

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

In the Matter of Transfer Application) FINAL ORDER
T-9620, Umatilla County, Oregon)
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

Stanfield Hutterian Farm
c/o John Stahl
36345 Despain Gulch Road
Stanfield, Oregon 97875

Findings of Fact

1. Stanfield Hutterian Farm filed an application to transfer the place of use under Certificates 79668 and 73977. The Department assigned the application number T-9620.

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

Certificate: 79668 in the name of Mikami Brothers

Use: Irrigation

Priority Date: December 11, 1973

Quantity: 2.92 cfs

Rate/Duty: 1/40 cfs per acre, not to exceed 4½ acre-feet per acre

Acres: 124.7

Source: Columbia River, tributary to Pacific Ocean

POD: SW¼ NW¼, Section 8, T 5 N, R 30 E, W.M.; 2910 feet North and 120 feet East from the SW corner, Section 8.

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres
4 N	30 E	W.M.	5	SW NE	1.1
4 N	30 E	W.M.	7	NW NE	4.1

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	30	E	W.M.	17	NE SE	19.2
4	N	30	E	W.M.	17	NW SE	15.8
4	N	30	E	W.M.	17	SW SE	28.6
4	N	30	E	W.M.	17	SE SE	35.1
4	N	30	E	W.M.	18	NE SE	11.9
4	N	30	E	W.M.	18	SW SE	2.8
4	N	30	E	W.M.	18	SE SE	4.5
4	N	30	E	W.M.	20	NE NE	1.1
4	N	30	E	W.M.	20	NW NE	0.5
TOTAL							124.7

Proposed Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	30	E	W.M.	5	NW NE	0.7
4	N	30	E	W.M.	5	SW NE	3.0
4	N	30	E	W.M.	5	NE NW	5.6
4	N	30	E	W.M.	5	SW NW	8.5
4	N	30	E	W.M.	5	SE NW	13.0
4	N	30	E	W.M.	5	NE SW	3.1
4	N	30	E	W.M.	7	NE NE	4.8
4	N	30	E	W.M.	7	NW NE	10.4
4	N	30	E	W.M.	10	SW NE	4.9
4	N	30	E	W.M.	10	SE NW	5.1
4	N	30	E	W.M.	10	NE SW	4.9
4	N	30	E	W.M.	16	NE NE	4.9
4	N	30	E	W.M.	17	SW SW	0.1
4	N	30	E	W.M.	17	SE SW	2.8
4	N	30	E	W.M.	17	NE SE	14.3
4	N	30	E	W.M.	17	NW SE	15.8
4	N	30	E	W.M.	17	SW SE	18.1
4	N	30	E	W.M.	17	SE SE	2.1
4	N	30	E	W.M.	20	NW NE	1.2
4	N	30	E	W.M.	20	NE NW	1.4
TOTAL							124.7

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

Certificate: 73977 in the name of Mikami Brothers

Use: Irrigation

Priority Date: February 26, 1975

Quantity: 0.73 cfs
Rate/Duty: 1/40 cfs per acre, not to exceed 4½ acre-feet per acre
Acres: 54.7
Source: Columbia River, tributary to Pacific Ocean
POD: SW¼ NW¼, Section 8, T 5 N, R 30 E, W.M.; 2910 feet North and 120 feet East from the SW corner, Section 8

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	30	E	W.M.	15	NE NE	8.0
4	N	30	E	W.M.	15	NW NE	2.3
4	N	30	E	W.M.	15	SE NE	1.6
4	N	30	E	W.M.	15	NE NW	4.2
4	N	30	E	W.M.	15	NW NW	3.2
4	N	30	E	W.M.	15	NE SE	9.2
4	N	30	E	W.M.	16	SW SW	1.2
4	N	30	E	W.M.	16	SE SW	5.0
4	N	30	E	W.M.	16	SW SE	3.8
4	N	30	E	W.M.	21	NE NW	11.3
4	N	30	E	W.M.	21	NW NW	4.9
TOTAL							54.7

Proposed Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	30	E	W.M.	9	SW NE	4.9
4	N	30	E	W.M.	9	SE NW	4.9
4	N	30	E	W.M.	9	NE SW	4.9
4	N	30	E	W.M.	9	NW SE	4.9
4	N	30	E	W.M.	9	SE SE	5.1
4	N	30	E	W.M.	10	SW SW	5.0
4	N	30	E	W.M.	10	SE SW	5.2
4	N	30	E	W.M.	15	SW SW	4.5
4	N	30	E	W.M.	16	SE SE	3.9
4	N	30	E	W.M.	21	NE NE	4.9
4	N	30	E	W.M.	21	NW NE	6.5
TOTAL							54.7

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

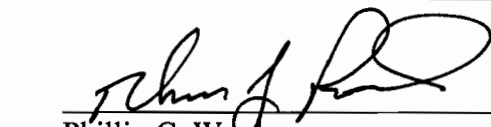
Determination and Proposed Action

The proposed changes in place of use in application T-9620 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in application T-9620 are approved.
2. Water right certificates 79668 and 73977 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 79668 and 73977.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. The former place of use and character of use shall no longer receive water under the original authorized use of these water rights.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 30th day of September, 2004.


Phillip C. Ward
Acting Director

Mailing date: OCT 08 2004