

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10830, 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 (L & L FARMS)
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On March 19, 2009, Westland Irrigation District filed an application to temporarily change the place of use and add additional points of appropriation under Certificates 79990, 79991, 75124, 83083, 76051, 76050 and 79439 for a period of one year. The Department assigned the application number T-10830.
2. On April 3, 2009, the Department received amendments correcting the transfer map and application.
3. The portion of the first primary right and its layered supplemental water rights to be transferred are as follows:

Certificate: 79990 in the name of L & L FARMS (perfected under Permit G-6893)
Use: IRRIGATION of 82.0 ACRES
Priority Date: JULY 19, 1976
Rate: 0.46 CUBIC FOOT PER SECOND (cfs)

This is a final 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 137-004-0080, 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.

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year

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	23	SW SE	960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23

Certificate: 79991 in the name of L & L FARMS (perfected under Permit G-7036)

Use: SUPPLEMENTAL IRRIGATION OF 82.0 ACRES

Priority Date: DECEMBER 2, 1976

Rate: 0.88 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year.

Source: WELL #3, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	28 E	WM	23	NW NW	WELL #3 - 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

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

Use: SUPPLEMENTAL IRRIGATION OF 82.0 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre 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 a 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 W¼ corner of Section 21.

Authorized Places of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	ACRES			User
					Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	
3 N	28 E	WM	33	NE SE	31.1	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	19.7	19.7	19.7	L & L FARMS
TOTAL:					82.0	82.0	82.0	

4. Transfer Application T-10830 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES			User
						Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	
2 N	28 E	WM	4	NW NE	800	24.5	24.5	24.5	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.8	28.8	28.8	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	28.7	L & L FARMS
TOTAL:						82.0	82.0	82.0	

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

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

Use: IRRIGATION OF 250.1 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre 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 a 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 W¼ corner of Section 21.

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Acres	User
2 N	28 E	WM	4	NE NE	34.0	L & L FARMS

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Acres	User
2 N	28 E	WM	4	NW NE	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	28.8	L & L FARMS
2 N	28 E	WM	4	SE NE	28.7	L & L FARMS
2 N	28 E	WM	4	NE NW	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	28.1	L & L FARMS
2 N	28 E	WM	4	SE NW	28.1	L & L FARMS
TOTAL:					250.1	

6. Transfer Application T-10830 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	33	NE NW	7500	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	7500	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	7500	30.8	L & L FARMS
3 N	28 E	WM	33	SE NW	7500	31.3	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	30.8	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	L & L FARMS
TOTAL:						250.1	

7. The portion of the third primary right and its layered supplemental water rights to be transferred are as follows:

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

Use: Irrigation of 124.6 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cfs and 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 the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 124.6 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
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 (IR) and SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q - Q	ACRES		User
					Certificate 76051(IR)	Certificate 79439 (IS)	
3 N	28 E	WM	28	NE SW	25.7	25.7	L & L FARMS
3 N	28 E	WM	28	NW SW	30.2	30.2	L & L FARMS
3 N	28 E	WM	28	SW SW	34.3	34.3	L & L FARMS
3 N	28 E	WM	28	SE SW	34.4	34.4	L & L FARMS
TOTAL:					124.6	124.6	

8. Transfer Application T-10830 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	ACRES		User
						Certificate 76051(IR)	Certificate 79439 (IS)	
3 N	28 E	WM	33	NE NE	7500	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	7500	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	7500	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	7500	31.0	31.0	L & L FARMS
TOTAL:						124.6	124.6	

9. The portion of the fourth primary right and its layered supplemental water 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 249.3 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Certificate: 75124, issued in the name of U.S. Bureau of Reclamation (Perfected under Permit S-7400)

Use: Supplemental Irrigation of 249.3 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
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

Certificate: 83083, issued in the names of Tony Amstad and L & L Farms/Robert Levy (perfected under Permit S-48968)

Use: SUPPLEMENTAL IRRIGATION OF 249.3 acres

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre 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 rights 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 a 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	ACRES			User
					Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	
3 N	28 E	WM	33	NE NE	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	NE NW	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	30.8	30.8	30.8	L & L FARMS
3 N	28 E	WM	33	SE NW	31.3	31.3	31.3	L & L FARMS
TOTAL:					249.3	249.3	249.3	

10. Transfer Application T-10830 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES			User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	
2 N	28 E	WM	4	NE NW	800	34.2	34.2	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	34.3	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.1	28.1	28.1	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.1	28.1	28.1	L & L FARMS
3 N	28 E	WM	28	NE SW	7500	25.7	25.7	25.7	L & L FARMS
3 N	28 E	WM	28	NW SW	7500	30.2	30.2	30.2	L & L FARMS
3 N	28 E	WM	28	SW SW	7500	33.9	33.9	33.9	L & L FARMS
3 N	28 E	WM	28	SE SW	7500	33.9	33.9	33.9	L & L FARMS
TOTALS:						249.3	249.3	249.3	

11. The portion of the fifth primary water right and its layered supplemental water 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 118.1 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 118.1 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND I. D.CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

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

Use: SUPPLEMENTAL IRRIGATION OF 118.1 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre 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 right5 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 a thimes 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 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 (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	ACRES			User
					Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	
3 N	28 E	WM	23	NE SE	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	23.7	23.7	23.7	L & L FARMS

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	ACRES			User
					Certificate 76051 (IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	
3 N	28 E	WM	23	SE SE	21.7	21.7	21.7	L & L FARMS
3 N	28 E	WM	26	NE NE	11.1	11.1	11.1	L & L FARMS
TOTAL:					118.1*	118.1*	118.1*	

*The applicant has stated that the water right existing on these above described lands under Certificate 76051 will be diminished to supplemental irrigation during the 2009 irrigation season.

12. Transfer Application T-10830 proposes to temporarily change the type of use for all the rights on the lands in the above described table from primary irrigation to supplemental irrigation, pursuant to 690-385-3130, for the water rights being transferred in under Westland's L & L Farms Temporary Transfer Application T-10829.
13. The portion of the sixth primary water right and its layered supplemental water 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 80.1 acres

Rate: 0.96 CUBIC FOOT PER SECOND (cfs)

Priority Date: April 22, 1955

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 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 the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 80.1 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND I. D. CANAL - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q - Q	ACRES		User
					Certificate 76050 (IR)	Certificate 79439 (IS)	
3 N	28 E	WM	26	NE NW	5.4	5.4	L & L FARMS
3 N	28 E	WM	26	NW NW	6.0	6.0	L & L FARMS
3 N	28 E	WM	26	SW NW	34.9	34.9	L & L FARMS
3 N	28 E	WM	26	SE NW	32.9	32.9	L & L FARMS
3 N	28 E	WM	27	SE NE	0.9	0.9	L & L FARMS
TOTAL:					80.1*	80.1*	

*The applicant has stated that the water right existing on these above described lands under Certificate 76050 will be diminished to supplemental irrigation during the 2009 irrigation season.

14. Transfer Application T-10830 proposes to temporarily change the type of use of all the rights on the lands in the above described table from primary irrigation to supplemental irrigation for the water rights being transferred in under Westland's L & L Farms Temporary Transfer Application T-10829.
15. The portion of the seventh primary right and its layered supplemental water rights to be transferred are as follows:

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

Use: Irrigation (IR) of 64.2 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 64.2 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
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:

Twp	Rng	Mer	Sec	Q - Q	ACRES		User
					Certificate 76051 (IR)	Certificate 79439 (IS)	
3 N	28 E	WM	28	NW NW	2.4	2.4	L & L FARMS
3 N	28 E	WM	28	SW NW	31.0	31.0	L & L FARMS
3 N	28 E	WM	28	SE NW	30.8	30.8	L & L FARMS
TOTAL:					64.2*	64.2*	

*The applicant has stated that the water right existing on these above described lands under Certificate 76051 will be diminished to supplemental irrigation during the 2009 irrigation season.

16. Transfer Application T-10830 proposes to temporarily change the type of use for all the rights on the lands in the above described table from primary irrigation to supplemental irrigation, pursuant to 690-385-3130, for the water rights being transferred in under Westland's L & L Farms Temporary Transfer Application T-10829.
17. Notice of the application for transfer was published on April 7, 2009, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
18. Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
20. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
21. The proposed changes would not result in enlargement of the rights.

22. 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.
23. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes a map meeting the requirements of OAR 690-385-2200.

Conclusions of Law

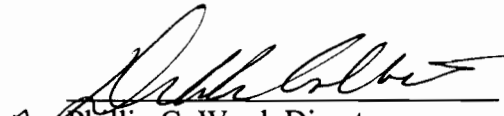
The temporary changes in place of use proposed in Transfer Application T-10830 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The proposed, temporary changes to the water rights evidenced by Certificates 79990, 79991, 75124, 83083, 76051, 76050 and 79439 are approved
2. The temporary transfer is effective for the 2009 irrigation season.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2009 irrigation season.
4. At the end of the 2009 irrigation season all use of water under this temporary transfer shall automatically revert to the terms and conditions of the original water right permit, certificates or adjudication as evidenced by a court decree.
5. 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.
6. A subsequent application for permanent transfer of Certificates 79990, 79991, 75124, 83083, 76051, 76050 and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. 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 79990, 79991, 75124, 83083, 76051, 76050 and 79439.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water rights described by Certificates 79990, 79991, 75124, 83083, 76051, 76050 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 79990, 79991, 75124, 83083, 76051, 76050 and 79439.
10. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 28th day of May, 2009.


Phillip C. Ward, Director

Mailing Date: JUN 01 2009