

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

In the Matter of Transfer Application ) FINAL ORDER  
T-11171, Umatilla County ) APPROVING ADDITIONAL POINTS OF  
) APPROPRIATION, CHANGES IN POINT  
) OF APPROPRIATION, CHANGES IN  
) PLACE OF USE, PARTIAL  
) DIMINUTION OF CERTAIN WATER  
) RIGHTS, PARTIAL CANCELLATION OF  
) CERTAIN WATER RIGHTS, AND  
) CANCELLATION OF AN ENTIRE  
) WATER RIGHT

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

HERMISTON FOODS, LLC  
Attn: MARK STEELE, CORPORATE ENGINEER  
930 W. WASHINGTON ST.  
STAYTON, OR 97383-0458

**Agent**

MALIA KUPILLAS, CWRE  
PACIFIC HYDRO-GEOLOGY INC.  
18487 S. VALLEY VISTA RD.  
MULINO, OR 97042

**Findings of Fact**

1. On December 21, 2010, Mark Steele, of Hermiston Foods, LLC, filed an application to change the place of use and add additional points of appropriation under Certificates 76127, 86203, 87035, 76126, 74667, 74668 and 38735. The Department assigned the application number T-11171.
2. Notice of the application for transfer was published on December 28, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 7, 2012, Hermiston Foods, LLC, amended the application to include a change in place of use for two additional water right Certificates 86205 and 86377.

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.

4. On December 3, 2013, the applicant has submitted a statement from Stanfield Irrigation District authorizing the transfer of portions of the District's water right Certificates 86203 and 87035.
5. On April 24, 2013, Stephen Mueller, Field Service Manager for Hermiston Foods, requested an "Administrative Hold" on transfer application T-11171 to allow Stanfield Irrigation District to file a temporary transfer on some of the lands involved in the transfer. On October 30, 2013, the Department received a request from the applicant to place the transfer on "Administrative Hold" for additional time to resolve the concerns and issues surrounding new DEQ restrictions regarding some of the lands involved in the transfer.
6. On December 16, 2013, the agent for the applicant submitted an amended application map to clarify the place of use.
7. On October 9, 2015, the Department contacted the applicant by written correspondence to notify the applicant of deficiencies in the application. The Department requested that the deficiencies be resolved by November 10, 2015, to complete the application and proceed further with the review. The Department received revised maps and associated application pages with tables on October 23, 2015.
8. On February 19, 2016, the Department contacted the applicant by written correspondence to notify the applicant and applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by March 21, 2016. New amended maps, associated application pages and revised affidavits were received by the Department on March 14, 2016. On August 15, 2016, the Department again received new amended maps and associated application pages. On September 26, 2016, the Department again received amended maps and associated application pages from the agent for the applicant. On October 20, 2016, the Department received amended maps and associated application pages from the agent.
9. On November 4, 2016, the Department contacted the applicant by written correspondence to notify the applicant and applicant's agent of the deficiencies in the application. New revised portions of the application and associated revised maps were also received by the Department on November 17, November 30, and December 2, 2016, and again on February 9, 2017.
10. On March 30, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11171 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 1, 2017, for the applicant to respond. On April 5, 2017, the agent for the applicant provided information to identify a scrivener's error in the draft Preliminary Determination regarding the point of diversion description for Certificate 87035. The Department issued Certificate 87035 with the incorrect point of diversion description initially for the Stanfield Irrigation District's Furnish Canal consistent with the preceding water right Certificate 86202. On April 7, 2017, the agent also identified the correct date and amount of acres to be described in the partial cancellation affidavit for Certificate 38735. With those corrections made, the agent, on behalf of the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

11. On May 17, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11171-11171 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 17, 2017, and in the Hermiston Herald newspaper on May 24 and June 7, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

12. The portion of the first right and its layered supplemental water rights to be transferred are as follows:

**Certificate:** 87035, issued in the name of STANFIELD IRRIGATION DISTRICT (Umatilla River Decree)

**Use:** IRRIGATION OF 120.2 ACRES, DOMESTIC AND STOCK WATER

**Priority Date:** MARCH 8, 1905

**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-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	Lot	Q-Q	Measured Distances
3 N	30 E	WM	31	4	SW* SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**\*Note:** This corrects a scrivener's error (¼ ¼ description) in Certificate 87035, and is now consistent with the preceding Certificate 86202 which it was derived from.

**Certificate:** 86377 issued in the name of U.S. BUREAU OF RECLAMATION (Perfected under Permit S-7400)

**Use:** SUPPLEMENTAL IRRIGATION OF 120.2 ACRES

**Priority Date:** JULY 1, 1924

**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-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 RESERVOIR PERMIT R-584), 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	Measured Distances
2 N	32 E	WM	34	NW SE	MCKAY DAM
3 N	30 E	WM	31	SW SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 38735, issued in the name of M. L. KOESTER (perfected under Permit G-3761)  
**Use:** SUPPLEMENTAL IRRIGATION OF 103.0 ACRES  
**Priority Date:** JULY 25, 1967  
**Rate:** 1.29 CUBIC FEET PER SECOND  
**Limit/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 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; provided further that the right allowed herein 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 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	NE NW	1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17

**Certificate:** 74667, issued in the name of GLENN S. CHOWNING (perfected under Permit G-5148)  
**Use:** SUPPLEMENTAL IRRIGATION OF 17.2 ACRES  
**Priority Date:** DECEMBER 28, 1970  
**Rate:** 0.193 CUBIC FOOT PER SECOND  
**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-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.

**Source:** WELL NO. 2 within the UMATILLA RIVER BASIN

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SW SE	1730 FEET SOUTH AND 20 FEET EAST FROM THE C¼ OF SECTION 18

**Certificate:** 74668 in the name of GLENN CHOWNING (perfected under Permit G-6285)  
**Use:** SUPPLEMENTAL IRRIGATION OF 17.2 ACRES  
**Priority Date:** AUGUST 7, 1975  
**Rate:** 0.07 CUBIC FOOT PER SECOND  
**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-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 NO. 4 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	19	NE NW	50 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 19

**Authorized Places of Use:**

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	Certificate (acres)				
					87035 (IR)	86377 (IS)	38735 (IS)	74667 (IS)	74668 (IS)
4 N	29 E	WM	17	NE NW	34.0	34.0	34.0	--	--
4 N	29 E	WM	17	NW NW	17.0	17.0	17.0	--	--
4 N	29 E	WM	17	SW NW	26.0	26.0	26.0	--	--
4 N	29 E	WM	17	SE NW	26.0	26.0	26.0	--	--
4 N	29 E	WM	19	NE NW	17.2	17.2	--	17.2	17.2
TOTAL:					120.2	120.2	103.0	17.2	17.2

13. Transfer Application T-11171 proposes to change the place of use of the above described rights to:

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	Certificate (acres)				
					87035 (IR)	86377 (IS)	38735 (IS)	74667 (IS)	74668 (IS)
4 N	29 E	WM	17	NE NW	17.2	17.2	--	17.2	17.2
4 N	29 E	WM	17	NE NW	13.9	13.9	13.9	--	--
4 N	29 E	WM	17	NW NW	16.0	16.0	16.0	--	--
4 N	29 E	WM	17	SW NW	36.7	36.7	36.7	--	--
4 N	29 E	WM	17	SE NW	36.4	36.4	36.4	--	--
TOTAL:					120.2	120.2	103.0	17.2	17.2

14. Transfer Application T-11171 also proposes three additional points of appropriation for Certificate 38735. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

15. Transfer Application T-11171 also proposes to change the point of appropriation for Certificate 74668 northeast 2,500 feet to proposed Well C-1, northeast 5,150 feet to proposed Well K-1, northeast 6,725 feet to proposed Well K-2, and northeast 4,200 feet to proposed Well K-3. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17

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

**Certificate:** 86203 in the name of STANFIELD IRRIGATION DISTRICT (perfected under Permit S-30789)

**Use:** IRRIGATION OF 155.9 ACRES

**Priority Date:** JUNE 23, 1965

**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 4½ acre-feet for each acre irrigated during the irrigation season of each year. The irrigation season shall include any time between 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. The use of water authorized herein shall be subsequent in priority and inferior to future irrigation project developments that provide more efficient system through storage during the winter season and later use during the period of maximum crop demand.

**Source:** UMATILLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	31	SW SW	FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 86205, issued in the name of U.S. BUREAU OF RECLAMATION (Perfected under Permit S-54406)

**Use:** SUPPLEMENTAL IRRIGATION OF 140.6 ACRES

**Priority Date:** MARCH 14, 2007

**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 not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season March 1 through November 1 of each year

**Source:** McKAY RESERVOIR (CONSTRUCTED UNDER RESERVOIR PERMIT R-584), 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	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	30 E	WM	31	SW SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 86377, issued in the name of U.S. BUREAU OF RECLAMATION (Perfected under Permit S-7400)  
**Use:** SUPPLEMENTAL IRRIGATION OF 15.3 ACRES  
**Priority Date:** JULY 1, 1924  
**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-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 (CONSTRUCTED UNDER RESERVOIR PERMIT R-584), 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	Measured Distances
2 N	32 E	WM	34	NW SE	McKAY DAM
3 N	30 E	WM	31	SW SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 76126 in the name of STEVE KOESTER (perfected under Permit U-489)  
**Use:** SUPPLEMENTAL IRRIGATION OF 122.7 ACRES  
**Priority Date:** AUGUST 27, 1952  
**Rate:** 1.53 CUBIC FEET PER SECOND  
**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-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.  
**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW SW	1259 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17

**Certificate:** 38735, issued in the name of M. L. KOESTER (perfected under Permit G-3761)  
**Use:** SUPPLEMENTAL IRRIGATION OF 17.2 ACRES  
**Priority Date:** JULY 25, 1967  
**Rate:** 0.22 CUBIC FOOT PER SECOND

**Limit/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 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; provided further that the right allowed herein 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 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	NE NW	1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17

**Authorized Places of Use:**

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	Certificate (acres)				
					86203 (IR)	86205 (IS)	86377 (IS)	76126 (IS)	38735 (IS)
4 N	29 E	WM	17	SW NW	6.9	--	6.9	--	6.9
4 N	29 E	WM	17	SE NW	8.4	--	8.4	--	8.4
4 N	29 E	WM	17	NE SW	34.3	34.3	--	28.6	1.9
4 N	29 E	WM	17	NW SW	38.4	38.4	--	38.4	--
4 N	29 E	WM	17	SW SW	32.4	32.4	--	32.4	--
4 N	29 E	WM	17	SE SW	35.5	35.5	--	23.3	--
TOTALS:					155.9	140.6	15.3	122.7	17.2

17. Transfer Application T-11171 proposes to change the place of use of the above described rights to:

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q-Q	Certificates (acres)				
					86203 (IR)	86205 (IS)	86377 (IS)	76126 (IS)	38735 (IS)
4 N	29 E	WM	17	NE NW	2.0	2.0	--	2.0	--
4 N	29 E	WM	17	NW NW	1.1	1.1	--	--	--
4 N	29 E	WM	17	SW NW	0.8	0.8	--	--	0.8
4 N	29 E	WM	17	SW NW	2.5	2.5	--	--	--
4 N	29 E	WM	17	SE NW	1.1	1.1	--	--	1.1
4 N	29 E	WM	17	SE NW	2.0	2.0	-	--	--
4 N	29 E	WM	17	SE NW	0.4	--	0.4	--	0.4
4 N	29 E	WM	17	NE SW	39.6	39.6	--	35.4	--
4 N	29 E	WM	17	NW SW	38.3	38.3	--	36.1	--
4 N	29 E	WM	17	SW SW	21.9	21.9	--	19.5	--
4 N	29 E	WM	17	SE SW	29.7	29.7	--	29.7	--
4 N	29 E	WM	18	SE SW	14.9	--	14.9	--	14.9
4 N	29 E	WM	18	SE SE	1.6	1.6	--	--	--
TOTALS:					155.9	140.6	15.3	122.7	17.2



18. Transfer Application T-11171 also proposes three additional points of appropriation for Certificate 76126 north 1,960 feet to proposed Well K-1, northeast 3,110 feet to proposed Well K-2 and west 1,890 feet to proposed Well C-1. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

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

**Certificate:** 86203 in the name of STANFIELD IRRIGATION DISTRICT (perfected under Permit S-30789)

**Use:** IRRIGATION OF 177.3 ACRES

**Priority Date:** JUNE 23, 1965

**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 4½ acre-feet for each acre irrigated during the irrigation season of each year. The irrigation season shall include any time between 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. The use of water authorized herein shall be subsequent in priority and inferior to future irrigation project developments that provide more efficient system through storage during the winter season and later use during the period of maximum crop demand.

**Source:** UMATILLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	31	SW SW	FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 86205 issued in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-54406)

**Use:** SUPPLEMENTAL IRRIGATION OF 141.9 ACRES

**Priority Date:** MARCH 14, 2007

**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 not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season March 1 through November 1 of each year.

**Source:** MCKAY RESERVOIR (CONSTRUCTED UNDER RESERVOIR PERMIT R-584), 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 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	30 E	WM	31	SW SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 86377, issued in the name of U.S. BUREAU OF RECLAMATION (Perfected under Permit S-7400)

**Use:** SUPPLEMENTAL IRRIGATION OF 35.4 ACRES

**Priority Date:** JULY 1, 1924

**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-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 (CONSTRUCTED UNDER RESERVOIR PERMIT R-584), 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 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	30 E	WM	31	SW SW	STANFIELD FURNISH CANAL – 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 76127 in the name of GLEN CHOWNING (perfected under Permit U-517)

**Use:** SUPPLEMENTAL IRRIGATION OF 133.8 ACRES

**Priority Dates:** FEBRUARY 16, 1953 FOR 0.897 CUBIC FOOT PER SECOND (CFS) AND MARCH 10, 1953 FOR 0.009 CFS

**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-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.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	NE SE	20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

**Certificate:** 74667, issued in the name of GLENN S. CHOWNING (perfected under Permit G-5148)  
**Use:** SUPPLEMENTAL IRRIGATION OF 177.3 ACRES  
**Priority Date:** DECEMBER 28, 1970  
**Rate:** 1.985 CUBIC FEET PER SECOND  
**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-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.  
**Source:** WELL NO. 2 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SW SE	1730 FEET SOUTH AND 20 FEET EAST FROM THE C¼ OF SECTION 18

**Certificate:** 74668 in the name of GLENN S. CHOWNING (perfected under Permit G-6285)  
**Use:** SUPPLEMENTAL IRRIGATION OF 177.3 ACRES  
**Priority Date:** AUGUST 7, 1975  
**Rate:** 0.73 CUBIC FOOT PER SECOND  
**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-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.  
**Source:** WELL NO. 4 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	19	NE NW	50 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 19

**Authorized Places of Use:**

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Certificate (acres)					
						86203 (IR)	86205 (IS)	86377 (IS)	76127 (IS)	74667 (IS)	74668 (IS)
4 N	29 E	WM	18	SE SW	1800	15.5	--	15.5	--	15.5	15.5
4 N	29 E	WM	18	NE SE	1200	35.2	35.2	--	35.2	35.2	35.2
4 N	29 E	WM	18	NW SE	1200	33.9	33.9	--	33.9	33.9	33.9
4 N	29 E	WM	18	SW SE	1200	38.8	38.8	--	30.7	38.8	38.8
4 N	29 E	WM	18	SE SE	1200	34.0	34.0	--	34.0	34.0	34.0
4 N	29 E	WM	19	NE NW	200	19.9	--	19.9	--	19.9	19.9
TOTALS:						177.3	141.9	35.4	133.8	177.3	177.3

**Note:** These lands contain an existing right Certificate 46817 that has been abandoned and is further described below in cancellation request in Finding No. 38.

20. Transfer Application T-11171 proposes to change the place of use of the above described rights to:

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)											
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Certificate (acres)					
						86203 (IR)	86205 (IS)	86377 (IS)	76127 (IS)	74667 (IS)	74668 (IS)
4 N	29 E	WM	17	SW SW	900	6.4	6.4	--	--	6.4	6.4
4 N	29 E	WM	17	SE SW	900	1.7	1.7	--	--	1.7	1.7
4 N	29 E	WM	18	SE SW	1200	3.8	--	3.8	--	3.8	3.8
4 N	29 E	WM	18	NE SE	1200	35.4	35.4	--	35.4	35.4	35.4
4 N	29 E	WM	18	NW SE	1200	34.5	34.5	--	34.5	34.5	34.5
4 N	29 E	WM	18	SW SE	1200	38.3	38.3	--	38.3	38.3	38.3
4 N	29 E	WM	18	SE SE	1200	25.6	25.6	--	25.6	25.6	25.6
4 N	29 E	WM	19	NE NW	200,300	31.6	--	31.6	--	31.6	31.6
TOTALS:						177.3	141.9	35.4	133.8	177.3	177.3

21. Transfer Application T-11171 also proposes three additional points of appropriation for Certificate 76127 northeast 2,680 feet to proposed Well K-1, northeast 4,250 feet to proposed Well K-2, northeast 6,725 feet to proposed Well K-2, and east 1,890 feet to proposed Well K-3. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17

22. Transfer Application T-11171 also proposes to change the point of appropriation for Certificate 74668 northeast 2,500 feet to proposed Well C-1, northeast 5,150 feet to proposed Well K-1, northeast 6,725 feet to proposed Well K-2, and northeast 4,200 feet to proposed Well K-3. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17

23. The fourth primary right and its layered supplemental water rights to be transferred are as follows:

**Certificate:** 76127 in the name of GLENN CHOWNING (perfected under Permit U-517)  
**Use:** IRRIGATION OF 13.7 ACRES  
**Priority Dates:** FEBRUARY 16, 1953 FOR 0.08 CUBIC FOOT PER SECOND (CFS) AND MARCH 10, 1953 FOR 0.01 CFS  
**Rate:** 0.09 CUBIC FOOT PER SECOND

**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-EIGHTIETH of one cfs (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	NE SE	20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

**Certificate:** 74667, issued in the name of GLENN S. CHOWNING (perfected under Permit G-5148)

**Use:** SUPPLEMENTAL IRRIGATION OF 12.7 ACRES

**Priority Date:** DECEMBER 28, 1970

**Rate:** 0.142 CUBIC FOOT PER SECOND

**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 or 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 NO. 2 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SW SE	1730 FEET SOUTH AND 20 FEET EAST FROM THE C¼ OF SECTION 18

**Certificate:** 74668 in the name of GLENN CHOWNING (perfected under Permit G-6285)

**Use:** SUPPLEMENTAL IRRIGATION OF 12.7 ACRES

**Priority Date:** AUGUST 7, 1975

**Rate:** 0.052 CUBIC FOOT PER SECOND

**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 or 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.

**Source:** WELL NO. 4 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	19	NE NW	50 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 19

**Authorized Places of Use:**

PRIMARY IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Certificate (acres)		
						76127 (IR)	74667 (IS)	74668 (IS)
4 N	29 E	WM	18	NE SE	1200	4.8	4.8	4.8
4 N	29 E	WM	18	NW SE	1200	4.5	4.5	4.5
4 N	29 E	WM	18	SE SE	1200	4.4	3.4	3.4
TOTALS:						13.7	12.7	12.7

24. Transfer Application T-11171 proposes to diminish 13.7 acres of the above described Certificate 76127 from primary irrigation to supplemental irrigation and change the place of use of this right and the above described layered supplemental water rights to new lands under the 1965 District primary right Certificate 86203 proposed in Finding No. 15 above. These rights are to be located as follows:

SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Certificate (acres)		
						76127 (IS)	74667 (IS)	74668 (IS)
4 N	29 E	WM	17	NW NW	400	1.1	1.1	1.1
4 N	29 E	WM	17	SW NW	400	2.5	2.5	2.5
4 N	29 E	WM	17	SE NW	400	2.0	2.0	2.0
4 N	29 E	WM	17	NE SW	900	1.9	1.9	1.9
4 N	29 E	WM	17	NW SW	900	2.2	2.2	2.2
4 N	29 E	WM	17	SW SW	900	2.4	1.4	1.4
4 N				SE SE	1200	1.6	1.6	1.6
TOTALS:						13.7	12.7	12.7

25. Transfer application T-11171 also proposes three additional points of appropriation for Certificate 76127 northeast 2,680 feet to proposed Well K-1, northeast 4,250 feet to proposed Well K-2, northeast 6,725 feet to proposed Well K-2, and east 1,890 feet to proposed Well K-3. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
		WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17

26. Transfer Application T-11171 also proposes to change the point of appropriation for Certificate 74668 northeast 2,500 feet to proposed Well C-1, northeast 5,150 feet to proposed Well K-1, northeast 6,725 feet to proposed Well K-2, and northeast 4,200 feet to proposed Well K-3. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	17	SW SW	WELL K-3 – 1230 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 17

27. The fifth primary right to be transferred is as follows:

**Certificate:** 76126 in the name of STEVE KOESTER (perfected under Permit U-489)

**Use:** IRRIGATION OF 2.3 ACRES

**Priority Date:** AUGUST 27, 1952

**Rate:** 0.03 CUBIC FOOT PER SECOND

**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-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.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW SW	1259 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

PRIMARY IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	SW SW	2.3*

Note: \*2.3 acres (Primary irrigation) to be diminished to Supplemental Irrigation (IS) at the new place of use and is further described in Finding No. 36 below.

28. Transfer Application T-11171 proposes to the diminish the use from primary irrigation to supplemental irrigation and change the place of use of the above described right to:

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	NE SW	2.3

29. The sixth primary right to be transferred is as follows:

**Certificate:** 76126 in the name of STEVE KOESTER (perfected under Permit U-489)

**Use:** IRRIGATION OF 1.4 ACRES

**Priority Date:** AUGUST 27, 1952

**Rate:** 0.017 CUBIC FOOT PER SECOND

**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-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.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW SW	1259 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

PRIMARY IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4N	29E	WM	17	NW SW	1.2
4N	29E	WM	17	SW SW	0.2
TOTAL:					1.4

30. Transfer Application T-11171 proposes to change the place of use of the above described right to:

PRIMARY IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	NE NW	0.21
4 N	29 E	WM	17	SE NW	0.12
4 N	29 E	WM	17	NE SW	0.12
4 N	29 E	WM	17	SW SW	0.24
4 N	29 E	WM	17	SE SW	0.12
4 N	29 E	WM	18	SE SW	0.16
4 N	29 E	WM	18	NE SE	0.13
4 N	29 E	WM	18	NW SE	0.18
4 N	29 E	WM	18	SE SE	0.10
4 N	29 E	WM	19	NE NW	0.02
TOTAL:					1.40

31. Transfer Application T-11171 also proposes three additional points of appropriation for Certificate 76126. The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SE NW	WELL K-1 – 575 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17
4 N	29 E	WM	17	NE NW	WELL K-2 – 1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17
4 N	29 E	WM	18	SE SE	WELL C-1 – 20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

**Transfer Review Criteria (OAR 690-380-4010)**

32. Water has been used within the five years prior to the submittal of Transfer Application T-11171 according to the terms and conditions of the rights. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
33. District canal, pump structures, wells, pipelines and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11171.
34. The proposed change would not result in injury to other water rights.
35. All other application requirements are met.



**Partial Diminution of certain Water Rights**

36. On October 23, 2015, the applicant submitted an affidavit for the partial diminution of water right Certificate 76126. The applicant has requested a portion of the water right be diminished from primary irrigation to supplemental irrigation at the new place of use. The portion of the water right to be diminished is described as follows:

**Certificate:** 76126 in the name of STEVE KOESTER (perfected under Permit U-489)  
**Use:** IRRIGATION OF 2.3 ACRES  
**Priority Date:** AUGUST 27, 1952  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**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-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.  
**Source:** A WELL, within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW SW	1259 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17

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

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	SW SW	2.3

37. On October 23, 2015, the applicant submitted an affidavit for the partial diminution of water right Certificate 76127. The applicant has requested this portion of the water right for primary irrigation be diminished to supplemental irrigation. The applicant also proposes to change the place of use and is described in Findings number 22 and 23 above. The portion is further described as follows:

**Certificate:** 76127 in the name of GLEN CHOWNING (perfected under Permit U-517)  
**Use:** IRRIGATION OF 13.7 ACRES  
**Rate:** 0.09 CUBIC FOOT PER SECOND  
**Priority Date:** FEBRUARY 16, 1953 FOR 0.08 CUBIC FOOT PER SECOND (CFS) AND MARCH 10, 1953 FOR 0.01 CFS  
**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-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.  
**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	NE SE	20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

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

SUPPLEMENTAL IRRIGATION (IS)						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	29 E	WM	18	NE SE	1200	4.8
4 N	29 E	WM	18	NW SE	1200	4.5
4 N	29 E	WM	18	SE SE	1200	4.4
TOTAL:						13.7

***Cancellation of an entire Water Right***

38. On April 9, 2013, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the entire cancellation of a water right. The applicant has abandoned any and all interest in this water right. The right to be cancelled is as follows:

- Certificate:** 46817, issued in the name of MAURICE L. KOESTER (perfected under Permit G-5147)
- Use:** IRRIGATION OF 166.3 ACRES
- Priority Date:** MARCH 25, 1971
- Rate:** 0.89 CUBIC FOOT PER SECOND
- Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other water right for the same lands, shall be limited to 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 per acre irrigated during the irrigation season of each year.
- Source:** WELL NO. 1, within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW NW	630 FEET NORTH AND 1320 FEET EAST FROM THE W¼ CORNER OF SECTION 17

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

SUPPLEMENTAL IRRIGATION (IS)						
Twp	Rng	Mer	Sec	Q-Q	Acres	
4 N	29 E	WM	17	NE NW	38.6	
4 N	29 E	WM	17	NW NW	21.0	
4 N	29 E	WM	17	SW NW	39.0	
4 N	29 E	WM	17	SE NW	40.0	
4 N	29 E	WM	17	NE SW	14.0	
4 N	29 E	WM	17	NW SW	13.7	
TOTAL:						166.3

**Partial Cancellations of certain Water Rights**

39. On November 17, 2016, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of Water Right Certificate 38735. The applicant has abandoned any and all interest in this portion of the water right. The portion of the right to be cancelled is as follows:

**Certificate:** 38735 in the name of M. L. KOESTER (perfected under Permit G-3761)  
**Use:** SUPPLEMENTAL IRRIGATION OF 46.1 ACRES  
**Priority Date:** JULY 25, 1967  
**Rate:** 0.576 CUBIC FOOT PER SECOND  
**Limit/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 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; provided further that the right allowed herein 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, within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	NE NW	1200 FEET SOUTH AND 30 FEET WEST FROM THE N¼ CORNER OF SECTION 17

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

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	NE NW	4.6
4 N	29 E	WM	17	NW NW	4.0
4 N	29 E	WM	17	SW NW	6.1
4 N	29 E	WM	17	SE NW	5.6
4 N	29 E	WM	17	NE SW	12.1
4 N	29 E	WM	17	NW SW	13.7
TOTAL:					46.1

40. On March 14, 2016, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of Water Right Certificate 76126. The applicant has abandoned any and all interest in this portion of the right. The portion of the right to be cancelled is as follows:

**Certificate:** 76126 in the name of M. L. KOESTER (perfected under Permit U-489)  
**Use:** IRRIGATION OF 2.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 3.3 ACRES  
**Priority Date:** AUGUST 27, 1952  
**Rate:** 0.07 CUBIC FOOT PER SECOND

**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-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.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	17	SW SW	1259 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Places of Use to be Cancelled:**

PRIMARY IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	SW SW	2.7

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	17	NE SW	1.4
4 N	29 E	WM	17	SE SW	1.9

41. March 14, 2016, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of Water Right Certificate 76127. The applicant has abandoned any and all interest in this portion of the right. The portion of the right to be cancelled is as follows:

**Certificate:** 76127 in the name of GLEN CHOWNING (perfected under Permit U-517)

**Use:** IRRIGATION OF 1.60 ACRES AND SUPPLEMENTAL IRRIGATION OF 0.05 ACRES

**Rate:** 0.01 CUBIC FOOT PER SECOND

**Priority Dates:** FEBRUARY 16, 1953 FOR 0.009 CUBIC FOOT PER SECOND (CFS) AND MARCH 10, 1953 FOR 0.001 CFS

**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-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.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	NE SE	20.1 CHAINS NORTH AND 31.5 CHAINS EAST FROM THE S¼ CORNER OF SECTION 18

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

IRRIGATION (IR)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	18	SE SE	1.60

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	18	SW SE	0.05

42. On February 9, 2017, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of water right Certificate 74668. The applicant has abandoned any and all interest in this portion of the right. The portion of the right to be cancelled is as follows:

**Certificate:** 74668 in the name of GLENN S. CHOWNING (perfected under Permit G-6285)  
**Use:** SUPPLEMENTAL IRRIGATION OF 8.1 ACRES  
**Priority Date:** AUGUST 7, 1975  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**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 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:** WELL No. 4 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	19	NE NW	50 FEET SOUTH AND 40 FEET WEST FROM THE N¼ CORNER OF SECTION 19

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

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	18	SE SW	5.2
4 N	29 E	WM	18	NW SE	1.2
4 N	29 E	WM	18	SE SE	1.6
4 N	29 E	WM	19	NE NW	0.1
TOTAL:					8.1

43. On April 5, 2017, the applicant submitted an affidavit meeting the requirements of ORS 540.621 for the partial cancellation of water right Certificate 74667. The applicant has abandoned any and all interest in this portion of the right. The portion of the right to be cancelled is as follows:

**Certificate:** 74667 issued in the name of GLENN S. CHOWNING (perfected under Permit G-5148)  
**Use:** SUPPLEMENTAL IRRIGATION OF 8.1 ACRES  
**Priority Date:** DECEMBER 28, 1970  
**Rate:** 0.091 CUBIC FOOT PER SEOND

**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 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:** WELL NO. 2 within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	18	SW SE	1730 FEET SOUTH AND 20 FEET EAST FROM THE CENTER OF SECTION 18

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

SUPPLEMENTAL IRRIGATION (IS)					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	18	SE SW	5.2
4 N	29 E	WM	18	NW SE	1.2
4 N	29 E	WM	18	SE SE	1.6
4 N	29 E	WM	19	NE NW	0.1
TOTAL:					8.1

**Conclusions of Law**


The additional points of appropriation, change in points of appropriation, and changes in place of use proposed in Transfer Application T-11171 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights should be cancelled.

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

1. The changes in place of use and additional points of appropriation proposed in Transfer Application T-11171 are approved. The portions of the rights that have been abandoned are cancelled. The use of water for portions of Certificates 76126 and 76127 described in Finding of Facts Nos.36 and 37 is diminished to supplemental irrigation.
2. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 87035, 86377, 86203, 86205, 76126, 76127, 38735, 74667, 74668, and any related decree.
3. Water right Certificates 76126, 76127, 74667, 74668, 38735, and 46817 are cancelled.
4. Certificates 87035 and 86203 (Stanfield Irrigation District), 86205 and 86377 (Bureau of Reclamation) are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.
5. The quantity of water diverted at the new points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. The former places of use of the transferred rights shall no longer receive water under the rights.

8. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each (**new and existing**) points of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The water user shall comply with the terms and conditions of a valid Water Contract between the Bureau of Reclamation and the water user. The Watermaster shall distribute water to the designated points of diversion according to ORS 540.410 and valid water service contracts as may be amended from time to time.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 10 day of July, 2017.



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

Mailing date: JUL 12 2017