



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

**OAR Chapter 690, Division 385**  
**2009 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.

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**TABLE 1. -- AUTHORIZED PLACE OF USE**

WATER RIGHT Cert/Decree	WATER RIGHT Cert/Perm SUPP	Primary PRIORITY DATE	USE	POD #	LEGAL DESCRIPTION						ACRES	USER NAME	
					TWP	RNG	SEC	QQ	DLC	GOV'T LOT			TAX LOT
76715		03/14/1903	IR	1	4N	28E	28	SW SW			4300	11.95	Frank Mueller
76715		03/14/1903	IR	1	4N	28E	29	SE SE			4300	4.25	Frank Mueller
											Total	16.2	
	79439	07/01/1924	IS	2	4N	28E	28	SW SW			4300	11.95	Frank Mueller
	79439	07/01/1924	IS	2	4N	28E	29	SE SE			4300	4.25	Frank Mueller
											Total	16.2	

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- 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. Existing primary certificate 79893 on to ground to become supplemental to incoming primary certificate 76715 for the 2009 irrigation season.
- IX. **THIS TRANSFER IS IDENTICAL TO 2008 TEMPORARY TRANSFER T-10577**
- X. Enclosed is the application fee in the amount of: \$254.05.

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

3/25/09  
 Date

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

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AFFIDAVIT OF NON-USE DURING TEMPORARY TRANSFER

I, Frank Mueller, residing at, 29752 Stanfield Meadows Road, Hermiston, OR 97838, being first duly sworn depose and say:

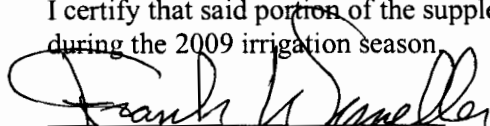
1. I am the legal owner of the property described as tax lot number 4300 within the SW1/4 SW1/4 of section 28 and the SE1/4 SE1/4 of section 29, Section 32, Township 4 North, Range 28 East, of the Willamette Meridian, in Umatilla County, Oregon, as shown on the attached map and legal description and made part of this affidavit;
2. A portion of water right certificates 76749 & 38388 issued to Frank Mueller, for supplemental irrigation are appurtenant to my property;
3. The portion of water right certificates 76749 & 38388 that are covered by primary District rights that will be temporarily transferred for the 2009 season, is shown on the transfer map and described as follows:

Cert. 76749	lot 4300	SW1/4 SW1/4	11.95 acres
Cert. 38388	lot 4300	SW1/4 SW1/4	1.50 acres
Section 28			
Cert. 76749	lot 4300	SE1/4 SE1/4	0.50 acres
Cert. 38388	lot 4300	SE1/4 SE1/4	4.25 acres

Section 29

Township 4 North, Range 28 East, of the Willamette Meridian; and

4. I certify that said portion of the supplemental rights described above will not be used during the 2009 irrigation season.

  
 Signature of legal owner

April 1-09  
 Date

State of Oregon  
 County of Umatilla

Signed and sworn (or affirmed) before me this 1<sup>st</sup> day of April, 2009,  
 by Frank Mueller.

Stacey J Wells  
 Notary Public for Oregon

My Commission Expires 2/20/2013

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