

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3N	29E	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	TL	CERTIFICATE (ACRES)		USER
						76715 (IR)	79439 (IS)	
4N	28E	WM	28	SW SW	4300	11.95	11.95	FRANK MUELLER
4N	28E	WM	29	SE SE	4300	4.25	4.25	FRANK MUELLER

3. The portion of the supplemental right to be transferred is as follows:

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

Use: Supplemental Irrigation (IS) of 16.20 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	Survey Coordinates
2N	32E	WM	34	NW SE	McKAY DAM
3N	29E	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	TL	CERTIFICATE (ACRES)		USER
						76715 (IR)	79439 (IS)	
4N	28E	WM	28	SW SW	4300	11.95	11.95	FRANK MUELLER
4N	28E	WM	29	SE SE	4300	4.25	4.25	FRANK MUELLER

4. Transfer Application T-10577 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	TL	CERTIFICATE (ACRES)		USER
						76715 (IR)	79439 (IS)	
4N	28E	WM	20	NE SW	100	16.20	16.20	MARY NEWMAN

5. As part of transfer application T-10577, Westland Irrigation District submitted an affidavit from Frank Muller, the landowner, which stated that the "FROM" lands had supplemental irrigation rights under water right Certificates 38388 and 76749. The affidavit further stated that the supplemental water rights under Certificates 38388 and 76749 will not be used during the term of this temporary transfer. The affected rights are as follows:

Supplemental Irrigation Under Certificate 38388 - Portion not to be used during 2008 Irrigation Season						
Twp	Rng	Mer	Sec	Q-Q	TL	Acres
4N	28E	WM	28	SW SW	4300	1.50
4N	28E	WM	29	SE SE	4300	4.25

Supplemental Irrigation Under Certificate 76749 - Portion not to be used during 2008 Irrigation Season						
Twp	Rng	Mer	Sec	Q-Q	TL	Acres
4N	28E	WM	28	SW SW	4300	11.95
4N	28E	WM	29	SE SE	4300	0.50

6. In transfer application T-10577, Westland Irrigation District identified a primary irrigation water right evidenced by Certificate 79893 as existing on the proposed place of use lands located within Section 20, T 4 N, R 28 E, W.M. Transfer Application T-10577 expressly states that the primary water right evidenced by Certificate 79893 shall be diminished from primary to supplemental irrigation for the duration of temporary transfer T-10577. (See OAR 690-385-3130). The portion of Certificate 79893 that shall be supplemental to Certificate 76715 is as follows:

Certificate: 79893 in the name of BENJAMIN J. NEWMAN (Perfected under Permit G-6785)

Use: Irrigation (IR) of 16.2 acres

Priority Date: NOVEMBER 29, 1972

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: THE BEN NEWMAN WELL

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	SURVEY COORDINATES
4N	28E	WM	20	NE SW	20 FEET SOUTH AND 2380 FEET EAST FROM THE W¼ CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION WATER RIGHT UNDER CERTIFICATE 79893 DIMINISHED TO SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	28 E	WM	20	NE SW	100	16.2

7. Notice of the application for temporary transfer was published April 8, 2008 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. The district temporary transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in place of use will not result in enlargement of the rights.
11. The proposed changes in place of use will not result in injury to other rights.

Conclusions of Law

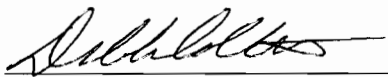
The proposed change in place of use in Transfer Application T-10577 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed, temporary changes to the water rights evidenced by Certificates 38388, 76715, 79439, 76749 and 79893 are approved.
2. The temporary transfer is effective for the 2008 irrigation season.
3. 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 76715, 79439 and any related decree.

4. The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
5. Water rights under Certificates 38388 and 76749 shall not be exercised during the 2008 irrigation season at the authorized place of use as described in Findings of Fact #5.
6. Pursuant to OAR 690-385-3130 the use of water for supplemental irrigation at the proposed place of use under Certificate 79893 as described in Findings of Fact #6, is restricted to the total rate and duty described by Certificate 76715 and may be used only to make up a deficiency of supply.
7. The use of water on both 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 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.
9. At the end of the 2008 irrigation season all use of water under this temporary transfer shall automatically revert to the terms and conditions of the original water right permit, certificate or adjudication as evidenced by a court decree.
10. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this 16th day of May, 2008.


for Phillip C. Ward, Director

Mailing Date: MAY 23 2008