

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING AN EMERGENCY USE DROUGHT
TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 9394 submitted by

WESTLAND IRRIGATION DISTRICT (CHESTER PRIOR)
P.O. BOX 944
HERMISTON, OREGON 97838.

The first right to be modified, as evidenced by a PORTION of Certificate 75129, was perfected under Permit G-5275 with a date of priority of MARCH 26, 1974. The right allows the use of PRIOR WELLS NO. 2, 3, 5 and 6, within the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 248.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.94 cubic feet per second, if available at the authorized points of diversion: WELL #2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 36, T 3 N, R 28 E, W.M.; 750 FEET SOUTH AND 2620 FEET WEST FROM THE NE CORNER, SECTION 36; WELL #3 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 36, T 3 N, R 28 E, W.M.; 1780 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER, SECTION 36; WELL #5 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 35, T 3 N, R 28 E, W.M.; 770 FEET SOUTH AND 2640 FEET EAST FROM THE NW CORNER, SECTION 35; WELL #6 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 35, T 3 N, R 28 E, W.M.; 1940 FEET NORTH AND 2540 FEET EAST FROM THE SW CORNER, SECTION 35, 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

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.

limited to a diversion of ONE-EIGHTIETH of one cubic foot 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. The right confirmed herein shall not authorize appropriation from the aquifer supplying these wells within the Butter Creek Water area as finally determined. A totalizing meter shall be maintained on each well prior to making appropriation.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

1. Westland Irrigation District petitioned to temporarily change the place of use, under the Drought rules, for certain groundwater rights for supplemental irrigation, diverted through a pipeline maintained by Chester Prior, within the legal boundaries of Westland Irrigation District, appurtenant to 248.0 acres under the above listed right. The petition proposed to change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1. AUTHORIZED PLACE OF USE UNDER CERTIFICATE 75129(S)											
TWP	RNG	SEC	QTR-QTR	TL	USE	ACRES	CERTIFICATE	ATTACH. #			
3	N	28	E	35	SW	NE	7400	IR(S)	5.80	75129	I
3	N	28	E	35	SE	NW	7400	IR(S)	2.80	75129	I
3	N	28	E	35	NE	SE	7400	IR(S)	29.00	75129	I
3	N	28	E	35	NW	SE	7400	IR(S)	37.60	75129	I
3	N	28	E	35	SW	SE	7400	IR(S)	39.80	75129	I
3	N	28	E	35	SE	SE	7400	IR(S)	11.20	75129	I
3	N	28	E	36	NE	SE	7402	IR(S)	30.60	75129	I
3	N	28	E	36	NW	SE	7402	IR(S)	31.40	75129	I
3	N	28	E	36	SW	SE	9300	IR(S)	30.40	75129	I
3	N	28	E	36	SE	SE	9300	IR(S)	29.40	75129	I
								TOTAL	248.00		

The right to use water for the above purposes 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 permit.

The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2. PROPOSED PLACE OF USE UNDER CERTIFICATE 75129(S)											
TWP	RNG		SEC		QTR-QTR		TL	USE	ACRES	CERTIFICATE	ATTACH. #
3	N	28	E	21	NE	SW	6900	IR(S)	31.20	75129	I
3	N	28	E	21	NW	SW	6800	IR(S)	30.70	75129	I
3	N	28	E	21	SW	SW	6800	IR(S)	31.00	75129	I
3	N	28	E	21	SE	SW	6900	IR(S)	31.00	75129	I
3	N	28	E	21	NE	SE	6800	IR(S)	29.90	75129	I
3	N	28	E	21	NW	SE	6900	IR(S)	30.60	75129	I
3	N	28	E	21	SW	SE	6800	IR(S)	32.40	75129	I
3	N	28	E	21	SE	SE	6800	IR(S)	31.20	75129	I
								TOTAL	248.00		

The second right to be modified, as evidenced by a PORTION of Certificate 75127, was perfected under Permit G-6069 with a date of priority of SEPTEMBER 5, 1974. The right allows the use of PRIOR WELLS NO. 4, 7, and 8, within the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 563.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.05 cubic feet per second, if available at the authorized points of diversion: WELL #4 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 2 N, R 28 E, W.M.; 2640 FEET SOUTH AND 630 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 1; WELL #7 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2, T 2 N, R 28 E, W.M.; 2500 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER, SECTION 2; WELL #8 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2, T 2 N, R 28 E, W.M.; 2800 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER, SECTION 2; 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 a diversion of ONE-EIGHTIETH of one cubic foot 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

2. Westland Irrigation District petitioned to temporarily change the place of use, under the Drought rules, for certain groundwater rights for supplemental irrigation, diverted through a pipeline maintained by Chester Prior, within the legal boundaries of Westland Irrigation District, appurtenant to 563.9 acres under the above listed right. The petition proposed to temporarily change the place of use from the locations identified in Table 3 to the locations listed in Table 4.

TABLE 3 AUTHORIZED PLACE OF USE UNDER CERTIFICATE 75127(S)											
TWP	RNG	SEC	QTR-QTR		TL	USE	ACRES	CERTIFICATE	ATTACH. #		
2	N	28	E	1	NE	NW	200	IR(S)	32.20	75127	II
2	N	28	E	1	NW	NW	200	IR(S)	31.60	75127	II
2	N	28	E	1	SW	NW	200	IR(S)	29.60	75127	II
2	N	28	E	1	NE	SW	200	IR(S)	37.10	75127	II
2	N	28	E	1	NW	SW	200	IR(S)	31.00	75127	II
2	N	28	E	1	SW	SW	200	IR(S)	28.80	75127	II
2	N	28	E	1	SE	SW	200	IR(S)	31.20	75127	II
2	N	28	E	2	NE	NE	300	IR(S)	8.20	75127	II
2	N	28	E	2	NW	NE	300	IR(S)	36.40	75127	II
2	N	28	E	2	SW	NE	300	IR(S)	38.20	75127	II
2	N	28	E	2	SE	NE	300	IR(S)	29.20	75127	II
2	N	28	E	2	NE	NW	300	IR(S)	33.30	75127	II
2	N	28	E	2	NW	NW	300	IR(S)	32.20	75127	II
2	N	28	E	2	SW	NW	300	IR(S)	27.80	75127	II
2	N	28	E	2	SE	NW	300	IR(S)	30.00	75127	II
2	N	28	E	2	NE	SE	500	IR(S)	19.10	75127	II

**TABLE 3
AUTHORIZED PLACE OF USE UNDER CERTIFICATE 75127(S)**

TWP	RNG	SEC	QTR-QTR	TL	USE	ACRES	CERTIFICATE	ATTACH. #			
2	N	28	E	2	NW	SE	500	IR(S)	30.00	75127	II
2	N	28	E	2	SW	SE	600	IR(S)	35.20	75127	II
2	N	28	E	2	SE	SE	600	IR(S)	22.80	75127	II
								TOTAL	563.90		

The right to use water for the above purposes 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 permit.

The use also shall conform to any reasonable rotation system ordered by the proper state officer.

**TABLE 4.
PROPOSED PLACE OF USE UNDER CERTIFICATE 75127(S)**

TWP	RNG	SEC	QTR-QTR	TL	USE	ACRES	CERTIFICATE	ATTACH. #			
3	N	28	E	9	NE	NW	2900	IR(S)	30.70	75127	II
3	N	28	E	9	NW	NW	2900	IR(S)	7.90	75127	II
3	N	28	E	9	SE	NW	2900	IR(S)	31.10	75127	II
3	N	28	E	16	NE	NW	3101	IR(S)	29.70	75127	II
3	N	28	E	16	NW	NW	3101	IR(S)	32.20	75127	II
3	N	28	E	16	SW	NW	3101	IR(S)	33.50	75127	II
3	N	28	E	16	SE	NW	3101	IR(S)	29.40	75127	II
3	N	28	E	16	NE	SW	3101	IR(S)	29.60	75127	II
3	N	28	E	16	NW	SW	3101	IR(S)	32.20	75127	II
3	N	28	E	16	SW	SW	3101	IR(S)	34.00	75127	II
3	N	28	E	16	SE	SW	3101	IR(S)	29.00	75127	II
3	N	28	E	17	NE	NE	4900,500,51000	IR(S)	33.30	75127	II
3	N	28	E	17	NW	NE	5500,5300,5400	IR(S)	18.80	75127	II
3	N	28	E	17	SW	NE	4800	IR(S)	18.70	75127	II

**TABLE 4.
PROPOSED PLACE OF USE UNDER CERTIFICATE 75127(S)**

TWP		RNG		SEC	QTR-QTR		TL	USE	ACRES	CERTIFICATE	ATTACH. #
3	N	28	E	17	SE	NE	4900	IR(S)	21.80	75127	II
3	N	28	E	17	NE	SW	5800	IR(S)	10.10	75127	II
3	N	28	E	17	SE	SW	5800	IR(S)	5.80	75127	II
3	N	28	E	17	NE	SE	4800	IR(S)	34.60	75127	II
3	N	28	E	17	NW	SE	4800	IR(S)	40.90	75127	II
3	N	28	E	17	SW	SE	4800	IR(S)	35.90	75127	II
3	N	28	E	17	SE	SE	4800	IR(S)	24.70	75127	II
								TOTAL	563.90		

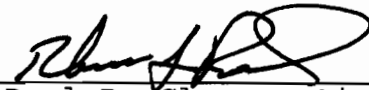
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change is **temporary**. This change shall be effective upon issuance of this order.
2. The use shall revert to the authorized place of use at the end of the 2003 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. Water used under Certificate 75129 at the original location together with water used at the proposed location shall not exceed 2.94 cubic feet per second or 744.0 acre-feet during the 2003 irrigation season. Once water is used at the new "TO" location, the authorized "FROM" location will not receive any water under this supplemental right.
4. Water used under Certificate 75127 at the original location together with water used at the proposed location shall not exceed 7.05 cubic feet per second or 1691.7 acre-feet during the 2003 irrigation season. Once water is used at the new "TO" location, the authorized "FROM" location will not receive any water under this supplemental right.

5. The Director has determined that it is necessary to install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted from each of the approved points of appropriation. The type and plans of the measuring device must be approved by the Watermaster prior to use under this transfer. The flow-meter reading shall be reported by the applicant, prior to any use and again at the end of each month, to the Watermaster. In addition, the applicant must notify the Watermaster when the use has stopped at the authorized place of use and will begin at the new place of use. At such time, the applicant shall report the amount of groundwater used on the authorized place of use if any. Flow-meter readings again shall be reported when use ends at the new place of use. The use of water from the wells shall not exceed the maximum duty of water authorized by the certificates within the irrigation season.
6. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
7. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.

WITNESS the signature of the Water Resources

Director, affixed **MAY 20 2003** .



Paul R. Cleary, Director
For