

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

In the Matter of Transfer Application            ) SECOND CORRECTING AND  
T-11693, Umatilla County                        ) SUPERSEDING FINAL ORDER  
  ) APPROVING A PERMANENT DISTRICT  
  ) TRANSFER

**Authority**

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  
PO BOX 416  
STANFIELD, OR 97875

**Findings of Fact**

1. On November 22, 2013, Stanfield Irrigation District (SID) filed a district transfer application to permanently change the place of use under Certificates 86202, 86377, 86203, 74657, 76122 and 76137. The Department assigned the application number T-11693.
2. Certificate 86202 was superseded on May 2, 2011, by correcting Certificate 87035.
3. On February 19, 2014, amendments to the place of use listing and maps were received by the Department.
4. On March 4, 2014, the Department requested clarifications regarding the proposed place of use.
5. On March 26, 2014, the Department received the necessary clarifications allowing further processing of Transfer Application T-11693.
6. Notice of the application for transfer was published on December 3, 2013, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
7. On April 30, 2014, a Final Order recorded at Special Order Volume 92, Pages 318-324 was issued to approve transfer T-11693.

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.

8. On May 19, 2014, a Correcting Final Order recorded at Special Order Volume 92, Pages 534-535 was issued on to correct scrivener's errors in the Final Order issued April 30, 2014.
9. This order is issued to supersede both the Final Order recorded at Special Order Volume 92, Pages 318-324, and the Correcting Final Order recorded at Special Order Volume 92, Pages 534-535. This second correcting and superseding order is necessary to
  - a) correct scrivener's errors in certain quarter-quarter and tax lot descriptions,
  - b) to show the correct association of a two parcels involved in the transfer (4.0 acre and 0.75 acre - both located in the NE¼ NE¼, Section 11, Township 4 North, Range 29 East, W.M.) between Certificates 87035 and 86203 (primary irrigation), and
  - c) to transfer an additional 0.75 acres on Certificate 86377 (layered supplemental irrigation) inadvertently omitted from the order.
10. The corrections in Findings of Facts 11 – 16 & 20 – 22 appear in **bold**.
11. The portion of the first right to be transferred is as follows:

**Certificate:** 87035, issued in the name of Stanfield Irrigation District (confirmed by decree of the Circuit Court of Umatilla County)

**Use:** Irrigation of **13.00** acres

**Priority Date:** March 8, 1905

**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	Lot	Measured Distances
3 N	30 E	WM	31	SW SW*	4	380 Feet North and 650 Feet East from the SW Corner of Section 31

\*Note this Q-Q is incorrectly described on Certificate 87035 as being within the NWSW.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	SW NE	200	0.40	GEHRKE
3N	29E	WM	08	SE SE	2900	3.60	LAPP
4N	29E	WM	11	NE NE	100	<b>0.75</b>	VANDERBRAKE
4N	29E	WM	11	<b>NW NE</b>	<b>200</b>	8.25	VANDERBRAKE
Total:						<b>13.00</b>	

12. Transfer Application T-11693 proposes to change the place of use for the above described rights to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	SE SE	600	0.40	GEHRKE
4N	29E	WM	11	NE NE	100	5.25	VANDERBRAKE
4N	29E	WM	11	NW NE	200	3.75	VANDERBRAKE
4N	29E	WM	19	SE NE	100	3.60	WINDBLOWN RANCH INC.
Total:						13.00	

13. The second water right to be transferred are as follows:

**Certificate:** 86377, issued in the name of U. S. Bureau of Reclamation (perfected under Permit S-7400) for lands served by Stanfield Irrigation District

**Use:** Supplemental Irrigation of **47.25** 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 of the same lands, is limited to a diversion of 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 Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Measured Distances
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:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	NE NE	200	6.20	GEHRKE
3N	29E	WM	04	NW NE	200	5.50	GEHRKE
3N	29E	WM	04	SW NE	200	18.55	GEHRKE
3N	29E	WM	04	SW NE	200	0.40	GEHRKE
3N	29E	WM	08	SE SE	2900	3.60	LAPP
4N	29E	WM	11	NE NE	100	4.75	VANDERBRAKE
4N	29E	WM	11	NW NE	200	8.25	VANDERBRAKE
Total:						47.25	

14. Transfer Application T-11693 proposes to change the place of use for the above described rights to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	SE SE	600	30.25	GEHRKE

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	SE SE	600	0.40	GEHRKE
4N	29E	WM	11	NE NE	100	9.25	VANDERBRAKE
4N	29E	WM	11	NW NE	200	3.75	VANDERBRAKE
4N	29E	WM	19	SE NE	100	3.60	WINDBLOWN RANCH INC.
Total:						<b>47.25</b>	

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

**Certificate:** 86203, issued in the name of Stanfield Irrigation District (perfected under Permit S-30789)

**Use:** Irrigation of **34.25** acres

**Priority Date:** **June 23, 1965**

**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.

**Season:** January 1 and November 1 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.

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

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Measured Distances
3 N	30 E	WM	31	SW SW	4	380 Feet North and 650 Feet East from the SW Corner of Section 31

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	NE NE	200	6.20	GEHRKE
3N	29E	WM	04	NW NE	200	5.50	GEHRKE
3N	29E	WM	04	SW NE	200	18.55	GEHRKE
4N	29E	WM	11	NE NE	100	4.00	VANDERBRAKE
Total:						<b>34.25</b>	

16. Transfer Application T-11693 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
3N	29E	WM	04	SE SE	600	30.25	GEHRKE
4N	29E	WM	11	NE NE	100	4.00	VANDERBRAKE
Total:						<b>34.25</b>	

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

**Certificate:** 74657, issued in the name of Ronald Watson (perfected under Permit S-30267)

**Use:** Supplemental Irrigation of 2.95 acres

**Priority Date:** December 9, 1964

**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:** Pond A, a tributary of Cold Springs Reservoir

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4N	29E	WM	11	SE NE	1340 feet South and 1060 feet West from the NE corner of Section 11

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NE NE	100	0.75	VANDERBRAKE
4N	29E	WM	11	NW NE	200	2.20	VANDERBRAKE

18. Transfer Application T-11693 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NW NE	<b>200</b>	1.60	VANDERBRAKE
4N	29E	WM	11	NE NE	100	1.35	VANDERBRAKE

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

**Certificate:** 76122, issued in the name of Ronald Watson (perfected under Permit S-30267)

**Use:** Supplemental Irrigation of 5.30 acres

**Priority Date:** December 9, 1964

**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:** Pond A, a tributary of Cold Springs Reservoir

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4N	29E	WM	11	SE NE	1340 feet South and 1060 feet West from the NE corner of Section 11

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NE NE	100	5.30	VANDERBRAKE

20. Transfer Application T-11693 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NE NE	100	5.30	VANDERBRAKE

21. The portion of the sixth right to be transferred is as follows:

**Certificate:** 76137, issued in the name of Ronald Watson (perfected under Permit S-44378)

Use: Supplemental Irrigation of 6.6 acres

**Priority Date:** June 17, 1977

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:** Pond A, a tributary of the Umatilla River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4N	29E	WM	11	SE NE	1380 feet South and 105060 feet West from the NE corner of Section 11

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NW NE	200	6.60	VANDERBRAKE

22. Transfer Application T-11693 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User
4N	29E	WM	11	NE NE	100	6.60	VANDERBRAKE

23. 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.

24. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

25. The proposed change in place of use would not result in enlargement of the rights.

26. The proposed changes in place of use would not result in injury to other rights.

27. All other application requirements have been met.

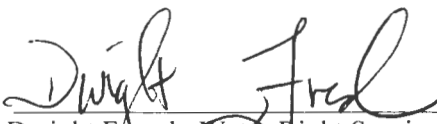
**Conclusions of Law**

The proposed change in place of use in Transfer Application T-11693 satisfies the requirements of ORS 540.574(3) and 540.580.

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

1. The orders entered at Volume 92, Pages 318-324, and Volume 92, Pages 534-535 are withdrawn and of no further force and effect and are superseded by this order.
2. The proposed changes contained in Transfer Application T-11693 are approved.
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 water rights and related decrees.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. A Claim of beneficial Use shall be submitted by Stanfield Irrigation District to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. Certificate 76122 is modified. No new superseding certificate will be issued because the transferred acres occurred within the same quarter-quarter.
7. Certificates 74657, 76137, 87035, 86377 and 86203 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Signed at Salem, Oregon this 7 day of November 2017.

  
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Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

**NOV 14 2017**

Mailing Date: \_\_\_\_\_