

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-12304, Umatilla County) A DISTRICT TEMPORARY
) TRANSFER AND DIMINISHMENT

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

Findings of Fact

1. On March 9, 2016, Westland Irrigation District (WID) filed a district transfer application to temporarily change the places of use and additional points of appropriation within the boundaries of the irrigation district under Certificates 76051, 83083, 76050, 75124, 79439, 75554, and water use Permit S-54582. The Department assigned the application number T-12304.
2. Notice of the application for transfer was published on March 22, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4 and 18th, 2016, the Department received revised application pages and maps from the applicant which clarified the proposed changes requested.
4. The portion of the right to be transferred are as follows:
 - Certificate:** 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)
 - Use:** Irrigation of 364.6 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, 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 Distance
3 N	29 E	WM	21	SW NE	WESTLAND CANAL- NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
3 N	28 E	WM	26	NE NE	7300	15.5	WID
3 N	28 E	WM	26	NE NE	7300	14.7	WID
3 N	28 E	WM	26	SE NE	7300	7.1	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						364.6	

5. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
Total:						327.3	

6. Transfer Application T-12304 also proposes to temporarily diminished a portion of the Primary right Certificate 76051 to Supplemental Use the portion is described below as:

DIMINISHED TO SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	28 E	WM	26	NE NE	7300	15.5	WID
3 N	28 E	WM	26	NE NE	7300	14.7	WID
3 N	28 E	WM	26	SE NE	7300	7.1	WID
Total:						37.3	

7. The portion of the next 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: Primary Irrigation of 568.1 Acres and 125.2 Acres of Supplemental Irrigation

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 W 1/4 CORNER OF SECTION 21

Authorized Places of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
3 N	28 E	WM	32	NE NW	8105	30.0	WID

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NW NW	8105	31.0	WID
3 N	28 E	WM	32	SW NW	8105	31.2	WID
3 N	28 E	WM	32	SE NW	8105	30.2	WID
2 N	28 E	WM	4	NE NE	800	8.3	WID
2 N	28 E	WM	4	NE SW	800	24.7	WID
2 N	28 E	WM	4	NW SW	800	33.5	WID
2 N	28 E	WM	4	SW SW	800	13.2	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
Total:						568.1	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	32	SW NE	8105	7.4	WID
3 N	28 E	WM	32	SE NE	8105	31.3	WID
Total:						125.2	

8. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	28	SW NE	8105	7.4	WID
3 N	28 E	WM	28	SE NE	8105	31.3	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
2 N	28 E	WM	32	NE NE	8105	31.3	WID
2 N	28 E	WM	32	NW NE	8105	31.3	WID
2 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						366.0	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
Total:						125.2	

9. Transfer Application T-12304 also proposes to temporarily diminished a portion of the Primary right Certificate 83083 to Supplemental Use the portion is described below as:

DIMINISHED TO SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	28 E	WM	32	NE NW	8105	30.0	WID
3 N	28 E	WM	32	NW NW	8105	31.0	WID
3 N	28 E	WM	32	SW NW	8105	31.2	WID
3 N	28 E	WM	32	SE NW	8105	30.2	WID
2 N	28 E	WM	4	NE NE	800	8.3	WID
2 N	28 E	WM	4	NE SW	800	24.7	WID
2 N	28 E	WM	4	NW SW	800	33.5	WID
2 N	28 E	WM	4	SW SW	800	13.2	WID
Total:						202.1	

10. The portion of the next right to be transferred are as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (Perfected under Permit S-25920)

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

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	26	SW NW	7300	4.0	WID
3 N	28 E	WM	26	SE NW	7300	4.0	WID
Total:						8.0	

11. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	26	SW NE	7300	0.9	WID
3 N	28 E	WM	26	NE NW	7300	1.5	WID
3 N	28 E	WM	26	NW NW	7300	1.7	WID
3 N	28 E	WM	26	SW NW	7300	1.1	WID
3 N	28 E	WM	26	SE NW	7300	1.5	WID
3 N	28 E	WM	27	SE NE	7403	1.3	WID
Total:						8.0	

12. The portion of the next right to be transferred is as follows:

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

Use: SUPPLEMENTAL IRRIGATION of 248.8 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 per second (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 herein.

Source: McKay Reservoir a tributary of McKay Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	O-Q	Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM
3 N	29 E	WM	21	SW NE	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST; 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	26 E	WM	26	SW NW	7300	4.0	WID
3 N	26 E	WM	26	SE NW	7300	4.0	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						248.8	

13. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
3 N	28 E	WM	26	SW NE	7300	0.9	WID
3 N	28 E	WM	26	NE NW	7300	1.5	WID
3 N	28 E	WM	26	NW NW	7300	1.7	WID
3 N	28 E	WM	26	SW NW	7300	1.1	WID
3 N	28 E	WM	26	SE NW	7300	1.5	WID
3 N	28 E	WM	27	SE NE	7403	1.3	WID
Total:						248.8	

14. The portion of the next water right to be transferred is as follows:

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

Use: Supplemental Irrigation of 740.0 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

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	0.7	BC& SPARKS
2 N	28 E	WM	4	NE SE	800	33.5	BC& SPARKS
2 N	28 E	WM	4	NW SE	800	33.0	BC& SPARKS

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	800	18.5	BC& SPARKS
2 N	28 E	WM	4	SW SE	8105	10.0	BC& SPARKS
2 N	28 E	WM	4	SE SE	8105	28.7	BC& SPARKS
2 N	28 E	WM	4	NE NE	800	25.7	BC& SPARKS
2 N	28 E	WM	4	NW NE	800	33.9	BC& SPARKS
2 N	28 E	WM	4	SW NE	800	28.4	BC& SPARKS
2 N	28 E	WM	4	SE SE	800	28.5	BC& SPARKS
2 N	28 E	WM	4	NE NW	800	33.2	BC& SPARKS
2 N	28 E	WM	4	NW NW	800	33.3	BC& SPARKS
2 N	28 E	WM	4	SW NW	800	28.9	BC& SPARKS
2 N	28 E	WM	4	SE NW	800	28.9	BC& SPARKS
3 N	28 E	WM	26	SW NW	7300	4.0	BC& SPARKS
3 N	28 E	WM	26	SE NW	7300	4.0	BC& SPARKS
3 N	28 E	WM	28	NE SE	7500	27.2	BC& SPARKS
3 N	28 E	WM	28	NW SE	7500	28.0	BC& SPARKS
3 N	28 E	WM	28	SW SE	7500	30.4	BC& SPARKS
3 N	28 E	WM	28	SE SE	7500	30.9	BC& SPARKS
3 N	28 E	WM	28	NE NW	7500	31.3	BC& SPARKS
3 N	28 E	WM	28	NW NW	7500	31.2	BC& SPARKS
3 N	28 E	WM	28	SW NW	7500	31.0	BC& SPARKS
3 N	28 E	WM	28	SE NW	7500	30.8	BC& SPARKS
3 N	28 E	WM	32	NE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	NW NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	SW NE	8105	23.9	BC& SPARKS
3 N	28 E	WM	32	SW NE	8105	7.4	BC& SPARKS
3 N	28 E	WM	32	SE NE	8105	31.3	BC& SPARKS
Total:						740.0	

15. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	0.7	BC& SPARKS
2 N	28 E	WM	4	NE SE	800	33.5	BC& SPARKS
2 N	28 E	WM	4	NW SE	800	33.0	BC& SPARKS
2 N	28 E	WM	4	SW SE	800	18.5	BC& SPARKS
2 N	28 E	WM	4	SW SE	8105	10.0	BC& SPARKS
2 N	28 E	WM	4	SE SE	8105	28.7	BC& SPARKS
2 N	28 E	WM	4	NE NE	800	25.7	BC& SPARKS
2 N	28 E	WM	4	NW NE	800	33.9	BC& SPARKS
2 N	28 E	WM	4	SW NE	800	28.4	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	28.5	BC& SPARKS
2 N	28 E	WM	4	NE NW	800	33.2	BC& SPARKS
2 N	28 E	WM	4	NW NW	800	33.3	BC& SPARKS

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NW	800	28.9	BC& SPARKS
2 N	28 E	WM	4	SE NW	800	28.9	BC& SPARKS
3 N	28 E	WM	32	NE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	NW NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	33	SW NE	8105	23.9	BC& SPARKS
3 N	28 E	WM	28	SW NE	8105	7.4	BC& SPARKS
3 N	28 E	WM	28	SE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	26	SW NE	7300	0.9	BC& SPARKS
3 N	28 E	WM	26	NE NW	7300	1.5	BC& SPARKS
3 N	28 E	WM	26	NW NW	7300	1.7	BC& SPARKS
3 N	28 E	WM	26	SW NW	7300	1.1	BC& SPARKS
3 N	28 E	WM	26	SE NW	7300	1.5	BC& SPARKS
3 N	28 E	WM	27	SE NE	7403	1.3	BC& SPARKS
3 N	28 E	WM	28	NE SE	7500	27.2	BC& SPARKS
3 N	28 E	WM	28	NW SE	7500	28.0	BC& SPARKS
3 N	28 E	WM	28	SW SE	7500	30.4	BC& SPARKS
3 N	28 E	WM	28	SE SE	7500	30.9	BC& SPARKS
3 N	28 E	WM	28	NE NW	7500	31.3	BC& SPARKS
3 N	28 E	WM	28	NW NW	7500	31.2	BC& SPARKS
3 N	28 E	WM	28	SW NW	7500	31.0	BC& SPARKS
3 N	28 E	WM	28	SE NW	7500	30.8	BC& SPARKS
Total:						740.0	

16. The portion of the next water right to be transferred is as follows:

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

Use: PRIMARY IRRIGATION of 38.7 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 cubic foot 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 1, IN THE SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	26	SW SE	WELL 1- 960 FEET NORTH AND 30 FEET EAST FROM THE S1/4 CORNER OF SECTION 23

Authorized Places of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	SW NE	8105	7.4	WID

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	SE NE	8105	31.3	WID
Total:						38.7	

17. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
Total:						38.7	

18. Additional points of appropriation are necessary to supply water to the proposed temporary place of use. Temporary Transfer Application T-12304 proposes two additional points of appropriations with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Well 1
3 N	28 E	WM	26	NW NE	WELL 2- 930 FEET SOUTH FROM THE N1/4 CORNER OF SECTION 26	0.4 mi. S
3 N	28 E	WM	23	NW NW	WELL 3- 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23	0.9 mi. NW

19. The portion of the next water right to be transferred is as follows:

Certificate: 75124 in the name of L AND L FARMS (perfected under Permit G-6936)

Use: Supplemental Irrigation of 86.5 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 (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 within the SPIKES GULCH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	26	NW NE	WELL 2- 930 FEET SOUTH FROM THE N1/4 CORNER OF SECTION 26

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
Total:						86.5	

20. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
Total:						86.5	

21. Additional points of appropriation are necessary to supply water to the proposed temporary place of use. Temporary Transfer Application T-12304 proposes two additional points of appropriations with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	From Well 2
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	0.2 mi. N
3 N	28 E	WM	23	NW NW	WELL 3- 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23	1.2 mi. NW

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

22. 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.
23. 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.
24. 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.
25. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).

26. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
27. All other applicable requirements for district temporary water right transfers are met.
28. The proposed changes would not result in enlargement of the rights.
29. The proposed changes would not result in injury to other water rights.

Conclusions of Law


The temporary change in place of use and additional points of appropriation proposed in Temporary Transfer Application T-12304 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-12304 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2016 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 2016 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. A subsequent application for permanent transfer of Certificates 76051, 83083, 76050, 75124, 79439, 79991, 75554, 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, 79439, 79991, 75554, 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, 79439, 79991, 75554 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions Certificates 76051, 83083, 76050, 75124, 79439, 79991, 75554, and water use Permit S-54582.

Dated at Salem, Oregon this 20 day of May 2016.



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

MAY 27 2016

Mailing Date: _____