

STATE OF OREGON

COUNTY OF UMATILLA

**ORDER APPROVING A CHANGE IN PLACE OF USE AND
DIMINISHMENT OF WATER RIGHTS**

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8865 submitted by:

WESTLAND IRRIGATION DISTRICT (Double M Ranch, Inc.)
P.O. BOX 416
STANFIELD, OREGON 97875.

The rights to be modified are evidenced by portions of:

Certificate	Priority Date	Source (Primary or Supplemental)
76715	March 14, 1903	Umatilla Reservoir Primary
79439	July 1, 1924	McKay Reservoir Supplemental
T-6833	February 1, 1968	Wells #1 and #2 Primary and Supplemental
58969	May 5, 1975	Raley Pond Supplemental
76767	June 24, 1977	A Well Supplemental

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	Priority Date	Source (Primary or Supplemental)
76768	June 24, 1977	A Well Primary

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, as evidenced by Certificate 76715. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Pages 246-247 and Volume 15, at Pages 437-439, and 441. The date of priority is MARCH 14, 1903.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 96.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.21 cubic feet per second, subject to the provisions of Paragraph 32 of the decree, if available at the authorized point of diversion from the Umatilla River: SW¼ NE¼ OF SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	SW NE	4160	1.5
3N	28E	13	SE NE	4100	1.2
3N	28E	13	NE SW	4180	2.5
3N	28E	13	SE SW	4101	2.0
3N	28E	13	NE SE	4190	35.8
3N	28E	13	NW SE	4190	37.5
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	13.4
Total					96.7

The second right to be modified was perfected under a portion of Certificate 79439 with a date of priority of JULY 1, 1924. The right allows the use stored water from MCKAY RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION OF 96.7 ACRES.

This right is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion: MCKAY RESERVOIR - NW¼ SE¼, SECTION 34, T 2 N, R 32 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	SW NE	4160	1.5
3N	28E	13	SE NE	4100	1.2
3N	28E	13	NE SW	4180	2.5
3N	28E	13	SE SW	4101	2.0
3N	28E	13	NE SE	4190	35.8
3N	28E	13	NW SE	4190	37.5
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	13.4
Total					96.7

The third right to be modified was perfected under a portion of Permit G-3971 with a date of priority of February 1, 1968, and modified under transfer application T-6833. The claim of beneficial use filed for T-6833 provided satisfactory evidence that use of water was made to the full extent under the terms and conditions of the order approving the transfer. Thus, satisfactory proof of completion of the change has been submitted to the Director of Water Resources Department making the water right subject to transfer.

The right allows the use of water from WELLS #1 & #2, within the UMATILLA BASIN, for IRRIGATION of 27.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, or it's equivalent in case of rotation, measured at the authorized point of diversion: WELL #1 - NW¼ NE¼, SECTION 13, T 3 N, R 28 E, W.M.; 270 FEET SOUTH AND 2540 FEET WEST FROM THE NE CORNER OF SECTION 13; WELL #2 - SW¼ NW¼, SECTION 18, T 3 N, R 29 E, W.M.; 1450 FEET SOUTH AND 3160 FEET WEST FROM THE N¼ CORNER, SECTION 18, or its equivalent in case of rotation, measured at the wells.

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-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
3N	28E	13	NE NE	4100	3.1
3N	28E	13	NW NE	4100	22.1
3N	28E	13	SW NE	4160	2.1
Total					27.3

The fourth right to be modified, was perfected under a portion of Certificate 58969, with a date of priority of May 5, 1975. The right allows the use of water from RALEY POND, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 15.6 ACRES. The right is limited to not more than 0.39 cubic foot per second, if available at the authorized point of diversion: NE¼ SW¼, Section 34, T 4 N, R 28 E, W.M.; 1460 FEET NORTH AND 1840 FEET EAST FROM THE SW CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year. The right 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..

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	0.3
4N	28E	34	NE SW	3400	2.8
4N	28E	34	SE SW	3400	1.1
4N	28E	34	NE SE	3405	2.2
4N	28E	34	NW SE	3405	9.9
4N	28E	34	NW SE	3405	12.8
4N	28E	34	SW SE	3400	1.4
Total					30.5

The fifth right to be modified, was perfected under a portion of Certificate 76767, with a date of priority of June 24, 1977. The right allows the use of water from A WELL, within the UMATILLA RIVER basin, for SUPPLEMENTAL IRRIGATION of 15.6 ACRES. The right is limited to not more than 0.19 cubic foot per second, if available at the original well: NW¼ SE¼, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E¼ CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

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-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 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.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	2.8
4N	28E	34	NW SE	3405	12.8
Total					15.6

The sixth right to be modified, was perfected under a portion of Certificate 76768, with a date of priority of June 24, 1977. The right allows the use of water from A WELL, within the UMATILLA RIVER basin, for PRIMARY IRRIGATION of 14.9 ACRES. The right is limited to not more than 0.19 cubic foot per second, if available at the original well: NW¼ SE¼, SECTION 34, T 4 N, R 28 E, W.M.; 620 FEET SOUTH AND 1560 FEET WEST FROM THE E¼ CORNER OF SECTION 34, or its equivalent in case of rotation, measured at the point of diversion from the source.

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-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	¼ ¼	TAX LOT	ACRES
4N	28E	34	NE SW	3400	0.3
4N	28E	34	SE SW	3400	1.1
4N	28E	34	NE SE	3405	2.2
4N	28E	34	NW SE	3405	9.9
4N	28E	34	SW SE	3400	1.4
Total					14.9

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described.

The District requests to move the rights listed in tables above to the locations listed below.

Tabulation of "TO LANDS"										
Certificates					76715	79439	G-3971	58969	76767	76768
Priority Dates					1903	1924	1968	1975	1977	1977
Source					Primary	Supp.	Primary	Supp.	Supp.	Primary
TWP	RNG	SEC	1/4 1/4	TL						
3N	28	13	NE NE	4100	3.10	3.10	2.90*			
3N	28	13	NW NE	4100			2.10			
3N	28	13	NW NE	4100	31.60	31.60	7.30*			
3N	28	13	SW NE	4100	12.90	12.90				
3N	28	13	NE NW	4100	17.60	17.60				
3N	28	13	NE NW	4100			15.00			

Certificates					76715	79439	G-3971	58969	76767	76768
Priority Dates					1903	1924	1968	1975	1977	1977
Source					Primary	Supp.	Primary	Supp.	Supp.	Primary
TWP	RNG	SEC	1/4 1/4	TL						
3N	28	13	SE NW	4100	15.30	15.30				
4N	28	34	NE SW	3400	1.20	1.20		1.20	1.20	
4N	28	34	NE SW	3400	0.20	0.20		0.20		0.20**
4N	28	34	NE SW	3400				1.00		1.00
4N	28	34	NW SE	3405	14.40	14.40		14.40	14.40	
4N	28	34	NW SE	3405	0.40	0.40		0.40		0.40**
4N	28	34	NW SE	3405				11.60		11.60
4N	28	34	SW SE	3400				0.80		0.80
4N	28	34	SE SE	3400				0.90		0.90
TOTAL ACRES					96.70	96.70	27.30	30.50	15.60	14.90

* Note: Permit G-3971 diminished to supplemental on these acres.

**Note: Certificate 76768 (Permit G-7614) diminished to supplemental on these acres.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

CANCELLATION OF A PORTION OF PERMIT 53063

On January 16, 2002, the Department received a signed statement from Diana Hopper, owner of lands to which a portion of Permit 53063 is appurtenant. The statement declares the owner will not perfect a portion of the supplemental right, Permit 53063, appurtenant to the land because the primary Westland Irrigation District right will be transferred to another location. The owner therefore abandons any and all interest in the portion of this permit on lands described as follows, and authorizes the Department to cancel the portion of the right to use plant process water and a reservoir (constructed under permit R-72400) for supplemental irrigation of 15.6 acres located:

NW¼ SE¼ 15.6 ACRES
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

DIMINISHMENT OF A PORTION OF CERTIFICATE 76768 AND A PORTION OF PERMIT G-3971 UNDER TRANSFER 6833

Diana L. Hopper submitted an affidavit stating: 1) she is the owner of lands (tax lot 3405) to which a portion of the water right described under Certificate 76768 is appurtenant; and 2) she requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.005 cubic foot per second from a well for irrigation of 0.4 acre located as follows:

NW¼ SE¼ 0.4 ACRE
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

Patricia A. Hopper submitted an affidavit stating: 1) she is the owner of lands (tax lot 3400) to which a portion of the water right described under Certificate 76768 is appurtenant; and 2) she requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.002 cubic foot per second from a well for irrigation of 0.2 acre located as follows:

NE¼ SW¼ 0.2 ACRE
SECTION 34
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

Mike Taylor of Double M Ranch, Inc. submitted an affidavit stating: 1) Double M. Ranch, Inc. is the owner of lands (tax lot 4100) to which a portion of the water right described under groundwater Permit G-3971 is appurtenant; and 2) Double M. Ranch, Inc. requests to diminish a portion of the right from primary to supplemental irrigation. The portion of the right to become supplemental to Certificate 76715 is the portion of the right for the use of 0.13 cubic foot per second from a well for irrigation of 10.2 acres located as follows:

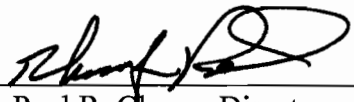
NE¼ NE¼ 2.9 ACRES
NW¼ NE¼ 7.3 ACRES
SECTION 13
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

THESE CHANGES TO AN EXISTING DISTRICT WATER RIGHT MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed change shall be completed on or before October 1, 2003.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof to the satisfaction of the Director that the changes approved by this order have been completed must be submitted by WESTLAND IRRIGATION DISTRICT on or before October 1, 2004.
4. Except as modified herein, all other conditions and restrictions of Certificates 76715 and 79439 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

6. A new certificate(s) will be issued confirming that portion of the lands for which proof was made under T-6833, NOT modified by this transfer. A new confirming right certificate will be issued when the Department receives satisfactory proof the changes are complete.
7. Certificates 58969, 76767 and 76768 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. New certificates confirming these water rights will be issued when the Department receives satisfactory proof the changes are complete.

WITNESS the signature of the Water Resources Director, affixed JUN 26 2002.



Paul R. Cleary Paul R. Cleary, Director