

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-11795, Umatilla County                    )     DISTRICT TEMPORARY TRANSFER

**Authority**

ORS 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. 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  
PO BOX 944  
HERMISTON, OR 97838

**Agent**

SCM CONSULTANTS INC.  
WILLIAM PORFILY  
7601 WEST CLEAR WATER  
KENNEWICK, WA 99336

**Findings of Fact**

1. On April 11, 2014, Stacey Wells, on behalf of Westland Irrigation District (WID), filed an application to temporarily change the place of use under Certificates 76051, 83083, 75124, 76050, 79439, 75121, 75554, and Permit S-54582 for a period of one year. The Department assigned the application number T-11795.
2. Notice of the application for transfer was published on April 29, 2014, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. On August 15, 2014, the Department requested and received amended application materials from the applicant clarifying the place of use to be transferred.

4. The portion of the first right to be transferred is as follows:

**Certificate:** 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)

**Use:** Irrigation of 381.6 acres

**Priority Date:** June 27, 1958

**Limit/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

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**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 WEST 1/4 CORNER OF SECTION 21

**Authorized Places of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	28	NE NE	33.0
3 N	28 E	WM	28	NE NW	33.0
3 N	28 E	WM	28	NE SW	29.4
3 N	28 E	WM	28	NE SE	22.3
3 N	28 E	WM	28	NE SE	7.1
3 N	28 E	WM	28	NE SW	30.5
3 N	28 E	WM	28	NW SW	30.2
3 N	28 E	WM	28	SW SW	32.5
3 N	28 E	WM	28	SE SW	32.8
3 N	28 E	WM	29	SW SE	5.6
3 N	28 E	WM	29	SE SE	1.5
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SW NW	29.8
3 N	28 E	WM	33	SE NW	31.3
<b>Total:</b>					<b>381.6</b>

5. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
3 N	28 E	WM	28	SE NE	7.1
3 N	28 E	WM	29	SE NE	30.0
3 N	28 E	WM	29	SE NW	26.2
3 N	28 E	WM	29	SE SW	29.3
3 N	28 E	WM	29	SE SE	32.2
3 N	28 E	WM	29	SE SE	1.5
3 N	28 E	WM	29	SE SE	5.6
3 N	28 E	WM	32	NW NE	31.0
3 N	28 E	WM	32	NW NW	31.7
3 N	28 E	WM	32	NW SW	31.9
3 N	28 E	WM	32	NW SE	31.4
<b>Total:</b>					<b>381.6</b>

6. The portion of the second right to be transferred is as follows:

**Certificate:** 83083 in the name of Tony Amstad, L & L Farms- Robert Levy (perfected under Permit S-48968)

**Use:** Irrigation of 322.7 Acres, Supplemental Irrigation of 123.8 Acres

**Priority Date:** AUGUST 10, 1981

**Limit/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 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 1.50 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 4.50 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 Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	SW NW	0.8
2 N	28 E	WM	4	SE NW	0.8
2 N	28 E	WM	4	NE SW	24.7
2 N	28 E	WM	4	NW SW	33.5
2 N	28 E	WM	4	SW SW	8.0
2 N	28 E	WM	4	SW SW	5.2
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
3 N	28 E	WM	32	NE NW	31.0
3 N	28 E	WM	32	NW NW	31.7
3 N	28 E	WM	32	SW NW	31.9
3 N	28 E	WM	32	SE NW	31.4
<b>Total</b>					<b>322.7</b>

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NW SW	0.1
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SW NW	29.8
3 N	28 E	WM	33	SE NW	31.3
<b>Total</b>					<b>123.8</b>

7. Transfer Application T-11795 proposes to change the place of use of the right to:

**Proposed Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SE NW	29.8
3 N	28 E	WM	33	SW NW	31.3
<b>Total</b>					<b>123.7</b>
* PRIMARY USE DIMINISHED TO SUPPLEMENTAL USE					
2 N	28 E	WM	4	SW NW	0.8
2 N	28 E	WM	4	SE NW	0.8
2 N	28 E	WM	4	NE SW	24.7
2 N	28 E	WM	4	NW SW	33.5
2 N	28 E	WM	4	SW SW	8.0
2 N	28 E	WM	4	SW SW	5.2
3 N	28 E	WM	32	NE NW	31.0
3 N	28 E	WM	32	NW NW	31.7
3 N	28 E	WM	32	SW NW	31.9
3 N	28 E	WM	32	SE NW	31.4
Diminished Portion -Total					199.0
<b>Total</b>					<b>322.7</b>
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NW SW	0.1
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	33	NW SE	33.0
2 N	28 E	WM	33	SW SE	28.5
2 N	28 E	WM	33	SE SE	28.7
<b>Total</b>					<b>123.8</b>

8. A portion of the proposed place of use described in Transfer Application T-11795 for Certificate 83083 has an existing primary water right appurtenant, to avoid enlargement of the water rights, the portion of Certificate 83083 (199.0 acres) will be diminished to supplemental irrigation to the portion of Certificate 76051 as described in Finding of Fact #5 moving "TO" or "ON" and as described in the table above.

9. The portion of the third right to be transferred is as follows:

**Certificate:** 75124 in the name of L & L Farms (perfected under Permit G-6936)

**Use:** Supplemental Irrigation of 123.7 Acres

**Priority Date:** JULY 19, 1976

**Limit/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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELL 2 in the SPIKES GULCH RIVER 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 Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SW NW	29.8
3 N	28 E	WM	33	SE NW	31.3
<b>Total</b>					<b>123.7</b>

10. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
<b>Total</b>					<b>123.7</b>

11. The portion fourth right to be transferred is as follows:

**Certificate:** 76050 in the name of Teel Irrigation District (perfected under Permit S- 25920)

**Use:** Irrigation of 158.0 Acres

**Priority Date:** APRIL 22, 1955

**Limit/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 not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

**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 WEST 1/4 CORNER, SECTION 21

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NE SW	3.5
2 N	28 E	WM	4	NW SW	0.1
2 N	28 E	WM	4	SW SW	14.7
3 N	28 E	WM	4	SE SW	14.0
3 N	28 E	WM	26	SW NW	4.0
3 N	28 E	WM	26	SE NW	4.0
3 N	28 E	WM	29	NE SE	30.0
3 N	28 E	WM	29	NW SE	26.2
3 N	28 E	WM	29	SW SE	29.3
3 N	28 E	WM	29	SE SE	32.2
<b>Total</b>					<b>158.0</b>

12. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	26	SW NE	0.9
3 N	28 E	WM	26	NE NW	1.5
3 N	28 E	WM	26	NW NW	1.7
3 N	28 E	WM	26	SW NW	1.1
3 N	28 E	WM	26	SE NW	1.5
3 N	28 E	WM	27	SE NE	1.3
3 N	28 E	WM	28	NE SE	33.0
3 N	28 E	WM	28	NW SE	33.0
3 N	28 E	WM	28	SW SE	29.4
3 N	28 E	WM	28	SE SE	22.3
Sub -Total					125.7
* PRIMARY USE DIMINISHED TO SUPPLEMENTAL USE					
2 N	28 E	WM	4	NE SW	3.5
2 N	28 E	WM	4	NW SW	0.1
2 N	28 E	WM	4	SW SW	14.7
2 N	28 E	WM	4	SE SW	14.0
Diminished Portion Total					32.3
<b>Total</b>					<b>158.0</b>

13. A portion of the proposed place of use described in Transfer Application T-11795 for Certificate 76050 has an existing appurtenant primary water right Certificate 83083. To avoid enlargement of the water right, the portion of Certificate 76050 (32.3 acres identified in the table above) will be diminished to supplemental irrigation to the water right moving "TO" or "ON".

14. The portion of the fifth 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 258.8 Acres

**Priority Date:** JULY 1, 1924

**Duty/Limit:** 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), 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 therein.

**Source:** MCKAY RESERVOIR tributary to MCKAY CREEK

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Description/ Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND CANAL: NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM W1/4 CORNER OF SECTION 21

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	26	SW NW	4.0
3 N	28 E	WM	26	SE NW	4.0
3 N	28 E	WM	28	NE NE	33.0
3 N	28 E	WM	28	NW NE	33.0
3 N	28 E	WM	28	SW NE	29.4
3 N	28 E	WM	28	SE NE	22.3
3 N	28 E	WM	28	SE NE	7.1
3 N	28 E	WM	28	NE SW	30.5
3 N	28 E	WM	28	NW SW	30.2
3 N	28 E	WM	28	SW SW	32.5
3 N	28 E	WM	28	SE SW	32.8
<b>Total:</b>					<b>258.8</b>

15. Transfer Application T-11795 proposes temporarily change the place of use of the right to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	26	SW NE	0.9
3 N	29 E	WM	26	NE NW	1.5
3 N	29 E	WM	26	NW NW	1.7
3 N	29 E	WM	26	SW NW	1.1
3 N	29 E	WM	26	SE NW	1.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	27	SE NE	1.3
3 N	29 E	WM	29	NE SE	30.0
3 N	29 E	WM	29	NW SE	26.2
3 N	29 E	WM	29	SW SE	29.3
3 N	29 E	WM	29	SW SE	5.6
3 N	29 E	WM	29	SE SE	32.2
3 N	29 E	WM	29	SE SE	1.5
3 N	29 E	WM	32	NE NW	31.0
3 N	29 E	WM	32	NW NW	31.7
3 N	29 E	WM	32	SW NW	31.9
3 N	29 E	WM	32	SE NW	31.4
<b>Total</b>					<b>258.8</b>

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

**Certificate:** 75121, issued in the name L & L Farms (perfected under Permit G-8570)

**Use:** Irrigation of 5.5 Acres and Supplemental Irrigation of 117.7 Acres

**Priority Date:** April 19, 1979

**Duty/Limit:** 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:** THREE WELLS, in the SPIKES GULCH RIVER BASIN

**Authorized Point of Appropriation:**

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NE SW	5.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	29	NE SE	30.0
3 N	28 E	WM	29	NW SE	26.2
3 N	28 E	WM	29	SW SE	29.3
3 N	28 E	WM	29	SE SE	32.2
<b>Total</b>					<b>117.7</b>



17. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

<b>*PRIMARY IRRIGATION USE DIMINISHED TO SUPPLEMENTAL USE</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q - Q</b>	<b>Acres</b>
2 N	28 E	WM	4	NE SW	5.5
<b>SUPPLEMENTAL IRRIGATION</b>					
3 N	28 E	WM	26	NE NE	33.0
3 N	28 E	WM	26	NW NE	33.0
3 N	28 E	WM	27	SW NE	29.4
3 N	28 E	WM	27	SE NE	22.3
Sub-Total					117.7
<b>Total</b>					<b>123.2</b>

18. A portion of the proposed place of use described in Transfer Application T-11795 for Certificate 75121 has an existing primary water right appurtenant. To avoid enlargement of the water right, the portion of Certificate 75121 (5.5 acres identified in the above table) will be diminished to supplemental irrigation to the water right moving "TO" or "ON".

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

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

**Use:** Supplemental Irrigation of 7.1 Acres

**Priority Date:** JULY 19, 1976

**Limit/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 shall not exceed the limitation allowed herein.

**Source:** WELL 1 within the SPIKES GULCH RIVER BASIN

**Authorized Point of Appropriation:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
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

**Authorized Place of Use:**

<b>SUPPLEMENTAL IRRIGATION</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
3 N	28 E	WM	28	SW SE	5.6
3 N	28 E	WM	29	SE SE	1.5
<b>Total</b>					<b>7.1</b>

20. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	28	SE NE	7.1

21. The portion of the eighth 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 631.0 Acres

**Priority Date:** MARCH 6, 2008

**Limit/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.

**Source:** BUTTER CREEK and SPARKS RESERVIORS tributary to BUTTER CREEK

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	5	SE SE	BUTTER CREEK- 440 FEET NORTH AND 1170 FEET WEST FROM SE CORNER OF SECTION 5
3 N	28 E	WM	34	NE NW	SPARKS- 270 FEET SOUTH AND 2070 FEET EAST FROM NW CORNER OF SECTION 34

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
3 N	28 E	WM	26	SW NW	4.0
3 N	28 E	WM	26	SE NW	4.0
3 N	28 E	WM	28	NE NE	33.0
3 N	28 E	WM	28	NW NE	33.0
3 N	28 E	WM	28	SW NE	29.4
3 N	28 E	WM	28	SE NE	22.3
3 N	28 E	WM	28	SE NE	7.1
3 N	28 E	WM	28	NE SW	30.5
3 N	28 E	WM	28	NW SW	30.2
3 N	28 E	WM	28	SW SW	32.5
3 N	28 E	WM	28	SE SW	32.8
3 N	28 E	WM	29	NE SE	30.0
3 N	28 E	WM	29	NW SE	26.2
3 N	28 E	WM	29	SW SE	29.3
3 N	28 E	WM	29	SW SE	5.6
3 N	28 E	WM	29	SE SE	32.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	28 E	WM	29	SE SE	1.5
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SW NW	29.8
3 N	28 E	WM	33	SE NW	31.3
<b>Total</b>					<b>631.0</b>

22. Transfer Application T-11795 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
3 N	28 E	WM	26	SW NE	0.9
3 N	28 E	WM	26	NE NW	1.5
3 N	28 E	WM	26	NW NW	1.7
3 N	28 E	WM	26	SW NW	1.1
3 N	28 E	WM	26	SE NW	1.5
3 N	28 E	WM	27	SE NE	1.3
3 N	28 E	WM	28	NE NE	33.0
3 N	28 E	WM	28	NW NE	33.0
3 N	28 E	WM	28	SW NE	29.4
3 N	28 E	WM	28	SE NE	22.3
3 N	28 E	WM	29	SE NE	7.1
3 N	28 E	WM	29	NE SE	30.0
3 N	28 E	WM	29	NW SE	26.2
3 N	28 E	WM	29	SW SE	29.3
3 N	28 E	WM	29	SW SE	5.6
3 N	28 E	WM	29	SE SE	32.2
3 N	28 E	WM	29	SE SE	1.5
3 N	28 E	WM	32	NE NW	31.0
3 N	28 E	WM	32	NW NW	31.7
3 N	28 E	WM	32	SW NW	31.9
3 N	28 E	WM	32	SE NW	31.4
3 N	28 E	WM	33	NE NW	31.3
3 N	28 E	WM	33	NW NW	31.3
3 N	28 E	WM	33	SW NW	29.8
3 N	28 E	WM	33	SE NW	31.3
<b>Total</b>					<b>631.0</b>

23. During Department review of the Transfer Application T-11795, a scrivener's error was identified in Certificate 83083, omitting 27.9 acres, in the SE SW of Township 2 North, 28 East, Section 4.
24. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
25. Diversion structures, pumps, canals, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
26. The proposed changes including the temporary diminishment of water rights would result in no enlargement of the rights.
27. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.570(6) if the Department later finds that the transfer is causing injury to any existing water right.

#### **Conclusions of Law**

The temporary changes in place of use are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

#### **Now, therefore, it is ORDERED:**

28. The temporary changes proposed in Transfer Application T-11795 are approved.
29. The former places of use **shall not** be irrigated as part of these water rights during the 2014 irrigation season.
30. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 83083, 75124, 76050, 79439, 75121, 75554 and Permit S-54582, any order and any related decree.
31. The use shall revert to the authorized places of use at the end of the 2014 irrigation season.
32. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
33. A subsequent application for permanent changes to Certificates 76051, 83083, 75124, 76050, 79439, 75121, 75554, and Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for changes to these water rights.

34. 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.
35. 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, 75124, 76050, 79439, 75121, 75554, and Permit S-54582.
36. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
37. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
38. The use of the remaining water rights described Certificates 76051, 83083, 75124, 76050, 79439, 75121, 75554, and Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 76051, 83083, 75124, 76050, 75121, 79439, 75554, and Permit S-54582.

Dated at Salem, Oregon this 10 day of October, 2014.

  
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Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing Date: OCT 21 2014