

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

In the Matter of Transfer Application  
T-10784, Umatilla County

) FINAL ORDER  
) APPROVING A DISTRICT  
) TEMPORARY TRANSFER

**Authority**

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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  
ATTN: RAY KOPACZ  
P.O. BOX 416  
STANFIELD, OR 97875

**Findings of Fact**

1. On February 19, 2009, Stanfield Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 79442, 76113 and 79440, within the boundaries of the irrigation district. The Department assigned the application number T-10784.
2. The portion of the FIRST right and its supplemental water right to be transferred are as follows: (Internal Transfer #Tt-A-2009)

**Certificate:** 79442, issued in the name of STANFIELD IRRIGATION DISTRICT  
(confirmed by the Umatilla River Decree, recorded in Volume 3, at Pgs.  
233-235 and Volume 15 at Pgs. 433-435)

**Use:** IRRIGATION (IR) of 95.3 ACRES

**Priority Date:** MARCH 8, 1905

This is a final order in other than a 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 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:** 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	Survey Coordinates
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from the 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 95.3 ACRES

**Priority Date:** JULY 1, 1924

**Rate & Duty:** 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 Permit R-564), 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	Lot	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 the SW Corner of Section 31

**Authorized Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						79442 (IR)	79440 (IS)	
3 N	29 E	WM	4	NE NW	500	7.00	7.00	HAROLD COLCLESSER
3 N	29 E	WM	4	NE NW	700	1.00	1.00	HAROLD COLCLESSER
3 N	29 E	WM	4	SW NW	1300	5.70	5.70	MARVIN & DAN MILLS
3 N	29 E	WM	4	SW NW	1400	1.50	1.50	MARVIN & DAN MILLS
3 N	29 E	WM	4	SE NW	1400	3.00	3.00	MARVIN & DAN MILLS
3 N	29 E	WM	4	SE NW	1501	3.50	3.50	MILLS BROTHERS
3 N	29 E	WM	4	NW SW	1300	0.30	0.30	MARVIN & DAN MILLS
3 N	29 E	WM	5	SW NE	400	8.00	8.00	DAN MILLS
3 N	29 E	WM	5	SE NE	400	4.00	4.00	DAN MILLS
3 N	29 E	WM	5	NE SE	1201	0.40	0.40	NORMAN STEWART
3 N	29 E	WM	5	NW SE	1201	7.20	7.20	NORMAN STEWART

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						79442 (IR)	79440 (IS)	
4 N	29 E	WM	11	SE SE	1600	2.00	2.00	MILLS MINT FARM
4 N	29 E	WM	11	SE SE	1700	2.00	2.00	DAN MILLS
4 N	29 E	WM	23	NE SE	100	3.29	3.29	MILLS MINT FARM, INC
4 N	29 E	WM	23	SE SE	2800	0.60	0.60	MILLS MINT FARM, INC
4 N	29 E	WM	27	SE NW	3200	3.80	3.80	DON MILLS
4 N	29 E	WM	27	SE SW	3200	1.30	1.30	DON MILLS
4 N	29 E	WM	28	NE SE	2000	6.00	6.00	MILLS MINT FARM, INC
4 N	29 E	WM	28	SE SE	2000	3.00	3.00	MILLS MINT FARM, INC
4 N	29 E	WM	33	NW NE	300	1.50	1.50	MILLS MINT FARM, INC
4 N	29 E	WM	33	NE SE	1600	0.20	0.20	MILLS MINT FARM, INC
4 N	29 E	WM	33	NW SE	1600	3.80	3.80	MILLS MINT FARM, INC
4 N	29 E	WM	33	NW SE	1801	9.70	9.70	MILLS MINT FARM, INC
4 N	29 E	WM	34	NE NW	300	4.37	4.37	DON MILLS
4 N	29 E	WM	34	SE NW	300	1.00	1.00	DON MILLS
4 N	29 E	WM	34	NE SW	500	1.34	1.34	MILLS MINT FARM, INC
4 N	29 E	WM	34	NE SW	600	8.00	8.00	MILLS MINT FARM, INC
4 N	29 E	WM	34	NW SW	500	1.80	1.80	MILLS MINT FARM, INC
<b>TOTAL:</b>						<b>95.30</b>	<b>95.30</b>	

3. Application T-10784 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						79442 (IR)	79440 (IS)	
4 N	29 E	WM	34	NE SE	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	NW SE	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	SW SE	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	SE SE	800	18.80	18.80	MERLE GEHRKE
<b>TOTAL:</b>						<b>95.30</b>	<b>95.30</b>	

4. The portion of the SECOND right and its supplemental water right to be transferred are as follows: (Internal Transfer #Tt-A-2009)

**Certificate:** 76113, issued in the name of STANFIELD IRRIGATION DISTRICT (perfected under Permit 30789)

**Use:** IRRIGATION (IR) of 6.7 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 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

**Source:** UMATILLA RIVER, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Survey Coordinates
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from the 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 6.7 ACRES

**Priority Date:** JULY 1, 1924

**Rate & Duty:** 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 Permit R-564), 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	Lot	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 the SW Corner of Section 31

**Authorized Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						76113 (IR)	79440 (IS)	
4 N	29 E	WM	23	SE SE	2800	6.70	6.70	MILLS MINT FARM, INC
TOTAL:						6.70	6.70	

5. Application T-10784 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						76113 (IR)	79440 (IS)	
4 N	29 E	WM	34	SE SE	800	6.70	6.70	MERLE GEHRKE
TOTAL:						6.70	6.70	

6. The portion of the THIRD right and its supplemental water right to be transferred are as follows: (Internal Transfer #Tt-B-2008)

**Certificate:** 79442, issued in the name of STANFIELD IRRIGATION DISTRICT (confirmed by the Umatilla River Decree, recorded in Volume 3, at Pgs. 233-235 and Volume 15 at Pgs. 433-435)

**Use:** IRRIGATION (IR) of 15.6 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

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Survey Coordinates
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from the 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 15.6 ACRES

**Priority Date:** JULY 1, 1924

**Rate & Duty:** 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 Permit R-564), 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	Lot	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 the SW Corner of Section 31

**Authorized Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						79442 (IR)	79440 (IS)	
4 N	29 E	WM	14	SW SE	2400	2.00	2.00	DENNIS SIMMONS
4 N	29 E	WM	18	NE SW	1700	2.10	2.10	SHARRON REISE
4 N	29 E	WM	18	SE SW	1700	11.50	11.50	SHARRON REISE
TOTAL:						15.60	15.60	

7. Application T-10784 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)								
Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (Acres)		User
						79442 (IR)	79440 (IS)	
4 N	29 E	WM	26	NE SW	4001	4.25	4.25	RANDY COOPER
4 N	29 E	WM	26	NW SE	4001	11.35	11.35	RANDY COOPER
TOTAL:						15.60	15.60	

***Non-use of Certain Water Rights during the 2009 Irrigation Season***

8. On February 19, 2009, Ray Kopacz, District Manager for Stanfield Irrigation District, stated that several water rights exist on the "FROM" lands and will not be transferred or used during the duration of the temporary transfer. Those water rights are described in the following tables:

Certificate 38733 & 38734						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	29 E	WM	27	SE NW	3200	3.80
4 N	29 E	WM	27	SE SW	3200	1.30

Certificate 53479						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	29 E	WM	27	SE SW	3200	1.30

Certificate 55328						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	29 E	WM	11	SE SE	1600	2.00
4 N	29 E	WM	11	SE SE	1700	2.00

Certificate 74882						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	29 E	WM	28	NE SE	2200	6.00
4 N	29 E	WM	28	SE SE	2200	3.00

Certificate 74883						
Twp	Rng	Mer	Sec	Q - Q	TL	Acres
4 N	29 E	WM	33	NE SE	1600	0.20
4 N	29 E	WM	34	NW SE	1600	3.80
4 N	29 E	WM	34	NE NW	300	4.37
4 N	29 E	WM	34	SE NW	300	1.00
4 N	29 E	WM	34	NE SW	500	1.34
4 N	29 E	WM	34	NE SW	600	8.00
4 N	29 E	WM	34	NW SW	500	1.80

9. Notice of the application for temporary transfer was published March 3, 2009, pursuant to ORS 540.520 and OAR 690-385-3400. No comments were filed in response to the notice.
10. The district temporary 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.
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

### Conclusions of Law

The temporary change in place of use proposed in Transfer Application T-10784 satisfies the requirements of ORS 540.574(3) and 540.570.


The portions of the rights described in Finding of Fact #8 above will not be exercised during the 2009 irrigation season.

### Now, therefore, it is ORDERED:

1. The temporary change in place of use to the water rights evidenced under Certificates 79442, 76113 and 79440 proposed in Transfer Application T-10784 is approved.
2. The temporary transfer is effective for the 2009 irrigation season.
3. The former places of use shall not be irrigated as part of these water rights during the 2009 irrigation season.

4. The District shall not use water under Certificates 38733, 38734, 53479, 55328, 74882 and 74883 during the 2009 irrigation season at the authorized places of use as described in Finding of Fact #8 above.
5. The use shall revert to the authorized places of use at the end of the 2009 irrigation season.
6. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
7. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
8. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 79442, 76113 and 79440.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this 28<sup>th</sup> day of April, 2009.

  
Phillip C. Ward, Director *pn*

*Meeting Date:* APR 29 2009