

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

In the Matter of Transfer Application            ) CORRECTING FINAL ORDER  
T-12218, Umatilla County                    ) APPROVING A PERMANENT DISTRICT  
  ) TRANSFER AND PARTIAL  
  ) CANCELLATION OF WATER RIGHTS

**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.

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**

STANFIELD IRRIGATION DISTRICT  
PO BOX 416  
STANFIELD, OR 97875

**Findings of Fact**

1. On December 17, 2015, Stanfield Irrigation District (SID) filed a district transfer application to permanently change the place of use under Certificates 87035, 86377, and 86203. The Department assigned the application number T-12218.
2. Notice of the application for transfer was published on December 22, 2015, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On February 12, 2016, the Department issued an order approving T-12218, as evidenced by Special Order Volume 98, Pages 726 through 731.
4. After the final order was issued the Department identified scrivener's errors in the final order. This Order supersedes Special Order Volume 98, Pages 726 through 731 and corrects the place of use errors which will appear in ***bold and italic*** in this order.
5. 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 ***0.5*** acres  
**Priority Date:** March 8, 1905

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.

**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	Gov't Lot	Measured Distances
3 N	30 E	WM	31	NW 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	Water User	Notice
4 N	29 E	WM	32	SE NW	2805	0.5	Otzenberger	NPT-A-2015-Otzenberger
<b>Total:</b>						<b>0.5</b>		

6. Transfer Application T-12218 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	Water User	Notice
4 N	29E	WM	32	SE NW	2900	0.50	Covert	NPT-A-2015-Otzenberger
<b>Total:</b>						<b>5.0</b>		

7. Certificate 87035 describes the place of use including tax lot numbers, however, some tax lot numbers have changed and, thus, may not accurately describe the place of use authorized.

8. 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 13.0 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 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 and the Umatilla River and is re-diverted at Stanfield Irrigation District Furnish Canal.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't 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:**

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Tax Lot</i>	<i>Acres</i>	<i>Water User</i>	<i>Notice</i>
4 N	28 E	WM	13	SE SW	100	9.00	Able	NPT-A-2015 Rayl
4 N	28 E	WM	13	SW SW	100	2.10	Able	NPT-A-2015 Rayl
4 N	28 E	WM	13	SW SW	200	1.40	Able	NPT-A-2015 Rayl
4 N	29 E	WM	32	SE NW	2805	0.50	Otzenberger	NPT-A-2015-Otzenberger
<b>Total:</b>						<b>13.00</b>		

9. *Transfer Application T-12218 proposes to change the place of use for the above described rights to:*

**Proposed Place of Use**

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Tax Lot</i>	<i>Acres</i>	<i>Water User</i>	<i>Notice</i>
4 N	29E	WM	28	NW SE	1500	12.50	Rayl	NPT-A-2015 Rayl
4 N	29E	WM	32	SE NW	2900	0.50	Covert	NPT-A-2015-Otzenberger
<b>Total:</b>						<b>13.00</b>		

10. 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 12.5 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:**

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Gov't Lot</i>	<i>Measured Distances</i>
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:**

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Tax Lot</i>	<i>Acres</i>	<i>Water User</i>	<i>Notice</i>
4 N	28 E	WM	13	SE SW	100	9.0	Able	NPT-A-2015 Rayl
4 N	28 E	WM	13	SW SW	100	2.1	Able	NPT-A-2015 Rayl
4 N	28 E	WM	13	SW SW	200	1.4	Able	NPT-A-2015 Rayl
<b>Total:</b>						<b>12.5</b>		

11. **Transfer Application T-12218 proposes to change the place of use for the above described right to:**

**Proposed Place of Use:**

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Tax Lot</i>	<i>Acres</i>	<i>Water User</i>	<i>Notice</i>
4 N	29E	WM	28	NW SE	1500	12.5	Rayl	NPT-A-2015 Rayl
<i>Total:</i>						12.5		

12. 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.
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.
16. All other application requirements have been met.

**Partial Cancellations of Water Rights**

17. On December 21, 2015, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Nancy J Able. The right to be cancelled is as follows:

**Certificate:** 87319 in the name of CECIL D. THOMPSON (perfected under Permit G-2974)

**Use:** SUPPLEMENTAL IRRIGATION of 9.10 ACRES

**Priority Date:** JULY 12, 1965

**Rate:** 0.11 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 a diversion of 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.

**Source:** A SUMP in the UMATILLA RIVER BASIN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	13	SE SW	US FEED CANAL: 1100 FEET NORTH AND 1110 FEET WEST FROM THE S1/4 CORNER OF SECTION 13

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

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SW SW	3.50
4 N	28 E	WM	13	SE SW	5.60
Total					9.10

18. On December 21, 2015, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Nancy J Able. The right to be cancelled is as follows:

**Certificate:** 87318 in the name of THOMAS N. ABLE JR (perfected under Permit G-2974)

**Use:** SUPPLEMENTAL IRRIGATION of 3.40 ACRES

**Priority Date:** JULY 12, 1965

**Rate:** 0.04 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 cubic foot per second per 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.

**Source:** A SUMP in the UMATILLA RIVER BASIN

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	13	SW SW	NOT DESCRIBED ON CERTIFICATE
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

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

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SE SW	3.40

**Conclusions of Law**

The proposed change in place of use in Transfer Application T-12218 satisfies the requirements of ORS 540.574(3) and 540.580.

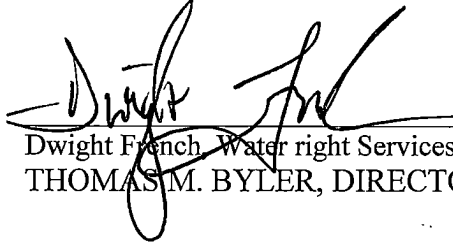
**Now, therefore, it is ORDERED:**

The proposed changes contained in Transfer Application T-12218 are approved.

1. 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.
2. The former places of use shall no longer be irrigated as part of these water rights.
3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2017. 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.
4. This order corrects and supersedes Special Order Volume 98, Pages 726 through 731.
5. Water right Certificates 87319 and 87318 are cancelled. New Certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.

6. Certificates 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.

Dated at Salem, Oregon this 19 day of January, 2018.



Dwight French Water right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing date: JAN 19 2018