28E	30	SENE	8100	6/27/1958	IR	0.3
IR TOTAL								123.9

- 2) **Certificate 75554; Permit G-6893:** Irrigation; Priority Date - July 19, 1976;
Authorized Source - Well #1

Authorized Point of Appropriation:

SW¼ SE¼, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S¼ Corner, Section 23

Certificate 75555; Permit G-7036: Supplemental Irrigation; Priority Date - December 2, 1976; Authorized Source - Well #3

Authorized Point of Appropriation:

NW¼ NW¼, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

The District requests to TEMPORARILY move the rights listed in Table C to locations listed in Table D.

TABLE C - "FROM" LANDS								
Certificate	TWP	RNG	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
75554 75555	3N	28E	29	NESW	8105	7/19/1976 12/2/1976	IR SUPP	1.1
IR & SUPP TOTAL								1.1

The proposed place of use is located as follows:

TABLE D - "TO" LANDS								
Certificate	TWP	RNG	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
75554 75555	3N	28E	28	SESE	7500	7/19/1976 12/2/1976	IR SUPP	1.1
IR & SUPP TOTAL								1.1

- 3) **Certificate 75121; Permit G-8570:** Irrigation; Priority Date - April 19, 1979;
Authorized Source - Wells #1, 2 & 3

Authorized Points of Appropriation

Well #1 - SW ¼ SE ¼, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S ¼ Corner, Section 23

Well #2 - NW ¼ NE ¼, Section 26, Township 3 North, Range 28 East, W.M.; 930 Feet South from the N ¼ Corner, Section 26

Well #3 - NW ¼ NW ¼, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

The District requests to TEMPORARILY move the rights listed in Table E to locations listed in Table F.

TABLE E - "FROM" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
75121	3N	28E	26	NWNW	7300	4/19/1979	IR	1.8
75121	3N	28E	26	NWSW	7300	4/19/1979	IR	1.0
75121	3N	28E	27	SESW	7403	4/19/1979	IR	3.1
75121	3N	28E	27	NESE	7403	4/19/1979	IR	0.7
75121	3N	28E	27	SESE	7403	4/19/1979	IR	2.0
IR TOTAL								8.6

The proposed place of use is located as follows:

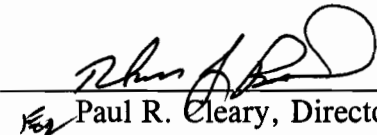
TABLE F - "TO" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
75121	3N	28E	28	SESE	7500	4/19/1979	IR	8.6
IR TOTAL								8.6

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. Water use from the wells shall not exceed the limits imposed by the Butter Creek and Stage Gulch Critical Groundwater Areas.
4. The water rights existing under permits 48968 & 48450 described herein in the tabulation on the "TO" lands are not be exercised co-jointly with any district right or other right proposed for the 2002 irrigation season.
5. 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 JUN 1 0 2002.



Paul R. Cleary, Director