

T-10364

DIST-TEMP

T-10364

Name Westland Irrigation DistrictBy Stacey WellsAddress PO Box 944Hermiston, OR 97838541-667-2030Change in POU

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 5-31-07 Vol. 72, page 245

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla R McKay ResTrib. of Columbia R McKay Creek County of UmatillaUse Re LV

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1923 1924In name of SameUmatilla River Decree Adjudication, Vol. _____, page _____App. No. 59668 Per. No. 7400 Cert. No. 76715
79439

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/9/07</u>	<u>177.25</u>	<u>87044</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

REC'D APR 19 2007 IN PENIXETON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **87044**

INVOICE # _____

RECEIVED FROM: Westland Irrigation
BY: District

APPLICATION	
PERMIT	
TRANSFER	T-10364

CASH: ☐ CHECK: # X 22216 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 177.25

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 177.25

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

87044

DATED: 4/9/07

BY: S. Parakee



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 13, 2007

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON OR 97838

Reference: District Temporary Transfer 10364

On April 9, 2007 we received your district transfer application requesting a change in place of use for use of water from UMATILLA RIVER, tributary to COLUMBIA RIVER. The application was accompanied by \$177.25. Our receipt 87044 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

The district may begin delivering water to the proposed place of use immediately provided that water has not been delivered to the existing, authorized place of use during this season. Pursuant to OAR 690-385-3000(4), the district and water user may be subject to civil penalties and the loss of use of the water if deliveries are made to both the existing and proposed places of use during any one season.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #5
Tim Bailey, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/17/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

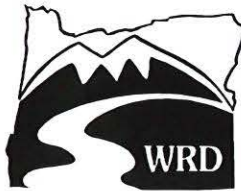
County: UMATILLA
Transfer: 10364
Water Right: CERT 76715, 79439
Priority Date: 1903, 1924
Name: WESTLAND IRRIGATION DISTRICT
Address: PO BOX 944; HERMISTON OR 97838
Change: POU
Source: UMATILLA RIVER/MCKAY RES
Authorized POU: T4N R28E 33
Proposed POU: T4N R28E 31

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon Water Resources Department
721 Summer Street NE, Suite A
Salem, OR 97301-1271

OAR Chapter 690, Division 385
2007 District Temporary Transfer Application
Duration: One Irrigation Season

District: Westland Irrigation District

Contact Person: Stacey Wells Phone: (541) 667-2030

Mailing Address: PO Box 944, Hermiston, OR 97838

- I. Pursuant to ORS 540.570 and OAR Chapter 690, Division 385, the district proposes to change the place of use for the following water rights:

WATER RIGHT			
PERMIT NUMBER	CERTIFICATE NUMBER	DECREE (name, volume, and page)	PRIMARY (P) or SUPP (S)
	76715	Westland Irrigation District	P
7400	79439	U.S. Bureau of Reclamation	S

- II. The point(s) of diversion for the water right proposed for transfer are as follows:

POINT(S) OF DIVERSION / APPROPRIATION				
PERMIT	DECREE or CERTIFICATE	POD#	SOURCE	LOCATION - LEGAL DESCRIPTION
	76715	1	Umatilla River	N76° 45' 56" E 2913.19 ft. from W ¼ corner of section 21 SW NE, Section 21 T3N, R29E W.M.
7400	79439	2	McKay Reservoir	NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W. M.

- III. The district proposes to change the place of use from the authorized location listed in Table 1 to the location listed in Table 2.

I 10364

RECEIVED

APR 09 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

13564

7076

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APR 09 2007	
WATER RESOURCES DEPT	
SALEM, OREGON	

[illegible]

District Temporary Transfer Application Form 2004

- IV. Enclosed is a map for each proposed change in place of use meeting the standards of OAR Chapter 690, Division 385.
- V. The water right proposed for transfer is a water right subject to transfer and has not been forfeited for nonuse under ORS 540.610.
- VI. Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district.
- VII. The district has notified each affected user that the Department may condition or reject the transfer at any time to the extent necessary to avoid injury to an existing water right, and that the use of water on lands from which the water right is transferred (authorized place of use) and at the proposed place of use during the same irrigation season or calendar year may subject both the user and district to civil penalties.
- VIII. **This transfer is identical to 2002 temporary transfer T-9115.**
- IX. Enclosed is the application fee in the amount of: \$177.25.

I certify that the information contained in this district permanent transfer application is true and accurate.

Stacey Wells
Signature of District Manager
or Authorized Representative

3-30-07
Date

Stacey Wells (authorized representative)
Typed Name of District Manager
or Authorized Representative

T 10364

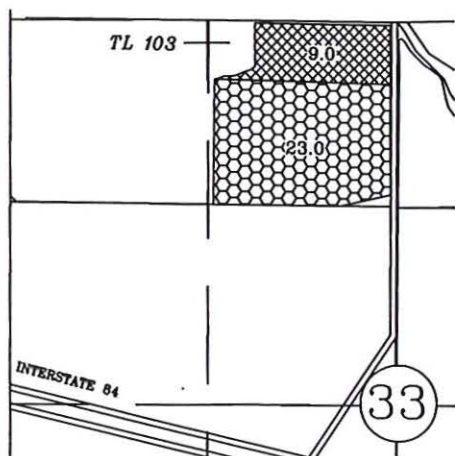
RECEIVED

APR 09 2007

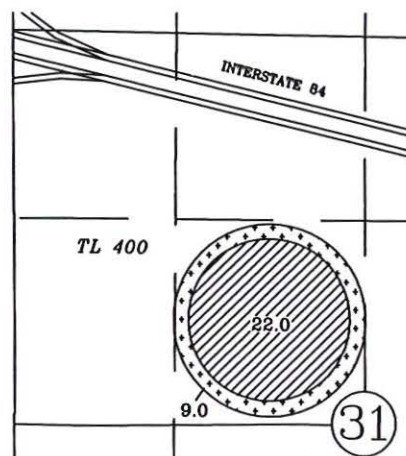
**WATER RESOURCES DEPT
SALEM, OREGON**

2007 WESTLAND IRRIGATION DISTRICT Temporary Transfer, Walker to Barton March 14, 1903, Cert. 76715 Primary; & July 1, 1924 Cert. 79439 Supplemental.

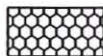
T4N., R28E., W.M.



T4N., R28E., W.M.



FROM: 76715 & 79439 - 9.0 acres



76715 Not involved in transfer

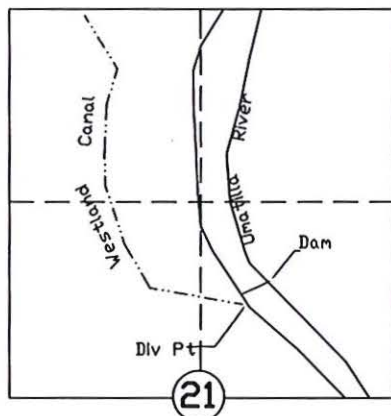


TO: 76715 & 79439 - 9.0 acres



76717 Not involved in transfer

T3N., R 29E., W.M.



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APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

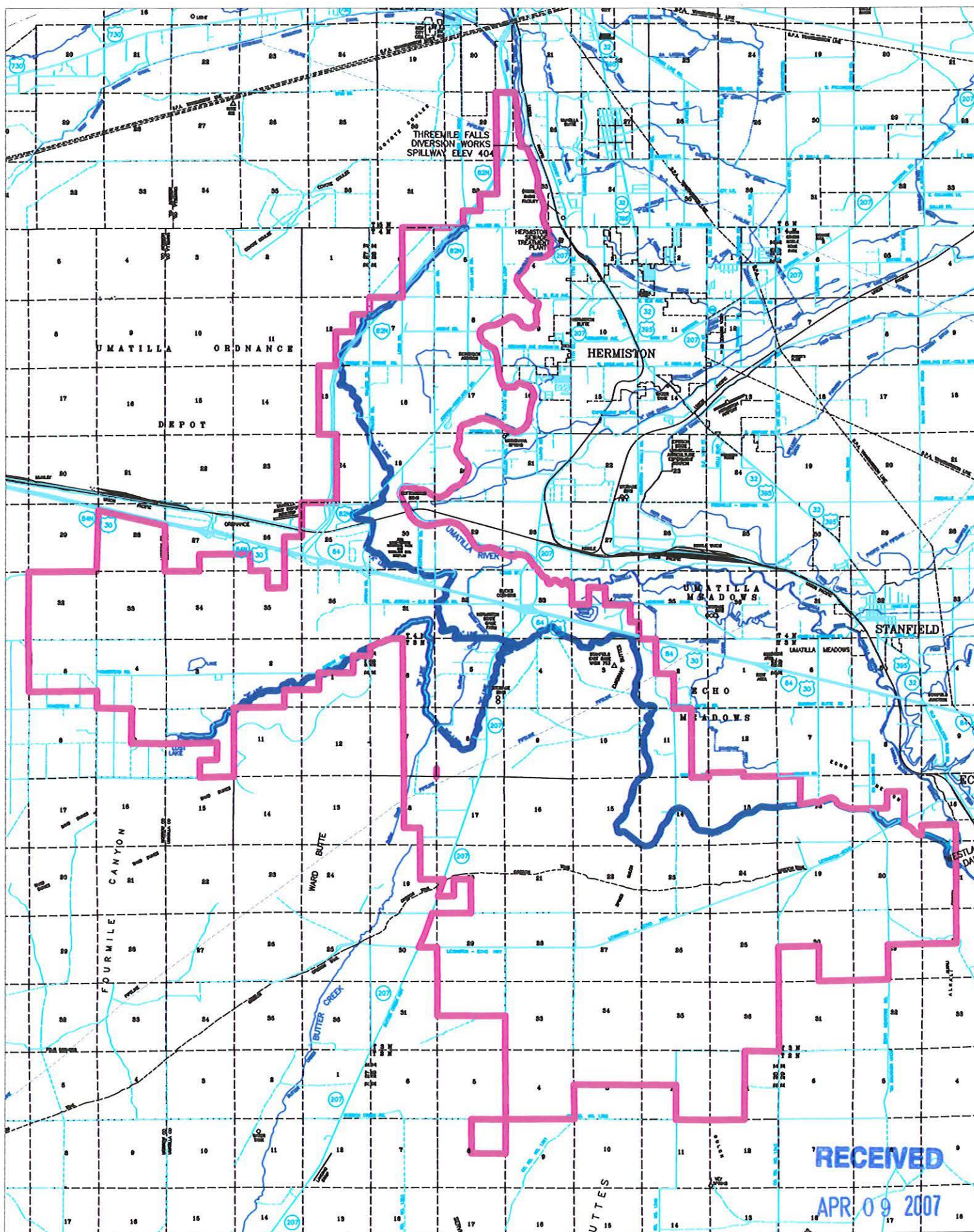


SCALE IN FEET

0364

NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Westland Irrigation District Boundary



RECEIVED

APR 09 2007

WATER RESOURCES DEPT
SALEM, OREGON

I 10364

TOWNSHIP 4N RANGE 28E W. M. CARD #1 SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
29 ² 27 ²				33.38 32.97				32.59 32.20								96688	7400	79439
29 ² 24 ²								22 ² 31 ² 27 ² 30 ² 21 ² 23 ²								Decree U. 3 p. 248		76717
								492 ²⁸								Decree U. 3 p. 248		CANCELLED
								95 ³⁵								Decree U. 3 p. 249		CANCELLED
23 ²								35 ⁴ 9 ² 30 ² 22 ² 21 ²								Decree U. 3 p. 457		CANCELLED
23 ²								34 ⁴ 9 ² 30 ² 21 ² 21 ²								Sp. OR. U. 33 p. 403		CANCELLED
5 ² 6 ²								10 ² 12 ² 34 ² 3 ²								Decree U. 116 p. 457		CANCELLED
X	X	X	X	X	X	X	X									34593	27583	76799
																42142	31514	CANCELLED
11				21	24 ⁴	31 ⁴	34 ⁴									G-3495	G-3163	CANCELLED
15 ²								U. 39 p. 264								G-4234	G-3996	CANCELLED
23 ²								U. 39 p. 264								G-4234	G-3996	CANCELLED
X	X	X	X	X	X	X	X									52475	37455	CANCELLED
<								Ordinance Recharge								48966	41512	76669
																V. 63 p. 242		
																79843	527583	

SP 33621-690

TOWNSHIP 4N RANGE 28E W. M. CARD #2 SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
								OUT 22								T-3003	U. 24 p. 358	
								IN 22								T-3003	U. 24 p. 358	
								IN 12	IN 20.5	IN 10	5					Sp. OR. U. 34 p. 279		
																T-3184	U. 26 p. 494	
								OUT 12	OUT 20.5	OUT 10	8					T-4499	U. 33 p. 403	
																Decree U. 15 p. 441		
								4 ²								T-5381	U. 38 p. 2	
																T-5381	U. 38 p. 2	
6 ³																U. 35 p. 360		76770
34 ²																U. 39 p. 264	G-3996	52475
								U. 37 p. 614								T-5287	U. 15 p. 441	
								U. 37 p. 614								T-5287		
								MUNICIPAL								58245	49497	
1905 610																T-5224	U. 40 p. 24	
1907 610																U. 42 p. 357		
																T-6064	Decree 3 p. 247	
																Decree U. 3 p. 247		76715
																Decree U. 15 p. 437-441		

SP 33621-690

TOWNSHIP 4N RANGE 28 W. M. Card #3 SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
								OUT 10 ²								U. 57 p. 84	OUT 76717	
																T-9311	OUT 79439	
																2004	CH 76717	
																Prof. V. 1538	CH 76799	
																Prof. V. 1538	CH 79439-5	
																V. 56 p. 227	CH 76717	
																T-8992	W. 10 1907	
																V. 56 p. 227	CH 79493	
																T-8992	3-7400	
																V. 60 p. 357	CH 76799	
																T-9717	27583	
																V. 30 p. 362	Decree	
																T-9843	V. 3 p. 247	
																V. 63 p. 242		
																T-9843	57400	

NCR -
NO CONFLICTING
RIGHTS

TOWNSHIP 4N RANGE 28E W. M. CARD # 1 SECTION 33

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																96608	7400	79439
15° 39°				32° 36° 31° 19°				28° 10°										
Sp. OR. V. 25				32° 10° P. 203				25				30° 30°				Decree V. 3 p. 246		CANCELLED
				32° 32° 19° 76				25				5° 30° 14.36				Decree V. 3 p. 246		3111
								418° Acres								Decree V. 3 p. 247		CANCELLED
11.2				V. 39 p. 103												23642	18659	24196
26°																29716	23394	CANCELLED
15° 32°				32° 36° 31° 19°				28° 10°								Finding V. 15 p. 439		76715
								8°								Decree V. 16 p. 457		76799
																34593	27583	76799
																G-3782	G-3567	CANCELLED
																G-3782	G-3567	38389
																G-4404	G-4151	38860
																CANCELLED	G-3733	
																V. 31 P. 614		
																T-5287	V. 15 P. 439-441	
																WID HB3111	Dec. V. 3 P. 250	
																V. 55 P. 36	Cert 2670	76747

SP*35621-690

TOWNSHIP 4N RANGE 28E W. M. CARD # 2 SECTION 33

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																52475	37456	CANCELLED
								X X X X X X X X										
3°																53761	39381	
																G-6310	G-6790	51167
																G-6409	G-6730	49883
																T-4076	V. 31 P. 443	233
8°																G-9698	G-9009	57679
																T-4684	V. 3 P. 246	HB 3111
8°																G-8697	G-8218	52678
																58245	49497	
																T-5724	V. 40 P. 214	
																T-6335	G-7612	
																V. 44 P. 66	G-3816	
																T-6331	G-10054	
																V. 44 P. 68		
																T-6333	G-10054	
11.2																V. 39 P. 103		
																T-5585	18659	68762

SP*35621-690

TOWNSHIP 4N RANGE 28E W. M. Card # 3 SECTION 33

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																S-72401	53063	
																G-14668	G-13614	
																WID 3111	Dec V. 3 P. 250	
																V. 55 P. 36	Cert 2689	76751

NCR -
NO CONFLICT
w/ EXISTING
RIGHTS

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

WESTLAND IRRIGATION DISTRICT
P.O. BOX 416
STANFIELD, OREGON 97875

confirms the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION, AND STOCK WATER OF 2649.6 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Pages 246-247 and Volume 15, at Pages 437-439, and 441. The date of priority is MARCH 14, 1903.

The use is limited to 33.1 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

The point of diversion is located as follows:

NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST 1/4 CORNER OF SECTION 21, BEING WITHIN SW 1/4 NE 1/4 OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M. UMATILLA COUNTY.

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) from MARCH 1 to NOVEMBER 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year.

Description of the place of use to which this right is appurtenant:

TWN	RNG	SEC	QTQT	ACRES	TL	OWNER
3N	28	2	NWNW	11.0	700	ANDREWS, BARBARA
3N	28	2	SWNW	4.0	700	ANDREWS, BARBARA
3N	28	3	NWSW	2.1	800	BEEF CITY, INC.; MANN
3N	28	4	NENE	31.8	1000	BEEF CITY INC.
3N	28	4	NWNE	31.5	1000	BEEF CITY INC.
3N	28	4	SWNE	32.2	1700	BEEF CITY INC.
3N	28	4	SENE	34.5	1700	BEEF CITY INC.
3N	28	4	NENW	7.0	1702	BAR U INC.
3N	28	5	NENE	16.7	1900	HORN, HILMER
3N	28	5	NWNE	6.8	1900	HORN, HILMER
3N	28	5	NWNE	7.5	2000	OREGON HEREFORD RANCH
3N	28	5	SWNE	38.0	2100	OREGON HEREFORD RANCH
3N	28	5	SENE	5.1	2100	OREGON HEREFORD RANCH
3N	28	5	SWNW	5.5	2100	OREGON HEREFORD RANCH
3N	28	5	SENE	22.1	2100	OREGON HEREFORD RANCH

T-10084

T-9753

T-9115 APOU

T-9096 APOU V.56 p.697

T-9311 V.57 p.84

Temp T-8833 APOU sf. V.55 p.695

T-9653 APOU (Temp.) V.60 p.82

Page 1 of 6

76715

T-10107 T-10138 T-10364

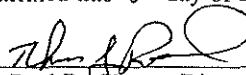
TWN	RNG	SEC	QTQT	ACRES	TL	OWNER
4N	28	32	NWSE	4.4	5392	WALKER, OLLIE; DERALD
4N	28	32	NWSE	15.5	5390	OREGON HEREFORD RANCH
4N	28	32	NWSE	11.1	5400	MUELLER, FRANK
4N	28	32	SWSE	20.0	5400	MUELLER, FRANK
4N	28	32	SWSE	2.5	5300	OREGON HEREFORD RANCH
4N	28	32	SESE	20.1	5300	OREGON HEREFORD RANCH
4N	28	33	NWNE	15.0	4900	MUELLER, FRANK
4N	28	33	SWNE	39.0	4990	MUELLER, FRANK
4N	28	33 B	NENW	9.0	103	WALKER, WESLEY & SHELLEY
4N	28	33 B	NENW	23.0	100	MUELLER, FRANK
4N	28	33 B	NWNW	16.1	200	MUELLER, FRANK
4N	28	33 B	NWNW	20.0	300	VILLALOBOS, BEN & R
4N	28	33 B	SWNW	4.3	400	HORN, DAMON & LONI
4N	28	33 B	SWNW	1.8	501	ROWE, GEORGE & RACHEL
4N	28	33 B	SWNW	0.5	800	HORN, DAMON & LONI
4N	28	33 B	SWNW	0.5	900	HORN, DAMON & LONI
4N	28	33 B	SWNW	1.6	1000	HORN, JOSEPHINE
4N	28	33 B	SWNW	1.9	1300	PARRISH, DON & JOSE
4N	28	33 B	SWNW	0.7	1400	HORN, JOSEPHINE
4N	28	33 B	SWNW	20.0	200	MUELLER, FRANK
4N	28	33 B	SENE	19.0	100	MUELLER, FRANK
4N	28	33 C	NWSW	28.0	400	OREGON HEREFORD RANCH
4N	28	33 C	SWSW	10.6	400	OREGON HEREFORD RANCH
4N	28	34	NESW	2.8	4200	DOUBLE M RANCH, INC.
4N	28	34	NWSE	13.4	4200	DOUBLE M RANCH, INC.
5N	28	32	NWSE	4.8	6300	NEWMAN, MARY

Total 2649.6 Acres

This certificate confirms an order of the Director entered on February 4, 2001, and recorded in Special Order Volume 55, Page 36, approving a petition by Westland Irrigation District under ORS 541.329 for mapping water rights within a district. This certificate, together with Certificates 76716, 76717 and 76718, supersedes the decree recorded at Volume 3 Page 246-247, in the name of Western Land and Irrigation Company; and Volume 15, at Pages 437-439, in the name of Westland Irrigation District; and volume 15, Page 441, in the name of Lester Murray.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Oregon Water Resources Director,
affixed this 26th day of February, 2001.


For Paul R. O'Leary, Director

Recorded in State Record of Water Right Certificates numbered 76715 .

463 p. 212

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

confirms the right to use the waters of the McKAY RESERVOIR, constructed under reservoir Permit R-564, a tributary of the McKAY CREEK, for SUPPLEMENTAL IRRIGATION OF 12,832.6 acres of land within the Westland Irrigation District.

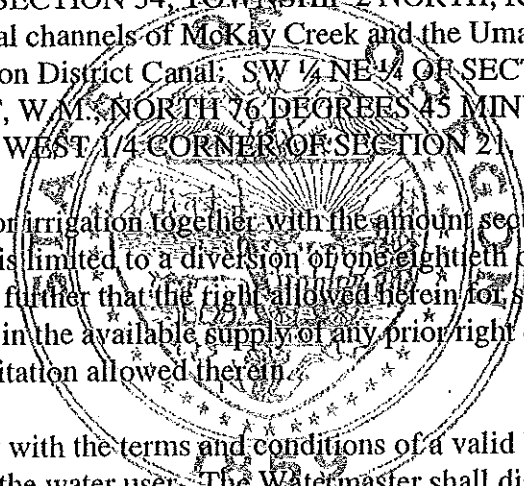
This right was perfected under Permit 7400. The date of priority is JULY 1, 1924. This right, together with rights issued for lands within Stanfield Irrigation District and all private contracts with the U.S.B.R. for water stored in McKay Reservoir, is limited to 73,250 ACRE FEET of stored water, measured at the point of diversion from the source.

The point of diversion is located as follows:

McKay Dam - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.;
Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal: SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 21

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.

The water user shall comply with the terms and conditions of a valid Water Contract between the Bureau of Reclamation and the water user. The Watermaster shall distribute water to the designated points of diversion according to ORS 540.410 and valid water service contracts as may be amended from time to time.



~~APOU (Temp.)~~
The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. ~~V. 60 p. 704 APOU (Temp.)~~

~~T-9653~~ ~~T-9686~~ ~~T-9727~~ ~~APOU (Temp.)~~ ~~V. 60 p. 727~~
A description of the place of use to which this right is appurtenant is as follows:

~~T-9394 APOU (Dist temp.)~~ ~~V. 57 p. 648~~ ~~T-9362 APOU/APOU (Dist temp.)~~ ~~V. 57 p. 648~~

~~T-9198 APOU~~ ~~V. 56 p. 936~~ ~~T-9634 APOU (Temp.)~~ ~~V. 61 p. 67~~

~~T-9311 APOU~~ ~~V. 57 p. 84~~

~~T-9116 APOU/APOU~~

Page 1 of 9

SEE
RECORD
PAGE
79439

SW ¼ SW ¼ 7.0
SECTION 16 7.0

SE ¼ SE ¼ 0.5
SECTION 17 0.5

SW ¼ NE ¼ 24.4
SE ¼ NE ¼ 11.4
SE ¼ NW ¼ 5.2
NE ¼ SW ¼ 25.2
SW ¼ SW ¼ 11.5
SE ¼ SW ¼ 25.9
NE ¼ SE ¼ 38.1
NW ¼ SE ¼ 40.0
SW ¼ SE ¼ 37.7
SE ¼ SE ¼ 26.8
SECTION 19 246.2

NE ¼ NE ¼ 28.3
NW ¼ NE ¼ 11.1
SW ¼ NE ¼ 32.4
SE ¼ NE ¼ 40.0
NE ¼ SE ¼ 40.0
NW ¼ SE ¼ 38.1
SW ¼ SE ¼ 25.9
SE ¼ SE ¼ 37.6
SECTION 20 253.4

NE ¼ NW ¼ 13.1
NW ¼ NW ¼ 40.0
SW ¼ NW ¼ 39.8
SE ¼ NW ¼ 10.2
NE ¼ SW ¼ 12.0

NW ¼ SW ¼ 39.3
SW ¼ SW ¼ 38.8
SE ¼ SW ¼ 6.4
SECTION 21 199.6

NE ¼ NW ¼ 2.9
NW ¼ NW ¼ 22.2
SECTION 28 25.1

NE ¼ NE ¼ 2.4
NE ¼ NW ¼ 29.0
NW ¼ NW ¼ 28.5
SW ¼ NW ¼ 33.8
SE ¼ NW ¼ 35.6
NE ¼ SW ¼ 31.2
NW ¼ SW ¼ 31.3
SW ¼ SW ¼ 30.9
SE ¼ SW ¼ 32.7
SECTION 29 255.4

NE ¼ NE ¼ 28.9
NW ¼ NE ¼ 35.5
SW ¼ NE ¼ 36.2
SE ¼ NE ¼ 34.7
NE ¼ NW ¼ 38.0
NW ¼ NW ¼ 57.3
SW ¼ NW ¼ 50.1
SE ¼ NW ¼ 29.6
SECTION 30 310.3

Township 3 North, Range 29
East, W.M.

This certificate also confirms an order of the Director approving a change in place of use recorded in Special Order Volume 51, Page 348, approving Transfer T - 7668.

This certificate also includes 103.9 acres of rights perfected by Westland Irrigation District and applied for transfer under T-8320.

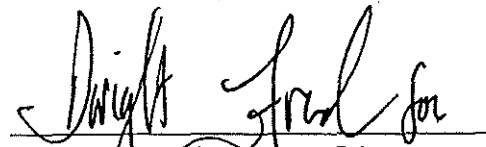
NW ¼ SW ¼ 4.2
SW ¼ SW ¼ 24.0
SECTION 16 28.2

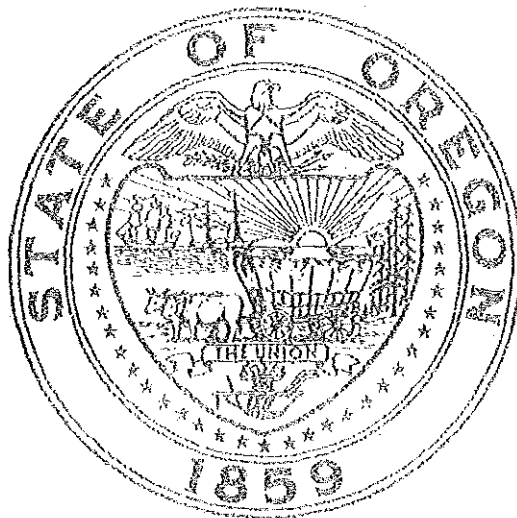
SW ¼ NW ¼ 33.0
SE ¼ NW ¼ 20.0
NW ¼ SW ¼ 22.7
SECTION 17 75.7
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights.

WITNESS the signature of the Water Resources Director,

affixed April 10, 2002.


Paul R. Cleary, Director



Recorded in State Record of Water Right Certificates numbered 79439.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

June 1, 2007

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON OR 97838

Reference: District Transfer Temporary T- 10364

Enclosed is a copy of the order approving your District Temporary transfer.

Sincerely,



for Greg Nelson
District Transfer Specialist

GLN:sh

cc: Watermaster #5

Enclosure

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

In the Matter of Transfer Application) **F I N A L O R D E R**
T-10364, Umatilla County) APPROVING A DISTRICT
) TEMPORARY TRANSFER

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
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On April 9, 2007, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76715 and 79439. The Department assigned the application number T-10364.
2. Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
 Certificate: 76715, issued in the name of Westland Irrigation District
 Use: Irrigation (IR) of 9.0 acres
 Priority Date: March 14, 1903
 Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from MARCH 1 to NOVEMBER 1, and subject to the limitations of Paragraph 32 of the Umatilla River decree for each acre irrigated during the irrigation season of each year.
 Source: Umatilla River, a tributary of the Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
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

This is a final order in other than 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 either 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.

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

Use: Supplemental Irrigation (IS) of 9.0 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
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	TL	CERTIFICATE (ACRES)		USER
						76717 (IR)	79439 (IS)	
4 N	28 E	WM	33	NE NW	103	9.0	9.0	WALKER

Application T-10364 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
						76717 (IR)	79439 (IS)	
4 N	28 E	WM	31	SE NW	400	9.0	9.0	BURTON

10. 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.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed changes in place of use would not result in enlargement of the rights.
13. The proposed changes in place of use would not result in injury to other rights.

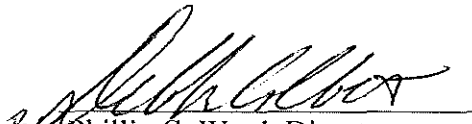
Conclusions of Law

1. The proposed change in place of use in Transfer Application T-10364 satisfies the requirements of ORS 540.574(3) and 540.570.

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

1. The proposed changes to the water rights evidenced by Certificates 76715 and 79439 are approved.
2. The temporary transfer is effective for the 2007 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 and 79439 and any related decree.
4. The use of water on 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.
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.
7. At the end of the 2007 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 31st day of May, 2007.


Phillip C. Ward, Director

Mailing Date: JUN 04 2007



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10364

Review Due Date: _____

Applicant Name: Westland Irrigation District - Walker to Barton

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Molly Reid, Assistant Watermaster

Date of Review: Apr. 24, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☒ Yes ☐ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: Aerial photos of "from" acres suggest no use; however there is insufficient evidence to prove lands have gone 5 years of non-use.
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Umatilla River Water to lower river users, HID - Maxwell Canal, and WEID, regulated annually - regulated in mid to late summer when water is insufficient to meet all water rights.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☒ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: The "from" lands are close to the river. If there are return flows the Maxwell and WEID rights could be impacted, as well as upstream users. However, the duty on the "from" lands is 3 acre feet per acre and it is unlikely there are return flows.
4. Are there upstream water rights that would be affected by the proposed change?
☒ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected: See answer to question #3. Potentially Simplot's water rights, and Double M Ranch water rights. If Maxwell puts a call for water, then WEID could make the 1909 call sooner and last longer if water is insufficient to meet their needs.
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____

8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No
If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If
"Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input checked="" type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

TRANSFER CHECK OFF LIST

TRANSFER FILE #
DATE RECEIVED
DATE MONEY SLIPPED
DATE RECEIPTED
VALID WATER RIGHT?
TEMP ALT AC
TEMP Div 15

10364
4-9-07
"
"
X Yes No
IRR DIST
ISWR

PERM AMEND
DIV 15

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) NO

FOLDER FILLED OUT* yes

ENTERED IN DB yes

CONTENTS MARKED
COLOR CODED
4 COPIES MADE & STAMPED

yes
X Yes
yes

yes
yes
yes
yes
no

CERTIFICATE MARKED
CERTIFICATE COPIED
PULL APPLICATIONS
APP FOLDER MARKED
FINAL PROOF MAP COPIED
PERMIT MARKED
PERMIT COPIED
PERMIT MAP COPIED
DECREE MARKED
DECREE COPIED
ADJUDICATION MAP COPIED

ENTRIES CHECKED
PUBLIC NOTICE DATE
LETTER SENT
COPY TO WM
BLUE FORM TO WM
COPY TO GW
BLUE FORM TO GW
COPY TO CWRE
LETTER TO ODFW
ANSWER SENT TO:

4-17-07
yes
yes
yes
yes
no
no
no
yes
Ken

CHECKED BY
(PREPARED & COPIED)
Irrigation District
Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
POA, APOA, or [SW TO GW ONLY(as POD)]
Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
ALL Surface water POU/USE (POD and APOD FISH SCREENS)
SW --- NCB --- SCR --- ER

INIT FOLDER
yes
yes (copy of app & map)

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

TRANCHK10/25