

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

In the Matter of Transfer Application    )  
T-11177, Umatilla County                )  
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FINAL ORDER APPROVING A DISTRICT  
PERMANENT TRANSFER, PARTIAL  
DIMINUTION AND PARTIAL  
CANCELLATION OF CERTAIN WATER  
RIGHTS

**Authority**

ORS 540.570 and 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 27, 2010, Stanfield Irrigation District filed a district transfer application to permanently change the place of use under Certificates 86202, 86203, 86204 and 86205. The Department assigned the application number T-11177.
2. Certificate 86202 was superseded on May 2, 2011, by correcting Certificate 87035. Certificate 86204 was superseded by correcting Certificate 86377 on June 17, 2010.
3. Notice of the application for transfer was published on January 4, 2011, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
4. On February 2 and March 23, 2011, the Department notified the District that conflicts with existing water rights on both the “FROM” and “TO” lands exist. In response, the District submitted affidavits to voluntarily cancel or diminish the layered water rights. The affidavits were received on April 15, April 22, July 27, August 4, October 20, and October 24, 2011.
5. The portion of the FIRST primary water right and its layered supplemental water rights to be transferred are as follows:    **(Ditchen Notice)**

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.

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

**Use:** IRRIGATION (IR) OF 54.73 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 4½ ACRE-FEET for each acre irrigated during the irrigation season of each year. The irrigation season shall include any time between JANUARY 1 to 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	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 in the name U. S. BUREAU OF RECLAMATION (perfected under Permit S-54406)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 54.73 ACRES

**Priority Date:** March 14, 2007

**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 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the 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	Measured distances not specified on certificate; McKAY DAM
3 N	30 E	WM	31	SW SW	FURNISH CANAL - 380 FEET NORTH AND 650 FEET EAST FROM SW CORNER OF SECTION 31

**Authorized Places of Use:**

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 86203 (IR)	Certificate 86205 (IS)		
4 N	29 E	WM	24	SW SE	100	7.60	7.60	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NE NE	204	9.60	9.60	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SE NE	204	9.50	9.50	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NE NW	204	2.50	2.50	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW NW	204	0.70	0.70	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW NW	200	3.70	3.70	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SW NW	204	6.00	6.00	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SE NW	204	0.75	0.75	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SE NW	204	1.88	1.88	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW SW	204	5.40	5.40	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NE SE	204	7.10	7.10	Ditchen Land Co.	PT 2010- Ditchen

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 86203 (IR)	Certificate 86205 (IS)		
<b>TOTAL:</b>						<b>*54.73</b>	<b>*54.73</b>		

\*Note: These lands have other appurtenant water rights for both primary and supplemental irrigation (Certificates 76118, 76130 and 54571) and will be cancelled.

6. Transfer Application T-11177 proposes to permanently change the place of use of the above described rights to:

IRRIGATION (IR) and SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	ACRES		User	Notice #
						Certificate 86203 (IR)	Certificate 86205 (IS)		
4 N	29 E	WM	25	NE NW	204	0.50	0.50	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SE NW	204	0.75	0.75	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW SW	200	0.75	0.75	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NE SE	200	0.75	0.75	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW SE	204	0.75	0.75	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	NW SE	200	9.50	9.50	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SW SE	200	17.83	17.83	Ditchen Land Co.	PT 2010- Ditchen
4 N	29 E	WM	25	SE SE	200	23.90	23.90	Ditchen Land Co.	PT 2010- Ditchen
<b>TOTAL:</b>						<b>*‡54.73</b>	<b>*‡54.73</b>		

\* Note: These proposed "IO" lands have other appurtenant water rights for both primary and supplemental irrigation (Certificates 76118 and 76130) and will be cancelled.

‡ Note: These lands have an existing appurtenant primary water right (Certificate 76118) that will be diminished to supplemental irrigation.

7. The portion of the SECOND primary water right and its layered supplemental right to be transferred is as follows: **(Torres Notice)**

**Certificate:** 87035 issued in the name of STANFIELD IRRIGATION DISTRICT (confirmed by Decree of the Circuit Court of the State of Oregon for Umatilla County)

**Use:** IRRIGATION (IR) OF 0.5 ACRE

**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.

**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	NW SW*	4	FURNISH CANAL - 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

\*Quarter-quarter designation should read SWSW – scrivener's error on Certificate 87035.

**Certificate:** 86377 in the name U. S. Bureau of Reclamation (perfected under Permit S-7400)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 0.5 ACRE

**Priority Date:** JULY 1, 1924

**Rate & Duty:** The amount of water for irrigation together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-EIGHTIETH 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the 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	Measured distances not specified on the certificate; McKAY DAM
3 N	30 E	WM	31	SW SW	FURNISH CANAL - 380 FEET NORTH AND 650 FEET EAST FROM SW CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice #
						87035 (IR)	86377 (IS)		
4 N	29 E	WM	32	NE SE	1000	0.50	0.50	Torres	PT 2010 - Torres

8. Transfer Application T-11177 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice #
						87035 (IR)	86377 (IS)		
4 N	29 E	WM	32	NE SE	1400	0.50	0.50	Torres	PT 2010 - Torres

9. The portion of the THIRD primary water right and its supplemental water right to be transferred are as follows: **(Cooper Notice)**

**Certificate:** 86203, issued in the name of Stanfield Irrigation District

**Use:** Irrigation (IR) of 45.13 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 1/40<sup>th</sup> 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 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	FURNISH CANAL - 380 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER OF SECTION 31

**Certificate:** 86377 in the name U.S. Bureau of Reclamation (perfected under Permit S-7400)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 45.13 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 for the same lands is limited to a diversion of 1/80<sup>th</sup> of a 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, a tributary of McKay Creek. Water is run down the natural channels of McKay Creek and the Umatilla River and is re-diverted at the Stanfield Irrigation District Furnish Canal.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Lot	Measured Distances
2 N	32 E	WM	34	NW SE	--	Measured distances not specified on certificate; 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 Places of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice #
						86203(IR)	86377 (IS)		
4 N	28 E	WM	13	SW SW	200	0.87*	0.87	Nancy Able	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	300	5.10*	5.10	Nancy Able	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	700	1.07*	1.07	Nancy Able	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	800	2.35*	2.35	Anna M. Francis	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	901	3.49*	3.49	Dice Properties	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	902	5.00*	5.00	Brown	PT 2010 - Cooper
4 N	28 E	WM	13	SW SW	1000	0.85*	0.85	Hermiston Vet	PT 2010 - Cooper
4 N	28 E	WM	13	SE SW	900	26.40*	26.40	Brown	PT 2010 - Cooper
<b>TOTAL:</b>						<b>45.13*</b>	<b>45.13</b>		

\*Note: these lands have existing water rights for supplemental irrigation (Cert# 43608 and 49215) and will be cancelled.

10. Transfer Application T-11177 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice#
						86203(IR)	86377 (IS)		
4 N	29 E	WM	26	NE SE	4001	6.00	6.00	Randy Cooper	PT 2010 - Cooper
4 N	29 E	WM	26	NW SE	4001	17.08	17.08	Randy Cooper	PT 2010 - Cooper
4 N	29 E	WM	26	SW SE	4001	19.20	19.20	Randy Cooper	PT 2010 - Cooper
4 N	29 E	WM	26	SE SE	4001	2.85	2.85	Randy Cooper	PT 2010 - Cooper
<b>TOTAL:</b>						<b>45.13</b>	<b>45.13</b>		

11. On April 20, 2011, the applicant withdrew the original Amstad/Windblown Notice and submitted a revised notice and map. The amended Amstad Notice is described below.
12. The portion of the FOURTH primary right and its layered supplemental water right to be transferred is as follows: **(Amstad Notice)**

**Certificate:** 86203, issued in the name of STANFIELD IRRIGATION DISTRICT

**Use:** Irrigation (IR) of 2.4 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 1/40<sup>th</sup> 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 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	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:** 86377 in the name U. S. Bureau of Reclamation (perfected under Permit S-7400)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 2.4 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 for the same lands is limited to a diversion of 1/80<sup>th</sup> 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, 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	Measured distances not specified on certificate; MCKAY DAM
3 N	30 E	WM	31	SW SW	FURNISH CANAL - 380 FEET NORTH AND 650 FEET EAST FROM SW CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice #
						86203(IR)	86377 (IS)		
4 N	29 E	WM	19	SE NW	100	2.4	2.4	Windblown	Amstad/Windblown

13. Transfer Application T-11177 proposes to change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE (Acres)		User	Notice #
						86203(IR)	86377 (IS)		
4 N	29 E	WM	19	SE NE	100	2.4	2.4	Windblown	Amstad/Windblown

14. On February 2 and March 23, 2011, the Department notified the District of several layered water rights existing on the both the authorized and proposed places of use. The Department requested resolution of these layered conflicts by either (1) obtaining cancellation affidavits of the layered water right, (2) obtaining written authorizations to move the layered rights concurrently with the district right or (3) withdrawing the conflicting, layered portions from the transfer. The Department's March 23, 2011 letter set forth a deadline of April 22, 2011, for the applicant to respond.
15. On March 31, 2011, the District manager came into the Department's North Central Regional Office and submitted three voluntary cancellation affidavits and a diminishment affidavit for the Ditchen Notice.
16. On April 4, 2011, the District manager came into the Department's North Central Regional Office and met with staff to go over the necessary affidavits needed for the remaining Cooper Notice and reviewed portions of maps needed to accompany the cancellation affidavit(s) requests.
17. On August 3, 2011, the District submitted voluntary cancellation affidavits for the Anna Francis and Hermiston Veterinarian portions of the Cooper Notice.
18. On August 4, 2011, the District submitted a voluntary cancellation affidavit for the Brown portion of the Cooper Notice.
19. On October 20, 2011, the District submitted a voluntary cancellation affidavit for the Dice Properties portion of the Cooper Notice.
20. On October 24, 2011, the District submitted a voluntary cancellation affidavit for the Nancy Able portion of the Cooper Notice. This submission satisfied the enlargement issues associated with the layered water rights.

***Partial Diminution of a Water Right***

21. On April 15, 2011, Darrin Ditchen, authorized representative for Ditchen Farms, LLC, owner of lands to which a portion of Certificate 76118 is appurtenant, submitted an affidavit for the partial diminution of the water right. Mr. Ditchen has requested the lands described below be diminished to supplemental irrigation for the incoming District water rights as part of this transfer.
22. The portions of the water right to be diminished to supplemental irrigation are described as follows:  
**Certificate:** 76118 issued in the name of DAVID DITCHEN (Perfected under Permit G-8209)  
**Use:** IRRIGATION OF 52.23 ACRES

**Priority Date:** February 27, 1978

**Amount:** 0.547 cubic foot per second (cfs)

**Source:** ZABRANSKY WELLS 1, 2 AND 3 within the STAGE GULCH BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	29 E	WM	25	NW NW	ZABRANSKY WELL #1 - 750 FEET SOUTH AND 1180 FEET EAST FROM THE SW CORNER OF SECTION 24
4 N	29 E	WM	24	SW SE	ZABRANSKY WELL #2 - 160 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 24
4 N	29 E	WM	36	NE SE	ZABRANSKY WELL #3 - 90 FEET SOUTH AND 1100 FEET WEST FROM THE E <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 36

Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	25	NE SE	200	1.00
4 N	29 E	WM	25	NW SE	200	9.50
4 N	29 E	WM	25	SW SE	200	17.83
4 N	29 E	WM	25	SE SE	200	23.90
<b>TOTAL:</b>						<b>52.23</b>

**Cancellation of Certain Water Rights**

23. On April 22, 2011, Darrin Ditchen, authorized representative for Ditchen Land Company, LLC, owner of lands to which a portion of Certificate 76118 is appurtenant, submitted an affidavit for the partial cancellation of the water right. Mr. Ditchen has requested to cancel certain lands to allow for the movement of the District water rights as part of this transfer.

24. The portion of the water right to be cancelled is described as follows:

**Certificate:** 76118 issued in the name of DAVID DITCHEN (perfected under Permit G-8209)

**Use:** PRIMARY IRRIGATION of 3.4 ACRES and SUPPLEMENTAL IRRIGATION OF 13.42 ACRES

**Priority Date:** February 27, 1978

**Amount:** 0.177 cfs

**Source:** ZABRANSKY WELLS 1, 2 AND 3 within the STAGE GULCH BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	29 E	WM	25	NW NW	ZABRANSKY WELL#1 - 750 FEET SOUTH AND 1180 FEET EAST FROM THE SW CORNER OF SECTION 24
4 N	29 E	WM	24	SW SE	ZABRANSKY WELL#2 - 160 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 24
4 N	29 E	WM	36	NE SE	ZABRANSKY WELL#3 - 90 FEET SOUTH AND 1100 FEET WEST FROM THE E <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 36



**Places of Use to be cancelled:**

Primary Irrigation (IR)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	25	NW SE	200	0.7
4 N	29 E	WM	25	SE SE	200	2.7
<b>TOTAL:</b>						<b>3.4</b>
Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	25	NE NE	204	1.70
4 N	29 E	WM	25	SE NE	204	3.10
4 N	29 E	WM	25	NE NW	204	2.50
4 N	29 E	WM	25	NW NW	204	0.70
4 N	29 E	WM	25	SW NW	200	1.30
4 N	29 E	WM	25	SE NW	200	1.50
4 N	29 E	WM	25	SE NW	204	0.75
4 N	29 E	WM	25	SW SE	204	0.67
4 N	29 E	WM	36	NE NE	4800	1.20
<b>TOTAL:</b>						<b>13.42</b>

25. On April 15, 2011, Darrin Ditchen, authorized representative for Ditchen Land Company, LLC, owner of lands to which a portion of Certificate 76130 is appurtenant, also submitted an affidavit for the partial cancellation of the water right. Mr. Ditchen has requested to cancel certain lands to allow for the movement of the District water rights as part of this transfer. These "FROM" and "TO" lands

26 The portion of the water right to be cancelled is described as follows:

**Certificate:** 76130 issued in the name of DAVID DITCHEN (perfected under Permit G-10452)

**Use:** SUPPLEMENTAL IRRIGATION OF 31.7 ACRES

**Priority Date:** June 13, 1983

**Amount:** 0.396 cfs

**Source:** WELLS 2, 3, and 5 within the UMATILLA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	29 E	WM	25	NW NW	WELL #2 - 750 FEET SOUTH AND 1180 FEET EAST FROM THE NW CORNER OF SECTION 25
4 N	29 E	WM	24	SW SE	WELL #3 - 160 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 24
4 N	29 E	WM	25	SE NE	WELL #5 - 470 FEET NORTH AND 70 FEET WEST FROM THE E <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 25

**Place of Use to be canceled:**

Supplemental Irrigation (IS)							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Well #	Acres
4 N	29 E	WM	24	SW SE	100	3	7.3
4 N	29 E	WM	25	SE NE	204	5	5.9
4 N	29 E	WM	25	SW NW	200	2	5.3

4 N	29 E	WM	25	SE NW	200	2	1.1
4 N	29 E	WM	25	NW SW	200	2	5.4
4 N	29 E	WM	25	NE SE	204	5	6.7
<b>TOTAL:</b>							<b>31.7</b>

28. On April 22, 2011, Darrin Ditchen, authorized representative for Ditchen Land Company, LLC, owner of lands to which a portion of Certificate 54741 is appurtenant, submitted an affidavit for the partial cancellation of the water right. Mr. Ditchen has requested to cancel certain lands to allow for the movement of the District water rights as part of this transfer

29. The portion of the water right to be cancelled is described as follows:

**Certificate:** 54741 issued in the name of ZABRANSKY and SONS (perfected under Permit G-8446)

**Use:** SUPPLEMENTAL IRRIGATION OF 13.62 ACRES

**Priority Date:** December 26, 1978

**Amount:** 0.078 cfs

**Source:** WELL 4, within the STAGE GULCH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	29 E	WM	25	SE NE	WELL 4 - 470 FEET NORTH AND 70 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 25

**Place of Use to be cancelled:**

Supplemental Irrigation (IS)						
Twtp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	25	NE NE	204	1.50
4 N	29 E	WM	25	SE NE	204	3.10
4 N	29 E	WM	25	NE NW	204	2.50
4 N	29 E	WM	25	NW NW	204	0.70
4 N	29 E	WM	25	SW NW	200	1.30
4 N	29 E	WM	25	SE NW	200	1.50
4 N	29 E	WM	25	SE NW	204	0.75
4 N	29 E	WM	25	SW SE	200	0.67
4 N	29 E	WM	25	SE SE	200	0.40
4 N	29 E	WM	36	NE NE	4800	1.20
<b>TOTAL:</b>						<b>13.62</b>

30. On August 4, 2011, Phillip and Marianne Brown, Trustees, owners of lands to which a portion of Certificate 43608 is appurtenant, submitted an affidavit for the partial cancellation of the water right. Phillip and Marianne Brown have requested to cancel certain lands to prevent enlargement of the water right with the removal of the Districts water right proposed for transfer under Cooper Notice.

31. The portion of the water right to be cancelled is described as follows:

**Certificate:** 43608 issued in the name of THOMAS N. ABLE, JR. (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 31.4 acres

**Priority Date:** July 12, 1965

**Amount:** 0.39 cfs

**Source:** A Sump, within the U. S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SW SW	Measured distances not specified on certificate
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

**Place of Use to be cancelled:**

Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	902*	5.0
4 N	28 E	WM	13	SE SW	900*	26.4
<b>TOTAL:</b>						<b>31.4</b>

\*Note: Tax Lot 900 has been split into two tax lots, 900 & 902, both owned by the Browns.

32. On October 24, 2011, the Department received a cancellation affidavit from Nancy Able, owner of lands to which a portion of Certificates 49215 and 43608 is appurtenant. The affidavit for the partial cancellation of the water rights was submitted to prevent enlargement of a water right with the removal of the District's water right proposed for transfer under the Cooper Notice.

33. The portion of water right Certificate 49215 to be cancelled is described as follows:

**Certificate:** 49215 issued in the name of CECIL D. THOMPSON (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 6.18 acres

**Priority Date:** July 12, 1965

**Amount:** 0.076 cfs

**Source:** A Sump, within the U.S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SE SW	1100 FEET NORTH AND 1110 FEET WEST FROM THE S <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 13

**Place of Use to be canceled:**

Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	200	2.20
4 N	28 E	WM	13	SW SW	300	3.98
<b>TOTAL:</b>						<b>6.18</b>

34. The portion of Certificate 43608 to be cancelled is described as follows:

**Certificate:** 43608 issued in the name of THOMAS N. ABLE, JR (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 2.19 acres

**Priority Date:** July 12, 1965

**Amount:** 0.0274 cfs

**Source:** A Sump, within the U. S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SW SW	Measured distances not specified on certificate
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

**Place of Use to be canceled:**

Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	300	1.12
4 N	28 E	WM	13	SW SW	700	1.07
<b>TOTAL:</b>						<b>2.19</b>

35. On October 20, 2011, Dice Properties, owners of lands to which a portion of Certificate 43608 is appurtenant, submitted an affidavit for the partial cancellation of the water right to prevent enlargement of the water right with the removal of the District's water right proposed for transfer under Cooper Notice.

36. The portion of the water right to be cancelled is described as follows:

**Certificate:** 43608 issued in the name of THOMAS N. ABLE, JR. (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 3.49 acres

**Priority Date:** July 12, 1965

**Amount:** 0.044 cfs

**Source:** A Sump, within the U. S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SW SW	Measured distances not specified on certificate
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

**Place of Use to be canceled:**

Supplemental Irrigation (IR)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	901	3.49

37. On August 3, 2011, David Rademacher, of Hermiston Vet Clinic, owner of lands to which a portion of Certificate 43608 is appurtenant, submitted an affidavit for the partial cancellation of the water right to prevent enlargement of the water right with the removal of the District's water right proposed for transfer under Cooper Notice.

38. The portion of the water right to be cancelled is described as follows:

**Certificate:** 43608 issued in the name of THOMAS N. ABLE, JR. (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 1.5 acres

**Priority Date:** July 12, 1965

**Amount:** 0.0189 cfs

**Source:** A Sump, within the U.S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SW SW	Measured distances not specified on certificate
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

**Place of Use to be canceled:**

Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	1000	1.5

39. On August 3, 2011, Anna M Francis, owner of lands to which a portion of Certificate 43608 is appurtenant, submitted an affidavit for the partial cancellation of the water right to prevent a conflict with the removal of the District’s water right proposed for transfer under Cooper Notice.

40. The portion of the water right to be cancelled is described as follows:

**Certificate:** 43608 issued in the name of THOMAS N. ABLE, JR. (perfected under Permit G-2974)

**Use:** Supplemental Irrigation of 2.69 acres

**Priority Date:** July 12, 1965

**Amount:** 0.034 cfs

**Source:** A Sump, within the U. S. Feed Canal and Umatilla River Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	13	SW SW	Not specified on certificate ---
4 N	28 E	WM	13	SE SW	650 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 13

**Place of Use to be cancelled:**

Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	28 E	WM	13	SW SW	800	2.69

41. 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.

42. Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

43. Diversion structures, pumps, canals, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.

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

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

46. The proposed change in place of use will not result in injury to other water rights.

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-11177 satisfies the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

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

1. The proposed change to the District's water right evidenced by Certificates 87035, 86203, 86205 and 86377 are approved.
2. 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 water right Certificates 87035, 86203, 86205, 86377 and any related decree and the Final Order approving T-11177.
3. A portion of the water right evidenced by water right Certificate 76118 is diminished from primary irrigation to supplemental irrigation.
4. Water right Certificates 76118, 76130, 54741, 43608 and 49215 are cancelled. New certificates shall be issued to confirm those portions of the rights NOT modified by this transfer.
5. The former places of use shall no longer be irrigated as part of these water rights.
6. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2013.
8. A Claim of Beneficial Use (COBU) shall be submitted by Stanfield Irrigation District to the Department by October 1, 2014.
9. Water right certificates 87035, 86203, 86205 and 86377 are modified. The Department will issue superseding certificates describing the district's rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 1 day of DECEMBER, 2011.

  
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Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: DEC 07 2011