BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDE
T-10113, Umatilla County)	APPROVING A DISTRICT
)	TEMPORARY TRANSFER

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 P.O. Box 416, 100 West Coe Stanfield, OR 97875

Findings of Fact

- On March 6, 2006, Stanfield Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 76113, 79442 and 79440. The District stated supplemental irrigation under Water Right Certificates 53479, 74882 and 74883 will not be used during the 2006 irrigation season. The Department assigned the application number T-10113.
- 2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
- 3. The portion of the FIRST and SECOND rights to be transferred are as follows:

Certificate: 79442, issued in the name of Stanfield Irrigation District

Use: Irrigation (IR)

Priority Date: March 8, 1905

Rate & Duty: 1/80 cfs per acre irrigated 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, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	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

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.

Certificate: 79440, issued in the name of the Bureau of Reclamation

Use: Supplemental Irrigation (IS) **Priority Date:** July 1, 1924

Rate & Duty: 1/80 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, 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	1/4 - 1/4	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 Place of Use:

Kutho	IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICA	TE (ACRES)	USER		
						79442 (IR)	79440 (IS)			
3 N	29 E	W.M	4	SW NW	1300	5.50	5.50	MILLS MINT FARMS		
3 N	29 E	W.M	4	SW NW	1400	4.00	4.00	MILLS MINT FARMS		
3 N	29 E	W.M	4	SE NW	1400	3.00	3.00	MILLS MINT FARMS		
3 N	29 E	W.M	4	SE NW	1501	4.00	4.00	MILLS MINT FARMS		
3 N	29 E	W.M	4	NW SW	1300	0.30	0.30	MILLS MINT FARMS		
3 N	29 E	W.M	5	SW NE	400	8.00	8.00	MILLS MINT FARMS		
3 N	29 E	W.M	5	SE NE	400	4.00	4.00	MILLS MINT FARMS		
4 N	29 E	W.M	11	SE SE	1600	2.00	2.00	MILLS MINT FARMS		
4 N	29 E	W.M	11	SE SE	1700	2.00	2.00	MILLS MINT FARMS		
4 N	29 E	W.M	26	SE NW	4100	4.60	4.60	MILLS MINT FARMS		
4 N	29 E	W.M	27	SE NW	3100	3.80	3.80	MILLS MINT FARMS		
4 N	29 E	W.M	27	SE SW	3100	1.30	1.30	MILLS MINT FARMS		
4 N	29 E	W.M	28	NE SE	2000	6.00	6.00	MILLS MINT FARMS		
4 N	29 E	W.M	28	SE SE	2000	3.00	3.00	MILLS MINT FARMS		
4 N	29 E	W.M	33	NW NE	300	5.00	5.00	MILLS MINT FARMS		
4 N	29 E	W.M	34	NE NW	300	5.37	5.37	MILLS MINT FARMS		
4 N	29 E	W.M	34	NE SW	500	1.34	1.34	MILLS MINT FARMS		
4 N	29 E	W.M	34	NE SW	600	8.83	8.83	MILLS MINT FARMS		
4 N	29 E	W.M	34	NW SW	500	1.80	1.80	MILLS MINT FARMS		
				T	OTAL:	73.84	73.84			

4. Application T-10113 proposes to TEMPORARILY change the place of use of the rights to:

	CERTIFICATES 79442 (IR) and 79440 (IS)								
TWP RNG MER SEC 1/4 - 1/4 TL ACRES USER									
4 N	29 E	W.M.	34	NE SE	800	25.50	MILLS MINT FARMS		
4 N	29 E	W.M.	34	NW SE	800	25.50	MILLS MINT FARMS		
4 N	29 E	W.M.	34	SE SE	800	22.84	MILLS MINT FARMS		
			73.84						

5. The portion of the THIRD and FOURTH rights to be transferred are as follows:

Certificate: 76113, issued in the name of Stanfield Irrigation District

Use: Irrigation (IR)

Priority Date: June 23, 1965

Rate & Duty: 1/40 cfs per acre irrigated not to exceed 4.5 acre-feet for each acre irrigated

during the irrigation season, (January 1 through November 1)

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	1/4 - 1/4	SURVEY COORDINATES
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: 79440, issued in the name of the Bureau of Reclamation

Use: Supplemental Irrigation (IS) **Priority Date:** July 1, 1924

Rate & Duty: 1/80 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, 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	1/4 - 1/4	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) & SUPPLEMENTAL IRRIGATION (IS)									
TWP	RNG	MER	SEC	1/4 - 1/4	TL CERTIFICATE (ACRES) USER					
						76113 (IR)				
4 N	28 E	W.M	13	SW SW	200	2.20	2.20	NANCY ABLE		
4 N	28 E	W.M	13	SW SW	300	5.10	NANCY ABLE			
4 N	28 E	W.M	13	sw sw	700 1.07 1.07 NANCY ABLE					

	IRRIGATION (IR) & SUPPLEMENTAL IRRIGATION (IS)										
TWP	RNG	MER	SEC	1/4 - 1/4	TL	CERTIFICA	TE (ACRES)	USER			
						76113 (IR)	79440 (IS)				
4 N	28 E	W.M	13	SE SW	100	9.00	9.00	NANCY ABLE			
4 N	29 E	W.M	23	NE SE	100	3.29	3.29	MILLS MINT FARMS			
4 N	4 N 29 E W.M 23 SE SE 2800 7.30 7.30							MILLS MINT FARMS			
	TOTAL: 27.96 27.96										

6. Application T-10113 proposes to TEMPORARILY change the place of use of the rights to:

	CERTIFICATES 76113 (IR) and 79440 (IS)										
TWP RNG MER SEC 1/4-1/4 TL ACRES USER											
4 N	29 E	W.M.	34	SW SE	800	25.50	MILLS MINT FARMS				
4 N	29 E	W.M.	34	SE SE	800	2.46	MILLS MINT FARMS				
	TOTAL: 27.96										

- 7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 8. The proposed changes in place of use would not result in enlargement of the rights.
- 9. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The proposed changes in application T-10113 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- The proposed changes to the water rights evidenced by Certificates 76113, 79442 and 79440 are approved.
- 2. The temporary transfer is effective for the 2006 irrigation season.
- 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 76113, 79442 and 79440 and any related decree.
- 4. Users shall not use water under supplemental water right Certificates 53479, 74882 and 74883 at either the authorized place of use or the temporary new place of use during the 2006 irrigation season.
- 5. Pursuant to OAR 690-385-3130, the use of water as a supplemental right under Certificate 79440 is restricted to the total rate and duty described by the primary irrigation water right, Certificate 79442, and may be used only to the extent of any supply deficiency for the primary water right at the proposed place of use.

- 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 use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
- 8. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this	// ⁴ / ⁴ day of _	July	, 2006.
1		O	

" Fining C. Wald, Director

JUL 1 3 2006

Mailing Date: