

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

In the Matter of Transfer Application
T-10690, Umatilla County

) **F I N A L O R D E R**
) **APPROVING A PERMANENT**
) **DISTRICT TRANSFER**

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.

Applicant

STANFIELD IRRIGATION DISTRICT
P.O. BOX 416
STANFIELD, OR 97875

Findings of Fact

1. On August 4, 2008, Stanfield Irrigation District filed a district transfer application to permanently change the place of use under Certificates 76113, 79442 and 79440. The Department assigned the application number T-10690.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first primary right and its associated supplemental water right to be transferred are as follows:

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

Use: Irrigation (IR) of 4.0 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

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Lot	Survey Coordinates
3 N	30 E	WM	31	SW SW	4	380 Feet North and 650 Feet East from the SW Corner, Section 31

Certificate: 79440, issued in the name of U.S. Bureau of Reclamation (perfected under permit 7400)

Use: Supplemental Irrigation (IS) of 4.0 acres

Priority Date: July 1, 1924

Rate & Duty: 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 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 SW Corner, Section 31

Authorized Places of Use:

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						79442(IR)	79440(IS)	
3 N	29 E	WM	4	SW SW	2500	2.20	2.20	STANFIELD LAND LLC
4 N	29 E	WM	22	SE SE	2800	1.80	1.80	STEVE WALKER
TOTAL:						4.00	4.00	

4. Application T-10690 proposes to change the place of use for the above described rights to:

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						79442(IR)	79440(IS)	
4 N	29 E	WM	28	NW SE	500	4.00	4.00	JOHN RAYL
TOTAL:						4.00	4.00	

5. The second primary water right and its associated supplemental water right to be transferred are as follows:

Certificate: 76113, issued in the name of Stanfield Irrigation District (perfected under permit 30789)

Use: Irrigation (IR) of 9.1 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 from JANUARY 1 to 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	Survey Coordinates
3 N	30 E	WM	31	SW SW	4	FURNISH CANAL - 380 feet North and 650 feet East from SW Corner, Section 31

Certificate: 79440, issued in the name of U.S. Bureau of Reclamation (perfected under permit 7400)

Use: Supplemental Irrigation (IS) of 9.1 acres

Priority Date: July 1, 1924

Rate & Duty: 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 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 SW Corner, Section 31

Authorized Places of Use:

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76113(IR)	79440(IS)	
3 N	29 E	WM	4	SW SW	2600	9.10	9.10	STANFIELD LAND LLC
TOTAL:						9.10	9.10	

6. Application T-10690 proposes to change the place of use for the above described rights to:

Twp	Rng	Mer	Sec	Q - Q	TL	CERTIFICATE (ACRES)		USER
						76113(IR)	79440(IS)	
4 N	29 E	WM	28	NW SE	500	7.70	7.70	JOHN RAYL
4 N	29 E	WM	28	SW SE	500	1.40	1.40	JOHN RAYL
TOTAL:						9.10	9.10	

7. 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.

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

9. The proposed change in place of use would not result in enlargement of the rights.
10. The proposed changes in place of use would not result in injury to other rights.


Conclusions of Law

1. The proposed change in place of use in Transfer Application T-10690 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 and the abandoned right will be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes to the District's existing water right Certificates 76113, 79442 and 79440 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 the District's water rights, related decree, and the Final Order approving T-10690.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The proposed changes shall be completed on or before **October 1, 2009**.
5. A Claim of Beneficial Use and Final Proof Map shall be submitted by Stanfield Irrigation District to the Department by October 1, 2010.
6. Certificates 76113, 79442 and 79440 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 26th day of December, 2008.


FZ Phillip C. Ward, Director

Mailing Date JAN 02 2009