

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 9362**, 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

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W $\frac{1}{4}$ Corner, Section 21

- 2) **Certificate 75124; Permit G-6936:** Supplemental Irrigation; Priority Date - July 19, 1976; Authorized Source - Well #2

Authorized Point of Appropriation:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 3 North, Range 28 East, W.M.; 960 Feet South from the N $\frac{1}{4}$ Corner, Section 26

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 - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NE	NW	7500	31.3
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NW	NW	7500	31.3
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SW	NW	7500	30.9
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SE	NW	7500	31.3
TOTAL:											124.8

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

The proposed place of use is located as follows:

TABLE B - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NE	NE	7500	33.0
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NW	NE	7500	33.0
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SW	NE	7500	29.4
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SE	NE	7500	29.4
TOTAL:											124.8

- 3) **Certificate 76717; Umatilla River Decree**, Irrigation; Priority Date - July 1907;
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

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

Authorized Point of Diversion

McKay Dam - NW¼ SE¼, Section 34, Township 2 North, Range 32 East, W.M.

TABLE C - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	SW	SE	7100	1.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	SE	SE	7100	1.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	NE	NE	7100	32.9
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	NW	NE	7100	34.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SW	NE	7100	27.7
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SE	NE	7100	27.1
TOTAL:											124.3

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

The proposed place of use is located as follows:

TABLE D - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	NE	NW	7500	31.3
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	NW	NW	7500	31.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SW	NW	7500	31.0
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SE	NW	7500	30.8
TOTAL:											124.3

- 5) **Certificate 76050; Permit 25920:** Irrigation; Priority Date - April 22, 1955;
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

- 6) **Certificate 75121; Permit G-8570:** Supplemental 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

TABLE E - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SW	NE	7403	14.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NE	SW	7403	1.9
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NE	SE	7403	27.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NW	SE	7403	39.9
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SW	SE	7403	16.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SE	SE	7403	13.6
TOTAL:											112.4

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

The proposed place of use is located as follows:

TABLE F - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	NE	SE	7100	30.3
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	NW	SE	7100	31.3
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	SW	SE	7100	23.7
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	SE	SE	7100	21.7
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	28	SE	SW	7500	5.4
TOTAL:											112.4

- 7) **Certificate 79990; Permit G-6893:** Primary Irrigation; Priority Date - July 19, 1976; Authorized Source - Well #1

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

- 8) **Certificate 79991; Permit G-7036:** Supplemental Irrigation; Priority Date - December 2, 1976; Authorized Source - Well #3

Authorized Point of Appropriation:

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

TABLE G - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	NE	SE	8103	31.1
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	NW	SE	8103	31.2
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	SW	SE	8103	32.7
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	SE	SE	8103	32.3
TOTAL:											127.3

The District requests to TEMPORARILY move the rights listed in Table G to locations listed in Table H.

The proposed place of use is located as follows:

TABLE H - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	NE	SW	7100	16.5
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	NW	SW	7100	16.9
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	SW	SW	7100	39.7
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	SE	SW	7100	35.6
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	26	NE	NW	7300	9.3
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	26	NW	NW	7300	9.3
TOTAL:											127.3

- 9) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958;
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

- 10) **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.

TABLE I - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	SW	7100	16.5
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	SW	7100	16.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	SW	7100	39.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	SW	7100	35.6
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	SE	7100	30.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	SE	7100	31.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	SE	7100	23.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	SE	7100	21.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	26	NE	NW	7300	9.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	26	NW	NW	7300	9.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	NE	NW	7500	31.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	NW	NW	7500	31.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SW	NW	7500	31.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SE	NW	7500	30.8
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SE	SW	7500	5.4
TOTAL:											364.0

The District requests to TEMPORARILY move the rights listed in Table I to locations listed in Table J.

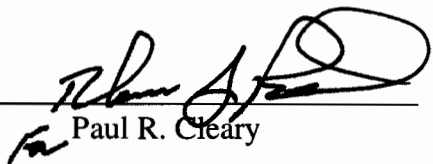
The proposed place of use is located as follows:

TABLE J - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	14	SW	SE	7100	1.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	14	SE	SE	7100	1.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	NE	7100	32.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	NE	7100	34.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	NE	7100	27.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	NE	7100	27.1
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SW	NE	7403	14.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NE	SW	7403	1.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NE	SE	7403	27.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NW	SE	7403	39.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SW	SE	7403	16.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SE	SE	7403	13.6
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	NE	SE	8103	31.1
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	NW	SE	8103	31.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	SW	SE	8103	32.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	SE	SE	8103	32.3
TOTAL:											364.0

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2003 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 25924, G-7036, G-6893 described herein in the tabulation on the "TO" lands are not to be exercised co-jointly with any district right or other right proposed for the 2003 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 MAY 20 2003 .



Paul R. Cleary