

Name TEEL IRRIGATION DISTRICT
 By _____
 Address 97 E. State St.
Portland, Oregon
Star Route, Echo, Or. 97826

Application No. 29929
 Permit No. 25930
 Certificate No. 75119 76050

FEES PAID		
Date	Amount	Receipt No.
<u>4-22-55</u>	<u>25.10</u>	<u>268</u>
<u>1-29-57</u>	<u>15.55</u>	<u>2731</u>
	B. P. Fee	
	\$1 Cert. Fee	

Date filed April 22, 1955
 Priority April 22, 1955 3/28/94 LHN
 Action suspended until _____
 returned to applicant _____
 Date of approval May 29, 1959

Stream Index, Page No. _____
MAP FILE E-21-14

FEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CONSTRUCTION
 Date for beginning May 29, 1960 10-1-50
 Date for completion October 1, 1960 10-1-70 10-1-75
 Extended to 10-1-65 10-1-70 10-1-75 10-1-80
10-1-85 12-31-88 10-1-89
 Date for application of water October 1, 1961
 Extended to 10-1-65 10-1-70 10-1-75 10-1-80
10-1-85 12-31-88 10-1-89

REMARKS
60.0 c.f.s. from Umatilla River & McKay Res. constructed under Permit No. E-584 for
irrigation and supplemental irrigation of 4,682.1 acres
JUN 3 1960 CARD FOR A T-10251
OCT 14 1960 CARD FOR B
NOV 7 1961 CARD FOR C
JAN 5 1962 CARD FOR D
NOV 9 1970 CARD FOR B-C
CARD FOR BC JAN 5 1969
T-7902 APPROV Approved 2/26/98
T-7917 approved 3-18-98
T-81470 POW, T-12040 & POW v. 96 p. 477-494
T-33910 POW V54 P 124
T-8416.1 995
T-9362 & POW v. 90A V57 p 1648
T-10157

PROSECUTION OF WORK
 Form "A" filed 29 Sep 80
 Form "B" filed _____
 Form "C" filed _____
FINAL PROOF
 Plank mailed JAN 15 1993 Feb 3, 1997
 Proof received _____
 Date certificate issued 9-2-97



Oregon

Kate Brown, Governor

S-29929

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

May 26, 2016

WESTLAND IRRIGATION DISTRICT
EAGLE RANCH C/O ART PRIOR
PO BOX 944 HERMISTON, OR 97838

REFERENCE: Temporary Transfer Application T-12322

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2016 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@wrd.state.or.us.

Sincerely,

Marissa Andrews

Water Rights Services Support

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
William I. Porfily, Agent
BOR - BOISE

Enclosure



Authorized Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	NE SW	45	7402	31.1	WID
3 N	28 E	WM	25	NW SW	45	7402	28.9	WID
3 N	28 E	WM	25	SW SW	45	7402	32.6	WID
3 N	28 E	WM	25	SE SW	45	7402	31.6	WID
3 N	28 E	WM	25	NE SE	46	7402	30.0	WID
3 N	28 E	WM	25	NW SE	46	7402	29.2	WID
3 N	28 E	WM	25	SW SE	46	7402	32.4	WID
3 N	28 E	WM	25	SE SE	46	7402	32.8	WID
Total:							248.6	

4. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	16	NE SW	E13	3101	29.6	WID
3 N	28 E	WM	16	NW SW	E13	3101	32.2	WID
3 N	28 E	WM	16	SW SW	E13	3101	34.0	WID
3 N	28 E	WM	16	SE SW	E13	3100	29.0	WID
3 N	28 E	WM	21	NE NE	E20	6800	30.6	WID
3 N	28 E	WM	21	NW NE	E20	6800	30.3	WID
3 N	28 E	WM	21	SW NE	E20	6900	31.9	WID
3 N	28 E	WM	21	SE NE	E20	6800	31.0	WID
Total:							248.6	

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

Certificate: 81815, issued in the name of Chester Prior, Eagle Ranch (perfected under Permit S-48450)

Use: Supplemental Irrigation of 914.0 acres

Priority Date: August 3, 1981

Rate & 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 (or its equivalent) and 1.5 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 be for supplemental irrigation, the right allowed may, in the interest of conserving the 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. The use of water during the period from November 15 to the last day of February of each year shall not establish priority of right as against future appropriations for beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

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:

SUPPLEMENTAL IRRIGATION								
Twps	Rng	Mer	Sec	Q-Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	NE SW	45	7402	31.1	WID
3 N	28 E	WM	25	NW SW	45	7402	28.9	WID
3 N	28 E	WM	25	SW SW	45	7402	32.6	WID
3 N	28 E	WM	25	SE SW	45	7402	31.6	WID
3 N	28 E	WM	25	NE SE	46	7402	30.0	WID
3 N	28 E	WM	25	NW SE	46	7402	29.2	WID
3 N	28 E	WM	25	SW SE	46	7402	32.4	WID
3 N	28 E	WM	25	SE SE	46	7402	32.8	WID
3 N	28 E	WM	35	NE NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	-	7400	9.0	WID
3 N	28 E	WM	35	SW NE	49	7400	36.4	WID
3 N	28 E	WM	35	SE NE	49	7400	34.4	WID
3 N	28 E	WM	35	SE NW	-	7400	5.3	WID
3 N	28 E	WM	35	NE SW	-	7400	6.8	WID
3 N	28 E	WM	35	NE SE	53	7400	29.0	WID
3 N	28 E	WM	35	NW SE	53	7400	37.6	WID
3 N	28 E	WM	35	SW SE	53	7400	33.8	WID
3 N	28 E	WM	35	SE SE	53	7400	14.2	WID
3 N	28 E	WM	36	NE NE	51	7402	30.3	WID
3 N	28 E	WM	36	NW NE	51	7402	39.3	WID
3 N	28 E	WM	36	SW NE	51	7402	31.8	WID
3 N	28 E	WM	36	SE NE	51	7402	31.2	WID
3 N	28 E	WM	36	NE NW	50	7402	40.0	WID
3 N	28 E	WM	36	NW NW	50	7402	29.2	WID
3 N	28 E	WM	36	SW NW	50	7402	31.6	WID
3 N	28 E	WM	36	SE NW	50	7402	31.5	WID
3 N	28 E	WM	36	NE SE	55	7402	30.6	WID
3 N	28 E	WM	36	NW SE	55	7402	31.4	WID
3 N	28 E	WM	36	SW SE	55	9300	30.4	WID
3 N	28 E	WM	36	SE SE	55	9300	29.4	WID
3 N	28 E	WM	36	NE NE	59	300	2.2	WID
3 N	28 E	WM	36	SW SE	-	7400	9.0	WID
Total:							914.0	

6. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
2N	28 E	WM	2	NE NE	59	300	0.10	WID
2 N	28 E	WM	2	NW NE	59	300	2.10	WID
3 N	28 E	WM	9	NE NE	E2	2900	31.00	WID
3 N	28 E	WM	9	NW NE	E2	2900	34.10	WID
3 N	28 E	WM	9	SW NE	E2	3000	35.20	WID
3 N	28 E	WM	9	SE NE	E2	2900	29.50	WID
3 N	28 E	WM	9	NE SW	E4	3000	28.00	WID
3 N	28 E	WM	9	NW SW	E4	2900	29.80	WID
3 N	28 E	WM	9	SW SW	E4	3100	35.90	WID
3 N	28 E	WM	9	SE SW	E4	3100	31.60	WID
3 N	28 E	WM	9	NE SE	E5	2900	12.70	WID
3 N	28 E	WM	9	NW SE	E5	3000	33.40	WID
3 N	28 E	WM	9	SW SE	E5	2900	35.30	WID
3 N	28 E	WM	9	SE SE	E5	2900	30.60	WID
3 N	28 E	WM	10	NE NW	E3	2900	28.30	WID
3 N	28 E	WM	10	NW NW	E3	2900	33.90	WID
3 N	28 E	WM	10	SW NW	E3	2900	34.40	WID
3 N	28 E	WM	10	SE NW	E3	2900	28.80	WID
3 N	28 E	WM	16	NE SW	E13	3101	29.60	WID
3 N	28 E	WM	16	NW SW	E13	3101	32.20	WID
3 N	28 E	WM	16	SW SW	E13	3101	34.00	WID
3 N	28 E	WM	16	SE SW	E13	3100	29.00	WID
3 N	28 E	WM	16	SW NE	E9	2903	9.00	WID
3 N	28 E	WM	17	SW NE	E12	1300	7.10	WID
3 N	28 E	WM	17	SE NE	E12	100	2.60	WID
3 N	28 E	WM	17	NE SW	E12	1200	10.10	WID
3 N	28 E	WM	17	SE SW	E12	1200	5.80	WID
3 N	28 E	WM	17	NE SE	E12	1300	34.6	WID
3 N	28 E	WM	17	NW SE	E12	1300	40.90	WID
3 N	28 E	WM	17	SW SE	E12	1300	35.90	WID
3 N	28 E	WM	17	SE SE	E12	1300	24.70	WID
3 N	28 E	WM	21	NE NE	E20	6800	30.60	WID
3 N	28 E	WM	21	NW NE	E20	6800	30.30	WID
3 N	28 E	WM	21	SW NE	E20	6900	31.90	WID
3 N	28 E	WM	21	SE NE	E20	6800	31.00	WID
Total:							914.0	

7. The portion of the next water right to be transferred are as follows:

Certificate: 80652, issued in the name of Chester and Rosalie Prior (Perfected under Permit G-5275)

Use: Supplemental Irrigation of 944.8 acres

Priority Date: March 26, 1974

Rate & 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-EIGHTH 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 3.0 acre-feet per acre 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. The right confirmed herein shall not authorize appropriation from the aquifer supplying these wells within the Butter Creek Water area as finally determined. A totalizing meter shall be maintained on each well prior to making the appropriation.

Source: Wells No. 2, 3, 5, and 6 within the Umatilla River Basin

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	36	NW NE	WELL #2- 750 FEET SOUTH AND 2620 FEET WEST FROM THE NE CORNER OF SECTION 36
3 N	28 E	WM	36	NW SE	WELL #3- 1780 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 36
3 N	28 E	WM	35	NW NE	WELL #5- 770 FEET SOUTH AND 2640 FEET EAST FROM THE NW CORNER OF SECTION 35
3 N	28 E	WM	35	NW SW	WELL #6- 1940 FEET NORTH AND 2540 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	NE SW	45	7402	31.1	WID
3 N	28 E	WM	25	NW SW	45	7402	28.9	WID
3 N	28 E	WM	25	SW SW	45	7402	32.6	WID
3 N	28 E	WM	25	SE SW	45	7402	31.6	WID
3 N	28 E	WM	25	NE SE	46	7402	30.0	WID
3 N	28 E	WM	25	NW SE	46	7402	29.2	WID
3 N	28 E	WM	25	SW SE	46	7402	32.4	WID
3 N	28 E	WM	25	SE SE	46	7402	32.8	WID
3 N	28 E	WM	35	NE NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	--	7400	9.0	WID
3 N	28 E	WM	35	SW NE	49	7400	36.4	WID
3 N	28 E	WM	35	SE NE	49	7400	34.4	WID
3 N	28 E	WM	35	SE NW	--	7400	5.3	WID
3 N	28 E	WM	35	NE SW	--	7400	6.8	WID
3 N	28 E	WM	35	NE SE	53	7400	29.0	WID
3 N	28 E	WM	35	NW SE	53	7400	37.6	WID
3 N	28 E	WM	35	SW SE	53	7400	33.8	WID
3 N	28 E	WM	35	SE SE	53	7400	14.2	WID
3 N	28 E	WM	36	NE NE	51	7402	30.3	WID

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	36	NW NE	51	7402	39.3	WID
3 N	28 E	WM	36	SW NE	51	7402	31.8	WID
3 N	28 E	WM	36	SE NE	51	7402	31.2	WID
3 N	28 E	WM	36	NE NW	50	7402	40.0	WID
3 N	28 E	WM	36	NW NW	50	7402	29.2	WID
3 N	28 E	WM	36	SW NW	50	7402	31.6	WID
3 N	28 E	WM	36	SE NW	50	7402	31.5	WID
3 N	28 E	WM	36	NE SE	55	7402	30.6	WID
3 N	28 E	WM	36	NW SE	55	7402	31.4	WID
3 N	28 E	WM	36	SW SE	55	9300	30.4	WID
3 N	28 E	WM	36	SE SE	55	9300	29.4	WID
3 N	28 E	WM	25	SE SW	--	7402	8.9	WID
3 N	28 E	WM	25	SW SE	--	7402	8.1	WID
3 N	28 E	WM	36	SW NE	--	7402	6.20	WID
3 N	28 E	WM	36	SE NW	--	7402	6.50	WID
3 N	28 E	WM	36	NE SW	--	7402	6.90	WID
3 N	28 E	WM	36	NW SE	--	7402	5.40	WID
Total:							944.8	

8. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	16	NE SW	E13	3101	29.6	WID
3 N	28 E	WM	16	NW SW	E13	3101	32.2	WID
3 N	28 E	WM	16	SW SW	E13	3101	34.0	WID
3 N	28 E	WM	16	SE SW	E13	3101	29.0	WID
3 N	28 E	WM	21	NE NE	E20	6800	30.6	WID
3 N	28 E	WM	21	NW NE	E20	6800	30.3	WID
3 N	28 E	WM	21	SW NE	E20	6800	31.9	WID
3 N	28 E	WM	21	SE NE	E20	6900	31.0	WID
3 N	28 E	WM	9	NE NE	E2	2900	31.0	WID
3 N	28 E	WM	9	NW NE	E2	2900	34.1	WID
3 N	28 E	WM	9	SW NE	E2	3000	35.2	WID
3 N	28 E	WM	9	SE NE	E2	2900	29.5	WID
3 N	28 E	WM	9	NE SW	E4	3000	28.0	WID
3 N	28 E	WM	9	NW SW	E4	2900	29.8	WID
3 N	28 E	WM	9	SW SW	E4	3100	35.9	WID
3 N	28 E	WM	9	SE SW	E4	3100	31.6	WID
3 N	28 E	WM	9	NE SE	E5	2900	12.7	WID
3 N	28 E	WM	9	NW SE	E5	3000	33.4	WID
3 N	28 E	WM	9	SW SE	E5	2900	35.3	WID
3 N	28 E	WM	9	SE SE	E5	2900	30.6	WID
3 N	28 E	WM	10	NENW	E3	2900	28.3	WID
3 N	28 E	WM	10	NW NW	E3	2900	33.9	WID

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	10	SW NW	E3	2900	34.4	WID
3 N	28 E	WM	10	SE NW	E3	2900	28.8	WID
3 N	28 E	WM	17	SW NE	E12	1300	7.1	WID
3 N	28 E	WM	17	SE NE	E12	100	2.6	WID
3 N	28 E	WM	17	NE SW	E12	1200	10.1	WID
3 N	28 E	WM	17	SE SW	E12	1200	5.8	WID
3 N	28 E	WM	17	NE SE	E12	1300	34.6	WID
3 N	28 E	WM	17	NW SE	E12	1300	40.9	WID
3 N	28 E	WM	17	SW SE	E12	1300	35.9	WID
3 N	28 E	WM	17	SE SE	E12	1300	24.7	WID
3 N	28 E	WM	16	NW NE	E9	2903	17.0	WID
3 N	28 E	WM	16	NW NE	E9	2903	4.9	WID
3 N	28 E	WM	16	SW NE	E9	2903	20.1	WID
Total:							944.8	

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

Certificate: 76050, issued in the name of Teel Irrigation District (perfected under Permit 25924)

Use: Irrigation of 1675.6 acres

Priority Date: April 22, 1955

Rate & 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

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								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	16	NE SW	E13	3101	29.6	WID
3 N	28 E	WM	16	NW SW	E13	3101	32.2	WID
3 N	28 E	WM	16	SW SW	E13	3101	34.0	WID
3 N	28 E	WM	16	SE SW	E13	3100	29.0	WID
3 N	28 E	WM	21	NE NE	E20	6800	30.6	WID
3 N	28 E	WM	21	NW NE	E20	6800	30.3	WID
3 N	28 E	WM	21	SW NE	E20	6900	31.9	WID
3 N	28 E	WM	21	SE NE	E20	6800	31.0	WID
3 N	28 E	WM	35	NE NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	--	7400	9.0	WID

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	35	SW NE	49	7400	36.4	WID
3 N	28 E	WM	35	SE NE	49	7400	34.4	WID
3 N	28 E	WM	35	SE NW	--	7400	5.3	WID
3 N	28 E	WM	35	NE SW	--	7400	6.8	WID
3 N	28 E	WM	35	NE SE	53	7400	29.0	WID
3 N	28 E	WM	35	NW SE	53	7400	37.6	WID
3 N	28 E	WM	35	SW SE	53	7400	33.8	WID
3 N	28 E	WM	35	SE SE	53	7400	14.2	WID
3 N	28 E	WM	36	NE NE	51	7402	30.3	WID
3 N	28 E	WM	36	NW NE	51	7402	39.3	WID
3 N	28 E	WM	36	SW NE	51	7402	31.8	WID
3 N	28 E	WM	36	SE NE	51	7402	31.2	WID
3 N	28 E	WM	36	NE NW	50	7402	40.0	WID
3 N	28 E	WM	36	NW NW	50	7402	29.2	WID
3 N	28 E	WM	36	SW NW	50	7402	31.6	WID
3 N	28 E	WM	36	SE NW	50	7402	31.5	WID
3 N	28 E	WM	36	NE SE	55	7402	30.6	WID
3 N	28 E	WM	36	NW SE	55	7402	31.4	WID
3 N	28 E	WM	36	SW SE	55	9300	30.4	WID
3 N	28 E	WM	36	SE SE	55	9300	29.4	WID
3 N	28 E	WM	9	NE NE	E2	2900	31.0	WID
3 N	28 E	WM	9	NW NE	E2	2900	34.1	WID
3 N	28 E	WM	9	SW NE	E2	3000	35.2	WID
3 N	28 E	WM	9	SE NE	E2	2900	29.5	WID
3 N	28 E	WM	9	NE SW	E4	3000	28.0	WID
3 N	28 E	WM	9	NW SW	E4	2900	29.8	WID
3 N	28 E	WM	9	SW SW	E4	3100	35.9	WID
3 N	28 E	WM	9	SE SW	E4	3100	31.6	WID
3 N	28 E	WM	9	NE SE	E5	2900	12.7	WID
3 N	28 E	WM	9	NW SE	E5	3000	33.4	WID
3 N	28 E	WM	9	SW SE	E5	2900	35.3	WID
3 N	28 E	WM	9	SE SE	E5	2900	30.6	WID
3 N	28 E	WM	10	NE NW	E3	2900	28.3	WID
3 N	28 E	WM	10	NW NW	E3	2900	33.9	WID
3 N	28 E	WM	10	SW NW	E3	2900	34.4	WID
3 N	28 E	WM	10	SE NW	E3	2900	28.8	WID
3 N	28 E	WM	17	SW NE	E12	1300	7.1	WID
3 N	28 E	WM	17	SE NE	E12	100	2.6	WID
3 N	28 E	WM	17	NE SW	E12	1200	10.1	WID
3 N	28 E	WM	17	SE SW	E12	1200	5.8	WID
3 N	28 E	WM	17	NE SE	E12	1300	34.6	WID
3 N	28 E	WM	17	NW SE	E12	1300	40.9	WID
3 N	28 E	WM	17	SW SE	E12	1300	35.9	WID
3 N	28 E	WM	17	SE SE	E12	1300	24.7	WID
3 N	28 E	WM	16	NE NE	E9	2903	16.4	WID
3 N	28 E	WM	16	NE NE	E9	2903	14.6	WID
3 N	28 E	WM	16	NW NE	E9	2903	8.4	WID

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	SE SW	--	7402	8.9	WID
3 N	28 E	WM	25	SW SE	--	7402	8.1	WID
3 N	28 E	WM	16	NW NE	E9	2903	17.0	WID
3 N	28 E	WM	16	NW NE	E9	2903	4.9	WID
3 N	28 E	WM	16	SW NE	E9	2903	20.1	WID
2 N	28 E	WM	2	NE NE	59	300	2.2	WID
3 N	28 E	WM	26	SW SE	--	7400	9.0	WID
3 N	28 E	WM	16	SW SE	E9	2903	9.0	WID
Total:							1675.6	

10. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	NE SW	45	7402	31.1	WID
3 N	28 E	WM	25	NW SW	45	7402	28.9	WID
3 N	28 E	WM	25	SW SW	45	7402	32.6	WID
3 N	28 E	WM	25	SE SW	45	7402	31.6	WID
3 N	28 E	WM	25	NE SE	46	7402	30.0	WID
3 N	28 E	WM	25	NW SE	46	7402	29.2	WID
3 N	28 E	WM	25	SW SE	46	7402	32.4	WID
3 N	28 E	WM	25	SE SE	46	7402	32.8	WID
3 N	28 E	WM	9	NE NE	E2	2900	31.0	WID
3 N	28 E	WM	9	NW NE	E2	2900	34.1	WID
3 N	28 E	WM	9	SW NE	E2	3000	35.2	WID
3 N	28 E	WM	9	SE NE	E2	2900	29.5	WID
3 N	28 E	WM	9	NE SW	E4	3000	28.0	WID
3 N	28 E	WM	9	NW SW	E4	2900	29.8	WID
3 N	28 E	WM	9	SW SW	E4	3100	35.9	WID
3 N	28 E	WM	9	SE SW	E4	3100	31.6	WID
3 N	28 E	WM	9	NE SE	E5	2900	12.7	WID
3 N	28 E	WM	9	NW SE	E5	3000	33.4	WID
3 N	28 E	WM	9	SW SE	E5	2900	35.3	WID
3 N	28 E	WM	9	SE SE	E5	2900	30.6	WID
3 N	28 E	WM	10	NE NW	E3	2900	28.3	WID
3 N	28 E	WM	10	NW NW	E3	2900	33.9	WID
3 N	28 E	WM	10	SW NW	E3	2900	34.4	WID
3 N	28 E	WM	10	SE NW	E3	2900	28.8	WID
3 N	28 E	WM	17	SW NE	E12	1300	7.1	WID
3 N	28 E	WM	17	SE NE	E12	100	2.6	WID
3 N	28 E	WM	17	NE SW	E12	1200	10.1	WID
3 N	28 E	WM	17	SE SW	E12	1200	5.8	WID
3 N	28 E	WM	17	NE SE	E12	1300	34.6	WID
3 N	28 E	WM	17	NW SE	E12	1300	40.9	WID
3 N	28 E	WM	17	SW SE	E12	1300	35.9	WID

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	17	SE SE	E12	1300	24.7	WID
3 N	28 E	WM	35	NE NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	--	7400	9.0	WID
3 N	28 E	WM	35	SW NE	49	7400	36.4	WID
3 N	28 E	WM	35	SE NE	49	7400	34.4	WID
3 N	28 E	WM	35	SE NW	--	7400	5.3	WID
3 N	28 E	WM	35	NE SW	--	7400	6.8	WID
3 N	28 E	WM	35	NE SE	53	7400	29.0	WID
3 N	28 E	WM	35	NW SE	53	7400	37.6	WID
3 N	28 E	WM	35	SW SE	53	7400	33.8	WID
3 N	28 E	WM	35	SE SE	53	7400	14.2	WID
3 N	28 E	WM	36	NE NE	51	7402	30.3	WID
3 N	28 E	WM	36	NW NE	51	7402	39.3	WID
3 N	28 E	WM	36	SW NE	51	7402	31.8	WID
3 N	28 E	WM	36	SE NE	51	7402	31.2	WID
3 N	28 E	WM	36	NE NW	50	7402	40.0	WID
3 N	28 E	WM	36	NW NW	50	7402	29.2	WID
3 N	28 E	WM	36	SW NW	50	7402	31.6	WID
3 N	28 E	WM	36	SE NW	50	7402	31.5	WID
3 N	28 E	WM	36	NE SE	55	7402	30.6	WID
3 N	28 E	WM	36	NW SE	55	7402	31.4	WID
3 N	28 E	WM	36	SW SE	55	9300	30.4	WID
3 N	28 E	WM	36	SE SE	55	9300	29.4	WID
3 N	27 E	WM	1	NW NE	--	1701	5.6	WID
3 N	27 E	WM	1	NE NW	--	1701	5.7	WID
4 N	27 E	WM	36	SE SW	--	1700	3.6	WID
4 N	27 E	WM	36	SE SE	--	1700	1.5	WID
3 N	28 E	WM	8	SW SE	--	2806	23.0	WID
3 N	28 E	WM	16	NW NE	E9	2903	17.0	WID
3 N	28 E	WM	25	SE SW	--	7402	8.9	WID
3 N	28 E	WM	25	SW SE	--	7402	8.1	WID
3 N	28 E	WM	36	SW NE	--	7402	6.2	WID
3 N	28 E	WM	36	SE NW	--	7402	6.5	WID
3 N	28 E	WM	36	NE SW	--	7402	6.9	WID
3 N	28 E	WM	36	NW SE	--	7402	5.4	WID
2 N	28 E	WM	2	NE NE	59	300	0.1	WID
2 N	28 E	WM	2	NW NE	59	300	2.1	WID
3 N	28 E	WM	16	SW NE	E9	2903	9.0	WID
3 N	28 E	WM	26	SW SE	--	7400	9.0	WID
Total:							1675.6	

11. The portion of the next water right to be transferred are as follows:

Certificate: 79439, issued in the name of U.S. Bureau of Reclamation
(Constructed R-564 and Perfected under Permit 7400)

Use: Supplemental Irrigation of 1130.9 acres

Priority Date: July 1, 1924

Rate & 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), 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

Authorized Point 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 IRRIGATION DISTRICT CANAL: NORTH 76 DEGREES 45 MINUTES AND 56 SECONDS EAST; 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	16	NE SW	E13	3101	29.6	WID
3 N	28 E	WM	16	NW SW	E13	3101	32.2	WID
3 N	28 E	WM	16	SW SW	E13	3101	34.0	WID
3 N	28 E	WM	16	SE SW	E13	3101	29.0	WID
3 N	28 E	WM	21	NE NE	E20	6800	30.6	WID
3 N	28 E	WM	21	NW NE	E20	6800	30.3	WID
3 N	28 E	WM	21	SW NE	E20	6900	31.9	WID
3 N	28 E	WM	21	SE NE	E20	6800	31.0	WID
3 N	28 E	WM	9	NE NE	E2	2900	31.0	WID
3 N	28 E	WM	9	NW NE	E2	2900	34.1	WID
3 N	28 E	WM	9	SW NE	E2	3000	35.2	WID
3 N	28 E	WM	9	SE NE	E2	2900	29.5	WID
3 N	28 E	WM	9	NE SW	E4	3000	28.0	WID
3 N	28 E	WM	9	NW SW	E4	2900	29.8	WID
3 N	28 E	WM	9	SW SW	E4	3100	35.9	WID
3 N	28 E	WM	9	SE SW	E4	3100	31.6	WID
3 N	28 E	WM	9	NE SE	E5	2900	12.7	WID
3 N	28 E	WM	9	NW SE	E5	3000	33.4	WID
3 N	28 E	WM	9	SW SE	E5	2900	35.3	WID
3 N	28 E	WM	9	SE SE	E5	2900	30.6	WID
3 N	28 E	WM	10	NE NW	E3	2900	28.3	WID
3 N	28 E	WM	10	NW NW	E3	2900	33.9	WID
3 N	28 E	WM	10	SW NW	E3	2900	34.4	WID
3 N	28 E	WM	10	SE NW	E3	2900	28.8	WID
3 N	28 E	WM	17	SW NE	E12	1300	7.1	WID
3 N	28 E	WM	17	SE NE	E12	100	2.6	WID
3 N	28 E	WM	17	NE SW	E12	1200	10.1	WID
3 N	28 E	WM	17	SE SW	E12	1200	5.8	WID
3 N	28 E	WM	17	NE SE	E12	1300	34.6	WID
3 N	28 E	WM	17	NW SE	E12	1300	40.9	WID

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	17	SW SE	E12	1300	35.9	WID
3 N	28 E	WM	17	SE SE	E12	1300	24.7	WID
3 N	27 E	WM	1	NW NE	--	1701	5.6	WID
3 N	27 E	WM	1	NE NW	--	1701	5.7	WID
4 N	27 E	WM	36	SE SW	--	1700	3.6	WID
4 N	27 E	WM	36	SE SE	--	1700	1.5	WID
3 N	28 E	WM	16	NE NE	E9	2903	16.4	WID
3 N	28 E	WM	8	SW SE	--	2806	23.0	WID
3 N	28 E	WM	16	NE NE	E9	2903	14.6	WID
3 N	28 E	WM	16	NW NE	E9	2903	8.4	WID
3 N	28 E	WM	16	NW NE	E9	2903	17.0	WID
3 N	28 E	WM	16	NW NE	E9	2903	4.9	WID
3 N	28 E	WM	16	SW NE	E9	2903	20.1	WID
3 N	28 E	WM	16	SW NE	E9	2903	9.0	WID
3 N	28 E	WM	14	SW NW	--	4400	25.3	WID
3 N	28 E	WM	14	SE NW	--	4400	33.5	WID
3 N	28 E	WM	14	NE SW	--	4490	8.4	WID
3 N	28 E	WM	14	SW SW	--	4400	11.0	WID
3 N	28 E	WM	15	SE NE	--	4400	9.2	WID
3 N	28 E	WM	15	NE SE	--	4400	1.4	WID
3 N	28 E	WM	15	NW SE	--	4400	6.0	WID
3 N	28 E	WM	15	SE SE	--	4400	3.5	WID
Total:							1130.9	

12. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	25	NE SW	45	7402	31.1	WID
3 N	28 E	WM	25	NW SW	45	7402	28.9	WID
3 N	28 E	WM	25	SW SW	45	7402	32.6	WID
3 N	28 E	WM	25	SE SW	45	7402	31.6	WID
3 N	28 E	WM	25	NE SE	46	7402	30.0	WID
3 N	28 E	WM	25	NW SE	46	7402	29.2	WID
3 N	28 E	WM	25	SW SE	46	7402	32.4	WID
3 N	28 E	WM	25	SE SE	46	7402	32.8	WID
3 N	28 E	WM	35	NE NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	49	7400	30.5	WID
3 N	28 E	WM	35	NW NE	--	7400	9.0	WID
3 N	28 E	WM	35	SW NE	49	7400	36.4	WID
3 N	28 E	WM	35	SE NE	49	7400	34.4	WID
3 N	28 E	WM	35	SE NW	--	7400	5.3	WID
3 N	28 E	WM	35	NE SW	--	7400	6.8	WID
3 N	28 E	WM	35	NE SE	53	7400	29.0	WID

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	35	NW SE	53	7400	37.6	WID
3 N	28 E	WM	35	SW SE	53	7400	33.8	WID
3 N	28 E	WM	35	SE SE	53	7400	14.2	WID
3 N	28 E	WM	36	NE NE	51	7402	30.3	WID
3 N	28 E	WM	36	NW NE	51	7402	39.3	WID
3 N	28 E	WM	36	SW NE	51	7402	31.8	WID
3 N	28 E	WM	36	SE NE	51	7402	31.2	WID
3 N	28 E	WM	36	NE NW	50	7402	40.0	WID
3 N	28 E	WM	36	NW NW	50	7402	29.2	WID
3 N	28 E	WM	36	SW NW	50	7402	31.6	WID
3 N	28 E	WM	36	SE NW	50	7402	31.5	WID
3 N	28 E	WM	36	NE SE	55	7402	30.6	WID
3 N	28 E	WM	36	NW SE	55	7402	31.4	WID
3 N	28 E	WM	36	SW SE	55	9300	30.4	WID
3 N	28 E	WM	36	SE SE	55	9300	29.4	WID
3 N	28 E	WM	16	NE NE	E9	2903	16.4	WID
3 N	27 E	WM	1	NW NE	--	1701	5.6	WID
3 N	27 E	WM	1	NE NW	--	1701	5.7	WID
4 N	27 E	WM	36	SE SW	--	1700	3.6	WID
4 N	27 E	WM	36	SE SE	--	1700	1.5	WID
3 N	28 E	WM	16	NE NE	E9	2903	14.6	WID
3 N	28 E	WM	16	NW NE	E9	2903	8.4	WID
3 N	28 E	WM	8	SW SE	--	2806	23.0	WID
3 N	28 E	WM	25	SE SW	--	7402	8.9	WID
3 N	28 E	WM	25	SW SE	--	7402	8.1	WID
3 N	28 E	WM	36	SW NE	--	7402	6.2	WID
3 N	28 E	WM	36	SE NW	--	7402	6.5	WID
3 N	28 E	WM	36	NE SW	--	7402	6.9	WID
3 N	28 E	WM	36	NW SE	--	7402	5.4	WID
3 N	28 E	WM	26	SW SE	--	7400	9.0	WID
3 N	29 E	WM	18	SW SW	32	5800	7.6	WID
3 N	29 E	WM	19	NE NW	32	6100	10.7	WID
3 N	29 E	WM	19	NW NW	32	6100	42.0	WID
3 N	29 E	WM	19	SW NW	32	6100	28.0	WID
3 N	29 E	WM	19	SE NW	32	6100	10.0	WID
Total:							1130.9	

13. The portion of the next water right to be transferred is as follows:
Certificate: 76717, issued in the name of Westland Irrigation District (confirmed by the Umatilla River Decree Volume 3, Pages 247-249 and Volume 15 Pages 439-441, and Volume 16, Pages 459-460)
Use: IRRIGATION of 16.4 acres
Priority Date: July 1907
Rate & 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) 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 Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	POD#1- NORTH 76 DEGREES 45 MINUTES AND 56 SECONDS EAST; 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Circle	Tax Lot	Acres	Water User
3 N	27 E	WM	1	NW NE	--	--	5.6	WID
3 N	27 E	WM	1	NE NW	--	--	5.7	WID
4 N	27 E	WM	36	SE SW	--	--	3.6	WID
4 N	27 E	WM	36	SE SE	--	--	1.5	WID
Total:							16.4	

14. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Circle	Tax Lot	Acres	Water User
2 N	28 E	WM	16	NE NE	E9	2903	16.4	WID

15. The portion of the next water right to be transferred is as follows:

Certificate: 76722, issued in the name of WESTLAND IRRIGATION DISTRICT (perfected under Permit S-40238)

Use: Irrigation of 23.0 acres

Priority Date: February 23, 1976

Rate & 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 per acre, (or its equivalent) 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

Authorized Places of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	8	SW SE	--	--	23.0	WID

16. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	16	NE NE	E9	2903	14.6	WID
3 N	28 E	WM	16	NW NE	E9	2903	8.4	WID
Total:							23.0	

17. The next water right to be transferred is as follows:

Certificate: 76715, issued in the name of Westland Irrigation District (confirmed by the Umatilla River Decree Volume 3, Pages 246-247, and Volume 15, Pages 437-439 and 441)

Use: IRRIGATION of 98.3 acres

Priority Date: March 14, 1903

Rate & 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) 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	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								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	28 E	WM	14	SW NW	--	4400	25.3	WID
3 N	28 E	WM	14	SE NW	--	4400	33.5	WID
3 N	28 E	WM	14	NE SW	--	4490	8.4	WID
3 N	28 E	WM	14	SW SW	--	4400	11.0	WID
3 N	28 E	WM	15	SE NE	--	4400	9.2	WID
3 N	28 E	WM	15	NE SE	--	4400	1.4	WID
3 N	28 E	WM	15	NW SE	--	4400	6.0	WID
3 N	28 E	WM	15	SE SE	--	4400	3.5	WID
Total:							98.3	WID

18. Transfer Application T-12322 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q - Q	Circle	Tax Lot	Acres	Water User
3 N	29 E	WM	18	SW SW	32	5800	7.6	WID
3 N	29 E	WM	19	NE NW	32	6100	10.7	WID
3 N	29 E	WM	19	NW NW	32	6100	42.0	WID
3 N	29 E	WM	19	SW NW	32	6100	28.0	WID
3 N	29 E	WM	19	SE NW	32	6100	10.0	WID
Total:							98.3	

Transfer Review Criteria (ORS 540.572; 540.570 and 540.580; OAR 690-385)

19. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
20. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights is present.
21. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
22. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).
23. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
24. All other applicable requirements for district temporary water right transfers are met.
25. The proposed changes would not result in enlargement of the rights.
26. The proposed changes would not result in injury to other water rights.

Conclusions of Law

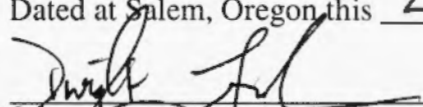
The temporary change in place of use proposed in Temporary Transfer Application T-12322 is consistent with the requirements of ORS 540.570 and OAR 690-385-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use as proposed in Transfer Application T-12322 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2016 irrigation season, except as specifically outlined and described herein.

3. The use shall revert to the authorized place of use at the end of the 2016 irrigation season.
4. A subsequent application for permanent transfer of Certificates 76051, 81815, 80652, 76050, 79439, 76717, 76715, and 76722 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. 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, 81815, 80652, 76050, 79439, 76717, 76715, and 76722.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. 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.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. 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.
10. The use of the remaining water right described by Certificates 76051, 81815, 80652, 76050, 79439, 76717, 76715, and 76722 shall continue to be in accordance with the terms and conditions Certificates 76051, 81815, 80652, 76050, 79439, 76717, 76715, and 76722.

Dated at Salem, Oregon this 24 day of May, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAY 30 2016



Oregon

Kate Brown, Governor

S-29929

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

May 24, 2016

WESTLAND IRRIGATION DISTRICT
73120 HIGHWAY 207
ECHO, OR 97826

REFERENCE: District Transfer T-12304

Enclosed is a copy of the final order approving your District transfer and diminishment.

The time allowed to complete the transfer is specified in the final order.

If you have any questions related to the approval of this transfer, you may contact your caseworker by telephone at (503) 986-0892 or by email at joan.m.smith@wrd.state.or.us.

Sincerely,

Marissa Andrews
Water Right Services Support

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
William I. Porfily, Agent
BOR

Enclosure



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 W1/4 CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
3 N	28 E	WM	26	NE NE	7300	15.5	WID
3 N	28 E	WM	26	NE NE	7300	14.7	WID
3 N	28 E	WM	26	SE NE	7300	7.1	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						364.6	

5. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
Total:						327.3	

6. Transfer Application T-12304 also proposes to temporarily diminished a portion of the Primary right Certificate 76051 to Supplemental Use the portion is described below as:

DIMINISHED TO SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	28 E	WM	26	NE NE	7300	15.5	WID
3 N	28 E	WM	26	NE NE	7300	14.7	WID
3 N	28 E	WM	26	SE NE	7300	7.1	WID
Total:						37.3	

7. The portion of the next right to be transferred are as follows:

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

Use: Primary Irrigation of 568.1 Acres and 125.2 Acres of Supplemental Irrigation

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 Places of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
3 N	28 E	WM	32	NE NW	8105	30.0	WID

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NW NW	8105	31.0	WID
3 N	28 E	WM	32	SW NW	8105	31.2	WID
3 N	28 E	WM	32	SE NW	8105	30.2	WID
2 N	28 E	WM	4	NE NE	800	8.3	WID
2 N	28 E	WM	4	NE SW	800	24.7	WID
2 N	28 E	WM	4	NW SW	800	33.5	WID
2 N	28 E	WM	4	SW SW	800	13.2	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
Total:						568.1	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	32	SW NE	8105	7.4	WID
3 N	28 E	WM	32	SE NE	8105	31.3	WID
Total:						125.2	

8. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	28	SW NE	8105	7.4	WID
3 N	28 E	WM	28	SE NE	8105	31.3	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
2 N	28 E	WM	32	NE NE	8105	31.3	WID
2 N	28 E	WM	32	NW NE	8105	31.3	WID
2 N	28 E	WM	33	SW NE	8105	23.9	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						366.0	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
Total:						125.2	

9. Transfer Application T-12304 also proposes to temporarily diminished a portion of the Primary right Certificate 83083 to Supplemental Use the portion is described below as:

DIMINISHED TO SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	28 E	WM	32	NE NW	8105	30.0	WID
3 N	28 E	WM	32	NW NW	8105	31.0	WID
3 N	28 E	WM	32	SW NW	8105	31.2	WID
3 N	28 E	WM	32	SE NW	8105	30.2	WID
2 N	28 E	WM	4	NE NE	800	8.3	WID
2 N	28 E	WM	4	NE SW	800	24.7	WID
2 N	28 E	WM	4	NW SW	800	33.5	WID
2 N	28 E	WM	4	SW SW	800	13.2	WID
Total:						202.1	

10. The portion of the next 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 8.0 acres

Priority Date: April 22, 1955

Rate & 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 cfs, 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

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							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	26	SW NW	7300	4.0	WID
3 N	28 E	WM	26	SE NW	7300	4.0	WID
Total:						8.0	

11. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	26	SW NE	7300	0.9	WID
3 N	28 E	WM	26	NE NW	7300	1.5	WID
3 N	28 E	WM	26	NW NW	7300	1.7	WID
3 N	28 E	WM	26	SW NW	7300	1.1	WID
3 N	28 E	WM	26	SE NW	7300	1.5	WID
3 N	28 E	WM	27	SE NE	7403	1.3	WID
Total:						8.0	

12. The portion of the next 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 248.8 acres

Priority Date: July 1, 1924

Rate & 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 cfs 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 herein.

Source: McKay Reservoir a tributary of McKay Creek

Authorized Point 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	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST; 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	26 E	WM	26	SW NW	7300	4.0	WID
3 N	26 E	WM	26	SE NW	7300	4.0	WID
3 N	28 E	WM	28	NE SE	7500	27.2	WID
3 N	28 E	WM	28	NW SE	7500	28.0	WID
3 N	28 E	WM	28	SW SE	7500	30.4	WID
3 N	28 E	WM	28	SE SE	7500	30.9	WID
3 N	28 E	WM	28	NE NW	7500	31.3	WID
3 N	28 E	WM	28	NW NW	7500	31.2	WID
3 N	28 E	WM	28	SW NW	7500	31.0	WID
3 N	28 E	WM	28	SE NW	7500	30.8	WID
Total:						248.8	

13. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	NE NE	800	25.7	WID
2 N	28 E	WM	4	NW NE	800	33.9	WID
2 N	28 E	WM	4	SW NE	800	28.4	WID
2 N	28 E	WM	4	SE NE	800	28.5	WID
2 N	28 E	WM	4	NE NW	800	33.2	WID
2 N	28 E	WM	4	NW NW	800	33.3	WID
2 N	28 E	WM	4	SW NW	800	28.9	WID
2 N	28 E	WM	4	SE NW	800	28.9	WID
3 N	28 E	WM	26	SW NE	7300	0.9	WID
3 N	28 E	WM	26	NE NW	7300	1.5	WID
3 N	28 E	WM	26	NW NW	7300	1.7	WID
3 N	28 E	WM	26	SW NW	7300	1.1	WID
3 N	28 E	WM	26	SE NW	7300	1.5	WID
3 N	28 E	WM	27	SE NE	7403	1.3	WID
Total:						248.8	

14. The portion of the next water 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 740.0 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	0.7	BC& SPARKS
2 N	28 E	WM	4	NE SE	800	33.5	BC& SPARKS
2 N	28 E	WM	4	NW SE	800	33.0	BC& SPARKS

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	800	18.5	BC& SPARKS
2 N	28 E	WM	4	SW SE	8105	10.0	BC& SPARKS
2 N	28 E	WM	4	SE SE	8105	28.7	BC& SPARKS
2 N	28 E	WM	4	NE NE	800	25.7	BC& SPARKS
2 N	28 E	WM	4	NW NE	800	33.9	BC& SPARKS
2 N	28 E	WM	4	SW NE	800	28.4	BC& SPARKS
2 N	28 E	WM	4	SE SE	800	28.5	BC& SPARKS
2 N	28 E	WM	4	NE NW	800	33.2	BC& SPARKS
2 N	28 E	WM	4	NW NW	800	33.3	BC& SPARKS
2 N	28 E	WM	4	SW NW	800	28.9	BC& SPARKS
2 N	28 E	WM	4	SE NW	800	28.9	BC& SPARKS
3 N	28 E	WM	26	SW NW	7300	4.0	BC& SPARKS
3 N	28 E	WM	26	SE NW	7300	4.0	BC& SPARKS
3 N	28 E	WM	28	NE SE	7500	27.2	BC& SPARKS
3 N	28 E	WM	28	NW SE	7500	28.0	BC& SPARKS
3 N	28 E	WM	28	SW SE	7500	30.4	BC& SPARKS
3 N	28 E	WM	28	SE SE	7500	30.9	BC& SPARKS
3 N	28 E	WM	28	NE NW	7500	31.3	BC& SPARKS
3 N	28 E	WM	28	NW NW	7500	31.2	BC& SPARKS
3 N	28 E	WM	28	SW NW	7500	31.0	BC& SPARKS
3 N	28 E	WM	28	SE NW	7500	30.8	BC& SPARKS
3 N	28 E	WM	32	NE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	NW NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	SW NE	8105	23.9	BC& SPARKS
3 N	28 E	WM	32	SW NE	8105	7.4	BC& SPARKS
3 N	28 E	WM	32	SE NE	8105	31.3	BC& SPARKS
Total:						740.0	

15. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	0.7	BC& SPARKS
2 N	28 E	WM	4	NE SE	800	33.5	BC& SPARKS
2 N	28 E	WM	4	NW SE	800	33.0	BC& SPARKS
2 N	28 E	WM	4	SW SE	800	18.5	BC& SPARKS
2 N	28 E	WM	4	SW SE	8105	10.0	BC& SPARKS
2 N	28 E	WM	4	SE SE	8105	28.7	BC& SPARKS
2 N	28 E	WM	4	NE NE	800	25.7	BC& SPARKS
2 N	28 E	WM	4	NW NE	800	33.9	BC& SPARKS
2 N	28 E	WM	4	SW NE	800	28.4	BC& SPARKS
2 N	28 E	WM	4	SE NE	800	28.5	BC& SPARKS
2 N	28 E	WM	4	NE NW	800	33.2	BC& SPARKS
2 N	28 E	WM	4	NW NW	800	33.3	BC& SPARKS

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NW	800	28.9	BC& SPARKS
2 N	28 E	WM	4	SE NW	800	28.9	BC& SPARKS
3 N	28 E	WM	32	NE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	32	NW NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	33	SW NE	8105	23.9	BC& SPARKS
3 N	28 E	WM	28	SW NE	8105	7.4	BC& SPARKS
3 N	28 E	WM	28	SE NE	8105	31.3	BC& SPARKS
3 N	28 E	WM	26	SW NE	7300	0.9	BC& SPARKS
3 N	28 E	WM	26	NE NW	7300	1.5	BC& SPARKS
3 N	28 E	WM	26	NW NW	7300	1.7	BC& SPARKS
3 N	28 E	WM	26	SW NW	7300	1.1	BC& SPARKS
3 N	28 E	WM	26	SE NW	7300	1.5	BC& SPARKS
3 N	28 E	WM	27	SE NE	7403	1.3	BC& SPARKS
3 N	28 E	WM	28	NE SE	7500	27.2	BC& SPARKS
3 N	28 E	WM	28	NW SE	7500	28.0	BC& SPARKS
3 N	28 E	WM	28	SW SE	7500	30.4	BC& SPARKS
3 N	28 E	WM	28	SE SE	7500	30.9	BC& SPARKS
3 N	28 E	WM	28	NE NW	7500	31.3	BC& SPARKS
3 N	28 E	WM	28	NW NW	7500	31.2	BC& SPARKS
3 N	28 E	WM	28	SW NW	7500	31.0	BC& SPARKS
3 N	28 E	WM	28	SE NW	7500	30.8	BC& SPARKS
Total:						740.0	

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

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

Use: PRIMARY IRRIGATION of 38.7 acres

Priority Date: July 19, 1976

Rate & 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 and shall not exceed the limitation allowed herein.

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	26	SW SE	WELL 1- 960 FEET NORTH AND 30 FEET EAST FROM THE S1/4 CORNER OF SECTION 23

Authorized Places of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	SW NE	8105	7.4	WID

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	SE NE	8105	31.3	WID
Total:						38.7	

17. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW SE	8105	10.0	WID
2 N	28 E	WM	4	SE SE	8105	28.7	WID
Total:						38.7	

18. Additional points of appropriation are necessary to supply water to the proposed temporary place of use. Temporary Transfer Application T-12304 proposes two additional points of appropriations with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Well 1
3 N	28 E	WM	26	NW NE	WELL 2- 930 FEET SOUTH FROM THE N1/4 CORNER OF SECTION 26	0.4 mi. S
3 N	28 E	WM	23	NW NW	WELL 3- 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23	0.9 mi. NW

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

Certificate: 75124 in the name of L AND L FARMS (perfected under Permit G-6936)

Use: Supplemental Irrigation of 86.5 acres

Priority Date: JULY 19, 1976

Rate & 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 and shall not exceed the limitation allowed herein.

Source: WELL 2 within the SPIKES GULCH 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 Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	28 E	WM	32	NE NE	8105	31.3	WID
3 N	28 E	WM	32	NW NE	8105	31.3	WID
3 N	28 E	WM	33	SW NE	8105	23.9	WID
Total:						86.5	

20. Transfer Application T-12304 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
2 N	28 E	WM	4	SW NE	800	0.8	WID
2 N	28 E	WM	4	SE NE	800	0.7	WID
2 N	28 E	WM	4	NE SE	800	33.5	WID
2 N	28 E	WM	4	NW SE	800	33.0	WID
2 N	28 E	WM	4	SW SE	800	18.5	WID
Total:						86.5	

21. Additional points of appropriation are necessary to supply water to the proposed temporary place of use. Temporary Transfer Application T-12304 proposes two additional points of appropriations with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	From Well 2
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	0.2 mi. N
3 N	28 E	WM	23	NW NW	WELL 3- 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23	1.2 mi. NW

Transfer Review Criteria (ORS 540.572; 540.570 and 540.580; OAR 690-385)

22. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
23. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights is present.
24. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
25. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).

26. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
27. All other applicable requirements for district temporary water right transfers are met.
28. The proposed changes would not result in enlargement of the rights.
29. The proposed changes would not result in injury to other water rights.

Conclusions of Law


The temporary change in place of use and additional points of appropriation proposed in Temporary Transfer Application T-12304 is consistent with the requirements of ORS 540.570 and OAR 690-385-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use as proposed in Transfer Application T-12304 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2016 irrigation season, except as specifically outlined and described herein.
3. The use shall revert to the authorized place of use at the end of the 2016 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. A subsequent application for permanent transfer of Certificates 76051, 83083, 76050, 75124, 79439, 79991, 75554, and water use Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. 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, 76050, 75124, 79439, 79991, 75554, and water use Permit S-54582.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. 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.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

9. 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.
10. The use of the remaining water right described by Certificates 76051, 83083, 76050, 75124, 79439, 79991, 75554 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions Certificates 76051, 83083, 76050, 75124, 79439, 79991, 75554, and water use Permit S-54582.

Dated at Salem, Oregon this 20 day of May 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MAY 27 2016

Mailing Date: _____



Oregon

Kate Brown, Governor

July 1, 2015

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838

REFERENCE: District Transfer T-12040

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

The time allowed to complete the transfer is specified in the final order.

If you have any questions related to the approval of this transfer, you may contact your caseworker by telephone at (503) 986-0858 or by e-mail at Susan.M.Douthit@wrд.state.or.us.

Sincerely,

Bethanie Williamson
Water Right Services Support

cc: Tony G. Justus, Watermaster Dist. # 5 (via email)
William I. Porfily, Agent

Enclosure

S-29929

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us



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: 75124, issued in the name of L & L Farms (perfected under Permit G-6936)**Use:** Supplemental Irrigation of 123.7 acres**Priority Date:** July 19, 1976**Quantity:** 1.43 cfs

Rate & 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 cfs per second (or its equivalent) and 3.0 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: 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	930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26

Certificate: 83083, issued in the name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)**Use:** Supplemental Irrigation of 123.7 acres**Priority Date:** August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 COLÚMBIA 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 123.7 acres

Priority Date: March 6, 2008

Rate & 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 being April 1– October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	33	NE NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	33	NW NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	33	SW NW	8105	29.8	29.8	29.8	29.8	L & L FARMS
3 N	28 E	33	SE NW	8105	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:					123.7	123.7	123.7	123.7	

5. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
2 N	28 E	4	NE SE	800	33.5	33.5	33.5	33.5	L & L FARMS
2 N	28 E	4	NW SE	800	33.0	33.0	33.0	33.0	L & L FARMS
2 N	28 E	4	SW SE	800	28.5	28.5	28.5	28.5	L & L FARMS
2 N	28 E	4	SE SE	800	28.7	28.7	28.7	28.7	L & L FARMS
TOTAL:					123.7	123.7	123.7	123.7	

6. The portion of the SECOND primary right and its layered supplemental water right to be transferred are as follows:

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

Use: Supplemental Irrigation of 123.7 acres

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 W¼ CORNER OF SECTION 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 123.7 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q-Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
2 N	28 E	4	NE SE	800	33.5	33.5	L & L FARMS
2 N	28 E	4	NW SE	800	33.0	33.0	L & L FARMS
2 N	28 E	4	SW SE	800	28.5	28.5	L & L FARMS
2 N	28 E	4	SE SE	800	28.7	28.7	L & L FARMS
TOTAL:					123.7	123.7	

8. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q - Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
3 N	28 E	33	NE NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	33	NW NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	33	SW NW	8105	29.8	29.8	L & L FARMS
3 N	28 E	33	SE NW	8105	31.3	31.3	L & L FARMS
TOTAL:					123.7	123.7	

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

Certificate: 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: Irrigation of 8.0 acres

Priority Date: April 22, 1955

Rate & 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 cfs, 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

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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 8.0 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

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

Use: Supplemental Irrigation of 8.0 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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, (constructed under reservoir Permit R-564) a tributary of McKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-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	RE-DIVERSION - 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	76050 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	26	SW NW	7300	4.0	4.0	4.0	L & L FARMS
3 N	28 E	WM	26	SE NW	7300	4.0	4.0	4.0	L & L FARMS
Total:						8.0	8.0	8.0	

10. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	76050 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	26	SW NE	7300	0.9	0.9	0.9	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	1.5	1.5	1.5	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	1.7	1.7	1.7	L & L FARMS
3 N	28 E	WM	26	SW NW	7300	1.1	1.1	1.1	L & L FARMS
3 N	28 E	WM	26	SE NW	7300	1.5	1.5	1.5	L & L FARMS
3 N	28 E	WM	27	SE NE	7404	1.3	1.3	1.3	L & L FARMS
Total:						8.0	8.0	8.0	

12. The portion of the FOURTH 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 25924)

Use: Irrigation of 116.5 acres

Priority Date: June 27, 1958

Rate & 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 cfs, 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

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: 75555, issued in the name of L & L Farms (perfected under Permit G-7036)

Use: Supplemental Irrigation of 116.5 acres

Priority Date: December 2, 1976

Quantity: 1.24 cfs

Rate & 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 cfs, or its equivalent, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELL 3, within the SPIKES GULCH 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 116.5 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 - October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

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

Use: Supplemental Irrigation of 116.5 acres

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 W¼ CORNER OF SECTION 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	75555(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	29	NE SW	8105	28.3	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	25.8	25.8	25.8	25.8	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	31.1	31.1	L & L FARMS
Total:						116.5	116.5	116.5	116.5	

13. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	75124(IS)	83083(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SE	7500	27.2	27.2	27.2	27.2	L & L FARMS
3 N	28 E	WM	28	NW SE	7500	28.0	28.0	28.0	28.0	L & L FARMS
3 N	28 E	WM	28	SW SE	7500	30.4	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	28	SE SE	7500	30.9	30.9	30.9	30.9	L & L FARMS
Total:						116.5	116.5	116.5	116.5	

15. The portion of the FIFTH 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 25924)

Use: Irrigation of 116.5 acres

Priority Date: June 27, 1958

Rate & 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 cfs, 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

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 116.5 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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 (constructed under reservoir Permit R-564) a tributary of McKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-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	RE-DIVERSION - WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 116.5 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SE	7500	27.2	27.2	27.2	L & L FARMS
3 N	28 E	WM	28	NW SE	7500	28.0	28.0	28.0	L & L FARMS
3 N	28 E	WM	28	SW SE	7500	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	28	SE SE	7500	30.9	30.9	30.9	L & L FARMS
Total:						116.5	116.5	116.5	

16. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	29	NE SW	8105	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	25.8	25.8	25.8	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	31.1	L & L FARMS
Total:						116.5	116.5	116.5	

17. The portion of the SIXTH right primary right and its layered supplemental rights to be transferred is as follows:

Certificate: 79990, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: IRRIGATION of 124.7 acres

Priority Date: July 19, 1976

Rate & 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 cfs per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, in the SPIKES GULCH basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	26	NW NE	960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23

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

Use: Supplemental Irrigation of 124.7 acres

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 W¼ CORNER OF SECTION 21

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

Use: SUPPLEMENTAL IRRIGATION of 32.4 acres

Priority Date: December 2, 1976

Rate & 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 (cfs), or its equivalent, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELL 3 in 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	60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: SUPPLEMENTAL IRRIGATION of 124.7 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	79990 (IR)	83083 (IS)	79991 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	30.9	--	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	31.8	31.8	--	31.8	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	29.6	29.6	--	29.6	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	3.2	3.2	3.2	3.2	L & L FARMS
Total:						124.7	124.7	32.4	124.7	

18. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q-Q	TL	79990 (IR)	83083 (IS)	79991 (IS)	Per. S-4582(IS)	Water User
2 N	28 E	WM	4	NE NW	800	34.2	34.2	32.4	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
TOTAL:						124.7	124.7	32.4	124.7	126.3

19. The portion of the SEVENTH primary right and its layered supplemental water 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 124.7 acres

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 W¼ CORNER OF SECTION 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 124.7 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
2 N	28 E	WM	4	NE NW	800	34.2	34.2	L & L FARMS
2 N	28 E	WM	4	NW NW	800	34.3	34.3	L & L FARMS
2 N	28 E	WM	4	SW NW	800	28.1	28.1	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.1	28.1	L & L FARMS
Total:						124.7	124.7	

20. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	TL	83083 (IR)	Per. S-54582(IS)	Water User
3 N	28 E	WM	33	NE SW	8103	29.2	29.2	L & L FARMS
3 N	28 E	WM	33	NW SW	8103	30.9	30.9	L & L FARMS
3 N	28 E	WM	33	SW SW	8103	31.8	31.8	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	29.6	29.6	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	3.2	3.2	L & L FARMS
Total:						124.7	124.7	

21. The EIGHTH primary water right and its layered supplemental rights to be transferred is as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: IRRIGATION of 129.4 acres

Priority Date: April 22, 1955

Rate & 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 cfs, 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

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: 75121, issued in the name of L & L Farms (as modified by Final Order approving T-9645/satisfactory proof made: Sp. Ord. Vol. 77, pg. 129)

Use: SUPPLEMENTAL IRRIGATION of 129.4 acres

Priority Date: April 19, 1979

Rate & 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 cfs (or its equivalent) and 3.0 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: Wells in the Spikes Gulch sub 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 S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NW NE	WELL 2 - 930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26
3 N	28 E	WM	23	NW NW	60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: SUPPLEMENTAL IRRIGATION of 129.4 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	76050 (IR)	75121 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	27	NE NW	7403	28.4	28.4	28.4	L & L FARMS
3 N	28 E	WM	27	NW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SE NW	7403	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	27	NE SE	7404	9.0	9.0	9.0	L & L FARMS
Total:						129.4	129.4	129.4	

22. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	76050 (IR)	75121 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SW	7500	30.5	30.5	30.5	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	34.3	34.3	34.3	L & L FARMS
3 N	28 E	WM	28	SE SW	7500	34.4	34.4	34.4	L & L FARMS
Total:						129.4	129.4	129.4	

23. The portion of the NINTH 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 25924)

Use: Irrigation of 129.4 acres

Priority Date: June 27, 1958

Rate & 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 cfs, 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

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 129.4 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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 (constructed under reservoir Permit R-564) a tributary of McKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-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	RE-DIVERSION - WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 129.4 acres

Priority Date: March 6, 2008

Rate & 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 being April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051 (IR)	79439 (IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	28	NE SW	7500	30.5	30.5	30.5	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	34.3	34.3	34.3	L & L FARMS
3 N	28 E	WM	28	SE SW	7500	34.4	34.4	34.4	L & L FARMS
Total:						129.4	129.4	129.4	

24. Transfer Application T-12040 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	TL	76051(IR)	79439(IS)	Per. S-54582(IS)	Water User
3 N	28 E	WM	27	NE NW	7403	28.4	28.4	28.4	L & L FARMS
3 N	28 E	WM	27	NW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SW NW	7403	30.4	30.4	30.4	L & L FARMS
3 N	28 E	WM	27	SE NW	7403	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	27	NE SE	7400	9.0	9.0	9.0	L & L FARMS
Total:						129.4	129.4	129.4	

Transfer Review Criteria (ORS 540.572; 540.570 and 540.580; OAR 690-385)

25. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
26. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights is present.
27. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
28. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).
29. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
30. All other applicable requirements for district temporary water right transfers are met.
31. The proposed changes would not result in enlargement of the rights.
32. The proposed changes would not result in injury to other water rights.

Conclusions of Law

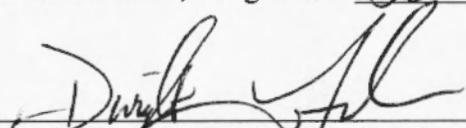
The temporary change in place of use proposed in Temporary Transfer Application T-12040 is consistent with the requirements of ORS 540.570 and OAR 690-385-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use as proposed in Transfer Application T-12040 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2015 irrigation season, except as specifically outlined and described herein.
3. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
4. A subsequent application for permanent transfer of Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. 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, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582.

6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. 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.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. 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.
10. The use of the remaining water right described by Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555, and water use Permit S-54582.

Dated at Salem, Oregon this 30 day of June, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUL 02 2015



Oregon

Kate Brown, Governor

5-29929

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

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www.wrd.state.or.us

April 24, 2015

WESTLAND IRRIGATION DISTRICT
CASTLE ROCK FARM – L&L FARMS
PO BOX 944
HERMISTON, OR 97838

Reference: District Transfer 12040

On April 17, 2015 we received your district transfer application requesting place of use for use of water from CALAPOOYA CREEK, tributary to UMPQUA RIVER. The application was accompanied by \$3280.00. Our receipt 115548 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

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) 986-0807.

cc: Watermaster #5 (*via email*)
Bureau of Reclamation

enclosure



District Temporary Transfers (ORS 540.570)

A district with a manager may request to temporarily make the following changes in water rights within district boundaries for one irrigation season: (1) The place of use of a water use subject to transfer; (2) The point of diversion/appropriation to facilitate a change in place of use; (3) The type of use from a primary right to a supplemental right; and (4) From a surface water point of diversion to a ground water appropriation.

The Department shall approve the request provided it does not cause injury to existing right or expand the water use. A district temporary transfer may be conditioned or revoked at any time to avoid injury to other water rights. The use of water reverts to the authorized place of use, type of use, point of diversion/appropriation upon expiration of the temporary change.

The Department seeks public comments on the recently filed district temporary transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before May 28, 2015. The Department shall consider the comments in determining whether to condition, reject, or revoke a temporary district transfer.

Transfer	<u>T-12038</u>
Water Right	Cert: 85124, 80850, 74762, 87042, 87111, 87667, 87666, Transfer: T-6787, Permit: S-54773
County/Basin	Umatilla / Umatilla (7)
Applicant Name	PORFELY, BILL ECHO IRRIGATION DISTRICT 73120 HWY 207 ECHO, OR 97826
Proposed Change	ADDITIONAL POINT OF APPROPRIATION/DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > STAGE GULCH / 3.00N 30.00E 7 NWNW A WELL > STAGE GULCH / 3.00N 30.00E 6 NWSW A WELL > STAGE GULCH / 3.00N 30.00E 7 SWSW A WELL > STAGE GULCH / 3.00N 29.00E 2 SENE A WELL > STAGE GULCH / 3.00N 29.00E 11 SWNE A WELL > STAGE GULCH / 3.00N 29.00E 12 NWNW A WELL > STAGE GULCH / 3.00N 29.00E 11 SESE A WELL > UMATILLA RIVER / 3.00N 29.00E 14 SWNW A WELL > UMATILLA RIVER / 3.00N 29.00E 23 SENE A WELL > UMATILLA RIVER / 3.00N 29.00E 24 SWNE A WELL > UMATILLA RIVER / 3.00N 30.00E 7 SWSW COLUMBIA RIVER > PACIFIC OCEAN / 5.00N 30.00E 8 SWNW WELL 1 > STAGE GULCH / 3.00N 30.00E 12 NWSE WELL 2 > STAGE GULCH / 3.00N 30.00E 6 NESW WELL 4 > STAGE GULCH / 3.00N 29.00E 2 SENE WELL 6 > STAGE GULCH / 3.00N 29.00E 11 SWNE WELL 7 > STAGE GULCH / 3.00N 29.00E 12 NWNW
Use/Quantity	IRRIGATION / 4.745 CFS IRRIGATION / 2.900 CFS IRRIGATION / 9.300 CFS IRRIGATION / 2.082 CFS IRRIGATION / 3.040 CFS IRRIGATION / 1.250 CFS IRRIGATION / 1.172 CFS IRRIGATION / 50.000 CFS IRRIGATION / 18.190 CFS IRRIGATION / 1.500 CFS
Priority Date	06/08/1971, 02/16/1973, 03/25/1955, 02/16/1973, 10/03/1973, 12/11/1973, 10/21/1974, 07/19/1974, 04/08/1963, 01/30/2008

Transfer T-12040
 Water Right Cert: 76051, 83083, 75124, 76050, 49439, 75121, 75555, Permit: S-54582
 County/Basin Douglas, Umatilla / Umatilla (7), Umpqua (16)
 Applicant Name WESTLAND IRRIGATION DISTRICT
 PO BOX 944
 HERMISTON, OR 97838
 Proposed Change PLACE OF USE
 Sources/TRSQ40Q160 A RESERVOIR > BUTTER CREEK / 3.00N 28.00E 5 SESE
 A RESERVOIR > SPIKES GULCH / 3.00N 28.00E 34 NENW
 A WELL > SPIKES GULCH / 3.00N 28.00E 26 NWNE
 A WELL > SPIKES GULCH / 3.00N 28.00E 23 SWSE
 A WELL > SPIKES GULCH / 3.00N 28.00E 23 NWNW
 CALAPOOYA CREEK > UMPQUA RIVER / 25.00S 6.00W 27 NWNW
 CALAPOOYA CREEK > UMPQUA RIVER / 25.00S 6.00W 22 SWSW
 UMATILLA RIVER > COLUMBIA RIVER / 3.00N 29.00E 21 SWNE
 WELL 3 > SPIKES GULCH / 3.00N 28.00E 23 NWNW
 Use/Quantity SUPPLEMENTAL IRRIGATION / 535.000 AF
 SUPPLEMENTAL IRRIGATION / 353.000 AF
 IRRIGATION / 3.000 CFS
 IRRIGATION / 2.000 CFS
 IRRIGATION / 2.010 CFS
 IRRIGATION / 2.000 CFS
 IRRIGATION / 1.008 CFS
 IRRIGATION / 60.000 CFS
 IRRIGATION / 30.000 CFS
 IRRIGATION / 50.000 CFS
 PRIMARY AND SUPPLEMENTAL IRRIGATION / 1.630 CFS
 Priority Date 06/27/1958, 08/10/1981, 07/19/1976, 04/22/1955, 01/26/1948, 04/19/1979, 12/02/1976,
 03/06/2008

Transfer T-12043
 Water Right Cert: 80929, 81340
 County/Basin Hood River / Hood (4)
 Applicant Name EAST FORK IRRIGATION DISTRICT
 PO BOX 162
 ODELL, OR 97031
 Proposed Change PLACE OF USE
 Sources/TRSQ40Q160 EAST FORK HOOD RIVER > HOOD RIVER / 1.00S 10.00E 4 NWSW
 Use/Quantity IRRIGATION / 5.990 CFS
 IRRIGATION / 104.450 CFS
 Priority Date 03/13/1964, 11/25/1895

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

Order of Proper Proof of a Change in Place
of Use Under Transfer 8418

)
)
)

Final Order

THIS ORDER ISSUED TO

TEEL IRRIGATION DISTRICT
ATTENTION: CHESTER PRIOR
32327 OREGON TRAIL RD
ECHO OR 97826

confirms the right of record to use the waters of UMATILLA RIVER, tributary to COLUMBIA RIVER, for IRRIGATION OF 46.2 ACRES.

This right was perfected under Permit S-25920. The date of priority is APRIL 22, 1955. The amount of water to which this portion of the right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.55 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

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 W1/4 CORNER, SECTION 21

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	27	NE SE	7.2
3 N	28 E	WM	27	NW SE	9.4
3 N	28 E	WM	27	SW SE	16.0
3 N	28 E	WM	27	SE SE	13.6

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 Certificate 76050.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

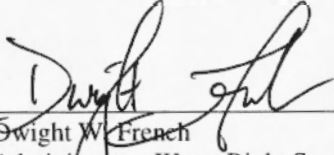
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

76050-2

This order is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered FEBRUARY 28, 2007, at Special Order Volume 71, Page 271, approving Transfer Application 8418, affecting a portion of Certificate 76050, State record of Water Right Certificates.

The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

Issued MAY 23 2014 .



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director
Oregon Water Resources Department



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

July 31, 2013

WESTLAND IRRIGATION DISTRICT
c/o BILL PORFILY
PO BOX 944
HERMISTON, OR 97838

REFERENCE: District Transfer T-11598

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

The time allowed to complete the transfer is specified in the final order.

If you have any questions related to the approval of this transfer, you may contact your caseworker by telephone at (503) 986-0858 or by e-mail at Susan.M.Douthit@wrds.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Tony G. Justus, Watermaster Dist. # 5 (via email)

Enclosure



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

Use: Supplemental Irrigation of 124.8 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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, (constructed under reservoir Permit R-564) a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-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	RE-DIVERSION - 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 name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)

Use: Supplemental Irrigation of 249.8 acres

Priority Date: August 10, 1981

Rate & 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 cfs per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.5 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 4.5 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 W¼ CORNER OF SECTION 21

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

Use: Supplemental Irrigation of 249.8 acres

Priority Date: July 19, 1976

Rate & 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 cfs 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: 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	930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26

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

Use: Supplemental Irrigation of 7.1 acres

Priority Date: July 19, 1976

Rate & 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 cfs per second (or its equivalent) and 3.0 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: 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

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 381.7 acres

Priority Date: March 6, 2008

Rate & 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.

Season: April 1 – October 31

Source: BUTTER CREEK RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
Twp	Rng	Sec	Q - Q	Tax Lot	76051(IR)	79439(IS)	83083(IS)	75124(IS)	75554(IS)	Permit S-54582 (IS)	User
3 N	28 E	28	NE NE	7500	33.0	33.0	--	--	--	33.0	L & L
3 N	28 E	28	NW NE	7500	33.0	33.0	--	--	--	33.0	L & L
3 N	28 E	28	SW NE	7500	29.4	29.4	--	--	--	29.4	L & L
3 N	28 E	28	SE NE	7500	22.3	22.3	--	--	--	22.3	L & L
3 N	28 E	28	SE NE	7500	7.1	7.1	--	--	--	7.1	L & L
3 N	28 E	29	SW SE	8105	5.6	--	--	--	5.5	5.6	L & L
3 N	28 E	29	SE SE	8105	1.5	--	--	--	1.5	1.5	L & L
3 N	28 E	33	NE NE	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	NW NE	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SW NE	8105	31.0	--	31.0	31.0	--	31.0	L & L
3 N	28 E	33	SE NE	8105	31.0	--	31.0	31.0	--	31.0	L & L
3 N	28 E	33	NE NW	8105	31.3	--	31.3	31.3	--	31.3	L & L

3 N	28 E	33	NW NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SW NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
3 N	28 E	33	SE NW	8105	31.3	--	31.3	31.3	--	31.3	L & L
Total:					381.7	124.8	249.8	249.8	7.1	381.7	

4. Transfer Application T-11598 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
Twp	Rng	Sec	Q - Q	Tax Lot	76051 (IR)	79439 (IS)	83083 (IS)	75124 (IS)	75554 (IS)	Per. S-54582 (IS)	User
3 N	28 E	4	NE NE	800	34.0	--	34.0	34.0	--	34.0	L & L
3 N	28 E	4	NW NE	800	33.9	--	33.9	33.9	--	33.9	L & L
3 N	28 E	4	SW NE	800	29.2	--	29.2	29.2	--	29.2	L & L
3 N	28 E	4	SE NE	800	29.2	--	29.2	29.2	--	29.2	L & L
3 N	28 E	4	NE SE	800	33.5	--	33.5	33.5	--	33.5	L & L
3 N	28 E	4	NW SE	800	33.0	--	33.0	33.0	--	33.0	L & L
3 N	28 E	4	SW SE	800	28.3	--	28.3	28.3	--	28.3	L & L
3 N	28 E	4	SE SE	800	28.7	--	28.7	28.7	--	28.7	L & L
3 N	28 E	28	SE NE	7500	7.1	7.1	--	--	7.0	7.1	L & L
3 N	28 E	29	NE SE	8105	30.0	28.3	--	--	--	30.0	L & L
3 N	28 E	29	NW SE	8105	26.2	29.7	--	--	--	26.2	L & L
3 N	28 E	29	SW SE	8105	29.3	31.3	--	--	--	29.3	L & L
3 N	28 E	29	SW SE	8105	5.6	31.3	--	--	--	5.6	L & L
3 N	28 E	29	SE SE	8105	32.2	31.1	--	--	--	32.2	L & L
3 N	28 E	29	SE SE	8105	1.5		--	--	--	1.5	L & L
Total:					381.7	124.8	249.8	249.8	7.0	381.7	

5. The portion of the SECOND primary right and its layered supplemental rights 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 249.8 acres

Priority Date: August 10, 1981

Rate & 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 cfs 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 4.5 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 WEST 1/4 CORNER OF SECTION 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 249.8 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 – October 31

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	User
2 N	28 E	4	NE NE	800	34.0	34.0	L & L
2 N	28 E	4	NW NE	800	33.9	33.9	L & L
2 N	28 E	4	SW NE	800	29.2	29.2	L & L
2 N	28 E	4	SE NE	800	29.2	29.2	L & L
2 N	28 E	4	NE SE	800	33.5	33.5	L & L
2 N	28 E	4	NW SE	800	33.0	33.0	L & L
2 N	28 E	4	SW SE	800	28.3	28.3	L & L
2 N	28 E	4	SE SE	800	28.7	28.7	L & L
Total:					249.8	249.8	

6. Transfer Application T-11598 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	User
3 N	28 E	33	NE NE	8105	31.3	31.3	L & L
3 N	28 E	33	NW NE	8105	31.3	31.3	L & L
3 N	28 E	33	SW NE	8105	31.0	31.0	L & L
3 N	28 E	33	SE NE	8105	31.0	31.0	L & L
3 N	28 E	33	NE NW	8105	31.3	31.3	L & L
3 N	28 E	33	NW NW	8105	31.3	31.3	L & L
3 N	28 E	33	SW NW	8105	31.3	31.3	L & L
3 N	28 E	33	SE NW	8105	31.3	31.3	L & L
Total:					249.8	249.8	

7. The portion of the THIRD primary right and its layered supplemental rights to be transferred is as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (as modified by Final Order approving T-9645/satisfactory proof made: Special Order Volume 77, Pages 129-130)

Use: Irrigation of 125.7 acres

Priority Date: April 22, 1955

Rate & 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 cfs, 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

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 8.0 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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, (constructed under reservoir Permit R-564) a tributary of MCKAY CREEK. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances/Description
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	RE-DIVERSION - WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Certificate: 75121, issued in the name of L & L Farms (as modified by Final Order approving T-9645/satisfactory proof made: Special Order Volume 77, Pages 129 - 130)

Use: SUPPLEMENTAL IRRIGATION of 117.7 acres

Priority Date: April 19, 1979

Rate & 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 cfs (or its equivalent) and 3.0 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: 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 S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NW NE	WELL 2 - 930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26
3 N	28 E	WM	23	NW NW	60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: SUPPLEMENTAL IRRIGATION of 125.7 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 – October 31

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Sec	Q - Q	Tax Lot	76050 (IR)	79439 (IS)	75121 (IS)	Permit S-54582 (IS)	User	
3 N	28 E	26	SW NW	7300	4.0	4.0	--	4.0	L & L	
3 N	28 E	26	SE NW	7300	4.0	4.0	--	4.0	L & L	
3 N	28 E	29	NE SE	8105	30.0	--	30.0	30.0	L & L	
3 N	28 E	29	NW SE	8105	26.2	--	26.2	26.2	L & L	
3 N	28 E	29	SW SE	8105	29.3	--	29.3	29.3	L & L	
3 N	28 E	29	SE SE	8105	32.2	--	32.2	32.2	L & L	
Total:					125.7	8.0	117.7	125.7		

8. Transfer Application T-11598 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Sec	Q - Q	Tax Lot	76050 (IR)	79439 (IS)	75121 (IS)	Permit S-54582 (IS)	User	
3 N	28 E	26	SW NE	7300	0.9	0.9	--	0.9	L & L	
3 N	28 E	26	NE NW	7300	1.5	1.5	--	1.5	L & L	
3 N	28 E	26	NW NW	7300	1.7	1.7	--	1.7	L & L	
3 N	28 E	26	SW NW	7300	1.1	1.1	--	1.1	L & L	
3 N	28 E	26	SE NW	7300	1.5	1.5	--	1.5	L & L	
3 N	28 E	27	SE NE	7404	1.3	1.3	--	1.3	L & L	
3 N	28 E	28	NE NE	7500	33.0	--	33.0	33.0	L & L	
3 N	28 E	28	NW NE	7500	33.0	--	33.0	33.0	L & L	
3 N	28 E	28	SW NE	7500	29.4	--	29.4	29.4	L & L	
3 N	28 E	28	SE NE	7500	22.3	--	22.3	22.3	L & L	
Total:					125.7	8.0	117.7	125.7		

9. The following table describes the location of water rights that are requested to be temporarily diminished to supplemental irrigation to the water right moving "TO" or "ON" via Transfer Application T-11599:

Supp'l to Cert	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	83083 (IS)	76050 (IS)	75121 (IS)	
79993	2 N	28 E	WM	4	SW NW	800	0.8	--	--	
79993	2 N	28 E	WM	4	SE NW	800	0.8	--	--	
76263	2 N	28 E	WM	4	NE SW	800	24.7	3.5	5.5	
76263	2 N	28 E	WM	4	NW SW	800	33.5	0.1	--	

76263	2 N	28 E	WM	4	SW SW	800	8.0	14.7	--	
76263	2 N	28 E	WM	4	SE SW	800	--	14.0	--	
76263	3 N	28 E	WM	32	NE NW	8105	31.0	--	--	
76263	3 N	28 E	WM	32	NW NW	8105	31.7	--	--	
76263	3 N	28 E	WM	32	SW NW	8105	31.9	--	--	
76263	3 N	28 E	WM	32	SE NW	8105	31.5	--	--	
Total:							193.9	32.3	5.5	

10. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
11. The District has agreed to measure the "amount in" and "amount out" in regards to the use of the supplemental water rights and shall maintain both a flow meter where the groundwater is pumped into the Westland Canal, and a meter to measure the amount of water that is pumped out of the Westland Canal to the new places of use.
12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed changes in place of use would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The temporary changes in place of use proposed in Transfer Application T-11598 satisfy the requirements of ORS 540.574(3) and 540.570.

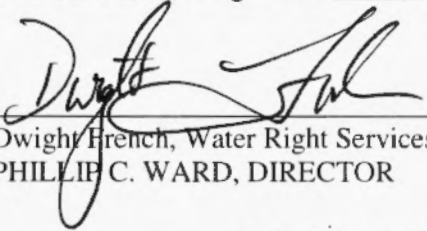
Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11598 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2013 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2013 irrigation season.
4. The right to the use of the water at the temporary place of use authorized by this transfer shall be in accordance with the conditions and limitations contained in 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 as well as any related decree.
5. 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.
6. The water rights as identified in Finding of Fact #9 are temporarily diminished to supplemental irrigation for the incoming primary irrigation water rights identified in Transfer Application T-11599.
7. The use of water for supplemental irrigation at the proposed places of use described herein is restricted to the total rate and duty described by the relevant certificate and may be used only to make up a deficiency of supply.
8. The applicant shall install a measurement device at the site where groundwater is pumped into the Westland Canal. The District shall also operate and maintain a measurement device at the point where the District pumps from the Westland Canal to the proposed places of use. The District shall

measure and record the amount of water monthly and provide the information to the Watermaster upon request.

9. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
10. 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.
11. A subsequent application for permanent transfer of 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 and 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
12. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
13. The use of the remaining water rights described by 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582.

Dated at Salem, Oregon this 22 day of July, 2013.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: AUG 01 2013



Oregon

John A. Kitzhaber, MD, Governor

S 29929

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
FAX: 503-986-0904
www.oregon.gov/owrd

August 9, 2012

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838

REFERENCE: District Transfer T-11431

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

If you have any questions related to the approval of this transfer, you may contact your caseworker by telephone at (503) 986-0858 or by e-mail at Susan.M.Douthitt@wrds.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Tony G. Justus, Watermaster Dist. # 5
William I. Porfily, Agent

Enclosure



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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11431, 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

Findings of Fact

1. On June 8, 2012, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582, within the boundaries of the irrigation district. The Department assigned the application number T-11431.
2. Amendments clarifying the place of use were received by the Department on June 29, 2012.
3. Notice of the application for temporary transfer was published June 12, 2012, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
4. The portion of the first primary right and its layered supplemental rights to be transferred is as follows:

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

Use: Irrigation of 622.80 acres

Priority Date: June 27, 1958

Rate & 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 (cfs), 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

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

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 S-7400)

Use: Supplemental Irrigation of 135.60 acres

Priority Date: July 1, 1924

Rate & 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 cfs, (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, (constructed under reservoir Permit R-564) a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Point of Diversion and Re-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	Re-diversion - 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 name of Tony Amstad and L & L Farms – Robert Levy (perfected under Permit S-48968)

Use: Supplemental Irrigation of 249.80 acres

Priority Date: August 10, 1981

Rate & 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 cfs 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 yard, 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 West¼ corner of Section 21

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

Use: Supplemental Irrigation of 249.80 acres

Priority Date: July 19, 1976

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing ofr the same lands is limited to a diversion of ONE-EIGHTIETH of one cfs 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: 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	930 feet South from the N1/4 corner of Section 26

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

Use: Supplemental Irrigation of 622.80 acres

Priority Date: July 19, 1976

Rate & 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 cfs 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: 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	23	SW SE	960 Feet North and 30 feet east from the S1/4 corner of Section 23

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 622.80 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 – October 31

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
Butter Creek	3 N	28 E	WM	5	SE SE	440 feet North and 1170 feet West from the SE corner of Section 5
Sparks	3 N	28 E	WM	34	NE NW	270 feet South and 2070 feet East from the NW corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)												
Twp	Rng	Sec	Q - Q	Tax Lot	76051 (IR)	79439 (IS)	83083 (IS)	75124 (IS)	75554 (IS)	75555 (IS)	Permit S-54582 (IS)	User
3N	28E	33	NE NE	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	NW NE	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	SW NE	7500	31.00	--	31.00	31.00	--	--	31.00	L & L
3N	28E	33	SE NE	7500	31.00	--	31.00	31.00	--	--	31.00	L & L
3N	28E	33	NE NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	NW NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	33	SW NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L

3N	28E	33	SE NW	7500	31.30	--	31.30	31.30	--	--	31.30	L & L
3N	28E	28	NE SE	7403	27.20	27.20	--	--	--	--	27.20	L & L
3N	28E	28	NW SE	7403	28.00	28.00	--	--	--	--	28.00	L & L
3N	28E	28	SW SE	7403	30.90	30.90	--	--	--	--	30.90	L & L
3N	28E	28	SE SE	7403	30.90	30.90	--	--	--	--	30.90	L & L
3N	28E	29	NE SW	8105	28.30	--	--	--	28.30	28.30	28.30	L & L
3N	28E	29	NW SW	8105	29.70	--	--	--	29.70	29.70	29.70	L & L
3N	28E	29	SW SW	8105	31.30	--	--	--	31.30	31.30	31.30	L & L
3N	28E	29	SE SW	8105	31.10	--	--	--	31.10	31.10	31.10	L & L
3N	28E	23	NE SW	7100	17.10	17.10	--	--	--	--	17.10	L & L
3N	28E	23	NW SW	7100	18.50	18.50	--	--	--	--	18.50	L & L
3N	28E	23	SW SW	7100	40.20	40.20	--	--	--	--	40.20	L & L
3N	28E	23	SE SW	7100	35.60	35.60	--	--	--	--	35.60	L & L
3N	28E	26	NE NW	7300	12.10	12.10	--	--	--	--	12.10	L & L
3N	28E	26	NW NW	7300	12.10	12.10	--	--	--	--	12.10	L & L
Total:					622.80	135.60	249.80	249.80	120.40	120.40	622.80	

5. Transfer Application T-11431 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)												
Twp	Rng	Sec	Q - Q	Tax Lot	76051 (IR)	79439 (IS)	83083 (IS)	75124 (IS)	75554 (IS)	75555 (IS)	Permit S-54582 (IS)	User
2N	28E	4	NE NE	800	34.00	--	34.00	34.00	--	--	34.00	L & L
2N	28E	4	NW NE	800	33.90	--	33.90	33.90	--	--	33.90	L & L
2N	28E	4	SW NE	800	29.20	--	29.20	29.20	--	--	29.20	L & L
2N	28E	4	SE NE	800	29.20	--	29.20	29.20	--	--	29.20	L & L
2N	28E	4	NE SE	800	33.50	--	33.50	33.5	--	--	33.50	L & L
2N	28E	4	NW SE	800	33.00	--	33.00	33.0	--	--	33.00	L & L
2N	28E	4	SW SE	800	28.30	--	28.30	28.3	--	--	28.30	L & L
2N	28E	4	SE SE	800	28.70	--	28.70	28.7	--	--	28.70	L & L
3N	28E	27	NE NW	7403	25.00	25.00	--	--	--	--	25.00	L & L
3N	28E	27	NW NW	7403	30.40	30.40	--	--	--	--	30.40	L & L
3N	28E	27	SW NW	7403	30.40	30.40	--	--	--	--	30.40	L & L
3N	28E	27	SE NW	7403	31.20	31.20	--	--	--	--	31.20	L & L
3N	28E	23	NE SW	7100	17.10	--	--	--	17.10	17.10	17.10	L & L
3N	28E	23	NW SW	7100	18.50	--	--	--	18.50	18.50	18.50	L & L
3N	28E	23	SW SW	7100	25.00	--	--	--	25.00	25.00	25.00	L & L
3N	28E	23	SE SW	7100	35.60	--	--	--	35.60	35.60	35.60	L & L
3N	28E	26	NE NW	7300	12.10	--	--	--	12.10	12.10	12.10	L & L
3N	28E	26	NW NW	7300	12.10	--	--	--	12.10	12.10	12.10	L & L
3N	28E	29	NE SW	8105	28.30	28.30	--	--	--	--	28.30	L & L
3N	28E	29	NW SW	8105	29.70	29.70	--	--	--	--	29.70	L & L
3N	28E	29	SW SW	8105	31.30	31.30	--	--	--	--	31.30	L & L
3N	28E	29	SE SW	8105	31.10	31.10	--	--	--	--	31.10	L & L
3N	28E	32	SE NE	8105	15.20	15.20	--	--	--	--	15.20	L & L
Total:					622.80	135.60	249.80	249.80	120.40	120.40	622.80	

6. The portion of the second primary right and its layered supplemental rights to be transferred is as follows:

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

Use: Irrigation of 117.0 acres

Priority Date: April 22, 1955

Rate & 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 (cfs), 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

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

Use: Supplemental Irrigation of 117.0 acres

Priority Date: April 19, 1979

Rate & 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 cfs 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: 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 N1/4 corner of Section 26
3 N	28 E	WM	23	NW NW	60 Feet South and 820 feet East from the NW corner of Section 23

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 117.0 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 - October 31

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
Butter Creek	3 N	28 E	WM	5	SE SE	440 feet North and 1170 feet West from the SE corner of Section 5
Sparks	3 N	28 E	WM	34	NE NW	270 feet South and 2070 feet East from the NW corner of Section 34

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Sec	Q - Q	Tax Lot	76050 (IR)	75121 (IS)	Permit S-54582 (IS)	User
3N	28E	27	NE NW	7403	25.00	25.00	25.00	L & L
3N	28E	27	NW NW	7403	30.40	30.40	30.40	L & L
3N	28E	27	SW NW	7403	30.40	30.40	30.40	L & L
3N	28E	27	SE NW	7403	31.20	31.20	31.20	L & L
Total:					117.00	117.00	117.00	

7. Transfer Application T-11431 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Sec	Q - Q	Tax Lot	76050 (IR)	75121 (IS)	Permit S-54582 (IS)	User
3N	28E	28	NE SE	7500	27.20	27.20	27.20	L & L
3N	28E	28	NW SE	7500	28.00	28.00	28.00	L & L
3N	28E	28	SW SE	7500	30.90	30.90	30.90	L & L
3N	28E	28	SE SE	7500	30.90	30.90	30.90	L & L
Total:					117.00	117.00		

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

Certificate: 79990, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: Irrigation of 123.10 acres

Priority Date: July 19, 1976

Rate & 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 (cfs), or its equivalent, and 3 acre-feet for each acre irrigated 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	Well 1 - 960 feet North and 30 feet East from the s1/4 corner of Section 23

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

Use: Supplemental Irrigation of 123.10 acres

Priority Date: August 10, 1981

Rate & 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 cfs 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 yard, 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 West 1/4 corner of Section 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 123.10 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 – October 31

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
Butter Creek	3 N	28 E	WM	5	SE SE	440 feet North and 1170 feet West from the SE corner of Section 5
Sparks	3 N	28 E	WM	34	NE NW	270 feet South and 2070 feet East from the NW corner of Section 34

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

Use: Supplemental Irrigation of 29.2 acres

Priority Date: December 2, 1976

Rate & 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 (cfs), or its equivalent, and 3 acre-feet for each acre irrigated during the irrigation season of each year.

Source: Well 3 in 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	60 feet South and 820 feet East from the NW corner of Section 23

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	Tax Lot	79990 (IR)	83083 (IS)	Permit S-54582 (IS)	79991 (IS)	User
3N	28E	33	NE SW	8103	29.20	29.20	29.20	29.20	L & L
3N	28E	33	NW SW	8103	30.90	30.90	30.90	--	L & L
3N	28E	33	SW SW	8103	32.60	32.60	32.60	--	L & L
3N	28E	33	SE SW	8103	30.40	30.40	30.40	--	L & L
Total:					123.10	123.10	123.10	29.20	

9. Transfer Application T-11431 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	Tax Lot	79990 (IR)	83083 (IS)	Permit S-54582 (IS)	79991 (IS)	User
2N	28E	4	NE NW	800	32.20	32.20	32.20	29.20	L & L
2N	28E	4	NW NW	800	34.30	34.30	34.30	--	L & L
2N	28E	4	SW NW	800	28.30	28.30	28.30	--	L & L
2N	28E	4	SE NW	800	28.30	28.30	28.30	--	L & L
Total:					123.10	123.10	123.10	29.20	

10. The portion of the third primary right and its layered supplemental rights 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: Supplemental Irrigation of 388.1 acres

Priority Date: August 10, 1981

Rate & 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 cfs 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 yard, 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 West 1/4 corner of Section 21

Water Use Permit: S-54582, in the name of L & L Farms (filed under application S-87119)

Use: Supplemental Irrigation of 15.20 acres

Priority Date: March 6, 2008

Rate & 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 RESERVOIR (constructed under Permit R-12130) and SPARKS RESERVOIR (constructed under Permit R-13872)

Season: April 1 – October 31

Authorized Points of Diversion:

Reservoir	Twp	Rng	Mer	Sec	Q - Q	Measured Distances
Butter Creek	3 N	28 E	WM	5	SE SE	440 feet North and 1170 feet West from the SE corner of Section 5
Sparks	3 N	28 E	WM	34	NE NW	270 feet South and 2070 feet East from the NW corner of Section 34

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

Use: Supplemental Irrigation of 388.1 acres

Priority Date: July 19, 1976

Rate & 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 cfs 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: 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	23	SW SE	960 Feet North and 30 feet east from the S1/4 corner of Section 23

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	75554 (IS)	User
2N	28E	4	NE NE	800	34.00	34.00	--	L & L
2N	28E	4	NW NE	800	33.90	33.90	--	L & L
2N	28E	4	SW NE	800	29.20	29.20	--	L & L
2N	28E	4	SE NE	800	29.20	29.20	--	L & L
2N	28E	4	NE NW	800	32.20	32.20	--	L & L
2N	28E	4	NW NW	800	34.30	34.30	--	L & L
2N	28E	4	SW NW	800	28.30	28.30	--	L & L
2N	28E	4	SE NW	800	28.30	28.30	--	L & L
2N	28E	4	NE SE	800	33.50	33.50	--	L & L
2N	28E	4	NW SE	800	33.00	33.00	--	L & L
2N	28E	4	SW SE	800	28.30	28.30	--	L & L
2N	28E	4	SE SE	800	28.70	28.70	--	L & L
3N	28E	32	SE NE	8105	15.20	15.20	15.20	L & L
Total:					388.1	388.1	15.20	

11. Transfer Application T-11431 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Sec	Q - Q	Tax Lot	83083 (IR)	Permit S-54582 (IS)	75554 (IS)	User
3N	28E	23	SW SW	7100	15.20	15.20	15.20	L & L
3N	28E	33	NE NE	7500	31.30	31.30	--	L & L
3N	28E	33	NW NE	7500	31.30	31.30	--	L & L
3N	28E	33	SW NE	7500	31.00	31.00	--	L & L
3N	28E	33	SE NE	7500	31.00	31.00	--	L & L

3N	28E	33	NE NW	7500	31.30	31.30	--	L & L
3N	28E	33	NW NW	7500	31.30	31.30	--	L & L
3N	28E	33	SW NW	7500	31.30	31.30	--	L & L
3N	28E	33	SE NW	7500	31.30	31.30	--	L & L
3N	28E	33	NE SW	8103	29.20	29.20	--	L & L
3N	28E	33	NW SW	8103	30.90	30.90	--	L & L
3N	28E	33	SW SW	8103	32.60	32.60	--	L & L
3N	28E	33	SE SW	8103	30.40	30.40	--	L & L
Total:				388.10	388.10	15.20		

12. The following table describes the location of water rights that are requested to be temporarily diminished to supplemental irrigation to the water right moving "to" or "on" via Transfer Application T-11429:

Supp'l to Cert	Twp	Rng	Sec	Q - Q	Tax Lot	83083	Permit S-54582	76263	79439
76263	3N	28E	32	NE NW	8105	31.0	31.0	31.0	--
76263	3N	28E	32	NW NW	8105	31.7	31.7	31.7	--
76263	3N	28E	32	SW NW	8105	31.9	31.9	31.9	--
76263	3N	28E	32	SE NW	8105	31.5	31.5	31.5	--
76263 and 79993	3N	28E	23	NE SE	7100	30.3	30.3	30.3	30.3
76263 and 79993	3N	28E	23	NW SE	7100	31.3	31.3	31.3	31.3
76263 and 79993	3N	28E	23	SW SE	7100	23.7	23.7	23.7	23.7
76263 and 79993	3N	28E	23	SE SE	7100	21.7	21.7	21.7	21.7
76263 and 79993	3N	28E	26	NE NE	7300	8.5	8.5	8.5	8.5
Total:						241.6	241.6	241.6	115.5

13. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
14. The District has agreed to measure the "amount in" and "amount out" in regards to the use of the supplemental water rights and shall maintain both a flow meter where the groundwater is pumped into the Westland Canal, and a meter to measure the amount of water that is pumped out of the Westland Canal to the new places of use.
15. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
16. The proposed changes in place of use would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.

Conclusions of Law

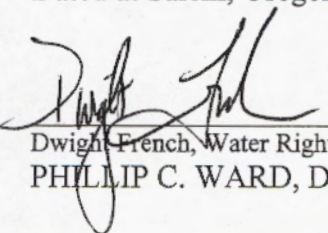
The temporary changes in place of use proposed in Transfer Application T-11431 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11431 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2012 irrigation season.

3. The use shall revert to the authorized places of use at the end of the 2012 irrigation season.
4. The right to the use of the water at the temporary place of use authorized by this transfer shall be in accordance with the conditions and limitations contained in Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582 as well as any related decree.
5. 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.
6. The water rights as identified in Finding of Fact #12 are temporarily diminished to supplemental irrigation for the incoming primary irrigation water rights identified in Transfer Application T-11429.
7. The use of water for supplemental irrigation at the proposed places of use described herein is restricted to the total rate and duty described by the relevant certificate and may be used only to make up a deficiency of supply.
8. The applicant shall install a measurement device at the site where groundwater is pumped into the Westland Canal. The District shall also operate and maintain a measurement device at the point where the District pumps from the Westland Canal to the proposed places of use. The District shall measure and record the amount of water monthly and provide the information to the Watermaster upon request.
9. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
10. 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.
11. A subsequent application for permanent transfer of Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 and 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
12. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
13. The use of the remaining water rights described by Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 76051, 76050, 83083, 79439, 79990, 75554, 75124, 75555, 79991, 75121 and Water Use Permit S-54582.

Dated at Salem, Oregon this 9th day of August, 2012.


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

AUG 10 2012
Mailing Date: _____

S-29929

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.

- 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.
- 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 W $\frac{1}{4}$ 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

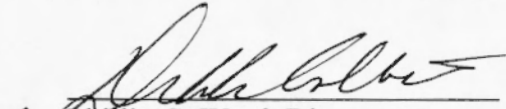
The temporary changes in place of use proposed in Transfer Application T-10830 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

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



Oregon

John A. Kitzhaber, MD, Governor

S-29929

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 29, 2014

WESTLAND IRRIGATION DISTRICT
ATTN: BILL PORFILY
PO BOX 944
HERMISTON OR 97838

Reference: District Transfer 11795

On April 18, 2014 we received your district transfer application requesting place of use for use of water from A RESERVOIR, tributary to BUTTER CREEK. The application was accompanied by \$3162.00. Our receipt 111795 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

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)986-0807.

cc: Watermaster #5 (*via email*)

enclosure





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
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 April 29, 2014

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. 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.

County: UMATILLA
Transfer: 11795
Water Right: CERT 75121; 75124; 75554; 76050; 76051; 79439; 83083;
PERMIT S 54582
Priority Date: APRIL 19, 1979; JULY 19, 1976; APRIL 22, 1955; JUNE 27, 1958;
JULY 1, 1924; AUGUST 10, 1981; MARCH 6, 2008
Name: WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838
Change: place of use
Source: A WELL

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. Comments should be sent to the Transfers Section at the Department's Salem office.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11057, 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
P. O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On April 5, 2010, Westland Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 76050, 75127 and 81815. The Department assigned the application number T-11057.
2. Notice of the application for temporary transfer was published April 13, 2010, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the FIRST primary right and its layered supplemental right to be transferred is as follows:

Certificate: 76050, issued in the name of Teel Irrigation District (perfected under Permit S-25920)
Use: Irrigation (IR) of 504.9 acres
Priority Date: April 22, 1955
Quantity: 6.04 cubic foot per second (cfs)
Rate & Duty: 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

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.

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: 75127, issued in the name of Chester and Rosalie Prior (perfected under Permit G-6069)

Use: Supplemental Irrigation (IS) of 504.9 acres

Priority Date: September 5, 1974

Quantity: 6.31 cubic feet per second (cfs), being 1.83 cfs from each of Wells #7 and #8 and 2.65 cfs from Well #4

Rate & Duty: ONE-EIGHTIETH of one cfs (or its equivalent) and 3.0 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 therein.

Source: PRIOR WELLS # 4, #7 and #8, within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Change in POA	Measured Distances
2 N	28 E	WM	1	SE NW	RETAIN	PRIOR WELL #4 - 2640 Feet South and 630 Feet West from the N $\frac{1}{4}$ Corner of Section 1
2 N	28 E	WM	2	SE NW	DELETE	PRIOR WELL #7 - 2500 Feet South and 2580 Feet East from the NW Corner of Section 2
2 N	28 E	WM	2	NE SE	RETAIN	PRIOR WELL #8 - 2800 Feet South and 500 Feet West from the NE Corner of Section 2

Certificate: 81815, issued in the name of Chester Prior, Eagle Ranch

Use: Supplemental Irrigation (IS) of 248.9 acres

Priority Date: August 3, 1981

Rate & Duty: The use may be allowed anytime between November 15 and June 15 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season. 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 cfs (or its equivalent) and 1.5 acre-feet 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 4.5 ACRE-FEET FOR EACH ACRE IRRIGATED IN ANY ONE YEAR, provided further, that the part declared herein be for supplemental irrigation, the right allowed may, in the interest of conserving the 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. The use of water during the period November 15 to the last day February of each year shall not establish priority of right as against future appropriations for beneficial uses or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

Source: Umatilla River, a tributary of 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 $\frac{1}{4}$ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (ACRES)			User
						76050 (IR)	75127(IS)	81815 (IS)	
2 N	28 E	WM	1	NE NW	200	32.2	32.2	32.2	CHESTER PRIOR
2 N	28 E	WM	1	NW NW	200	1.9	1.9	1.9	CHESTER PRIOR
2 N	28 E	WM	1	NE SW	200	37.1	37.1	37.1	CHESTER PRIOR
2 N	28 E	WM	1	NW SW	200	31.0	31.0	31.0	CHESTER PRIOR
2 N	28 E	WM	1	SW SW	200	28.8	28.8	28.8	CHESTER PRIOR
2 N	28 E	WM	1	SE SW	200	31.2	31.2	31.2	CHESTER PRIOR
2 N	28 E	WM	2	NE NE	300	8.2	8.2	8.2	CHESTER PRIOR
2 N	28 E	WM	2	NW NE	300	36.7	36.7	36.7	CHESTER PRIOR
2 N	28 E	WM	2	SW NE	300	38.2	38.2	38.2	CHESTER PRIOR
2 N	28 E	WM	2	SE NE	300	29.2	29.2	29.2	CHESTER PRIOR
2 N	28 E	WM	2	NE NW	300	33.3	33.3	33.3	CHESTER PRIOR
2 N	28 E	WM	2	NW NW	300	32.2	32.2	32.2	CHESTER PRIOR
2 N	28 E	WM	2	SW NW	300	27.8	27.8	27.8	CHESTER PRIOR
2 N	28 E	WM	2	SE NW	300	30.0	30.0	30.0	CHESTER PRIOR
2 N	28 E	WM	2	NE SE	500	19.1	19.1	19.1	CHESTER PRIOR
2 N	28 E	WM	2	NW SE	500	30.0	30.0	30.0	CHESTER PRIOR
2 N	28 E	WM	2	SW SE	600	35.2	35.2	35.2	CHESTER PRIOR
2 N	28 E	WM	2	SE SE	600	22.8	22.8	22.8	CHESTER PRIOR
TOTALS:						504.9	504.9	504.9	

4. Pursuant to 690-385-3130, the applicant requested that the portion of water right Certificate 76050(IR) in the above described table be diminished to supplemental irrigation on the "TO" lands to the existing District water right Certificate 76050 during the 2010 irrigation season and is described in Findings of Fact #5.
5. Transfer Application T-10844 proposes to transfer the above described rights as follows:
Proposed Places of Use:

SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (ACRES)			User
						76050 (IS)*	75127 (IS)	81815 (IS)	
3 N	28 E	WM	16	NE SE	4600	31.1	31.1	31.1	CHESTER PRIOR
3 N	28 E	WM	16	NW SE	4700	30.9	30.9	30.9	CHESTER PRIOR
3 N	28 E	WM	16	SW SE	4700	32.2	32.2	32.2	CHESTER PRIOR
3 N	28 E	WM	16	SE SE	4600	30.0	30.0	30.0	CHESTER PRIOR
3 N	28 E	WM	20	NE NE	6700	31.8	31.8	31.8	CHESTER PRIOR
3 N	28 E	WM	20	NW NE	6700	31.4	31.4	31.4	CHESTER PRIOR
3 N	28 E	WM	20	SW NE	6700	33.9	33.9	33.9	CHESTER PRIOR
3 N	28 E	WM	20	SE NE	6700	32.8	32.8	32.8	CHESTER PRIOR
3 N	28 E	WM	21	NE NE	6800	30.6	30.6	30.6	CHESTER PRIOR
3 N	28 E	WM	21	NW NE	6800	30.3	30.3	30.3	CHESTER PRIOR
3 N	28 E	WM	21	SW NE	6900	31.9	31.9	31.9	CHESTER PRIOR
3 N	28 E	WM	21	SE NE	6800	31.1	31.1	31.1	CHESTER PRIOR
3 N	28 E	WM	21	NE NW	6800	31.4	31.4	31.4	CHESTER PRIOR
3 N	28 E	WM	21	NW NW	6800	31.5	31.5	31.5	CHESTER PRIOR

SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (ACRES)			User
						76050 (IS)*	75127 (IS)	81815 (IS)	
3 N	28 E	WM	21	SW NW	6800	32.6	32.6	32.6	CHESTER PRIOR
3 N	28 E	WM	21	SE NW	6800	31.4	31.4	31.4	CHESTER PRIOR
TOTALS:						504.9	504.9	504.9	

* NOTE: The applicant has requested to diminish to supplemental irrigation the above described Certificate 76050 at the new proposed place of use during the 2010 irrigation season.

6. Transfer Application T-11057 also proposes to TEMPORARILY change the point of appropriation from Prior Well #7 under Certificate 75127 (1.83 cfs to be used in any combination) on the proposed "TO" lands to two wells located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	1	SE NW	PRIOR WELL #4 – 2640 Feet South and 630 Feet West from the N¼ Corner of Section 1
2 N	28 E	WM	2	NE SE	PRIOR WELL #8 – 2800 Feet South and 500 Feet West from the NE Corner of Section 2

7. The Department has determined that the new proposed points of appropriation (described above) will develop the same source of water as the authorized existing well described in Certificate 75127.
8. Notice of the application for temporary transfer was published April 13, 2010, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
9. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed changes in place of use would not result in enlargement of the rights.
12. The proposed changes would not result in injury to other water rights.

Conclusions of Law

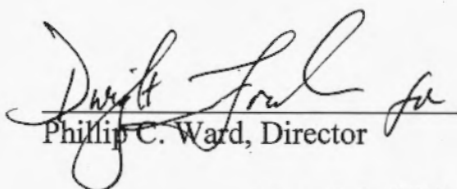
The temporary change in place of use proposed in Transfer Application T-11057 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- The temporary changes proposed in Transfer Application T-11057 are approved.
- The former places of use **shall not** be irrigated as part of these water rights during the 2010 irrigation season.
- The use shall revert to the authorized places of use at the end of the 2010 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.

4. Pursuant to OAR 690-385-3130, the use of water for supplemental irrigation at the proposed place of use under Certificates 76050, 75127 and 81815 as described in Findings of Fact #5, is restricted to the total rate and duty described by Certificate 76050 and may be used only to make up a deficiency of supply.
5. The right to the use of the water at the temporary place of use authorized by this transfer shall be in accordance with the conditions and limitations contained in Certificates 76050, 75127 and 81815 and any related decree.
6. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #7).
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. 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.
9. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
10. 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.
11. A subsequent application for permanent transfer of Certificates 76050, 75127 and 81815 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 and 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
12. 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 76050, 75127 and 81815.
13. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
14. The use of the remaining water rights described by Certificates 76050, 75127 and 81815 shall continue to be in accordance with the terms and conditions of Certificates 76050, 75127 and 81815.

Dated at Salem, Oregon this 9 day of June, 2010.


Phillip C. Ward, Director

Mailing date JUN 14 2010