

**STATE OF OREGON**  
**COUNTY OF UMATILLA**

**ORDER OF THE OREGON WATER RESOURCES DEPARTMENT APPROVING A  
TEMPORARY CHANGE IN PLACE OF USE IN AN IRRIGATION DISTRICT**

Pursuant to ORS 540.570, after the Department published notice in summary form on February 6, 2001, and no objections were filed; and pursuant to ORS 540.570 (3) and OAR 690-21-060 (2) finding that no injury to existing water rights or an enlargement of existing rights would result; this order approves as conditioned or limited herein, TEMPORARY DISTRICT TRANSFER 8673 submitted by:

STANFIELD IRRIGATION DISTRICT  
MILLS MINT FARM  
P. O. BOX 416  
STANFIELD, OREGON 97875.

**I.**

The first water right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a portion of Water Right Certificate 74662. The decree is recorded in the Order Record of the Water Resources Department in Volume 3 at page 233, and in Volume 15 at page 433. The date of priority is March 8, 1905

The right evidenced by Certificate 74662 allows the use of the Umatilla River, a tributary of the Columbia River, for irrigation of 61.20 acres. The authorized point of diversion is located as follows: SW¼ SW¼, Section 31, Township 3 N, Range 30 E, W.M.; 430 feet north and 450 feet east from SW corner, Section 31.

The supplemental irrigation water right for the lands described by a portion of Certificate 74662, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 36.60 acres.

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

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The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	3N	29E	4	SW NW	1400	10.00	MILLS BROTHERS	I.
IR	3N	29E	4	SE NW	1501	2.70	MILLS BROTHERS	I.
IR	3N	29E	5	SE NE	400	4.00	MILLS BROTHERS	I.
IR	4N	29E	11	SE SE	2500	4.00	MILLS MINT FARM	IV.
IR	4N	29E	23	SE SE	300	6.40	MILLS BROTHERS	I.
IR	4N	29E	27	SE NW	3200	4.00	DON MILLS	V.
IR	4N	29E	27	SE SW	3200	1.00	DON MILLS	V.
IR	4N	29E	28	NE SE	2600	6.00	MILLS MINT FARM	IV.
IR	4N	29E	28	SE SE	2600	1.60	MILLS MINT FARM	IV.
IR	4N	29E	33	NW NE	300	5.00	MILLS MINT FARM	IV.
IR	4N	29E	33	NE SE	2800	0.75	MILLS BROTHERS	I.
IR	4N	29E	33	NW SE	1801	3.00	MONTE & DAN MILLS	VI.
IR	4N	29E	34	NE SW	5600	2.55	MILLS BROTHERS	I.
IR	4N	29E	34	NE SW	5603	8.90	MILLS BROTHERS	I.
IR	4N	29E	34	NE SW	5604	1.30	MILLS BROTHERS	I.
						<b>61.20</b>		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	4N	29E	34	NE SE	5100	10.60	MERELE GEHRKE	I.
IR	4N	29E	34	NE SE	5100	8.30	MERELE GEHRKE	IV.
IR	4N	29E	34	NW SE	5100	26.00	MERELE GEHRKE	I.
IR	4N	29E	34	SE SE	5100	8.30	MERELE GEHRKE	IV.
IR	4N	29E	34	SE SE	5100	5.00	MERELE GEHRKE	V.
IR	4N	29E	34	SE SE	5100	3.00	MERELE GEHRKE	VI.
						<b>61.20</b>		

**II.**

The second water right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a portion of Water Right Certificate 74663. The decree is recorded in the Order Record of the Water Resources Department in Volume 15 at page 433. The date of priority is March 8, 1905

The right evidenced by Certificate 74663 allows the use of the Umatilla River, a tributary of the Columbia River, for irrigation of 6.00 acres. The authorized point of diversion is located as

follows: SW¼ SW¼, Section 31, Township 3 N, Range 30 E, W.M.; 430 feet north and 450 feet east from SW corner, Section 31.

The supplemental irrigation water right for the lands described by a portion of Certificate 74663, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 6.00 acres.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	3N	29E	5	SW NE	400	6.00	MILLS BROTHERS	II.
						6.00		

The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	4N	29E	34	NE SE	5100	6.00	MERELE GEHRKE	II.
						6.00		

### III.

The third water right to be modified, as evidenced by a portion of Certificate 76113, was perfected under Permit 30789. The date of priority is June 23, 1965.

The right allows the use of Umatilla River, a tributary of the Columbia River, for irrigation of 34.80 acres. The authorized point of diversion is located as follows: SW¼ SW¼, Section 31, Township 3 N, Range 30 E, W.M.; (Furnish Canal) 380 feet north and 650 feet east from the SW corner, Section 21.

The supplemental irrigation water right for the lands described by a portion of Certificate 76113, also to be modified, is authorized under Permit 7400. The date of priority is July 1, 1924. The right allows the use of McKay Reservoir, constructed under Permit R-584 on McKay Creek tributary to the Umatilla River, for supplemental irrigation of 34.80 acres.

The authorized places of use are located as follows:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	4N	29E	23	SE SE	300	4.70	MILLS BROTHERS	III.
IR	4N	28E	13	SW SW	2600	30.10	TOM ABLE JR.	VII.
						34.80		

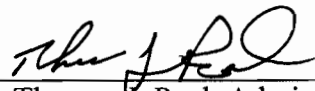
The applicant proposes to change the places of use to:

USE	TWP	RNG	SEC	Q/Q	TAXLOT	ACRES	OWNER	ATT. #
IR	4N	29E	34	SW SE	5100	26.00	MERELE GEHRKE	VII.
IR	4N	29E	34	SE SE	5100	4.70	MERELE GEHRKE	III.
IR	4N	29E	34	SE SE	5100	4.10	MERELE GEHRKE	VII.
						<b>34.80</b>		

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE **2001 THROUGH 2003 IRRIGATION SEASONS** MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(2) water may not be used on either the authorized places of use or proposed places of use prior to March 23, 2001.
2. The authorized places of use will receive no water for the 2001 through 2003 irrigation seasons unless water rights are transferred to those lands.
4. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use.
5. Pursuant to 540.570(6) the Department may further condition 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(7), 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 location, terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Dated     **MAR 15 2001**    

  
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 Thomas J. Paul, Administrator  
 Field Services Division

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