

State Police 93776



Oregon

Kate Brown, Governor

S-32422

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: District Transfer T-12300

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) 986-60892 or by e-mail 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
Landowners (other or receiving)

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12300, Umatilla County	)	A DISTRICT TEMPORARY
	)	TRANSFER

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

1. On March 9, 2016, Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 75126, 61534, 75128, and 79439. The Department assigned the application number T-12300.
2. Notice of the application for transfer was published on March 22, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 11, 2016, the Department received amended application pages and maps correctly identifying the place of use to be transferred.
4. The portion of the right to be transferred is as follows:
 - Certificate:** 76051, issued in the name of Teel Irrigation District (perfected under Permit S-25924)
 - Use:** Irrigation of 119.2 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 (AF) 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	29 E	WM	20	NW NE	6106	5.20	WID
3 N	29 E	WM	20	SW NE	6106	7.60	WID
3 N	29 E	WM	20	SE NE	6106	4.30	WID
3 N	29 E	WM	20	SE SW	6106	11.10	WID
3 N	29 E	WM	20	NE SE	6106	0.10	WID
3 N	29 E	WM	20	NW SE	6106	0.50	WID
3 N	29 E	WM	20	SE SE	6106	4.50	WID
3 N	29 E	WM	21	SW NW	6106	0.30	WID
3 N	29 E	WM	21	NW SW	6106	1.20	WID
3 N	29 E	WM	21	SW SW	6106	23.80	WID
3 N	29 E	WM	21	SE SW	6106	3.80	WID
3 N	29 E	WM	21	SE SW	6106	2.50	WID
3 N	29 E	WM	28	NE NW	6106	2.00	WID
3 N	29 E	WM	28	NW NW	6106	22.10	WID
3 N	29 E	WM	29	NE NE	6106	2.40	WID
3 N	29 E	WM	29	NE NW	6104	8.00	WID
3 N	29 E	WM	29	SW NW	6104	0.60	WID
3 N	29 E	WM	29	SW SW	6104	9.60	WID
3 N	29 E	WM	30	SE SE	6104	9.60	WID
Total:						119.20	

5. Transfer Application T-12300 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	24	NE NW	7200	29.90	WID
3 N	28 E	WM	24	NW NW	7200	30.60	WID
3 N	29 E	WM	20	SE SE	6106	4.50	WID
3 N	29 E	WM	21	SW SW	6106	8.90	WID
3 N	29 E	WM	21	SW SW	6106	2.80	WID
3 N	29 E	WM	21	SW SW	6106	2.40	WID
3 N	29 E	WM	21	SW SW	6106	6.40	WID
3 N	29 E	WM	21	SW SW	6106	0.80	WID
3 N	29 E	WM	21	SW SW	6106	2.50	WID
3 N	29 E	WM	21	SE SW	6106	0.20	WID
3 N	29 E	WM	21	SE SW	6106	3.60	WID
3 N	29 E	WM	28	NE NW	6106	1.20	WID
3 N	29 E	WM	28	NE NW	6106	0.80	WID

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	28	NW NW	6106	17.60	WID
3 N	29 E	WM	28	NW NW	6106	0.80	WID
3 N	29 E	WM	28	NW NW	6106	3.80	WID
3 N	29 E	WM	29	NE NE	6106	2.40	WID
Total:						119.20	

6. The portion of the SECOND right to be transferred is as follows:

Certificate: 75126 issued in the name of Todd M. Dimbat Irrevocable Trust and Kelly L. Molash Irrevocable Trust; Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.40 acres

Priority Date: October 1, 1975

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-EIGHTIETH of one cubic foot 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. The diversion shall be further limited to appropriation of water only to the extent that does not impact or substantially interfere with existing surface water rights of others

Source: WELLS 1 & 3 in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	16	SE SW	850 FEET NORTH AND 750 FEET WEST FROM THE S ¼ CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	350 FEET NORTH AND 850 FEET WEST FROM THE S ¼ CORNER OF SECTION 16

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	NW NE	6106	5.20	Amstad
3 N	29 E	WM	20	SW NE	6106	7.60	Amstad
3 N	29 E	WM	20	SE NE	6106	4.30	Amstad
3 N	29 E	WM	21	SW NW	6103	0.30	Amstad
Total:						17.40	

7. Transfer Application T-12300 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	Tax Lot	Acres	Water User
3 N	29 E	WM	21	SW SW	6106	2.80	Amstad
3 N	29 E	WM	21	SW SW	6106	2.40	Amstad
3 N	29 E	WM	21	SW SW	6106	6.40	Amstad
3 N	29 E	WM	21	SE SW	6106	0.20	Amstad
3 N	29 E	WM	21	SE SW	6106	3.60	Amstad
3 N	29 E	WM	28	NE NW	6106	1.20	Amstad
3 N	29 E	WM	28	NW NW	6106	0.80	Amstad
Total:						17.4	

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

Certificate: 61534 in the name of TRAVELERS INSURANCE COMPANY (as perfected under Permit G-7078)

Use: Supplemental Irrigation of 100.0 acres

Priority Date: March 30, 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, or its equivalent, and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: ELEVEN WELLS in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL 1-80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SW SW	BROWN WELL 2-610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL 3-1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL 4-140 FEET NORTH AND 490 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 19

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	NW NE	6106	5.20	Amstad
3 N	29 E	WM	20	SW NE	6106	7.60	Amstad
3 N	29 E	WM	20	SE NE	6106	4.30	Amstad
3 N	29 E	WM	20	SE SW	6103	11.10	Amstad
3 N	29 E	WM	20	NE SE	6106	0.10	Amstad
3 N	29 E	WM	20	NW SE	6106	0.50	Amstad

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	SE SE	6106	4.50	Amstad
3 N	29 E	WM	21	SW NW	6106	0.30	Amstad
3 N	29 E	WM	21	NW SW	6106	1.20	Amstad
3 N	29 E	WM	21	SW SW	6106	23.80	Amstad
3 N	29 E	WM	21	SE SW	6106	3.80	Amstad
3 N	29 E	WM	21	SE SW	6106	2.50	Amstad
3 N	29 E	WM	28	NE NW	6106	2.00	Amstad
3 N	29 E	WM	28	NW NW	6106	22.10	Amstad
3 N	29 E	WM	29	NE NE	6106	2.40	Amstad
3 N	29 E	WM	29	NE NW	6104	8.00	Amstad
3 N	29 E	WM	29	SW NW	6104	0.60	Amstad
Total:						100.0	

9. Transfer Application T-12300 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	Tax Lot	Acres	Water User
3 N	28 E	WM	24	NE NW	7200	29.90	Corea
3 N	28 E	WM	24	NW NW	7200	30.60	Corea
3 N	29 E	WM	20	SE SE	6106	4.50	Corea
3 N	29 E	WM	21	SW SW	6106	8.90	Corea
3 N	29 E	WM	21	SW SW	6106	2.80	Corea
3 N	29 E	WM	21	SW SW	6106	2.50	Corea
3 N	29 E	WM	21	SW SW	6106	2.40	Corea
3 N	29 E	WM	21	SW SW	6106	6.40	Corea
3 N	29 E	WM	21	SE SW	6106	0.20	Corea
3 N	29 E	WM	21	SE SW	6106	3.60	Corea
3 N	29 E	WM	28	NE NW	6106	1.20	Corea
3 N	29 E	WM	28	NW NW	6106	0.80	Corea
3 N	29 E	WM	28	NW NW	6106	3.80	Corea
3 N	29 E	WM	29	NE NE	6106	2.40	Corea
Total:						100.0	

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

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.20 acres

Priority Date: September 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 a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acres 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: BROWN WELL 2, in the UMATILLA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Places of Use:

SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	29	SW SW	6104	9.60	Amsted
3 N	29 E	WM	30	SE SE	6104	9.60	Amsted
Total:						19.20	

11. Transfer Application T-12300 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION (IS)							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	21	SW SW	6104	0.80	Corea
3 N	29 E	WM	28	NE NW	6104	0.80	Corea
3 N	29 E	WM	28	NW NW	6104	17.60	Corea
Total:						19.20	

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

Certificate: 79439, issued in the name of the U.S. BUREAU OF RECLAMATION perfected under Permit S-7400)

Use: Supplemental Irrigation of 67.60 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 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 herein.

Source: MCKAY RESERVOIR (constructed under permit R-564)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 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							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3 N	29 E	WM	20	SE NE	6106	4.30	Amsted
3 N	29 E	WM	20	NE SE	6106	0.10	Amsted
3 N	29 E	WM	20	SE SE	6106	4.50	Amsted
3 N	29 E	WM	21	SW NW	6106	0.30	Amsted
3 N	29 E	WM	21	NW SW	6106	1.20	Amsted
3 N	29 E	WM	21	SW SW	6106	23.80	Amsted
3 N	29 E	WM	21	SE SW	6106	3.80	Amsted
3 N	29 E	WM	21	SE SW	6106	2.50	Amsted
3 N	29 E	WM	28	NE NW	6106	2.00	Amsted
3 N	29 E	WM	28	NW NW	6106	22.10	Amsted
3 N	29 E	WM	29	NE NE	6106	2.40	Amsted
3 N	29 E	WM	29	SW NW	6104	0.60	Amsted
					Total:	67.60	

13. Transfer Application T-12300 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	Tax Lot	Acres	Water User
3 N	28 E	WM	24	NE NW	7200	29.90	Corea
3 N	28 E	WM	24	NW NW	7200	30.60	Corea
3 N	29 E	WM	21	SW SW	6106	2.40	Corea
3 N	29 E	WM	21	SW SW	6106	2.50	Corea
3 N	29 E	WM	21	SE SW	6106	0.20	Corea
3 N	29 E	WM	28	NE SW	6106	1.20	Corea
3 N	29 E	WM	28	NW NW	6106	0.80	Corea
					Total:	67.60	

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

14. 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.
15. 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.
16. 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.
17. The proposed changes would not result in injury to other water rights as defined in OAR 690-385-0100(4).

18. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
19. All other applicable requirements for district temporary water right transfers are met.
20. The proposed changes would not result in enlargement of the rights.
21. 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-12300 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-12300 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, 75126, 61534, 75128, and 79439 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, 75126, 61534, 75128, and 79439.
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, 75126, 61534, 75128, and 79439 shall continue to be in accordance with the terms and conditions Certificates 76051, 75126, 61534, 75128, and 79439.

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-32422

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@wrds.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



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12322, Umatilla County	)	A DISTRICT TEMPORARY
	)	TRANSFER

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

1. On March 23, 2016, Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 81815, 80652, 76050, 79439, 76717, 76715, and 76722. The Department assigned the application number T-12322.
2. Notice of the application for transfer was published on April 5, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the water right to be transferred is as follows:

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

Use: Irrigation of 248.6 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 (AF) 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	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								
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
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-EIGHTITH 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

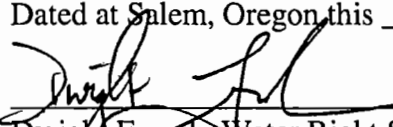
The temporary change in place of use proposed in Temporary Transfer Application T-12322 is consistent with the requirements of ORS 540.570 and OAR 690-385-8000.

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-32422

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@wrđ.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



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12304, Umatilla County	)	A DISTRICT TEMPORARY
	)	TRANSFER AND DIMINISHMENT

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

1. On March 9, 2016, Westland Irrigation District (WID) filed a district transfer application to temporarily change the places of use and additional points of appropriation within the boundaries of the irrigation district under Certificates 76051, 83083, 76050, 75124, 79439, 75554, and water use Permit S-54582. The Department assigned the application number T-12304.
2. Notice of the application for transfer was published on March 22, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 4 and 18th, 2016, the Department received revised application pages and maps from the applicant which clarified the proposed changes requested.

4. The portion of the 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 364.6 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, 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 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 W 1/4 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

S-32422

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

October 13, 2015

WESTLAND IRRIGATION DISTRICT

PO BOX 944

HERMISTON, OR 97838

REFERENCE: Temporary Transfer Application T-12097

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 2015 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wrds.state.or.us.

Sincerely,

Bethanie Williamson

Water Rights Services Support

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12097, Umatilla County	)	A DISTRICT TEMPORARY
	)	TRANSFER

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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 July 6, 2015, Mike Wick, Manager of Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 75126, 61534, 75128, and 79439. The Department assigned the application number T-12097.
2. Notice of the application for transfer was published on July 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the FIRST 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 100.0 acres

Priority Date: June 27, 1958

Quantity: 0.67 CUBIC FOOT PER SECOND (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 1/40th 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	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

Certificate: 75126, issued in the name of TODD M. DIMBAT Irrevocable TRUST
(perfected under Permit G-6339)

Use: SUPPLEMENTAL IRRIGATION of 17.4 acres

Priority Date: October 1, 1975

Quantity: 0.22 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: WELLS 1 and 3, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	WELL 1 - 850 FEET NORTH AND 750 FEET WEST FROM THE S¼ CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	WELL 3 - 350 FEET NORTH AND 850 FEET WEST FROM THE S¼ CORNER OF SECTION 16

Certificate: 61534, in the name of Travelers Insurance Company (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Priority Date: March 30, 1976

Quantity: 0.39 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: BROWN WELLS #1, 2, 3, and 4 in the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 FEET NORTH AND 490 FEET WEST FROM THE CENTER OF SECTION 19.

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

Use: Supplemental Irrigation of 67.6 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cfs, 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 Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Points of Diversion:

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

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
						Water Right Certificates				
Twp	Rng	Mer	Sec	Q - Q	TL	76051(IR)	75126(IS)	61534(IS)	79439(IS)	Water User
3N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	AMSTAD
3N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	AMSTAD
3N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	4.3	AMSTAD
3N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	AMSTAD
3N	29E	WM	20	NE SE	6106	0.1	--	--	0.1	AMSTAD
3N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	AMSTAD
3N	29E	WM	20	SE SE	6106	4.5	--	--	4.5	AMSTAD
3N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	0.3	AMSTAD
3N	29E	WM	21	NW SW	6106	1.2	--	--	1.2	AMSTAD
3N	29E	WM	21	SW SW	6106	23.8	--	--	23.8	AMSTAD
3N	29E	WM	21	SE SW	6106	6.3	--	2.5	6.3	AMSTAD
3N	29E	WM	28	NE NW	6106	2.0	--	--	2.0	AMSTAD
3N	29E	WM	28	NW NW	6106	22.1	--	--	22.1	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	--	2.4	AMSTAD
3N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	AMSTAD
3N	29E	WM	29	SW NW	6104	0.6	--	--	0.6	AMSTAD
TOTAL:						100.0	17.4	39.5	67.6	

4. Transfer Application T-12097 proposes to temporarily change the place of use of the above described rights to:

Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Sec	Q - Q	Tax Lot	76051(IR)	75126(IS)	61534(IS)	79439(IS)	Water User
3N	28E	24	NE NW	7200	29.9	--	--	29.9	CORREA RANCH
3N	28E	24	NW NW	7200	30.6	--	--	30.6	CORREA RANCH
3N	29E	20	SE SE	6106	4.5	--	4.5	--	AMSTAD
3N	29E	21	SW SW	6106	8.9	--	8.9	--	AMSTAD
3N	29E	21	SW SW	6106	2.8	2.8	2.8	--	AMSTAD
3N	29E	21	SW SW	6106	2.4	2.4	2.4	2.4	AMSTAD

Twp	Rng	Sec	Q - Q	Tax Lot	76051(IR)	75126(IS)	61534(IS)	79439(IS)	Water User
3N	29E	21	SW SW	6106	6.4	6.4	6.4	--	AMSTAD
3N	29E	21	SW SW	6106	2.5	--	2.5	2.5	AMSTAD
3N	29E	21	SE SW	6106	0.2	0.2	0.2	0.2	AMSTAD
3N	29E	21	SE SW	6106	3.6	3.6	3.6	--	AMSTAD
3N	29E	28	NE NW	6106	1.2	1.2	1.2	1.2	AMSTAD
3N	29E	28	NW NW	6106	0.8	0.8	0.8	0.8	AMSTAD
3N	29E	28	NW NW	6106	3.8	--	3.8	--	AMSTAD
3N	29E	29	NE NE	6106	2.4	--	2.4	--	AMSTAD
TOTAL:					100.0	17.4	39.5	67.6	

5. The portion of the SECOND 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 19.2 acres

Priority Date: June 27, 1958

Quantity: 0.13 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-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: 75128, issued in the name of JEFF R. URBACH IRREVOCABLE TRUST (perfected under Permit G-6010)

Use: SUPPLEMENTAL IRRIGATION of 19.2 acres

Priority Date: September 26, 1974

Quantity: 0.13 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: BROWN WELL 2, within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	76051 (IR)	75128 (IS)	Water User
3 N	29 E	WM	29	SW SW	6104	9.6	9.6	AMSTAD
3 N	29 E	WM	30	SE SE	6104	9.6	9.6	AMSTAD
TOTAL:						19.2	19.2	

6. Transfer Application T-12097 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	Tax Lot	76051 (IR)	75128 (IS)	Water User
3 N	29 E	WM	21	SW SW	6106	0.8	0.8	AMSTAD
3 N	29 E	WM	28	NE NW	6106	0.8	0.8	AMSTAD
3 N	29 E	WM	28	NW NW	6106	17.6	17.6	AMSTAD
TOTAL:						19.2	19.2	

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

7. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence in the record demonstrating the rights are subject to forfeiture under ORS 540.610.
8. Diversion structures, canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
9. 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 maps 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 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 Temporary Transfer Application T-12097 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-12097 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, 75126, 61534, 75128, and 79439 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, 75126, 61534, 75128, and 79439.
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, 75126, 61534, 75128, and 79439 shall continue to be in accordance with the terms and conditions Certificates 76051, 75126, 61534, 75128, and 79439.

Dated at Salem, Oregon this 13 day of October, 2015.



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

Mailing Date: OCT 15 2015



Oregon

Kate Brown, Governor

S-32422

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 8, 2015

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838

Reference: District Transfer 12097

On July 6, 2015 we received your district transfer application requesting place of use for use of water from A WELL, tributary to UMATILLA RIVER. The application was accompanied by \$1659.60. Our receipt 116516 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



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 August 13, 2015. The Department shall consider the comments in determining whether to condition, reject, or revoke a temporary district transfer.

Transfer	<u>T-12097</u>
Water Right	Cert: 76051, 75126, 75128, 61534, 79439
County/Basin	Morrow, Umatilla / Umatilla (7)
Applicant Name	WESTLAND IRRIGATION DISTRICT PO BOX 944 HERMISTON, OR 97838
Proposed Change	PLACE OF USE
Sources	A WELL > UMATILLA RIVER MCKAY RESERVOIR > MCKAY CREEK UMATILLA RIVER > COLUMBIA RIVER
Use	PRIMARY AND SUPPLEMENTAL IRRIGATION
Acres	119.200
Priority Date	06/27/1958, 10/01/1975, 09/26/1974, 03/30/1976, 07/01/1924



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@wrđ.state.or.us.

Sincerely,

Bethanie Williamson
Water Right Services Support

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

Enclosure

5:32422

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.wrđ.state.or.us



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

In the Matter of Transfer Application)
T-12040, Umatilla County)

**FINAL ORDER APPROVING
A DISTRICT TEMPORARY
TRANSFER**

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (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
73120 HIGHWAY 207
ECHO, OR 97826

Agent

WILLIAM I. PORFILY
PO BOX 643
STANFIELD, OR 97875

Findings of Fact

1. On April 17, 2015, Mike Wick, Manager of Westland Irrigation District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 76051, 83083, 76050, 75124, 79990, 75121, 79439, 79991, 75555 and water use Permit S-54582. The Department assigned the application number T-12040.
2. Notice of the application for transfer was published on April 28, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
4. The portion of the FIRST 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 123.7 acres
 - Priority Date:** June 27, 1958
 - Quantity:** 0.83 CUBIC FOOT PER SECOND (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-FORTIETH of one cubic foot per second (CFS), or its equivalent, and 4.5 acre-feet (AF) 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: 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 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	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

S-32422

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 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	T-12038
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	<u>T-12040</u>
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	<u>T-12043</u>
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

5-32422

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10830, Umatilla County	)	DISTRICT TEMPORARY TRANSFER

Authority

ORS 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

WESTLAND IRRIGATION DISTRICT (L & L FARMS)
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

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

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

Use: IRRIGATION of 82.0 ACRES

Priority Date: JULY 19, 1976

Rate: 0.46 CUBIC FOOT PER SECOND (cfs)

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Source: WELL #1, in the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

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

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

Use: SUPPLEMENTAL IRRIGATION of 82.0 ACRES

Priority Date: DECEMBER 2, 1976

Rate: 0.88 CUBIC FOOT PER SECOND (cfs)

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

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

Authorized Point of Appropriation:

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

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

Use: SUPPLEMENTAL IRRIGATION OF 82.0 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.50 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein..

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland. Canal - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the W¼ corner of Section 21.

Authorized Places of Use:

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

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

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

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

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

Use: IRRIGATION OF 250.1 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.50 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Authorized Place of Use:

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

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

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

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

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

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

Use: Irrigation of 124.6 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cfs and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 124.6 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the

available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

Authorized Places of Use:

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

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

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

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

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

Use: Irrigation of 249.3 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 249.3 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

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

Use: SUPPLEMENTAL IRRIGATION OF 249.3 acres

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other rights existing for the same lands shall not exceed 4.50 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Authorized Places of Use:

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

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

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

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

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

Use: Irrigation of 118.1 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 118.1 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

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

Use: SUPPLEMENTAL IRRIGATION OF 118.1 ACRES

Priority Date: AUGUST 10, 1981

Rate & Duty: ONE-FORTIETH of one cfs per acre and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right5 existing for the same lands shall not exceed 4.50 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised a thimes when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	ACRES			User
					Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	
3 N	28 E	WM	23	NE SE	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	23.7	23.7	23.7	L & L FARMS

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

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

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

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

Use: Irrigation of 80.1 acres

Rate: 0.96 CUBIC FOOT PER SECOND (cfs)

Priority Date: April 22, 1955

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 80.1 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

Authorized Places of Use:

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

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

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

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

Use: Irrigation (IR) of 64.2 acres

Priority Date: June 27, 1958

Rate & Duty: ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year

Source: Umatilla River, tributary to the Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	21	SW NE	Westland I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 64.2 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

Authorized Places of Use:

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

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

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

22. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.570(6) if the Department later finds that the transfer is causing injury to any existing water right.
23. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes a map meeting the requirements of OAR 690-385-2200.

Conclusions of Law

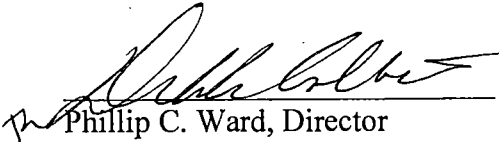
The temporary changes in place of use proposed in Transfer Application T-10830 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

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

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

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


Phillip C. Ward, Director

Mailing Date: JUN 01 2009



Oregon

John A. Kitzhaber, MD, Governor

May 27, 2014

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838

REFERENCE: District Transfer T-11785

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@wrđ.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

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

Enclosure

S- 32422

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.wrđ.state.or.us



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

In the Matter of Transfer Application)
T-11785, Umatilla County) **FINAL ORDER APPROVING A
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 (Amstad – Correa)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On April 11, 2014, Stacey Wells, on behalf of Westland Irrigation District, filed an application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439 for a period of one year. The Department assigned the application number T-11785.
2. Notice of the application for transfer was published on April 22, 2014, 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 to be transferred is as follows:
Certificate: 76051 issued in the name of Teel Irrigation District (perfected under Permit S-25924)
Use: Irrigation of 119.2 acres
Priority Date: June 27, 1958
Limit/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 WEST ¼ CORNER OF SECTION 21.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						119.2	

4. Transfer Application T-11785 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SW SW	6106	0.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NE NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	17.6	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						119.2	

Priority Date: March 30, 1976

Duty/Limit: 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) for each acre irrigated and shall be further limited to a diversion of not to exceed 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: Brown Wells #1, #2, #3 and #4, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 FEET NORTH AND 490 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
Total:						39.5	

8. Transfer Application T-11785 proposes temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad

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

Certificate: 75126, issued in the names of Todd M. Dimbat, Irrevocable Trust, Kelly L. Molash Irrevocable Trust and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

Duty/Limit: 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 and Well #2, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	WELL#1 - 850 FEET NORTH AND 750 FEET WEST FROM THE S1/4 CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	WELL#3 - 350 FEET NORTH AND 850 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	21	SW NW	6103	0.3	Amstad
Total:						17.4	

6. Transfer Application T-11785 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						17.4	

7. The portion of the third right to be transferred is as follows:

Certificate: 61534, issued in the names of Travelers Insurance Company; Real Estate Investment Department (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Duty/Limit: 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: McKay Reservoir (constructed under reservoir Permit R-564), a tributary of McKay Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Description - Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted to Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND IRRIGATION DISTRICT CANAL - NORTH 76 DEGEES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
Total:						67.6	

12. Transfer Application T-11785 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad

3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						39.5	

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

Certificate: 75128, issued in the names of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

Duty/Limit: 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 and Well #2, within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						19.2	

10. Transfer Application T-11785 proposes to TEMPORARILY change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6104	0.8	Amstad
3 N	29 E	WM	28	NE NW	6104	0.8	Amstad
3 N	29 E	WM	28	NW NW	6104	17.6	Amstad
Total:						19.2	

11. The portion of the fifth right to be transferred is as follows:

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

Use: Supplemental Irrigation of 67.6 acres

Priority Date: July 1, 1924

3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						67.6	

13. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
14. Diversion structures, pumps, canals and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. 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.

Conclusions of Law

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

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11785 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2014 irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 75126, 61534, 75128 and 79439 and any related decree.
4. The use shall revert to the authorized places of use at the end of the 2014 irrigation season.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. The District shall measure the "amount in" and the "amount out" regarding the use of the supplemental 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.
7. A subsequent application for permanent changes to Certificates 76051, 75126, 61534, 75128 and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for changes to these water rights.

8. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
9. 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, 75126, 61534, 75128 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.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water rights described Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.

Dated at Salem, Oregon this 27 day of May, 2014.


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

Mailing Date: MAY 28 2014



Oregon

John A. Kitzhaber, MD, Governor

S-32422

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 11795 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.



Oregon

John A. Kitzhaber, MD, Governor

S-32422

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 23, 2014

WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838

Reference: District Transfer 11785

On April 11, 2014 we received your district transfer application requesting place of use for use of water from WELL 1, tributary to UMATILLA RIVER. The application was accompanied by \$1659.60. Our receipt 111700 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.

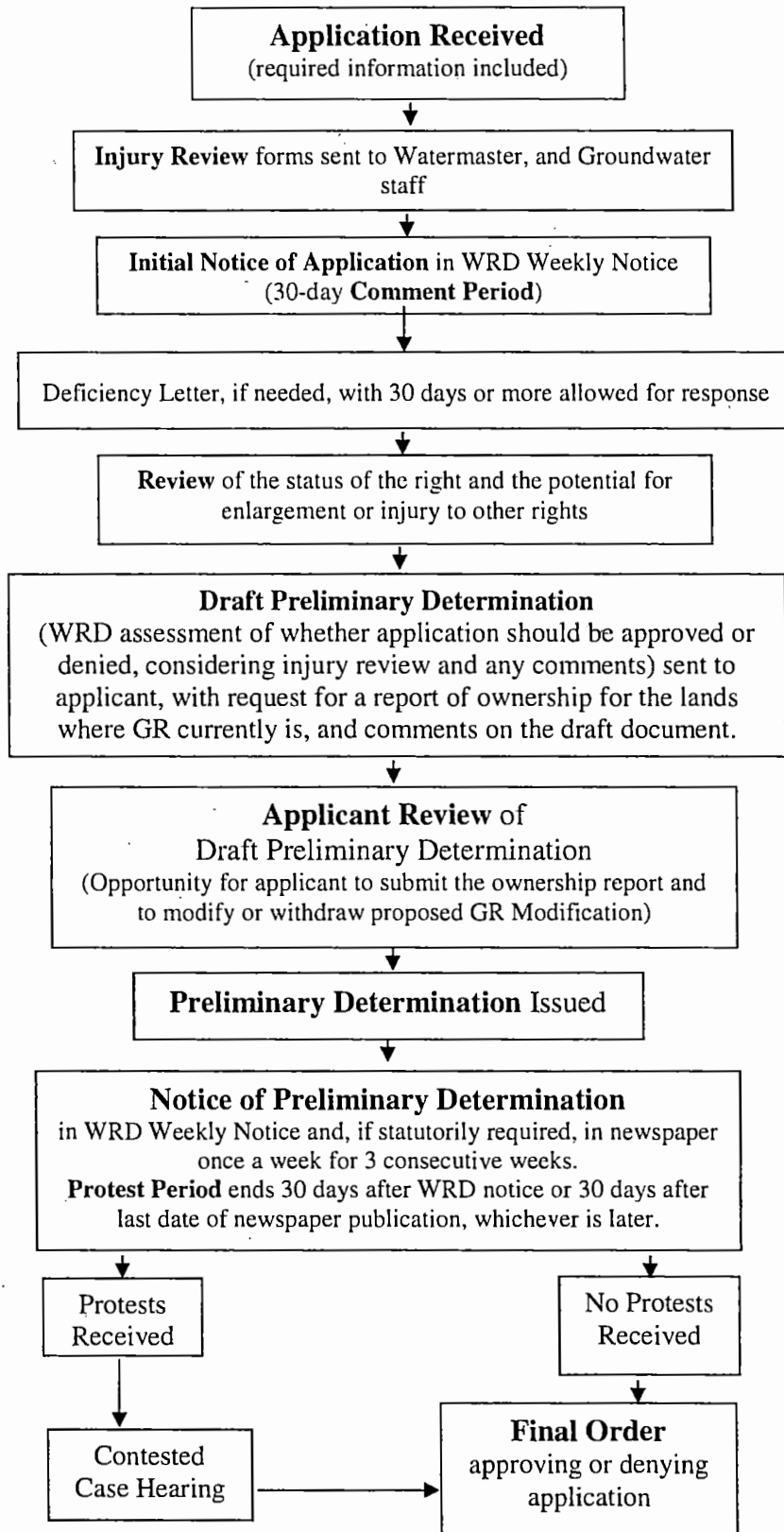
cc: Watermaster #5 (*via email*)

enclosure



Groundwater Registration Modification Process

OAR 690 Division 382





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 22, 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: 11785
Water Right: CERT 61534; 75126; 75128; 76051; 79439
Priority Date: MARCH 30, 1976; OCTOBER 1, 1975; SEPTEMBER 26, 1974;
JUNE 27, 1958; JULY 1, 1924
Name: WESTLAND IRRIGATION DISTRICT
PO BOX 944
HERMISTON, OR 97838
Change: place of use
Source: WELL 1

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
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 27.8 ACRES.

This right was perfected under Permit S-25924. The date of priority is JUNE 27, 1958. 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 0.2 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	25	SW SW	7.0
3 N	28 E	WM	26	SE SE	6.9
3 N	28 E	WM	35	NE NE	6.9
3 N	28 E	WM	36	NW NW	7.0

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 76051.

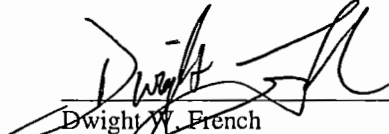
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

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 76051, 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

August 1, 2013

WESTLAND IRRIGATION DISTRICT
STACEY WELLS
PO BOX 944
HERMISTON, OR 97838

REFERENCE: District Transfer T-11592

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@wrld.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

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

Enclosure

532422

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.wrld.state.or.us



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

In the Matter of Transfer Application)
T-11592, Umatilla County)

FINAL ORDER APPROVING A
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 (Amstad – Correa)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On May 6, 2013, Stacey Wells, on behalf of Westland Irrigation District, filed an application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439 for a period of one year. The Department assigned the application number T-11592.
2. Notice of the application for transfer was published on May 14, 2013, 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 to be transferred is as follows:

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

Use: Irrigation of 119.2 acres

Priority Date: June 27, 1958

Limit/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 WEST ¼ CORNER OF SECTION 21.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						119.2	

4. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SW SW	6106	0.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NE NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	17.6	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						119.2	

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

Certificate: 75126, issued in the names of Todd M. Dimbat, Irrevocable Trust, Kelly L. Molash Irrevocable Trust and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

Duty/Limit: 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 and Well #2, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	WELL#1 - 850 FEET NORTH AND 750 FEET WEST FROM THE S1/4 CORNER OF SECTION 16
3 N	29 E	WM	16	SE SW	WELL#3 - 350 FEET NORTH AND 850 FEET WEST FROM THE S1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	21	SW NW	6103	0.3	Amstad
Total:						17.4	

6. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						17.4	

7. The portion of the third right to be transferred is as follows:

Certificate: 61534, issued in the names of Travelers Insurance Company; Real Estate Investment Department (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Priority Date: March 30, 1976

Duty/Limit: 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) for each acre irrigated and shall be further limited to a diversion of not to exceed 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: Brown Wells #1, #2, #3 and #4, within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER OF SECTION 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 FEET NORTH AND 490 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	NW NE	6106	5.2	Amstad
3 N	29 E	WM	20	SW NE	6106	7.6	Amstad
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	SE SW	6103	11.1	Amstad
3 N	29 E	WM	20	NW SE	6106	0.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	29	NE NW	6104	8.0	Amstad
Total:						39.5	

8. Transfer Application T-11592 proposes temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW SW	6106	8.9	Amstad
3 N	29 E	WM	21	SW SW	6106	2.8	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	6.4	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad
3 N	29 E	WM	21	SE SW	6106	3.6	Amstad
3 N	29 E	WM	28	NE NW	6106	1.2	Amstad

3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
3 N	29 E	WM	28	NW NW	6106	3.8	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
Total:						39.5	

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

Certificate: 75128, issued in the names of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

Duty/Limit: 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 and Well #2, within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	29	SW SW	6104	9.6	Amstad
3 N	29 E	WM	30	SE SE	6104	9.6	Amstad
Total:						19.2	

10. Transfer Application T-11592 proposes to TEMPORARILY change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	21	SW SW	6104	0.8	Amstad
3 N	29 E	WM	28	NE NW	6104	0.8	Amstad
3 N	29 E	WM	28	NW NW	6104	17.6	Amstad
Total:						19.2	

11. The portion of the fifth right to be transferred is as follows:

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

Use: Supplemental Irrigation of 67.6 acres

Priority Date: July 1, 1924

Duty/Limit: 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: McKay Reservoir (constructed under reservoir Permit R-564), a tributary of McKay Creek

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Description - Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM - Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted to Westland Irrigation District Canal
3 N	29 E	WM	21	SW NE	WESTLAND IRRIGATION DISTRICT CANAL - NORTH 76 DEGEES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	20	SE NE	6106	4.3	Amstad
3 N	29 E	WM	20	NE SE	6106	0.1	Amstad
3 N	29 E	WM	20	SE SE	6106	4.5	Amstad
3 N	29 E	WM	21	SW NW	6106	0.3	Amstad
3 N	29 E	WM	21	NW SW	6106	1.2	Amstad
3 N	29 E	WM	21	SW SW	6106	23.8	Amstad
3 N	29 E	WM	21	SE SW	6106	3.8	Amstad
3 N	29 E	WM	21	SE SW	6106	2.5	Amstad
3 N	29 E	WM	28	NE NW	6106	2.0	Amstad
3 N	29 E	WM	28	NW NW	6106	22.1	Amstad
3 N	29 E	WM	29	NE NE	6106	2.4	Amstad
3 N	29 E	WM	29	SW NW	6104	0.6	Amstad
Total:						67.6	

12. Transfer Application T-11592 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	28 E	WM	24	NE NW	7200	29.9	Jack Correa Ranch
3 N	28 E	WM	24	NW NW	7200	30.6	Jack Correa Ranch
3 N	29 E	WM	21	SW SW	6106	2.4	Amstad
3 N	29 E	WM	21	SW SW	6106	2.5	Amstad
3 N	29 E	WM	21	SE SW	6106	0.2	Amstad

3 N	29 E	WM	28	NE NW	6106	1.2	Amstad
3 N	29 E	WM	28	NW NW	6106	0.8	Amstad
Total:						67.6	

13. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
14. Diversion structures, pumps, canals and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. 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.

Conclusions of Law

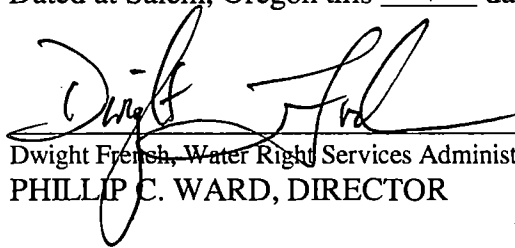
The temporary changes in place of use are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11592 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 right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 75126, 61534, 75128 and 79439 and any related decree.
4. The use shall revert to the authorized places of use at the end of the 2013 irrigation season.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. The District shall measure the "amount in" and the "amount out" regarding the use of the supplemental 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.
7. A subsequent application for permanent changes to Certificates 76051, 75126, 61534, 75128 and 79439 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for changes to these water rights.

8. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
9. 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, 75126, 61534, 75128 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.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water rights described Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.

Dated at Salem, Oregon this 26 day of July, 2013.



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

Mailing Date: AUG 02 2013



Oregon

John A. Kitzhaber, MD, Governor

S32422

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 PORFELY
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



OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-11598, Umatilla County)

FINAL ORDER APPROVING A 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
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On May 17, 2013, Westland Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 76051, 75124, 83083, 76050, 75121, 79439, 75554 and water use Permit S-54582. The Department assigned the application number T-11598.
2. Notice of the application for temporary transfer was published May 28, 2013, 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 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 381.7 acres

Priority Date: June 27, 1958

Rate: 2.56 CUBIC FEET PER SECOND (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-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 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**

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11393, 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 April 6, 2012, Stacey Wells, on behalf of Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439, within the boundaries of the irrigation district. The Department assigned the application number T-11393.
2. Notice of the application for temporary transfer was published April 24, 2012 pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the primary irrigation right and the layered supplemental 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 119.2 acres
Priority Date: June 27, 1958
Rate & Duty: 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 ft. from W¼ corner, Sec. 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: 75126, issued in the names of Todd M. Dimbat Irrevocable Trust, Kelly L. Molash Irrevocable Trust, and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

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 herein. The diversion shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

Source: Wells #1 and #3 within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner of Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner of Section 16

Certificate: 61534, in the name of Travelers Insurance Company (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Priority Date: March 30, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 – 80 feet North and 2500 feet West from the SE Corner of Section 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 – 610 feet North and 50 feet West from the SE Corner of Section 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 – 1400 feet South and 1310 feet West from the NE Corner of Section 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

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

Source: Well #2 in the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	WELL #2 – 610 feet North and 50 feet West from the SE Corner of Section 30

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

Use: Supplemental Irrigation of 67.6 acres

Priority Date: July 1, 1924

Rate & Duty: 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland I. D. 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 AND SUPPLEMENTAL IRRIGATION											
Location information						Water Right Certificates					
						Primary Irrigation	Supplemental Irrigation				
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	76051	75126	61534	75128	79439	User
3N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	--	AMSTAD
3N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	--	AMSTAD
3N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	--	4.3	AMSTAD
3N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	--	AMSTAD
3N	29E	WM	20	NE SE	6106	0.1	--	--	--	0.1	AMSTAD
3N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	--	AMSTAD
3N	29E	WM	20	SE SE	6106	4.5	--	--	--	4.5	AMSTAD
3N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	--	0.3	AMSTAD
3N	29E	WM	21	NW SW	6106	1.2	--	--	--	1.2	AMSTAD
3N	29E	WM	21	SW SW	6106	23.8	--	--	--	23.8	AMSTAD
3N	29E	WM	21	SE SW	6106	6.3	--	2.5	--	6.3	AMSTAD
3N	29E	WM	28	NE NW	6106	2.0	--	--	--	2.0	AMSTAD
3N	29E	WM	28	NW NW	6106	22.1	--	--	--	22.1	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	--	--	2.4	AMSTAD
3N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	--	AMSTAD
3N	29E	WM	29	SW NW	6104	0.6	--	--	--	0.6	AMSTAD
3N	29E	WM	29	SW SW	6104	9.6	--	--	9.6	--	AMSTAD
3N	29E	WM	30	SE SE	6104	9.6	--	--	9.6	--	AMSTAD
TOTALS:						119.2	17.4	39.5	19.2	67.6	

4. Transfer Application T-11393 proposes to transfer the above described rights as follows:

Proposed Places of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION											
Location information						Water Right Certificates					
						Primary Irrigation	Supplemental Irrigation				
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	76051	75126	61534	75128	79439	User
3N	28E	WM	24	NE NW	7200	29.9	--	--	--	29.9	CORREA RANCH

IRRIGATION AND SUPPLEMENTAL IRRIGATION											
Location information						Water Right Certificates					
						Primary Irrigation	Supplemental Irrigation				
3N	28E	WM	24	NW NW	7200	30.6	--	--	--	30.6	CORREA RANCH
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	8.9	--	8.9	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.8	2.8	2.8	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.4	2.4	2.4	--	2.4	AMSTAD
3N	29E	WM	21	SW SW	6106	6.4	6.4	6.4	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.5	--	2.5	--	2.5	AMSTAD
3N	29E	WM	21	SE SW	6106	0.2	0.2	0.2	--	0.2	AMSTAD
3N	29E	WM	21	SE SW	6106	3.6	3.6	3.6	--	--	AMSTAD
3N	29E	WM	28	NE NW	6106	1.2	1.2	1.2	--	1.2	AMSTAD
3N	29E	WM	28	NE NW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	28	NW NW	6106	17.6	--	--	17.6	--	AMSTAD
3N	29E	WM	28	NW NW	6106	0.8	0.8	0.8	--	0.8	AMSTAD
3N	29E	WM	28	NW NW	6106	3.8	--	3.8	--	--	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	--	AMSTAD
TOTALS:						119.2	17.4	39.5	19.2	67.6	

5. To avoid enlargement, the District has agreed to not use the supplemental right under Certificate 61534 on the following lands:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3N	29E	WM	20	NE SE	6106	0.1	AMSTAD
3N	29E	WM	20	SE SE	6106	4.5	AMSTAD
3N	29E	WM	21	NW SW	6106	1.2	AMSTAD
3N	29E	WM	21	SW SW	6106	23.8	AMSTAD
3N	29E	WM	21	SE SW	6106	3.8	AMSTAD
3N	29E	WM	28	NE NW	6106	2.0	AMSTAD
3N	29E	WM	28	NW NW	6106	22.1	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	AMSTAD
3N	29E	WM	29	SW NW	6104	0.6	AMSTAD
TOTAL:						60.5	

6. 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.
7. The District shall 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.
8. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
9. The proposed changes in place of use would not result in enlargement of the rights.
10. 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-11393 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-11393 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, 75126, 61534, 75128 and 79439 and 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 use of water for supplemental irrigation at the proposed places of use under Certificate 61534, 75126 and 75128, as described in Findings of Fact #4, is restricted to the total rate and duty described by Certificate 61534, 75126 and 75128, and may be used only to make up a deficiency of supply.
7. The supplemental irrigation use of Certificate 61534 on the lands identified in Finding of Fact #5 is prohibited.
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, 75126, 61534, 75128 and 79439 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, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.

Dated at Salem, Oregon this 1 day of June, 2012.



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

Mailing Date: JUN 05 2012



Oregon

John A. Kitzhaber, MD, Governor

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.Douthit@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

S 32422

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



**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 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 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	28.30	L & L
3N	28E	29	NW SW	8105	29.70	--	--	29.70	29.70	29.70	29.70	L & L
3N	28E	29	SW SW	8105	31.30	--	--	31.30	31.30	31.30	31.30	L & L
3N	28E	29	SE SW	8105	31.10	--	--	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	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 West¼ 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

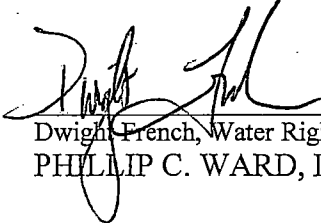
The temporary changes in place of use proposed in Transfer Application T-11431 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- The temporary changes proposed in Transfer Application T-11431 are approved.
- 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 32422

Authority

Applicant

Findings of Fact

- Authorized Point of Diversion:**

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: 75126, Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) and 3.0 acre-feet per acre irrigated

Source: Wells #1 & #3 within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	Well #1 - 850 feet North and 750 feet West from the S¼ Corner of Section 16
3 N	29 E	WM	16	SE SW	Well #3 - 350 feet North and 850 feet West from the S¼ Corner of Section 16

Certificate: 61534, in the name of Travelers Insurance Company (perfected under Permit G-7078)

Use: Supplemental Irrigation of 39.5 acres

Priority Date: March 30, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 feet North and 2500 feet West from the SE Corner of Section 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 feet North and 50 feet West from the SE Corner of Section 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 feet South and 1310 feet West from the NE Corner of Section 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (Perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: Brown Well #2 in the Umatilla River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 feet North and 50 feet West from the SE Corner of Section 30

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

Use: Supplemental Irrigation of 67.6 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.

3N	29E	WM	28	NW NW	6106	17.6	--	--	17.6	--	AMSTAD
3N	29E	WM	28	NW NW	6106	0.8	0.8	0.8	--	0.8	AMSTAD
3N	29E	WM	28	NW NW	6106	3.8	--	3.8	--	--	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	--	AMSTAD
TOTALS:						119.2	17.4	39.5	19.2	67.6	

5. 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.
6. 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.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed changes in place of use would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights.

Conclusions of Law

1. The temporary changes in place of use proposed in Transfer Application T-11226 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-11226 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2011 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2011 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, 75126, 61534, 75128 and 79439 and 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 use of water for supplemental irrigation at the proposed places of use under Certificate 61534, 75126 and 75128, as described in Findings of Fact #4, is restricted to the total rate and duty described by Certificate 61534, 75126 and 75128, and may be used only to make up a deficiency of supply.
7. 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

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and Umatilla River and is re-diverted at Westland I. D. Canal
Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 ft. from the W¼ Corner of Sec. 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					
						Primary(IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	User
3N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	--	AMSTAD
3N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	--	AMSTAD
3N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	--	4.3	AMSTAD
3N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	--	AMSTAD
3N	29E	WM	20	NE SE	6106	0.1	--	--	--	0.1	AMSTAD
3N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	--	AMSTAD
3N	29E	WM	20	SE SE	6106	4.5	--	--	--	4.5	AMSTAD
3N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	--	0.3	AMSTAD
3N	29E	WM	21	NW SW	6106	1.2	--	--	--	1.2	AMSTAD
3N	29E	WM	21	SW SW	6106	23.8	--	--	--	23.8	AMSTAD
3N	29E	WM	21	SE SW	6106	6.3	--	2.5	--	6.3	AMSTAD
3N	29E	WM	28	NE NW	6106	2.0	--	--	--	2.0	AMSTAD
3N	29E	WM	28	NW NW	6106	22.1	--	--	--	22.1	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	--	--	2.4	AMSTAD
3N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	--	AMSTAD
3N	29E	WM	29	SW NW	6104	0.6	--	--	--	0.6	AMSTAD
3N	29E	WM	29	SW SW	6104	9.6	--	--	9.6	--	AMSTAD
3N	29E	WM	30	SE SE	6104	9.6	--	--	9.6	--	AMSTAD
TOTALS:						119.2	17.4	39.5	19.2	67.6	

4. Application T-11226 proposes to transfer the above described rights as follows:

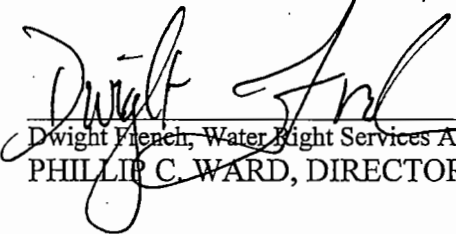
Proposed Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					
						Primary(IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	User
3N	28E	WM	24	NE NW	7200	29.9	--	--	--	29.9	CORREA RANCH
3N	28E	WM	24	NW NW	7200	30.6	--	--	--	30.6	CORREA RANCH
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	8.9	--	8.9	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.8	2.8	2.8	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.4	2.4	2.4	--	2.4	AMSTAD
3N	29E	WM	21	SW SW	6106	6.4	6.4	6.4	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.5	--	2.5	--	2.5	AMSTAD
3N	29E	WM	21	SE SW	6106	0.2	0.2	0.2	--	0.2	AMSTAD
3N	29E	WM	21	SE SW	6106	3.6	3.6	3.6	--	--	AMSTAD
3N	29E	WM	28	NE NW	6106	1.2	1.2	1.2	--	1.2	AMSTAD
3N	29E	WM	28	NE NW	6106	0.8	--	--	0.8	--	AMSTAD

use. The District shall measure and record the amount of water monthly and provide the information to the Watermaster upon request.

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. A subsequent application for permanent transfer of Certificates 76051, 75126, 61534, 75128 and 79439 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.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water rights described by Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.

Dated at Salem, Oregon this 7 day of July, 2011.


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

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11224, 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)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On April 7, 2011, Stacey Wells, on behalf of Westland Irrigation District filed an application to temporarily change the place of use under portions of Certificates 79990, 79991, 83083, 76051, 79439 and Water Use Water Use Permit S-54582 for a period of one year. The Department assigned the application number T-11224.
2. 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 Water Use Permit G-6893)

Use: IRRIGATION of 250.4 ACRES

Priority Date: JULY 19, 1976

Rate: 1.39 CUBIC FEET 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 #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

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.

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

Use: SUPPLEMENTAL IRRIGATION of 156.5 ACRES

Priority Date: DECEMBER 2, 1976

Rate: 1.67 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 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 Water Use Permit S-48968)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 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 1.5 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, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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 Water Use Permit R-12130) and SPARKS RESERVOIR (constructed under Water Use 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	Tax Lot	ACRES				User
						Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	Water Use Permit S-54582(IS)	
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	32.6	--	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	--	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	32.3	32.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	250.4	

3. Transfer Application T-11224 proposes to temporarily change the place of use of the above described 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)	Water Use Permit S-54582(IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	NE NW	800	34.2	31.2	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	28.3	--	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	--	28.3	28.3	L & L FARMS
TOTAL:						250.4*	156.5*	250.4*	250.4*	

* Note: the water rights existing on these lands are simultaneously being transferred off by the District and are identified in Findings of Fact #4 below.

4. The portion of the SECOND 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 Water Use Permit S-48968)

Use: IRRIGATION OF 250.4 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 1.5 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, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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 Water Use Permit R-12130) and Sparks Reservoir (constructed under Water Use 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 Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083(IR)	Water Use Permit ---- S-54582(IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	L & L FARMS
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	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	28.3	L & L FARMS
TOTAL:						250.4	250.4	

5. Transfer Application T-11224 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 83083(IR)	Water Use Permit ---- S-54582(IS)	
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	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	L & L FARMS

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083(IR)	Water Use Permit — S-54582(IS)	
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	L & L FARMS
TOTAL:						250.4	250.4	

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

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

Use: IRRIGATION OF 126.1 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 1.5 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 rights 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 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 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, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 126.1 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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 Water Use Permit R-12130) and Sparks Reservoir (constructed under Water Use 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 Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IR)	Water Use Permit - S-54582(IS)	
3 N	28 E	WM	32	NE NW	8105	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	NW NW	8105	31.7	31.7	L & L FARMS
3 N	28 E	WM	32	SW NW	8105	31.9	31.9	L & L FARMS
3 N	28 E	WM	32	SE NW	8105	31.5	31.5	L & L FARMS
TOTAL:						126.1	126.1	

7. Transfer Application T-11224 proposes to temporarily change the place of use of the rights to:

SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IS)	Water Use Permit - S-54582(IS)	
3 N	28 E	WM	32	NE SW	8105	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	NW SW	8105	31.7	31.7	L & L FARMS
3 N	28 E	WM	32	SW SW	8105	31.9	31.9	L & L FARMS
3 N	28 E	WM	32	SE SW	8105	31.5	31.5	L & L FARMS
TOTAL:						126.1*	126.1*	

* The applicant has requested that these existing water rights become supplemental to Certificate 76263 transferred in under Transfer Application T-11225 during the 2011 irrigation season.

8. 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 Water Use Permit S-25924)

Use: Irrigation of 115.5 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 Water Use Permit S-7400)

Use: SUPPLEMENTAL IRRIGATION of 115.5 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 Water Use Permit S-48968)

Use: SUPPLEMENTAL IRRIGATION OF 115.5 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 1.5 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 rights 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 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, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 115.5 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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 Water Use Permit R-12130) and Sparks Reservoir (constructed under Water Use 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	Tax Lot	ACRES				User
						Certificate 76051 (IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Water Use Permit - 54582 (IS)	
3 N	28 E	WM	23	NE SE	7100	30.3	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	23.7	23.7	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	21.7	21.7	21.7	L & L FARMS
3 N	28 E	WM	26	NE NE	7300	8.5	8.5	8.5	8.5	L & L FARMS
TOTAL:						115.5	115.5	115.5	115.5	

9. Transfer Application T-11224 proposes to temporarily change the place of use of the rights to:

SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051 (IS)	Certificate 79439 (IS)	Certificate 83083 (IS)	Water Use Permit - 54582 (IS)	
3 N	28 E	WM	23	NE SE	7100	30.3	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	23.7	23.7	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	21.7	21.7	21.7	L & L FARMS
3 N	28 E	WM	26	NE NE	7300	8.5	8.5	8.5	8.5	L & L FARMS
TOTAL:						115.5*	115.5	115.5	115.5	

*Note: The applicant has requested that these water rights will not be transferred but will become supplemental to the incoming Certificates 79993 and 76263, being transferred in under Transfer Application T-11225.

10. Notice of the application for transfer was published on April 19, 2011, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
11. 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.
12. Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
13. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
14. The proposed changes would not result in enlargement of the rights.
15. 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.

16. 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.

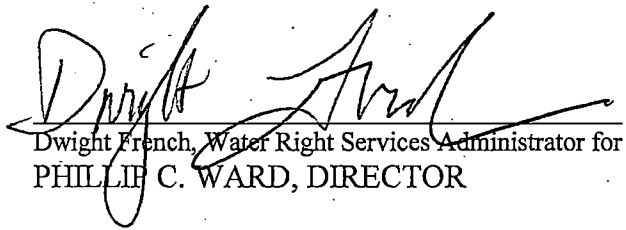
Conclusions of Law

The temporary changes in place of use proposed in Transfer Application T-11224 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, 83083, 76051, 79439 and Water Use Permit S-54582 are approved.
2. The temporary transfer is effective for the 2011 irrigation season.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2011 irrigation season.
4. At the end of the 2011 irrigation season all use of water under this temporary transfer shall automatically revert to the terms and conditions of the original water right Water Use 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, 83083, 76051, 79439 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 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, 83083, 76051, 79439 and Water Use Permit S-54582.
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, 83083, 76051, 79439 and Water Use Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 79990, 79991, 83083, 76051, 79439 and Water Use Permit S-54582.
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 8 day of June, 2011.


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

Mailing Date: JUN 10 2011

5-32422

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

In the Matter of Transfer Application)
T-11039, Umatilla County)

FINAL ORDER APPROVING A
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)
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On March 22, 2010, Westland Irrigation District filed an application to temporarily change the place of use under Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 for a period of one year. The Department assigned the application number T-11039.
2. Amendment to the application and application map were received by the Department on April, 29, 2010.
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 250.4 ACRES

Priority Date: JULY 19, 1976

Rate: 1.39 CUBIC FEET 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 #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

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.

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

Use: SUPPLEMENTAL IRRIGATION of 156.5 ACRES

Priority Date: DECEMBER 2, 1976

Rate: 1.67 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 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 250.4 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 1.5 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.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 79990 (IR)	Certificate 79991 (IS)	Certificate 83083 (IS)	Permit S-54582 (IS)	
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	32.6	--	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	--	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	32.3	32.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	250.4	

4. Transfer Application T-11039 proposes to temporarily change the place of use of the above described 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)	Permit S-54582 (IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	NE NW	800	34.2	31.2	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	28.3	--	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	--	28.3	28.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	250.4	

5. The portion of the SECOND 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 250.4 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 1.5 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, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 250.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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 Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083(IR)	Permit S-54582(IS)	
2 N	28 E	WM	4	NE NE	800	34.0	34.0	L & L FARMS
2 N	28 E	WM	4	NW NE	800	33.9	33.9	L & L FARMS
2 N	28 E	WM	4	SW NE	800	28.7	28.7	L & L FARMS
2 N	28 E	WM	4	SE NE	800	28.7	28.7	L & L FARMS
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	28.3	28.3	L & L FARMS
2 N	28 E	WM	4	SE NW	800	28.3	28.3	L & L FARMS
TOTAL:						250.4	250.4	

6. Transfer Application T-11039 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 83083(IR)	Permit S-54582(IS)	
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	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	L & L FARMS
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	L & L FARMS
TOTAL:						250.4	250.4	

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

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 124.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	ACRES			User
						Certificate 76051(IR)	Certificate 79439 (IS)	Permit -- 54582(IS)	
3 N	28 E	WM	28	NE NE	7500	33.0	33.0	33.0	L & L FARMS*
3 N	28 E	WM	28	NW NE	7500	33.0	33.0	33.0	L & L FARMS*
3 N	28 E	WM	28	SW NE	7500	29.3	29.3	29.3	L & L FARMS*
3 N	28 E	WM	28	SE NE	7500	29.3	29.3	29.3	L & L FARMS*
TOTAL:						124.6*	124.6*	124.6*	

* Note: These lands have an existing water right (Certificate 75130) for supplemental irrigation that will not be used or transferred during the course of the 2010 irrigation season.

8. Transfer Application T-11039 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)	Permit S- 54582(IS)	
3 N	28 E	WM	33	NE NE	7500	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	7500	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	7500	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	7500	31.0	31.0	31.0	L & L FARMS
TOTAL:						124.6	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 124.6 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 L & L FARMS (Perfected under Permit G-6936)

Use: Supplemental Irrigation of 124.6 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet per acre

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 124.6 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 1.5 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 rights 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 I.D. Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the W¼ corner of Section 21.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 124.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NE	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NE	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NE	7500	31.3	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	33	SE NE	7500	31.3	31.0	31.0	31.0	L & L FARMS
TOTAL:						124.6	124.6	124.6	124.6	

10. Transfer Application T-11039 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)	Permit - 54582(IS)	
3 N	28 E	WM	28	NE NE	7500	33.0	33.0	33.0	33.0	L & L FARMS
3 N	28 E	WM	28	NW NE	7500	33.0	33.0	33.0	33.0	L & L FARMS
3 N	28 E	WM	28	SW NE	7500	29.3	29.3	29.3	29.3	L & L FARMS
3 N	28 E	WM	28	SE NE	7500	29.3	29.3	29.3	29.3	L & L FARMS
TOTALS:						124.6	124.6	124.6	124.6	

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 125.2 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 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 125.2 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: Well #2, within the SPIKES GULCH RIVER BASIN

Authorized Points 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
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 S-Permit 48968)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 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 4.5 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 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 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.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75124 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

12. Transfer Application T-11039 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 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	26	NE NE	7300	26.2	26.2	26.2	26.2	L & L FARMS
3 N	28 E	WM	26	NW NE	7300	35.7	35.7	35.7	35.7	L & L FARMS
3 N	28 E	WM	26	SW NE	7300	35.2	35.2	35.2	35.2	L & L FARMS
3 N	28 E	WM	26	SE NE	7300	28.1	28.1	28.1	28.1	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

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

Certificate: 76051, issued in the name of L & L Farms (perfected under Permit G-6893)

Use: IRRIGATION OF 125.2 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 125.2 acres

Priority Date: July 1, 1924

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed therein.

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal.

Authorized Points of Diversion:

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

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

Use: SUPPLEMENTAL IRRIGATION OF 125.2 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 1.5 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 rights 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 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.

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 125.2 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	26	NE NE	7300	26.2	26.2	26.2	26.2	L & L FARMS
3 N	28 E	WM	26	NW NE	7300	35.7	35.7	35.7	35.7	L & L FARMS
3 N	28 E	WM	26	SW NE	7300	35.2	35.2	35.2	35.2	L & L FARMS
3 N	28 E	WM	26	SE NE	7300	28.1	28.1	28.1	28.1	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

14. Transfer Application T-11039 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 79439 (IS)	Certificate 83083 (IS)	Permit - 54582(IS)	
3 N	28 E	WM	33	NE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	NW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SW NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	33	SE NW	7500	31.3	31.3	31.3	31.3	L & L FARMS
TOTAL:						125.2	125.2	125.2	125.2	

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

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

Use: Irrigation (IR) of 3.0 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, within 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 S $\frac{1}{4}$ Corner of Section 23

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

Use: Supplemental Irrigation (IS) of 3.0 acres

Priority Date: December 2, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated 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	60 Feet South and 820 Feet East from the NW Corner of Section 23

Authorized Places of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 75554(IR)	Certificate 75555 (IS)	
3 N	28 E	WM	29	NE SW	8105	3.0	3.0	L & L FARMS

16. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 75554(IR)	Certificate 75555 (IS)	
3 N	28 E	WM	32	SW NW	8105	3.0	3.0	L & L FARMS

17. The portion of the EIGHTH 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 120.4 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 W $\frac{1}{4}$ corner of Section 21.

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

Use: Supplemental Irrigation of 120.4 acres

Priority Date: July 19, 1976

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year

Source: WELL 1, within 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 S $\frac{1}{4}$ Corner of Section 23

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

Use: Supplemental Irrigation of 120.4 acres

Priority Date: December 2, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet for each acre irrigated

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	60 Feet South and 820 Feet East from the NW Corner of Section 23

Permit: S-54582, issued in the names of L & L Farms (filed under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 120.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 75554 (IS)	Certificate 75555 (IS)	Permit - S-54582(IS)	
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	29.7	29.7	29.7	29.7	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:						120.4	120.4	120.4	120.4	

18. Transfer Application T-11039 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 75554 (IS)	Certificate 75555 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	32	NE NW	8105	30.2	30.2	30.2	30.2	L & L FARMS
3 N	28 E	WM	32	NW NW	8105	31.0	31.0	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	SW NW	8105	28.3	28.3	28.3	28.3	L & L FARMS
3 N	28 E	WM	32	SE NW	8105	30.9	30.9	30.9	30.9	L & L FARMS
TOTAL:						120.4	120.4	120.4	120.4	

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

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

Use: IRRIGATION OF 123.4 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 1.5 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 rights 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 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 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.

Permit: S-54582, issued in the names of L & L Farms (application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 123.4 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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 Place of Use:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IR)	Permit - S-54582(IS)	
3 N	28 E	WM	32	NE NW	8105	30.2	30.2	L & L FARMS
3 N	28 E	WM	32	NW NW	8105	31.0	31.0	L & L FARMS
3 N	28 E	WM	32	SW NW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	32	SE NW	8105	30.9	30.9	L & L FARMS
TOTAL:						123.4	123.4	

20. Transfer Application T-11039 proposes to temporarily change the place of use of the right to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User
						Certificate 83083 (IR)	Permit - S-54582(IS)	
3 N	28 E	WM	29	NE SW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	NW SW	8105	29.7	29.7	L & L FARMS
3 N	28 E	WM	29	SW SW	8105	31.3	31.3	L & L FARMS
3 N	28 E	WM	29	SE SW	8105	31.1	31.1	L & L FARMS
TOTAL:						123.4	123.4	

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

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

Use: Irrigation of 134.6 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 134.6 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

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

Use: IRRIGATION OF 134.6 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 1.5 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 rights 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 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 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.

Permit: S-54582, issued in the names of L & L Farms (file under Application S-87119)

Use: SUPPLEMENTAL IRRIGATION OF 134.6 ACRES

Priority Date: MARCH 6, 2008

Rate & Duty: 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

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	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	23	NE SW	7100	17.0	17.0	17.0	17.0	L & L FARMS
3 N	28 E	WM	23	NW SW	7100	18.4	18.4	18.4	18.4	L & L FARMS
3 N	28 E	WM	23	SW SW	7100	39.7	39.7	39.7	39.7	L & L FARMS
3 N	28 E	WM	23	SE SW	7100	35.3	35.3	35.3	35.3	L & L FARMS

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	23	NE SE	7100	30.3	30.3	30.3	30.3	L & L FARMS
3 N	28 E	WM	23	NW SE	7100	31.3	31.3	31.3	31.3	L & L FARMS
3 N	28 E	WM	23	SW SE	7100	23.7	23.7	23.7	23.7	L & L FARMS
3 N	28 E	WM	23	SE SE	7100	21.7	21.7	21.7	21.7	L & L FARMS
3 N	28 E	WM	26	NE NW	7300	12.1	12.1	12.1	12.1	L & L FARMS
3 N	28 E	WM	26	NW NW	7300	12.1	12.1	12.1	12.1	L & L FARMS
TOTAL:						134.6	134.6	134.6	134.6	

22. Transfer Application T-11039 proposes to temporarily change the place of use of the rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS) (CIRCLE 5)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	4	NE NW	1702	30.3	30.3	30.3	30.3	L & L FARMS*
3 N	28 E	WM	4	NW NW	1800	31.3	31.3	31.3	31.3	L & L FARMS*
3 N	28 E	WM	4	SW NW	1702	23.7	23.7	23.7	23.7	L & L FARMS*
3 N	28 E	WM	4	SE NW	1702	21.7	21.7	21.7	21.7	L & L FARMS*
TOTAL:						107.0*	107.0*	107.0*	107.0*	

*The applicant has stated that the water rights being transferred in on the above described "TO" lands (Circle 5) will be become supplemental to the incoming Certificates 79993 and 76263 transferred in under transfer application T-11040.

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS) (CIRCLE CP5)										
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES				User
						Certificate 76051(IR)	Certificate 79439 (IS)	Certificate 83083 (IS)	Permit - S-54582(IS)	
3 N	28 E	WM	4	NE NW	1702	0.7	0.7	0.7	0.7	SIMPLOT (Bar-U-Inc.)**
3 N	28 E	WM	4	NW NW	1800	1.0	1.0	1.0	1.0	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	SW NW	1702	34.9	34.9	34.9	34.9	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	SE NW	1702	33.0	33.0	33.0	33.0	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	NE SW	1600	30.1	30.1	30.1	30.1	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	4	NW SW	1600	32.3	32.3	32.3	32.3	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	5	SE NE	1702	1.5	1.5	1.5	1.5	SIMPLOT (Bar-U-Inc.) **
3 N	28 E	WM	5	NE SE	800	1.1	1.1	1.1	1.1	SIMPLOT (Bar-U-Inc.) **
TOTAL:						134.6**	134.6**	134.6**	134.6**	

**The applicant has stated that the water rights existing on these above described "TO" lands (Circle CP5) under Certificate 54836 (IR) and its layered supplemental water rights Certificate 79439, Permit 53063 and those lands transferred in under transfer application T-6783 (Vol. 78, page 48 – 65) will not be used or transferred during the 2010 irrigation season.

23. Notice of the application for transfer was published on March 30, 2010, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.

24. 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.

25. Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
26. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
27. The proposed changes would not result in enlargement of the rights.
28. 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.
29. 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

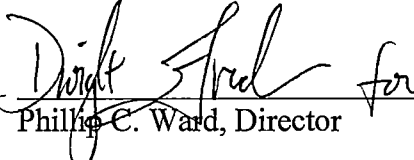
The temporary changes in place of use proposed in Transfer Application T-11039 are consistent with the requirements of ORS 540.570 and OAR 690-385-3000.

Now, therefore, it is ORDERED:

1. The proposed, temporary changes to the water rights evidenced by Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582 are approved.
2. The temporary transfer is effective for the 2010 irrigation season.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2010 irrigation season.
4. At the end of the 2010 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, 79439 and Permit S-54582 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, 79439 and Permit S-54582.

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, 79439 and Permit S-54582 shall continue to be in accordance with the terms and conditions of Certificates 79990, 79991, 75124, 83083, 76051, 76050, 79439 and Permit S-54582.
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 18 day of May, 2010.


Philip C. Ward, Director

Mailing Date: MAY 21 2010

S-32422

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10853, 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 (Amstad to Correa)
Attn – WILLIAM I. PORFILY
PO BOX 944
HERMISTON, OR 97838

Findings of Fact

Background

1. On April 22, 2009, Westland Irrigation District filed an application to temporarily change the place of use and points of appropriation (necessary to facilitate the change in place of use) under Certificates 76051, 75126, 61534, 75128 and 79439 for a period of one year. The Department assigned the application number T-10853.
2. The portion of the 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 119.2 acres
 - Priority Date:** June 27, 1958
 - Rate & Duty:** 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

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.

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: 75126, Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee (Perfected under Permit G-6339)

Use: Supplemental Irrigation of 17.4 acres

Priority Date: October 1, 1975

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) and 3.0 acre-feet per acre irrigated during the irrigation season of each year.

Source: Wells #1 & #3 within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	16	SE SW	Well #1 - 850 feet North and 750 feet West from the S¼ Corner of Section 16
3 N	29 E	WM	16	SE SW	Well #3 - 350 feet North and 850 feet West from the S¼ Corner of Section 16

Certificate: 61534, in the name of Travelers Insurance Company

Use: Supplemental Irrigation of 100.0 acres

Priority Date: March 30, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin

Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW SE	BROWN WELL #1 - 80 feet North and 2500 feet West from the SE Corner of Section 20
3 N	29 E	WM	30	SE SE	BROWN WELL #2 - 610 feet North and 50 feet West from the SE Corner of Section 30
3 N	29 E	WM	30	SE NE	BROWN WELL #3 - 1400 feet South and 1310 feet West from the NE Corner of Section 30
3 N	29 E	WM	19	SE NW	BROWN WELL #4 - 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (Perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated

Source: Brown Well #2 in the Umatilla River Basin

Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	30	SE SE	BROWN WELL #2 -- 610 feet North and 50 feet West from the SE Corner of Section 30

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

Use: Supplemental Irrigation of 67.6 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 Umatilla River and is re-diverted at Westland I.D 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:

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					
						Primary (IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	User
3 N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	--	AMSTAD
3 N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	--	AMSTAD
3 N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	--	4.3	AMSTAD
3 N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	--	AMSTAD
3 N	29E	WM	20	NE SE	6106	0.1	--	0.1	--	0.1	AMSTAD
3 N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	--	AMSTAD
3 N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	4.5	AMSTAD
3 N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	--	0.3	AMSTAD
3 N	29E	WM	21	NW SW	6106	1.2	--	1.2	--	1.2	AMSTAD
3 N	29E	WM	21	SW SW	6106	23.8	--	23.8	--	23.8	AMSTAD
3 N	29E	WM	21	SE SW	6106	6.3	--	6.3	--	6.3	AMSTAD
3 N	29E	WM	28	NE NW	6106	2.0	--	2.0	--	2.0	AMSTAD
3 N	29E	WM	29	NW NW	6106	22.1	--	22.1	--	22.1	AMSTAD
3 N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	2.4	AMSTAD
3 N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	--	AMSTAD
3 N	29E	WM	29	SW NW	6104	0.6	--	0.6	--	0.6	AMSTAD
3 N	29E	WM	29	SW SW	6104	9.6	--	--	9.6	--	AMSTAD
3 N	29E	WM	30	SE SE	6104	9.6	--	--	9.6	--	AMSTAD
TOTALS:						119.2	17.4	100.0	19.2	67.6	

3. Transfer Application T-10853 proposes to transfer the above described rights to the proposed locations:

Proposed Place of Use

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					
						Primary (IR)	Supplemental (IS)				User
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	
3N	28E	WM	24	NE NW	7200	29.9	--	29.9	--	29.9	CORREA RANCH
3N	28E	WM	24	NW NW	7200	30.6	--	30.6	--	30.6	CORREA RANCH
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	8.9	--	8.9	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.8	2.8	2.8	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.5	--	2.5	--	2.5	AMSTAD
3N	29E	WM	21	SW SW	6106	2.4	2.4	2.4	--	2.4	AMSTAD
3N	29E	WM	21	SW SW	6106	6.4	6.4	6.4	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	21	SE SW	6106	0.2	0.2	0.2	--	0.2	AMSTAD
3N	29E	WM	21	SE SW	6106	3.6	3.6	3.6	--	--	AMSTAD
3N	29E	WM	28	NE NW	6106	1.2	1.2	1.2	--	1.2	AMSTAD
3N	29E	WM	28	NE NW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	28	NW NW	6106	17.6	--	--	17.6	--	AMSTAD
3N	29E	WM	28	NW NW	6106	0.8	0.8	0.8	--	0.8	AMSTAD
3N	29E	WM	28	NW NW	6106	3.8	--	3.8	--	--	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	--	AMSTAD
TOTALS:						119.2	17.4	100.0	19.2	67.6	

4. Notice of the application for transfer was published on April 28, 2009, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
5. 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.
6. Diversion structures, pumps, pipeline, and pivot sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed changes would not result in enlargement of the rights.
9. 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.

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

Conclusions of Law



The temporary changes in place of use proposed in Transfer Application T-10853 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 76051, 75126, 61534, 75128 and 79439 are approved.
2. The district temporary transfer is effective for the 2009 irrigation season.
3. 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.
4. 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.
5. The use of water on both the lands from which the water rights are 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. A subsequent application for permanent transfer of Certificates 76051, 75126, 61534, 75128 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 76051, 75126, 61534, 75128 and 79439.
8. The use of the remaining water rights described by Certificates 76051, 75126, 61534, 75128 and 79439 shall continue to be in accordance with the terms and conditions of Certificates 76051, 75126, 61534, 75128 and 79439.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

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 16th day of June, 2009.


Phillip C. Ward, Director 

Mailing Date: JUN 22 2009

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

In the Matter of Transfer Application
T-10612, Umatilla County

) **F I N A L O R D E R**
) **APPROVING A DISTRICT**
) **TEMPORARY TRANSFER**

ORS 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

WESTLAND IRRIGATION DISTRICT
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On April 25, 2008, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439. The Department assigned the application number T-10612.
2. Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the right and its 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 119.2 acres
Priority Date: June 27, 1958
Rate & Duty: 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	Survey Coordinates
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 Feet from the W¼ Corner of Section 21

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Certificate: 75126, Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee (Perfected under Permit G-6339)
Use: Supplemental Irrigation of 17.4 acres
Priority Date: October 1, 1975
Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) and 3.0 acre-feet per acre irrigated
Source: Wells #1 & #3 in the Umatilla River Basin
Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner of Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner of Section 16

Certificate: 61534, in the name of Travelers Insurance Company
Use: Supplemental Irrigation of 100.0 acres
Priority Date: March 30, 1976
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated
Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin
Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	20	SW SE	Brown Well #1 – 80 feet North and 2500 feet West from the SE Corner of Section 20
3 N	29 E	WM	30	SE SE	Brown Well #2 – 610 feet North and 50 feet West from the SE Corner of Section 30
3 N	29 E	WM	30	SE NE	Brown Well #3 – 1400 feet South and 1310 feet West from the NE Corner of Section 30
3 N	29 E	WM	19	SE NW	Brown Well #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (Perfected under Permit G-6010)
Use: Supplemental Irrigation of 19.2 acres
Priority Date: September 26, 1974
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre irrigated
Source: Brown Well #2 in the Umatilla River Basin
Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	30	SE SE	BROWN WELL #2 – 610 feet North and 50 feet West from the SE Corner of Section 30

Certificate: 79439, issued in the name of U.S. Bureau of Reclamation (Perfected under permit 7400)
Use: Supplemental Irrigation of 67.6 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	Survey Coordinates
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 Feet from the W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
						Water Right Certificates					
						Primary (IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	USER
3N	29E	WM	20	NW NE	6106	5.2	5.2	5.2	--	--	AMSTAD
3N	29E	WM	20	SW NE	6106	7.6	7.6	7.6	--	--	AMSTAD
3N	29E	WM	20	SE NE	6106	4.3	4.3	4.3	--	4.3	AMSTAD
3N	29E	WM	20	SE SW	6103	11.1	--	11.1	--	--	AMSTAD
3N	29E	WM	20	NE SE	6106	0.1	--	0.1	--	0.1	AMSTAD
3N	29E	WM	20	NW SE	6106	0.5	--	0.5	--	--	AMSTAD
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	4.5	AMSTAD
3N	29E	WM	21	SW NW	6106	0.3	0.3	0.3	--	0.3	AMSTAD
3N	29E	WM	21	NW SW	6106	1.2	--	1.2	--	1.2	AMSTAD
3N	29E	WM	21	SW SW	6106	23.8	--	23.8	--	23.8	AMSTAD
3N	29E	WM	21	SE SW	6106	6.3	--	6.3	--	6.3	AMSTAD
3N	29E	WM	28	NE NW	6106	2.0	--	2.0	--	2.0	AMSTAD
3N	29E	WM	29	NW NW	6106	22.1	--	22.1	--	22.1	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	2.4	AMSTAD
3N	29E	WM	29	NE NW	6104	8.0	--	8.0	--	--	AMSTAD
3N	29E	WM	29	SW NW	6104	0.6	--	0.6	--	0.6	AMSTAD
3N	29E	WM	29	SW SW	6104	9.6	--	--	9.6	--	AMSTAD
3N	29E	WM	30	SE SE	6104	9.6	--	--	9.6	--	AMSTAD
TOTALS:						119.2	17.4	100.0	19.2	67.6	

4. Application T-10612 proposes to TEMPORARILY change the place of use for the above described rights to:

PROPOSED "TO" LANDS											
						Water Right Certificates					
						Primary (IR)	Supplemental (IS)				
Twp	Rng	Mer	Sec	Q - Q	TL	76051	75126	61534	75128	79439	USER
3N	28E	WM	24	NE NW	7200	29.9	--	29.9	--	29.9	CORREA RANCH
3N	28E	WM	24	NW NW	7200	30.6	--	30.6	--	30.6	CORREA RANCH
3N	29E	WM	20	SE SE	6106	4.5	--	4.5	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	8.9	--	8.9	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.8	2.8	2.8	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	2.5	--	2.5	--	2.5	AMSTAD
3N	29E	WM	21	SW SW	6106	2.4	2.4	2.4	--	2.4	AMSTAD

3N	29E	WM	21	SW SW	6106	6.4	6.4	6.4	--	--	AMSTAD
3N	29E	WM	21	SW SW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	21	SE SW	6106	0.2	0.2	0.2	--	0.2	AMSTAD
3N	29E	WM	21	SE SW	6106	3.6	3.6	3.6	--	--	AMSTAD
3N	29E	WM	28	NE NW	6106	1.2	1.2	1.2	--	1.2	AMSTAD
3N	29E	WM	28	NE NW	6106	0.8	--	--	0.8	--	AMSTAD
3N	29E	WM	28	NW NW	6106	17.6	--	--	17.6	--	AMSTAD
3N	29E	WM	28	NW NW	6106	0.8	0.8	0.8	--	0.8	AMSTAD
3N	29E	WM	28	NW NW	6106	3.8	--	3.8	--	--	AMSTAD
3N	29E	WM	29	NE NE	6106	2.4	--	2.4	--	--	AMSTAD
TOTALS:						119.2	17.4	100.0	19.2	67.6	

5. The district temporary transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
6. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in place of use would not result in enlargement of the rights.
8. The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

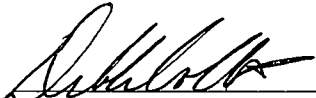
1. The proposed changes in place of use in Transfer Application T-10612 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76051, 75126, 61534, 75128 and 79439 are approved.
2. The temporary transfer is effective for the 2008 irrigation season.
3. The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
4. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 75126, 61534, 75128 and 79439 and 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 use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.

7. At the end of the 2008 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.
8. The District shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 25th day of June, 2008.


Phillip C. Ward, Director

Mailing Date: JUN 27 2008

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

In the Matter of Transfer Application) FINAL ORDER
T-10580, Umatilla County) APPROVING A 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 March 27, 2008, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 79990, 79991, 83083, 76051 and 79439. The Department assigned the application number T-10580.
2. Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The entirety of the first right and portions of its 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 250.4 acres
Priority Date: JULY 19, 1976
Rate & Duty: 1.39 cubic feet per second (cfs); 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.
Source: WELL #1, within the SPIKES GULCH RIVER BASIN

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.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	28 E	WM	23	SW SE	WELL 1 – 960 Feet North and 30 Feet East from the S¼ Corner of Section 23

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

Use: Supplemental Irrigation of 156.5 acres

Priority Date: December 2, 1976

Rate & Duty: 1.67 cubic feet per second (cfs); 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.

Source: WELL 3, within the SPIKES GULCH RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	SURVEY COORDINATES
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 name of Tony Amstad and L & L Farms/Robert Levy (perfected under Permit S-48968)

Use: Supplemental Irrigation of 250.4 acres

Priority Date: August 10, 1981

Rate & Duty: 6.0 cubic feet per second (cfs); ONE-FORTIETH of one cubic foot per second per acre. The use allowed herein may be made anytime between November 15 and June 15 of each year that water can be put to beneficial use by irrigation, either for immediate crop 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 use 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 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 per acre for each acre irrigated in any one year.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the W¼ corner of Section 21.

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE - ACRES			USER
						79990(IR)	79991(IS)	83083(IS)	
3 N	28 E	WM	33	NE SW	8103	29.2	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	32.6	--	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	--	30.4	L & L FARMS
3 N	28 E	WM	33	NE SE	8103	31.1	31.1	31.1	L & L FARMS

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE - ACRES			USER
						79990(IR)	79991(IS)	83083(IS)	
3 N	28 E	WM	33	NW SE	8103	31.2	31.2	31.2	L & L FARMS
3 N	28 E	WM	33	SW SE	8103	32.7	32.7	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	32.3	32.3	L & L FARMS
TOTAL:						250.4	156.5	250.4	

5. Transfer Application T-10580 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)			USER
						79990(IR)	79991(IS)	83083(IS)	
2 N	28 E	WM	4	SW NE	800	0.4	0.4	0.4	L & L FARMS
2 N	28 E	WM	4	SE NE	800	0.5	0.5	0.5	L & L FARMS
2 N	28 E	WM	4	SW NW	800	0.8	--	0.8	L & L FARMS
2 N	28 E	WM	4	SE NW	800	0.8	0.8	0.8	L & L FARMS
2 N	28 E	WM	4	NE SW	800	33.7	31.1	33.7	L & L FARMS
2 N	28 E	WM	4	NW SW	800	33.6	--	33.6	L & L FARMS
2 N	28 E	WM	4	SW SW	800	28.5	--	28.5	L & L FARMS
2 N	28 E	WM	4	SE SW	800	28.4	--	28.4	L & L FARMS
2 N	28 E	WM	4	NE SE	800	33.5	33.5	33.5	L & L FARMS
2 N	28 E	WM	4	NW SE	800	33.0	33.0	33.0	L & L FARMS
2 N	28 E	WM	4	SW SE	800	28.5	28.5	28.5	L & L FARMS
2 N	28 E	WM	4	SE SE	800	28.7	28.7	28.7	L & L FARMS
TOTAL:						250.4	156.5	250.4	

6. 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 127.3 acres

Priority Date: August 10, 1981

Rate & Duty: ONE-FORTIETH of one cubic foot per second per acre. The use allowed herein may be made anytime between November 15 and June 15 of each year that water can be put to beneficial use by irrigation, either for immediate crop 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 use 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 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 per acre for each acre irrigated in any one year.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the W¼ corner of Section 21.

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	TL	Acres	USER
2 N	28 E	WM	4	SW NE	800	0.4	L & L FARMS
2 N	28 E	WM	4	SE NE	800	0.5	L & L FARMS
2 N	28 E	WM	4	NW SW	800	2.7	L & L FARMS
2 N	28 E	WM	4	NE SE	800	33.5	L & L FARMS
2 N	28 E	WM	4	NW SE	800	33.0	L & L FARMS
2 N	28 E	WM	4	SW SE	800	28.5	L & L FARMS
2 N	28 E	WM	4	SE SE	800	28.7	L & L FARMS
TOTAL:						127.3	

7. Transfer Application T-10580 proposes to TEMPORARILY change the place of use for the above described right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	TL	Acres	USER
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	32.7	L & L FARMS
3 N	28 E	WM	33	SE SE	8103	32.3	L & L FARMS
TOTAL:						127.3	

8. The portion of the third right and its supplemental 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 123.1 acres

Priority Date: June 27, 1958

Rate & Duty: 0.83 cubic foot per second (cfs); 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	Survey Coordinates
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the W¼ corner of Section 21.

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

Use: Supplemental Irrigation of 123.1 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	Survey Coordinates
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 Feet from the W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76051 (IR)	79439 (IS)	
3 N	28 E	WM	28	NE NW	7500	31.3	31.3	L & L FARMS
3 N	28 E	WM	28	NW NW	7500	30.0	30.0	L & L FARMS
3 N	28 E	WM	28	SW NW	7500	31.0	31.0	L & L FARMS
3 N	28 E	WM	28	SE NW	7500	30.8	30.8	L & L FARMS
TOTAL:						123.1	123.1	

9. Transfer Application T-10580 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76051 (IR)	79439 (IS)	
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	32.6	32.6	L & L FARMS
3 N	28 E	WM	33	SE SW	8103	30.4	30.4	L & L FARMS

10. As part of transfer application T-10580, Westland Irrigation District submitted a statement that a portion of the water rights existing on Circle 12 in the NW¼ of Section 28, and water rights on Circle 28 in the SW¼ of Section 4, will not be exercised during the 2008 irrigation season. These lands are further described as follows:

Certificates 76051 & 79439 - Portion not to be used during 2008 Irrigation Season						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
3 N	28 E	WM	28	NW NW	7500	1.2

Certificate 83083 - Portion not to be used during 2008 Irrigation Season						
Twtp	Rng	Mer	Sec	Q - Q	TL	Acres
2 N	28 E	WM	4	NE SW	800	24.7
2 N	28 E	WM	4	NW SW	800	30.8
2 N	28 E	WM	4	SW SW	800	13.2

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

Conclusions of Law


The proposed change in place of use in Transfer Application T-10580 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed, temporary changes in place of use as proposed in Transfer Application T-10580 are approved.
2. The temporary transfer is effective for the 2008 irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 79990, 79991, 83083, 76051, 79439 and any related decree.
4. The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
5. The District shall not use water under portions of water rights Certificates 76051, 79439 and 83083 during the 2008 irrigation season at the authorized place of use as described in Findings of Fact #10.
6. 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.

7. 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.
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. At the end of the 2008 irrigation season all uses of water approved under this temporary transfer revert automatically to the terms and conditions of the original water use permit, certificate, or adjudication, as evidenced by a court decree.
10. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this 18th day of June, 2008.


Per Phillip C. Ward, Director

Mailing Date: JUN 20 2008

5-32422

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

In the Matter of Transfer Application
T-10365, Umatilla County

) **F I N A L O R D E R**
) **APPROVING A 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 9, 2007, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439. The Department assigned the application number T-10365.
2. Notice of the application for transfer was published on April 17, 2007, pursuant to ORS 540.570 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portions of the rights to be transferred are as follows:

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

Use: Irrigation (IR) of 118.6 acres

Priority Date: June 27, 1958

Rate & Duty: 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	SURVEY COORDINATES
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Certificate: 75126, in the names of Todd M. Dimbat Irrevocable Trust, Kelly L. Molash Irrevocable Trust, and Tony Amstad, Trustee (perfected under Permit G-6339)

Use: Supplemental Irrigation of 19.3 acres

Priority Date: October 1, 1975

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 herein

Source: Wells #1 & #3 in the Umatilla River Basin

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner, Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner, Section 16

Certificate: 61534, in the name of Travelers Insurance Company (perfected under Permit G-7078)

Use: Supplemental Irrigation of 99.4 acres

Priority Date: March 30, 1976

Rate & Duty: ONE-EIGHTIETH of one cfs, or its equivalent, and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: Brown Wells #1, 2, 3, & 4 in the Umatilla River Basin

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
3 N	29 E	WM	20	SW SE	Brown Well #1 – 80 feet North and 2500 feet West from the SE Corner, Section 20
3 N	29 E	WM	30	SE SE	Brown Well #2 – 610 feet North and 50 feet West from the SE Corner, Section 30
3 N	29 E	WM	30	SE NE	Brown Well #3 – 1400 feet South and 1310 feet West from the NE Corner, Section 30
3 N	29 E	WM	19	SE NW	Brown Well #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust (perfected under Permit G-6010)

Use: Supplemental Irrigation of 19.2 acres

Priority Date: September 26, 1974

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 herein

Source: A Well (Brown Well #2) in the Umatilla River Basin

Authorized Point of Appropriation:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
3 N	29 E	WM	30	SE SE	Brown Well #2 - 610 feet North and 50 feet West from the SE Corner, Section 30

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

Use: Supplemental Irrigation of 64.8 acres

Priority Date: July 1, 1924

Rate & Duty: 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 herein

Source: McKay Reservoir, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE	McKay Dam
3 N	29 E	WM	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner of Section 21

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)										
					Water Right Certificates					
					Primary	Supplemental				
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439	USER
3N	29E	20	NW NE	6106	5.0	5.0	5.0			AMSTAD
3N	29E	20	SW NE	6106	10.0	10.0	10.0		2.4**	AMSTAD
3N	29E	20	SE NE	6106	4.0	4.0	4.0		4.0	AMSTAD
3N	29E	20	SE SW	6103	11.1		11.1			AMSTAD
3N	29E	20	NE SE	6106	0.1		0.1		0.1	AMSTAD
3N	29E	20	NW SE	6106	0.5		0.5			AMSTAD
3N	29E	20	SE SE	6106	4.5		4.5		4.5	AMSTAD
3N	29E	21	SW NW	6106	0.3	0.3	0.3		0.3	AMSTAD
3N	29E	21	NW SW	6106	1.2		1.2		1.2	AMSTAD
3N	29E	21	SW SW	6106	23.8		23.8		23.8	AMSTAD
3N	29E	21	SE SW	6106	3.8		3.8		3.8	AMSTAD
3N	29E	28	NE NW	6106	2.0		2.0		2.0	AMSTAD
3N	29E	28	NW NW	6106	22.1		22.1		22.1	AMSTAD
3N	29E	29	NE NE	6106	2.4		2.4		2.4	AMSTAD
3N	29E	29	NE NW	6104	8.0		8.0			AMSTAD
3N	29E	29	SW NW	6104	0.6		0.6		0.6	AMSTAD
3N	29E	29	SW SW	6104	9.6			9.6		AMSTAD
3N	29E	30	SE SE	6104	9.6			9.6		AMSTAD
TOTALS:					118.6	19.3	99.4	19.2	64.8	

NOTE: **Certificate 79439 will NOT be transferred or used on this portion during the 2007 irrigation season.

4. Application T-10365 proposes to TEMPORARILY change the place of use for the above described rights to:

TABLE 2 - TO LANDS										
					Water Right Certificates					
					Primary	Supplemental				
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439	USER
3N	28E	24	NE NW	7200	29.9		29.9		29.9	CORREA RANCH
3N	28E	24	NW NW	7200	30.6		30.6		30.6	CORREA RANCH
3N	29E	20	SE SE	6106	4.5		4.5			AMSTAD
3N	29E	21	SW SW	6106	9.2		9.2			AMSTAD
3N	29E	21	SW SW	6106	5.0	5.0	5.0			AMSTAD
3N	29E	21	SW SW	6106	2.1	2.1	2.1		2.1	AMSTAD
3N	29E	21	SW SW	6106	6.4	6.4	6.4			AMSTAD
3N	29E	21	SW SW	6106	0.8			0.8		AMSTAD
3N	29E	21	SE SW	6106	0.2	0.2	0.2		0.2	AMSTAD
3N	29E	21	SE SW	6106	3.6	3.6	3.6			AMSTAD
3N	29E	28	NE NW	6106	1.2	1.2	1.2		1.2	AMSTAD
3N	29E	28	NE NW	6106	0.8			0.8		AMSTAD
3N	29E	28	NW NW	6106	17.6			17.6		AMSTAD
3N	29E	28	NW NW	6106	0.8	0.8	0.8		0.8	AMSTAD
3N	29E	28	NW NW	6106	3.5		3.5			AMSTAD
3N	29E	29	NE NE	6106	2.4		2.4			AMSTAD
TOTALS:					118.6	19.3	99.4	19.2	64.8	

- The district temporary transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed changes in place of use would not result in enlargement of the rights.
- The proposed changes in place of use would not result in injury to other rights.

Conclusions of Law

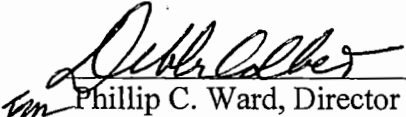
The change in place of use proposed in Transfer Application T-10365 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- The proposed change in place of use to the water rights evidenced by Certificates 76051, 75126, 61534, 75128 and 79439 is approved.
- The temporary transfer is effective for the 2007 irrigation season.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 75126, 61534, 75128 and 79439 and any related decree.

4. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
5. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
6. At the end of the 2007 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

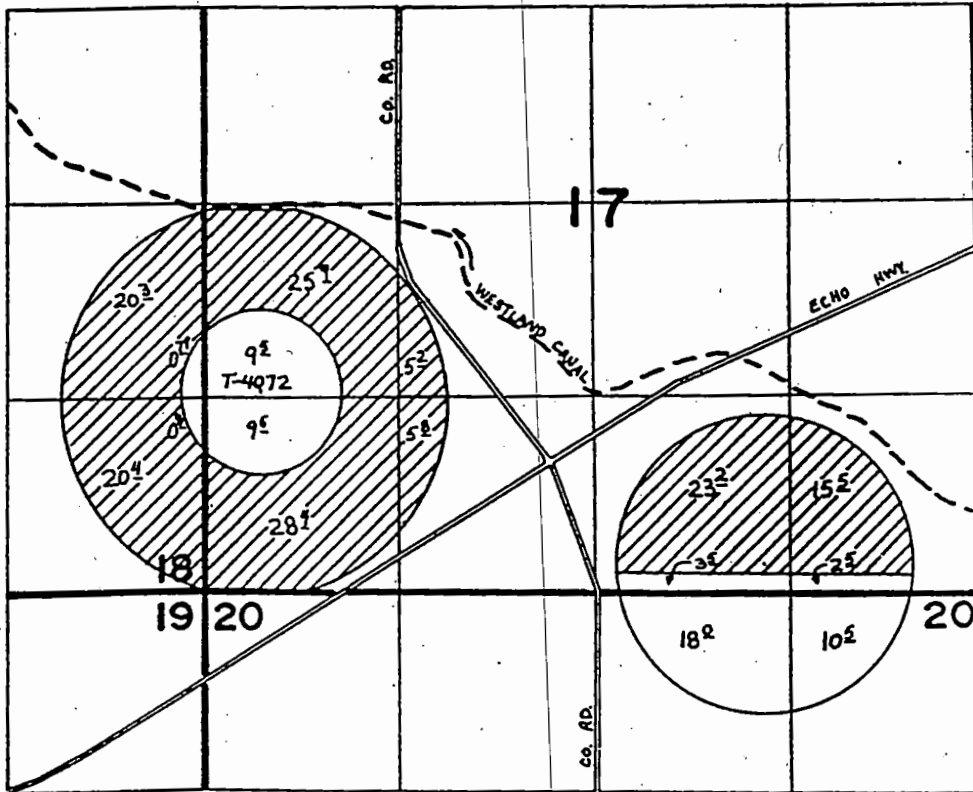
Dated at Salem, Oregon this 3rd day of July, 2007.


Phillip C. Ward, Director

Mailing Date: JUL 11 2007

Spike

T. 3 N. R. 29 E. W.M.



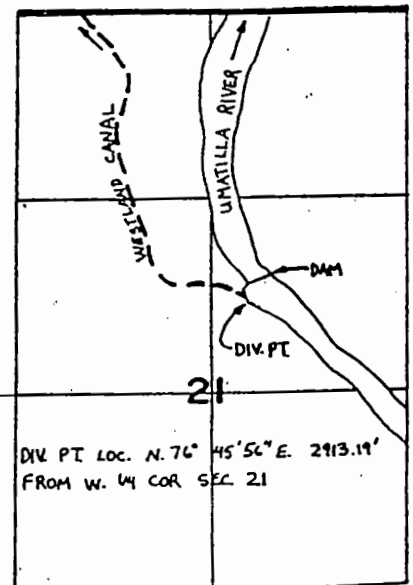
215
13.0
34.5

FINAL PROOF SURVEY
UNDER

Application No. 61736... Permit No. 47673...
IN NAME OF

.....SPIKE RANCH, INCORPORATED.....

Surveyed Jan 5..... 1987, by V. Church



OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: S. LANGFORD FAX NUMBER: 503 796 2900
DATE: Fri APR 6 2007 PAGES: _____, INCLUDING COVER SHEET
FROM: RESEARCH / ANITA PHONE: (503) 986-0
COMMENTS: PERMITS

TEEL I. D.

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904

TRANSMISSION VERIFICATION REPORT

TIME : 04/06/2007 11:09
NAME : WRD 1ST FL
FAX : 5039860901
TEL : 5039860901
SER.# : BROJ5J339815

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

04/06 11:05
915037962900
00:04:20

14
0
STANDARD
ECM

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: S. LANGFORD FAX NUMBER: 503 796 2900
DATE: FRI APR 6 2007 PAGES: _____, INCLUDING COVER SHEET
FROM: RESEARCH / ANITA PHONE: (503) 986-0
COMMENTS: PERMITS

TEEL I. D.

WATER RIGHTS
• Water Rights Information
• Adjudications

TECHNICAL SERVICES
• Hydrographics
• Ground Water

FIELD SERVICES
• Regional Liaisons
• Training

Water Rights Information Query Results

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
<u>Select</u>	TEEL IRRIGATION DISTRICT ▶ 32327 OREGON TRAIL RD ECHO, OR 97826	S32422	S25924	75120			▶ <u>T7901</u> (Changes this right) ▶ <u>T8142</u> (Changes this right) ▶ <u>T8146</u> (Changes this right) ▶ <u>T8147</u> (Changes this right)	NC

[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

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

In the Matter of Transfer Application
T-8418, Umatilla County

) FINAL ORDER RECONSIDERING
) AND MODIFYING APPROVAL OF A
) CHANGE IN PLACE OF USE
)

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR 137-004-0080 describes the process for reconsideration of an order in other than contested case.

Applicant

CHESTER PRIOR
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

Findings of Fact

1. On December 29, 1999, Chester Prior filed a transfer application requesting to change the place of use under portions of Certificates 76050, 76051 and 79439 and to change the character of use for a portion of Certificate 76050. The Department assigned the application number T-8418.
2. Notice of the application for transfer was published on January 25, 2000, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 30, 2006, the applicant's agent (Mr. Bill Porfily) submitted additional information amending Transfer T-8418 to remove the proposed change in character of use under Certificate 76050.
4. On July 24, 2006, the Department issued a preliminary determination proposing approval of a change in place of use under Transfer T-8418 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was

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 183.484. 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.

published on the Department's weekly notice on August 1, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice. However, the Bureau of Reclamation (BOR) did raise issue with the proposed place of use associated with Certificates 76050 and 79439. Specifically, the BOR indicated that the 46.2 acres of supplemental irrigation under Certificate 79439 was not authorized for transfer to the originally proposed place of use in Section 4, Township 2 north, Range 28 east, WM.

5. Due to the issue described in Finding #4 above, the applicant requested that the preliminary determination issued on July 24, 2006, be withdrawn so that Transfer T-8418 could be amended in order to resolve the issue raised by the BOR.
6. On September 29, 2006, the Department received an amendment to Transfer T-8418 from the applicant's agent that modified the proposed place of use for the 46.2 acres of primary and supplemental irrigation associated with Certificates 76050 and 79439.
7. The amended place of use for Transfer T-8418 would cover land that already has existing primary and supplemental irrigation rights under Certificates 76050 and 75121. In order to facilitate the approval of Transfer T-8418, Westland Irrigation District filed a Notice of District Permanent Transfer with the Department on September 29, 2006, proposing to remove the 46.2 acres of primary and supplemental irrigation rights from the location of the amended proposed place of use for Transfer T-8418.
8. On October 16, 2006, Westland Irrigation District filed an Application for District Permanent Transfer requesting to change the place of use under Certificates 76050 and 75121. The Department assigned the application number T-10251.
9. On November 24, 2006, the Department issued a revised preliminary determination, reflecting the amendment received on September 29, 2006, proposing to approve Transfer Application T-8418. A copy of the revised preliminary determination was mailed to the applicant. Additionally, notice of the revised preliminary determination for the transfer application was published on the Department's weekly public notice on December 5, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
10. On January 19, 2007, the Department issued a Final Order for the transfer, recorded at Special Order Volume 71, Pages 63 to 67. Shortly following issuance of the order, however, the Department discovered that the order contained a typographical error that incorrectly described the number of acres involved in the change in place of use for land proposed to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 3 North, Range 28 East, W.M.. Instead of describing 23.6 acres, it should have described 13.6 acres.
11. The period in which the Department may, on its own initiative, reconsider a final order has not yet closed. Upon reconsideration, the Department has concluded that the order should be withdrawn and a new order reflecting the corrections should be issued.

12. The portion of the FIRST right to be transferred is as follows:

Certificate: 76050 (Permit 25920), issued in the name of TEEL IRRIGATION DISTRICT

Use: IRRIGATION of 46.2 ACRES

Priority Date: APRIL 22, 1955

Rate: 0.55 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH (1/40th) of one cfs per acre, not to exceed 4.5 acre feet per acre per year

Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Location Coordinates
3	N	29	E	W.M.	21	SW NE Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

PRIMARY IRRIGATION									
Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
3	N	28	E	W.M.	26	NE SW		7400	21.5
3	N	28	E	W.M.	26	NW SW		7400	24.7
						TOTAL:			46.2

13. The portion of the SECOND right to be transferred is as follows:

Certificate: 79439 (Permit 7400), in the name of U.S. BUREAU OF RECLAMATION

Use: SUPPLEMENTAL IRRIGATION OF 46.2 ACRES

Priority Date: JULY 1, 1924

Rate/Duty: ONE-EIGHTIETH (1/80th) 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, tributary to the UMATILLA RIVER. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the Westland Irrigation District Canal.

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Location Coordinates
2	N	32	E	W.M.	34	NW SE McKay Dam

Authorized Place of Use:

SUPPLEMENTAL						IRRIGATION			
Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
3	N	28	E	W.M.	26	NE	SW	7400	21.5
3	N	28	E	W.M.	26	NW	SW	7400	24.7
						TOTAL:			46.2

14. Transfer Application T-8418, as amended on September 29, 2006, proposes to change the place of use for the above described rights (Certificates 76050 and 79439) to:

Proposed Place of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION									
Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
3	N	28	E	W.M.	27	NE	SE	7404	7.2
3	N	28	E	W.M.	27	NW	SE	7404	9.4
3	N	28	E	W.M.	27	SW	SE	7404	16.0
3	N	28	E	W.M.	27	SE	SE	7404	13.6
TOTAL:									46.2

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

Certificate: 76051 (Permit 25924) in the name of TEEL IRRIGATION DISTRICT

Use: IRRIGATION of 27.8 ACRES

Priority Date: JUNE 27, 1958

Rate: 0.2 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH (1/40th) of one cfs, not to exceed 4.5 acre feet per acre per year

Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼	¼	Location	
3	N	29	E	W.M.	21	SW	NE	Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21	

Authorized Place of Use:

PRIMARY IRRIGATION									
Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
3	N	28	E	W.M.	26	SW	SW	7400	0.2
3	N	28	E	W.M.	26	SE	SW	7400	26.3
3	N	28	E	W.M.	35	NE	NW	7400	1.3
TOTAL:									27.8

16. Application T-8418 proposes to change the place of use for the above described right (Certificate 76051) to:

Proposed Place of Use:

PRIMARY IRRIGATION									
Township		Range		Meridian	Sec	¼	¼	Tax Lot	Acres
3	N	28	E	W.M.	25	SW	SW	7402	7.0
3	N	28	E	W.M.	26	SE	SE	7400	6.9
3	N	28	E	W.M.	35	NE	NE	7400	6.9
3	N	28	E	W.M.	36	NW	NW	7402	7.0
TOTAL:									27.8

17. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A pump and pipe line distribution systems sufficient to use the full amount of water allowed under the existing rights are present.
19. The proposed changes would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.


Conclusions of Law

The change in place of use proposed in Transfer Application T-8418 and described in this order is consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 71, Pages 63 to 67 is withdrawn and of no further force and effect.
2. The change in place of use proposed in Transfer Application T-8418 is approved.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76050, 79439 and 76051.
4. The former place of use of the transferred water shall no longer receive water as part of these rights.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Certificates 76050, 76051 and 79439 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 28th day of February, 2007.


Phillip C. Ward
Director

Mailing date: MAR 06 2007

5-32422

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

In the Matter of Transfer Application
T-8418, Umatilla County

) **FINAL ORDER**
) **APPROVING A CHANGE**
) **IN PLACE OF USE**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Chester Prior
32327 Oregon Trail Road
Echo, Oregon 97826

Findings of Fact

1. On December 29, 1999, Chester Prior filed a transfer application requesting to change the place of use under portions of Certificates 76050, 76051 and 79439 and to change the character of use for a portion of Certificate 76050. The Department assigned the application number T-8418.
2. Notice of the application for transfer was published on January 25, 2000, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 30, 2006, the applicant's agent (Mr. Bill Porfily) submitted additional information amending Transfer T-8418 to remove the proposed change in character of use under Certificate 76050.
4. On July 24, 2006, the Department issued a preliminary determination proposing approval of a change in place of use under Transfer T-8418 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on August 1, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice. However, the Bureau of Reclamation (BOR) did raise issue with the proposed place of use associated with Certificates 76050 and 79439. Specifically, the BOR indicated that

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 183.484. 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.

the 46.2 acres of supplemental irrigation under Certificate 79439 was not authorized for transfer to the originally proposed place of use in Section 4, Township 2 north, Range 28 east, WM.

5. Due to the issue described in Finding #4 above, the applicant requested that the preliminary determination issued on July 24, 2006, be withdrawn so that Transfer T-8418 could be amended in order to resolve the issue raised by the BOR.
6. On September 29, 2006, the Department received an amendment to Transfer T-8418 from the applicant's agent that modified the proposed place of use for the 46.2 acres of primary and supplemental irrigation associated with Certificates 76050 and 79439.
7. The amended place of use for Transfer T-8418 would cover land that already has existing primary and supplemental irrigation rights under Certificates 76050 and 75121. In order to facilitate the approval of Transfer T-8418, Westland Irrigation District filed a Notice of District Permanent Transfer with the Department on September 29, 2006, proposing to remove the 46.2 acres of primary and supplemental irrigation rights from the location of the amended proposed place of use for Transfer T-8418.
8. On October 16, 2006, Westland Irrigation District filed an Application for District Permanent Transfer requesting to change the place of use under Certificates 76050 and 75121. The Department assigned the application number T-10251.
9. On November 24, 2006, the Department issued a revised preliminary determination, reflecting the amendment received on September 29, 2006, proposing to approve Transfer Application T-8418. A copy of the revised preliminary determination was mailed to the applicant. Additionally, notice of the revised preliminary determination for the transfer application was published on the Department's weekly public notice on December 5, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
10. The portion of the FIRST right to be transferred is as follows:

Certificate: 76050 (Permit 25920), issued in the name of TEEL IRRIGATION DISTRICT

Use: IRRIGATION of 46.2 ACRES

Priority Date: APRIL 22, 1955

Rate: 0.55 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH (1/40th) of one cfs per acre, not to exceed 4.5 acre feet per acre per year

Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Location Coordinates
3	N	29	E	W.M.	21	SW NE Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

PRIMARY IRRIGATION									
Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
3	N	28	E	W.M.	26	NE	SW	7400	21.5
3	N	28	E	W.M.	26	NW	SW	7400	24.7
						TOTAL:			46.2

11. The portion of the SECOND right to be transferred is as follows:

Certificate: 79439 (Permit 7400), in the name of U.S. BUREAU OF RECLAMATION

Use: SUPPLEMENTAL IRRIGATION OF 46.2 ACRES

Priority Date: JULY 1, 1924

Rate/Duty: ONE-EIGHTIETH (1/80th) 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, tributary to the UMATILLA RIVER. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the Westland Irrigation District Canal.

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Location Coordinates
2	N	32	E	W.M.	34	NW SE McKay Dam

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION									
Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
3	N	28	E	W.M.	26	NE	SW	7400	21.5
3	N	28	E	W.M.	26	NW	SW	7400	24.7
						TOTAL:		46.2	

12. Transfer Application T-8418, as amended on September 29, 2006, proposes to change the place of use for the above described rights (Certificates 76050 and 79439) to:

Proposed Place of Use:

PRIMARY AND SUPPLEMENTAL IRRIGATION										
Township		Range		Meridian	Sec		¼	¼	Tax Lot	Acres
3	N	28	E	W.M.	27	NE	SE		7404	7.2
3	N	28	E	W.M.	27	NW	SE		7404	9.4
3	N	28	E	W.M.	27	SW	SE		7404	16.0
3	N	28	E	W.M.	27	SE	SE		7404	23.6
							TOTAL:		46.2	

13. The portion of the THIRD right to be transferred is as follows: .

Certificate: 76051 (Permit 25924) in the name of TEEL IRRIGATION DISTRICT
Use: IRRIGATION of 27.8 ACRES
Priority Date: JUNE 27, 1958
Rate: 0.2 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-FORTIETH (1/40th) of one cfs, not to exceed 4.5 acre feet per acre per year
Source: UMATILLA RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Location
3	N	29	E	W.M.	21	SW NE Westland Canal – North 76 Degrees 45 Minutes 56 Seconds East, 2913.19 feet from the West ¼ Corner of Section 21

Authorized Place of Use:

PRIMARY IRRIGATION									
Township	Range	Meridian	Sec	¼	¼	Tax Lot	Acres		
3	N	28	E	W.M.	26	SW	SW	7400	0.2
3	N	28	E	W.M.	26	SE	SW	7400	26.3
3	N	28	E	W.M.	35	NE	NW	7400	1.3
TOTAL:									27.8

14. Application T-8418 proposes to change the place of use for the above described right (Certificate 76051) to:

Proposed Place of Use:

PRIMARY IRRIGATION									
Township	Range	Meridian	Sec	¼	¼	Tax Lot	Acres		
3	N	28	E	W.M.	25	SW	SW	7402	7.0
3	N	28	E	W.M.	26	SE	SE	7400	6.9
3	N	28	E	W.M.	35	NE	NE	7400	6.9
3	N	28	E	W.M.	36	NW	NW	7402	7.0
TOTAL:									27.8

15. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump and pipe line distribution systems sufficient to use the full amount of water allowed under the existing rights are present.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.

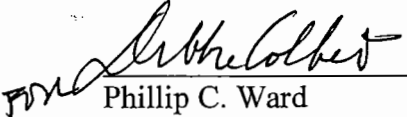
Conclusions of Law

The change in place of use proposed in Transfer Application T-8418 is consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-8418 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76050, 79439 and 76051.
3. The former place of use of the transferred water shall no longer receive water as part of these rights.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. Certificates 76050, 76051 and 79439 are modified. The Department will issue superseding certificates describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 19th day of January, 2007.


Phillip C. Ward
Director

Mailing date: JAN 22 2007

S-32422

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

In the Matter of Transfer Application)
T-10126, Umatilla County)

F I N A L O R D E R
APPROVING A DISTRICT
TEMPORARY TRANSFER

ORS 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

Westland Irrigation District
P.O. Box 944
Hermiston, OR 97838

Findings of Fact

1. On April 3, 2006, Westland Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76051, 75126, 61534, 75128 and 79439. The Department assigned the application number T-10126.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the water rights to be transferred are as follows:

Certificate: 76051 issued in the name of Teel Irrigation District

Use: Irrigation (IR)

Priority Date: June 27, 1958

Rate & Duty: 1/40 of a cubic foot per second (cfs) and 4.5 acre-feet (AF) per acre irrigated

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	21	SW NE	WESTLAND CANAL - N 76° 45' 56" East 2913 ft. 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: 75126, issued in the name of Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee, Echo, Oregon

Use: Supplemental Irrigation (IS)

Priority Date: October 1, 1975

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Wells #1 & #3

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	16	SE SW	Well #1 – 850 feet North and 750 feet West from the S¼ Corner, Section 16
3 N	29 E	WM	16	SE SW	Well #3 – 350 feet North and 850 feet West from the S¼ Corner, Section 16

Certificate: 61534, in the name of Travelers Insurance Company

Use: Supplemental Irrigation (IS)

Priority Date: March 30, 1976

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Brown Wells #1, 2, 3, & 4

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	20	SW SE	Brown Well #1 – 80 feet North and 2500 feet West from the SE Corner, Section 20
3 N	29 E	WM	30	SE SE	Brown Well #2 – 610 feet North and 50 feet West from the SE Corner, Section 30
3 N	29 E	WM	30	SE NE	Brown Well #3 – 1400 feet South and 1310 feet West from the NE Corner, Section 30
3 N	29 E	WM	19	SE NW	Brown Well #4 – 140 feet North and 490 feet West from the Center of Section 19.

Certificate: 75128, issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust

Use: Supplemental Irrigation (IS)

Priority Date: September 26, 1974

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Well (Brown Well #2)

Authorized Point of Appropriation:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
3 N	29 E	WM	30	SE SE	610 feet North and 50 feet West from the SE Corner of Section 30

Certificate: 79439: issued in the name of U.S. Bureau of Reclamation

Use: Supplemental Irrigation (IS)

Priority Date: July 1, 1924

Rate & Duty: 1/80 cfs per acre irrigated

Source: McKay Reservoir, tributary to McKay Creek

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
2 N	32 E	WM	34	NW SE	McKay Dam, NW¼ SE¼, Section 34, T 2 N, R 32 E, W.M., water is run down natural channels of McKay Creek and the Umatilla River and is re-diverted at Westland Irrigation District Canal - North 76° 45' 56" East 2913 ft. from the W¼ corner of Section 21.

5. Westland Irrigation District applied to temporarily change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

Authorized Place of Use:

TABLE 1 - FROM LANDS									
					Water Right Certificates				
					Irrigation (IR)	Supplemental Irrigation (IS)			
TWP	RNG	SEC	1/4 - 1/4	TL	76051	75126	61534	75128	79439
3 N	29 E	20	NW NE	6106	5.00	5.00	5.00		
3 N	29 E	20	SW NE	6106	10.00	10.00	10.00		
3 N	29 E	20	SE NE	6106	4.00	4.00	4.00		4.00
3 N	29 E	20	SE SW	6103	11.10		11.10		
3 N	29 E	20	NE SE	6106	0.10		0.10		0.10
3 N	29 E	20	NW SE	6106	0.50		0.50		
3 N	29 E	20	SE SE	6106	4.50		4.50		4.50
3 N	29 E	21	SW NW	6106	0.30	0.30	0.30		0.30
3 N	29 E	21	NW SW	6106	1.20		1.20		1.20
3 N	29 E	21	SW SW	6106	23.80		23.80		23.80
3 N	29 E	21	SE SW	6106	3.80		3.80		3.80
3 N	29 E	28	NE NW	6106	2.00		2.00		2.00
3 N	29 E	28	NW NW	6106	22.10		22.10		22.10
3 N	29 E	29	NE NE	6106	2.40		2.40		2.40
3 N	29 E	29	NE NW	6104	8.00		8.00		
3 N	29 E	29	SW NW	6104	0.60		0.60		0.60
3 N	29 E	29	SW SW	6104	9.60			9.60	
3 N	29 E	30	SE SE	6104	9.60			9.60	
TOTALS:					118.60	19.30	99.40	19.20	64.80

6. Application T-10126 proposes to TEMPORARILY change the place of use of the rights to:

TABLE 2 - TO LANDS									
					Water Right Certificates				
					Irrigation (IR)	Supplemental Irrigation (IS)			
TWP	RNG	SEC	1/4 - 1/4	TL	76051	75126	61534	75128	79439
3 N	28 E	24	NE NW	7200	29.90		29.90		29.90
3 N	28 E	24	NW NW	7200	30.60		30.60		30.60
3 N	29 E	20	SE SE	6106	4.50		4.50		
3 N	29 E	21	SW SW	6106	9.20		9.20		
3 N	29 E	21	SW SW	6106	5.00	5.00	5.00		
3 N	29 E	21	SW SW	6106	2.10	2.10	2.10		2.10
3 N	29 E	21	SW SW	6106	6.40	6.40	6.40		
3 N	29 E	21	SW SW	6106	0.80			0.80	
3 N	29 E	21	SE SW	6106	0.20	0.20	0.20		0.20
3 N	29 E	21	SE SW	6106	3.60	3.60	3.60		
3 N	29 E	28	NE NW	6106	1.20	1.20	1.20		1.20
3 N	29 E	28	NE NW	6106	0.80			0.80	
3 N	29 E	28	NW NW	6106	17.60			17.60	
3 N	29 E	28	NW NW	6106	0.80	0.80	0.80		0.80
3 N	29 E	28	NW NW	6106	3.50		3.50		
3 N	29 E	29	NE NE	6106	2.40		2.40		
TOTALS:					118.60	19.30	99.40	19.20	64.80

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

Conclusions of Law

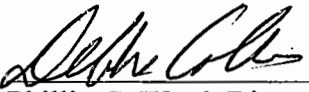
The proposed changes in application T-10126 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76051, 75126, 61534, 75128 and 79439 are approved.
2. The temporary transfer is effective for the 2006 irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76051, 75126, 61534, 75128 and 79439 and any related decree.

4. Pursuant to OAR 690-385-3130, the use of water as a supplemental right under Certificates 75126, 61534, 75128 and 79439 are restricted to the total rate and duty described by the primary District irrigation water right, Certificate 76051, and may be used only to the extent of any supply deficiency for the primary water right at the proposed place of use. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
5. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
6. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 28th day of April, 2006.


PDP Phillip C. Ward, Director

MAY 12 2006
Mailing date: _____

5-32422

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

In the Matter of Transfer Application)
T-9845, Umatilla County)

F I N A L O R D E R
APPROVING A DISTRICT
PERMANENT TRANSFER

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to 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 December 30, 2004, Westland Irrigation District filed a district transfer application to permanently change the place of use under Certificates 75121, 76050, 76051, 79439 and Permit 48450. The Department assigned the application number T-9845.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate: 76050 issued in the name of Teel Irrigation District

Use: Irrigation

Priority Date: April 22, 1955

Rate & Duty: 1/40 cfs per acre irrigated and 4.5 acre-feet per acre per season

Source: Umatilla River, tributary of the Columbia River

Point of Diversion:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	29	E	W.M.	21	SW	NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ 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.

Authorized Place of Use:

CERTIFICATE 76050 - IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	27	NE	SW	7403	31.10	L & L FARMS	2004- 03
3	N	28	E	W.M	27	NW	SW	7403	31.00	L & L FARMS	2004- 03
3	N	28	E	W.M	27	SW	SW	7403	32.00	L & L FARMS	2004- 03
3	N	28	E	W.M	27	SE	SW	7403	28.90	L & L FARMS	2004- 03
TOTAL:									123.00		

4. Application T-9845 proposes to change the place of use of the right to:

CERTIFICATE 76050 - IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
2	N	28	E	W.M	4	NW	SW	800	0.10	L & L FARMS	2004- 03
2	N	28	E	W.M	4	SW	SW	800	5.20	L & L FARMS	2004- 03
3	N	28	E	W.M	29	NE	SE	8105	30.00	L & L FARMS	2004- 03
3	N	28	E	W.M	29	NW	SE	8105	26.20	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SW	SE	8105	29.30	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SE	SE	8105	32.20	L & L FARMS	2004- 03
TOTAL:									123.00		

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

Certificate: 76051 issued in the name of Teel Irrigation District

Use: Irrigation

Priority Date: June 27, 1958

Rate & Duty: 1/40th cfs per acre irrigated and 4.5 acre-feet per acre per irrigation season

Source: Umatilla River, tributary of the Columbia River

Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION	
3	N	29	E	W.M.	21	SW NE Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21.

Special Order Vol. 64 Page 276

Authorized Place of Use:

CERTIFICATE 76051 - IRRIGATION											
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER	NOTICE#			
3	N	28	E	W.M	23	NE SW	7100	6.20	L & L FARMS	2004- 02	
3	N	28	E	W.M	29	NE NW	8100	28.70	EAGLE RANCH	2004- 04	
3	N	28	E	W.M	29	NW NW	8100	33.10	EAGLE RANCH	2004- 04	
3	N	28	E	W.M	29	SW NW	8100	33.10	EAGLE RANCH	2004- 04	
3	N	28	E	W.M	29	SE NW	8100	28.50	EAGLE RANCH	2004- 04	
3	N	28	E	W.M	29	NE SE	8105	30.00	L & L FARMS	2004- 02	
3	N	28	E	W.M	29	NW SE	8105	26.20	L & L FARMS	2004- 02	
3	N	28	E	W.M	29	SW SE	8105	29.30	L & L FARMS	2004- 02	
3	N	28	E	W.M	29	SE SE	8105	32.20	L & L FARMS	2004- 02	
3	N	28	E	W.M	30	NE NE	8100	0.20	EAGLE RANCH	2004- 04	
3	N	28	E	W.M	30	SE NE	8100	0.30	EAGLE RANCH	2004- 04	
TOTAL:								247.80			

6. Application T-9845 proposes to change the place of use of the right to:

CERTIFICATE 76051 - IRRIGATION											
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER	NOTICE#			
3	N	28	E	W.M	23	NE SW	7100	6.20	L & L FARMS	2004- 04	
3	N	28	E	W.M	27	NE SW	7403	29.20	L & L FARMS	2004- 04	
3	N	28	E	W.M	27	NW SW	7403	27.60	L & L FARMS	2004- 04	
3	N	28	E	W.M	27	SW SW	7403	32.00	L & L FARMS	2004- 04	
3	N	28	E	W.M	27	SE SW	7403	28.90	L & L FARMS	2004- 04	
3	N	28	E	W.M	29	NE NW	8100	28.70	EAGLE RANCH	2004 - 02	
3	N	28	E	W.M	29	NW NW	8100	33.10	EAGLE RANCH	2004- 02	
3	N	28	E	W.M	29	SW NW	8100	33.10	EAGLE RANCH	2004- 02	
3	N	28	E	W.M	29	SE NW	8100	28.50	EAGLE RANCH	2004- 02	
3	N	28	E	W.M	30	NE NE	8100	0.20	EAGLE RANCH	2004- 02	
3	N	28	E	W.M	30	SE NE	8100	0.30	EAGLE RANCH	2004- 02	
TOTAL:								247.80			

7. The portion of the third right to be transferred is as follows:

Certificate: 75121 issued in the name of L & L Farms

Use: Irrigation and Supplemental Irrigation

Priority Date: April 19, 1979

Rate & Duty: 1/80th cfs per acre irrigated and 3.0 acre-feet per each acre irrigated during the irrigation season of each year

Source: Three Wells, within the Spikes Gulch River Basin

Points of Appropriation:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	28	E	W.M.	23	SW	SE	Well 1 - 960 Feet North and 30 Feet East from the S¼ Corner of Section 23.
3	N	28	E	W.M.	26	NW	NE	Well 2 - 930 Feet South from the N¼ Corner of Section 26.
3	N	28	E	W.M.	23	NW	NW	Well 3 - 60 Feet South and 820 Feet East from the NW Corner of Section 23.

Authorized Place of Use:

CERTIFICATE 75121 –IRRIGATION											
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER	NOTICE#			
3	N	28	E	W.M.	27	NE	SW	7403	3.10	L & L FARMS	2004- 03
TOTAL:									3.10		

CERTIFICATE 75121 – SUPPLEMENTAL IRRIGATION											
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER	NOTICE#			
3	N	28	E	W.M.	27	NE	SW	7403	29.20	L & L FARMS	2004- 03
3	N	28	E	W.M.	27	NW	SW	7403	27.60	L & L FARMS	200 - 03
3	N	28	E	W.M.	27	SW	SW	7403	32.00	L & L FARMS	200 - 03
3	N	28	E	W.M.	27	SE	SW	7403	28.90	L & L FARMS	2004- 03
TOTAL:									117.70		

8. Application T-9845 proposes to change the place of use of the right to:

CERTIFICATE 75121 –IRRIGATION											
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER	NOTICE#			
3	N	28	E	W.M.	23	NW	SW	7100	3.10	L & L FARMS	2004- 03
TOTAL:									3.10		

CERTIFICATE 75121 - SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	NE	SE	8105	30.00	L & L FARMS	2004- 03
3	N	28	E	W.M	29	NW	SE	8105	26.20	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SW	SE	8105	29.30	L & L FARMS	2004- 03
3	N	28	E	W.M	29	SE	SE	8105	32.20	L & L FARMS	2004- 03
TOTAL:									117.70		

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

Certificate: 79439 issued in the name of U.S. Bureau of Reclamation

Use: Supplemental Irrigation

Priority Date: July 1, 1924

Rate & Duty: 1/80th cfs per acre irrigated

Source: McKay Reservoir, a tributary of McKay Creek

Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION	
2	N	32	E	W.M.	34	NW SE
McKay Dam – water released from the reservoir into McKay Creek and Umatilla River: Rediverted at Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21.						

Authorized Place of Use:

CERTIFICATE 79439 - SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	NE	NW	8100	28.70	EAGLE RANCH	2004- 02
3	N	28	E	W.M	29	NW	NW	8100	33.10	EAGLE RANCH	2004- 02
3	N	28	E	W.M	29	SW	NW	8100	33.10	EAGLE RANCH	2004- 02
3	N	28	E	W.M	29	SE	NW	8100	28.50	EAGLE RANCH	2004- 02
3	N	28	E	W.M	30	NE	NE	8100	0.20	EAGLE RANCH	2004- 02
3	N	28	E	W.M	30	SE	NE	8100	0.30	EAGLE RANCH	2004- 02
TOTAL:									123.90		

10. Application T-9845 proposes to change the place of use of the right to:

CERTIFICATE 79439 – SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	23	NE	SW	7100	6.20	L & L FARMS	2004- 04
3	N	28	E	W.M	27	NE	SW	7403	29.20	L & L FARMS	2004- 04
3	N	28	E	W.M	27	NW	SW	7403	27.60	L & L FARMS	2004- 04
3	N	28	E	W.M	27	SW	SW	7403	32.00	L & L FARMS	2004- 04
3	N	28	E	W.M	27	SE	SW	7403	28.90	L & L FARMS	2004- 04
TOTAL:									123.90		

11. The portion of the fifth right to be transferred is as follows:

Permit: 48450 issued in the name of Chester J. Prior
Use: Irrigation and Supplemental Irrigation
 (for the beneficial use by irrigation, either for immediate crop growth or to raise soil moisture)
Priority Date: June 27, 1958
Rate & Duty: 1/40th cfs per acre irrigated and 4.5 acre-feet per each acre irrigated during the irrigation season of each year; further limited to a diversion not to exceed 1.5 acre-feet per each acre irrigated during the period from November 15 to the last day of February of each year. Supplemental irrigation may 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 prescribed limitations.
Source: Umatilla River, tributary of the Columbia River
Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION	
3	N	29	E	W.M.	21	SW NE South 55 Degrees 48 Minutes West 3237.3 feet from the NE Corner of Section 21.

Authorized Place of Use:

PERMIT 48450 – IRRIGATION & SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	NE	NW	8100	28.70	EAGLE RANCH	2004- 04
3	N	28	E	W.M	29	NW	NW	8100	33.10	EAGLE RANCH	2004- 04
3	N	28	E	W.M	29	SW	NW	8100	33.10	EAGLE RANCH	2004- 04

PERMIT 48450 – IRRIGATION & SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	29	SE	NW	8100	28.50	EAGLE RANCH	2004- 04
3	N	28	E	W.M	30	NE	NE	8100	0.20	EAGLE RANCH	2004- 04
3	N	28	E	W.M	30	SE	NE	8100	0.30	EAGLE RANCH	2004- 04
TOTAL:									123.90		

12. Application T-9845 proposes to change the place of use of the right to:

PERMIT 48450 – IRRIGATION & SUPPLEMENTAL IRRIGATION											
TWP		RNG		MER	SEC	QTR-QTR		TL	AC	USER	NOTICE#
3	N	28	E	W.M	23	NE	SW	7100	6.20	L & L FARMS	2004- 04
3	N	28	E	W.M	27	NE	SW	7403	29.20	L & L FARMS	2004- 04
3	N	28	E	W.M	27	NW	SW	7403	27.60	L & L FARMS	2004- 04
3	N	28	E	W.M	27	SW	SW	7403	32.00	L & L FARMS	2004- 04
3	N	28	E	W.M	27	SE	SW	7403	28.90	L & L FARMS	2004- 04
TOTAL:									123.90		

13. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
14. The water right is subject to transfer as defined in OAR 690-385-0100(17).
15. The proposed changes in place of use would not result in enlargement of the right.
16. The proposed changes in place of use would not result in injury to other water rights.

Conclusions of Law

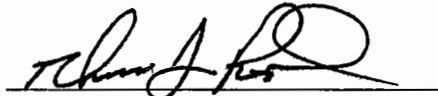
The proposed changes in place of use in application T- 9845 satisfy the requirements of ORS 540.574(3) and 540.580 .

Now, therefore, it is ORDERED:

- The proposed changes to the water rights evidenced by Certificates 75121, 76050, 76051, 79439 and Permit 48450 are approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 75121, 76050, 76051, 79439 and Permit 48450 and any related decree.

3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed changes shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2007.
6. The Department shall issue a water right certificate on a determination that it is necessary to produce certificates describing the water rights.

Dated at Salem, Oregon this 25th day of April, 2005.


for Phillip C. Ward, Director

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

In the Matter of a Proposed Change	)	ORDER APPROVING A
In Place of Use of Water Within an	)	TEMPORARY DISTRICT
Irrigation District — TRANSFER 9894	)	TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.570, Westland Irrigation District, P. O. Box 944, Hermiston, Oregon, 97838, submitted an application to the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The application was received on March 18, 2005 and included the required fees.
2. The Department assigned the transfer application number T-9894.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated March 29, 2005. The application was noticed as a temporary transfer within irrigation district boundaries.
4. No timely comments were received in response to the published notice.
5. Westland Irrigation District applied to modify the following rights:
 - a) PRIMARY IRRIGATION
Certificate 76051: issued in the name of Teel Irrigation District
Use: Irrigation (Primary)
Priority Date: June 27, 1958
Rate & Duty: 1/40 cfs and 4.5 AF per acre irrigated
Source: Umatilla River
Point of Diversion: SW¼ NE¼, Section 21, T 3 N, R 29 E, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the West ¼ Corner of Section 21.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

b) SUPPLEMENTAL IRRIGATION

Certificate 75126: issued in the name of Todd M. Dimbat, Kelly L. Molash, Irrevocable Trusts, and Tony Amstad, Trustee, Echo OREGON

Use: Irrigation (Supplemental)

Priority Date: October 1, 1975

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Wells #1 & #3

Point of Appropriation: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T 3 N, R 29 E, W.M.; Well #1 – 850 feet North and 750 feet West from the S $\frac{1}{4}$ Corner, Section 16; Well #3– 350 feet North and 850 feet West from the S $\frac{1}{4}$ Corner, Section 16.

Certificate 61534: issued in the name of Travelers Insurance Company

Use: Irrigation (Supplemental)

Priority Date: March 30, 1976

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Brown Wells #1, 2, 3, & 4

Points of Appropriation:

Brown Well #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T 3 N, R 29 E, W.M.; 80 feet North and 2500 feet West from the SE Corner of Section 20.

Brown Well # 2 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

Brown Well # 3 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T 3 N, R 29 E, W.M.; 1400 feet South and 1310 feet West from the NE Corner of Section 30.

Brown Well # 4 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, T 3 N, R 29 E, W.M.; 140 feet North and 490 feet West from the Center of Section 19.

Certificate 75128: issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amstad Irrevocable Trust

Use: Irrigation (Supplemental)

Priority Date: September 26, 1974

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Well (Brown's Well #2)

Point of Appropriation: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

Certificate 79439: issued in the name of U.S. Bureau of Reclamation

Use: Irrigation (Supplemental)

Priority Date: July 1, 1924

Rate & Duty: 1/80 cfs

Source: McKay Reservoir

Point of Diversion: McKay Dam - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T 2 N, R 32 E, W.M.

6. Westland Irrigation District petitioned to temporarily change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1 - FROM LANDS									
					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439
3N	29E	20	NW NE	6106	5.00	5.00	5.00		
3N	29E	20	SW NE	6106	10.00	10.00	10.00		
3N	29E	20	SE NE	6106	4.00	4.00	4.00		4.00
3N	29E	20	SE SW	6103	11.10		11.10		
3N	29E	20	NE SE	6106	0.10		0.10		0.10
3N	29E	20	NW SE	6106	0.50		0.50		
3N	29E	20	SE SE	6106	4.50		4.50		4.50
3N	29E	21	SW NW	6106	0.30	0.30	0.30		0.30
3N	29E	21	NW SW	6106	1.20		1.20		1.20
3N	29E	21	SW SW	6106	23.80		23.80		23.80
3N	29E	21	SE SW	6106	3.80		3.80		3.80
3N	29E	28	NE NW	6106	2.00		2.00		2.00
3N	29E	28	NW NW	6106	22.10		22.10		22.10
3N	29E	29	NE NE	6106	2.40		2.40		2.40
3N	29E	29	NE NW	6104	8.00		8.00		
3N	29E	29	SW NW	6104	0.60		0.60		0.60
3N	29E	29	SW SW	6104	9.60			9.60	
3N	29E	30	SE SE	6104	9.60			9.60	
TOTALS					118.60	19.30	99.40	19.20	64.80

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2 - TO LANDS									
					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439
3N	28E	24	NE NW	7200	29.90		29.90		29.90
3N	28E	24	NW NW	7200	30.60		30.60		30.60
3N	29E	20	SE SE	6106	4.50		4.50		
3N	29E	21	SW SW	6106	9.20		9.20		
3N	29E	21	SW SW	6106	5.00	5.00	5.00		
3N	29E	21	SW SW	6106	0.80			0.80	
3N	29E	21	SW SW	6106	8.50	8.50	8.50		2.10
3N	29E	21	SE SW	6106	0.20	0.20	0.20		0.20
3N	29E	21	SE SW	6106	3.60	3.60	3.60		

3N	29E	28	NE NW	6106	1.20	1.20	1.20		1.20
3N	29E	28	NE NW	6106	0.80			0.80	
3N	29E	28	NW NW	6106	17.60			17.60	
3N	29E	28	NW NW	6106	0.80	0.80	0.80		0.80
3N	29E	28	NW NW	6106	3.50		3.50		
3N	29E	29	NE NE	6106	2.40		2.40		
TOTALS					118.60	19.30	99.40	19.20	64.80

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the permit. The use shall conform to any reasonable rotation system ordered by the proper state officer.

7. Watermaster Tony Justus has commented requesting the use of water described above from wells that is conveyed through the Westland Canal, be measured where the water enters the Canal and measured out as well.
8. Pursuant to ORS 540.574 and ORS 540.570, in reviewing the application submitted by Westland Irrigation District, the Department has determined the following:
 - a) The application contains the information required under ORS 540.574(3).
 - b) The application meets the requirements of ORS 540.570.
 - c) The application contains maps which are satisfactory to the Department and which the District certified as being accurate.
 - d) The application includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
 - e) The District notified each affected landowner that the Department may at any time, to the extent necessary to avoid injury to an existing water right:
 - A) Condition the temporary transfer to mitigate injury; or
 - B) Reject or revoke the temporary transfer.
 - f) The lands from which the water right would be moved by the proposed transfer will not continue to receive water under the water right.
 - g) The use authorized by the water right subject to transfer will not change; and
 - h) The proposed change in place of use will not result in injury or enlargement to an existing water right.

CONCLUSIONS OF LAW

1. The application submitted by Westland Irrigation District proposing a temporary change in place of use within district boundaries included the information, and satisfied the criteria, required by ORS 540.574(3).

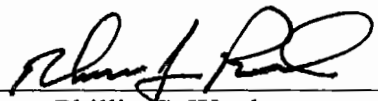
2. The proposed transfer complies with the requirements of ORS 540.570.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.570 resulting in no injury or enlargement to existing water rights.

ORDER

It is hereby ORDERED :

1. The temporary transfer of place of use is approved.
2. The temporary transfer is effective for the 2005 irrigation season.
3. At the end of the 2005 irrigation season, all uses of water under the temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.
4. The use of water described above from wells that is conveyed through the Westland Canal, shall be measured where the water enters the Canal and measured out of the canal at the withdrawal point(s).
5. The approval of this temporary transfer may be conditioned, rejected 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. The former place of use shall no longer be irrigated as a part of this water right. 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.
7. Except as modified herein, all other conditions and limitations of the water rights remain in effect.

WITNESS the signature of the Water Resources Director affixed April 15, 2005


Phillip C. Ward

5-32422

STATE OF OREGON
COUNTY OF UMATILLA
ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9198 submitted by

WESTLAND IRRIGATION DISTRICT (Double M Ranch)
P.O. BOX 944
HERMISTON, OREGON 97838.

The rights to be modified are evidenced by portions of:

Certificate	Priority Date	Source (Primary or Supplemental)
76050	April 22, 1955	Umatilla River Primary
76051	June 27, 1958	Umatilla River Primary
79439	July 1, 1924	McKay Reservoir Supplemental

The first right to be modified, as evidenced by a portion of Certificate 76050, was perfected under Permit 25920, with a date of priority of APRIL 22, 1955. The right allows the use of water from the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 56.6 ACRES. This right is limited to 0.679 cubic foot per second, if available at the authorized point of diversion from the Umatilla River: SW¼ NE¼ OF SECTION 21, T 3 N, R

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 183.484. 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

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 it's equivalent) and 4½ acre-feet for each acre irrigated during the irrigation season of each year. The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	GOVERNMENT LOT or DLC	1/4 1/4	TAX LOT NUMBER	ACRES
3N	28E	13		SW SE	4190	34.4
3N	28E	13		SE SE	4190	22.2
Total						56.6

The second right to be modified, as evidenced by a portion of Certificate 76051, was perfected under Permit 25924, with a date of priority of JUNE 27, 1958. The right allows the use of water from the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 14.2 ACRES. This right is limited to 0.095 cubic foot per second, if available at the authorized point of diversion from the Umatilla River: SW¼ NE¼ OF SECTION 21, T 3 N, R 29 E, W.M.; NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the Umatilla River.

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 it's equivalent) and 4½ acre-feet for each acre irrigated during the irrigation season of each year. The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	GOVERNMENT LOT or DLC	1/4 1/4	TAX LOT NUMBER	ACRES
3N	28E	13		SE SE	4190	14.2
Total						14.2

The third right to be modified, as evidenced by a portion of Certificate 79439, was perfected under a portion of Permit 7400 with a date of priority of JULY 7, 1924. The right allows the use stored water from MCKAY RESERVOIR, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION OF 70.8 ACRES.

This right is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year, if available at the authorized point of diversion: McKAY RESERVOIR - NW¼ SE¼, SECTION 34, T 2 N, R 32 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

TOWNSHIP	RANGE	SECTION	GOVERNMENT LOT or DLC	1/4 1/4	TAX LOT NUMBER	ACRES
3N	28E	13		SW SE	4190	34.4
3N	28E	13		SE SE	4190	36.4
Total						70.8

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The District requests to PERMANENTLY move the rights listed in the tables above to the locations listed below.

Certificates					76050	76051	79439
Priority Dates					April 22, 1955	June 27, 1958	July 1, 1924
Source					Primary	Primary	Supplemental
TWP	RNG	SEC	1/4 1/4	TL			
3N	28	13	NE SE	4190	6.60	10.30	16.90
3N	28	13	NW SE	4190	5.70		5.70
3N	28	13	SW SE	4190	14.60		14.60
3N	28	13	SE SW	4190	29.70	3.90	33.60
TOTAL ACRES:					56.60	14.20	70.80

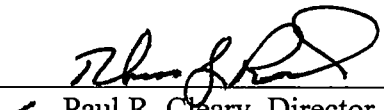
THEREFORE, THESE CHANGES TO EXISTING DISTRICT WATER RIGHTS MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The proposed change shall be completed on or before October 1, 2003.
2. The former place of use shall no longer be irrigated as a part of this water right.

3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by WESTLAND IRRIGATION DISTRICT on or before October 1, 2004.
4. Except as modified herein, all other conditions and restrictions of Certificates 76050, 76051 and Permit 7400 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed AUG 29 2002


for Paul R. Cleary, Director

S-32422

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **DISTRICT TEMPORARY TRANSFER 9362**, a petition submitted by:

WESTLAND IRRIGATION DISTRICT (Simplot - L& L Farms)
P.O. BOX 944
HERMISTON, OR 97838-9076

The rights to be modified are as follows:

- 1) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W $\frac{1}{4}$ Corner, Section 21

- 2) **Certificate 75124; Permit G-6936:** Supplemental Irrigation; Priority Date - July 19, 1976; Authorized Source - Well #2

Authorized Point of Appropriation:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 3 North, Range 28 East, W.M.; 960 Feet South from the N $\frac{1}{4}$ Corner, Section 26

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 183.484. 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

TABLE A - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NE	NW	7500	31.3
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NW	NW	7500	31.3
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SW	NW	7500	30.9
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SE	NW	7500	31.3
TOTAL:											124.8

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

The proposed place of use is located as follows:

TABLE B - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NE	NE	7500	33.0
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	NW	NE	7500	33.0
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SW	NE	7500	29.4
76051 75124	IR IR(S)	6/27/1958 7/19/1976	3	N	28	E	33	SE	NE	7500	29.4
TOTAL:											124.8

- 3) **Certificate 76717; Umatilla River Decree**, Irrigation; Priority Date - July 1907;
Authorized Source - Umatilla River

Authorized Point of Diversion:

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

- 4) **Certificate 79439; Permit 7400**: Supplemental Irrigation; Priority Date - July 1, 1924;
Authorized Source - McKay Reservoir

Authorized Point of Diversion

McKay Dam - NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.

TABLE C - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	SW	SE	7100	1.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	SE	SE	7100	1.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	NE	NE	7100	32.9
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	NW	NE	7100	34.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SW	NE	7100	27.7
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SE	NE	7100	27.1
TOTAL:										124.3	

The District requests to TEMPORARILY move the rights listed in Table C to locations listed in Table D.

The proposed place of use is located as follows:

TABLE D - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	NE	NW	7500	31.3
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	14	NW	NW	7500	31.2
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SW	NW	7500	31.0
76717 79439	IR IR(S)	7/1907 7/1/1924	3	N	28	E	23	SE	NW	7500	30.8
TOTAL:										124.3	

- 5) **Certificate 76050; Permit 25920:** Irrigation; Priority Date - April 22, 1955;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

- 6) **Certificate 75121; Permit G-8570:** Supplemental Irrigation; Priority Date - April 19, 1979; Authorized Source - Wells #1, 2 & 3

Authorized Points of Appropriation:

Well #1 - SW ¼ SE ¼, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S ¼ Corner, Section 23

Well #2 - NW ¼ NE ¼, Section 26, Township 3 North, Range 28 East, W.M.; 930 Feet South from the N ¼ Corner, Section 26

Well #3 - NW ¼ NW ¼, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

TABLE E - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SW	NE	7403	14.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NE	SW	7403	1.9
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NE	SE	7403	27.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	NW	SE	7403	39.9
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SW	SE	7403	16.0
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	27	SE	SE	7403	13.6
TOTAL:											112.4

The District requests to TEMPORARILY move the rights listed in Table E to locations listed in Table F.

The proposed place of use is located as follows:

TABLE F - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	NE	SE	7100	30.3
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	NW	SE	7100	31.3
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	SW	SE	7100	23.7
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	23	SE	SE	7100	21.7
76050 75121	IR IR(S)	4/22/1955 4/19/1979	3	N	28	E	28	SE	SW	7500	5.4
TOTAL:										112.4	

- 7) **Certificate 79990; Permit G-6893:** Primary Irrigation; Priority Date - July 19, 1976;
Authorized Source - Well #1

Authorized Points of Appropriation:

Well #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S $\frac{1}{4}$ Corner, Section 23

- 8) **Certificate 79991; Permit G-7036:** Supplemental Irrigation; Priority Date - December 2, 1976; Authorized Source - Well #3

Authorized Point of Appropriation:

Well #3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

TABLE G - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	NE	SE	8103	31.1
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	NW	SE	8103	31.2
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	SW	SE	8103	32.7
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	33	SE	SE	8103	32.3
TOTAL:										127.3	

The District requests to TEMPORARILY move the rights listed in Table G to locations listed in Table H.

The proposed place of use is located as follows:

TABLE H - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	NE	SW	7100	16.5
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	NW	SW	7100	16.9
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	SW	SW	7100	39.7
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	23	SE	SW	7100	35.6
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	26	NE	NW	7300	9.3
79990 79991	IR IR(S)	7/19/1976 12/2/1976	3	N	28	E	26	NW	NW	7300	9.3
TOTAL:											127.3

- 9) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW¼ NE¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W¼ Corner, Section 21

- 10) **Certificate 79439; Permit 7400:** Supplemental Irrigation; Priority Date - July 1, 1924;
Authorized Source - McKay Reservoir

Authorized Point of Diversion

McKay Dam - NW¼ SE¼, Section 34, Township 2 North, Range 32 East, W.M.

TABLE I - FROM LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	SW	7100	16.5
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	SW	7100	16.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	SW	7100	39.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	SW	7100	35.6
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	SE	7100	30.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	SE	7100	31.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	SE	7100	23.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	SE	7100	21.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	26	NE	NW	7300	9.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	26	NW	NW	7300	9.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	NE	NW	7500	31.3
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	NW	NW	7500	31.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SW	NW	7500	31.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SE	NW	7500	30.8
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	28	SE	SW	7500	5.4
TOTAL:										364.0	

The District requests to TEMPORARILY move the rights listed in Table I to locations listed in Table J.

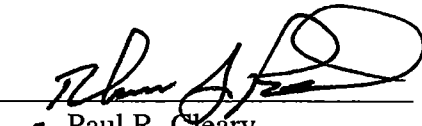
The proposed place of use is located as follows:

TABLE J - TO LANDS											
CERTIFICATE	USE	PRIORITY	TWP		RNG		SEC	1/4	1/4	TAX LOT	ACRES
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	14	SW	SE	7100	1.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	14	SE	SE	7100	1.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NE	NE	7100	32.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	NW	NE	7100	34.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SW	NE	7100	27.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	23	SE	NE	7100	27.1
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SW	NE	7403	14.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NE	SW	7403	1.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NE	SE	7403	27.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	NW	SE	7403	39.9
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SW	SE	7403	16.0
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	27	SE	SE	7403	13.6
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	NE	SE	8103	31.1
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	NW	SE	8103	31.2
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	SW	SE	8103	32.7
76051 79439	IR IR(S)	6/27/1958 7/01/1924	3	N	28	E	33	SE	SE	8103	32.3
TOTAL:											364.0

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2003 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.
2. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
3. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands. Water use from the wells shall not exceed the limits imposed by the Butter Creek and Stage Gulch Critical Groundwater Areas.
4. The water rights existing under permits 25924, G-7036, G-6893 described herein in the tabulation on the "TO" lands are not to be exercised co-jointly with any district right or other right proposed for the 2003 irrigation season.
5. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
6. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed MAY 20 2003.


Paul R. Cleary

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

In the Matter of a Proposed Change	)	ORDER
In Place of Use of Water Within an	)	APPROVING A TEMPORARY
Irrigation District — TRANSFER 8929	)	DISTRICT TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.570, WESTLAND IRRIGATION DISTRICT, PO Box 944, Hermiston, OR, 97838, petitioned the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The petition was originally received on November 29, 2001, and included the required fees.
2. The Department assigned the petition transfer application number T-8929.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated December 11, 2001. The petition was noticed as a temporary transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. The following rights are proposed to be modified:
 - a) PRIMARY IRRIGATION
Certificate 76051: issued in the name of Teel Irrigation District
Use: Irrigation (Primary)
Priority Date: June 27, 1958
Rate & Duty: 1/40 cfs and 4.5 AF per acre irrigated
Source: Umatilla River
Point of Diversion: SW ¼ NE ¼, Section 21, T 3 N, R 29 E, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the West ¼ Corner of Section 21.

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 183.484. Any petition for judicial review must filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

b) SUPPLEMENTAL IRRIGATION

Certificate 61534: issued in the name of Travelers Insurance Company

Use: Irrigation (Supplemental)

Priority Date: March 30, 1976

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Brown Wells #1, 2, 3, & 4

Points of Appropriation:

Brown Well #1 - SW ¼ SE ¼, Section 20, T 3 N, R 29 E, W.M.; 80 feet North and 2500 feet West from the SE Corner of Section 20.

Brown Well # 2 - SE ¼ SE ¼, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

Brown Well # 3 - SE ¼ NE ¼, Section 30, T 3 N, R 29 E, W.M.; 1400 feet South and 1310 feet West from the NE Corner of Section 30.

Brown Well # 4 - SE ¼ NW ¼, Section 19, T 3 N, R 29 E, W.M.; 140 feet North and 490 feet West from the Center of Section 19.

Certificate 75128: issued in the name of Jeff R. Urbach Irrevocable Trust and Wayne A. Amsted Irrevocable Trust

Use: Irrigation (Supplemental)

Priority Date: September 26, 1974

Rate & Duty: 1/80 cfs and 3.0 AF per acre irrigated

Source: Well

Point of Appropriation: SE ¼ SE ¼, Section 30, T 3 N, R 29 E, W.M.; 610 feet North and 50 feet West from the SE Corner of Section 30.

Certificate 79439: issued in the name of U.S. Bureau of Reclamation

Use: Irrigation (Supplemental)

Priority Date: July 1, 1924

Rate & Duty: 1/80 cfs

Source: McKay Reservoir

Point of Diversion: McKay Dam - NW ¼ SE ¼, Section 34, T 2 N, R 32 E, W.M.

6. Westland Irrigation District petitioned to temporarily change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1 - FROM LANDS									
					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼ ¼	TL	76051	75126	61534	75128	79439
3N	29E	20	NW NE	6106	5.00	5.00	5.00		
3N	29E	20	SW NE	6106	10.00	10.00	10.00		

					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼¼	TL	76051	75126	61534	75128	79439
3N	29E	20	SE NE	6106	4.00	4.00	4.00		4.00
3N	29E	20	SE SW	6103	11.10		11.10		
3N	29E	20	NE SE	6106	0.10		0.10		0.10
3N	29E	20	NW SE	6106	0.50		0.50		
3N	29E	20	SE SE	6106	4.50		4.50		4.50
3N	29E	21	SW NW	6106	0.30	0.30	0.30		0.30
3N	29E	21	NW SW	6106	1.20		1.20		1.20
3N	29E	21	SW SW	6106	23.80		23.80		23.80
3N	29E	21	SE SW	6106	3.80		3.80		3.80
3N	29E	28	NE NW	6106	2.00		2.00		2.00
3N	29E	28	NW NW	6106	22.10		22.10		22.10
3N	29E	29	NE NE	6106	2.40		2.40		2.40
3N	29E	29	NE NW	6104	8.00		8.00		
3N	29E	29	SW NW	6104	0.60		0.60		0.60
3N	29E	29	SW SW	6104	9.60			9.60	
3N	29E	30	SE SE	6104	9.60			9.60	
TOTALS					118.60	19.30	99.40	19.20	64.80

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2 - TO LANDS									
					Water Right Certificates				
					Primary	Supplemental			
TWP	RNG	SEC	¼¼	TL	76051	75126	61534	75128	79439
3N	28E	24	NE NW	7200	29.90		29.90		29.90
3N	28E	24	NW NW	7200	30.60		30.60		30.60
3N	29E	20	SE SE	6106	4.50		4.50		
3N	29E	21	SW SW	61063	9.20		9.20		
3N	29E	21	SW SW	6106	5.00	5.00	5.00		
3N	29E	21	SW SW	6106	0.80			0.80	
3N	29E	21	SW SW	6106	8.50	8.50	8.50		2.10
3N	29E	21	SE SW	6106	0.20	0.20	0.20		0.20
3N	29E	21	SE SW	6106	3.60	3.60	3.60		
3N	29E	28	NE NW	6106	1.20	1.20	1.20		1.20
3N	29E	28	NE NW	6106	0.80			0.80	

TWP					Water Right Certificates				
					Primary	Supplemental			
					76051	75126	61534	75128	79439
RNG	SEC	¼¼	TL						
3N	29E	28	NW NW	6106	17.60			17.60	
3N	29E	28	NW NW	6106	0.80	0.80	0.80		0.80
3N	29E	28	NW NW	6106	3.50		3.50		
3N	29E	29	NE NE	6106	2.40		2.40		
TOTALS					118.60	19.30	99.40	19.20	64.80

7. Pursuant to ORS 540.574 and ORS 540.570, in reviewing the petition submitted by Westland Irrigation District, the Department has determined the following:

- a) The petition contains the information required under ORS 540.574(3).
- b) The petition meets the requirements of ORS 540.570.
- c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
- d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
- e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
- f) The use authorized by the water right subject to transfer will not change; and
- g) The proposed change in place of use will not result in injury to other water rights.

CONCLUSIONS OF LAW


1. The petition submitted by Westland Irrigation District proposing temporary changes in place of use within district boundaries includes the information, and satisfies the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.570.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.570 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED :

1. The proposed temporary changes to the water rights evidenced by Water Right Certificates 76051, 75126, 61534, 75128, and 79439 may be made for the 2003 irrigation season provided the following conditions are met by the water user:
 - a) The FROM lands shall receive no water under the rights involved with this transfer for the 2003 irrigation season.
 - b) The use of water under the rights involved with this transfer on both the TO and FROM lands during the 2003 irrigation season or calendar year is prohibited and may subject both the district and landowner to civil penalties.
 - c) All restrictions and limitations contained in the subject rights shall apply to the TO lands.
 - d) Pursuant to 540.570 (5), the Department may further condition or revoke this temporary transfer, to the extent necessary to avoid injury, at any time the department finds the transfer is causing injury to an existing water right.
 - f) The Department requires the water user to install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water discharged into Westland Canal from ground water appropriated under Permit G-7078 (Certificate 61534) when water under Permit G-7078 is diverted to the canal for use in section 24 (Correa). Additionally, a flow-meter must be installed at the Correa diversion from the Westland Canal. The type and plans of the measuring device must be approved by the Department **prior** to beginning construction and shall be installed under the general supervision of the Department.
2. Pursuant to 540.570 (6), upon expiration of the 2003 irrigation season, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director affixed DEC 24 2002


for Paul R. Cleary

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **TEMPORARY DISTRICT TRANSFER 9076**, a petition submitted by:

WESTLAND IRRIGATION DISTRICT (Simplot - L& L Farms)
P.O. BOX 944
HERMISTON, OR 97838-9076

The rights to be modified are as follows:

- 1) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958; Authorized Source - Umatilla River

Authorized Point of Diversion

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W $\frac{1}{4}$ Corner, Section 21.

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

TABLE A - "FROM" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	23	NESW	7100	6/27/1958	IR	6.2
76051	3N	28E	29	NESE	8105	6/27/1958	IR	30.0
76051	3N	28E	29	NWSE	8105	6/27/1958	IR	26.2
76051	3N	28E	29	SWSE	8105	6/27/1958	IR	29.3

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 183.484. 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	29	SESE	8105	6/27/1958	IR	32.2
IR TOTAL								123.9

The proposed place of use is located as follows:

TABLE B - "TO" LANDS								
Certificate	T.	R.	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
76051	3N	28E	29	NENW	8100	6/27/1958	IR	28.7
76051	3N	28E	29	NWNW	8100	6/27/1958	IR	33.1
76051	3N	28E	29	SWNW	8100	6/27/1958	IR	33.1
76051	3N	28E	29	SENW	8100	6/27/1958	IR	28.5
76051	3N	28E	30	NENE	8100	6/27/1958	IR	0.2
76051	3N	28E	30	SENE	8100	6/27/1958	IR	0.3
IR TOTAL								123.9

- 2) **Certificate 75554; Permit G-6893:** Irrigation; Priority Date - July 19, 1976;
Authorized Source - Well #1

Authorized Point of Appropriation:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S $\frac{1}{4}$ Corner, Section 23

Certificate 75555; Permit G-7036: Supplemental Irrigation; Priority Date - December 2, 1976; Authorized Source - Well #3

Authorized Point of Appropriation:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

The District requests to TEMPORARILY move the rights listed in Table C to locations listed in Table D.

TABLE C - "FROM" LANDS								
Certificate	TWP	RNG	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
75554 75555	3N	28E	29	NESW	8105	7/19/1976 12/2/1976	IR SUPP	1.1
IR & SUPP TOTAL								1.1

The proposed place of use is located as follows:

TABLE D - "TO" LANDS								
Certificate	TWP	RNG	SEC	Q/Q	T.L.	PRIORITY	USE	ACRES
75554 75555	3N	28E	28	SESE	7500	7/19/1976 12/2/1976	IR SUPP	1.1
IR & SUPP TOTAL								1.1

- 3) **Certificate 75121; Permit G-8570: Irrigation; Priority Date - April 19, 1979;**
Authorized Source - Wells #1, 2 & 3

Authorized Points of Appropriation

Well #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 960 Feet North and 30 Feet East from the S $\frac{1}{4}$ Corner, Section 23

Well #2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 3 North, Range 28 East, W.M.; 930 Feet South from the N $\frac{1}{4}$ Corner, Section 26

Well #3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 3 North, Range 28 East, W.M.; 60 Feet South and 820 Feet East from the NW Corner, Section 23

The District requests to TEMPORARILY move the rights listed in Table E to locations listed in Table F.

TABLE E - "FROM" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
75121	3N	28E	26	NWNW	7300	4/19/1979	IR	1.8
75121	3N	28E	26	NWSW	7300	4/19/1979	IR	1.0
75121	3N	28E	27	SESW	7403	4/19/1979	IR	3.1
75121	3N	28E	27	NESE	7403	4/19/1979	IR	0.7
75121	3N	28E	27	SESE	7403	4/19/1979	IR	2.0
IR TOTAL								8.6

The proposed place of use is located as follows:

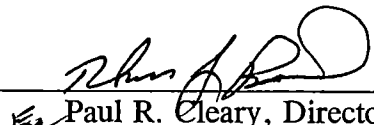
TABLE F - "TO" LANDS								
Certificate	TWP	RNG	SEC	QTR/QTR	T.L.	PRIORITY	USE	ACRES
75121	3N	28E	28	SESE	7500	4/19/1979	IR	8.6
IR TOTAL								8.6

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2002 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.
2. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.

3. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands. Water use from the wells shall not exceed the limits imposed by the Butter Creek and Stage Gulch Critical Groundwater Areas.
4. The water rights existing under permits 48968 & 48450 described herein in the tabulation on the "TO" lands are not be exercised co-jointly with any district right or other right proposed for the 2002 irrigation season.
5. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
6. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed JUN 10 2002.



For Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF UMATILLA

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **TEMPORARY DISTRICT TRANSFER 9061**, a petition submitted by

WESTLAND IRRIGATION DISTRICT (Chester Prior)
P.O. BOX 944
HERMISTON, OR 97838

The rights to be modified are as follows:

- 1) **Certificate 76050; Permit 25920:** Irrigation; Priority Date - April 22, 1955;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W $\frac{1}{4}$ Corner, Section 21

Certificate 75129; Permit G-5275: Supplemental Irrigation; Priority Date - March 26, 1974; Authorized Source - Wells #2, 3, 5 and 6

Authorized Points of Appropriation

Well #2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 3 North, Range 28 East, W.M.; 750 Feet South and 2620 Feet West from the Northeast Corner, Section 36

Well #3 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 3 North, Range 28 East, W.M.; 1780 Feet North and 2600 Feet West from the Southeast Corner, Section 36

Well #5 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 3 North, Range 28 East, W.M.; 770 Feet South and 2640 Feet East from the Northwest Corner, Section 35

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 183.484. 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Well #6 - NE ¼ SW ¼, Section 35, Township 3 North, Range 28 East, W.M.; 1940 Feet North and 2540 Feet East from the Southwest, Section 35

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

TABLE A. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAXLOT	PRIORITY	ACRES
76050 75129	IRR SUPP	3N	28E	25	SE SW	7402	4/22/1955 3/26/1974	8.9
76050 75129	IRR SUPP	3N	28E	25	SW SE	7402	4/22/1955 3/26/1974	8.1
76050 75129	IRR SUPP	3N	28E	35	NW NE	7400	4/22/1955 3/26/1974	8.5
76050 75129	IRR SUPP	3N	28E	35	SW NE	7400	4/22/1955 3/26/1974	5.8
76050 75129	IRR SUPP	3N	28E	35	SE NW	7400	4/22/1955 3/26/1974	6.0
76050 75129	IRR SUPP	3N	28E	35	NE SW	7400	4/22/1955 3/26/1974	6.0
76050 75129	IRR SUPP	3N	28E	35	NE SE	7400	4/22/1955 3/26/1974	29.0
76050 75129	IRR SUPP	3N	28E	35	NW SE	7400	4/22/1955 3/26/1974	37.6
76050 75129	IRR SUPP	3N	28E	35	SW SE	7400	4/22/1955 3/26/1974	39.8
76050 75129	IRR SUPP	3N	28E	35	SE SE	7400	4/22/1955 3/26/1974	11.2
76050 75129	IRR SUPP	3N	28E	36	NW NE	7402	4/22/1955 3/26/1974	8.1
76050 75129	IRR SUPP	3N	28E	36	NE NW	7402	4/22/1955 3/26/1974	8.2
76050 75129	IRR SUPP	3N	28E	36	NW SW	7402	4/22/1955 3/26/1974	9.2
76050 75129	IRR SUPP	3N	28E	36	NE SE	7402	4/22/1955 3/26/1974	30.6

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAXLOT	PRIORITY	ACRES
76050 75129	IRR SUPP	3N	28E	36	NW SE	7402	4/22/1955 3/26/1974	31.4
76050 75129	IRR SUPP	3N	28E	36	SW SE	7402	4/22/1955 3/26/1974	30.4
76050 75129	IRR SUPP	3N	28E	36	SE SE	7402	4/22/1955 3/26/1974	29.4
IRR TOTAL								308.2
SUPP TOTAL								308.2

TABLE B. - Tabulation/Inventory of "TO LANDS".

The proposed place of use is located as follows:

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75129	IRR SUPP	3N	28E	21	NE NE	6800	4/22/1955 3/26/1974	30.6
76050 75129	IRR SUPP	3N	28E	21	SW NE	6800	4/22/1955 3/26/1974	28.4
76050 75129	IRR SUPP	3N	28E	21	SE NE	6800	4/22/1955 3/26/1974	31.1
76050 75129	IRR SUPP	3N	28E	21	NE NW	6800	4/22/1955 3/26/1974	31.4
76050 75129	IRR SUPP	3N	28E	21	NW NW	6800	4/22/1955 3/26/1974	31.5
76050 75129	IRR SUPP	3N	28E	21	SW NW	6800	4/22/1955 3/26/1974	32.6
76050 75129	IRR SUPP	3N	28E	21	SE NW	6800	4/22/1955 3/26/1974	31.4
76050 75129	IRR SUPP	3N	28E	21	NE SE	6800	4/22/1955 3/26/1974	29.9
76050 75129	IRR SUPP	3N	28E	21	NW SE	6900	4/22/1955 3/26/1974	30.6
76050 75129	IRR SUPP	3N	28E	21	SW SE	6800	4/22/1955 3/26/1974	21.0

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75129	IRR SUPP	3N	28E	22	SW NW	6800	4/22/1955 3/26/1974	3.7
76050 75129	IRR SUPP	3N	28E	35	SE SE	6800	4/22/1955 3/26/1974	6.0
IRR TOTAL								308.2
SUPP TOTAL								308.2

- 2) **Certificate 76051; Permit 25924:** Irrigation; Priority Date - June 27, 1958;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

Certificate 79439; Permit 7400, US Bureau of Reclamation; Supplemental Irrigation;
Priority Date - July 1, 1924; Authorized Source - McKay Reservoir

Authorized Point of Diversion

NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.

The District requests to TEMPORARILY move the rights listed in Table C to locations listed in Table D.

TABLE C. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76051 79439	IRR SUPP	3N	28E	29	NE NW	8100	6/27/1958 7/1/1924	28.7
76051 79439	IRR SUPP	3N	28E	29	NW NW	8100	6/27/1958 7/1/1924	33.1
76051 79439	IRR SUPP	3N	28E	29	SW NW	8100	6/27/1958 7/1/1924	33.1
76051 79439	IRR SUPP	3N	28E	29	SE NW	8100	6/27/1958 7/1/1924	28.5
76051 79439	IRR SUPP	3N	28E	30	NE NE	8100	6/27/1958 7/1/1924	0.2

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76051 79439	IRR SUPP	3N	28E	30	SE NE	8100	6/27/1958 7/1/1924	0.3
IRR TOTAL								123.9
SUPP TOTAL								123.9

The proposed place of use is located as follows:

TABLE D. - Tabulation/Inventory of "TO LANDS"

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76051 79439	IRR SUPP	3N	28E	23	NE SW	7100	6/27/1958 7/1/1924	6.2
76051 79439	IRR SUPP	3N	28E	29	NE SE	8105	6/27/1958 7/1/1924	30.0
76051 79439	IRR SUPP	3N	28E	29	NW SE	8105	6/27/1958 7/1/1924	26.2
76051 79439	IRR SUPP	3N	28E	29	SW SE	8105	6/27/1958 7/1/1924	29.3
76051 79439	IRR SUPP	3N	28E	29	SE SE	8105	6/27/1958 7/1/1924	32.2
IRR TOTAL								123.9
SUPP TOTAL								123.9

- 3) **Certificate 76050; Permit 25920:** Irrigation; Priority Date - April 22, 1955;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

Certificate 75127; Permit G-6069: Supplemental Irrigation; Priority Date - September 5, 1974; Authorized Source - Wells #4, 7 and 8

Authorized Points of Appropriation

Well #4 - SE ¼ NW ¼, Section 1, Township 2 North, Range 28 East, W.M.; 2640 Feet South and 630 Feet West from the N ¼ Corner, Section 1

Well #7 - SE ¼ NW ¼, Section 2, Township 2 North, Range 28 East, W.M.; 2500 Feet South and 2580 Feet East from the Northwest Corner, Section 2

Well #8 - NE ¼ SE ¼, Section 2, Township 2 North, Range 28 East, W.M.; 2800 Feet South and 500 Feet West from the Northeast Corner, Section 2

The District requests to TEMPORARILY move the rights listed in Table E to locations listed in Table F.

TABLE E. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75127	IRR SUPP	2N	28E	1	NE NW	200	4/22/1955 9/5/1974	32.2
76050 75127	IR SUPP	2N	28E	1	NW NW	200	4/22/1955 9/5/1974	31.6
76050 75127	IRR SUPP	2N	28E	1	SW NW	200	4/22/1955 9/5/1974	29.6
76050 75127	IRR SUPP	2N	28E	1	NE SW	200	4/22/1955 9/5/1974	37.1
76050 75127	IRR SUPP	2N	28E	1	NW SW	200	4/22/1955 9/5/1974	31.0
76050 75127	IRR SUPP	2N	28E	1	SW SW	200	4/22/1955 9/5/1974	28.8
76050 75127	IRR SUPP	2N	28E	1	SE SW	200	4/22/1955 9/5/1974	31.2
76050 75127	IRR SUPP	2N	28E	2	NE NE	300	4/22/1955 9/5/1974	8.2
76050 75127	IRR SUPP	2N	28E	2	NW NE	300	4/22/1955 9/5/1974	36.7
76050 75127	IRR SUPP	2N	28E	2	SW NE	300	4/22/1955 9/5/1974	38.2
76050 75127	IRR SUPP	2N	28E	2	SE NE	300	4/22/1955 9/5/1974	29.2

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75127	IRR SUPP	2N	28E	2	NE NW	700	4/22/1955 9/5/1974	33.3
76050 75127	IRR SUPP	2N	28E	2	NW NW	700	4/22/1955 9/5/1974	32.2
76050 75127	IRR SUPP	2N	28E	2	SW NW	700	4/22/1955 9/5/1974	27.8
76050 75127	IRR SUPP	2N	28E	2	SE NW	700	4/22/1955 9/5/1974	30.0
76050 75127	IRR SUPP	2N	28E	2	NE SE	500	4/22/1955 9/5/1974	19.1
76050 75127	IRR SUPP	2N	28E	2	NW SE	500	4/22/1955 9/5/1974	30.0
76050 75127	IRR SUPP	2N	28E	2	SW SE	500	4/22/1955 9/5/1974	35.2
76050 75127	IRR SUPP	2N	28E	2	SE SE	500	4/22/1955 9/5/1974	22.8
IRR TOTAL								564.2
SUPP TOTAL								564.2

The proposed place of use is located as follows:

TABLE F. - Tabulation/Inventory of "TO LANDS"

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75127	IRR SUPP	3N	28E	9	NE NE	2900	4/22/1955 9/5/1974	31.0
76050 75127	IRR SUPP	3N	28E	9	NW NE	2900	4/22/1955 9/5/1974	34.1
76050 75127	IRR SUPP	3N	28E	9	SW NE	3000	4/22/1955 9/5/1974	35.2
76050 75127	IRR SUPP	3N	28E	9	SE NE	2900	4/22/1955 9/5/1974	29.5
76050 75127	IRR SUPP	3N	28E	9	NE SE	2900	4/22/1955 9/5/1974	31.1

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 75127	IRR SUPP	3N	28E	9	NW SE	3000	4/22/1955 9/5/1974	33.4
76050 75127	IRR SUPP	3N	28E	9	SW SE	2900	4/22/1955 7 9/5/1974	35.3
76050 75127	IRR SUPP.	3N	28E	9	SE SE	2900	4/22/1955 9/5/1974	30.6
76050 75127	IRR SUPP.	3N	28E	17	NE NE	4900, 5000, 5100	4/22/1955 9/5/1974	33.3
76050 75127	IRR SUPP	3N	28E	17	NW NE	5500, 5300, 5100	4/22/1955 9/5/1974	18.8
76050 75127	IRR SUPP	3N	28E	17	SW NE	4800	4/22/1955 9/5/1974	18.7
76050 75127	IRR SUPP	3N	28E	17	SE NE	4900	4/22/1955 9/5/1974	21.8
76050 75127	IRR SUPP	3N	28E	17	NE SW	5800	4/22/1955 9/5/1974	10.1
76050 75127	IRR SUPP	3N	28E	17	SE SW	5800	4/22/1955 9/5/1974	5.8
76050 75127	IRR SUPP	3N	28E	17	NE SE	4800	4/22/1955 9/5/1974	34.6
76050 75127	IRR SUPP	3N	28E	17	NW SE	4800	4/22/1955 9/5/1974	40.9
76050 75127	IRR SUPP	3N	28E	17	SW SE	4800	4/22/1955 9/5/1974	35.9
76050 75127	IRR SUPP	3N	28E	17	SE SE	4800	4/22/1955 9/5/1974	24.5
76050 75127	IRR SUPP	3N	28E	22	NW NW	6800	4/22/1955 9/5/1974	31.4
76050 75127	IRR SUPP.	3N	28E	22	SW SW	6800	4/22/1955 9/5/1974	28.2
IRR TOTAL								564.2
SUPP TOTAL								564.2

4) **Certificate 76050; Permit 25920:** Irrigation; Priority Date - April 22, 1955;
Authorized Source - Umatilla River

Authorized Point of Diversion

SW ¼ NE ¼, Section 21, Township 3 North, Range 29 East, W.M.; North 76 Degrees 45 Minutes 56 Seconds East 2913.19 Feet from the W ¼ Corner, Section 21

Certificate 79439; Permit 7400, US Bureau of Reclamation; Supplemental Irrigation; Priority Date - July 1, 1924; Authorized Source - McKay Reservoir

Authorized Point of Diversion

NW ¼ SE ¼, Section 34, Township 2 North, Range 32 East, W.M.

The District requests to TEMPORARILY move the rights listed in Table G to locations listed in Table H.

TABLE G. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	3N	28E	9	NE NE	2900	4/22/1955 7/1/1924	31.0
76050 79439	IRR SUPP	3N	28E	9	NW NE	2900	4/22/1955 7/1/1924	34.1
76050 79439	IRR SUPP	3N	28E	9	SW NE	3000	4/22/1955 7/1/1924	35.2
76050 79439	IRR SUPP	3N	28E	9	SE NE	2900	4/22/1955 7/1/1924	29.5
76050 79439	IRR SUPP	3N	28E	9	NE SE	2900	4/22/1955 7/1/1924	31.1
76050 79439	IRR SUPP	3N	28E	9	NW SE	2900	4/22/1955 7/1/1924	33.4
76050 79439	IRR SUPP	3N	28E	9	SW SE	2900	4/22/1955 7/1/1924	35.3
76050 79439	IRR SUPP	3N	28E	9	SE SE	2900	4/22/1955 7/1/1924	30.6
76050 79439	IRR SUPP	3N	28E	17	NE NE	5100, 5000, 4900	4/22/1955 7/1/1924	33.3
76050 79439	IRR SUPP	3N	28E	17	NW NE	5300, 5100, 5500	4/22/1955 7/1/1924	18.8

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	3N	28E	17	SW NE	4800	4/22/1955 7/1/1924	18.7
76050 79439	IRR SUPP	3N	28E	17	SE NE	4900	4/22/1955 7/1/1924	21.8
76050 79439	IRR SUPP	3N	28E	17	NE SW	5800	4/22/1955 7/1/1924	10.1
76050 79439	IRR SUPP	3N	28E	17	SE SW	5800	4/22/1955 7/1/1924	5.8
76050 79439	IRR SUPP	3N	28E	17	NE SE	5800	4/22/1955 7/1/1924	34.6
76050 79439	IRR SUPP	3N	28E	17	NW SE	5800	4/22/1955 7/1/1924	40.9
76050 79439	IRR SUPP	3N	28E	17	SW SE	5800	4/22/1955 7/1/1924	35.9
76050 79439	IRR SUPP	3N	28E	17	SE SE	5800	4/22/1955 7/1/1924	24.5
76050 79439	IRR SUPP	3N	28E	21	NE NE	6800	4/22/1955 7/1/1924	30.6
76050 79439	IRR SUPP	3N	28E	21	NW NE	6800	4/22/1955 7/1/1924	30.3
76050 79439	IRR SUPP	3N	28E	21	SW NE	6800	4/22/1955 7/1/1924	31.9
76050 79439	IRR SUPP	3N	28E	21	SE NE	6800	4/22/1955 7/1/1924	31.1
76050 79439	IRR SUPP	3N	28E	21	NE NW	6800	4/22/1955 7/1/1924	31.4
76050 79439	IRR SUPP	3N	28E	21	NW NW	6800	4/22/1955 7/1/1924	31.5
76050 79439	IRR SUPP	3N	28E	21	SW NW	6800	4/22/1955 7/1/1924	32.6
76050 79439	IRR SUPP	3N	28E	21	SE NW	6800	4/22/1955 7/1/1924	31.4
76050 79439	IRR SUPP	3N	28E	21	NE SE	6800	4/22/1955 7/1/1924	29.9
76050 79439	IRR SUPP	3N	28E	21	NW SE	6800	4/22/1955 7/1/1924	30.6

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	3N	28E	21	SW SE	6800	4/22/1955 7/1/1924	32.4
76050 79439	IRR SUPP	3N	28E	21	SE SE	6800	4/22/1955 7/1/1924	31.2
76050 79439	IRR SUPP	3N	28E	22	NW NW	6801	4/22/1955 7/1/1924	31.4
76050 79439	IRR SUPP	3N	28E	22	SW NW	6801	4/22/1955 7/1/1924	31.9
IRR TOTAL								942.8
SUPP TOTAL								942.8

The proposed place of use is located as follows:

TABLE H. - Tabulation/Inventory of "TO LANDS"

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	3N	28E	25	SE SW	7402	4/22/1955 7/1/1924	8.9
76050 79439	IRR SUPP	3N	28E	25	SW SE	7402	4/22/1955 7/1/1924	8.1
76050 79439	IRR SUPP	3N	28E	35	NW NE	7400	4/22/1955 7/1/1924	8.5
76050 79439	IRR SUPP	3N	28E	35	SW NE	7400	4/22/1955 7/1/1924	5.8
76050 79439	IRR SUPP	3N	28E	35	SE NW	7400	4/22/1955 7/1/1924	6.0
76050 79439	IRR SUPP	3N	28E	35	NE SW	7400	4/22/1955 7/1/1924	6.0
76050 79439	IRR SUPP	3N	28E	35	NE SE	7400	4/22/1955 7/1/1924	29.0
76050 79439	IRR SUPP	3N	28E	35	NW SE	7400	4/22/1955 7/1/1924	37.6
76050 79439	IRR SUPP	3N	28E	35	SW SE	7400	4/22/1955 7/1/1924	39.8
76050 79439	IRR SUPP	3N	28E	35	SE SE	7400	4/22/1955 7/1/1924	11.2

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	3N	28E	36	NW NE	7402	4/22/1955 7/1/1924	8.1
76050 79439	IRR SUPP	3N	28E	36	SW NE	7402	4/22/1955 7/1/1924	6.2
76050 79439	IRR SUPP	3N	28E	36	NE NW	7402	4/22/1955 7/1/1924	8.2
76050 79439	IRR SUPP	3N	28E	36	SE NW	7402	4/22/1955 7/1/1924	6.5
76050 79439	IRR SUPP	3N	28E	36	NESW	7402	4/22/1955 7/1/1924	6.9
76050 79439	IRR SUPP	3N	28E	36	NW SW	7402	4/22/1955 7/1/1924	3.2
76050 79439	IRR SUPP	3N	28E	36	SE SW	7402	4/22/1955 7/1/1924	8.8
76050 79439	IRR SUPP	3N	28E	36	NE SE	9300	4/22/1955 7/1/1924	30.6
76050 79439	IRR SUPP	3N	28E	36	NW SE	9300	4/22/1955 7/1/1924	36.8
76050 79439	IRR SUPP	3N	28E	36	SW SE	9300	4/22/1955 7/1/1924	30.4
76050 79439	IRR SUPP	3N	28E	36	SE SE	9300	4/22/1955 7/1/1924	29.4
76050 79439	IRR SUPP	2N	28E	1	NE NW	200	4/22/1955 7/1/1924	32.2
76050 79439	IRR SUPP	3N	28E	1	NW NW	200	4/22/1955 7/1/1924	31.6
76050 79439	IRR SUPP	2N	28E	1	SW NW	200	4/22/1955 7/1/1924	29.6
76050 79439	IRR SUPP	2N	28E	1	SE NW	200	4/22/1955 7/1/1924	39.7
76050 79439	IRR SUPP	2N	28E	1	NE SW	200	4/22/1955 7/1/1924	40.0
76050 79439	IRR SUPP	2N	28E	1	NW SW	200	4/22/1955 7/1/1924	31.0
76050 79439	IRR SUPP	2N	28E	1	SW SW	200	4/22/1955 7/1/1924	28.8

CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
76050 79439	IRR SUPP	2N	28E	1	SE SW	200	4/22/1955 7/1/1924	31.2
76050 79439	IRR SUPP	2N	28E	2	NE NE	300	4/22/1955 7/1/1924	8.2
76050 79439	IRR SUPP	2N	28E	2	NW NE	300	4/22/1955 7/1/1924	36.7
76050 79439	IRR SUPP	2N	28E	2	SW NE	300	4/22/1955 7/1/1924	38.2
76050 79439	IRR SUPP	2N	28E	2	SE NE	300	4/22/1955 7/1/1924	29.2
76050 79439	IRR SUPP	2N	28E	2	NE NW	300	4/22/1955 7/1/1924	33.3
76050 79439	IRR SUPP	2N	28E	2	NW NW	300	4/22/1955 7/1/1924	32.2
76050 79439	IRR SUPP	2N	28E	2	SW NW	300	4/22/1955 7/1/1924	27.8
76050 79439	IRR SUPP	2N	28E	2	SE NW	300	4/22/1955 7/1/1924	30.0
76050 79439	IRR SUPP	2N	28E	2	NE SE	500	4/22/1955 7/1/1924	19.1
76050 79439	IRR SUPP	2N	28E	2	NW SE	500	4/22/1955 7/1/1924	30.0
76050 79439	IRR SUPP	2N	28E	2	SW SE	500	4/22/1955 7/1/1924	35.2
76050 79439	IRR SUPP	2N	28E	2	SE SE	500	4/22/1955 7/1/1924	22.8
IRR TOTAL								942.8
SUPP TOTAL								942.8

- 5) **Certificate 75127; Permit G-6069:** Supplemental Irrigation; Priority Date - September 5, 1974; Authorized Source - Wells #4, 7 and 8

Authorized Points of Appropriation

Well #4 - SE¼ NW¼, Section 1, Township 2 North, Range 28 East, W.M.; 2640 Feet South and 630 Feet West from the N¼ Corner, Section 1

Well #7 - SE ¼ NW ¼, Section 2, Township 2 North, Range 28 East, W.M.; 2500 Feet South and 2580 Feet East from the Northwest Corner, Section 2

Well #8 - NE ¼ SE ¼, Section 2, Township 2 North, Range 28 East, W.M.; 2800 Feet South and 500 Feet West from the Northeast Corner, Section 2

The District requests to TEMPORARILY move the rights listed in Table I to locations listed in Table J.

TABLE I. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
75127	IRR	2N	28E	1	SE NW	200	9/5/1974	39.7
75127	IRR	2N	28E	1	NE SW	200	9/5/1974	2.9
IRR TOTAL								42.6

The proposed place of use is located as follows:

TABLE J - Tabulation/Inventory of "TO LANDS"

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
75127	IRR	3N	28E	21	SW SE	6800	9/5/1974	11.4
75127	IRR	3N	28E	21	SE SE	6800	9/5/1974	31.2
IRR TOTAL								42.6

- 6) **Certificate 75129; Permit G-5275:** Supplemental Irrigation; Priority Date - March 26, 1974; Authorized Source - Wells #2, 3, 5 and 6

Authorized Points of Appropriation

Well #2 - NW ¼ NE ¼, Section 36, Township 3 North, Range 28 East, W.M.; 750 Feet South and 2620 Feet West from the Northeast Corner, Section 36

Well #3 - NW ¼ SE ¼, Section 36, Township 3 North, Range 28 East, W.M.; 1780 Feet North and 2600 Feet West from the Southeast Corner, Section 36

Well #5 - NW ¼ NE ¼, Section 35, Township 3 North, Range 28 East, W.M.; 770 Feet South and 2640 Feet East from the Northwest Corner, Section 35

Well #6 - NE ¼ SW ¼, Section 35, Township 3 North, Range 28 East, W.M.; 1940 Feet North and 2540 Feet East from the Southwest, Section 35

The District requests to TEMPORARILY move the rights listed in Table K to locations listed in Table L.

TABLE K. - Tabulation/Inventory of "FROM LANDS"

FROM LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
75129	IRR	3N	28E	36	SW NE	7402	3/26/1974	6.2
75129	IRR	3N	28E	36	SE NW	7402	3/26/1974	6.5
75129	IRR	3N	28E	36	NE SW	7402	3/26/1974	6.9
75129	IRR	3N	28E	36	SE SW	7402	3/26/1974	8.8
75129	IRR	3N	28E	36	NW SE	7402	3/26/1974	5.4
IRR TOTAL								33.8

The proposed place of use is located as follows:

TABLE L. - Tabulation/Inventory of "TO LANDS"

TO LANDS								
CERTIFICATE	USE	TWP	RNG	SEC	¼ ¼	TAX LOT	PRIORITY	ACRES
75129	IRR	3N	28E	21	NW NE	6800	3/26/1974	30.3
75129	IRR	3N	28E	21	SW NE	6800	3/26/1974	3.5
IRR TOTAL								33.8

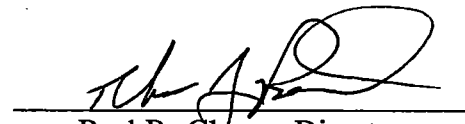
THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2002 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and

acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.

2. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
3. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands. Water use from the wells shall not exceed the limits imposed by the Butter Creek and Stage Gulch Critical Groundwater Areas.
4. As described in Attachment II of the petition, 123.9 acres under certificates 76051 and 79439 moving "TO" Township 3 North, Range 28 East, sections 23 and 29, potentially conflict with existing rights proposed for transfer under transfer application T-9076. If transfer application T-9076 does not occur, or is determined to cause injury, these rights under certificates 76051 and 79439 shall not be used at the authorized place of use during the 2002 irrigation season.
5. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.
5. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed APR 22 2002


For Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8535 submitted by

JACK CORREA
31317 ANDREW ROAD
ECHO, OREGON 97826.

The first right to be modified, as evidenced by a portion of Certificate 76051, was perfected under Permit 25924 with a date of priority of JUNE 27, 1958. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for PRIMARY IRRIGATION OF 118.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.79 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

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 per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5 ACRES

SECTION 20

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22.1 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.6 ACRES

SECTION 29

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.6 ACRES
SECTION 30
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.9 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.6 ACRES
SECTION 24
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4.5 ACRES
SECTION 20

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.7 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.8 ACRE
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.5 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.4 ACRES

SECTION 29
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The second right to be modified, as evidenced by a PORTION of Certificate 75126, was perfected under Permit G-6339 with a date of priority of OCTOBER 1, 1975. The right allows the use of

WELLS 1 AND 3, in the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 19.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.24 CUBIC FOOT PER SECOND (CFS), BEING 0.12 CFS FROM EACH WELL , if available at the original well; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 16, T 3 N, R 29 E, W.M.; WELL 1 - 850 FEET NORTH AND 750 FEET WEST; WELL 3 - 350 FEET NORTH AND 850 FEET WEST; BOTH FROM THE S $\frac{1}{4}$ CORNER, SECTION 16, or its equivalent in case of rotation, measured at the well.

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. The diversion shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 ACRES

SECTION 20

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.3 ACRE

SECTION 21

TOWNSHIP 3 NORTH, RANGE 29 E, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE

SECTION 28

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The third right to be modified, as evidenced by a PORTION of Certificate 61534, was perfected under Permit G-7078 with a date of priority of MARCH 30, 1976. The right allows the use of BROWN WELLS 1, 2, 3 & 4, in the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 98.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.24 CUBIC FOOT PER SECOND, if available at the original wells; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 19, T 3 N, R 29 E, W.M.; WELL 1 - 80 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER, SECTION 20; WELL 2 - 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30; WELL 3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM THE NE CORNER, SECTION 30; WELL 4 - 140 FEET NORTH AND 490 FEET WEST FROM THE CENTER, SECTION 19, or its equivalent in case of rotation, measured at the well.

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 ONE-EIGHTIETH 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	11.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5 ACRES

SECTION 20

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22.1 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE

SECTION 29

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.9 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES

SECTION 24

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5 ACRES
-----------------------------------	-----------

SECTION 20

SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.7 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE
NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES
-----------------------------------	-----------

SECTION 29

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The fourth right to be modified, as evidenced by a PORTION of Certificate 75128, was perfected under Permit G-6010 with a date of priority of SEPTEMBER 26, 1974. The right allows the use of BROWN WELL 2, in the UMATILLA RIVER BASIN, for SUPPLEMENTAL IRRIGATION OF 19.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 CUBIC FOOT PER SECOND, if available at the original well; SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T 3 N, R 29 E, W.M.; 610 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH 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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.6 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 9.6 ACRES

SECTION 29

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.8 ACRE

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17.6 ACRES

SECTION 28

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The fifth right to be modified, as evidenced by a portion of Permit 7400 with a date of priority of JULY 1, 1924. The right allows the use of the waters of MCKAY RESERVOIR, constructed under reservoir Permit R-564, a tributary of MCKAY CREEK, for SUPPLEMENTAL IRRIGATION OF 74.8 ACRES. The authorized point of diversion is located as follows: MCKAY DAM - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34, T 2 N, R 32 E, W.M..

The water use shall comply with the terms and conditions of a valid Water Service Contract between the Bureau of Reclamation and the water user.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.1 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5 ACRES

SECTION 20

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23.3 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22.1 ACRES
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES

SECTION 28

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
-----------------------------------	----------

SECTION 29

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 29.9 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.6 ACRES

SECTION 24

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.5 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 ACRES

SECTION 21

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.2 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE

SECTION 28

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

THESE TEMPORARY CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.
2. The former place of use shall not be irrigated as part of this water right during the 2001 and 2002 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2002 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water right described by Certificates 76051, 75126, 61534, 75128, and Permit 7400 shall continue to be in accordance with the terms and conditions of Certificate 76051, 75126, 61534, 75128, and Permit 7400.

WITNESS the signature of the Water Resources
Director, affixed JAN 30 2001.


For Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING CHANGES IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8391 submitted by

CHESTER PRIOR
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826.

The first right to be modified, as evidenced by a portion of Certificate 76050, was perfected under Permit 25920 with a date of priority of APRIL 22, 1955. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 46.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, WM; N 76° 45' 56" E, 2913 FEET FROM THE W $\frac{1}{4}$ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

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 137-004-080 and OAR 690-15-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The second right to be modified, as evidenced by a portion of Certificate 76051, was perfected under Permit 25924, with a date of priority of June 27, 1958. The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 27.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 N, R 29 E, WM; N 76° 45' 56" E, 2913 FEET FROM THE W¼ CORNER, SECTION 21, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-FORTIETH 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 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The third right to be modified, as evidenced a portion of Permit 7400, with a date of priority of July 7, 1924. The permit allows the use of MCKAY RESERVOIR, CONSTRUCTED UNDER PERMIT R-584, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 46.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 120.5 acre-feet, if available at the authorized point of diversion: MCKAY DAM - NW¼ SE¼, SECTION 34, T 2 N, R 32 E, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount of water secured under any other right existiong for the same lands, shall be limited to a diversion of not to exceed 4½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

CERTIFICATE 76050
AND PERMIT 7400

NE¼ SW¼ 21.5 ACRES
NW¼ SW¼ 24.7 ACRES
SECTION 26

CERTIFICATE 76051

SW¼ SW¼ 0.2 ACRE
SE¼ SW¼ 26.3 ACRES
SECTION 26

NE¼ NW¼ 1.3 ACRES
SECTION 35

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to TEMPORARILY change the place of use to:

CERTIFICATE 76050
AND PERMIT 7400

SW¼ SW¼ 14.7 ACRES
SE¼ SW¼ 31.5 ACRES
SECTION 4
TOWNSHIP 2 NORTH,
RANGE 28 EAST, W.M.

CERTIFICATE 76051

SW¼ SW¼ 7.0 ACRES
SECTION 25

SE¼ SE¼ 6.9 ACRES
SECTION 26

NE¼ NE¼ 6.9 ACRES
SECTION 35

NW¼ NW¼ 7.0 ACRES
SECTION 36
TOWNSHIP 3 NORTH,
RANGE 28 EAST, W.M.

The applicant has requested that the water rights under Certificate 76050 and Permit 7400 be remove from the authorized place of use during the 2000 irrigation season, to make way for other water rights being temporarily moved into that land under Temporary Transfer 8390. The applicant has also requested that these water rights not be placed in the proposed place of use until the 2001 irrigation season because the landowner is temporarily moving water other water rights onto this land for the 2000 irrigation season under District Temporary Transfer 8393. The applicant has agreed not to use the water rights under Certificate 76050 and Permit 7400 for the 2000 irrigation season.

The authorized places of use are included in Permit 48450. The applicant, as part of this application, provided a statement saying Permit 48450 was not used and was not claimed under Permit 48450 at the authorized place of use.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 2000, 2001, 2002, 2003, and 2004 irrigation seasons.
3. Water shall not be used under Certificate 76050 and Permit 7400 on the proposed place of use during the 2000 irrigation season.
4. The uses shall revert to the authorized places of use at the end of the 2004 irrigation season.

5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right, upon request of the applicant, or upon approval of a permanent transfer for substantially the same changes.
6. Proof to the satisfaction of the Director has not been made for these lands under Permit 48450.
7. The use of the remaining water rights described by Certificates 76050, 76051, and Permit 7400 shall continue to be in accordance with the terms and conditions of Certificates 76050, 76051, and Permit 7400.

WITNESS the signature of the Water Resources Director,

MAR 08 2000

affixed _____.


For Martha O. Pagel, Director



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

file 32422

December 16, 1997

William I. Porfily
SCM Consultants, Inc.
7601 West Clearwater Ave., Suite 301
Kennewick, WA 99336

Re: L&L FARMS

Dear Mr. Porfily:

In reply to your letter of November 17, 1997, regarding groundwater rights for L & L FARMS and the Teel Irrigation District Certificates, we have corrected the certificate for Permit G-7036. The revised certificate shows 0.7 acres of primary irrigation in Section 28 of Township 3 North Range 28 East, W.M. The original copy of the certificate is being sent to Mr. Levy. A copy is attached.

You mentioned a concern with the supplemental rights in Section 33 under permit G-6936. The primary rights for those lands are 31.3 acres from the Teel Permit 25924 and 0.5 acres from groundwater permit G-6893. No changes have been made for certificate 75124.

It is our recommendation that the Westland Irrigation District 3111 map be revised to show lands that are contiguous in the NW 1/4 of Section 23, Township 3 North, Range 28 East, W.M. That would simplify regulation or transfer activities in the future.

If you have more questions or concerns, please contact me again.

Sincerely,

Mary S. Grainey
Engineer/CWRE

cc: Bob Levy
Chet Prior



Consultants, Inc.

Architects & Engineers

3522.005

17 November 1997

Ms. Mary Grainey
WATER RESOURCES DEPARTMENT
Commerce Building
158 12th Street Northeast
Salem, Oregon 97310-0210

RECEIVED

NOV 19 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RE: L&L FARMS AND DIMINUTION OF GROUNDWATER RIGHTS, AND
TEEL FINAL PROOF

Dear Ms. Grainey:

Bob Levy has employed SCM Consultants, Inc. to review the Orders of Diminution of his groundwater right in order for Teel Water Right to become primary in the area of his current groundwater rights. In this effort, we found two small areas of concern. More groundwater rights in two 40's are being made supplemental than there are primary acres. Teel Umatilla River rights. I have attached copies of the order, certificates, and maps with the areas of discrepancy marked.

The second area of concern is Teel Final Proof with respect to the S1/2 of the NW1/4 of Section 23, Township 3 North, Range 28 East, W.M. This area involves acreage on Westland Irrigation District's 3111 petition and map. I have attached a copy of Westland's 3111 map for this area and Teel Final Proof of this same area. One or the other needs to be corrected so there is not Teel and Westland on the same acres.

If you have any questions, feel free to call me. Thanks for your consideration of these concerns.

Sincerely,

SCM CONSULTANTS, INC.

William I. Porfily

William I. Porfily
Engineering Assistant

Attachments

cc: Bob Levy
Chet Prior
DG Van Schoiack/File

W:3522L149.WIP
Rev. 11/13/97

7601 West Clearwater Avenue, Suite 301

cat
948-6737

Kennewick, WA 99336

111797

(509) 783-1625
Fax (509) 783-1861

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

RECEIVED
NOV 19 1997
WATER RESOURCES DEPT.
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

L & L FARMS
P.O. BOX 611
ECHO, OREGON 97826

confirms the right to use the waters of WELL 2, in the SPIKES GULCH RIVER BASIN, for
PRIMARY IRRIGATION OF 0.6 ACRE AND SUPPLEMENTAL IRRIGATION OF 259.0 ACRES.

This right was perfected under Permit G-6936. The date of priority is JULY 19, 1976. This right is
limited to not more than 3.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation,
measured at the well.

The well is located as follows:

WELL 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 26, T 3 N, R 28 E, W.M.;
930 FEET SOUTH FROM N $\frac{1}{4}$ CORNER, SECTION 26.

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state
officer.

A description of the place of use to which this right is appurtenant is as follows:

	SUPPLEMENTAL ACRES	PRIMARY ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.8 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.4 ACRES	
SECTION 28		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.3 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	31.3 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.0 ACRES	0.3 Acre
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.0 ACRES	0.3 Acre
NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 ACRES	
SECTION 33		
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.		

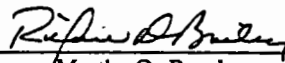
The water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water used from each well. The type and plans for the measuring device must be approved by the Department prior to using the water at the new place of use. Installation and maintenance shall be under the general supervision of the Department.

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.

This certificate is issued to confirm a diminution to supplemental irrigation approved by an order of the Water Resources Director entered September 3, 1997, and together with Certificates 75123 and 75125, supersedes Certificate 72395, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

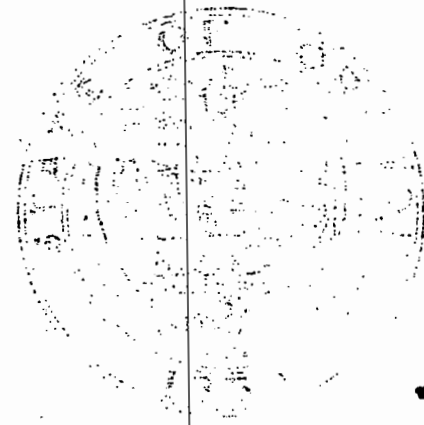
WITNESS the signature of the Water Resources Director, affixed September 3, 1997.


Martha O. Pagel

RECEIVED

NOV 19 1997

WATER RESOURCES DEPT.
SALEM, OREGON



Recorded in State Record of Water Right Certificates numbered 75124.

RECEIVED

NOV 19 1997

UMATILLA COUNTY

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE MATTER OF DIMINUTION
AND CORRECTION
OF A WATER RIGHT IN THE NAME OF
L & L FARMS

)
)
)

ORDER

An affidavit was received from ROBERT L. LEVY, dba L & L FARMS, and TRUSTEE FOR ROBERT L. LEVY FAMILY TRUST, the owner of certain land and the water rights appurtenant to it. The water right records show two rights as primary on this land. The groundwater right has been requested to be diminished from primary to supplemental.

The water right is a portion of the right described by Certificate 72395, State Record of Water Right Certificates. The water right is for the use of 3.0 cubic feet per second from WELL 2, tributary of SPIKES GULCH. The date of priority is JULY 19, 1976. The water right to be diminished is for IRRIGATION of 259.0 ACRES.

A description of the place of use of the water right is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.8 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.4 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.3 ACRES

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31.0 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.0 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 ACRES

SECTION 33

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

OAR 690-330-040(2) states: "Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water."

Recorded in Special Order Volume 51, Page 984.

Certificate 72395 incorrectly described the location of the well. The correct location is in the NW ¼ NE ¼ SECTION 26, T 3 N, R 28 E, W.M.; 930 FEET SOUTH FROM THE N 1/4 CORNER OF SECTION 26.

NOW, THEREFORE, it is ORDERED that the water right described herein is diminished to SUPPLEMENTAL IRRIGATION. It is FURTHER ORDERED that Certificate 72395 is canceled and a new certificate be issued to correctly identify the location of the well and to confirm this order.

WITNESS the signature of the Water Resources Director, affixed September 3, 1997.


Martha O. Pagel

RECEIVED

NOV 19 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Recorded in Special Order Volume 51, Page 985.

Teal final Proof

Supplemental

Permit G-6936

32.7

32.2

31.0

31.0

32.4

31.2

0.2

0.2

33.1

28.7

29.7

30.5

31.2

31.3

33.0

33.0

30.4

28.

33.1

28.5

29.6

30.0

31.0

30.8

29.4

29.4

30.4

31.

29

28

29.7

28.3

26.2

30.0

30.2

30.5

28.0

27.2

31.0

32.

33.7

31.1

29.3

32.2

34.3

34.4

31.2

30.9

32.0

28.

5.45.6

5.45.3

4.74.7

4.85.0

31.3

30.9

31.3

31.3

31.3

31.6

31.9

31.3

32.0

31.3

32.4

31.0

31.0

23.9

32

33

Teal

5.0 0.5 66893

WATER RESOURCES DEPT.
SALEM, OREGON





NOV 19 1997

RECEIVED

T. 3N., R. 28E., W.M.
UMATILLA COUNTY
SCALE 1" = 1320'

WATER RIGHTS PROOF MAP
IN NAME OF
L & L FARMS

Water Rights Transferred To These Locations

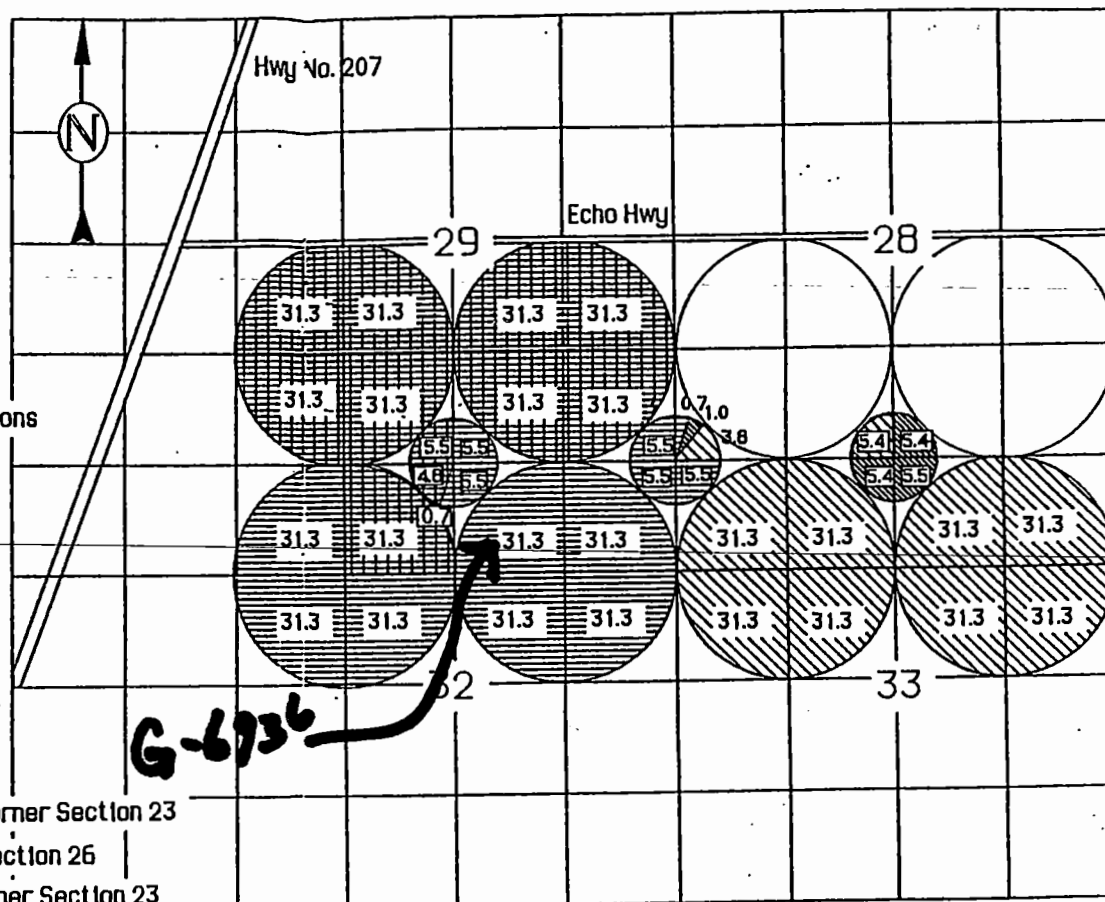
-  PERMIT #G-6893 (590)
CERT. #51786
-  PERMIT #G-6936 (2594)
CERT. #51784
-  PERMIT #G-7036 (173)
CERT. #51785
PRIMARY
-  PERMIT #G-7036 (292.0)
CERT. #51785
SUPPLEMENTAL

Well 1 Located 960' N. & 30' E. from S. 1/4 Corner Section 23

Well 2 Located 930' S. from N. 1/4 Corner Section 26

Well 3 Located 60' S. & 820' E. from N.W. Corner Section 23

THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.



WATER RESOURCES DEPT.
SALEM, OREGON

NOV 19 1997

RECEIVED

ENGINEERING - SURVEYING - WATER RIGHTS
R V MCKINNIS ENGINEERING
Rt 1 Box 1122 Hermiston, Oregon 97838
503-567-2017

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L & L FARMS
P.O. BOX 611
ECHO, OREGON 97826

RECEIVED

NOV 19 1997

WATER RESOURCES DEPT
SALEM, OREGON

confirms the right to use the waters of WELL 3, in the SPIKES GULCH RIVER BASIN, for PRIMARY IRRIGATION OF 0.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 308.8 ACRES.

This right was perfected under Permit G-7036. The date of priority is DECEMBER 2, 1976. This right is limited to not more than 3.3 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

WELL 3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, T 3 N, R 28 E, W.M.;
60 FEET SOUTH AND 820 FEET EAST FROM NW CORNER, SECTION 23.

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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

		SUPPLEMENTAL	PRIMARY
		Acres	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$		1.0	
SW $\frac{1}{4}$ SE $\frac{1}{4}$		5.4	0.7
SECTION 28		4.7	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.3	
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.3	
SW $\frac{1}{4}$ SW $\frac{1}{4}$		31.3	
SE $\frac{1}{4}$ SW $\frac{1}{4}$		36.8	
NE $\frac{1}{4}$ SE $\frac{1}{4}$		31.3	
NW $\frac{1}{4}$ SE $\frac{1}{4}$		31.3	
SW $\frac{1}{4}$ SE $\frac{1}{4}$		31.3	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		31.3	
SECTION 29			
NE $\frac{1}{4}$ NW $\frac{1}{4}$		36.1	
SECTION 32			
NW $\frac{1}{4}$ NE $\frac{1}{4}$		5.2	0.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$		5.2	0.2
SECTION 33			
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			

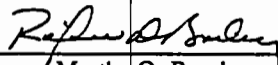
The water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water used from each well. The type and plans for the measuring device must be approved by the Department prior to using the water at the new place of use. Installation and maintenance shall be under the general supervision of the Department.

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.

-This certificate is issued to confirm a diminution to supplemental irrigation approved by an order of the Water Resources Director entered September 3, 1997, and together with Certificates 75124 and 75125, supersedes Certificate 72395, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed September 3, 1997.


Martha O. Pagel

RECEIVED

NOV 19 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Recorded in State Record of Water Right Certificates numbered 75123.

RECEIVED

NOV 19 1997

UMATILLA COUNTY

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE MATTER OF DIMINUTION
AND CORRECTION
OF A WATER RIGHT IN THE NAME OF
L & L FARMS

)
)
)
)

ORDER

An affidavit was received from ROBERT L. LEVY, dba L & L FARMS, and TRUSTEE FOR ROBERT L. LEVY FAMILY TRUST, the owner of certain land and the water rights appurtenant to it. The water right records show two rights as primary on this land. The groundwater right has been requested to be diminished from primary to supplemental.

The water right is a portion of the right described by Certificate 72395, State Record of Water Right Certificates. The water right is for the use of 3.3 cubic feet per second from WELL 3, tributary of SPIKES GULCH. The date of priority is DECEMBER 2, 1976. The water right to be diminished is for IRRIGATION of 16.8 ACRES.

A description of the place of use of the water right is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.4 ACRES
SECTION 28	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.2 ACRES

SECTION 33

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

OAR 690-330-040(2) states: "Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water."

Certificate 72395 incorrectly identified the location of the well. The correct location is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 23, T 3 N, R 28 E, W.M.; 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23.

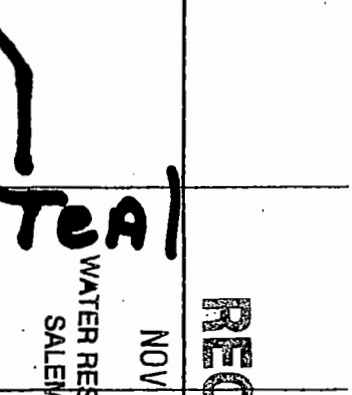
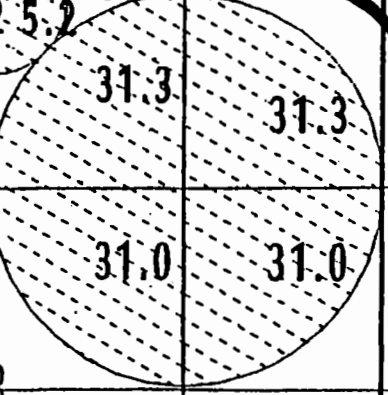
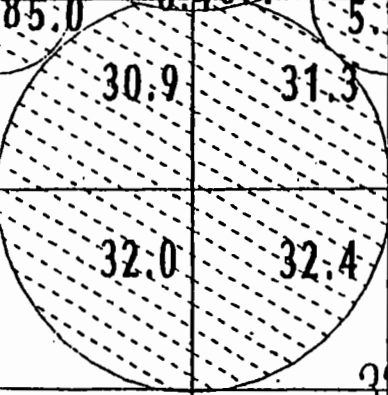
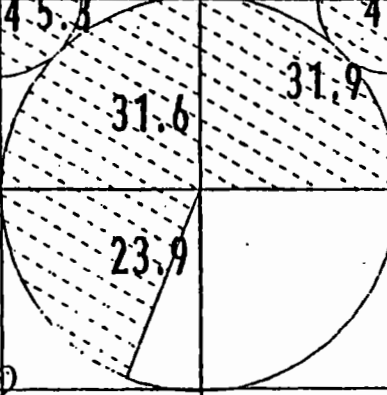
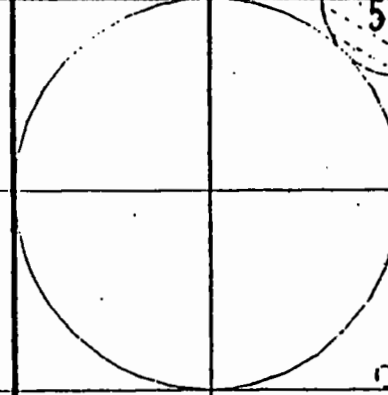
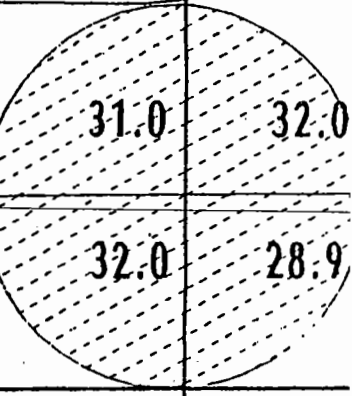
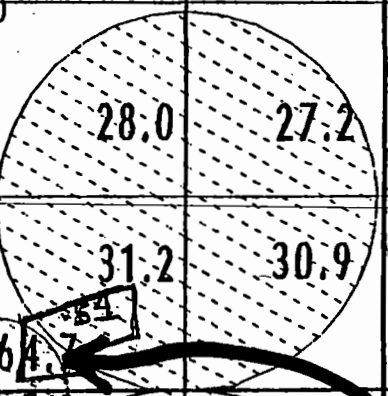
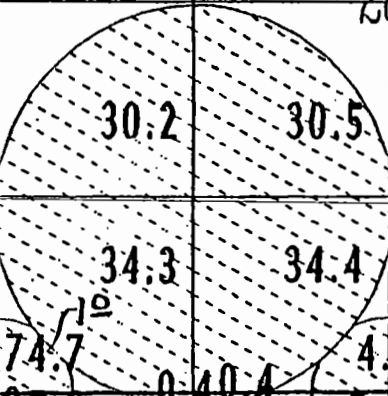
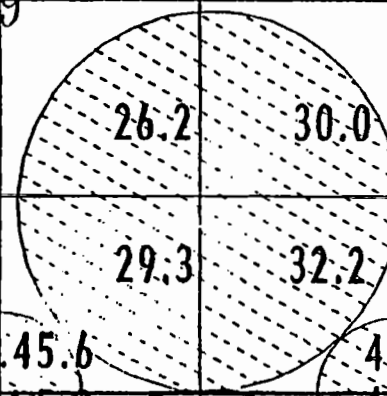
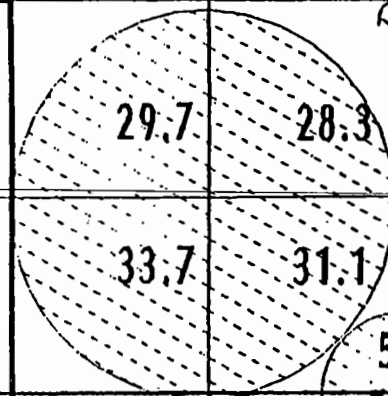
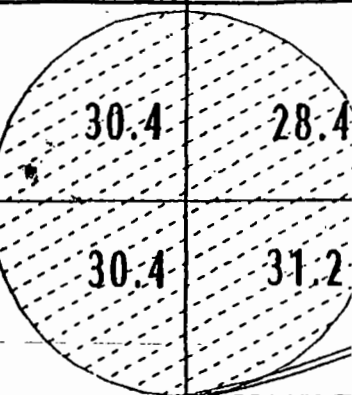
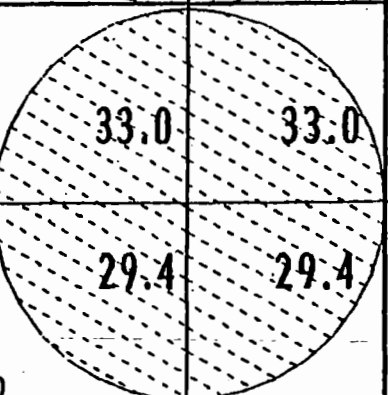
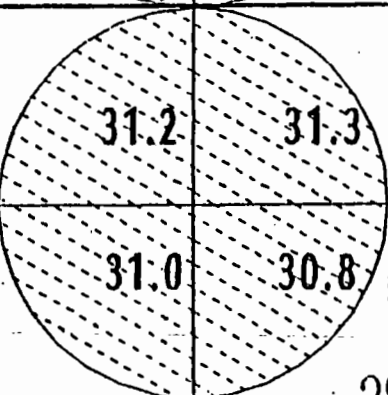
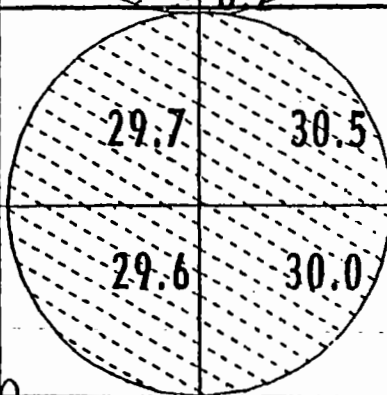
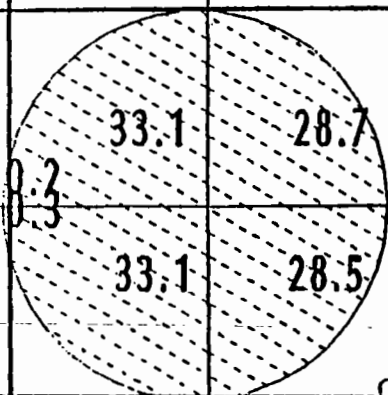
NOW, THEREFORE, it is ORDERED that the portion of the water right described herein as primary irrigation is diminished to SUPPLEMENTAL IRRIGATION. It is FURTHER ORDERED that Certificate 72395 is canceled and a new certificate be issued to correctly identify the location of the well and to confirm this order.

WITNESS the signature of the Water Resources Director, affixed September 3, 1997.


Martha O. Pagel

Recorded in Special Order Volume 51, Page 983.

Teal Final Root
supplemental
G-7036



Teal

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

NOV 19 1997

WATER RIGHTS PROOF MAP
IN NAME OF
L & L FARMS

PERMIT #G-6893
CERT. #51786



PERMIT #G-6936
CERT. #51784

PERMIT #G-7036
CERT. # 51785
PRIMARY

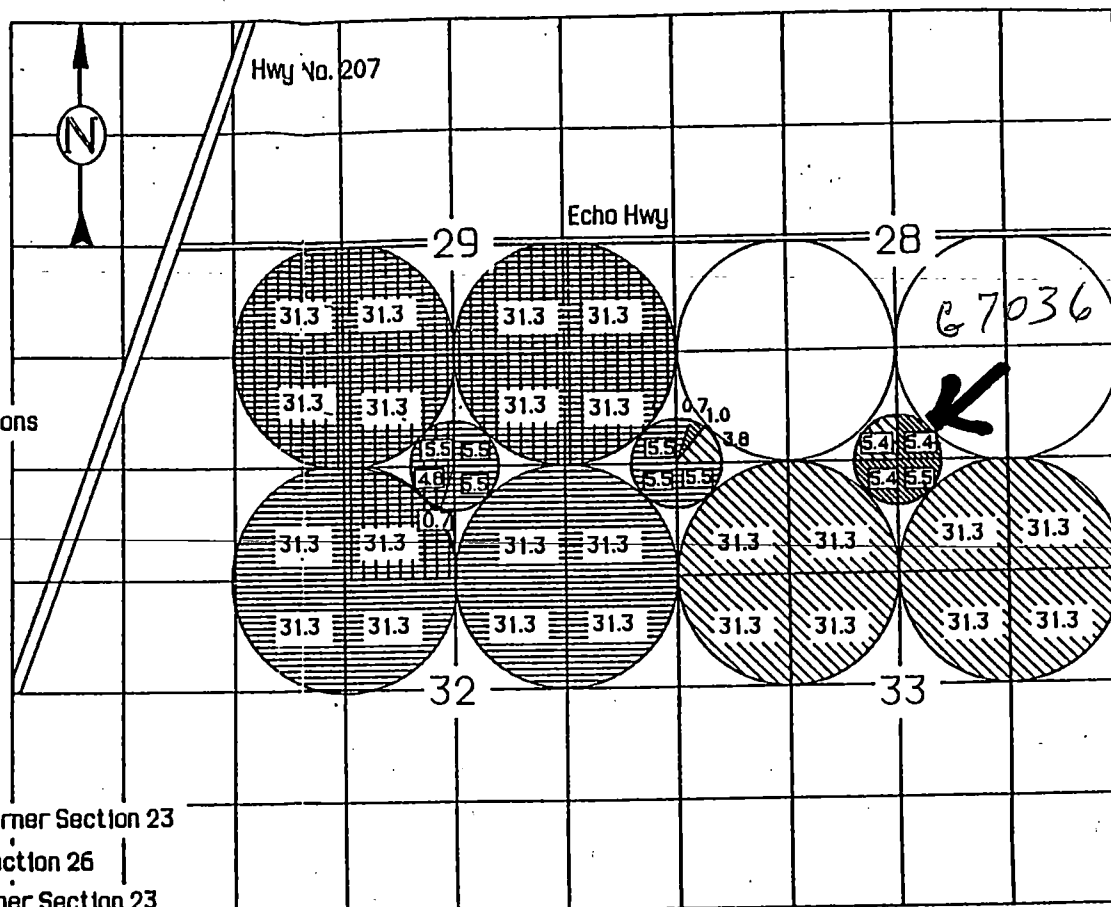


PERMIT #G-7036
CERT. # 51785
SUPPLEMENTAL

Well 2 Located 930' S. from N. 1/4 Corner Section 26

Well 3 Located 60' S. & 820' E. from N.W. Corner Section 23

**THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.**

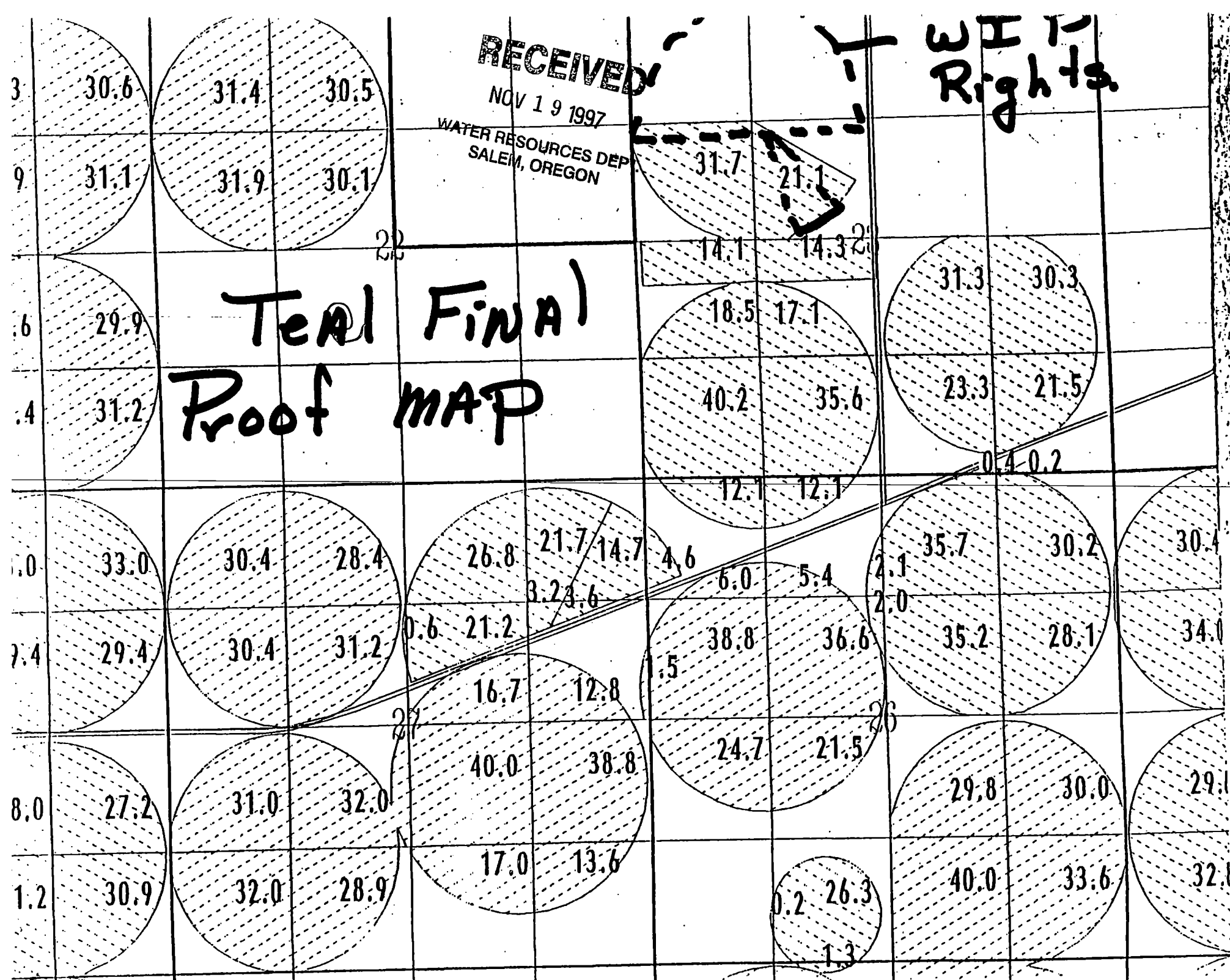


ENGINEERING - SURVEYING - WATER RIGHTS
R V MCKINNIS ENGINEERING
Rt 1 Box 1122 Hermiston, Oregon 97838
503-567-2017

RECEIVED
NOV 19 1997
WATER RESOURCES DEPT
SALEM, OREGON

WIT
Rights

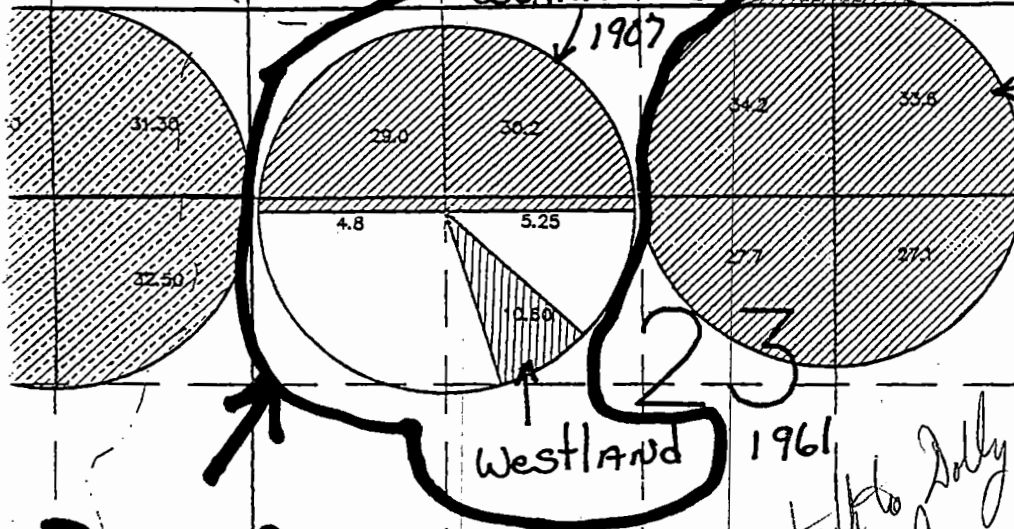
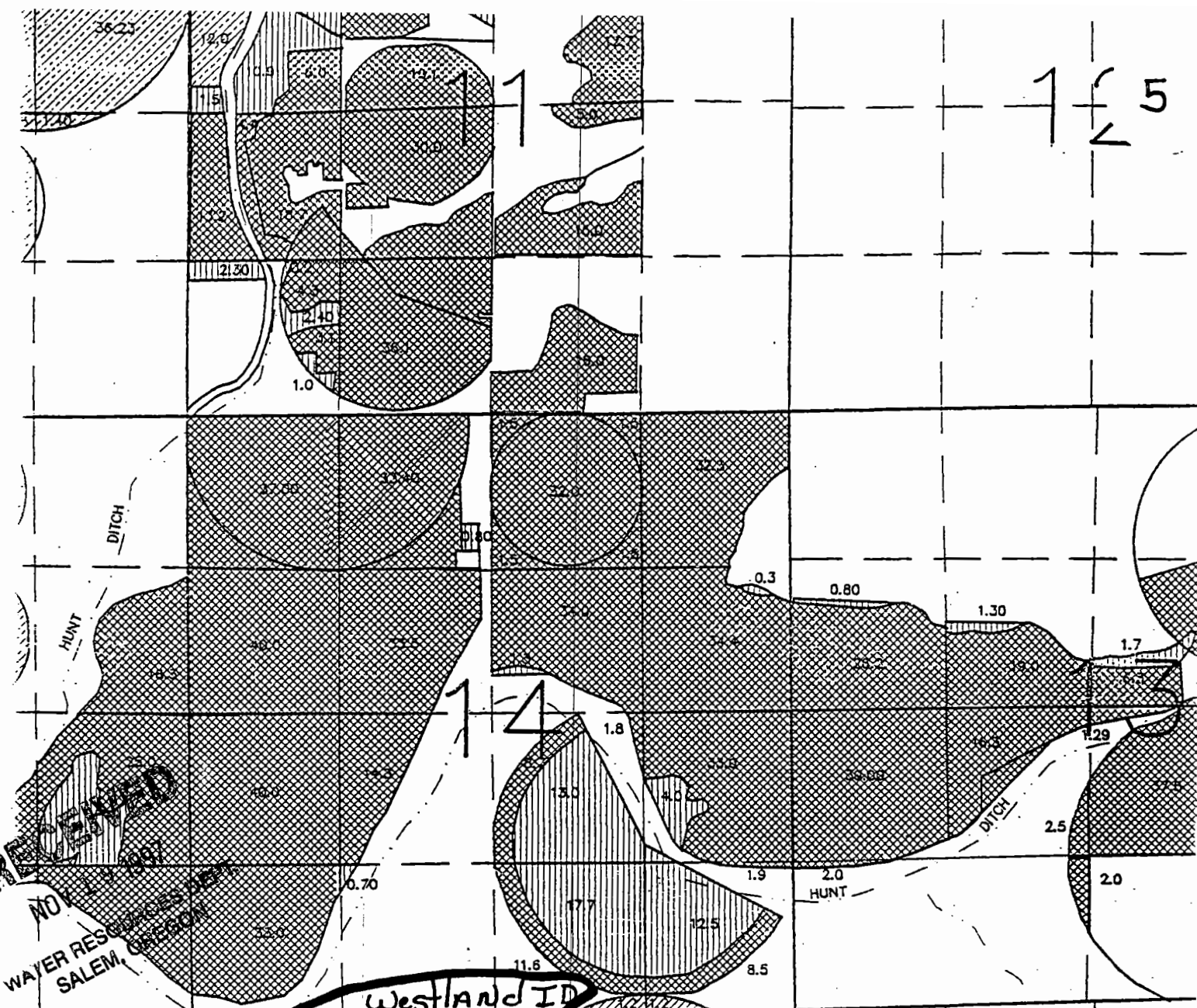
Teal Final
Proof map



1 1/2 5

RECEIVED
NOV 1 1967

WATER RESOURCES
SALEM, OREGON



Area wrong ON Teal
WRONG ON FINAL PROOF

RECEIVED
NOV 19 1967

Oregon

WATER
RESOURCES
DEPARTMENT

FAXED

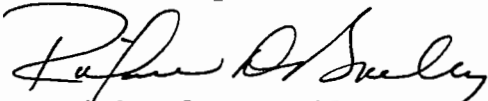
June 3, 1997

Chester Prior
Teel Irrigation District
32327 Oregon Trail Road
Echo, Oregon 97826

Dear Mr. Prior:

I have received your request for a time extension on the contents of the proposed certificates for permits 25920 and 25924. OAR 690-11-230(4) allows reasonable time to be granted. I have enclosed revised copies of the proposed certificates, as you requested. The time period for you to determine whether a request for reconsideration is necessary, and to submit any such request is extended to July 7, 1997.

Sincerely,



Richard D. Bailey, Administrator
Water Rights and Adjudications



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

6-3-97

STATE OF OREGON
COUNTY OF UMATILLA
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

confirms part of the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 4471.3 acres.

This right was perfected under Permit 25924. The date of priority is JUNE 27, 1958. This right is limited to 30.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2313.19 FEET FROM THE WEST 1/4 CORNER OF SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

		IRRIGATED ACRES	
SE 1/4 SE 1/4		14.2	
SECTION 13			14.2 ACRES
SW 1/4 NW 1/4		31.7	
SE 1/4 NW 1/4		22.9	
NE 1/4 SW 1/4		31.4	
NW 1/4 SW 1/4		32.6	
SW 1/4 SW 1/4		40.2	
SE 1/4 SW 1/4		35.6	
NE 1/4 SE 1/4		30.3	
NW 1/4 SE 1/4		31.3	
SW 1/4 SE 1/4		23.7	
SE 1/4 SE 1/4		21.7	
SECTION 23			301.4 ACRES
NE 1/4 NE 1/4		30.0	
NW 1/4 NE 1/4		30.4	
SW 1/4 NE 1/4		38.4	
SE 1/4 NE 1/4		32.4	
NE 1/4 NW 1/4		32.0	
NW 1/4 NW 1/4		30.4	
SW 1/4 NW 1/4		34.0	
SE 1/4 NW 1/4		38.4	
NE 1/4 SW 1/4		36.5	
NW 1/4 SW 1/4		29.6	
SW 1/4 SW 1/4		32.8	
SE 1/4 SW 1/4		31.6	
NE 1/4 SE 1/4		30.1	
NW 1/4 SE 1/4		35.2	
SW 1/4 SE 1/4		32.4	
SE 1/4 SE 1/4		32.8	
SECTION 25			527.0 ACRES
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			

		IRRIGATED ACRES	
NE ¼ NE ¼		30.2	
NW ¼ NE ¼		35.7	
SW ¼ NE ¼		35.2	
SE ¼ NE ¼		28.1	
NE ¼ NW ¼		14.2	
NW ¼ NW ¼		15.9	
SE ¼ NW ¼		2.0	
SW ¼ SW ¼		0.2	
SE ¼ SW ¼		26.3	
SECTION 26			187.8 ACRES
NE ¼ NE ¼		36.4	
NW ¼ NE ¼		26.8	
SW ¼ NE ¼		21.2	
SE ¼ NE ¼		7.6	
SE ¼ NW ¼		0.6	
SECTION 27			92.6 ACRES
NE ¼ NE ¼		33.0	
NW ¼ NE ¼		33.0	
SW ¼ NE ¼		29.4	
SE ¼ NE ¼		29.4	
NE ¼ NW ¼		31.3	
NW ¼ NW ¼		31.2	
SW ¼ NW ¼		31.0	
SE ¼ NW ¼		30.8	
NE ¼ SW ¼		30.5	
NW ¼ SW ¼		30.2	
SW ¼ SW ¼		39.0	
SE ¼ SW ¼		39.0	
NE ¼ SE ¼		27.2	
NW ¼ SE ¼		28.0	
SW ¼ SE ¼		35.9	
SE ¼ SE ¼		30.9	
SECTION 28			509.8 ACRES
NE ¼ NE ¼		30.5	
NW ¼ NE ¼		29.7	
SW ¼ NE ¼		29.6	
SE ¼ NE ¼		30.0	
NE ¼ NW ¼		28.7	
NW ¼ NW ¼		33.1	
SW ¼ NW ¼		33.1	
SE ¼ NW ¼		28.5	
NE ¼ SW ¼		28.3	
NW ¼ SW ¼		29.7	
SW ¼ SW ¼		33.7	
SE ¼ SW ¼		36.5	
NE ¼ SE ¼		30.0	
NW ¼ SE ¼		26.2	
SW ¼ SE ¼		34.9	
SE ¼ SE ¼		36.9	
SECTION 29			499.4 ACRES
NE ¼ NE ¼		0.2	
SE ¼ NE ¼		0.3	
SECTION 30			0.5 ACRES
NE ¼ NE ¼		36.7	
NW ¼ NE ¼		36.9	
SW ¼ NE ¼		22.1	
NE ¼ NW ¼		5.4	
SECTION 32			101.1 ACRES
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			

		IRRIGATED ACRES	
NE ¼ NE ¼		31.3	
NW ¼ NE ¼		36.6	
SW ¼ NE ¼		30.9	
SE ¼ NE ¼		31.0	
NE ¼ NW ¼		36.9	
NW ¼ NW ¼		36.3	
SW ¼ NW ¼		32.0	
SE ¼ NW ¼		32.4	
SECTION 33			
NE ¼ NW ¼		1.3	267.4 ACRES
SECTION 35			
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			1.3 ACRES
SW ¼ SW ¼		7.0	
SECTION 16			
SE ¼ SE ¼		0.5	7.0 ACRES
SECTION 17			
NE ¼ NE ¼		5.6	0.5 ACRES
SW ¼ NE ¼		30.4	
SE ¼ NE ¼		37.0	
SW ¼ NW ¼		6.5	
SE ¼ NW ¼		19.7	
NE ¼ SW ¼		39.8	
NW ¼ SW ¼		50.8	
SW ¼ SW ¼		41.9	
SE ¼ SW ¼		29.9	
NE ¼ SE ¼		38.1	
NW ¼ SE ¼		40.0	
SW ¼ SE ¼		37.7	
SE ¼ SE ¼		35.6	
SECTION 19			413.0 ACRES
NE ¼ NE ¼		28.3	
NW ¼ NE ¼		16.8	
SW ¼ NE ¼		40.0	
SE ¼ NE ¼		40.0	
NE ¼ SW ¼		31.6	
NW ¼ SW ¼		35.0	
SW ¼ SW ¼		39.8	
SE ¼ SW ¼		40.0	
NE ¼ SE ¼		40.0	
NW ¼ SE ¼		38.1	
SW ¼ SE ¼		25.9	
SE ¼ SE ¼		37.6	
SECTION 20			413.1 ACRES
NE ¼ NW ¼		13.1	
NW ¼ NW ¼		40.0	
SW ¼ NW ¼		39.8	
SE ¼ NW ¼		10.2	
NE ¼ SW ¼		12.0	
NW ¼ SW ¼		39.3	
SW ¼ SW ¼		38.8	
SE ¼ SW ¼		6.4	
SECTION 21			199.6 ACRES
NE ¼ NW ¼		2.9	
NW ¼ NW ¼		25.9	
SW ¼ NW ¼		4.8	
SECTION 28			33.6 ACRES
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.			

IRRIGATED

ACRES

NE ¼ NE ¼	39.7
NW ¼ NE ¼	34.0
SW ¼ NE ¼	33.8
SE ¼ NE ¼	36.7
NE ¼ NW ¼	39.7
NW ¼ NW ¼	34.4
SW ¼ NW ¼	39.6
SE ¼ NW ¼	35.6
NE ¼ SW ¼	31.2
NW ¼ SW ¼	39.0
SW ¼ SW ¼	40.0
SE ¼ SW ¼	32.7

SECTION 29

436.4 ACRES

NE ¼ NE ¼	37.1
NW ¼ NE ¼	35.5
SW ¼ NE ¼	36.2
SE ¼ NE ¼	39.2
NE ¼ NW ¼	38.0
NW ¼ NW ¼	57.3
SW ¼ NW ¼	50.1
SE ¼ NW ¼	29.6
NE ¼ SE ¼	37.2
NW ¼ SE ¼	31.8
SW ¼ SE ¼	33.6
SE ¼ SE ¼	40.0

SECTION 30

465.6 ACRES

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

TOTAL 4471.3 ACRES

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.

May 21, 1997

To: File

From: Mary Grainey



Subject: Conversation with Chet Prior of Teel Irrigation District

Chet is concerned that we gave him until June 2, 1997, to accept the proposed certificates for Teel Irrigation District. They have two primary rights, 1955 and 1958 priority dates from Umatilla River. Chet was interested in whether we will allow the permit amendment under 7400 to cover 5000 acres of the Teel lands, as the Bureau has requested.

I told him that Dick Bailey and Mike Ladd would be discussing that next week in Pendleton. That it was likely the amendment could be made under the new law, but that we had to be sure it could pass the "no injury" test.

Chet would like an answer on whether 7400 will be allowed on the Teel lands before he agrees to the proposed certificates. I suggested to him that it is a benefit to have the primary rights tied down. He is considering his options and will call again next week.

April 2, 1997

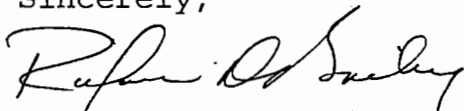
Chester Prior
Teel Irrigation District
32327 Oregon Trail Road
Echo, Oregon 97826

Dear Mr. Prior:

I have received your request for a 60 day time extension on the contents of the proposed certificates for permits 25920 and 25924. OAR 690-11-230(4) allows reasonable time to be granted. I hereby, grant your request and extend the time period to June 2, 1997, for you to determine whether a request for reconsideration is necessary, and to submit any such request.

As we are moving forward on the 3111 process for Westland Irrigation District we would appreciate knowing of water right issues that need to be resolved involving lands shared between the two districts. Please contact Mary Graine, at the phone number below, extension 333, with any questions or concerns regarding these water rights.

Sincerely,



Richard D. Bailey, Administrator
Water Rights and Adjudications



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Mc 2-3-97

STATE OF OREGON

COUNTY OF UMATILLA

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

confirms part of the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 4471.3 acres.

This right was perfected under Permit 25924. The date of priority is JUNE 27, 1958. This right is limited to 30.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2313.19 FEET FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

		IRRIGATED ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	SECTION 13	14.2	14.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		31.7	
SE $\frac{1}{4}$ NW $\frac{1}{4}$		22.9	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		31.4	
NW $\frac{1}{4}$ SW $\frac{1}{4}$		32.6	
SW $\frac{1}{4}$ SW $\frac{1}{4}$		40.2	
SE $\frac{1}{4}$ SW $\frac{1}{4}$		35.6	
NE $\frac{1}{4}$ SE $\frac{1}{4}$		30.3	
NW $\frac{1}{4}$ SE $\frac{1}{4}$		31.3	
SW $\frac{1}{4}$ SE $\frac{1}{4}$		23.7	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	SECTION 23	21.7	301.4 ACRES
NE $\frac{1}{4}$ NE $\frac{1}{4}$		30.0	
NW $\frac{1}{4}$ NE $\frac{1}{4}$		30.4	
SW $\frac{1}{4}$ NE $\frac{1}{4}$		38.4	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		32.4	
NE $\frac{1}{4}$ NW $\frac{1}{4}$		32.0	
NW $\frac{1}{4}$ NW $\frac{1}{4}$		30.4	
SW $\frac{1}{4}$ NW $\frac{1}{4}$		34.0	
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38.4	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		36.5	
NW $\frac{1}{4}$ SW $\frac{1}{4}$		29.6	
SW $\frac{1}{4}$ SW $\frac{1}{4}$		32.8	
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31.6	
NE $\frac{1}{4}$ SE $\frac{1}{4}$		30.1	
NW $\frac{1}{4}$ SE $\frac{1}{4}$		35.2	
SW $\frac{1}{4}$ SE $\frac{1}{4}$		32.4	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	SECTION 25	32.8	527.0 ACRES

	IRRIGATED ACRES	
NE ¼ NE ¼	30.2	
NW ¼ NE ¼	35.7	
SW ¼ NE ¼	35.2	
SE ¼ NE ¼	28.1	
NE ¼ NW ¼	14.2	
NW ¼ NW ¼	15.9	
SE ¼ NW ¼	2.0	
SW ¼ SW ¼	0.2	
SE ¼ SW ¼	26.3	
SECTION 26		187.8 ACRES
NE ¼ NE ¼	36.4	
NW ¼ NE ¼	26.8	
SW ¼ NE ¼	21.2	
SE ¼ NE ¼	7.6	
SE ¼ NW ¼	0.6	
SECTION 27		92.6 ACRES
NE ¼ NE ¼	33.0	
NW ¼ NE ¼	33.0	
SW ¼ NE ¼	29.4	
SE ¼ NE ¼	29.4	
NE ¼ NW ¼	31.3	
NW ¼ NW ¼	31.2	
SW ¼ NW ¼	31.0	
SE ¼ NW ¼	30.8	
NE ¼ SW ¼	30.5	
NW ¼ SW ¼	30.2	
SW ¼ SW ¼	39.0	
SE ¼ SW ¼	39.0	
NE ¼ SE ¼	27.2	
NW ¼ SE ¼	28.0	
SW ¼ SE ¼	35.9	
SE ¼ SE ¼	30.9	
SECTION 28		509.8 ACRES
NE ¼ NE ¼	30.5	
NW ¼ NE ¼	29.7	
SW ¼ NE ¼	29.6	
SE ¼ NE ¼	30.0	
NE ¼ NW ¼	28.7	
NW ¼ NW ¼	33.1	
SW ¼ NW ¼	33.1	
SE ¼ NW ¼	28.5	
NE ¼ SW ¼	28.3	
NW ¼ SW ¼	29.7	
SW ¼ SW ¼	33.7	
SE ¼ SW ¼	36.5	
NE ¼ SE ¼	30.0	
NW ¼ SE ¼	26.2	
SW ¼ SE ¼	34.9	
SE ¼ SE ¼	36.9	
SECTION 29		499.4 ACRES
NE ¼ NE ¼	0.2	
SE ¼ NE ¼	0.3	
SECTION 30		0.5 ACRES
NE ¼ NE ¼	36.7	
NW ¼ NE ¼	36.9	
SW ¼ NE ¼	22.1	
NE ¼ NW ¼	5.4	
SECTION 32		101.1 ACRES

	IRRIGATED ACRES	
NE ¼ NE ¼	31.3	
NW ¼ NE ¼	36.6	
SW ¼ NE ¼	30.9	
SE ¼ NE ¼	31.0	
NE ¼ NW ¼	36.9	
NW ¼ NW ¼	36.3	
SW ¼ NW ¼	32.0	
SE ¼ NW ¼	32.4	
SECTION 33		267.4 ACRES
NE ¼ NW ¼	1.3	
SECTION 35		
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.		
SW ¼ SW ¼	7.0	
SECTION 16		7.0 ACRES
SE ¼ SE ¼	0.5	
SECTION 17		0.5 ACRES
NE ¼ NE ¼	5.6	
SW ¼ NE ¼	30.4	
SE ¼ NE ¼	37.0	
SW ¼ NW ¼	6.5	
SE ¼ NW ¼	19.7	
NE ¼ SW ¼	39.8	
NW ¼ SW ¼	50.8	
SW ¼ SW ¼	41.9	
SE ¼ SW ¼	29.9	
NE ¼ SE ¼	38.1	
NW ¼ SE ¼	40.0	
SW ¼ SE ¼	37.7	
SE ¼ SE ¼	35.6	
SECTION 19		413.0 ACRES
NE ¼ NE ¼	28.3	
NW ¼ NE ¼	16.8	
SW ¼ NE ¼	40.0	
SE ¼ NE ¼	40.0	
NE ¼ SW ¼	31.6	
NW ¼ SW ¼	35.0	
SW ¼ SW ¼	39.8	
SE ¼ SW ¼	40.0	
NE ¼ SE ¼	40.0	
NW ¼ SE ¼	38.1	
SW ¼ SE ¼	25.9	
SE ¼ SE ¼	37.6	
SECTION 20		413.1 ACRES
NE ¼ NW ¼	13.1	
NW ¼ NW ¼	40.0	
SW ¼ NW ¼	39.8	
SE ¼ NW ¼	10.2	
NE ¼ SW ¼	12.0	
NW ¼ SW ¼	39.3	
SW ¼ SW ¼	38.8	
SE ¼ SW ¼	6.4	
SECTION 21		199.6 ACRES
NE ¼ NW ¼	2.9	
NW ¼ NW ¼	25.9	
SW ¼ NW ¼	4.8	
SECTION 28		33.6 ACRES

IRRIGATED

		ACRES
NE ¼ NE ¼		39.7
NW ¼ NE ¼		34.0
SW ¼ NE ¼		33.8
SE ¼ NE ¼		36.7
NE ¼ NW ¼		39.7
NW ¼ NW ¼		34.4
SW ¼ NW ¼		39.6
SE ¼ NW ¼		35.6
NE ¼ SW ¼		31.2
NW ¼ SW ¼		39.0
SW ¼ SW ¼		40.0
SE ¼ SW ¼		32.7

SECTION 29

436.4 ACRES

NE ¼ NE ¼	37.1
NW ¼ NE ¼	35.5
SW ¼ NE ¼	36.2
SE ¼ NE ¼	39.2
NE ¼ NW ¼	38.0
NW ¼ NW ¼	57.3
SW ¼ NW ¼	50.1
SE ¼ NW ¼	29.6
NE ¼ SE ¼	37.2
NW ¼ SE ¼	31.8
SW ¼ SE ¼	33.6
SE ¼ SE ¼	40.0

SECTION 30

465.6 ACRES

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

TOTAL 4471.3 ACRES

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

January 10, 1997
Revised Draft

TEEL IRRIGATION DISTRICT
PERMITS 25920 AND 25924

A description of the place of use to which this right is
appurtenant is as follows:

Permit 25920
Priority April 22, 1955

NENW	32.2
NWNW	31.6
SWNW	29.6
NESW	37.1
NWSW	31.0
SWSW	28.8
SESW	31.2

SECTION 1

221.5 Acres

NENE	8.2
NWNE	36.7
SWNE	38.2
SENE	29.2
NENW	33.3
NWNW	32.2
SWNW	27.8
SENW	30.0
NESE	19.1
NWSE	30.0
SWSE	35.2
SESE	22.8

SECTION 2

342.7 Acres

Township 2 North, Range 28 East, W.M.

NESE	4.1
NWSE	4.4
SWSE	35.3
SESE	29.5

SECTION 4

73.3 Acres

NENE	31.0
NWNE	34.1
SWNE	35.2
SENE	29.5
NENW	30.7
NWNW	33.8
SWNW	35.9
SENW	31.1

SECTION 9

NESW	28.0
NWSW	29.8
SWSW	35.9
SESW	31.6
NESE	31.1
NWSE	33.4
SWSE	35.3
SESE	30.6

SECTION 9

517.0 Acres

NENW	28.3
NWNW	33.9
SWNW	34.4
SENW	28.8
NESW	31.9
NWSW	32.5
SWSW	32.4
SESW	28.4
NWSE	36.9
SWSE	3.7

SECTION 10

291.2 Acres

SWSE	34.4
SESE	22.2

SECTION 13

56.6 Acres

NENW	30.8
NWNW	33.3
SWNW	30.7
SENW	28.0

SECTION 15

122.8 Acres

NENE	31.0
NWNE	30.3
SWNE	32.7
SENE	30.1
NENW	29.7
NWNW	32.2
SWNW	33.5
SENW	29.4
NESW	29.6
NWSW	32.2
SWSW	34.0
SESW	29.0
NESE	31.1
NWSE	30.9
SWSE	32.2
SESE	30.0

SECTION 16

497.9 Acres

NENE	33.3
NWNE	18.8
SWNE	18.7
SENE	21.8
NESW	10.1
SESW	5.8
NESE	34.6
NWSE	40.9
SWSE	35.9
SESE	24.7

SECTION 17

244.6 Acres

NENE	31.8
NWNE	31.4
SWNE	33.9
SENE	32.8
NESE	31.9
NWSE	31.3
SWSE	32.7
SESE	32.2

SECTION 20

258.0 Acres

NENE	30.6
NWNE	30.3
SWNE	31.9
SENE	31.1
NENW	31.4
NWNW	31.5
SWNW	32.6
SENW	31.4
NESW	31.2
NWSW	30.7
SWSW	31.0
SESW	31.0
NESE	29.9
NWSE	30.6
SWSE	32.4
SESE	31.2

SECTION 21

498.8 Acres

NENW	30.5
NWNW	31.4
SWNW	31.9
SENW	30.1

SECTION 22

123.9 Acres

SESW	8.9
SWSE	8.1

SECTION 25

17.0 Acres

NENW	5.4
NWNW	6.0
SWNW	38.8
SENW	36.6
NESW	21.5
NWSW	24.7
NESE	30.0
NWSE	29.8
SWSE	40.0
SESE	33.6

SECTION 26

266.4 Acres

SWNE	17.5
SENE	14.4
NENW	28.4
NWNW	30.4
SWNW	30.4
SENW	31.2

SECTION 27

NESW	31.3
NWSW	31.1
SWSW	33.3
SESW	28.2
NESE	37.4
NWSE	40.5
SWSE	17.6
SESE	13.0

SECTION 27

384.7 Acres

NENE	0.2
NWNE	0.2

SECTION 29

0.4 Acres

NENE	30.5
NWNE	40.0
SWNE	36.4
SENE	34.4
NENW	31.3
NWNW	31.2
SWNW	32.8
SENW	38.1
NESW	36.3
NWSW	33.2
SWSW	31.8
SESW	28.1
NESE	29.0
NWSE	37.6
SWSE	39.8
SESE	30.2

SECTION 35

540.7 Acres

NENE	31.8
NWNE	40.0
SWNE	31.8
SENE	31.5
NENW	40.0
NWNW	31.1
SWNW	31.6
SENW	31.5
NESW	31.1
NWSW	30.1
SWSW	31.5
SESW	31.2
NESE	31.7
NWSE	31.4
SWSE	32.0
SESE	31.2

SECTION 36	519.5 Acres
Township 3 North, Range 28 East, W. M.	

SWSE	3.5
SESE	2.5

SECTION 17	6.0 Acres
------------	-----------

NENE	10.5
NWNE	18.0

SECTION 20	28.5 Acres
Township 3 North, Range 29 East, W. M.	

TOTAL	5011.5 Acres
-------	--------------

Permit 25924
Priority June 27, 1958

SESE	14.2	
SECTION 13		14.2 ACRES
SWNW	31.7	
SESW	22.9	
NESW	31.4	
NWSW	32.6	
SWSW	40.2	
SESW	35.6	
NESE	30.3	
NWSE	31.3	
SWSE	23.7	
SESE	21.7	
SECTION 23		301.4 ACRES
NENE	30.0	
NWNE	30.4	
SWNE	38.4	
SENE	32.4	
NENW	32.0	
NWNW	30.4	
SWNW	34.0	
SESW	38.4	
NESW	36.5	
NWSW	29.6	
SWSW	32.8	
SESW	31.6	
NESE	30.1	
NWSE	35.2	
SWSE	32.4	
SESE	32.8	
SECTION 25		527.0 ACRES
NENE	30.2	
NWNE	35.7	
SWNE	35.2	
SENE	28.1	
NENW	14.2	
NWNW	15.9	
SESW	2.0	
SWSW	0.2	
SESW	26.3	
SECTION 26		187.8 ACRES

NENE	36.4
NWNE	26.8
SWNE	21.2
SENE	7.6
SENW	0.6

SECTION 27

92.6 ACRES

NENE	33.0
NWNE	29.4
SWNE	29.4
SENE	31.3
NENW	33.0
NWNW	31.2
SWNW	31.0
SENW	30.8
NESW	30.5
NWSW	30.2
SWSW	39.0
SESW	39.0
NESE	27.2
NWSE	28.0
SWSE	35.9
SESE	30.9

SECTION 28

509.8 ACRES

NENE	30.5
NWNE	29.7
SWNE	29.6
SENE	30.0
NENW	28.7
NWNW	33.1
SWNW	33.1
SENW	28.5
NESW	28.3
NWSW	29.7
SWSW	33.7
SESW	36.5
NESE	30.0
NWSE	26.2
SWSE	34.9
SESE	36.9

SECTION 29

499.4 ACRES

NENE	0.2
SENE	0.3

SECTION 30

0.5 ACRES

NENE	36.7
NWNE	36.9
SWNE	22.1
NENW	5.4

101.1 ACRES

SECTION 32

NENE	31.3
NWNE	36.6
SWNE	30.9
SENE	31.0
NENW	36.9
NWNW	36.3
SWNW	32.4
SENW	32.0

SECTION 33

267.4 ACRES

NENW	1.3
------	-----

SECTION 35

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SWSW	7.0
------	-----

SECTION 16

7.0 ACRES

SESE	0.5
------	-----

SECTION 17

0.5 ACRES

NENE	5.6
SWNE	30.4
SENE	37.0
SWNW	6.5
SENW	19.7
NESW	39.8
NWSW	50.8
SWSW	41.9
SESW	29.9
NESE	38.1
NWSE	40.0
SWSE	37.7
SESE	35.6

SECTION 19

413.0 ACRES

NENE	28.3
NWNE	16.8
SWNE	40.0
SENE	40.0
NESW	31.6
NWSW	35.0
SWSW	39.8
SESW	40.0

SECTION 20

NESE	40.0
NWSE	38.1
SWSE	25.9
SESE	37.6

SECTION 20

413.1 ACRES

NENW	13.1
NWNW	40.0
SWNW	39.8
SENW	10.2
NESW	12.0
NWSW	39.3
SWSW	38.8
SESW	6.4

SECTION 21

199.6 ACRES

NENW	2.9
NWNW	25.9
SWNW	4.8

SECTION 28

33.6 ACRES

NENE	39.7
NWNE	34.0
SWNE	33.8
SENE	36.7
NENW	39.7
NWNW	34.4
SWNW	39.6
SENW	35.6
NESW	31.2
NWSW	39.0
SWSW	40.0
SESW	32.7

SECTION 29

436.4 ACRES

NENE	37.1
NWNE	35.5
SWNE	36.2
SENE	39.2
NENW	38.0
NWNW	57.3
SWNW	50.1
SENW	29.6
NESE	37.2
NWSE	31.8
SWSE	33.6
SESE	40.0

SECTION 30

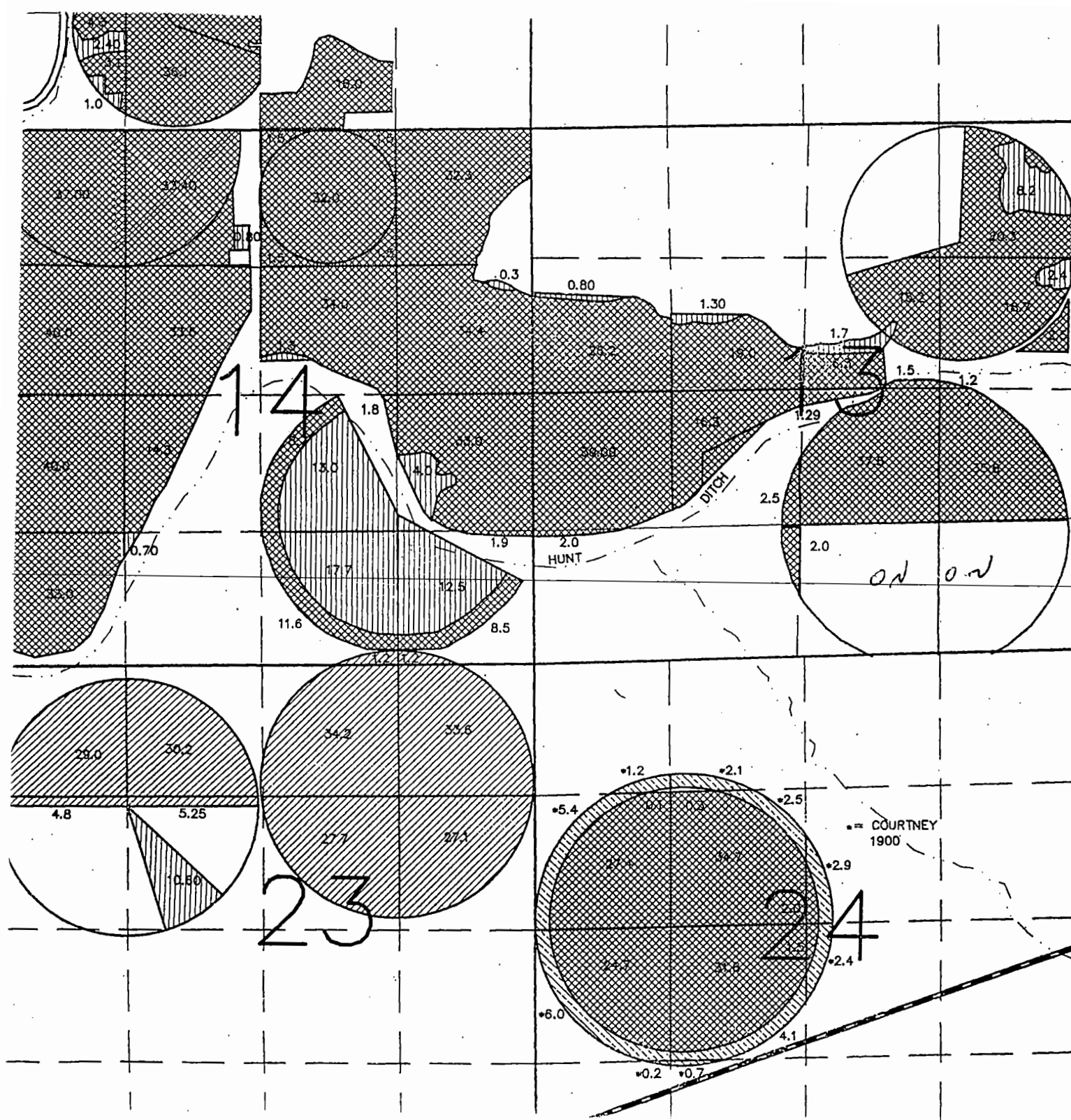
465.6 ACRES

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

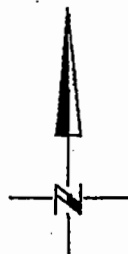
TOTAL 4471.3 ACRES

taylor

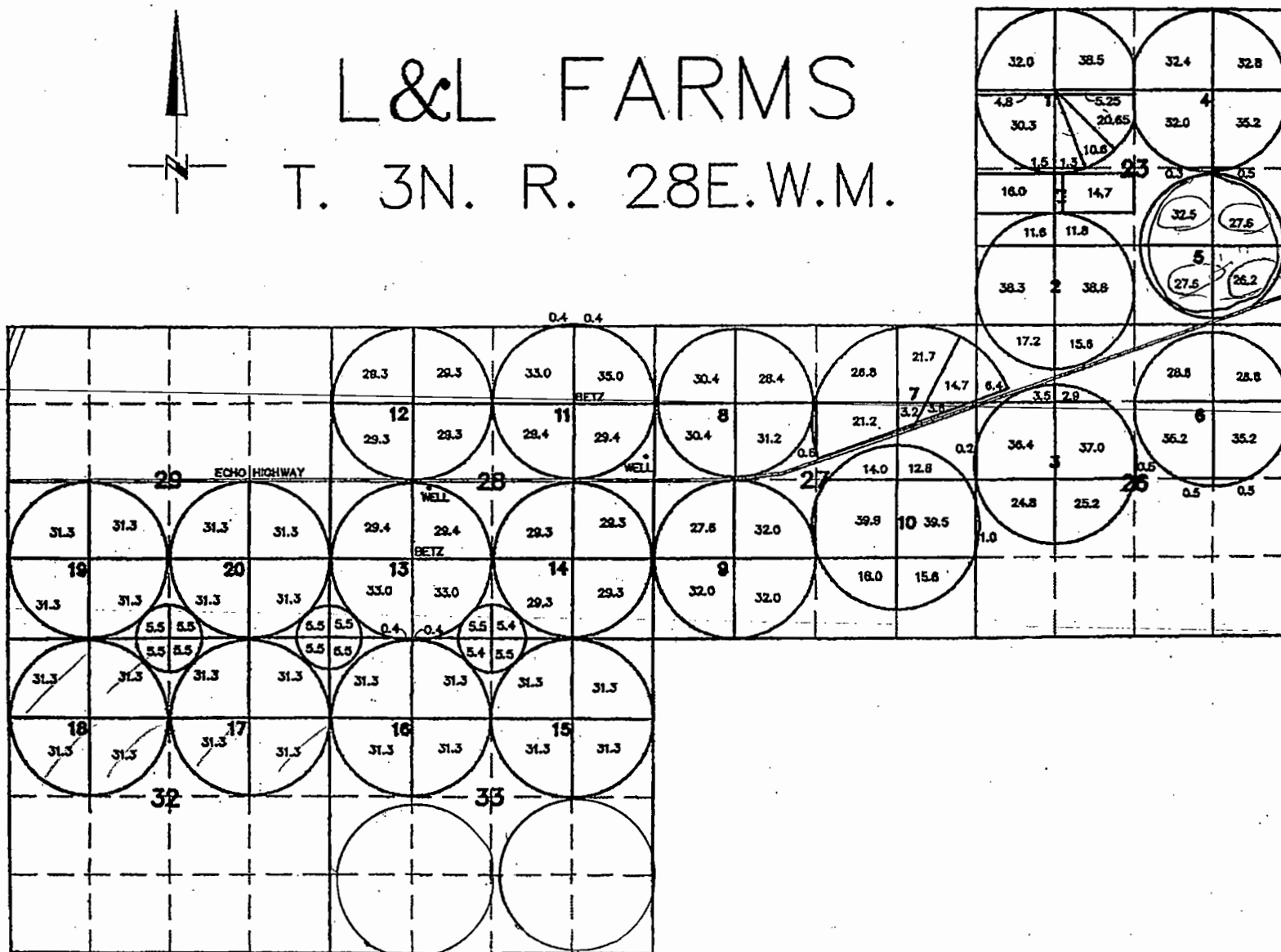
3 OFF



1-509-783-1625 SCM CONSULTANTS

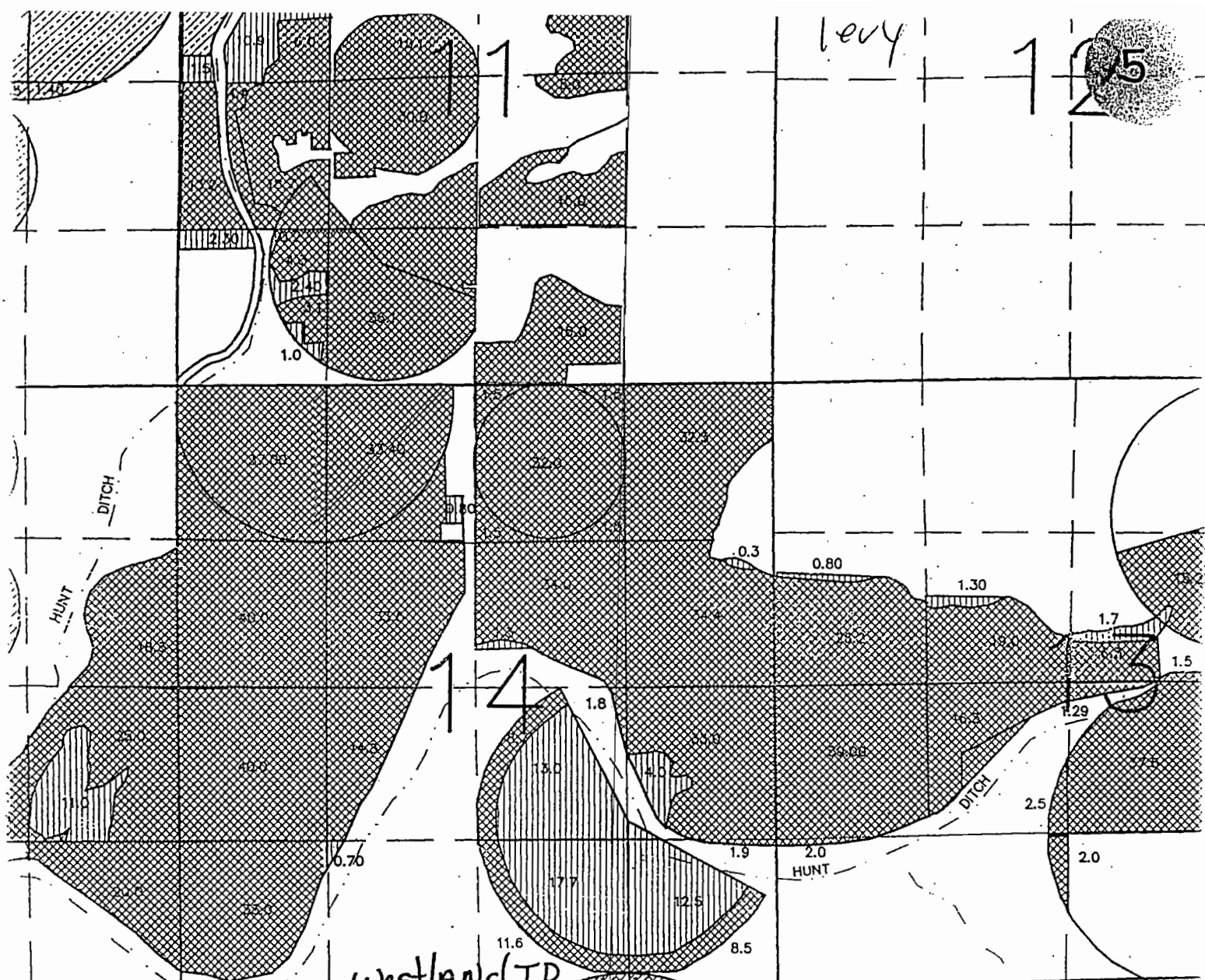


L&L FARMS
T. 3N. R. 28E.W.M.

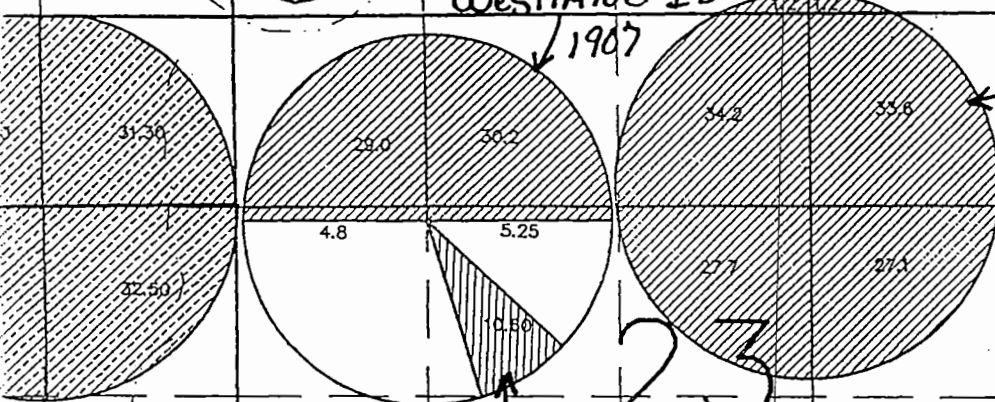

$$\begin{array}{r} 31.3 \\ \times 6 \\ \hline 187.8 \end{array}$$

levy

1 25

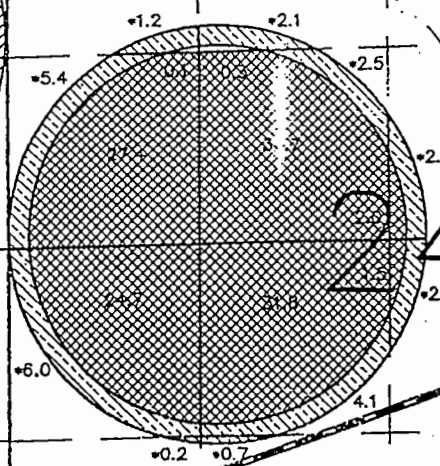


Westland I.D.



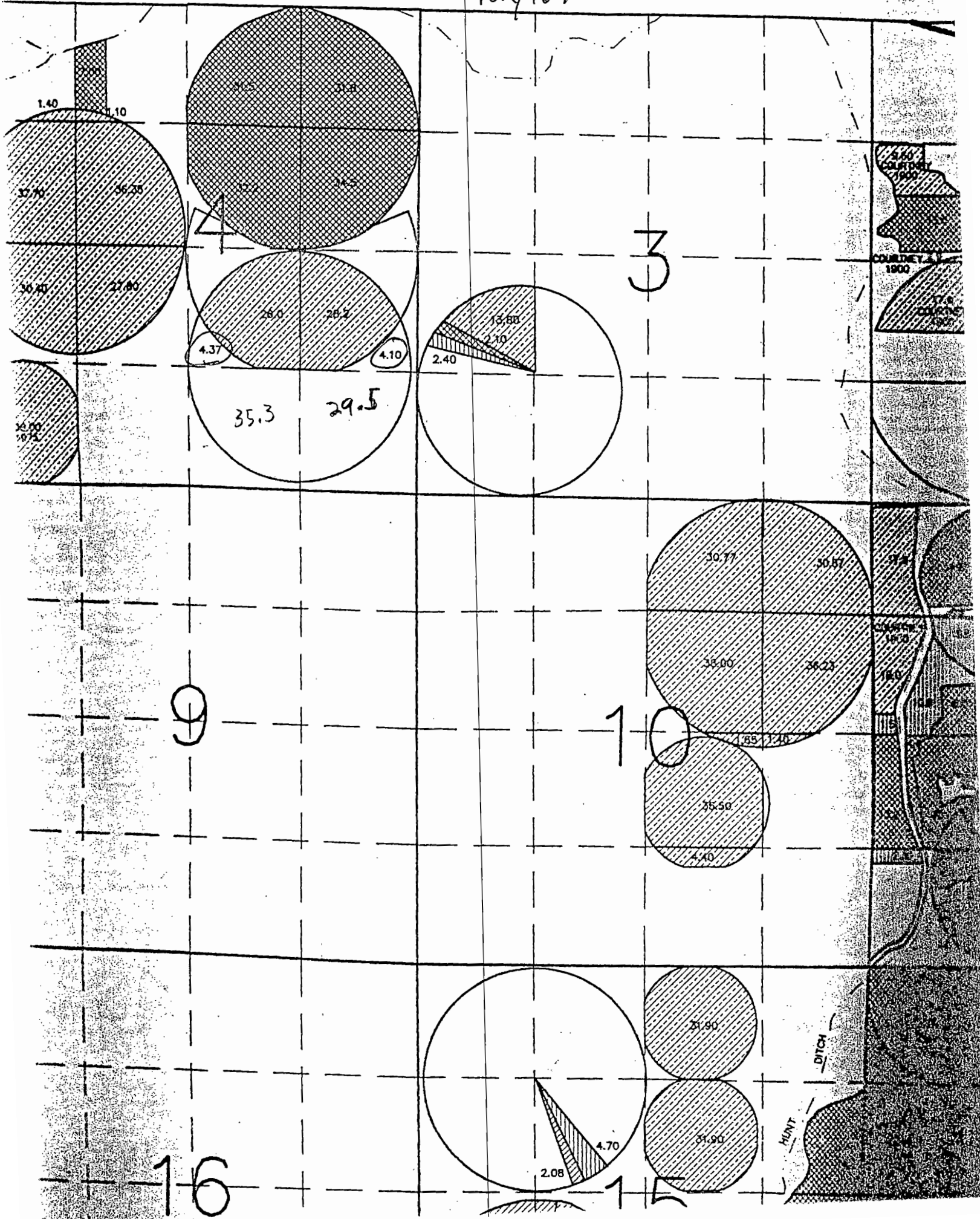
Westland 1961

Westland I.D. 1907



= COURT 1900

taylor





SCHROEDER LAW OFFICES

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE
SUITE 140
HERMISTON, OR 97138
TELEPHONE (541) 564-9211
FAX (541) 564-0158

August 28, 1996

Steve Applegate
Oregon Water Resources Department
Commerce Building
Salem, OR 97310-0210

RE: Substitution of Acres for TID

Dear Steve:

As you know, we represent the Teel Irrigation District.

Earlier this year, you spoke with the manager of the Teel Irrigation District, Chet Prior concerning the problems encountered by the District in applying for their 1996 district temporary transfers for place of use. During these difficulties, it was determined that the District would have to apply for substitution of acres or a permit amendment in order to make a district temporary transfer for "from" lands undescribed in the original permit. You and Chet agreed that all the documentation necessary to process the substitution and recognize the permit amendment were in the hands of the Department in the form of Teel Irrigation District's final proof survey maps and accompanying land descriptions by quarter quarter and tax lots. You then agreed that the Department could process the request for substitution with a letter from the District requesting processing pursuant to the previous Teel Irrigation District submittals. This is the letter.

Please proceed with processing a substitution of acres (district permit amendment) under HB 2431 for the Teel Irrigation District pursuant to its previously filed final proof survey maps and accompanying land descriptions by quarter quarter and tax lots. Except for purposes of the Department's record keeping for the Department's review of Teel Irrigation District's anticipated 1997 district temporary transfers for undescribed "from" lands, the Department was and is on notice of the substituted acres which substitution and use occurred prior to the date HB 2431 became the law. As you know, this point is important for Teel Irrigation District's certification of its permits to the undescribed lands.

Post-it[®] telephone message pad 7660

To Mary/Larry Ann
Date 8/30 Time

WHILE YOU WERE OUT

M _____
of _____

Phone No. _____

TELEPHONED	PLEASE CALL
WAS IN TO SEE YOU	WILL CALL BACK
WANTS TO SEE YOU	URGENT
RETURNED YOUR CALL	

Message We should, as part of
The Umatilla cert. efforts
issue a new P.C. to Teel
- taking HB 2431 into account
Please decide/let Laura
know what to expect.
Operator [Signature]

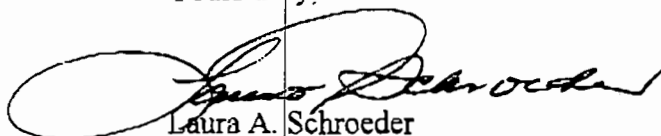
Steve Applegate

- 2 -

August 28, 1996

We would appreciate your informing us immediately if the Department foresees any problems in processing the permit amendment in this fashion.

Yours truly,



Laura A. Schroeder

cc client

Aug 28 '96 18:07 P.03

Fax: 150355640158

SCHROEDER LAW EAST



SCHROEDER LAW OFFICES

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

August 28, 1996

Steve Applegate
Oregon Water Resources Department
Commerce Building
Salem, OR 97310-0210

RE: Substitution of Acres for TID

Dear Steve:

As you know, we represent the Teel Irrigation District.

Earlier this year, you spoke with the manager of the Teel Irrigation District, Chet Prior concerning the problems encountered by the District in applying for their 1996 district temporary transfers for place of use. During these difficulties, it was determined that the District would have to apply for substitution of acres or a permit amendment in order to make a district temporary transfer for "from" lands undescribed in the original permit. You and Chet agreed that all the documentation necessary to process the substitution and recognize the permit amendment were in the hands of the Department in the form of Teel Irrigation District's final proof survey maps and accompanying land descriptions by quarter quarter and tax lots. You then agreed that the Department could process the request for substitution with a letter from the District requesting processing pursuant to the previous Teel Irrigation District submittals. This is the letter.

Please proceed with processing a substitution of acres (district permit amendment) under HB 2431 for the Teel Irrigation District pursuant to its previously filed final proof survey maps and accompanying land descriptions by quarter quarter and tax lots. Except for purposes of the Department's record keeping for the Department's review of Teel Irrigation District's anticipated 1997 district temporary transfers for undescribed "from" lands, the Department was and is on notice of the substituted acres which substitution and use occurred prior to the date HB 2431 became the law. As you know, this point is important for Teel Irrigation District's certification of its permits to the undescribed lands.

RECEIVED

SEP 03 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

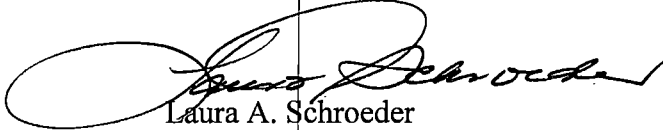
Steve Applegate

- 2 -

August 28, 1996

We would appreciate your informing us immediately if the Department foresees any problems in processing the permit amendment in this fashion.

Yours truly,



Laura A. Schroeder

cc client

RECEIVED

SEP 03 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

November 13, 1996

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

Chad Prior
541-376-8444

REFERENCE: Files 29929 and 32422

Enclosed are the revised final proof maps showing the extent of beneficial water use under the terms of permits 25920 and 25924. The proposed maps are based on the results of the department's 1989 survey, and the recent legislation which allows us to include lands that were irrigated within the district within the terms of the permit.

The number of acres shown under permit 25920 with priority date of April 22, 1955, is 5002.3 of the total 5011.5 allowed. The number of acres shown under permit 25924 with priority date of June 27, 1958, is 4471.35 of the 4471.35 allowed.

We are asking the Board to confirm for us whether the lands shown are those you intend to have for the respective priority dates. Please, indicate on which of the lands that were being irrigated in 1989, you would prefer to confirm the additional 9.2 acres of 1955, water right.

Also enclosed are copies of the existing groundwater rights for lands within the district. These rights must be diminished to supplemental rights at the time the certificates are issued for the surface water rights. Example affidavits are enclosed that must be completed before we can finalize the new certificates. I will prepare draft orders to diminish the groundwater rights at the time the proposed certificates are issued for the surface water rights. All the final certificates will then be issued at the same time.

Please call me at extension 333 if you have questions regarding these rights.

Thank you for your attention to these matters.

Sincerely,

Mary S. Grainey

Mary S. Grainey
Engineer/CWRE

cc. Laura Schroeder



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

TEEL IRRIGATION DISTRICT
PERMITS 25920 AND 25924

A description of the place of use to which this right is
appurtenant is as follows:

Permit 25920

Priority April 22, 1955

SWNE	1.2
NENW	32.2
NWNW	31.6
SWNW	30.2
SENW	39.7
NESW	40.0
NWSW	31.0
SWSW	28.8
SESW	31.2
NWSE	1.8
SWSE	0.5

SECTION 1

264.7 Acres

NENE	8.2
NWNE	36.7
SWNE	38.2
SENE	29.2
NENW	33.3
NWNW	32.2
SWNW	27.8
SENW	30.0
NESE	19.1
NWSE	30.0
SWSE	35.2
SESE	22.8

SECTION 2

342.7 Acres

Township 2 North, Range 28 East, W.M.

NESW	1.1
SESW	1.2
NWSE	7.3
SWSE	35.3
SESE	29.5

SECTION 4

74.4 Acres

NENE	0.6
SENE	0.9
SESE	0.2

SECTION 8

1.7 Acres

NENE	31.0
NWNE	34.1
SWNE	35.2
SENE	29.5
NENW	30.7
NWNW	33.8
SWNW	35.9
SENW	31.1
NESW	28.2
NWSW	30.4
SWSW	35.9
SESW	31.6
NESE	31.1
NWSE	33.4
SWSE	35.3
SESE	30.6

SECTION 9

517.8 Acres

NENW	28.3
NWNW	33.9
SWNW	34.4
SENW	28.8
NESW	31.9
NWSW	32.5
SWSW	32.4
SESW	28.4
NWSE	36.9
SWSE	3.7

SECTION 10

291.2 Acres

NENW	30.8
NWNW	33.3
SWNW	30.7
SENW	28.0

SECTION 15

122.8 Acres

NENE	31.0
NWNE	30.3
SWNE	32.7
SENE	30.1
NENW	29.7
NWNW	32.2
SWNW	33.5
SENW	29.4
NESW	29.6
NWSW	32.2
SWSW	34.0
SESW	29.0

SECTION 16

NESE	31.1
NWSE	30.9
SWSE	32.2
SESE	30.0

SECTION 16

497.9 Acres

NENE	33.3
NWNE	18.8
SWNE	18.7
SENE	21.8
NESW	10.1
SESW	5.8
NESE	34.7
NWSE	40.9
SWSE	35.9
SESE	24.7

SECTION 17

244.7 Acres

NENE	31.8
NWNE	31.4
SWNE	33.9
SENE	32.8
NESE	31.9
NWSE	31.3
SWSE	32.7
SESE	32.2

SECTION 20

258.0 Acres

NENE	30.6
NWNE	30.3
SWNE	31.9
SENE	31.1
NENW	31.4
NWNW	31.5
SWNW	32.6
SENW	31.4
NESW	31.3
NWSW	30.9
SWSW	31.1
SESW	31.0
NESE	29.9
NWSE	30.6
SWSE	32.4
SESE	31.2

SECTION 21

499.2 Acres

NENW	30.5
NWNW	31.4
SWNW	31.9
SEnw	29.9
NESW	0.1
NWSW	0.1

SECTION 22

123.9 Acres

SESW	8.9
SWSE	8.9

SECTION 25

17.8 Acres

NENW	5.4
NWNW	6.0
SWNW	39.1
SEnw	38.7
NESW	21.5
NWSW	24.7
NESE	30.0
NWSE	29.8
SWSE	40.0
SESE	33.6

SECTION 26

268.8 Acres

SWNE	17.5
SENE	14.4
NENW	28.4
NWNW	30.4
SWNW	30.4
SEnw	31.2
NESW	31.3
NWSW	31.1
SWSW	33.3
SESW	28.3
NESE	37.5
NWSE	40.5
SWSE	17.6
SESE	13.0

SECTION 27

384.9 Acres

NENE	0.1
NWNE	0.1

SECTION 28

0.2 Acres

NENE	0.2
NWNE	0.2

SECTION 29

0.4 Acres

NENE	30.5
NWNE	40.0
SWNE	36.4
SENE	34.4
NENW	31.3
NWNW	31.2
SWNW	32.8
SENW	38.1
NESW	36.3
NWSW	33.2
SWSW	31.8
SESW	28.1
NESE	29.0
NWSE	37.6
SWSE	39.8
SESE	30.2

SECTION 35

540.7 Acres

NENE	31.8
NWNE	40.6
SWNE	37.1
SENE	31.5
NENW	40.1
NWNW	31.1
SWNW	31.6
SENW	36.8
NESW	36.5
NWSW	30.1
SWSW	31.5
SESW	40.3
NESE	31.7
NWSE	36.6
SWSE	32.0
SESE	31.2

SECTION 36

550.5 Acres

Township 3 North, Range 28 East, W. M.

Total -	1955 Priority -	5002.3 Acres
	(5011.5 allowed)	

Permit 25924
Priority June 27, 1958

SESE	16.75	
Section 13		16.75 Acres
SESE	2.9	
Section 22		2.9 Acres
NESW	29.5	
NWSW	34.5	
SWSW	40.2	
SESW	35.6	
SWSE	0.4	
SESE	0.2	
Section 23		140.4 Acres
NENE	30.0	
NWNE	30.4	
SWNE	38.4	
SENE	32.4	
NENW	32.0	
NWNW	30.4	
SWNW	34.0	
SENW	38.4	
NESW	36.5	
NWSW	29.5	
SWSW	32.8	
SESW	31.1	
NESE	30.1	
NWSE	37.9	
SWSE	32.4	
SESE	30.1	
Section 25		526.4 Acres
NENE	30.4	
NWNE	35.7	
SWNE	35.2	
SENE	28.4	
NENW	14.2	
NWNW	15.9	
SENW	2.0	
SWSW	0.2	
SESW	26.3	
Section 26		188.3 Acres
NENE	36.2	
NWNE	26.8	
SWNE	21.2	
SENE	7.6	
SENW	0.6	
Section 27		92.4 Acres

NENE	30.4
NWNE	30.8
SWNE	31.6
SENE	31.3
NENW	31.3
NWNW	31.2
SWNW	31.0
SENW	30.8
NESW	30.5
NWSW	30.2
SWSW	39.0
SESW	39.1
NESE	27.2
NWSE	28.0
SWSE	35.9
SESE	30.9

Section 28

509.2 Acres

NENE	30.5
NWNE	29.7
SWNE	29.6
SENE	30.0
NENW	28.7
NWNW	33.1
SWNW	33.1
SENW	28.5
NESW	28.3
NWSW	29.7
SWSW	33.7
SESW	36.5
NESE	30.0
NWSE	26.2
SWSE	34.9
SESE	36.9

Section 29

499.4 Acres

NENE	0.2
SENE	0.3

Section 30

0.5 Acres

NENE	36.7
NWNE	36.9
SWNE	32.2
SENE	32.0
NENW	32.3
NWNW	27.6
SWNW	27.5
SENW	31.5

Section 32

256.7 Acres

NENE	31.3
NWNE	36.5
SWNE	30.9
SENE	31.0
NENW	37.2
NWNW	36.6
SWNW	32.0
SENW	32.4

Section 33

267.9 Acres

NENW	1.3
------	-----

Section 35

1.3 Acres

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SWSW	7.0
------	-----

Section 16

7.0 Acres

SESE	0.5
------	-----

Section 17

0.5 Acres

NENE	5.6
SWNE	30.4
SENE	37.0
SWNW	6.5
SENW	19.7
NESW	39.8
NWSW	50.8
SWSW	41.9
SESW	29.9
NESE	38.1
NWSE	40.0
SWSE	37.7
SESE	35.6

Section 19

413.0 Acres

NENE	28.3
NWNE	16.8
SWNE	40.0
SENE	40.0
NESW	31.6
NWSW	35.0
SWSW	39.8
SESW	40.0
NESE	40.0
NWSE	38.1
SWSE	25.9
SESE	37.6

Section 20

413.1 Acres

NENW	13.1
NWNW	40.0
SWNW	39.8
SEnw	10.2
NESW	12.0
NWSW	39.3
SWSW	38.8
SESW	6.4

Section 21

199.6 Acres

NENW	2.9
NWNW	25.9
SWNW	4.8

Section 28

33.6 Acres

NENE	39.7
NWNE	34.0
SWNE	33.8
SENE	36.7
NENW	39.7
NWNW	34.4
SWNW	39.6
SEnw	35.6
NESW	31.2
NWSW	39.0
SWSW	40.0
SESW	32.7

Section 29

436.4 Acres

NENE	37.1
NWNE	35.5
SWNE	36.2
SENE	39.2
NENW	38.0
NWNW	57.3
SWNW	50.1
SEnw	29.6
NESE	37.2
NWSE	31.8
SWSE	33.6
SESE	40.0

SECTION 30

465.6 Acres

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

Total	- 1958 Priority -	4471.35 Acres
	(of 4471.35 allowed)	

AFFIDAVIT OF DIMINUTION OF A WATER RIGHT

STATE OF OREGON)
) ss
County of Umatille)

I, _____,
being first duly sworn, depose and say:

1. I am the owner of the lands described in Exhibit A, attached hereto and by this reference incorporate herein;

2. The lands described in Exhibit A have two primary water rights appurtenant thereto: groundwater rights as shown with permit and certificate numbers in the Exhibit, and the other right from permit 25920 through Teel Irrigation District.

3. In order to complete the certificate for permit 25920 the Water Resources Department has requested that one of the primary rights be diminished to a supplemental right.

4. I hereby petition that the rights in exhibit A be diminished from a water right for primary irrigation to a water right for supplemental irrigation of the same land described in Exhibit A. The proposed diminution shall occur at the same time that permit 25920 is certified.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 199_.

Subscribed and sworn to before me this _____ day of _____

Commis *Need one from
all owners of lands
with primary
groundwater
rights*

Notary Public for Oregon

AFFIDAVIT OF DIMINUTION OF A WATER RIGHT

STATE OF OREGON)
)ss
County of Umatille)

I, _____,
being first duly sworn, depose and say:

1. I am the owner of the lands described in Exhibit A, attached hereto and by this reference incorporate herein;

2. The lands described in Exhibit A have two primary water rights appurtenant thereto: groundwater rights as shown with permit and certificate numbers in the Exhibit, and the other right from permit 25924 through Teel Irrigation District.

3. In order to complete the certificate for permit 25924 the Water Resources Department has requested that one of the primary rights be diminished to a supplemental right.

4. I hereby petition that the rights in exhibit A be diminished from a water right for primary irrigation to a water right for supplemental irrigation of the same land described in Exhibit A. The proposed diminution shall occur at the same time that permit 25924 is certified.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 199_.

Subscribed and sworn to before me this _____ day of _____, 199_.

Notary Public for Oregon

Commission Expires: _____

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRAVELERS INSURANCE COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of PRIOR WELLS 2, 3, 5, AND 6 in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 1345.5 ACRES.

The right has been perfected under Permit G-5275. The date of priority is MARCH 26, 1974. The right is limited to not more than 15.97 CUBIC FEET PER SECOND; BEING 3.03 CFS FROM WELL 2, 5.23 CFS FROM WELL 3, 4.13 CFS FROM WELL 5 AND 3.58 CFS FROM WELL 6, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 35, NW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 36, T 3 N, R 28 E, W.M.; WELL 2 - 750 FEET SOUTH AND 2620 FEET WEST FROM NE CORNER SECTION 36; WELL 3 - 1780 FEET NORTH AND 2600 FEET WEST FROM SE CORNER SECTION 36; WELL 5 - 770 FEET SOUTH AND 2640 FEET EAST FROM NW CORNER SECTION 35; WELL 6 - 1940 FEET NORTH AND 2540 FEET EAST FROM SW CORNER SECTION 35.

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 ONE-EIGHTIETH 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. 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.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NE 1/4 SW 1/4 31.1 ACRES
NW 1/4 SW 1/4 28.9 ACRES
SW 1/4 SW 1/4 32.6 ACRES
SE 1/4 SW 1/4 40.5 ACRES
NE 1/4 SE 1/4 30.0 ACRES
NW 1/4 SE 1/4 29.2 ACRES
SW 1/4 SE 1/4 40.5 ACRES
SE 1/4 SE 1/4 32.8 ACRES
SECTION 25

SEE NEXT PAGE

NE 1/4 NE 1/4 30.5 ACRES
NW 1/4 NE 1/4 39.5 ACRES
SW 1/4 NE 1/4 36.4 ACRES
SE 1/4 NE 1/4 34.4 ACRES
NE 1/4 NW 1/4 30.0 ACRES
NW 1/4 NW 1/4 31.2 ACRES
SW 1/4 NW 1/4 32.8 ACRES
SE 1/4 NW 1/4 38.1 ACRES
NE 1/4 SW 1/4 36.3 ACRES
NW 1/4 SW 1/4 33.2 ACRES
SW 1/4 SW 1/4 31.8 ACRES
SE 1/4 SW 1/4 28.1 ACRES
NE 1/4 SE 1/4 29.0 ACRES
NW 1/4 SE 1/4 37.6 ACRES
SW 1/4 SE 1/4 39.8 ACRES
SE 1/4 SE 1/4 30.2 ACRES
SECTION 35

NE 1/4 NE 1/4 30.3 ACRES
NW 1/4 NE 1/4 39.3 ACRES
SW 1/4 NE 1/4 38.0 ACRES
SE 1/4 NE 1/4 31.2 ACRES
NE 1/4 NW 1/4 40.0 ACRES
NW 1/4 NW 1/4 29.2 ACRES
SW 1/4 NW 1/4 32.4 ACRES
SE 1/4 NW 1/4 38.0 ACRES
NE 1/4 SW 1/4 38.0 ACRES
NW 1/4 SW 1/4 28.8 ACRES
SW 1/4 SW 1/4 28.6 ACRES
SE 1/4 SW 1/4 40.0 ACRES
NE 1/4 SE 1/4 30.6 ACRES
NW 1/4 SE 1/4 36.8 ACRES
SW 1/4 SE 1/4 30.4 ACRES
SE 1/4 SE 1/4 29.4 ACRES
SECTION 36

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 12, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61530

G-6476

T-7471

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRAVELERS INSURANCE COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of PRIOR WELLS 4, 7, AND 8 in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 606.8 ACRES.

The right has been perfected under Permit G-6069. The date of priority is SEPTEMBER 5, 1974. The right is limited to not more than 7.59 CUBIC FEET PER SECOND; BEING 2.2 CFS FROM EACH OF WELLS 7 & 8 AND 3.19 CFS FROM WELL 4, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE 1/4 NW 1/4, SECTION 1, SE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 2, T 2 N, R 28 E, W.M.; WELL 4 - 2640 FEET SOUTH AND 630 FEET WEST FROM N 1/4 CORNER SECTION 1; WELL 7 - 2500 FEET SOUTH AND 2580 FEET EAST FROM NW CORNER SECTION 2; WELL 8 - 2800 FEET SOUTH AND 500 FEET WEST FROM NE CORNER SECTION 2.

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 ONE-EIGHTIETH 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.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

LOT 3 (NE 1/4 NW 1/4) 32.2 ACRES
LOT 4 (NW 1/4 NW 1/4) 31.6 ACRES
SW 1/4 NW 1/4 29.6 ACRES
SE 1/4 NW 1/4 39.7 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 31.0 ACRES
SW 1/4 SW 1/4 28.8 ACRES
SE 1/4 SW 1/4 31.2 ACRES

SECTION 1

LOT 1 (NE 1/4 NE 1/4) 8.2 ACRES
LOT 2 (NW 1/4 NE 1/4) 36.7 ACRES
SW 1/4 NE 1/4 38.2 ACRES
SE 1/4 NE 1/4 29.2 ACRES
LOT 3 (NE 1/4 NW 1/4) 33.3 ACRES
LOT 4 (NW 1/4 NW 1/4) 32.2 ACRES
SW 1/4 NW 1/4 27.8 ACRES
SE 1/4 NW 1/4 30.0 ACRES
NE 1/4 SE 1/4 19.1 ACRES
NW 1/4 SE 1/4 30.0 ACRES
SW 1/4 SE 1/4 35.2 ACRES
SE 1/4 SE 1/4 22.8 ACRES

SECTION 2

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 12, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61532

G-6645

T-7471 T-6620

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ERNEST A. BETZ

of Route 1, Box 321-M, Hermiston, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Butter Creek
irrigation of 125.6 acres

for the purpose of

under Permit No. G-3635 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 21, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.57 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T. 3 N., R. 28 E., W. M. Well located: 2540 feet North and 1530 feet East from SW Corner, Section 28.

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 one-eightieth 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 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

29.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

29.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

33.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

33.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28

0.4 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$

0.4 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 33

T. 3 N., R. 28 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. March 30, 1970

CHRIS L. WHEELER

State Engineer

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ERNEST A. BETZ**

of Route 1, Box 321-M, Hermiston, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Betz Well No. 2

a tributary of for the purpose of
irrigation of 125.6 acres

under Permit No. G-4048 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 18, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.57 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, T. 3 N., R. 28 E., W. M. Well located: 1960 feet South and 80 feet West from NE Corner, Section 28.

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 one-eightieth 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 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.4 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
0.4 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21

33.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
33.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
29.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
29.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28
T. 3 N., R. 28 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. March 30, 1970

CHRIS L. WHEELER

State Engineer

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TRAVELERS INSURANCE COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of BROWN WELL 2 in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 294.8 ACRES.

The right has been perfected under Permit G-6010. The date of priority is SEPTEMBER 26, 1974. The right is limited to not more than 2.9 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SE 1/4, SECTION 30, T 3 N, R 29 E, W.M.; 610 FEET NORTH AND 50 FEET WEST FROM SE CORNER SECTION 30.

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 ONE-EIGHTIETH 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.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 NW 1/4	7.4 ACRES
NE 1/4 SW 1/4	31.2 ACRES
NW 1/4 SW 1/4	37.4 ACRES
SW 1/4 SW 1/4	40.0 ACRES
SE 1/4 SW 1/4	31.2 ACRES
SECTION 29	

SE 1/4 NE 1/4	7.4 ACRES
NE 1/4 SE 1/4	37.2 ACRES
NW 1/4 SE 1/4	31.8 ACRES
SW 1/4 SE 1/4	31.2 ACRES
SE 1/4 SE 1/4	40.0 ACRES
SECTION 30	

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 12, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61531

G-6673.SB

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRAVELERS INDEMNITY COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
AND CHESTER J. PRIOR
707 WASHINGTON
PORTLAND, OREGON 97205

confirms the right to use the waters of WELLS 1 AND 3 in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 237.2 ACRES.

The right has been perfected under Permit G-6339. The date of priority is OCTOBER 1, 1975. The right is limited to not more than 2.96 CUBIC FEET PER SECOND; BEING 1.48 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE 1/4 SW 1/4, SECTION 16, T 3 N, R 29 E, W.M.;
WELL 1 - 850 FEET NORTH & 750 FEET WEST; WELL 3 - 350 FEET NORTH & 850 FEET WEST, BOTH FROM S1/4 CORNER SECTION 16.

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 ONE-EIGHTIETH 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 and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 SW 1/4 7.0 ACRES
SECTION 16

SE 1/4 SE 1/4 0.5 ACRE
SECTION 17

NE 1/4 NE 1/4 27.1 ACRES
NW 1/4 NE 1/4 19.5 ACRES
SW 1/4 NE 1/4 40.0 ACRES
SE 1/4 NE 1/4 40.0 ACRES
SECTION 20

SEE NEXT PAGE

NE 1/4 NW 1/4 13.1 ACRES
NW 1/4 NW 1/4 40.0 ACRES
SW 1/4 NW 1/4 39.8 ACRES
SE 1/4 NW 1/4 10.2 ACRES

SECTION 21

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date FEBRUARY 9, 1989.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60019

G-7125.TS

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRAVELERS INSURANCE COMPANY AND
DON J. AND NORMA D. BROWN
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of BROWN WELL 3 in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 129.4 ACRES.

The right has been perfected under Permit G-7314. The date of priority is MARCH 14, 1977. The right is limited to not more than 1.62 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NE 1/4, SECTION 30, T 3 N, R 29 E, W.M.; 1400 FEET SOUTH AND 1310 FEET WEST FROM NE CORNER SECTION 30.

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 ONE-EIGHTIETH 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.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

NE 1/4 NE 1/4	30.4 ACRES
NW 1/4 NE 1/4	34.0 ACRES
SW 1/4 NE 1/4	33.2 ACRES
SE 1/4 NE 1/4	31.8 ACRES
SECTION 30	
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.	

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 12, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61535

G-7923.SB

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRAVELERS INSURANCE COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of ELEVEN WELLS; BEING PRIOR WELLS 2, 3, 4, 5, 6, 7, 8, AND BROWN WELLS 1, 2, 3, AND 4 in the UMATILLA RIVER BASIN for the purpose of IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 1888.2 ACRES.

The right has been perfected under Permit G-7078. The date of priority is MARCH 30, 1976. The right is limited to not more than 23.6 CUBIC FEET PER SECOND; BEING 4.91 CFS FROM PRIOR WELLS AND 18.69 CFS FROM BROWN WELLS, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE 1/4 NW 1/4, SECTION 1, SE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 2, T 2 N, R 28 E, W.M.; NW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 35, NW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 36, T 3 N, R 28 E, W.M.; SE 1/4 NW 1/4, SECTION 19, SW 1/4 SE 1/4, SECTION 20, SE 1/4 NW 1/4, SE 1/4 SE 1/4, SECTION 30, T 3 N, R 29 E, W.M.; PRIOR WELL 2 - 750 FEET SOUTH AND 2620 FEET WEST FROM NE CORNER SECTION 36; PRIOR WELL 3 - 1780 FEET NORTH AND 2600 FEET WEST FROM SE CORNER SECTION 36, T 3 N, R 28 E, W.M.; PRIOR WELL 4 - 2640 FEET SOUTH AND 630 FEET WEST FROM N 1/4 CORNER SECTION 1, T 2 N, R 28 E, W.M.; PRIOR WELL 5 - 770 FEET SOUTH AND 2640 FEET EAST FROM NW CORNER SECTION 35, PRIOR WELL 6 - 1940 FEET NORTH AND 2540 FEET EAST FROM SW CORNER SECTION 35, T 3 N, R 28 E, W.M.; PRIOR WELL 7 - 2500 FEET SOUTH AND 2580 FEET EAST FROM NW CORNER SECTION 2; PRIOR WELL 8 - 2800 FEET SOUTH AND 500 FEET WEST FROM NE CORNER SECTION 2, T 2 N, R 28 E, W.M.; BROWN WELL 1 - 80 FEET NORTH AND 2500 FEET WEST FROM SE CORNER SECTION 20; BROWN WELL 2 - 610 FEET NORTH AND 50 FEET WEST FROM SE CORNER SECTION 30; BROWN WELL 3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM NE CORNER SECTION 30; BROWN WELL 4 - 140 FEET NORTH AND 490 FEET WEST FROM C 1/4 CORNER SECTION 19, T 3 N, R 29 E, W.M.

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 ONE-EIGHTIETH 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. THE RIGHT HEREIN GRANTED IS SUPPLEMENTAL TO PERMITS 25920 AND 25921 AND MAY BE EXERCISED FOR PRIMARY IRRIGATION UNTIL SUCH TIME AS BENEFICIAL USE OF WATER IS MADE UNDER PERMITS 25920 AND 25921.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

PRIOR WELLS

NE 1/4 NE 1/4 30.0 ACRES
 NW 1/4 NE 1/4 30.4 ACRES
 SW 1/4 NE 1/4 33.2 ACRES
 SE 1/4 NE 1/4 32.4 ACRES
 NE 1/4 NW 1/4 32.0 ACRES
 NW 1/4 NW 1/4 30.4 ACRES
 SW 1/4 NW 1/4 34.0 ACRES
 SE 1/4 NW 1/4 34.4 ACRES
 NE 1/4 SW 1/4 0.5 ACRE
 NW 1/4 SW 1/4 0.7 ACRE
 SW 1/4 SW 1/4 0.2 ACRE
 NE 1/4 SE 1/4 0.1 ACRE
 NW 1/4 SE 1/4 0.2 ACRE

SECTION 25

NE 1/4 SE 1/4 30.0 ACRES
 NW 1/4 SE 1/4 29.8 ACRES
 SW 1/4 SE 1/4 40.0 ACRES
 SE 1/4 SE 1/4 33.6 ACRES

SECTION 26

NE 1/4 NE 1/4 0.5 ACRE
 NW 1/4 NE 1/4 0.5 ACRE

SECTION 35

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

BROWN WELLS

SW 1/4 SW 1/4 7.0 ACRES
 SECTION 16

SE 1/4 SE 1/4 0.4 ACRE
 SECTION 17

NE 1/4 NE 1/4 5.6 ACRES
 SW 1/4 NE 1/4 30.4 ACRES
 SE 1/4 NE 1/4 37.0 ACRES
 LOT 2 (SW 1/4 NW 1/4) 6.5 ACRES
 SE 1/4 NW 1/4 19.7 ACRES
 NE 1/4 SW 1/4 39.8 ACRES
 LOT 3 (NW 1/4 SW 1/4) 50.8 ACRES
 LOT 4 (SW 1/4 SW 1/4) 37.2 ACRES
 SE 1/4 SW 1/4 21.4 ACRES
 NE 1/4 SE 1/4 38.1 ACRES
 NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 37.7 ACRES
 SE 1/4 SE 1/4 35.6 ACRES
 SECTION 19

SEE NEXT PAGE

NE 1/4 NE 1/4 27.1 ACRES
 NW 1/4 NE 1/4 16.8 ACRES
 SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 40.0 ACRES
 NE 1/4 SW 1/4 31.6 ACRES
 NW 1/4 SW 1/4 35.0 ACRES
 SW 1/4 SW 1/4 39.8 ACRES
 SE 1/4 SW 1/4 40.0 ACRES
 NE 1/4 SE 1/4 40.0 ACRES
 NW 1/4 SE 1/4 38.1 ACRES
 SW 1/4 SE 1/4 25.9 ACRES
 SE 1/4 SE 1/4 37.6 ACRES

SECTION 20

NE 1/4 NW 1/4 13.1 ACRES
 NW 1/4 NW 1/4 40.0 ACRES
 SW 1/4 NW 1/4 39.8 ACRES
 SE 1/4 NW 1/4 10.2 ACRES
 NE 1/4 SW 1/4 12.0 ACRES
 NW 1/4 SW 1/4 39.3 ACRES
 SW 1/4 SW 1/4 38.8 ACRES
 SE 1/4 SW 1/4 6.4 ACRES

SECTION 21

NE 1/4 NW 1/4 2.1 ACRES
 NW 1/4 NW 1/4 22.6 ACRES
 SW 1/4 NW 1/4 4.8 ACRES

SECTION 28

NE 1/4 NE 1/4 39.7 ACRES
 NW 1/4 NE 1/4 34.0 ACRES
 SW 1/4 NE 1/4 29.1 ACRES
 SE 1/4 NE 1/4 36.7 ACRES
 NE 1/4 NW 1/4 39.7 ACRES
 NW 1/4 NW 1/4 34.4 ACRES
 SW 1/4 NW 1/4 32.2 ACRES
 SE 1/4 NW 1/4 35.6 ACRES
 NE 1/4 SW 1/4 0.4 ACRE

SECTION 29

NE 1/4 NE 1/4 6.6 ACRES
 NE 1/4 NW 1/4 38.0 ACRES
 LOT 1 (NW 1/4 NW 1/4) 53.7 ACRES
 LOT 2 (SW 1/4 NW 1/4) 44.8 ACRES
 SE 1/4 NW 1/4 29.6 ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date JUNE 12, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61534

G-7331

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That L & L FARMS

of PO Box 611, Echo, State of Oregon 97826, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
three wells

a tributary of Spikes Gulch for the purpose of
irrigation of 287.1 acres and supplemental irrigation of 193.9 acres

under Permit No. G-8570 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
April 19, 1979

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
limited to an amount actually beneficially used for said purposes, and shall not exceed
6.01 cubic feet per second, being 2.0 cfs from Well 1, 2.01 cfs from Well 2,
2.0 cfs from Well 3

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is
located in the SW 1/4 SE 1/4, NW 1/4 NW 1/4, Section 23, NW 1/4
NE 1/4, Section 26, T3N, R28E, WM; Well 1 - 960 feet North and 30 feet East
from S 1/4 Corner, Section 23; Well 3 - 60 feet South and 820 feet East from
NW Corner, Section 23; Well 2 - 930 feet South from N 1/4 Corner, Section 26.

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 one-eightieth 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

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

SEE NEXT PAGE

T- 7471

PRIMARY IRRIGATION

6.4 acres NW 1/4 NW 1/4
1.0 acre NW 1/4 SW 1/4
Section 26

14.7 acres NE 1/4 NE 1/4
14.0 acres SW 1/4 NE 1/4
16.4 acres SE 1/4 NE 1/4
32.0 acres NE 1/4 SW 1/4
27.6 acres NW 1/4 SW 1/4
32.0 acres SW 1/4 SW 1/4
32.0 acres SE 1/4 SW 1/4
39.5 acres NE 1/4 SE 1/4
39.9 acres NW 1/4 SE 1/4
16.0 acres SW 1/4 SE 1/4
15.6 acres SE 1/4 SE 1/4
Section 27

SUPPLEMENTAL IRRIGATION

21.7 acres NE 1/4 NE 1/4
26.8 acres NW 1/4 NE 1/4
21.2 acres SW 1/4 NE 1/4
3.2 acres SE 1/4 NE 1/4
28.4 acres NE 1/4 NW 1/4
30.4 acres NW 1/4 NW 1/4
30.4 acres SW 1/4 NW 1/4
31.8 acres SE 1/4 NW 1/4
Section 27

Township 3 North, Range 28 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. December 8, 1983

.....William H. Young.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 , page 51783
77748

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves TRANSFER 6380 submitted by

L & L FARMS
P.O. BOX 63
ECHO, OREGON 97826

to use the waters of 3 WELLS in the SPIKES GULCH BASIN for the purpose of the PRIMARY IRRIGATION OF 817.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 292.0 ACRES.

The right to be transferred, as evidenced by certificate 51786, was perfected under Permit G-6893 with a date of priority of JULY 19, 1976. This right is limited to 3.0 cubic feet per second from WELL 1, or its equivalent in case of rotation, measured at the well.

The right to be transferred, as evidenced by certificate 51784, was perfected under Permit G-6936 with a date of priority of JULY 19, 1976. This right is limited to 3.0 cubic feet per second from WELL 2, or its equivalent in case of rotation, measured at the well.

The right to be transferred, as evidenced by certificate 51785, was perfected under Permit G-7036 with a date of priority of DECEMBER 2, 1976. This right is limited to 3.3 cubic feet per second from WELL 3, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NW 1/4 NW 1/4, SW 1/4 SE 1/4, SECTION 23, NW 1/4 NE 1/4, SECTION 26, T 3 N, R 28 E, W.M.; WELL 1 - 960 FEET NORTH AND 30 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 23; WELL 2 - 930 FEET SOUTH FROM THE NORTH 1/4 CORNER OF SECTION 26; WELL 3 - 60 FEET SOUTH AND 820 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 23.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. This right is 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,

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the new place of use is as follows:

		<u>WELL 1</u> <u>PRIMARY</u>	<u>WELL 2</u> <u>PRIMARY</u>	<u>WELL 3</u> <u>PRIMARY</u> <u>SUPPLEMENTAL</u>
SW 1/4 SW 1/4	0.7 ACRE	3.8 ACRES	1.0 ACRE	
SE 1/4 SW 1/4		5.5 ACRES		
SW 1/4 SE 1/4			5.4 ACRES	
SECTION 28				
NE 1/4 SW 1/4	31.3 ACRES			31.3 ACRES
NW 1/4 SW 1/4	31.3 ACRES			31.3 ACRES
SW 1/4 SW 1/4	31.3 ACRES			31.3 ACRES
SE 1/4 SW 1/4	36.8 ACRES			36.8 ACRES
NE 1/4 SE 1/4	31.3 ACRES			31.3 ACRES
NW 1/4 SE 1/4	31.3 ACRES			31.3 ACRES
SW 1/4 SE 1/4	36.8 ACRES			31.3 ACRES
SE 1/4 SE 1/4	36.8 ACRES			31.3 ACRES
SECTION 29				
NE 1/4 NE 1/4	36.8 ACRES			
NW 1/4 NE 1/4	36.8 ACRES			
SW 1/4 NE 1/4	31.3 ACRES			
SE 1/4 NE 1/4	31.3 ACRES			
NE 1/4 NW 1/4	36.8 ACRES			36.1 ACRES
NW 1/4 NW 1/4	31.3 ACRES			
SW 1/4 NW 1/4	31.3 ACRES			
SE 1/4 NW 1/4	31.3 ACRES			
SECTION 32				
NE 1/4 NE 1/4		31.3 ACRES		
NW 1/4 NE 1/4		31.3 ACRES	5.5 ACRES	
SW 1/4 NE 1/4		31.3 ACRES		
SE 1/4 NE 1/4		31.3 ACRES		
NE 1/4 NW 1/4		31.3 ACRES	5.4 ACRES	
NW 1/4 NW 1/4	5.5 ACRES	31.3 ACRES		
SW 1/4 NW 1/4		31.3 ACRES		
SE 1/4 NW 1/4		31.3 ACRES		
SECTION 33				

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1991.
2. The water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water used from each well. The type and plans for the measuring device must be approved by the Department prior to using the water at the new place of use. Installation and maintenance shall be under the general supervision of the Department.
3. The following former place of use shall no longer be irrigated as part of this water right:

		<u>WELL 1</u>	<u>WELL 2</u>	<u>WELL 3</u>	
		<u>PRIMARY</u>	<u>PRIMARY</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4	NE 1/4	32.8 ACRES			32.8 ACRES
NW 1/4	NE 1/4	32.4 ACRES			32.4 ACRES
SW 1/4	NE 1/4	32.0 ACRES			32.0 ACRES
SE 1/4	NE 1/4	35.2 ACRES			35.2 ACRES
NE 1/4	NW 1/4	38.5 ACRES			38.5 ACRES
NW 1/4	NW 1/4	32.0 ACRES			32.0 ACRES
SW 1/4	NW 1/4	35.1 ACRES			35.1 ACRES
SE 1/4	NW 1/4	36.5 ACRES			36.5 ACRES
NE 1/4	SW 1/4	27.8 ACRES		1.3 ACRES	16.0 ACRES
NW 1/4	SW 1/4	13.1 ACRES		16.0 ACRES	1.5 ACRES
SW 1/4	SW 1/4	38.3 ACRES			
SE 1/4	SW 1/4	38.8 ACRES			
NE 1/4	SE 1/4	28.1 ACRES			
NW 1/4	SE 1/4	32.8 ACRES			
SW 1/4	SE 1/4	27.6 ACRES			
SE 1/4	SE 1/4	26.2 ACRES			

SECTION 23

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

**WELL 1
PRIMARY**

**WELL 2
PRIMARY**

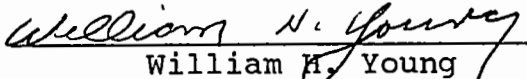
NE 1/4 NE 1/4		28.8 ACRES
NW 1/4 NE 1/4		28.8 ACRES
SW 1/4 NE 1/4		35.7 ACRES
SE 1/4 NE 1/4		35.2 ACRES
NE 1/4 NW 1/4	15.6 ACRES	2.9 ACRES
NW 1/4 NW 1/4	17.2 ACRES	3.5 ACRES
SW 1/4 NW 1/4		36.4 ACRES
SE 1/4 NW 1/4		37.2 ACRES
NE 1/4 SW 1/4		25.2 ACRES
NW 1/4 SW 1/4		24.8 ACRES
NE 1/4 SE 1/4		0.5 ACRE
NW 1/4 SE 1/4		0.5 ACRE
SECTION 26		

SE 1/4 NE 1/4	0.2 ACRE
SECTION 27	

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

Certificates 51784, 51785 and 51786 are hereby canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director, affixed
March 1, 1991.


William H. Young

Recorded in Special Order Volume 45, Page 123.

AFFIDAVIT OF DIMINUTION OF A WATER RIGHT

STATE OF OREGON)
) ss
County of Umatille)

I, _____,
being first duly sworn, depose and say:

1. I am the owner of the lands described in Exhibit A, attached hereto and by this reference incorporate herein;

2. The lands described in Exhibit A have two primary water rights appurtenant thereto: groundwater rights as shown with permit and certificate numbers in the Exhibit, and the other right from permit 25920 through Teel Irrigation District.

3. In order to complete the certificate for permit 25920 the Water Resources Department has requested that one of the primary rights be diminished to a supplemental right.

4. I hereby petition that the rights in exhibit A be diminished from a water right for primary irrigation to a water right for supplemental irrigation of the same land described in Exhibit A. The proposed diminution shall occur at the same time that permit 25920 is certified.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 199_.

Subscribed and sworn to before me this _____ day of _____

Commis *Need one from
all owners of lands
with primary
groundwater
rights*

Notary Public for Oregon

AFFIDAVIT OF DIMINUTION OF A WATER RIGHT

STATE OF OREGON)
) ss
County of Umatille)

I, _____,
being first duly sworn, depose and say:

1. I am the owner of the lands described in Exhibit A, attached hereto and by this reference incorporate herein;

2. The lands described in Exhibit A have two primary water rights appurtenant thereto: groundwater rights as shown with permit and certificate numbers in the Exhibit, and the other right from permit 25924 through Teel Irrigation District.

3. In order to complete the certificate for permit 25924 the Water Resources Department has requested that one of the primary rights be diminished to a supplemental right.

4. I hereby petition that the rights in exhibit A be diminished from a water right for primary irrigation to a water right for supplemental irrigation of the same land described in Exhibit A. The proposed diminution shall occur at the same time that permit 25924 is certified.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 199_.

Subscribed and sworn to before me this _____ day of _____, 199_.

Notary Public for Oregon

Commission Expires: _____

DATE: FEBRUARY 3, 1997

NOTICE

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

Enclosed are the Proposed Certificates of water right and maps which shows the location of the rights perfected under permits 25920 and 25924. The maps and proposed certificates represent the extent water was used within the terms of the permits based upon a survey and inspection made by representatives of this department.

If you do not agree with the proposed certificates of the maps, Oregon Administrative Rule 690-11-225 allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificates and maps no response to this notice is required. Sometime after the 60 day period, the recorded certificates of water right will be mailed to you. Final orders will be issued to diminish any and all underlying groundwater rights, and new certificates will be issued showing those as supplemental water rights.

If you have any questions please contact Mary Grainey at 378-8455, extension 333, or dial toll free (within Oregon only) at 1-800-624-3199, extension 333.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

January 10, 1997

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

REFERENCE: Files 29929 and 32422

Enclosed are the revised final proof maps showing the extent of beneficial water use under the terms of permits 25920 and 25924. The maps show the changes you asked for following my letter of November 13, 1996.

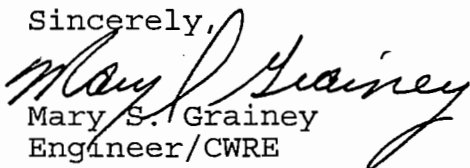
The number of acres shown under permit 25920 with priority date of April 22, 1955, is 5011.5. The number of acres shown under permit 25924 with priority date of June 27, 1958, is 4471.3. These are the maximum numbers allowed under the two permits.

It will not be necessary to diminish the existing groundwater right under permit G-7078, (certificate 61534) because it states that it will become supplemental when 25920 and 25924 are finalized. In Sections 25 and 28 of Township 3 North, Range 28 East, I noticed the computer map did not match the final proof groundwater maps. I have adjusted this surface water map to match the groundwater maps. The overall number of acres does not change, but it will simplify matching the primary and supplemental acres on a quarter/quarter basis. I believe the other groundwater certificates can now be diminished in their entirety. I will have our records show that G-7078, certificate 61534, is supplemental when the certificates are issued. When the affidavits are received to diminish the other groundwater rights, I will send the proposed certificates for 25920 and 25924.

Please call me at extension 333 if you have questions regarding these rights.

Thank you for your attention to these matters.

Sincerely,


Mary S. Graine
Engineer/CWRE

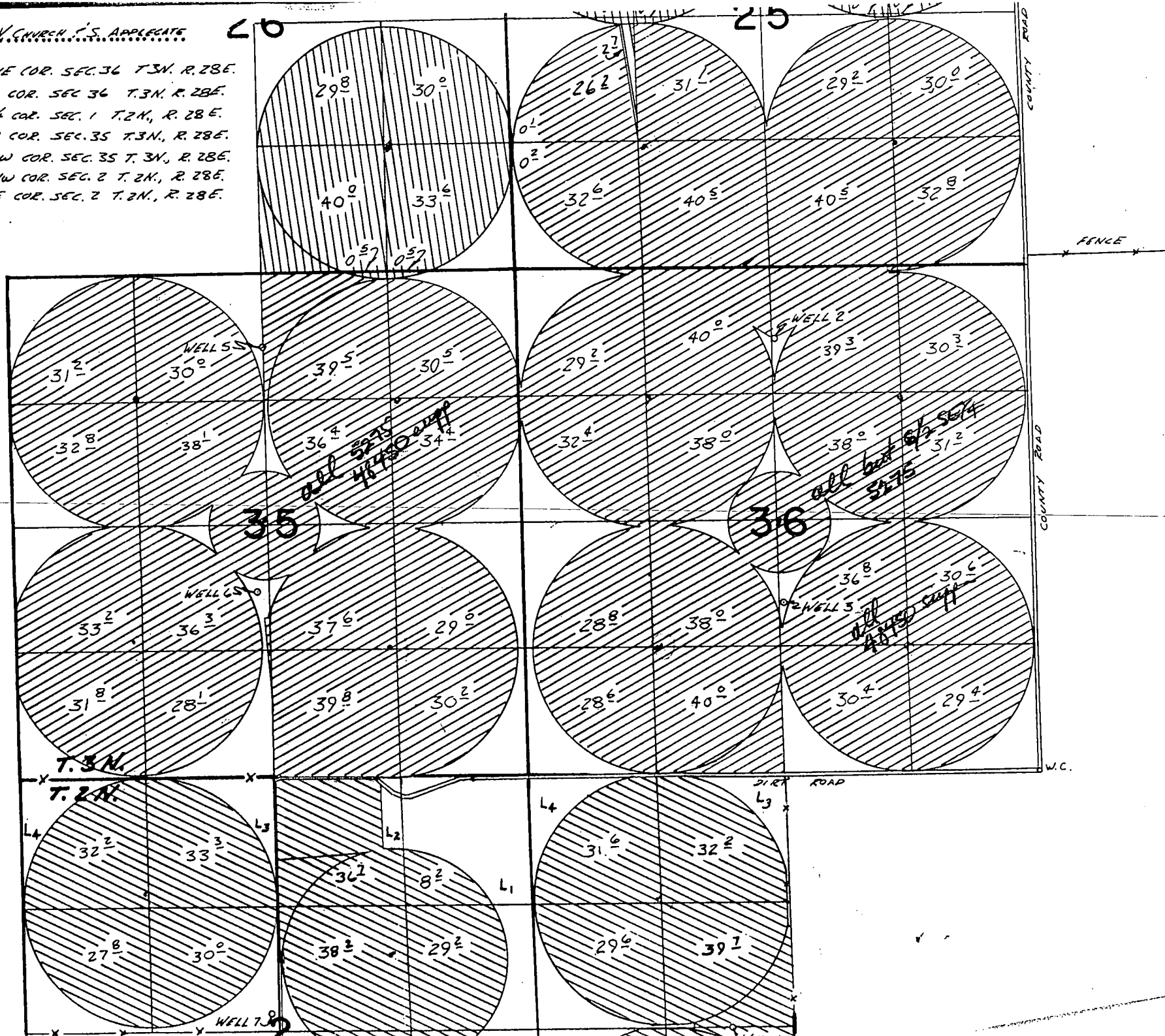
cc. Laura Schroeder



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

1.17...1981... BY V. CHURCH, S. ADJUTANT

S. 2620' W. FROM NE COR. SEC. 36 T. 3 N. R. 28 E.
 N. 2600' W. FROM SE COR. SEC. 36 T. 3 N. R. 28 E.
 E. 630' W. FROM NW COR. SEC. 1 T. 2 N. R. 28 E.
 E. 2640' E. FROM NW COR. SEC. 35 T. 3 N. R. 28 E.
 N. 2540' E. FROM SW COR. SEC. 35 T. 3 N. R. 28 E.
 S. 2580' E. FROM NW COR. SEC. 2 T. 2 N. R. 28 E.
 S. 500' W. FROM NE COR. SEC. 2 T. 2 N. R. 28 E.



STATE OF OREGON
COUNTY OF UMATILLA
PROPOSED CERTIFICATE OF WATER RIGHT

Automated
All Supt.

THIS CERTIFICATE ISSUED TO

TRAVELERS INSURANCE COMPANY
REAL ESTATE INVESTMENT DEPARTMENT
707 SW WASHINGTON STREET
PORTLAND, OREGON 97205

confirms the right to use the waters of ELEVEN WELLS; BEING PRIOR WELLS 2, 3, 4, 5, 6, 7, 8, AND BROWN WELLS 1, 2, 3, AND 4 in the UMATILLA RIVER BASIN for the purpose of IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 1888.2 ACRES.

The right has been perfected under Permit G-7078. The date of priority is MARCH 30, 1976. The right is limited to not more than 23.6 CUBIC FEET PER SECOND; BEING 4.91 CFS FROM PRIOR WELLS AND 18.69 CFS FROM BROWN WELLS, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE 1/4 NW 1/4, SECTION 1, SE 1/4 NW 1/4, NE 1/4 SE 1/4, SECTION 2, T 2 N, R 28 E, W.M.; NW 1/4 NE 1/4, NE 1/4 SW 1/4, SECTION 35, NW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 36, T 3 N, R 28 E, W.M.; SE 1/4 NW 1/4, SECTION 19, SW 1/4 SE 1/4, SECTION 20, SE 1/4 NW 1/4, SE 1/4 SW 1/4, SECTION 29, T 3 N, R 29 E, W.M.; PRIOR WELL 2 - 750 FEET SOUTH AND 2620 FEET WEST FROM NE CORNER SECTION 36; PRIOR WELL 3 - 1780 FEET NORTH AND 2600 FEET WEST FROM SE CORNER SECTION 36, T 3 N, R 28 E, W.M.; PRIOR WELL 4 - 2640 FEET SOUTH AND 630 FEET WEST FROM N 1/4 CORNER SECTION 1, T 2 N, R 28 E, W.M.; PRIOR WELL 5 - 770 FEET SOUTH AND 2640 FEET EAST FROM NW CORNER SECTION 35, T 3 N, R 28 E, W.M.; PRIOR WELL 6 - 1940 FEET NORTH AND 2540 FEET EAST FROM SW CORNER SECTION 35; PRIOR WELL 7 - 2500 FEET SOUTH AND 2580 FEET EAST FROM NW CORNER SECTION 2; PRIOR WELL 8 - 2800 FEET SOUTH AND 500 FEET WEST FROM NE CORNER SECTION 2, T 2 N, R 28 E, W.M.; BROWN WELL 1 - 80 FEET NORTH AND 2500 FEET WEST FROM SE CORNER SECTION 20; BROWN WELL 2 - 610 FEET NORTH AND 50 FEET WEST FROM SE CORNER SECTION 30; BROWN WELL 3 - 1400 FEET SOUTH AND 1310 FEET WEST FROM NE CORNER SECTION 30; BROWN WELL 4 - 140 FEET NORTH AND 490 FEET WEST FROM C 1/4 CORNER SECTION 19, T 3 N, R 29 E, W.M.

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 ONE-EIGHTIETH 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. THE RIGHT HEREIN GRANTED IS SUPPLEMENTAL TO PERMITS 25920 AND 25921 AND MAY BE EXERCISED FOR PRIMARY IRRIGATION UNTIL SUCH TIME AS BENEFICIAL USE OF WATER IS MADE UNDER PERMITS 25920 AND 25921.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

PRIOR WELLS

NE 1/4 NE 1/4	30.0 ACRES
NW 1/4 NE 1/4	30.4 ACRES
SW 1/4 NE 1/4	33.2 ACRES
SE 1/4 NE 1/4	32.4 ACRES
NE 1/4 NW 1/4	32.0 ACRES
NW 1/4 NW 1/4	30.4 ACRES
SW 1/4 NW 1/4	34.0 ACRES
SE 1/4 NW 1/4	34.4 ACRES
NE 1/4 SW 1/4	0.5 ACRE
NW 1/4 SW 1/4	0.7 ACRE
SW 1/4 SW 1/4	0.2 ACRE
NE 1/4 SE 1/4	0.1 ACRE
NW 1/4 SE 1/4	0.2 ACRE

SECTION 25

NE 1/4 SE 1/4	30.0 ACRES
NW 1/4 SE 1/4	29.8 ACRES
SW 1/4 SE 1/4	40.0 ACRES
SE 1/4 SE 1/4	33.6 ACRES

SECTION 26

NE 1/4 NE 1/4	0.5 ACRE
NW 1/4 NE 1/4	0.5 ACRE

SECTION 35

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

BROWN WELLS

SW 1/4 SW 1/4	7.0 ACRES
---------------	-----------

SECTION 16

SE 1/4 SE 1/4	0.4 ACRE
---------------	----------

SECTION 17

NE 1/4 NE 1/4	5.6 ACRES
SW 1/4 NE 1/4	30.4 ACRES
SE 1/4 NE 1/4	37.0 ACRES
LOT 2 (SW 1/4 NW 1/4)	6.5 ACRES
SE 1/4 NW 1/4	19.7 ACRES
NE 1/4 SW 1/4	39.8 ACRES
LOT 3 (NW 1/4 SW 1/4)	50.8 ACRES
LOT 4 (SW 1/4 SW 1/4)	37.2 ACRES
SE 1/4 SW 1/4	21.4 ACRES
NE 1/4 SE 1/4	38.1 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	37.7 ACRES
SE 1/4 SE 1/4	35.6 ACRES

SECTION 19

SEE NEXT PAGE

NE 1/4 NE 1/4 27.1 ACRES
 NW 1/4 NE 1/4 16.8 ACRES
 SW 1/4 NE 1/4 40.0 ACRES
 SE 1/4 NE 1/4 40.0 ACRES
 NE 1/4 SW 1/4 31.6 ACRES
 NW 1/4 SW 1/4 35.0 ACRES
 SW 1/4 SW 1/4 39.8 ACRES
 SE 1/4 SW 1/4 40.0 ACRES
 NE 1/4 SE 1/4 40.0 ACRES
 NW 1/4 SE 1/4 38.1 ACRES
 SW 1/4 SE 1/4 25.9 ACRES
 SE 1/4 SE 1/4 37.6 ACRES

SECTION 20

NE 1/4 NW 1/4 13.1 ACRES
 NW 1/4 NW 1/4 40.0 ACRES
 SW 1/4 NE 1/4 39.8 ACRES
 SE 1/4 NW 1/4 10.2 ACRES
 NE 1/4 SW 1/4 12.0 ACRES
 NW 1/4 SW 1/4 39.3 ACRES
 SW 1/4 SW 1/4 38.8 ACRES
 SE 1/4 SW 1/4 6.4 ACRES

SECTION 21

NE 1/4 NW 1/4 2.1 ACRES
 NW 1/4 NW 1/4 22.6 ACRES
 SW 1/4 NW 1/4 4.8 ACRES

SECTION 28

NE 1/4 NE 1/4 39.7 ACRES
 NW 1/4 NE 1/4 34.0 ACRES
 SW 1/4 NE 1/4 29.1 ACRES
 SE 1/4 NE 1/4 36.7 ACRES
 NE 1/4 NW 1/4 39.7 ACRES
 NW 1/4 NW 1/4 34.4 ACRES
 SW 1/4 NW 1/4 32.2 ACRES
 SE 1/4 NW 1/4 35.6 ACRES
 NE 1/4 SW 1/4 0.4 ACRE

SECTION 29

NE 1/4 NE 1/4 6.6 ACRES
 NE 1/4 NW 1/4 38.0 ACRES
 LOT 1 (NW 1/4 NW 1/4) 53.7 ACRES
 LOT 2 (SW 1/4 NW 1/4) 44.8 ACRES
 SE 1/4 NW 1/4 29.6 ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

[illegible]

FINAL PROOF SURVEY
UNDER

APPL. G-7311 PER. G-7078 (Map 2 of 2)
G-7923 G-7314
G-6673 G-6010
IN NAME OF
THE TRAVELERS INS. CO.

Bailey

Oregon

WATER
RESOURCES
DEPARTMENT

November 15, 1996

Laura Schroeder
Schroeder Law Offices
PO Box 1392
Hermiston, OR 97838

RE: Teel Irrigation District
Appls. ~~32422~~ and 29929

Dear Ms. *Laura* Schroeder:

You request reconsideration of the Department's denial of your request for extensions of permits 25920 and 25924. You also ask for a contested case hearing should the Department deny your request for reconsideration.

Staff have reviewed your request for reconsideration and determined that the position of the Department, as articulated in Steve Applegate's letter of August 29, 1996, is unchanged. Therefore, your request for reconsideration is denied.

I agree with you that a contested case hearing is a proper setting for resolving these issues. I have directed staff to schedule a hearing at the appropriate time. Staff will be in contact with you to make suitable arrangements.

Should you have additional questions, please contact Adam Sussman at 378-3739, ext. 262.

Sincerely,

Martha

Martha O. Pagel
Director

MOP:DB\dpc.401

cc: Dick Bailey
Adam Sussman
District 5 Watermaster
Files



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130



**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

401
RECEIVED
SEP 27 1996
WATER RESOURCES DEPT.
SALEM, OREGON

September 23, 1996

Martha Pagel
Director
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

re: Teel Irrigation District/OWRD Files #32422 and #29929

Dear Director:

We respond to Steve Applegate's letter of August 29, 1996 denying requests for extensions for permits 25920 and 25924 by requesting reconsideration of the Department's denial. Should reconsideration result in another final order of denial, a contested case hearing concerning the denial is requested.

Our request for reconsideration and/or hearing is to address the following issues:

As Teel requested, the extension of time was for purposes of establishing with the BOR the relationship between permits 25920 and 25924 allowing the use of McKay water upon Teel lands and a U.S. Bureau of Reclamation contract. The Department is well aware of Teel's on-going due diligence with regard to this issue. Should the Department want a chronology of these efforts, one could certainly be prepared for the Department's consideration.

While we acknowledge the May 20, 1990 letter as stating that no further extensions will be allowed that letter was obviously intended to put Teel on notice that an extension would not be allowed for purposes of letting Teel develop additional acres. As stated previously, Teel is not requesting an extension to develop additional acres, and an extension approval so conditioned would not be objected to by Teel. Therefore, we do not see that letter as controlling the Department's discretion on the extension request.

The extension requests should also be allowed to provide the Oregon Supreme Court with the opportunity to determine if use of McKay under permits 25920 and 25924 was canceled by Department letter.

Martha Pagel
Page 2
September 23, 1996

Even without the Oregon Supreme Court's decision, if the Department wishes to cancel the use of McKay under the permits as suggested by the position that the Department has taken in the Teel litigation, an extension of time would give the Department the opportunity to complete a formal cancellation proceeding.

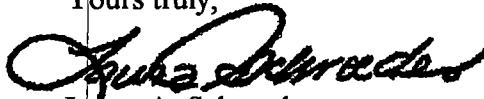
An extension of time would allow Teel and the Department to determine the sufficiency of Teel's access to McKay through Westland's contract with the United States Bureau of Reclamation.

An extension would also provide the Department with an opportunity to complete the proposed certification of Permit 7400. Should Permit 7400 include the Teel lands as is now contemplated, Teel could be secure in its access to McKay regardless of the access that is ultimately determined to be provided by Permits 25920 and 25924.

As the Department is aware, Teel continues to apply McKay waters to beneficial use for irrigation of its lands. Perhaps, the Department's position is that because Teel is already legally receiving waters from McKay that an extension is not required. However without being sure of the Department's legal position with regard to the use of McKay under the referenced Teel permits, we are equally unsure as to what the Department might ultimately require. Teel must be sure of its right to McKay before it is secure in relinquishing any opportunity.

In the interest of administrative economy should a contested case be required, may we suggest that it is scheduled at the same time as that contested case which will be scheduled for Teel's Request for Reconsideration of the Proposed Certificates. We believe that if agreement is reached on the Request for Reconsideration, the issue will equally be resolved as to the permit extension. Thus if no hearing is required, we can decide that at the appropriate time.

Yours truly,



Laura A. Schroeder

cc clients

29929
32422

MEMORANDUM

TO: *Bailey*
FROM: Diane Reynolds
RE: Correspondence Contact # 401

Today's date: 10/1

Draft due: 10/14

Request for review of correspondence to addressed to:

Governor Kitzhaber

Martha Pagel

Paula Burgess

Please prepare a draft response to the attached correspondence to go out under

- ☐ The Governor's signature.
☒ Martha's signature.
☐ Paula's signature.

Particulars for signature blocks-

Martha O. Pagel
Director

MOP: (your initials) (letter id #)

OR

Paula Burgess
Assistant for Natural Resources

PB: (your initials) (letter ID#)"

And as per usual, letters addressed to the Governor for Paula's or Martha's response should begin, "On behalf of the Governor..."

B:MOPLOG

To: Dick via Darlene
1. handle by phone/letter
2. use your discretion
Put in: X:\exchange\castle\#track

*Tele Conf set for 10/18/96
10/7/96 1-3 w/
Tom P + Mike
Ladd -*

*cc: Tom P.
Fax: Mike Ladd*

*Dick -
Please consult with
Tom Paul + Mike Ladd on
this. We can discuss at
set if necessary for
background. Di for MOP*

OR John A. Kitzhaber

JAK: (your initials) (letter id #)



**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

RECEIVED

SEP 27 1996
WATER RESOURCES DEPT
SALEM, OREGON

September 23, 1996

Martha Pagel
Director
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

re: Teel Irrigation District/OWRD Files #32422 and #29929

Dear Director:

We respond to Steve Applegate's letter of August 29, 1996 denying requests for extensions for permits 25920 and 25924 by requesting reconsideration of the Department's denial. Should reconsideration result in another final order of denial, a contested case hearing concerning the denial is requested.

Our request for reconsideration and/or hearing is to address the following issues:

As Teel requested, the extension of time was for purposes of establishing with the BOR the relationship between permits 25920 and 25924 allowing the use of McKay water upon Teel lands and a U.S. Bureau of Reclamation contract. The Department is well aware of Teel's on-going due diligence with regard to this issue. Should the Department want a chronology of these efforts, one could certainly be prepared for the Department's consideration.

While we acknowledge the May 20, 1990 letter as stating that no further extensions will be allowed that letter was obviously intended to put Teel on notice that an extension would not be allowed for purposes of letting Teel develop additional acres. As stated previously, Teel is not requesting an extension to develop additional acres, and an extension approval so conditioned would not be objected to by Teel. Therefore, we do not see that letter as controlling the Department's discretion on the extension request.

The extension requests should also be allowed to provide the Oregon Supreme Court with the opportunity to determine if use of McKay under permits 25920 and 25924 was canceled by Department letter.

Martha Pagel
Page 2
September 23, 1996

Even without the Oregon Supreme Court's decision, if the Department wishes to cancel the use of McKay under the permits as suggested by the position that the Department has taken in the Teel litigation, an extension of time would give the Department the opportunity to complete a formal cancellation proceeding.

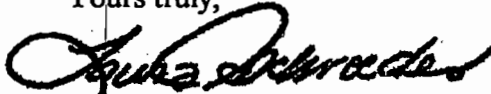
An extension of time would allow Teel and the Department to determine the sufficiency of Teel's access to McKay through Westland's contract with the United States Bureau of Reclamation.

An extension would also provide the Department with an opportunity to complete the proposed certification of Permit 7400. Should Permit 7400 include the Teel lands as is now contemplated, Teel could be secure in its access to McKay regardless of the access that is ultimately determined to be provided by Permits 25920 and 25924.

As the Department is aware, Teel continues to apply McKay waters to beneficial use for irrigation of its lands. Perhaps, the Department's position is that because Teel is already legally receiving waters from McKay that an extension is not required. However without being sure of the Department's legal position with regard to the use of McKay under the referenced Teel permits, we are equally unsure as to what the Department might ultimately require. Teel must be sure of its right to McKay before it is secure in relinquishing any opportunity.

In the interest of administrative economy should a contested case be required, may we suggest that it is scheduled at the same time as that contested case which will be scheduled for Teel's Request for Reconsideration of the Proposed Certificates. We believe that if agreement is reached on the Request for Reconsideration, the issue will equally be resolved as to the permit extension. Thus if no hearing is required, we can decide that at the appropriate time.

Yours truly,


Laura A. Schroeder

cc clients



**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

RECEIVED

SEP 16 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

September 13, 1996

Larry Nunn
Transfer Coordinator
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Re: Substitution of Acres for TID

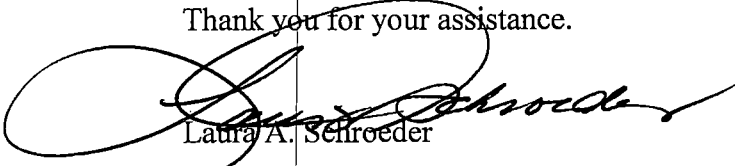
Dear Larry:

We appreciate your September 5, 1996 response to our August 28, 1996 letter. We assume from its contents that you expect that the Teel and 7400 permits will be certificated in time for the 1997 season so that Teel may file temporary district transfers on perfected acres which are undescribed in the permits. While we appreciate your optimism, we believe that the certification will not be complete in time for the 1997 temporary district transfers especially in light of the new rules for district transfers which will require Teel to file for its 1997 temporary transfers sometime in October or early November.

In light of the above, please proceed with processing a substitution of acres under HB 2431 immediately as previously outlined by Steve Applegate.

Chet Prior is forwarding the boundary information by separate cover.

Thank you for your assistance.



Laura A. Schroeder

cc. Chet Prior, Mgr



**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

RECEIVED

SEP 16 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

September 13, 1996

Larry Nunn
Transfer Coordinator
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Re: Substitution of Acres for TID

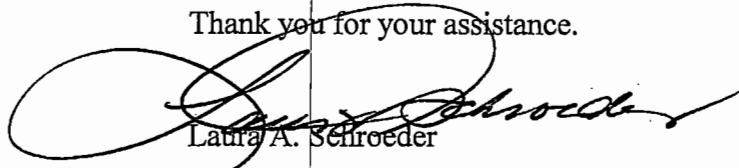
Dear Larry:

We appreciate your September 5, 1996 response to our August 28, 1996 letter. We assume from its contents that you expect that the Teel and 7400 permits will be certificated in time for the 1997 season so that Teel may file temporary district transfers on perfected acres which are undescribed in the permits. While we appreciate your optimism, we believe that the certification will not be complete in time for the 1997 temporary district transfers especially in light of the new rules for district transfers which will require Teel to file for its 1997 temporary transfers sometime in October or early November.

In light of the above, please proceed with processing a substitution of acres under HB 2431 immediately as previously outlined by Steve Applegate.

Chet Prior is forwarding the boundary information by separate cover.

Thank you for your assistance.



Laura A. Schroeder

cc. Chet Prior, Mgr

September 5, 1996

Laura Schroeder
Schroeder Law Offices
P.O. Box 1392
Hermiston, OR 97838

REFERENCE: Files 29929 and 32422

I am responding to your August 28, 1996 letter to Steve Applegate concerning Teel Irrigation District's final proof surveys.

The Water Rights/Adjudication Division is working on a special project to complete the pending final proof surveys for use of water from the Umatilla River and McKay Reservoir. The Department received special funding from the Emergency Board for the project. The project includes the U.S. Bureau of Reclamation Permit 7400, the Stanfield Irrigation District 1965 permit, the Westland Irrigation District 1961 permit, the Teel Irrigation District 1955 and 1958 permits, the Amstad and Prior "out of season" permits, and the Hermiston Irrigation District water use survey.

The irrigation district permits and the portions of Permit 7400 inside the irrigation districts are being completed with the provisions of ORS 537.252(1) (HB 2431, 1995) in mind. In the case of the Teel Irrigation District 1955 and 1958 permits, our plan is to include all the lands found irrigated during our final proof survey, within the current boundary of Teel Irrigation District, up to the number of acres listed in the permits.

We do not have a firm timetable to complete the Teel Irrigation District portion of the project. Our hope is that yet this fall we will have draft maps available for district review. As you are aware, we have substantially completed the Stanfield Irrigation District portion. We are currently working on the Hermiston Irrigation District portion. We are also working on the individual contractors portion of Permit 7400.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Laura Schroeder, Schroeder Law Offices
REFERENCE: Files 29929 and 32422
September 5, 1996

Page 2

In order to complete the Teel Irrigation District portion of the project, we need the current Teel Irrigation District boundary. We prefer a map showing the boundary and the public land survey. However, the current meets and bounds description could be substituted, if a map is not available. Please provide the boundary information at your earliest convenience.

Sincerely,

LARRY H. NUNN
Transfer Coordinator

cc: Teel Irrigation District

August 29, 1996

TEEL IRRIGATION DISTRICT
STAR ROUTE
ECHO, OR 97826

REFERENCE: Files 32422 and 29929

We have examined your request to extend time limits for application of water for beneficial use you submitted February 24, 1992 under permits 25920 and 25924.

The Water Resources Director is authorized under the provisions of ORS 537.230 to grant extensions of time for good cause shown, within which to complete application of water to a beneficial use.

The information provided in the applications for extensions do not demonstrate reasonable diligence. In addition, as you know, our May 20, 1990 letter clearly stated that "No further extensions will be allowed", with respect to these permits. Therefore your requests for extension are denied.

If you do not agree with this finding, you may request a contested case hearing. To schedule a hearing, you must request one in writing within 30 days after receiving this letter. If no hearing is requested within this time limit, this decision will become final.

Sincerely,



Steve Applegate
Water Rights Division Administrator

cc: Watermaster, District 5
Laura Schroeder



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
COUNTY OF UMATILLA

C P A
60019 66339 7125

Deminickall
61530 6 5275 66476
61534 6 7078 67311

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHESTER J. PRIOR
STAR ROUTE
ECHO, OREGON 97826

confirms the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 271.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 1820.9 ACRES. The use allowed herein may be made 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 soil moisture to field capacity in the soil profile to utilized by plant growth in the subsequent growing season.

This right was perfected under Permit 48450. The date of priority is AUGUST 3, 1981. This right is limited to 52.31 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL, N 76° 45' 56" E, 2313.19 FEET FROM THE WEST $\frac{1}{4}$ CORNER, SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), and shall be further limited to a diversion of not to exceed 1 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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. 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 against future appropriation for beneficial uses or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY

SUPPLEMENTAL

NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.2 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.7 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.2 ACRES

SECTION 1

PRIMARY

SUPPLEMENTAL

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.2 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.7 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.2 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 29.2 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.3 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 27.8 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.1 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.2 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.8 ACRES

SECTION 2

TOWNSHIP 2 NORTH, RANGE 28 EAST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26.3 ACRES

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 29.8 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.6 ACRES

SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.5 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.7 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.6 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.7 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.1 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.1 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.5 ACRES

SECTION 29

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.2 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.3 ACRES

SECTION 30

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.3 ACRES

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.4 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.4 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.3 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.2 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.8 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.1 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.3 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.2 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.8 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28.1 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.6 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.8 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.2 ACRES

SECTION 35

Supp to

PRIMARY

SUPPLEMENTAL

NE $\frac{1}{4}$	NE $\frac{1}{4}$	30.3 ACRES
NW $\frac{1}{4}$	NE $\frac{1}{4}$	38.9 ACRES
SW $\frac{1}{4}$	NE $\frac{1}{4}$	38.0 ACRES
SE $\frac{1}{4}$	NE $\frac{1}{4}$	31.2 ACRES
NE $\frac{1}{4}$	NW $\frac{1}{4}$	39.3 ACRES
NW $\frac{1}{4}$	NW $\frac{1}{4}$	29.2 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	32.4 ACRES
SE $\frac{1}{4}$	NW $\frac{1}{4}$	38.0 ACRES
NE $\frac{1}{4}$	SW $\frac{1}{4}$	38.0 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	28.8 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	28.6 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$	SE $\frac{1}{4}$	30.6 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	36.8 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	30.4 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	29.4 ACRES

Section 36
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

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

62038.LHN *[Signature]*

STATE OF OREGON

COUNTY OF UMATILLA

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TONY AMSTAD
16300 SW 192ND
SHERWOOD, OREGON 97140

confirms the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 803.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 311.5 ACRES. The use allowed herein may be made 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.

This right was perfected under Permit 48968. The date of priority is AUGUST 3, 1981. This right is limited to 27.88 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL, N 76° 45' 56" E, 2313.19 FEET FROM THE WEST $\frac{1}{4}$ CORNER, SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), and shall be further limited to a diversion of not to exceed 1 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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. 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 against future appropriation for beneficial uses or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

SEE NEXT PAGE

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY

SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.7 ACRES

SECTION 28

NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	28.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	29.7 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	33.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	36.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	26.2 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.9 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.9 ACRES

SECTION 29

NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	36.9 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.4 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.8 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.0 ACRES

SECTION 32

NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓	31.3 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓	36.5 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓	30.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓	31.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓	36.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓	33.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓	32.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓	32.4 ACRES

SECTION 33

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SUPPLEMENTAL

SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5 ACRES

SECTION 19

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.4 ACRES	28.9
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 ACRES	32.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	33.2 ACRES	37.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.8 ACRES	33.4
NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0 ACRES	36.3
NW $\frac{1}{4}$ NW $\frac{1}{4}$	53.7 ACRES	57.3
SW $\frac{1}{4}$ NW $\frac{1}{4}$	44.8 ACRES	50.7
SE $\frac{1}{4}$ NW $\frac{1}{4}$	29.6 ACRES	31.1

SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

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

Item No. 8.

ACREAGE TABLE

T-3-N, R-28-E, W.M.

T-3-N, R-29-E, W.M.

SECTIONS												SECTIONS				
	<u>4</u>	<u>9</u>	<u>10</u>	<u>16</u>	<u>17</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>24</u>	<u>26</u>	<u>27</u>	<u>28</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>
NE NE		40	40	40	40	40	40	40	8	14.4	19.2	38.5		32	32	
NW NE		40	40	40	40	40	40	40	30.4	35.2	36.8	30.4		3.2	12.8	
SW NE		39.6	40	40	40	40	40	40	40	17.6	30.4				5.2	
SE NE		40	40	40	40	40	40	40	22.4			38.4 ③		27.2	25.6	
NE NW		38.2	40	40		9.6	40	40	40	28.8	24.7	28.8 ②		12.8		
NW NW		40	40	40			40	40	40	9.6	40					28.8
SW NW		32.4	40	40			40	40	20.8		39.4	17.6 ⑥				3.7
SE NW			40	40	40	12.8	40	40	39.7		32	4.8 ④				
NE SW		39.8	40	40	40		40	37.7	22.4				38.4			
NW SW		40	40	40			40	40	4.8		11.2		39.8	16		2.6
SW SW		40	40	40			30.4	40	16				4.	30.9		
SE SW	40	40	20	40	39.5		32	13.8					14.4			
NE SE		40		40	40	40	40	40	33.2							
NW SE		40	40	40	40	16	40	33.9	38.3		14.4					
SW SE	40	40		40	40	16	40	19.8	17.6		8					
SE SE	40	40		40	40	36.8	40	40								
	<u>120</u>	<u>590.0</u>	<u>500</u>	<u>640</u>	<u>439.5</u>	<u>291.2</u>	<u>622.4</u>	<u>585.2</u>	<u>373.6</u>	<u>105.6</u>	<u>256.1</u>	<u>158.5</u>	<u>96.6</u>	<u>122.1</u>	<u>75.6</u>	<u>35.1</u>

TOTAL ACREAGE IN T-3-N, R-28-E, W.M.- 4,682.1 Acres

T-3-N, R-29-E, -329.4 Acres

PERMIT # 25920

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
3N	28 E	26	14.4	32.5	17.6		28.8	9.6										
3N	28 E	27			11.0						11.2				14.4	8.0		

PERMIT # 25924

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
3N	28 E	26	18.1		14.9	32.5	9.2	20.4	32.5	32.5								

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

Tell I.D.

once letter

32422

P 25924

P.C. 30 ~~0~~ CFS

30 CFS

I = 3 ~~1~~
2562.5A.

4471.35 A.

5-29-59 Permit issued

B.C. Extended to 12-31-88

7-3-89 C date sent (not filed)

2-29-92 filed for extension to complete beneficial use

2-26-93 W.W. Letter concerning lands not in P.C.

5-14-93 we sent letter to Tell stating we have not received their proof of
COMPLETION APPROPRIATE

P.C. mailed 7-5-83, 1-15-93

What "C" date are P.C.'s based on?

~~W.W.~~
- propose to deny -
- offer cont. case

Application for Extension of Time**RECEIVED**

FEB 24 1992

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGONI, Chester Prior for Teel Irrigation District

Name

HC 70, Box 110

Mailing Address

Echo, OR 97826

City

State

Zip

record owner of water permit No. 25924, do hereby request that the time in which to:

☐ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19__, be extended to October 1, 19__; and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19__, be extended to October 1, 1998. 97 LAS 8/26/92

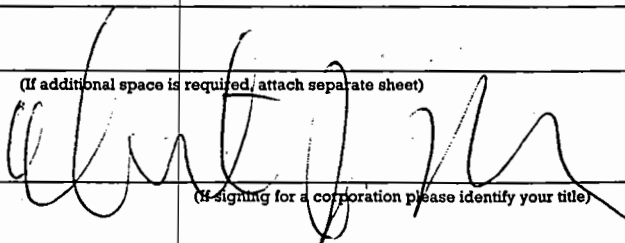
I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit: (See letter attached)

(1) within the past year _____

(2) prior to this past year _____

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)



(If signing for a corporation please identify your title)

Chester Prior
for Teel I.D.Dated February 24, 1992

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

836232/24/92

WATER RESOURCES DEPARTMENT

Meeting with Steve A., Larry N. and Dallas

May 26, 1995

Subject: TEEL, BROWN, PRIOR PERMIT EXTENSIONS

TEEL PERMITS- 25920, 25924 IRRIGATION SEASON PERMITS SOURCES UMATILLA AND MCAY RESERVOIR. EXTENSION REASON GIVEN NEGOTIATIONS ONGOING TEEL TRYING TO GET CONTRACT TO USE MCAY WATER. IN THE PAST B.O.R. HAD CONTRACT WITH WESTLAND AND WESTLAND WITHOUT AUTHORITY SOLD WATER TO TEEL. NOW TEELS ONLY SOURCE IS LIVE FLOW FROM UMATILLA. TEEL IS IN APPEALS COURT TRYING TO USE MCAY WATER.

BROWN AND PRIOR PERMITS- 48450, 48968 OFF SEASON PERMITS FOR IRRIGATION, SOURCES UMATILLA RIVER ONLY. THE EXTENSION REQUESTS FILED BY LAURA SCHROEDER GIVE THE REASON FOR WORK NOT DONE BECAUSE OF NEGOTIATIONS WITH B.O.R. ABOUT MCAY WATER.

WE EXTENDED TEEL 25920 AND BROWN 48968 TO '89 AND STATED THAT "NO FURTHER EXTENSIONS WOULD BE ALLOWED".

WE EXTENDED TEEL 25924 AND PRIOR 48450 TO '88 WITH NO CONDITION ABOUT" NO MORE EXTENSIONS".

STEVE A. RECOMMEND PREPARING PROPOSED ORDER DENYING EXTENSIONS OFFERING A CONTESTED CASE HEARING. TEEL EXTENSIONS ON ONE ORDER WITH BROWN AND PRIOR ON SEPARATE PROPOSED ORDERS. (LARRY WILL PROVIDE ME WITH EXAMPLE TO USE START WITH THE TEEL ORDER AND SHOW STEVE FOR COMMENTS).

WHY EXTEND PERMITS ? THE PERMITS HAVE BEEN PROOFED AND PROPOSED CERTIFICATES SENT IN 1993. PROOFS WERE BASED ON THE LAST EXTENDED DATES ON EACN FILE.

May 14, 1993

Teel Irrigation District
HC 70, Box 110
Echo, OR 97826

REFERENCE: Files 29929 and 32422

According to the terms of your Permits, as extended, complete application of water was to have been made by October 1, 1989, for permit 25920 and December 31, 1988, for permit 25924. More than three months have passed since the time for completion of the appropriation, but we have not received your proof of completion of the appropriation.

ORS 537.230(3) requires that "within one year after application of water to a beneficial use or the beneficial use date allowed in the permit, the permittee shall submit a map of the survey as required by the Water Resources Department, which shall accompany the request for a water right certificate submitted to the commission under ORS 537.250."

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail or by certified mail with return receipt, order the cancellation of the permit."

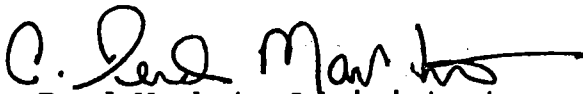


Teel Irrigation District
Files 29929 and 32422
May 14, 1993

Page 2

You are hereby notified that unless the Department receives proof of beneficial use and a request to issue a water right certificate, the Commission may cancel permits 25920 and 25924 without further notice. The District may supply the final proof survey, or pursuant to ORS 537.799, because Teel Irrigation District's permits were issued prior to July 9, 1987, the District may elect to have the Department supply the final proof survey.

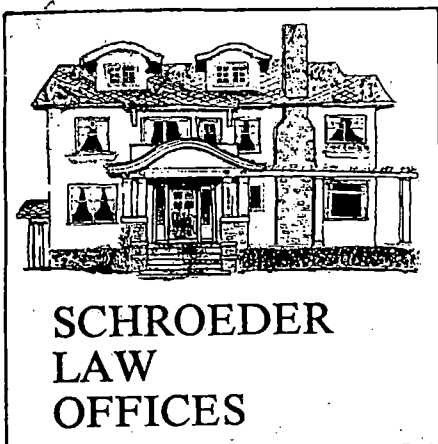
Sincerely,

A handwritten signature in black ink, appearing to read "A. Reed Marbut", with a long horizontal flourish extending to the right.

A. Reed Marbut, Administrator
Water Rights/Adjudication Division

CERTIFIED - RETURN RECEIPT REQUESTED

cc: Laura Schroeder
Mike Ladd, Regional Manager
WaterWatch of Oregon



3355 NE Davis
Portland, Oregon 97232
(503) 232-7110
(503) 238-4076 (FAX)

Larry Nunn
Steve Applegate
Reed Marbutt
Oregon Water Resources Department
3850 Portland Road NE
Salem, OR 97306

re: Final Proof Surveys

Dear Larry:

Without waiving Teel, Prior and Brown permittees right to an extension of time on these permits as previously filed, we make the following request:

Pursuant to our telephone conference today, you have outlined a tentative schedule for issuing certificates for Teel, Prior, Brown, Hermiston, Westland, and Stanfield. This schedule includes issuing draft/proposed certificates by mid September. And, after the 60 day reconsideration period has past, providing final certificates to the Commission for issue. If this schedule is in error, please clarify by letter.

As we discussed, because of the farming season the turnout for your meetings to review the final proof maps in the Umatilla area this past month was perhaps less than expected for some areas. Certainly, those individuals who did appear pointed out some significant errors. Because you did not have all landowners input and the input which you did receive pointed out significant errors, the irrigation districts in the Umatilla Basin, particularly Teel Irrigation District including the Prior and Brown permittees, would ask for six months to review the final proof maps as related to the Teel, Prior, Brown, Hermiston, Westland, and Stanfield permits.

Laura A. Schroeder

Admitted in Oregon, Idaho & Nevada

RECEIVED

JUL 30 1992

WATER RESOURCES DEPT.
SALEM, OREGON

July 28, 1992

CC: ~~Not to handle~~
Marbut to handle

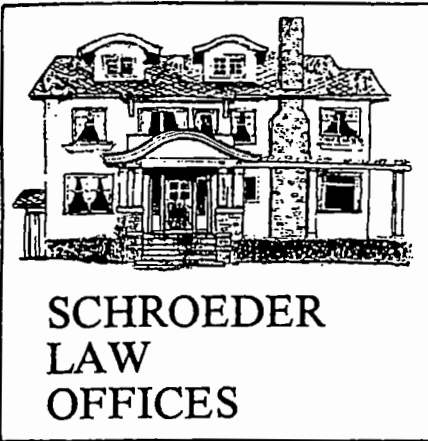
Laura A. Schroeder

Admitted in Oregon, Idaho & Nevada

RECEIVED

MAR 29 1993

WATER RESOURCES DEPT.
SALEM, OREGON



3355 NE Davis
Portland, Oregon 97232
(503) 232-7110
(503) 238-4076 (FAX)

March 26, 1993

Martha O. Pagel
Oregon Water Resources Department
3850 Portland Road NE
Salem, OR 97310

re: Your letter to WW dated 3/17/93

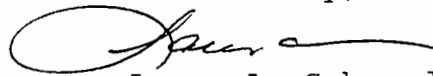
Dear Martha:

I appreciate your following through with my Freedom of Information request in sending me Anne's letter dated March 17, 1993. However, I think my request also included a request to receive copies of any correspondence from third parties including Water Watch and such entities as the Bureau of Reclamation related generally and specifically to Teel Irrigation District and Westland Irrigation District. If my request was not so broad, I make it so now. This is a continuing request.

By my earlier and now more specific request, I ask for a copy of Anne's letter dated February 26, 1993 to which you refer in your March 17, 1993 request.

Please charge my copy account for copies made pursuant to this continuing request.

Yours truly,


Laura A. Schroeder

cc. Chester Prior
Robert L. Levy

Larry Nunn
July 28, 1992
Page 2

Given the extra time: (1) Each landowner could review the maps after the busy harvest season; (2) Each district would meet individually with each landowner to go over the maps; and (3) More corrections might be offered. Once this information is gathered, we would propose meeting with you or another Department representative. These six months may in the long run save hundreds of hours in any reconsideration and protest processes that might eventually be connected with these certificates.

As I discussed with you, it is important that we receive a response from you about this request at least a week prior to the August Commission meeting so that we may appear more formally to make the request, if that avenue is determined to be most effective in this process.

Yours truly,


Laura A. Schroeder

cc. Chet Prior
Bob Levy
Tony Amstad
Bill Portfily
Steve Bloom

April 1, 1993

WATER
RESOURCES
DEPARTMENT

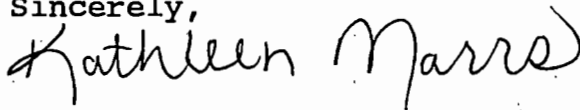
Laura Schroeder
Schroeder Law Offices
3355 NE Davis
Portland, Oregon 97232

Dear Ms. Schroeder:

Per our telephone conversation this morning, I have located and enclosed a copy of Anne's letter dated February 26, 1993.

We will continue to do our best to monitor your request for documents and transmit copies to you as quickly as time permits.

Sincerely,



Kathleen Marrs
Water Rights Section

Enclosure



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

cc: Mark
Bardin
Kraig
FAX to Mr. Ladd

Water Watch OF OREGON

February 26, 1993

Martha Pagel, Director
Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310

Dear Martha:

We are writing to: 1) commend the Department on its decision to deny the Teel Irrigation District alternate acreage petition; and 2) request clarification of the Department's position on use of McKay Reservoir water by Teel Irrigation District under the existing drought statute provisions.

Our analysis of Teel Irrigation District's alternate acreage petition indicates that enlargement would occur in the following ways:

1) Teel Irrigation District was petitioning to move water rights (in permit status) from land not proposed for certification by the Department. The Department's proposed certificates describe land upon which water has been used beneficially under the terms of the water permit. Land not proposed for certification has clearly not been irrigated under the terms of the permit in the last five years. Any water associated with these lands cannot be transferred without enlargement occurring.

2) Teel Irrigation District was proposing to use all available McKay Reservoir water. Both entities with authority over allocation of McKay Reservoir water agree that Teel Irrigation District has no independent right to McKay Reservoir water (see letters attached). No matter how many times Teel Irrigation District claims it has the right to McKay Reservoir water, it remains fact that Teel has no such right under current law.

→ We request that the Department clarify its position on an important issue raised in the February 9, 1993, letter from Teel Irrigation District to the Department referencing the petition. Regardless of how and why Teel Irrigation District received McKay Reservoir water in 1992, our research indicates that Teel Irrigation District cannot receive McKay Reservoir water from Westland Irrigation District under the current drought statute. Nor can Teel Irrigation District receive water under other McKay Reservoir contracts if the contracts forbid such a transfer and the holder's water right incorporates by reference the terms of the contract.

In the Attorney General's interpretation of the drought statutes, prepared on July 6, 1992, Assistant Attorney General Steve Sanders finds that with regard to ORS 536.770, the provision

relied upon by Teel Irrigation District to receive McKay Reservoir water, the Water Resources Commission is unable to review drought statute options or agreements. He also determines, however, that the Water Resources Commission can control use of water under the options or agreements when restrictive conditions are spelled out on the face of the water right that is subject to the option or agreement. He states, "In many cases, water released from storage for a secondary use requires a contract or agreement between the user and the owner of the reservoir. If that restriction is spelled out in the permit itself, it is our view that that condition also attaches to the exercise of the right on a new place, or for a new use" (see letter attached). Westland Irrigation District's permit N27583 contains a condition that, under the Assistant Attorney General's analysis, would forbid delivery of McKay Reservoir water to Teel Irrigation District. Westland Irrigation District's permit N27583 contains the following condition: "Issued subject to the terms of contracts between the United States Bureau of Reclamation and the applicant". (Relevant portions of Permit N27583 are attached). The controlling contract between the Bureau of Reclamation and Westland Irrigation District dated November 18, 1949 states:

(8a) "The United States...will deliver to the district such quantity of said reserved water for use on lands within the District as is paid for in advance...."

(19a) "The District shall...deliver water...to the lands within the District

32. "...In no event...shall the District transfer or sell water made available under this contract for use on lands not within the boundaries of the District."

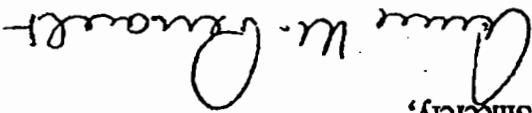
Umatilla Project Oregon, Amendatory Contract Between THE UNITED STATES OF AMERICA and the WESTLAND IRRIGATION DISTRICT, November 18, 1949. Attached.

The limitations stated in the contract between the Bureau of Reclamation and Westland Irrigation District effectively become terms of the permit and are enforceable under ORS chapter 537, notwithstanding ORS 536.025 which limits Water Resources Commission jurisdiction to ORS Chapters 536 to 540, 542, and 543. In this case, since the permit is subject to the terms of the contract, the Commission doesn't need jurisdiction over Chapter 545 in order to enforce those contract terms. Even if the permit is transferred under the drought statute, the limitations of the permit and the contract will attach and follow the permit to the new use or the new place of use.

We request that the Department clarify its position on this matter prior to the irrigation season.

Thank you for your assistance.

Sincerely,


Anne M. Perrault

RECEIVED

DEC 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

TEEL IRRIGATION DISTRICT
Chester Prior, Chair
Echo, Oregon

December 24, 1992

Larry Nunn
Steve Applegate
3850 Portland Road NE
Salem, OR

re: Preliminary Final Proof Maps/Teel

Dear Larry and Steve:

This letter confirms and adds important and new information to our earlier telephone conversation with the Department with regard to corrections in the preliminary final proof survey maps which the Department presented to the Teel Irrigation District.

First, your cover letter to the preliminary final proof maps stated that a final proof survey by Department staff was undertaken in 1988 and 1989. Since the Prior permit extended to 10/1/88; the Teel permit 25924 extended to 12/1/88; the Teel permit 25920 extended to 10/1/89; and the Brown permit partially extended to 12/31/89, it was inappropriate for the Department to have undergone a final proof survey in either 1988 or 1989 prior to the expiration of the extensions on the respective permits. In that regard, it would be necessary for Department field crews to resurvey the lands under these permits before preparing an accurate preliminary final proof map.

Second, we wish to bring to your attention the order of March 25, 1986 which we recently discovered to have been filed with Umatilla County respecting the boundary change of Westland Irrigation District to include lands within the Teel Irrigation District. We enclose a copy of this order. Since the state boundary with regard to the Westland Irrigation District encompasses the Teel lands, we would suggest that final proof as to the Teel-Westland lands be completed on the Teel, Prior, Brown, and 7400 permits simultaneously. This would seem the most logical approach.

Third, the Teel Irrigation District boundaries (which lands were included within the Westland Irrigation District in

Larry Nunn
December 24, 1992
Page 2

RECEIVED

DEC 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

1986) were changed to include additional lands (also within the 1986 Westland boundaries). This order filed with Umatilla County is also enclosed. In the future, it is expected that the two Districts will consolidate. In the meantime, the Department should note that for purposes of state law the current Teel Irrigation District boundaries lie wholly within the Westland Irrigation District boundaries as changed in 1986.

Under the circumstances stated above, it would seem that the Department is in no position to proceed with proposed draft certificates on the Teel-Westland lands under these permits. Nevertheless, if the Department does proceed, however inappropriately, with the issuance of proposed draft certificates, we ask that the proposed draft certificates be issued as follows:

(1) Teel Permits 25924 and 25920: For Umatilla River rights (primary/live flow) to the maximum acres allowed under these permits to an equivalent number of acres within the current Teel-Westland boundaries;

(2) Teel Permits 25924 and 25920 (or Permit 7400): For McKay storage rights (supplemental) to the maximum acres allowed under these permits to an equivalent number of acres within the current Teel-Westland boundaries; and

(3) Prior and Brown Permits: For Umatilla River winter flow rights to the maximum acres allowed under these permits to an equivalent number of acres within the current Teel-Westland boundaries.

We are in the process of preparing our own map to reflect the water use as outlined above. It is anticipated that this map will be completed by January 10 and forwarded to your office at that time.

When the Department has resurveyed and revised its own preliminary final proof maps for the Teel-Westland lands and prior to the issuance of the proposed draft certificates, we would ask that the revised preliminary final proof maps be forwarded to this office for review and consideration.

In asking that the proposed draft certificates be issued in the manner outlined above there is no intent, either express or implied, that water rights under these permits or

Larry Nunn
December 24, 1992
Page 3

RECEIVED

DEC 28 1992

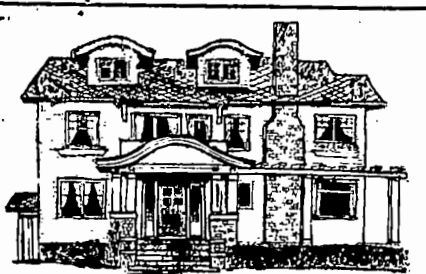
WATER RESOURCES DEPT.
SALEM, OREGON

other water rights held or which may be held by these permittees be abandoned or cancelled. There is additionally no intention that this letter represent the final position of the permittees with regard to the water rights held by them.

Yours truly,

Chester Prior
Chester Prior
Chair Teel ID *by HHS*

cc. Laura A. Schroeder, Esq.
Robert L. Levy
Tony Amstad



**SCHROEDER
LAW
OFFICES**

Laura A. Schroeder
Admitted in Oregon, Idaho & Nevada

3355 NE Davis
Portland, OR 97232-3244
(503) 232-7110
(503) 232-7009 (h)

February 24, 1992

William Young, Director
Water Resources Department
Salem, OR

re: Teel, Prior and Brown Extensions

Dear Director Young,

We have this day filed for extensions of time on the Teel, Prior and Brown Permits. This letter is an explanation of the reasons why such extensions are necessary.

As you know, the Umatilla Basin Project and the Bureau of Reclamation applications associated with Phase II were contested. Some of the contestant's concerns were resolved to some degree in negotiation. We suspect that other aspects will require further and on-going negotiation.

Intricately involved with the BOR's applications was the question of irrigation district boundaries. Some necessary boundary changes are anticipated. Such changes will affect how water in the Basin and under the Teel, Prior and Brown permits is distributed and applied.

The contestants to the BOR applications put in question the distribution of water by the irrigation districts in the Umatilla Basin, especially those waters distributed between and to the Teel, Westland, Stanfield and Hermiston irrigation districts and individual irrigators. The negotiation process did allow for resolution of the distribution difficulties with some of the districts. However, the Teel, Prior and Brown problems were not resolved even though these permittees are similarly situated. Therefore, the distribution and application of the

Bill Young, Director
February 24, 1992
Page 2

waters under the Teel, Prior and Brown permits as these waters are used efficiently in conjunction with other waters in the Basin are yet to be resolved.

Negotiations between the BOR and the Teel, Prior and Brown permittees has been ongoing for some years as a review of the Water Resources Department files will show. These negotiations have been prolonged as the regulations and policies of the Water Resources Department have changed and the permittees and the BOR have tried to work within these changing policies and regulations to meet the changing demands in the Basin.

The Teel, Prior and Brown permittees are continuing to diligently pursue a re-formalization of the agreement they have with the BOR for storage water from McKay. As you may know, this pursuit has been delayed by the BOR, not the permittees, because the BOR had been unable to fill McKay for safety reasons which restricted the storage capacity. BOR had informed these permittees that it was working on the capacity and other problems. After the BOR determined capacity, the BOR told these permittees that it would be in a better position to re-formalize its agreement. Of course this process has been further delayed by the increasing and changing demands for water in the Basin, and the BOR's need to determine the McKay storage capacity even more precisely.

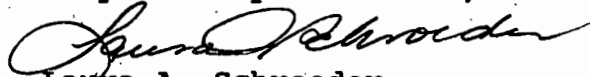
In summary, an extension of time on the Teel, Prior and Brown permits should be granted for a complete storage and irrigation season (through the end of the 1993 irrigation season) for the reasons that:

- (1) the use and distribution of the Umatilla and McKay waters in the Basin and for these permittees is in a state of flux;
- (2) negotiations between the BOR and the permittees has been prolonged by changing WRD regulations and policies; and
- (3) the permittees have continued to diligently pursue a reformation of their agreement with the BOR.

Bill Young, Director
February 24, 1992
Page 3

It is anticipated that substantially all of these issues will be resolved by the end of the time requested for extension.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura A. Schroeder".

Laura A. Schroeder
Attorney for Teel I.D., Prior and
Brown permittees

cc. Chet Prior

RECEIVED

DEC 12 1985

WATER RESOURCES DEPT
SALEM, OREGON

TEEL IRRIGATION DISTRICT

STAR ROUTE

ECHO, OREGON

Water Resources Department

3850 Portland Road N. E.

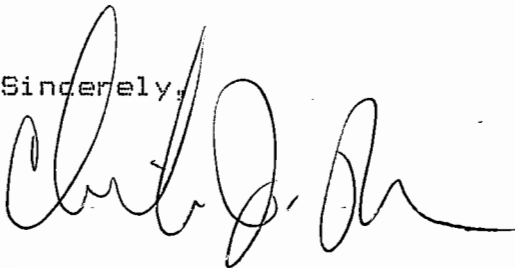
Salem, Oregon 97310

December 6, 1985

REFERENCE Files 51601, G-6677, G-7353, and 54215

This letter is to inform the Water resources department that proof will not be made under permit #25920 on lands in the NE1/4 of section 10 and the NE 1/4. of section 22 3N28E. The landowner has applied for a permit from another source and has requested the district to write this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chester J. Prior", written in dark ink.

Chester J. Prior

RECEIVED

SEP - 8 1989

WATER RESOURCES DEPT.
SALEM, OREGON

CHESTER J. PRIOR
TEEL IRRIGATION DISTRICT
STAR ROUTE
ECHO, OREGON 97826

OREGON WATER RESOURCES DEPT.
3850 PORTLAND ROAD NE,
SALEM, OREGON 97310

REFERENCE FILE 29929 AND 32422

TO FOLLOW UP THE APPLICATION FOR EXTENSION OF TIME FOR COMPLETE APPLICATION OF WATER UNDER PERMITS NO. 25924 AND 25920 I FEEL SOME ADDITIONAL INFORMATION IS APPROPRIATE.

DURING THE 89 IRRIGATION SEASON UNDER THESE TWO PERMITS A TOTAL OF OVER 6000 ACRES HAS BEEN IRRIGATED. THIS WATER HAS BEEN DIVERTED FROM THE UMATILLA RIVER AT ECHO THROUGH THE WESTLAND CANAL. THROUGH EXAMINATION OF DIVERSION RECORDS THE ADDITION OF THESE ACRES HAS ADDED VERY LITTLE TO TRADITIONAL DIVERSION AMOUNTS. THE WATER USED ON THESE ACRES HAS SHOWN VERY LITTLE AFFECT ON RIVER FLOW FIGURES. THE HIGH LEVEL OF EFFICIENCY DESIGNED INTO THE APPLICATION SYSTEMS ACCOUNTS FOR THE VERY EFFICIENT USE OF WATER ON THESE ACRES. MODIFICATION OF WESTLAND IRRIGATION DISTRICTS DELIVERY SYSTEM ALSO ACCOUNTS FOR ADDED EFFICIENCIES. TO ADD 6000 ACRES OF IRRIGATED LAND AND USE VERY LITTLE ADDITIONAL WATER SEEMS TO WARRANT AN EXTENSION THAT WOULD ALLOW THE APPLICANTS ADDITIONAL TIME TO COMPLETE WATER APPLICATION.

THE ABILITY TO USE THIS WATER HAS ALSO DECREASED THE WITHDRAWAL OF DEEP WELL WATER A SIGNIFICANT AMOUNT.

AN EXTENSION OF TIME TO THE END OF THE IRRIGATION SEASON FOR 1989 WOULD ALLOW THE APPLICANTS TO COMPLETE THEIR PROJECT. THE ADDITIONAL ACRES THAT HAVE IRRIGATION POTENTIAL WOULD BE LESS THAN 1000 AND WOULD BE, IN TOTAL, SEVERAL THOUSAND ACRES LESS THAN WAS ON THE ORIGINAL APPLICATION. THE TOTAL DIVERSION ON THE ORIGINAL APPLICATIONS AMOUNTED TO 90CFS. THE DIVERSIONS TO IRRIGATE THE COMPLETED PROJECT ARE NOT EXPECTED TO EXCEED THE TRADITIONAL DIVERSIONS THROUGH THE WESTLAND CANAL BY MORE THAN 30 CFS.

THE APPLICANTS FEEL THEY HAVE SHOWN DUE DILIGENCE AND HAVE DEVELOPED THIS PROJECT WITH MINIMAL IMPACT ON RIVER FLOWS AND ENCOURAGE YOU TO ISSUE AN EXTENSION.

TEEL IRRIGATION DISTRICT


CHESTER J. PRIOR

June 8, 1992

Teel Irrigation District
Star Route
Echo, OR 97826

REFERENCE: Files 29929 and 32422

Enclosed are preliminary copies of the final proof maps for your permits. These maps represent preliminary findings of lands found irrigated by our field crews during the final proof surveys made in 1988 and 1989.

It is inevitable that, due to mis-communications during field data collection, there are error or omissions in the findings. We have therefore scheduled an open inspection so your members may point out any errors in the mapping. This open inspection has been scheduled for the afternoon of July 13, 1992 at the Eagle Ranch headquarters. One or more of our staff will be present to meet with your members. Our staff will do any necessary follow up field inspections.

Once the open inspection and additional field work, we will make any necessary changes to the maps. The revised findings will then be prepared as "proposed certificates" and presented to you and members of the public that may wish to review this information. The proposed certificates will be reviewed by the Water Resources Commission prior to issuance of final water right certificates.

If you have any questions, please call Larry Nunn or Steve Applegate at 378-3739.

LHN:cam

Enclosure

cc: WRC
WaterWatch of Oregon



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON

COUNTY OF UMATILLA

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TEEL IRRIGATION DISTRICT
STAR ROUTE
ECHO, OREGON

confirms the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2909.8 ACRES.

This right was perfected under Permit 25924. The date of priority is JUNE 27, 1958. This right is limited to 30.0 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL, N 76° 45' 56" E, 2313.19 FEET FROM THE WEST $\frac{1}{4}$ CORNER SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRE

SECTION 23

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.4 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.5 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.8 ACRES

SECTION 25

NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.2 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.5 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38.7 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.5 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	24.7 ACRES

SECTION 26

SW $\frac{1}{4}$	NE $\frac{1}{4}$	17.5 ACRES
SE $\frac{1}{4}$	NE $\frac{1}{4}$	14.4 ACRES
SE $\frac{1}{4}$	NW $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$	SW $\frac{1}{4}$	31.3 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	31.1 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	33.3 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	28.2 ACRES
NE $\frac{1}{4}$	SE $\frac{1}{4}$	37.4 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	40.5 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	17.6 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	13.0 ACRES

SECTION 27

NE $\frac{1}{4}$	SW $\frac{1}{4}$	30.5 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	30.2 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	34.3 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	34.5 ACRES
NE $\frac{1}{4}$	SE $\frac{1}{4}$	27.2 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	28.0 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	31.2 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	30.9 ACRES

SECTION 28

NE $\frac{1}{4}$	NE $\frac{1}{4}$	0.4 ACRE
NW $\frac{1}{4}$	NE $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$	NW $\frac{1}{4}$	0.3 ACRE
NW $\frac{1}{4}$	NW $\frac{1}{4}$	0.4 ACRE

SECTION 36

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

NE $\frac{1}{4}$	NE $\frac{1}{4}$	5.6 ACRES
SW $\frac{1}{4}$	NE $\frac{1}{4}$	30.4 ACRES
SE $\frac{1}{4}$	NE $\frac{1}{4}$	37.0 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	6.5 ACRES
SE $\frac{1}{4}$	NW $\frac{1}{4}$	19.7 ACRES
NE $\frac{1}{4}$	SW $\frac{1}{4}$	39.8 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	50.8 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	37.2 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	25.4 ACRES
NE $\frac{1}{4}$	SE $\frac{1}{4}$	38.1 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	37.7 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	35.6 ACRES

SECTION 19

NE $\frac{1}{4}$	NE $\frac{1}{4}$	28.3 ACRES
NW $\frac{1}{4}$	NE $\frac{1}{4}$	16.8 ACRES
SW $\frac{1}{4}$	NE $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$	NE $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$	SW $\frac{1}{4}$	31.6 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	35.0 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	39.8 ACRES
SE $\frac{1}{4}$	SW $\frac{1}{4}$	40.0 ACRES
NE $\frac{1}{4}$	SE $\frac{1}{4}$	40.0 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	38.1 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	25.9 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	37.6 ACRES

SECTION 20

NW $\frac{1}{4}$	NW $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	39.8 ACRES
NW $\frac{1}{4}$	SW $\frac{1}{4}$	39.3 ACRES
SW $\frac{1}{4}$	SW $\frac{1}{4}$	38.8 ACRES

SECTION 21

NW $\frac{1}{4}$	NW $\frac{1}{4}$	22.6 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	4.8 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.1 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.7 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.7 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	35.6 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.2 ACRES

SECTION 29

NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.2 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

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

February 13, 1992

Laura A. Schroeder
3355 NE Davis
Portland, OR 97232-3244

REFERENCE: File 29929, 32422, 62038, and 62173

As I explained in my January 10, 1992 letters, our analysis of the pumping capacity of the systems used for water delivery for these permits differed substantially from the flow rates claimed by your clients in their discussions with our field inspector. We need engineering data, pump curves, pumping records or any other information that would substantiate the claims of your clients.

The law involved here is that proof must be made to the satisfaction of the Water Resources Commission (ORS 537.250 and OAR 690-11-110). The law and rule is purposely vague, allowing the Director latitude in what he may accept as proof of beneficial use.

Normally staff does an analysis of the pump, pipe, sprinklers, and associated equipment to determine irrigation system capacity. We also examine the claims of the water permit holder. Usually the analysis and claims are fairly close. In this case, there is a substantial difference between our calculations and your client's claims. Because of the complexity of the systems in the area, it is very probable that your client's claims may be correct. We need the engineering and pumping data to back up the claims.

We need to proceed on this as quickly as possible. I am sure you are aware of the enforcement plan that has been put in place for this area. Part of the plan is that final proof surveys for the so-called Teel, Brown, and Prior permits will be completed by this spring. The requested engineering data will, in large part, determine the quantity of water allowed under the permits.



Laura A. Schroeder
Files 29929, 32422, 62038, and 62173
February 13, 1992

For your last item of concern. My understanding of the Oregon's open records law is that most all documents are public records and available to the public. In addition, Water Watch has requested copies of all correspondence concerning these files. The Water Resources Commission has agreed to honor this request.

We, of course, are willing to send you copies of correspondence sent to Water Watch. However, Water Watch comments on most applications and many transfers statewide. The volume of copies would be tremendous. The Director has established a copy fee policy. The cost of copies is \$2.00 for the first page and \$0.50 for each additional page, paid in advance. We have a pre-paid account system you may wish to use. Please contact Jackie Warner at 378-3739 to set up a copy account.

We will send you copies of all future correspondence concerning the Teel, Brown, and Prior permits, at no charge.

If you have any questions, please call me at 378-8455 ext. 275.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

cc: Teel Irrigation District
Chester Prior
Tony Amstad
Don Brown
Bob Levy
Mike Ladd, Regional Manager
Water Watch of Oregon

enclosure

January 10, 1992

Teel Irrigation District
Star Route
Echo, Oregon 97826

REFERENCE: Files 29929 and 32422

We are preparing the proposed water right certificates for your permits 25920 and 25924. Our water system analysis and the capacity claims you made to our field inspector are quite different.

Please send us copies of your pumping records, engineering data and pump curves to verify your system capacity claims. Please send the information in the next thirty (30) days. We need the information to complete our final proof review.

If you have any questions, please call me at 378-8455, ext. 275.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

LHN:cam

cc: Mike Ladd, Regional Manager
Water Watch of Oregon





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

January 15, 1986

Teel Irrigation District
Star Route
Echo, OR 97826

REFERENCE: Files 29929 and 32422

Your applications for an extension of the time limits in which to complete construction and make complete application of water under the terms of your Permits Numbered 25920 and 25924 was received. We also have your check in the amount of \$200.00.

The applications indicate reasonable diligence has been exercised toward completion of the proposed projects; therefore, the time limits to complete construction and make complete application of water are being extended to December 31, 1988.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE:cle

Enclosures

RECEIVED

JUL - 3 1989

WATER RESOURCES DEPT.
SALEM, OREGON

CHESTER J. PRIOR
TEEL IRRIGATION DISTRICT
STAR ROUTE
ECHO, OREGON 97826

WATER RESOURCES DEPARTMENT
3850 PORTLAND ROAD NE,
SALEM, OREGON 97310

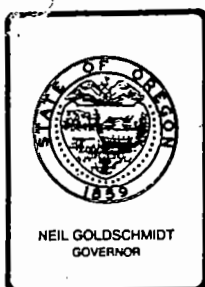
REFERENCE FILES 29929 AND 32422

ACCORDING TO TERMS OF PERMITS 25924 AND 25920 THE COMPLETE APPLICATION OF WATER WAS TO BE MADE BY DECEMBER 31 1988. IN 1988 750 ACRES OF NEW IRRIGATION WAS ADDED. WATER HAS BEEN APPLIED TO OVER 6000 ACRES TOTAL. THERE IS AN ADDITIONAL 250 ACRES IN THIS PROJECT, ABOUT 125 ON EACH PERMIT, THAT WOULD BE COMPLETED IN 1989 IF AN EXTENSION CAN BE ISSUED. AN AGERAGE RESTRICTION IN THE AMOUNT OF THE 250 ACRES OR ON A LAND DESCRIPTION BASIS WOULD BE ACCEPTABLE.

TEEL IRRIGATION DISTRICT

CHESTER PRIOR





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE
378-3671

May 11, 1987

Neil Stessman
Project Superintendent Umatilla Project
Bureau of Reclamation
Box 043, 550 West Fort Street
Boise, ID 83724

Dear Neil,

Thanks for the opportunity to review the Draft Letter of Intent covering water use in the Umatilla Basin.

While we have discussed the Draft Letter of Intent, I'm not sure the Water Resources Department should be a party to the agreement. If the Department is a signatory, all references should read Oregon Water Resources Department (OWRD) rather than the Department of Water Resources (ODWR).

In Item No. 2, we understand McKay Dam and Reservoir was originally authorized for irrigation and the state has issued ~~permits to store supplemental irrigation water in McKay Reservoir~~. Use of water for other purposes should be covered by state permits to protect those uses.

In Item No. 3, the Draft Letter of Intent describes "Reserved Storage" of 7380 acre-feet. The term "Reserved Storage" is not clear and the determination of the quantity has not been explained.

In Item No. 5, OWRD does have some "oversight responsibility for irrigation districts" but is the state authority for the issuance of water permits for the storage and use of water and has the statutory authority to protect and distribute the water to the beneficial users.

Item No. 7a. - OWRD could protect the stored water from other users if we had a copy of a contract allocating the water to Teel Irrigation District.

Item No. 7b. - State of Oregon water storage permits do not specify place of use, so it is not necessary to invalidate the permits.

RECEIVED

JUL - 3 1989

WATER RESOURCES DEPT.
SALEM, OREGON

CHESTER J. PRIOR
TEEL IRRIGATION DISTRICT
STAR ROUTE
ECHO, OREGON 97826

WATER RESOURCES DEPARTMENT
3850 PORTLAND ROAD NE,
SALEM, OREGON 97310

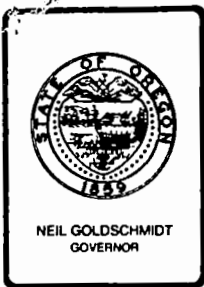
REFERENCE FILES 29929 AND 32422

ACCORDING TO TERMS OF PERMITS 25924 AND 25920 THE COMPLETE APPLICATION OF WATER WAS TO BE MADE BY DECEMBER 31 1988. IN 1988 750 ACRES OF NEW IRRIGATION WAS ADDED. WATER HAS BEEN APPLIED TO OVER 6000 ACRES TOTAL. THERE IS AN ADDITIONAL 250 ACRES IN THIS PROJECT, ABOUT 125 ON EACH PERMIT, THAT WOULD BE COMPLETED IN 1989 IF AN EXTENSION CAN BE ISSUED. AN ACERAGE RESTRICTION IN THE AMOUNT OF THE 250 ACRES OR ON A LAND DESCRIPTION BASIS WOULD BE ACCEPTABLE.

TEEL IRRIGATION DISTRICT

CHESTER PRIOR





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE
378-3671

May 11, 1987

Neil Stessman
Project Superintendent Umatilla Project
Bureau of Reclamation
Box 043, 550 West Fort Street
Boise, ID 83724

Dear Neil,

Thanks for the opportunity to review the Draft Letter of Intent covering water use in the Umatilla Basin.

While we have discussed the Draft Letter of Intent, I'm not sure the Water Resources Department should be a party to the agreement. If the Department is a signatory, all references should read Oregon Water Resources Department (OWRD) rather than the Department of Water Resources (ODWR).

In Item No. 2, we understand McKay Dam and Reservoir was originally authorized for irrigation and the state has issued permits to store supplemental irrigation water in McKay Reservoir. Use of water for other purposes should be covered by state permits to protect those uses.

In Item No. 3, the Draft Letter of Intent describes "Reserved Storage" of 7380 acre-feet. The term "Reserved Storage" is not clear and the determination of the quantity has not been explained.

In Item No. 5, OWRD does have some "oversight responsibility for irrigation districts" but is the state authority for the issuance of water permits for the storage and use of water and has the statutory authority to protect and distribute the water to the beneficial users.

Item No. 7a. - OWRD could protect the stored water from other users if we had a copy of a contract allocating the water to Teel Irrigation District.

Item No. 7b. - State of Oregon water storage permits do not specify place of use, so it is not necessary to invalidate the permits.

Neil Stessman
May 11, 1987
Page Two

Item No. 8a. - If the Water Service Contract includes the option of renewal, it is possible for OWRD to concur or protect the water use.

Item 9e. - The Department supports efforts to augment flows for instream purposes consistent with the legal obligations of the district to provide water to its constituents during the irrigation season that lasts until November 1, not October 1.

We are most concerned about the impacts of this proposal on other water users in the basin. We assume that changing the point of diversion and place of use could reduce return flow and impact water availability to West Extension Irrigation District. Since West Extension is also listed as a beneficiary of stored water in McKay, we would be interested in your assessment of the impacts of spreading "conserved water" to other lands. We are assessing our own responsibility to protect the other water users right to both stored and natural flows in the Umatilla Basin.

Thanks again for the opportunity to comment on the Draft Letter of Intent.

Sincerely,



DARRELL A. LEARN, Administrator
Policy and Planning Division

DAL:slv

cc: Bill Porfily
0536S

bcc: Larry Jebousek
Mike Ladd



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

January 15, 1986

Teel Irrigation District
Star Route
Echo, OR 97826

REFERENCE: Files 29929 and 32422

Your applications for an extension of the time limits in which to complete construction and make complete application of water under the terms of your Permits Numbered 25920 and 25924 was received. We also have your check in the amount of \$200.00.

The applications indicate reasonable diligence has been exercised toward completion of the proposed projects; therefore, the time limits to complete construction and make complete application of water are being extended to December 31, 1988.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE:cle

Enclosures

NOVEMBER 11, 1980

WATER RESOURCES DEPARTMENT
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

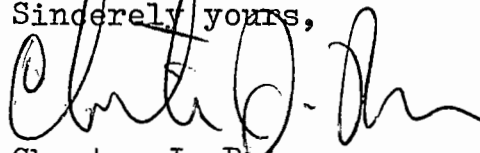
97310

DEAR MR. ESTES:

In regards to the application for extension of time on Permits #25920 and #25924, please find enclosed a check for \$10.00 to cover the extension application on Permit #25920. Also enclosed is a response received from the U.S. Department of the Interior regarding Teel Irrigation Districts status in connection with the McKay un-allocated storage space.

On the following page is a description of the land Teel water was applied to. If any further information is needed please contact us. Thank you for your cooperation!

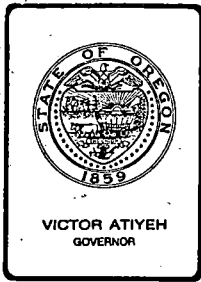
Sincerely yours,



Chester J. Prior
Teel Irrigation District
Star Route
Echo, Oregon

97826

11-17-80
Rec# 31541



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2982

January 10, 1986

Bill Lloyd, Regional Director
U.S. Department of the Interior
Bureau of Reclamation
Box 043-550 West Fort Street
Boise, Idaho 83724

REFERENCE: File Number 9668 - McKay Reservoir Secondary

Dear Mr. Lloyd:

As you are aware, various issues are involved in the request to extend the time limits of Permit No. 7400. A recent decision by the Water Resources Commission establishes a moratorium on further permits on the Umatilla River until December 31, 1988, to allow the Bureau to complete the studies currently underway. After careful consideration, I have decided to grant the extension; therefore, the time limits to complete construction and apply the water to beneficial use are being extended to December 31, 1988. This extension applies only to the originally intended areas. Minor field boundary adjustments are expected. However, the permit does not provide for bold changes.

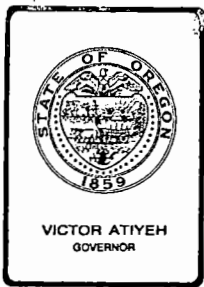
Permit No. 7400 cannot be used for the expansion sought by Westland Irrigation District, but there are other permits which may accommodate that plan. Teel Irrigation District has active permits numbered 25920 and 25924 which includes the additional acreage if you wish to issue contracts for that area again or amend existing contracts. My assumption is that you do not intend to contract for additional storage until the study is complete.

There may be some questions or concerns about the basin which should be discussed. An informal meeting with the Irrigation Districts might be appropriate, so we will be working in harmony.

Sincerely,

William H. Young
Director

cc: Westland-Stanfield Irrigation Districts



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

December 4, 1980

Eagle Ranch
Star Route
Echo, OR 97826

Attention: Chester Prior

Dear Mr. Prior:

REFERENCE: Files Numbered 32422 and 29929

Your applications for extensions of the time limits in which to complete construction and make complete application of water under the terms of your permits numbered 25924 and 25920 have been received. We also have your check in the amount of \$10. Our receipt number 20729 for the additional \$10 was returned to you in earlier correspondence.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits to complete construction and make complete application of water are being extended to October 1, 1985.

Sincerely,

Bruce A. Estes, Supervisor
Survey-Certificate Section

BAE:lrs

Enclosure: Receipt Number 21541

Application for Extension of Time

To the State Engineer of Oregon:

I, Chester J. Prior, of TEEL IRRIGATION DISTRICT in Echo
state of OREGON, am the owner and holder of Permit No. 25924, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before _____, 19____, and complete application of water is required to be
made on or before OCTOBER 1, 1980..

I have heretofore done the following work described under said permit during the past year:
Constructed pipe lines and installed pumps to irrigate 250 acres

and did the following work prior to last year: _____

costing \$ 250,000.00 and I estimate the cost of completion to be \$ 10,000,000.00

I have heretofore used water under said permit to the following extent: applied
500 acre ft.

I am unable to ☐ (complete construction work or make complete application of water) within the required time, for the following
(Strike out phrase not applicable)

reasons, to wit: The Teel Irrigation District is in the process of trying to
acquire storage space in McKay reservoir near Pendleton, Oregon. The
original Contract for 14% of the storage capacity was never made use of and
was consequently made null and void. The Bureau of Reclamation is presently
reallocating some of the available space and the District will be considered.

(If additional space is required, attach separate sheet)

(A fee of \$5.00 for each permit involved must accompany this application.)

(OVER)

9/29/80
\$10.00
#20729

B-C
10-1-85
BAC

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }
{ complete application of water } under said permit to OCTOBER 1, 19.85.
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF OREGON }
County of UMATILLA } ss.

I, CHESTER J. PRIOR, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of SEPTEMBER, 1980.

CHESTER J. PRIOR

Subscribed and sworn to before me this 19 day of SEPTEMBER, 1980.

[Notarial Seal]

Cydney Ann Edwards
Notary Public for Oregon

My commission expires 6/10/83

January 14, 1976

29929
32422

Teel Irrigation District
P. O. Box 218
Pendleton, Oregon 97801

Gentlemen:

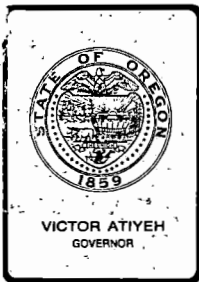
This will acknowledge your application for an extension of the time limits in which to begin and complete construction and make complete application of water under the terms of your permits Nos. 25924 and 25920, and your fees in the amount of \$20.00 for which our receipts Nos. 50305 and 50569 are enclosed.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limits to begin and complete construction and make complete application of water are being extended to October 1, 1980. A copy of the order of the Water Resources Director entered January 5, 1976, approving this application is enclosed.

Sincerely,

Trevor Jones, Administrator
Water Rights Division

TJ:whh
Enclosure



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508 or
1-800-452-7813

October 28, 1980

Teel Irrigation District
c/o Chester J. Prior
Eagle Ranch Star Route
Echo, OR 97826

Dear Mr. Prior:

REFERENCE: Files numbered 32422 and 29929

We've received applications for extension of time on the Teel Irrigation District permits numbered 25920 and 25924. These applications included a check in the amount of \$10 which has been applied to permit number 25924.

The forms which you used were out of date and did not indicate the correct extension application fee to be used presently which is \$10 for each permit. Please submit the additional \$10 so that we may properly consider both extension applications.

Neither of these permits has had a substantial beginning of construction reported to this office, however, the information you submitted indicates that pipe lines and pumps were installed and irrigation of 250 acres was accomplished within the past year. This would indicate a start of construction for one or both of the permits but we do not know which one. Please submit additional information to identify which permit the start of construction involves with or that it is in fact on both. If it is on both permits then please indicate the acres within each permit that were irrigated. Once the start of construction has been determined then we will be able to proceed with the extension of time.

Thank you very much for any information you can submit.

Sincerely,

BRUCE A. ESTES, Supervisor
Survey/Certificate Section

BAE:wpc
2717A

Enclosure: Receipt No. 20729

COPY

Application for Extension of Time **RECEIVED**

DEC 9 1985

TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT

SALEM, OREGON

I, TEEL IRRIGATION DISTRICT

Name

STAR ROUTE

Mailing Address

ECHO

City

OREGON

State

97826

Zip

record owner of water right permit No. 25924, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19⁸⁵, be extended to October 1, 19⁹⁰, and/or the time in which to

☒ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19⁸⁵, be extended to October 1, 19⁹⁰.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year Installed pump station and mainline at a cost in excess of \$150,000 in 1985. Installed equipment in excess of \$100,000 previous.

prior to this past year _____

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) Irrigated in excess of 500 acres in 1985

IRRIGATED IN EXCESS OF 500 acres in previous years.

(If additional space is required, attach separate sheet)

[Signature] (President)
(If signing for a corporation please identify your title)

Dated 6 december 1985

MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF 100.00 FOR EACH PERMIT TO:

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

B-C
12-31-88
12-9-85
\$100-
48267

29929
32422

November 10, 1975

Mr. Chester Pryor
Teel Irrigation District
P. O. Box 218
Pendleton, Oregon 97801

Dear Mr. Pryor:

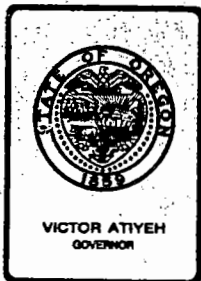
Enclosed are application forms to use in making application for extensions of time under permits Nos. 25920 and 25924. We have added to the forms wordage to indicate that the applications will include an extension for beginning of construction. What may have been done in connection with the proposed reservoir is not a factor in filling out the forms for these particular permits.

Please note that each application requires a fee of \$10.00

Sincerely,

Trevor Jones
Assistant

TJ:whh



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2983

September 16, 1985

Mr. Bill Lloyd, Regional Director
U.S. Department of the Interior
Bureau of Reclamation
Box 043-550 West Fort Street
Boise, ID 83724

REFERENCE: Files Numbered 9668 and 34593,

32422

Dear Mr. Lloyd:

In considering your request to extend the time limits to complete construction and apply the waters of McKay Reservoir to beneficial use under Permit Number 7400, there remain several questions.

According to Mr. Porfily's acreage figures reported February 1, 1985 to John W. Keys, III, most of the acreage in both Westland and Stanfield Irrigation Districts were delivered outside their boundaries. How many acres will not be included within the district's boundaries after the boundary changes are concluded?

Apparently, some 2955 of the reported acres being supplemented through Westland Irrigation District facilities have primary rights from wells. Before I can reach an appropriate conclusion regarding the diligence required by statute, I need to know how many of the 14,539 acres reported were requested in the listing for Permit Number 7400. An answer to the nearest 100 acres will suffice. Acreages adjacent to requested lands should be considered included.

As requested at earlier meetings with the districts and your staff, I still need to know how many of the acres receiving stored water have primary rights from surface water and how many have groundwater primary. This should also be listed as within or outside the district boundaries.

I must be candid and warn you, my inclination is that lands recently developed from well water in areas not identified by the permit should not be allowed supplemental use from a 1924 permit. This is not a final decision and I am inviting your rationale for inclusion of these lands.

You have joined others requesting withdrawing the Umatilla River from further appropriations to enhance anadromous fish runs. How does this

Mr. Bill Lloyd
September 16, 1985
Page 2

request to include thousands of additional acres square with that position?

When I have received this information, I will be able to determine whether the extension request should be allowed or denied. Thank you for your efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

William H. Young
Director

WHY/jw

cc: Mr. Bill Porfily, Manager
Westland-Stanfield Irrigation District

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF AN EXTENSION)
OF TIME WITHIN WHICH TO BEGIN)
AND COMPLETE CONSTRUCTION AND)
MAKE COMPLETE APPLICATION OF)
WATER UNDER PERMIT NOS. 25920)
AND 25924 IN THE NAME OF TEEL)
IRRIGATION DISTRICT

O R D E R

The Teel Irrigation District is the holder of permit No. 25920 which grants the right to appropriate 60 cubic feet per second of water from the Umatilla River and McKay Reservoir for irrigation and supplemental irrigation.

The District is also the holder of permit No. 25924 which grants the right to appropriate 30 cubic feet per second of water from the Umatilla River

Application for Extension of Time

To the State Engineer of Oregon:

I, Teel Irrigation District, of Umatilla County
state of Oregon, am the owner and holder of Permit No. 25924, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before September 15, 1975, and complete application of water is required to be
made on or before _____, 19____.

I have heretofore done the following work described under said permit during the past year:

Extensive investigation on reservoir sites; pumping plants;
project lay out etc.

and did the following work prior to last year:

costing \$75,000, and I estimate the cost of completion to be \$ unknown.

I have heretofore used water under said permit to the following extent: none

I am unable to {complete construction work
make complete application of water } within the required time, for the following
(Strike out phrase not applicable)

reasons, to wit: The present owners of this land covered by these permits have
only recently acquired them and have been actively involved in preliminary
work in putting them to use. The completion of this project as presently
planned, involves an off stream storage site. The past year has been
spent in site selection, foundation investigation, stream studies etc.
A report on work done to date has been forwarded to Mr. Petska of your
office. Due to the involved nature of the project and the technical
work that is involved, we request that these permits be extended for a
period of five years.

(If additional space is required, attach separate sheet)

(A fee of \$5.00 for each permit involved must accompany this application.)

(OVER)

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }
{ ~~complete application of water~~ } under said permit to ^{SEP 15 1980} September 15, 1980, 19.....
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon }
County of Umatilla } ss.

I, [Signature], being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of November, 19 75

Subscribed and sworn to before me this 17th day of November, 19 75

[Notarial Seal]

Fern M. Stockdale
Notary Public for Oregon

My commission expires June 23, 1978

29929
Application No. 32422

Application for Extension of Time

RECEIVED
FEB 2 1963
STATE ENGINEER
SALEM, OREGON

To the State Engineer of Oregon:

I, TEEL IRRIGATION DISTRICT, of 807 Electric Building
state of Portland 5, Oregon, am the owner and holder of Permit No. 25920
25924, to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before October 1, 1960, and complete application of water is required to be
made on or before October, 1961.

I have heretofore done the following work described under said permit during the past year:
Entered into contract with Bureau of Reclamation for storage capacity
in McKay Res. for water supply for the lands covered by these two permits,

and did the following work prior to last year: Negotiation with Dept. of Interior
for Small Project Loan to finance construction of necessary irrigation
water works.
Soils reclassification survey and studies regarding land use capabilities

costing \$ 20,000, and I estimate the cost of completion to be \$ 2,200,000.

I have heretofore used water under said permit to the following extent: None

I am unable to

{	begin construction work	}	within the required time, for the following
	complete construction work		
	make complete application of water		

(Strike out phrase not applicable)

reasons, to wit: Have not completed negotiations for obtaining finances.

(If additional space is required, attach separate sheet)

(A fee) of \$2.00 for each permit involved must accompany this application.)

(OVER)

Extend: beginning to May 29, 63

(cons) to Oct 1 1965

3284
2/10/63

WHEREFORE, I ask that the State Engineer extend the time for the
beginning of construction work under said permit to May 29, 1963
{ completion of construction work }
{ complete application of water } under said permit to October 1, 1965
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF OREGON

County of Multnomah

ss.

Teel Irrigation District

I, JAMES K. BUELL, Secretary of/, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of February, 1962.

Subscribed and sworn to before me this 20th day of February, 1962

[Notarial Seal]

Alma L. Wilson

Notary Public for Oregon

My commission expires 2-17-65

378-8407
1-800-452-7813

September 8, 1981

Chester J. Prior
Eagle Ranch
Star Route
Echo, OR 97826

Dear Mr. Prior:

REFERENCE: [REDACTED] and 29929

Enclosed are copies of the Water Right Applications which you requested. Also enclosed is Water Resources Department Receipt 26966 for the \$5 in copying fees which you submitted.

Sincerely,

W.A. CARR
Office Engineer
Water Rights Division

WAC:wpc
enclosures
0449A
6782A

Appl 29929 Per 25920

4-22-55

$\frac{1}{40}^{th}$ 4 $\frac{1}{2}$ Umatilla & McKay Res

4682.1 Ac irrig & suppl

Appl 32422 Permit 25924 6-26-58

$\frac{1}{40}^{th}$ 4 $\frac{1}{2}$ Umatilla & McKay Res

4471.35 ac irrig & suppl.

R-51773-4, 51985

RECEIVED

SEP 03 1981

**WATER RESOURCES DEPT
SALEM, OREGON**

**EAGLE RANCH
STAR ROUTE - ECHO, OREGON 97826
PHONE 376-8444**

SEPTEMBER 1, 1981

WATER RESOURCES DEPARTMENT
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

TO WHOM IT MAY CONCERN:

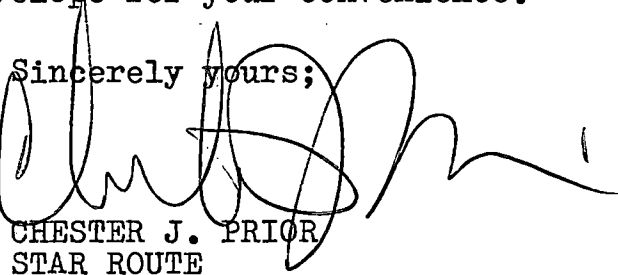
I talked to Larry Debusick earlier this week about getting copies of the Teel Irrigation Districts original application for water rights. I have copies of the Abstract of Permits for #'s 25924 and 25920. What I would like to have is a copy of the original application for these permits. The application numbers on the Abstract of Permit are as follows:

Abstract of Permit No. 25924 - Application # 32422

Abstract of Permit No. 25920 - Application # 29929

I am enclosing a check to cover the cost of the copies and a self-addressed and stamped envelope for your convenience.

Sincerely yours;


CHESTER J. PRIOR
STAR ROUTE
ECHO, OREGON

97826



RECEIVED

MAY 1 1974

STATE ENGINEER
SALEM, OREGON

April 28, 1974

Chris Wheeler, State Engineer
Salem, Oregon 97310

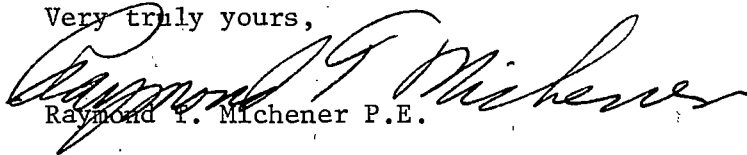
Att: Trevor Jones

Dear Sir;

Enclosed please find a check in the amount of \$4.00 to cover the cost of a copy of the Teel Irrigation District filings. These are application nos. 29929 and 32422.

We would like a copy of the map and the list of acreages for both.

Very truly yours,


Raymond F. Michener P.E.

29929
32422

May 8, 1974

Mr. Raymond T. Michener
Michener Associates, Inc.
P. O. Box 2176
Pasco, Washington 99302

Dear Mr. Michener:

Enclosed are copies of Teel Irrigation District applications
Nos. 29929 and 32422, with accompanying maps, as requested.

Also enclosed is our receipt No. 39799 for \$4.00 for copying
fees.

Very truly yours,

Trevor Jones
Assistant

TJ:whh

Enc: As listed above

February 4, 1971

29929
32422

Teel Irrigation District
Box 148
Twin Falls, Idaho 83301

Gentlemen:

This will acknowledge your application for extensions of the time limits in which to begin and complete construction and make complete application of water under the terms of your permits numbered 25920 and 25924 and your check in the amount of \$10.00 for which our receipt No. 22465 is enclosed.

The application indicates reasonable diligence has been exercised toward completion of the proposed projects; therefore, the time limits to begin and complete construction and make complete application of water under both permits are being extended to October 1, 1975. A copy of the order of the State Engineer entered February 4, 1971, approving this application is enclosed.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

May 9, 1973

G-5820
32422

Mr. Douglas L. Holman
13369 S. E. Kanne Road
Portland, OR 97236

Dear Sir:

Based on the information shown on your recently received reproducible map and your application numbered G-5820, the lands you wish to irrigate are included under permit numbered 25924 issued to the Teel Irrigation District.

If it is your intent to use water from your well as the primary source and you do not intend to use water from the District to irrigate the lands described on your application, we will need a statement from you to this effect. The space provided for remarks on the application could be used.

On the other hand, if you will use water from the Umatilla River and McKay Reservoir furnished by the Irrigation District, your application will have to be amended to show that the well will be a supplemental source of water. This can be indicated in item 3 of the application. Item 18 would also have to identify the primary source of water.

I am returning your reproducible map and application numbered G-5820 to allow you to make the necessary changes. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before July 9, 1973.

Very truly yours,

THOMAS E. SHOOK
Assistant

TLS:bjs
Enclosures

RECEIVED

JAN 27 1971

STATE ENGINEER
SALEM OREGON

Application No.

Application for Extension of Time

To the State Engineer of Oregon:

I, Denney R. Hogue, of Twin Falls
state of Idaho, manager, am the owner and holder of Permit No. S 25920, to
appropriate the public waters of the state of Oregon. 25924

Under the terms and conditions of said permit, construction work is required to be completed on or
before October 1, 19 70, and complete application of water is required to be
made on or before October 1, 19 70.

caused
I have heretofore ~~done~~ the following work described under said permit during the past year:
to be done:

SEE ATTACHED SCHEDULE "A"

caused
and ~~did~~ the following work prior to last year: to be done:

SEE ATTACHED SCHEDULE "B"

\$25,000.00 Prior to 1970
0.00 in 1970
\$34,000.00 total
costing \$....., and I estimate the cost of completion to be \$ 394,000.00

I have heretofore used water under said permit to the following extent: NONE

I am unable to { complete construction work
make complete application of water } within the required time, for the following
(Strike out phrase not applicable)

reasons, to wit: Teel Irrigation District was unsuccessful in its
application for a Small Projects Act Loan to obtain necessary funds
to complete construction and had to look for other sources of funds.

(If additional space is required, attach separate sheet)

(A fee of \$5.00 for each permit involved must accompany this application.)

(OVER)

388g

ABC
10-1-75
9

WHEREFORE, I ask that the State Engineer extend the time for the

{ completion of construction work }
{ complete application of water } under said permit to October 1, 1972, 19.....
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF _____ }
County of _____ } ss.

Lemmy R. Hogue, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January, 1971
Jan 25, 1971

Subscribed and sworn to before me this 25 day of Jan, 1971

[Notarial Seal]

Lemmy R. Hogue
A. J. Barker
Notary Public for Oregon

My commission expires 4/29/73

TEEL IRRIGATION DISTRICT
UMATILLA COUNTY, OREGON

Denney R. Hogue, Project Manager

RECEIVED
JAN 27 1971
STATE ENGINEER
SALEM OREGON

Schedule A

Please Address Reply to:

Work Done in Past Year.

1. Working in conjunction with Mr. John Houtman, 6386 Havenside Drive, Sacramento, California, it was decided by his engineers that:
 - a. Allis Chalmers 5000 g.p.m. 15" low lift high head pumps would be used.
 - b. To be driven by 4 343 T Caterpillar Diesel engines.
 1. Diesel engines instead of electric because the r.p.m. is variable.
 - c. This would produce 20000 g.p.m. with a 200 foot lift. The actual lift is 128 feet so there is a reserve.
 - d. 4 pumps are used to give greater flexibility in water delivery, when smaller amounts are needed.
 - e. 20000 g.p.m. will run 20 circle type sprinklers which in turn would handle, roughly, 3000 acres.
 - f. After careful study the Gifford Hill & Co #360 circular system was chosen, to be purchased by Mr. Houtman, because:
 1. Electrically driven.
 2. A low pressure (25 pounds) system using less water.
 3. The nozzles are spaced much closer than an other system, thereby lessening the wind effect on the water pattern.
 - g. Since the penstock empties on the lands, the canal will not be long, and would be effective from the start. The canal will be lined with covered polyethelene which has worked out well in California. In addition to stopping water seepage, it also prevents weeds and willows.
 - h. The water is to be taken out at the Westland diversion dam, with a settling canal to the base of our property. The attached land classification map shows the location of the pumping plant.
 - i. In addition to much travelling expenses, phones, etc., Mr. Houtman, and Mr. Hogue, estimates the expenditures to be \$7000.00 in 1970.
 - j. The Engineers estimate of the cost of completion is \$394000.00 for the system without the sprinklers.

TEEL IRRIGATION DISTRICT
UMATILLA COUNTY, OREGON

Denney R. Hogue, Project Manager

RECEIVED
JAN 27 1971
STATE ENGINEER
SALEM, OREGON

Please Address Reply to:

Box 148
Twin Falls, Idaho
Jan 25, 1971
83301

Mr. Trevor Jones
Chief, Water Rights
Water Resources Department
516 Public Service Building
Salem, Oregon. 97310

Dear Sir:

Enclosed is our application for extension of time
on Permits No's 25920 and 25924.

In the attached schedules I have gone into the
planning as Mr. Rempel suggested.

Please advise if any further information is needed.

Respectfully yours,

TEEL IRRIGATION DISTRICT

By: 
Manager

TEEL IRRIGATION DISTRICT
UMATILLA COUNTY, OREGON

Denney R. Hogue, Project Manager

RECEIVED
JAN 27 1971
STATE ENGINEER
SALEM OREGON

Please Address Reply to:

Schedule "B"

Work Done On Water Prior to Last Year.

1. The Idaho Land and Map Co. made a complete study at a cost of \$3500.00.
2. William Harris, Civil Engineer, surveyed the project, designed and located the canal.
3. Henry Berk, Engineer from Portland Oregon, made a cost and design study of pumps, pipes, power cost etc.
4. Prof. W.L. Powers classified the lands.
5. The Felton Aluminium Co. made a design for sprinkler utilization.
6. Mr. George Carter, retired Idaho Water chairman was retained as an advisor to push our Small Projects Application.
7. Many trips were made to Boise, Portland, Denver, and one to Washington D.C.
8. We estimate that we spent \$25000.00 minimum on our Small Projects loan.

January 15, 1971

29929
32422

Teel Irrigation District
807 Electric Building
621 SW Alder Street
Portland, Oregon 97205

ATTENTION James K. Buell

Dear Mr. Buell:

The time limit to begin and complete construction and complete the use of water under permits 25920 and 25924 of the Teel Irrigation District is October 1, 1970. If the district wishes to maintain these, an application for an extension of the time limit should be made. I am enclosing the proper form for this.

Mr. William Buell and Mr. Denney Hogue were recently in this office discussing the applications when I was away from the office so I do not believe this information was furnished them.

Very truly yours,

TREVOR JONES
Assistant

TJ:mfb
Enclosure 1

29929

32422

September 28, 1965

Mr. William Buell
Engineer
417 S.W. Washington St.
Portland, Oregon

Dear Mr. Buell:

I am returning the duplicate copy of the application
for extension of time in connection with Permits 25290 and
25224, as you requested.

Very truly yours,

CHRIS L. HESTER
State Engineer

By
Trevor Jones
Assistant

Enclosure
TJ:lja

29929
32422

November 29, 1966

Teel Irrigation District
807 Electric Building
621 S.W. Alder Street
Portland 5, Oregon

Gentlemen:

I am enclosing a copy of the order of the State Engineer extending the time limits to begin and complete construction and make complete application of water under your permits Nos. 25920 and 25924. The order provides for the extension of the time limits to October 1, 1970.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:py

Enclosure

29929
32422

September 21, 1965

Mr. James K. Buell
Attorney at Law
Electric Building
621 S.W. Alder
Portland, Oregon 97205

Dear Mr. Buell:

Teel Irrigation District holds permits numbered 25920 and 25924. The time limit for beginning of construction expired May 29, 1963 and despite numerous reminder letters sent, no application for extension of the time limits has been made.

If the project is to be dropped, we would appreciate receiving authorization to cancel the permits and clear our records. If it is to be continued the permits should be kept valid by an application to extend the time limits.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ/gcc

cc: Mr. E. Buell

29929
32422

November 10, 1964

Mr. James K. Buell
Attorney at Law
Electric Building
Portland, Oregon 97205

Dear Mr. Buell:

On December 20, 1963, Mr. Carver of this office wrote you regarding the necessity of requesting an extension of the time limit for beginning of construction under the Teel Irrigation District's permits numbered 25920 and 25924.

We do not have a form for making application for extension of time to begin construction, but I believe you could use our standard form for making application for completion as a guide and prepare an application for beginning in the form of an affidavit.

This should be submitted with the statutory fee of \$2 for each permit.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Prevor Jones, Assistant

TJ:eh

enclosure

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

May 11, 1964

State Engineer
516 Public Service Building
Salem, Oregon 97310

ATTENTION: Mr. Fred D. Gustafson

RECEIVED
MAY 14 1964
STATE ENGINEER
SALEM, OREGON

Re: Teel Irrigation District

Gentlemen:

In accordance with your request of May 8th, we return herewith the completed questionnaire for the Teel Irrigation District.

This will also acknowledge your inquiry relative to the district's water rights application. As you know, the district has a pending application for a Small Projects Loan but it is not making much progress at the present time. Neither the district nor the landowners, however, wish to abandon it.

Your suggestions would be appreciated.

Yours very truly,

TEEL IRRIGATION DISTRICT


James K. Buell

JKB/cl
encl

FRANKLIN T. GRIFFITH, (1870-1952)
CLARENCE D. PHILLIPS
JOHN J. COUGHLIN
JAMES K. BUELL
H. H. PHILLIPS
ALFRED H. STOLOFF
JARVIS B. BLACK

PHILLIPS, COUGHLIN, BUELL & PHILLIPS

ATTORNEYS AT LAW
ELECTRIC BUILDING
PORTLAND, OREGON 97205

FORMERLY
GRIFFITH, PHILLIPS
& COUGHLIN

WARREN HASTINGS
DAVID N. HOBSON
STUART W. GATES

October 23, 1964

RECEIVED
OCT 26 1964
STATE ENGINEER
SALEM, OREGON

State Engineer
516 Public Service Building
Salem, Oregon 97310

Re: Teel Irrigation District
Your File No. 29929-32422

Dear Sir:

The Teel Irrigation District is still interested in the projects contemplated under its permits no. 25920 and 25924; however, unfortunately, we have run into considerable delays in connection with the district's application for a Small Projects Loan. It has, however, expended many thousands of dollars in connection with the various surveys, soil studies and engineering data needed in application for the permits and for the loan.

Yours very truly,

PHILLIPS, COUGHLIN, BUELL & PHILLIPS

James K. Buell
James K. Buell *el*

JKB/cl

cc: Messrs. Denny R. Hogue
W. E. Buell
Don H. Eagleson

April 15, 1964

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

The records show that the time limit for beginning of construction on the facilities required for use of water under the terms of the Teel Irrigation Districts' permits numbered 25920 and 25924, as extended, expired on May 29, 1963, and that although this matter was called to your attention by our letter of December 10, 1963 we have heard nothing from you.

If the District is no longer interested in the projects, as authorized by the permits, we would appreciate it if you would authorize cancelation of the permits so that our records may be cleared of this matter.

Very truly yours,

CHRIS L. FREEDER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

December 20, 1963

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

The time limit, as last extended, for beginning of construction of the facilities necessary to the use of water authorized by the Teel Irrigation District's water rights permits numbered 25920 and 25924 expired on May 29, 1963.

If a beginning on construction of the facilities was accomplished within the designated time limit, a report of performance should be filed with the State Engineer.

If you were not able to perform within the time limit allowed but it is your intention to begin construction within the next year or so, I assume that you will wish to file an application for a further extension of the time limits.

We do not have a form for an application for an extension of the time limit for beginning of construction; however our standard application form is enclosed as a guide.

The records show that the time limits under both permits for completion of construction of the required facilities, and for completing at least one beneficial irrigation of the lands intended to be covered under the permits will expire on October 1, 1965.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

James W. Carver, Jr., Assistant

JWC:eh
enclosure

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

April 9, 1962

RECEIVED
APR 10 1962
STATE ENGINEER
SALEM, OREGON

Mr. Lewis A. Stanley
State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Attention: Mr. James W. Carver, Jr.

Gentlemen:

Re: Teel Irrigation District
No. 25920 and 25924

Thank you for your letter of April 4 enclosing a copy of your Order extending the time limits on Permits No. 25920 and 25924.

In reviewing the Order we note that by inadvertence you refer twice to Permit No. 25920 and Permit No. 25924 is not mentioned at all. We would appreciate your checking the original Order to see if it in fact reflects that both Permits were extended.

Yours very truly,

TEEL IRRIGATION DISTRICT

By: 

Secretary

JKB:rd

29929
32422

April 10, 1962

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

I am enclosing the proper order extending the time limits under permits numbered 25920 and 25924. Please disregard the first copy that was mailed in error.

The time limit for beginning of construction under both permits is being extended to May 29, 1963 and the time limits for completion of construction and complete application of water under both permits are being extended to October 1, 1965.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

eh

enclosure

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

February 19, 1962

RECEIVED
40 FEB 20 1962
STATE ENGINEER
SALEM, OREGON

Mr. Lewis A. Stanley,
State Engineer
Water Resources Department
516 Public Service Building
Salem 10, Oregon

Attention: Mr. James W. Carver, Jr.,
Assistant

Gentlemen:

Re: Teel Irrigation District
Permit Nos. 25920 and 25924

Enclosed herewith is Application of Teel Irrigation District for extension of time within which to begin construction work and make application of water under the subject permits 25920 and 25924, together with our check payable to your order in the sum of \$4.00.

We have extensive engineering data on surveys, open and pressure irrigation system and soil classification prepared in connection with our Application for a Small Projects Act loan. If your Department would like to have copies of these items for your records, we would be pleased to furnish same.

Yours very truly,

TEEL IRRIGATION DISTRICT

By: 

Secretary

JKB:rd
Enc.

29929
32422

April 4, 1962

Teel Irrigation District
607 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell,

Gentlemen:

Enclosed is a copy of the State Engineer's order extending the time limits in which to begin and complete construction and make complete application of water under permits numbered 25920 and 25924.

Our receipt No. 32811 covering the statutory filing you submitted in the amount of \$4 is also enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

eh

enclosures

516 PUBLIC SERVICE BLDG.
516 FINANCE BUILDING
170 12TH STREET S.W. BLDG.

STATE OF OREGON

STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO.

32422

10

January 15, 1962

Teel Irrigation District
807 Electric Bldg.
Portland 5, Oregon

Dear Sir:

According to the terms of your permit No. 25924 which is for the appropriation of 30.0 c.f.s. from Umatilla River & McKay Res. constructed under complete application of water was to have been made on or before October 1, 1961. It appears from our records that you have failed to submit notice of complete application, although a notice calling this matter to your attention was mailed to you on

November 8, 1961.

Complete application of water means the application of water to beneficial use to the full extent the permittee intends under the terms of the permit. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit.

If you have complied with the terms of the permit, you should promptly submit notice describing the extent of completion.

ORS 537.260 provides: Whenever the term within which any appropriation under a permit should have been performed has expired and the permit fails or refuses within three months thereafter to submit State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice registered mail, order the cancelation of the permit. *****

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, your permit will be canceled without further notice. No. 25924

If for any reason you are no longer interested in the project described by the permit, we would appreciate it if you would so advise. If the property involved in the project has changed hands, please give us the name and address of the new owner.

Very truly yours,

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

Form 100
Certified
Return receipt requested

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee

☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Lee Migration Unit

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY


Lee Migration Unit

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested in item #1)

JAN 7 6 1962

C55-16-71548-6 GPO

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE-TO AVOID PAYMENT OF POSTAGE, \$300	
<p>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</p>			
		<p>← RETURN TO</p>	
REGISTERED NO.	NAME OF SENDER		
CERTIFIED NO.	STREET AND NO. OR P. O. BOX		
INSURED N	CITY AND STATE		

5402
 LEWIS A. STANLEY
 STATE ENGINEER
 ELEM, OREGON

122

37-200

29929
32422

December 6, 1961

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

In reply to your request of November 22, two extension of time application forms are enclosed for your use in connection with permits numbered 25920 and 25924 in the name of the Teel Irrigation District.

Our records show that under the provisions of both of the permits the time limit for beginning of construction or purchase and installation of the facilities necessary to the proposed appropriation expired on May 29, 1960. The time limit for completion of the construction phase of the project expired on October 1, 1960 and the time limit for completion of the proposed appropriation expired on October 1, 1961.

Please note that the enclosed application forms do not make reference to extension of time for beginning of construction.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

enclosures

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

November 22, 1961

29929

State Engineer
State Office Building
Salem, Oregon

Dear Sir:

Re: Permits No. 25920
25924
Teel Irrigation District

RECEIVED
NOV 24 1961
STATE ENGINEER
SALEM, OREGON

Would you please furnish us forms if you have any available for an application for extension of time in connection with the subject permits.

Yours very truly,

TEEL IRRIGATION DISTRICT

By: James K. Buell
James K. Buell, Secretary

JKB:rd

RECEIVED
MAR 15 1966
STATE ENGINEER
Salem, Oregon

100.7d
Oregon 03429
2.0 BLE

Land Office
809 N. E. Sixth Avenue
Portland 12, Oregon

MAR 15 1966

CERTIFIED

DECISION

Virginia T. Larsen	:	Desert Land Entry
Scio	:	Oregon 03429
Oregon	:	
	:	Land: T. 3 N., R. 28 E., W.M., Oregon
	:	Sec. 34, W ₂ , 320 acres.

Entry Cancelled

The captioned entry was allowed September 19, 1955. The entryman has failed to respond to notice of January 28, 1959 by submitting annual proof within the sixty (60) day period allowed, 43 CFR 232.22, Circular 1991, attached. Accordingly, the entry is hereby cancelled, such action to become final within thirty (30) days from service of this notice.

The right of appeal to the Director, Bureau of Land Management, is allowed. An appeal is not necessary and should not be taken unless this decision is erroneous in law or fact. An appeal filed in accordance with the regulations in attached Form 4-1364 will be properly filed.

M. M. Gorecki

Chief, Lands and Minerals
Adjudication Unit

Attachs: Circ. 1991
Form 4-1364

cc: State Engineer, Salem - Note: When case is closed, you will be so notified.

cc: M, Baker

Supplemental Information to be attached to the Application for Permit to appropriate the Public Waters of the State of Oregon for Teel Irrigation District, dated May 10, 1958.

Item 2:

30 second feet, plus any available storage in McKay Creek Reservoir. See Tabulation.

Allocation of the McKay Reservoir storage capacity controlled and operated by the Bureau of Reclamation, reported as follows:

Westland Canal Irrig. Dist.	40. %	29,520. Acre Feet
Stanfield Irrigation Dist.	35. %	25,830. Acre Feet
Teel Irrigation District	14. %	10,332. Acre Feet
Unsold Storage Capacity	4.43%	3,269. Acre Feet
Miscellaneous Allotments	<u>6.57%</u>	<u>4,849. Acre Feet</u>
	100.0%	73,800. Acre Feet

Teel Irrigation District Contract for 14% has been approved and ready for final completion on filing election returns approving the contract.

ITEM 4:

The Canal will be built progressively from the end of the pipe line westerly as fast as lands are needed available for irrigation, reducing the immediate initial money requirement.

ITEM 8:

Acreage table showing additional acreage under the revised plan:

Total Acreage, Township 3 N, Range 28 E.,	2380.40 acres
Total Acreage, Township 3 N, Range 29 E.,	<u>2090.95 acres</u>
Total Acreage	4471.35 acres

March 23, 1960

Mr. W. E. Pitney, Chief
Basin Investigations
Oregon State Game Commission
P. O. Box 4136
Portland 8, Oregon

Dear Mr. Pitney:

Teel Irrigation District is the holder of Permit No. 25920, which grants the rights to appropriate not to exceed 60 cubic foot per second of water from the Umatilla River and McKay Reservoir for the irrigation of 4,682 acres of land under a priority of April 22, 1955, and Permit No. 25924, which grants the right to appropriate not to exceed 30 cubic foot per second of water from the Umatilla River and McKay Reservoir for the irrigation of 4,471.35 acres of land with a priority of June 27, 1958.

The rights from the Umatilla River, being late in priority, cover only the period when the flow is high. (In general terms, exceeding 650 second feet at the Yoakum Gage.)

Water from McKay Reservoir is stored under its date of priority and would be available for use after the Umatilla River drops.

The present right to storage in McKay Reservoir, as covered by the permits and contract with the Bureau of Reclamation, is for 14% of the capacity (10,332 acre feet with a full reservoir).

The Teel Irrigation District is now negotiating with the Bureau of Reclamation for a contract for an additional 3% of the reservoirs capacity, which is all of the remaining space left unsold in the reservoir. I do not have the complete list of all of the contract purchases of water from the reservoir readily available. This information could be best obtained by writing to Mr. Harold Nelson, Regional Director, Bureau of Reclamation, Regional Office, Region 1, Box 937, Boise, Idaho.

Mr. W. E. Pitney

- 2 -

March 23, 1960

The two largest contracts outstanding are the Westland Irrigation District 40% and Stanfield Irrigation District 35%. The remaining 8% is divided up among several small users.

Yours very truly,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler
Engineer

CLW:jc

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

May 28, 1959

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

Lewis A. Stanley
State Engineer
251 Finance Building
170 12th Street S. E.
Salem, Oregon

RECEIVED
MAY 29 1959
STATE ENGINEER
SALEM, OREGON

Attention: Mr. James W. Carver, Jr.

Gentlemen:

Re: Teel Irrigation District

Pursuant to your letter of May 27th, we return herewith duly certified copy of Resolution relative to the abandonment of the old permits and applications of Teel Irrigation District referred to in said letter.

Yours very truly,

TEEL IRRIGATION DISTRICT

By: James K. Buell
Secretary

JKB:rs
Enc.

Filed in App. No. 9272

4979
1980
9272
2382
135
29929
32422

May 29, 1959

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

This will acknowledge receipt of your letter of May 28 transmitting the duly certified copy of the resolution relative to the abandonment of the old applications and permits of the Teel Irrigation District.

The matter of the cancellation of the old permits and the withdrawal of the old applications as authorized by the resolution, is being entered into the records of this office.

Your application No. 29929 for the appropriation of sixty cubic feet per second from the Umatilla River and McKay Reservoir has been approved by issuance of permit No. 25920. Your application No. 32422 for the appropriation of thirty cubic feet per second from the Umatilla River and McKay Reservoir has been approved by issuance of permit No. 25924. The permits will be delivered to you by mail as soon as the necessary entries have been made in the records of this office.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

2992.9
32422

TEEL IRRIGATION DISTRICT

UMATILLA COUNTY
OREGON

May 22, 1959

OFFICE ADDRESS
807 ELECTRIC BUILDING
621 S. W. ALDER STREET
PORTLAND 5, OREGON

RECEIVED
MAY 25 1959
STATE ENGINEER
SALEM, OREGON

Office of the State Engineer
State of Oregon
251 Finance Building
170 12th Street, S. E.
Salem, Oregon

Attention: Mr. James W. Carver, Jr.

Dear Sir:

Re: Teel Irrigation District

Pursuant to our recent conference and telephone conversations, we enclose herewith a copy of Resolution of the Board of Directors of Teel Irrigation District relative to the abandonment of the old water right applications of this District which we discussed.

We trust that the records of your office will now be in order where our current applications can be processed. We are sorry for the delay in getting a copy of this Resolution to you.

Yours very truly,

TEEL IRRIGATION DISTRICT

By: James K. Buell
Secretary

JKB:rs
Enc.

May 27, 1959

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Attention Mr. James K. Buell

Gentlemen:

This will acknowledge your letter of May 22 and the enclosed carbon copy of a resolution of the Board of Directors of the Teel Irrigation District pertaining to the disposal of permit Numbers E-106, R-242 and 1546, and application Numbers 4979, 4980 and 9272.

Upon examination of the resolution it would appear that if you will now submit a certified copy of the resolution, or attach your certification to the submitted copy of the resolution which is returned herewith, we would proceed with clearing the records of the old files and also proceed with the matter of the approval of your application Numbers 29929 and 32422.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosure

Mr. James Duell

- 2 -

April 2, 1959

As discussed with you in this office as long as the permits remain in the records of the State Engineer permits that would be issued in approval of your more recent Applications Nos. 29929 and 32422 would have to contain provisions that would make them supplemental to the old permits.

Also, as was discussed, since the old permits are of questionable status we do not believe it to be proper to issue permits in approval of Applications Nos. 29929 and 32422 until appropriate action has been taken by you on the old permits.

With reference to the three old incomplete applications, numbers R-4979, 4980 and 9272, in view of the length of time these files have been in-active it would appear that the best course of action would be to clear the records by withdrawal on the part of the irrigation district or rejection by the State Engineer.

Very truly yours,

JOHN A. FRANKLY
State Engineer

By

James W. Carver, Jr.
Assistant

JG:lk

415
2832
2938
4979
4980
9272

April 2, 1959

Mr. James Snell, President
Teel Irrigation District
Electric Building
Portland, Oregon

Dear Mr. Snell:

This letter is to confirm our discussion in this office on March 31, 1959, regarding the following files in the name of the Teel Irrigation District.

Permit No. B-106, File No. 415 for the appropriation of 100 cubic feet of water per second from Cable Creek and 20 cubic feet of water per second from Owens Creek for the irrigation of 20,526.83 acres in Township 2 North, Ranges 27 and 28 East, T. 1. N. and Township 3 North, Ranges 28 and 29 East, T. 1. N. The time limit for completion of the project under the terms of Permit No. B-106 was October 1, 1937.

Permit No. B-242, File No. 2938, for the construction of Canas Creek Reservoir and the storage therein of 31,000 acre feet of water from Canas Creek for irrigation and power. The time limit for completion of this project was June 1, 1915.

Permit No. 1546, File No. 2832, for the appropriation of 180 cubic feet of water per second from Midway Creek and 200 cubic feet of water per second from Canas Creek for the supplemental irrigation of 20,526.33 acres described by Permit No. B-106. The time limit for completion of this project was October 1, 1921.

Application No. 4979 filed on June 17, 1916, for a permit to construct an enlargement to Canas Creek Reservoir and store therein an additional 30,000 acre feet of water from Canas Creek for irrigation and power. This application has never been completed.

Application No. 4980 filed on June 17, 1916, for a permit to appropriate 200 cubic feet of water per second from Canas Creek and 180 cubic feet of water per second from Midway Creek and stored water from Canas Creek Reservoir for the irrigation of a total of 26,556.29 acres, which in part duplicates the land described by Permit No. B-106. This application was never completed.

Application No. 9272 filed in this office on November 21, 1923, for a permit to construct Cable Creek Reservoir and store therein 25,000 acre feet of water from Cable Creek for irrigation. This application has never been completed.

WILLIAM E. BUELL

ENGINEER

SHERLOCK BUILDING
PORTLAND 4, OREGON

Feb. 16, 1959

Lewis Stanley
State Engineer
Salem, OregonRECEIVED
FEB 17 1959
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stanley:

Some time in December Teel Irrigation District supplied your office with a copy of contract between the Teel Irrigation District and the Interior Department or Bureau of Reclamation showing the acquisition of specific storage in McKay Reservoir.

We are now preparing reports to the Bureau of Reclamation on the small project account and we need to make reference to the District's application and permits for 90 cfs from the Umatilla River - Application numbers 29929-60cfs. - #32422-30 cfs. Permit is now in order to be issued and George Carter advises that specific reference is needed in the report.

Thanks in advance.

Yours truly,


W. E. Buell

WEB:mh

29929
32122

February 16, 1959

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Gentlemen:

This will acknowledge receipt of your letter of February 3, 1959, transmitting a conformed copy of the contract of the Teel Irrigation District with the U. S. Bureau of Reclamation for storage of water in McKay Reservoir.

Your applications now appear to be in satisfactory form and are being placed in line for approval by issuance of permits with the next group.

Very truly yours,

LEWIS A. CARVER
State Engineer

By
James W. Carver, Jr., Assistant

bks

WILLIAM E. BUELL

ENGINEER

SHERLOCK BUILDING
PORTLAND 4, OREGON

July 10, 1958

Mr. Lewis A. Stanley
State Engineer
Salem, Oregon

Dear Mr. Stanley:

Herewith revised filing map showing lands to be irrigated
in the Teel Irrigation District, Application No. 32422,
filed June 27, 1958.

Mr. Wheeler pointed out that we failed to show irrigable
acreage in each 40-acre tract.

If there are any other items needing correction we will
be pleased to make them or whatever is necessary.

Yours truly,


W. E. Buell

WEB:rw
Enclosure--Map

cc: Teel Irrigation District
Denney R. Hogue
Don H. Eagleson

RECEIVED
JUL 14 1958
STATE ENGINEER
SALEM, OREGON

29929
32422

December 12, 1958

Mr. William E. Buell
Engineer
Sherlock Building
Portland 4, Oregon

Dear Mr. Buell:

We would appreciate it if you would advise us when we may expect to receive evidence of storage capacity in McKay Reservoir necessary to application Numbers 29929 and 32422 in the name of the Teel Irrigation District.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
cc - Teel Irrigation District

July 9, 1958

Teel Irrigation District
807 Electric Building
Portland 5, Oregon

Gentlemen:

This will acknowledge receipt of an application in the name of Teel Irrigation District for a permit to appropriate 30 cubic feet of water per second from the Umatilla River and the McKay Creek Reservoir for the irrigation of 1,471.35 acres, and payment of fees in the amount of \$105.22, for which our Receipt No. 17194 was handed to Mr. Drell.

The application has been filed as provided by law under Application No. 32422. Further action on the application is being withheld pending receipt of the application map and other data as discussed in this office.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By

James W. Carver, Jr.
Assistant

JEU:bks

SM-10-50

Permit No. **25921**

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Teel Irrigation District (Name of applicant)
 of 807 Electric Bldg., Portland 5, Oregon (Mailing address)
 State of Oregon, do hereby make application for a permit to appropriate the
 following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:
 If the applicant is a corporation, give date and place of incorporation Umatilla County
Oregon 1911

1. The source of the proposed appropriation is Umatilla River (Name of stream)
 a tributary of Columbia River

2. The amount of water which the applicant intends to apply to beneficial use is 30
 (See Statement Attached)
 cubic feet per second, plus added supplemental water from McKay Creek Reservoir;
 (If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located S 55° ft. 48' W. and 3237.3 ft. from the NE
 corner of Sec. 21, T-3-N, R-29-E., W.M. (N. or S.) (E. or W.)
 (Section or subdivision)

being located upstream from the Diversion Dam of Westland Irrigation District.

Diverting from River into an 800' intake Feed canal to pumping plant.

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SW 1/4 NE 1/4 of Sec. 21, Tp. 3N
 (Give smallest legal subdivision) (N. or S.)

R. 29 E., W. M., in the county of Umatilla
 (E. or W.)

5. The Canal and Pipe Line to be 1500 feet of 48-inch Steel Pipe
 and 8.0 miles of canal (Main ditch, canal or pipe line) (Miles or feet)
 in length, terminating in the Westerly line of of Sec. 34, Tp. 3N
 (Smallest legal subdivision) (N. or S.)

R. 28 E., W. M., the proposed location being shown throughout on the accompanying map.
 (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom

feet; material to be used and character of construction (Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description The pumping plant will comprise three
 (Size and type of pump)

units of 13,500 GPM each, direct connected to 750 HP, 720 RPM, 2200 Volt Squirrel Cage
 (Size and type of engine or motor to be used, total head water is to be lifted, etc.)
 Motor, pumping against 125' total Dynamic head into a 48" pipeline.

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the
 Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem,
 Oregon.

(b) At _____ miles from headgate: width on top (at water line) _____
feet; width on bottom _____ feet; depth of water _____ feet;
grade _____ feet fall per one thousand feet.

8. Location of area to be irrigated, or place of use

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised.....

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in _____ of Sec. _____
(Legal subdivision)

Tr. _____, R. _____, W. M. _____
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., *Sec.*, *Trp.* (No. N. or S.), *R.* (No. E. or W.), *W. M.*

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

25924

Supplemental information to be attached to the Application for Permit to appropriate the Public Waters of the State of Oregon for Teel Irrigation District, dated May 10, 1958.

Item 2: 30 second feet, plus any available storage in McKay Creek Reservoir. See tabulation.

Allocation of the McKay Reservoir storage capacity controlled and operated by the Bureau of Reclamation, reported as follows:

Westland Canal Irrig. Dist.	40. %	29,520.	Acre Feet
Stanfield Irrigation Dist.	35. %	25,830.	" "
Teel Irrigation District	14. %	10,332.	" "
Unsold Storage Capacity	4.43%	3,269.	" "
Miscellaneous Allotments	6.57%	4,849.	" "
	100.00%	73,800.	Acre Feet

Teel Irrigation District Contract for 14% has been approved and ready for final completion on filing election returns approving the contract.

Item 4: The canal will be built progressively from the end of the pipe line westerly as fast as lands are needed available for irrigation, reducing the immediate initial money requirements.

Item 8: Acreage table showing additional acreage under the revised plan:

Total Acreage, Township 3 N., Range 28 E.	2380.40 Acres
Total Acreage, Township 3 N., Range 29 E.	2090.95 "
Total Acreage	4471.35 Acres

25924

Item 8:

ACREAGE TABLE

Permit No.

T-3-N, R-28-E, W.M.

	Sections					
	<u>P</u> 20	<u>P</u> 21	<u>P</u> 25	<u>P</u> 26	<u>S</u> 28	<u>P</u> 31
NE NE		32.0	40	25.6	1.5	40
NW NE		9.6	40	4.8	9.6	40
SW NE		19.2	40	22.4	40.0	40
SE NE		17.6	40	40.	1.6	40
NE NW			40	11.2	11.2	40
NW NW			40	30.4	40.0	40
SW NW		19.2	40	40	22.4	40
SE NW	27.2	0.3	40	40	35.2	40
NE SW	40.	17.6	40.		40.	40
NW SW		35.2	40		40.	40
SW SW	40.	24.0	40		40.	40
SE SW	40.	40.0	40		40.	40
NE SE		6.8	40			40
NW SE	24.0	1.7	40		40	40
SW SE	24.0	22.4	40		40	40
SE SE	3.2	40.	40		<u>19.7</u>	40
	<u>198.4</u>	<u>266.40</u>	<u>640.</u>	<u>214.40</u>	<u>421.2</u>	<u>640.</u>

Total Acreage T-3-N, R-28-E, W.M.

2,380.40

" " T-3-N, R-29-E, W.M.

2,090.95

Total Acreage

4,471.35

Item 8:

ACREAGE TABLE

Permit No. 25921

T-3-N, R-29-E, W.M.

	Sections							
	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>28</u>	<u>29</u>	<u>30</u>	<u>32</u>
NE NE		8.0	8.0			40		40
NW NE		36.80	27.2			40		40
SW NE		40.0	34.8			40		40
SE NE		12.8	14.4			40		40
NE NW		27.20				40		
NW NW		56.73		11.2	40.	40		
SW NW		56.70		36.3	40.	40		
SE NW		40.0				40		
NE SW	1.6	40.0	40.0			40		
NW SW	16.34	41.09	40.0	37.4		40		
SW SW	52.39	26.4	40.0	40.9		40		
SE SW	25.60	40.0	40.0			40		
NE SE		40.0	40.0				40	
NW SE		40.0	40.0				40	
SW SE		40.0	40.0				40	
SE SE		40.00	40.0				40	
	95.93	585.72	404.40	124.90	80.	480.	160.	160.

Municipal or Domestic Supply—

25921

10. (a) To supply the city of

(Name of)

County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 250,000.00

12. Construction work will begin on or before January 1, 1959

13. Construction work will be completed on or before 1960 Irrigation Season

14. The water will be completely applied to the proposed use on or before July 1962

Paul J. ...
(Signature of applicant)

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of; 19.....

STATE ENGINEER

By

ASSISTANT

PERMIT

STATE OF OREGON, } ss.
County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 30.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Umatilla River and McKay Reservoir constructed under permit No. R-584.

The use to which this water is to be applied is irrigation and supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/10th of one cubic foot per second or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from McKay Reservoir constructed under permit No. R-584; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein; and is subject to the terms of contract No. 14-06-100-1458, dated December 3, 1957 between the United States of America through the Bureau of Reclamation and the applicant, a copy of which is on file in the office of the State Engineer,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is June 27, 1958

Actual construction work shall begin on or before May 29, 1960

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1960

Complete application of the water to the proposed use shall be made on or before October 1, 1961

WITNESS my hand this 29th day of May, 1959

Lewis A. Stanley
STATE ENGINEER

Application No. 32422
Permit No. 25924

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 27th day of June,
1958 at 8:45 o'clock: A. M.

Returned to applicant:

Approved:

Recorded in book No. 70 of

Permits on page 25924

Lewis A. Stanley
STATE ENGINEER

Drainage Basin No. 7 page 13A
Fees 10.52

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF AN EXTENSION)
OF TIME WITHIN WHICH TO BEGIN)
AND COMPLETE CONSTRUCTION AND)
MAKE COMPLETE APPLICATION OF)
WATER UNDER PERMITS NUMBERED)
25920 AND 25924 IN THE NAME OF)
TEEL IRRIGATION DISTRICT)

O R D E R

The Teel Irrigation District is the holder of permit No. 25920 which grants the right to appropriate 60 cubic feet per second of water from the Umatilla River and McKay Reservoir for irrigation and supplemental irrigation.

The District is also the holder of permit No. 25924 which grants the right to appropriate 30 cubic feet per second of water from the Umatilla River and McKay Reservoir for irrigation and supplemental irrigation.

The District has advised the State Engineer that the appropriations have not been made as described in the permits, but it is the desire of the District to preserve the rights for these developments.

The District has further advised that it is in the process of compiling cost estimates and necessary engineering data for such plans.

It is believed that it will be consistent with the public interest to grant the extension for which application has been made.

NOW, THEREFORE, it hereby is ORDERED that the time limits in which to begin and complete construction and make complete application of water under permits numbered 25920 and 25924 be extended to October 1, 1975.

Dated at Salem, Oregon, this 4th day of February, 1971.

/s/ CHRIS L. WHEELER
State Engineer

APPLICATION FOR EXTENSION OF TIME

TO THE STATE ENGINEER OF OREGON:

I, JAMES K. BUELL, hereby certify that I am the duly elected Secretary of TEEL IRRIGATION DISTRICT, a municipal corporation of the State of Oregon, and that said District is the owner of permits 25290 and 25924.

Under the terms and conditions of said permits construction was required to be completed on or before May 29, 1963 and complete application of the water is required to be made on or before October 31, 1965.

The TEEL IRRIGATION DISTRICT has heretofore done the following work described under said permits:

- 1) The District has entered into a contract with the United States of America acting through the Department of Interior for the storage of 10,332 acre feet of water in McKay Reservoir.
- 2) The District has obtained exhaustive soil analyses and engineering surveys.
- 3) The District has completed plans and cost estimates for both flooding and sprinkling-type systems.
- 4) The District has made application for a Small Reclamation Projects Loan and has received tentative field approval for same.
- 5) The District has negotiated with various representatives of the United States Fish & Wildlife Service and the Oregon State Game Commission and the Oregon State Fish Commission relative to proper safeguards for fish and wildlife and has received approval

\$400 FEE PAID

Rec 6940

of its plans from said agencies.

6) Substantial sums in excess of \$20,000 have been paid by and on behalf of the District in accomplishing the foregoing.

Since the last extension of time granted by your office the District has accomplish the following:

1) It intervened in the appeal by the Birch Creek Water Control District from the order of your office granting an extension of time to the United States of America for commencing and completing the Birch Creek Diversion.

2) Representatives of the District have continued negotiations with the United States of America, Department of Interior relative to obtaining the Small Reclamation Projects Loan referred to above.

The District estimates the cost of completion of its project to be \$2,203,300 if completed according to present plans.

The District is unable to complete construction work and to make complete application of water within the required time for the reason that the District's plans have been dependent upon the United States of America, Department of Interior completing the Birch Creek Diversion so that the water applied for under subject permits could be diverted to and stored in McKay Reservoir.

The possibility that the United States may not proceed with the Birch Creek Diversion has made it necessary for the District to develop alternative plans for providing its own storage facilities on lands within the boundaries of the District and is in the process of compiling cost estimates and the necessary

engineering data for such alternative plans.

A copy of the application of the District for said Small Reclamation Projects Loan, together with supporting reports, under date of December 11, 1959 has heretofore been filed with your office.

WHEREFORE, I ask that the State Engineer extend the time for completion of construction work under said permits to October 1st, 1970 and to complete application of water to October 1st, 1970.

TEEL IRRIGATION DISTRICT

By: 

Secretary

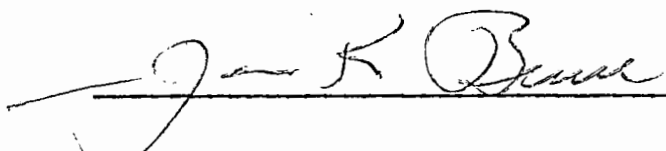
STATE OF OREGON

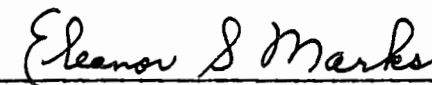
County of Multnomah

} ss

I, JAMES K. BUELL, being first duly sworn, depose and say that I have read the above and foregoing Application for Extension of Time and that I know the contents thereof and that the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, 1965.


Subscribed and sworn to before me this 27th day of September, 1965.


Notary Public for Oregon

My Commission Expires: 4-30-69





United States Department of the Interior
WATER AND POWER RESOURCES SERVICE
~~BUREAU OF RECLAMATION~~
CENTRAL SNAKE PROJECTS OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702

IN REPLY
REFER TO: 100
840.-

October 9, 1980

Mr. Chester J. Prior
Star Route
Echo, Oregon 97826

Dear Mr. Prior:

This is in response to your recent letter to our office which requests that the Teel Irrigation District, located in Umatilla County, Oregon, be given an opportunity to contract for stored water which might be made available from McKay Reservoir.

As you have correctly indicated, the Teel Irrigation District did, at one time, have a contract for 14 percent of the stored water in McKay Reservoir. Under terms of that agreement, which was assigned contract No. 14-06-100-1458 and dated December 3, 1957, the District was required to utilize the stored water supply during the year 1960 or the contract was to be terminated and all rights of the District thereunder ceased.

Referring to correspondence in our files, it appears that the District was unable to utilize the stored water supply because of its inability to finance and construct needed water conveyance and distribution facilities. As one possible means of funding the needed construction, the Teel Irrigation District filed a notice of intent to apply for a Small Reclamation Projects loan administered by the Bureau of Reclamation. That letter of intent was directed to this office on December 23, 1957. On February 6, 1960, a report supporting the Small Reclamation Projects loan and the required \$1,000 application fee were received from the District. In reviewing that report it was concluded that approval of the loan application report must be contingent upon assurance that the Birch Creek Bypass Channel to provide additional water in McKay Reservoir would be constructed by the District to assure an adequate water supply. At the same time, the Birch Creek Water Control District had taken legal action opposing the construction of any diversion structure which would diminish existing flows in Birch Creek. As a consequence, the loan application was deferred pending the outcome of the Umatilla Basin Project investigations which were being undertaken by the Bureau of Reclamation at that time. This study included a proposal for irrigation development within the Teel Irrigation District.

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

Because of the ongoing project investigations and numerous other requests received for stored water from McKay Reservoir, the Teel Irrigation District's subsequent desire to have the earlier contract for stored water from McKay Reservoir reinstated was not approved. This position was indicated in a letter to the District dated February 12, 1971. However, an application date of January 8, 1971, was assigned to the Teel Irrigation District request pending a determination of storage space requirements for flood control, the permanent needs of existing storage space contractors, and the completion of Umatilla Basin Project studies.

As you may be aware, an evaluation of McKay Dam was undertaken shortly thereafter to insure its safety from failure due to overtopping by potential flood inflows to the reservoir. The resulting legislation (Public Law 94-228 enacted March 11, 1976) allocated 6,000 acre-feet of the remaining storage space to flood control and reallocated construction costs to the various functions served. Construction work on McKay Dam is scheduled for completion this month.

During the safety of dams program undertaking, there have been no long-term contracts executed for uncommitted storage space in McKay Reservoir. At the present time, there are over 30 applicants for the 6,190 acre-feet of storage space remaining after designating 6,000 acre-feet for flood control. The request received from the Teel Irrigation District in 1971 is included in these applications and we are currently undertaking repayment contract negotiations to market the remaining space. These activities will include identifying and screening the various applicants for need and eligibility. Therefore, within the next several months those individuals and entities expressing an interest in stored water from McKay Reservoir will be contacted.

Your interest in the above matter is appreciated and should there be further questions, please contact our office at any time.

Sincerely,


Project Superintendent

RECEIVED

NOV 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 17 1983

WATER RESOURCES DEPT.
SALEM, OREGON

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity } No. _____
Law }

STATE OF OREGON, }
County of Umatilla }

I, Beverly Krosting being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the EO- 781 Filing of Petitions-Exclude lands

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 2 successive and consecutive insertions in
the following issues:

Aug. 29 Sept. 5 1980

Beverly Krosting

Subscribed and sworn to before me this 8th day of

Sept. 1980

Patricia A. Harvey
Notary Public of Oregon

EO-781
NOTICE OF FILING
OF PETITIONS TO
EXCLUDE LANDS

Notice is given by the Board of Directors of Teel Irrigation District that two petitions to exclude lands from Teel Irrigation District have been filed with the Board of Directors. One of the Petitions is by Fred Andrews, Jr. and Charlotte E. Andrews and requests that the following described real property:

TOWNSHIP 3 NORTH,
RANGE 28, E.W.M. Section 24: All; Umatilla County, Oregon,

which petitioners own in fee simple, be excluded and taken from the boundaries of the District. The other petition is by Robert Levy and Dennis B. Logan, dba L & L Farms, and requests that the following described real property:

TOWNSHIP 3 NORTH,
RANGE 28, E.W.M. Section 27: All of Section 27 that lies North of Oregon State Highway #320; Umatilla County, Oregon,

which petitioners own in fee simple, be excluded and taken from the boundaries of the District.

All persons interested in, or who may be affected by the exclusion of the above-described lands owned by the petitioners in fee simple from the boundaries of Teel Irrigation District, should appear at the temporary office of the Board of the offices of Eagle Ranch Co., Star Route, Echo, Oregon, at 10:00am on Monday, September 8, 1980, and show cause in writing, if any they have, why the changes in boundaries proposed in the two petitions should be not made.

Dated this 26th day of August, 1980.
Board of Directors of
Teel Irrigation District
August 29, September 5, 1980.

TEEL IRRIGATION
DISTRICT

32327 OREGON TRAIL ROAD, ECHO, OREGON 97826

FAX

Date: 03/31/97

Number of pages including cover sheet: 2

To:

 MARTHA O. PAGEL

OREGON WATER
RESOURCES DEPARTMENT

Phone: (503) 378-3739

Fax phone: (503) 378-8130

CC:

From:

CHESTER PRIOR

Phone: (541) 376-8444

Fax phone: (541) 376-8445

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

**TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826**

**OREGON WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12th Street NE
Salem, OR 97310-0210**

Dear Sirs:

Teel Irrigation district would like to request a 60 day time extension on the proposed final proof on permits 25920 and 25924. The district received the proposed final proof on February 3 1997. The district understanding of the rules allows it 60 days to respond. The Teel district needs this additional time extension to resolve issues of water rights that have to do with some transfers involving Westland Irrigation districts 3110 process. The Teel Irrigation district just recently became aware of several small parcels that have questions involving other water rights transfers. This time delay will allow the district to better identify the exact location of these water rights.

Thank you for your attention to this matter.

Sincerely,



Teel Irrigation District
Chester Prior

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

confirms part of the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 4471.3 acres.

This right was perfected under Permit 25924. The date of priority is JUNE 27, 1958. This right is limited to 30.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW ¼ NE ¼, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

		IRRIGATED ACRES	
SE ¼ SE ¼		14.2	
SECTION 13			14.2 ACRES
SW ¼ NW ¼		31.7	
SE ¼ NW ¼		21.1	
NE ¼ SW ¼		31.4	
NW ¼ SW ¼		32.6	
SW ¼ SW ¼		40.2	
SE ¼ SW ¼		35.6	
NE ¼ SE ¼		30.3	
NW ¼ SE ¼		31.3	
SW ¼ SE ¼		23.7	
SE ¼ SE ¼		21.7	
SECTION 23			299.6 ACRES
NE ¼ NE ¼		30.0	
NW ¼ NE ¼		30.4	
SW ¼ NE ¼		38.4	
SE ¼ NE ¼		32.4	
NE ¼ NW ¼		32.0	
NW ¼ NW ¼		30.4	
SW ¼ NW ¼		34.0	
SE ¼ NW ¼		38.4	
NE ¼ SW ¼		36.5	
NW ¼ SW ¼		29.6	
SW ¼ SW ¼		32.8	
SE ¼ SW ¼		31.6	
NE ¼ SE ¼		30.1	
NW ¼ SE ¼		35.2	
SW ¼ SE ¼		32.4	
SE ¼ SE ¼		32.8	
SECTION 25			527.0 ACRES
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			

file 32422

IRRIGATED			
ACRES			
NE ¼ NE ¼	30.2		
NW ¼ NE ¼	35.7		
SW ¼ NE ¼	35.2		
SE ¼ NE ¼	28.1		
NE ¼ NW ¼	14.2		
NW ¼ NW ¼	16.7		
SE ¼ NW ¼	2.0		
SW ¼ SW ¼	0.2		
SE ¼ SW ¼	26.3		
SECTION 26		188.6 ACRES	
NE ¼ NE ¼	36.4		
NW ¼ NE ¼	26.8		
SW ¼ NE ¼	21.2		
SE ¼ NE ¼	6.8		
SE ¼ NW ¼	0.6		
SECTION 27		91.8 ACRES	
NE ¼ NE ¼	33.0		
NW ¼ NE ¼	33.0		
SW ¼ NE ¼	29.4		
SE ¼ NE ¼	29.4		
NE ¼ NW ¼	31.3		
NW ¼ NW ¼	31.2		
SW ¼ NW ¼	31.0		
SE ¼ NW ¼	30.8		
NE ¼ SW ¼	30.5		
NW ¼ SW ¼	30.2		
SW ¼ SW ¼	39.0		
SE ¼ SW ¼	39.0		
NE ¼ SE ¼	27.2		
NW ¼ SE ¼	28.0		
SW ¼ SE ¼	35.9		
SE ¼ SE ¼	30.9		
SECTION 28		509.8 ACRES	
NE ¼ NE ¼	30.5		
NW ¼ NE ¼	29.7		
SW ¼ NE ¼	29.6		
SE ¼ NE ¼	30.0		
NE ¼ NW ¼	28.7		
NW ¼ NW ¼	33.1		
SW ¼ NW ¼	33.1		
SE ¼ NW ¼	28.5		
NE ¼ SW ¼	28.3		
NW ¼ SW ¼	29.7		
SW ¼ SW ¼	33.7		
SE ¼ SW ¼	36.5		
NE ¼ SE ¼	30.0		
NW ¼ SE ¼	26.2		
SW ¼ SE ¼	34.9		
SE ¼ SE ¼	36.9		
SECTION 29		499.4 ACRES	
NE ¼ NE ¼	0.2		
SE ¼ NE ¼	0.3		
SECTION 30		0.5 ACRES	
NE ¼ NE ¼	36.7		
NW ¼ NE ¼	36.9		
SW ¼ NE ¼	23.9		
NE ¼ NW ¼	5.4	102.9 ACRES	
SECTION 32			
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			

	IRRIGATED ACRES	
NE ¼ NE ¼	31.3	
NW ¼ NE ¼	36.5	
SW ¼ NE ¼	31.0	
SE ¼ NE ¼	31.0	
NE ¼ NW ¼	36.9	
NW ¼ NW ¼	36.3	
SW ¼ NW ¼	32.0	
SE ¼ NW ¼	32.4	
SECTION 33		267.4 ACRES
NE ¼ NW ¼	1.3	
SECTION 35		1.3 ACRES
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.		
SW ¼ SW ¼	7.0	
SECTION 16		7.0 ACRES
SE ¼ SE ¼	0.5	
SECTION 17		0.5 ACRES
NE ¼ NE ¼	5.6	
SW ¼ NE ¼	30.4	
SE ¼ NE ¼	37.0	
SW ¼ NW ¼	6.5	
SE ¼ NW ¼	19.7	
NE ¼ SW ¼	39.8	
NW ¼ SW ¼	50.8	
SW ¼ SW ¼	41.9	
SE ¼ SW ¼	29.9	
NE ¼ SE ¼	38.1	
NW ¼ SE ¼	40.0	
SW ¼ SE ¼	37.7	
SE ¼ SE ¼	35.6	
SECTION 19		413.0 ACRES
NE ¼ NE ¼	28.3	
NW ¼ NE ¼	16.8	
SW ¼ NE ¼	40.0	
SE ¼ NE ¼	40.0	
NE ¼ SW ¼	31.6	
NW ¼ SW ¼	35.0	
SW ¼ SW ¼	39.8	
SE ¼ SW ¼	40.0	
NE ¼ SE ¼	40.0	
NW ¼ SE ¼	38.1	
SW ¼ SE ¼	25.9	
SE ¼ SE ¼	37.6	
SECTION 20		413.1 ACRES
NE ¼ NW ¼	13.1	
NW ¼ NW ¼	40.0	
SW ¼ NW ¼	39.8	
SE ¼ NW ¼	10.2	
NE ¼ SW ¼	12.0	
NW ¼ SW ¼	39.3	
SW ¼ SW ¼	38.8	
SE ¼ SW ¼	6.4	
SECTION 21		199.6 ACRES
NE ¼ NW ¼	2.9	
NW ¼ NW ¼	25.9	
SW ¼ NW ¼	4.8	
SECTION 28		33.6 ACRES
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.		

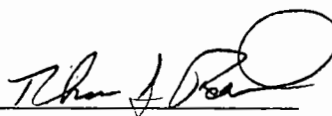
		IRRIGATED ACRES	
NE ¼	NE ¼	39.7	
NW ¼	NE ¼	34.0	
SW ¼	NE ¼	33.8	
SE ¼	NE ¼	36.7	
NE ¼	NW ¼	39.7	
NW ¼	NW ¼	34.4	
SW ¼	NW ¼	39.6	
SE ¼	NW ¼	35.6	
NE ¼	SW ¼	31.2	
NW ¼	SW ¼	39.0	
SW ¼	SW ¼	40.0	
SE ¼	SW ¼	32.7	
SECTION 29			436.4 ACRES
NE ¼	NE ¼	37.1	
NW ¼	NE ¼	35.5	
SW ¼	NE ¼	36.2	
SE ¼	NE ¼	39.2	
NE ¼	NW ¼	38.0	
NW ¼	NW ¼	57.3	
SW ¼	NW ¼	50.1	
SE ¼	NW ¼	29.6	
NE ¼	SE ¼	37.2	
NW ¼	SE ¼	31.8	
SW ¼	SE ¼	33.6	
SE ¼	SE ¼	40.0	
SECTION 30			465.6 ACRES
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.			
TOTAL		4471.3	ACRES

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.

This certificate is issued to correctly describe the point of diversion, and supersedes Certificate 75120, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed May 25, 1999.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76051.

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Teel Irrigation District
(Name of applicant)
 of 807 Electric Bldg., Portland 5, Oregon
(Mailing address)
 State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation Umatilla County
Oregon - 1911

1. The source of the proposed appropriation is Umatilla River
(Name of stream)

, a tributary of Columbia River

2. The amount of water which the applicant intends to apply to beneficial use is 30
(See Statement Attached)
 cubic feet per second. plus added supplemental water from McKay Creek Reservoir;
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located S. 55° ft. 48' W. and 3237.3 ft. from the NE
(N. or S.) (E. or W.)
 corner of Sec. 21, T-3-N, R-29-E., W.M.
(Section or subdivision)

being located upstream from the Diversion Dam of Westland Irrigation District.

Diverting from River into an 800' intake Feed canal to pumping plant.

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SW 1/4 NE 1/4 of Sec. 21, Tp. 3N
(Give smallest legal subdivision) (N. or S.)

R. 29 E., W. M., in the county of Umatilla
(E. or W.)

5. The Canal and Pipe Line to be 1500 feet of 48-inch Steel Pipe
(Main ditch, canal or pipe line) (Miles or feet)
 and 8.0 miles of canal
 in length, terminating in the Westerly line of of Sec. 34, Tp. 3N
(Smallest legal subdivision) (N. or S.)

R. 28 E., W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom
 feet; material to be used and character of construction
(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description The pumping plant will comprise three
(Size and type of pump)
 units of 13,500 GPM each, direct connected to 750 HP, 720 RPM, 2200 Volt Squirrel Cage
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)
 Motor, pumping against 125' total Dynamic head into a 48" pipeline.

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

T7673

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

25924

Item 8

ACREAGE TABLE

Permit No.

T-3-N, R-28-E, W.M.

	Sections					
	<u>P</u> <u>20</u>	<u>P</u> <u>24</u>	<u>P</u> <u>25</u>	<u>P</u> <u>26</u>	<u>S</u> <u>28</u>	<u>P</u> <u>34</u>
NE NE		32.0	40	25.6	1.5	40
NW NE		9.6	40	4.8	9.6	40
SW NE		19.2	40	22.4	40.0	40
SE NE		17.6	40	40.	1.6	40
NE NW			40	11.2	11.2	40
NW NW			40	30.4	40.0	40
SW NW		19.2	40	40	22.4	40
SE NW	27.2	0.3	40	40	35.2	40
NE SW	40.	17.6	40		40.	40
NW SW		35.2	40		40.	40
SW SW	40.	24.0	40		40.	40
SE SW	40.	40.0	40		40.	40
NE SE		6.8	40			40
NW SE	24.0	1.7	40		40	40
SW SE	24.0	22.4	40		40	40
SE SE	3.2	40.	40		19.7	40
	<u>198.4</u>	<u>266.40</u>	<u>640.</u>	<u>214.40</u>	<u>421.2</u>	<u>640.</u>

Total Acreage T-3-N, R-28-E, W.M.

2,380.40

" " T-3-N, R-29-E, W.M.

2,090.95

Total Acreage

4,471.35

Supplemental information to be attached to the Application for Permit to appropriate the Public Waters of the State of Oregon for Teel Irrigation District, dated May 10, 1958.

Item 2: 30 second feet, plus any available storage in McKay Creek Reservoir. See tabulation.

Allocation of the McKay Reservoir storage capacity controlled and operated by the Bureau of Reclamation, reported as follows:

Westland Canal Irrig. Dist.	40. %	29,520.	Acre Feet
Stanfield Irrigation Dist.	35. %	25,830.	" "
Teel Irrigation District	14. %	10,332.	" "
Unsold Storage Capacity	4.43%	3,269.	" "
Miscellaneous Allotments	6.57%	4,849.	" "
	100.00%	73,800.	Acre Feet

Teel Irrigation District Contract for 14% has been approved and ready for final completion on filing election returns approving the contract.

Item 4: The canal will be built progressively from the end of the pipe line westerly as fast as lands are needed available for irrigation, reducing the immediate initial money requirements.

Item 8: Acreage table showing additional acreage under the revised plan:

Total Acreage, Township 3 N., Range 28 E.	2380.40 Acres
Total Acreage, Township 3 N., Range 29 E.	<u>2090.95</u> "
Total Acreage	4471.35 Acres

Item 8:

ACREAGE TABLE

Permit No. **25924**

T-3-N, R-29-E, W.M.

	Sections							
	<u>P</u> <u>18</u>	<u>P</u> <u>19</u>	<u>P</u> <u>20</u>	<u>P</u> <u>21</u>	<u>P</u> <u>28</u>	<u>P</u> <u>29</u>	<u>P</u> <u>30</u>	<u>P</u> <u>32</u>
NE NE		8.0	8.0			40		40
NW NE		36.80	27.2			40		40
SW NE		40.0	34.8			40		40
SE NE		12.8	14.4			40		40
NE NW		27.20				40		
NW NW		56.73		11.2	40.	40		
SW NW		56.70		36.3	40.	40		
SE NW		40.0				40		
NE SW	1.6	40.0	40.0			40		
NW SW	16.34	41.09	40.0	37.4		40		
SW SW	52.39	26.4	40.0	40.0		40		
SE SW	25.60	40.0	40.0			40		
NE SE		40.0	40.0				40	
NW SE		40.0	40.0				40	
SW SE		40.0	40.0				40	
SE SE		40.00	40.0				40	
	<u>95.93</u>	<u>585.72</u>	<u>404.40</u>	<u>124.90</u>	<u>80.</u>	<u>480.</u>	<u>160.</u>	<u>160.</u>

10. (a) To supply the city of

(Name of)

County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied,.....

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.250,000.00.....

12. Construction work will begin on or before January 1, 1959

13. Construction work will be completed on or before 1960 Irrigation Season

14. The water will be completely applied to the proposed use on or before July 1962

(Signature of applicant)

Remarks: _____

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19_____.

WITNESS my hand this day of; 19.....

STATE ENGINEER

By ASSISTANT

ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 30.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Umatilla River and McKay Reservoir constructed under permit No. R-584.

The use to which this water is to be applied is irrigation and supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 1 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from McKay Reservoir constructed under permit No. R-584; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein; and is subject to the terms of contract No. 14-06-100-1458, dated December 3, 1957 between the United States of America through the Bureau of Reclamation and the applicant, a copy of which is on file in the office of the State Engineer,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is June 27, 1958

Actual construction work shall begin on or before May 29, 1960 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1960.

Complete application of the water to the proposed use shall be made on or before October 1, 1961.

WITNESS my hand this 29th day of May, 1959

Lewis A. Stanley
STATE ENGINEER

Application No. 32422

Permit No. 25924

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 27 day of June,
1958, at 8:45 o'clock A. M.

Returned to applicant:

Approved:

May 29, 1959

Recorded in book No. 70 of

Permits on page 25924

LEWIS A. STANLEY

STATE ENGINEER

Drainage Basin No. 7 page 13A

Fees 105.22

Extended to Oct. 1995
5-24-63
Extended to Oct. 1, 1970
BC
extended to 10/1/80
A
JCC

TOM SHOOK

THIS IS FOR THE FRED

ANDREWS FILE AS YOU REQUESTED

VERN

RECEIVED
JAN 17 1983
WATER RESOURCES DEPT.
SALEM, OREGON

6-2-97 MG A extended

Application No. 32422
Permit No. 25924

Name Teel Irrigation District
Address 807 Electric Bldg., Portland 5, Oregon

Assigned _____

Beginning construction May 29, 1960 10-1-70 10-1-75 10-1-80
Completion of construction October 1, 1960
Extended to 10-1-65 10-1-70 10-1-75 10-1-80, 10-1-85, 12-31-88
Complete 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

For proof _____ Proof mailed 2-3-97 Proposed Cont
For cert. _____

Form 111-2M-5-58 State Printing 12181

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF AN EXTENSION OF)
TIME WITHIN WHICH TO BEGIN AND)
COMPLETE CONSTRUCTION AND MAKE)
COMPLETE APPLICATION OF WATER UNDER)
PERMITS NOS. 25920 AND 25924 IN THE)
NAME OF TEEL IRRIGATION DISTRICT)

O R D E R

The Teel Irrigation District is the holder of permit No. 25920 which grants the right to appropriate 60 cubic feet per second of water from the Umatilla River and McKay Reservoir for irrigation and supplemental irrigation.

The District is also the holder of permit No. 25924 which grants the right to appropriate 30 cubic feet per second of water from the Umatilla River and McKay Reservoir for irrigation and supplemental irrigation.

The District has advised the State Engineer that the appropriations have not been made as described in the permits, but it is the desire of the District to preserve the rights for these developments.

The District has further advised that it has been necessary to develop alternative plans for providing its own storage facilities on lands within the boundaries of the District, and that the District is in the process of compiling cost estimates and necessary engineering data for such plans.

It is believed that it will be consistent with the public interest to grant the extension for which application has been made.

It is ORDERED that the time limit in which to begin construction, complete construction, and make complete application of water under permits Nos. 25920 and 25924 be extended to October 1, 1970.

Dated at Salem, Oregon, this 21st day of November, 1966.

CHRIS L. WHEELER
State Engineer

32422

June 29, 1959

Teel Irrigation District
807 Electric Bldg.
Portland 5, Oregon

Gentlemen:

32422, Permit No. 25924 with blueprint.

T. 28 3N., R. 28E., W.M.

AL PROOF SURVEY UNDER

G-6645 PERMIT G-6069
G-6476 G-5275
G-7311 G-7078 (Map 1 of 2)

IN NAME OF
LAWYERS INS. CO. REAL ESTATE DEPT.

DATED MARCH 17, 1981, BY V. CHURCH, S. APPLEGATE

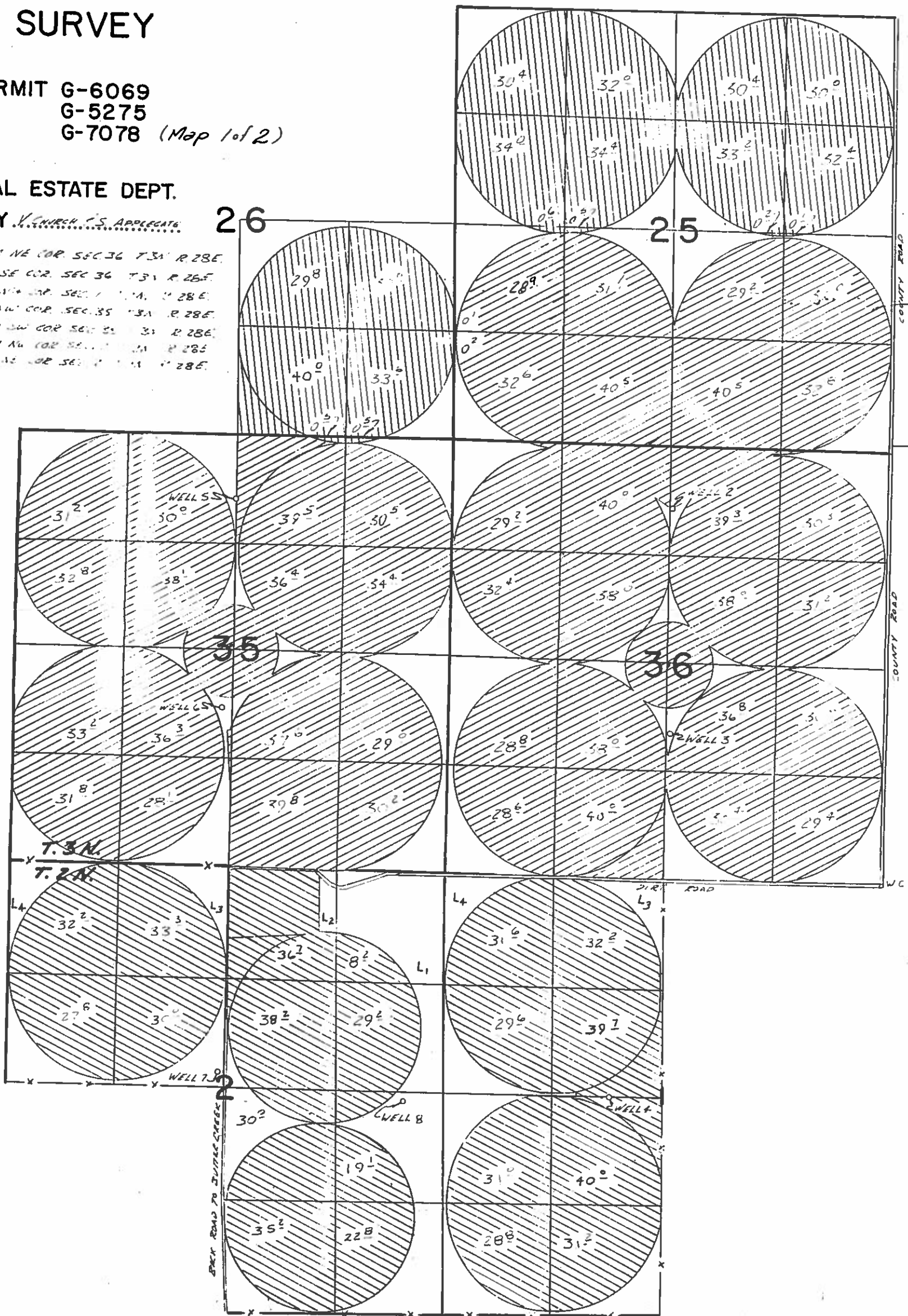
ATED 750'S + 2620'W FROM NE COR. SEC 36 T.31 R.28E.
ATED 1780'N + 2600'W FROM SE COR. SEC 36 T.31 R.28E.
ATED 2640'S + 630'W FROM NW COR. SEC 35 T.31 R.28E.
ATED 770'S + 1040'E FROM NW COR. SEC 35 T.31 R.28E.
ATED 1940'N + 2540'E FROM SW COR. SEC 35 T.31 R.28E.
ATED 2500'S + 2580'E FROM NW COR. SEC 35 T.31 R.28E.
ATED 2800'S + 500'W FROM NE COR. SEC 35 T.31 R.28E.

6069 ///

5275 ///

7078 ///

Map File
E-21-13



LEGEND

- LANDS UNDER APPLICATION NO. 29929
- LANDS UNDER APPLICATION NO. 32422
- TEEL DISTRICT BOUNDARY LINE

SOUTHERN BOUNDARY OF LANDS UNDER APPLICATION NO. 29929

TEEL IRRIGATION DISTRICT UMATILLA COUNTY, OREGON

I Bill Harris, of Boise, Idaho, do hereby certify that this map was made from notes taken during an actual survey made by me during January, 1958; that the monument shown on this map consisting of a 1" dia. pipe 36" long is 3237.3' S55° 48' W from N.E. Cor. Sec. 21, T. 3 N., R. 29 E.

Bill Harris
March 11, 1958



Bill Harris March 10, 1958

1st. Revision—Acreages added, 7-4-58 web/rem

Application No. 32422
Permit No. 25924

RECEIVED
JUL 14 1958
STATE ENGINEER
SALEM, OREGON

MARCH, 1958

Scale 2" = 1 Mile

