

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

In the Matter of Transfer Application        ) **F I N A L   O R D E R**  
T-10252, Umatilla County                    ) 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**

STANFIELD IRRIGATION DISTRICT  
P.O. BOX 416  
STANFIELD, OR 97875

**Findings of Fact**

1. On October 16, 2006, Stanfield Irrigation District filed a district transfer application to permanently change the place of use under Certificates 79442, 76113 and 79440. The Department assigned the application number T-10252.
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. On January 24, 2007, the District Manager submitted, in writing, a request to withdraw Notice 2006-1-A from their application.
4. The portion of the rights to be transferred are as follows: (Notice 2006-2-A)

**Certificate:** 79442, issued in the name of Stanfield Irrigation District  
**Use:** Irrigation (IR) of 3.42 acres  
**Priority Date:** March 8, 1905  
**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (or its equivalent) from MARCH 1 to NOVEMBER 1, and subject to the limitations of Paragraph 32 of the Umatilla River decree for each acre irrigated during the irrigation season of each year.  
**Source:** Umatilla River, a tributary of the Columbia River

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 Diversion:**

TWP	RNG	MER	SEC	QTR-QTR	Lot	SURVEY COORDINATES
3 N	30 E	WM	31	SW SW	4	380 feet North and 650 feet East from SW Corner of Section 31

**Certificate:** 79440, issued in the name of U.S. Bureau of Reclamation (Perfected under permit 7400)

**Use:** Supplemental Irrigation (IS) of 3.42 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 Stanfield Irrigation District Furnish Canal.

**Authorized Points of Diversion:**

TWP	RNG	MER	SEC	Q-Q	GLot	SURVEY COORDINATES
2 N	32 E	WM	34	NW SE	--	McKAY DAM
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from SW Corner of Section 31

**Authorized Place of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	GLot	TL	CERTIFICATE (ACRES)		USER
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	8	SW SW	--	5900	3.42	3.42	ROBERT WALCHLI

Application T-10252 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	GLot	TL	CERTIFICATE (ACRES)		USER
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	8	NW NE	--	800	0.80	0.80	TOM DAVIDSON
4 N	29 E	WM	8	SW NE	--	800	1.20	1.20	TOM DAVIDSON
4 N	29 E	WM	8	SE NW	--	1400	1.42	1.42	PATRICK WALCHLI
TOTAL:							3.42	3.42	

5. Diminishment of a Portion of a Water Right

On October 16, 2006, Thomas Davidson, owner of certain lands in which a portion of water right Certificate 55013 is appurtenant to, submitted an affidavit to diminish a portion of a water right from primary irrigation to supplemental irrigation as follows:

**Certificate:** 55013, issued in the name of Thomas Davidson (perfected under G-7613)

**Use:** IRRIGATION of 2.0 ACRES

**Priority Date:** July 12, 1977

**Rate/Duty:** ONE-EIGHIETH of one cubic foot per second per acre, further limited to 3.0 acre-feet per acre for each acre irrigated during the irrigation season

**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
4 N	29 E	WM	8	SW NE	1400 feet South and 1550 feet West from the NE Corner of Section 8

**Authorized Place of Use to be Diminished:**

WATER RIGHT TO BE DIMINISHED TO SUPPLEMENTAL IRRIGATION – CERTIFICATE 55013							
TWP	RNG	MER	SEC	Q-Q	TL	ACRES	AFFIANT
4 N	29 E	WM	8	NW NE	800	0.8	THOMAS DAVIDSON
4 N	29 E	WM	8	SW NE	800	1.2	THOMAS DAVIDSON
TOTAL:						2.0	

6. Pursuant to OAR 690-017-0010(2), the Department has determined that the affiant listed in the table above is the record owner, as established by county deed records, of property to which a portion of the water right evidenced by Certificate 55013 is appurtenant.

7. The portion of the rights to be transferred are as follows: (Notice 2006-3-A)

**Certificate:** 76113, issued in the name of Stanfield Irrigation District

**Use:** Irrigation (IR) of 12.0 acres

**Priority Date:** June 23, 1965

**Rate & Duty:** ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4½ ACRE-FEET for each acre irrigated during the irrigation season from JANUARY 1 to NOVEMBER 1 of each year 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.

**Source:** Umatilla River, a tributary of the Columbia River

**Authorized Point of Diversion:**

TWP	RNG	MER	SEC	Q-Q	GLot	SURVEY COORDINATES
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from SW Corner, Section 31

**Certificate:** 79440, issued in the name of U.S. Bureau of Reclamation (Perfected under permit 7400)

**Use:** Supplemental Irrigation (IS) of 12.0 acres

**Priority Date:** July 1, 1924

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

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

**Authorized Points of Diversion:**

TWP	RNG	MER	SEC	Q-Q	GLot	SURVEY COORDINATES	
2 N	32 E	WM	34	NW SE	--	McKAY DAM	
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from SW Corner of Section 31	

**Authorized Place of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	GLot	TL	CERTIFICATE (ACRES)		USER
							76113 (IR)	79440 (IS)	
4 N	28 E	WM	13	NE SW	--	100	12.0	12.0	CITY OF HERMISTON

Application T-10252 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	Q-Q	GLot	TL	CERTIFICATE (ACRES)		USER
							76113 (IR)	79440 (IS)	
4 N	29 E	WM	26	SW SW	--	4001	12.0	12.0	RANDY COOPER

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

**Conclusions of Law**

1. The proposed change in place of use in Transfer Application T-10252 satisfies the requirements of ORS 540.574(3) and 540.580.

2. A portion of the right evidenced by Water Right Certificate 55013 shall be diminished to supplemental irrigation.

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

1. The proposed changes to the District's existing water right Certificates 79442, 76113 and 79440 are approved.
2. A portion of the water right evidenced by Certificate 55013 is diminished from primary irrigation to supplemental irrigation as described in Findings of Fact #5.
3. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the District's water rights, related decree, and the Final Order approving T-10252.
4. The former places of use shall no longer be irrigated as part of these water rights.
6. The proposed changes shall be completed on or before October 1, 2008.
7. A Claim of Beneficial Use and Final Proof Map shall be submitted by Stanfield Irrigation District to the Department by October 1, 2009.
8. Certificates 79442, 76113 and 79440 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 7<sup>th</sup> day of February, 2007.

  
Phillip C. Ward, Director

Mailing Date FEB 12 2007