

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

In the Matter of Transfer Application)	F I N A L O R D E R
T-9867, 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
Stanfield, OR 97875

Findings of Fact

1. Stanfield Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 79442 and 79440. The Department assigned the application number T-9867.
2. Notice of the application for transfer was published pursuant to ORS 540.570 and OAR 690-385-3400. No comments have been filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

Certificate 79442: issued in the name of Stanfield Irrigation District

Use: Irrigation, Domestic and Stock Water

Acres: 101.42

Source: Umatilla River, tributary to Columbia River

Priority Date: March 8, 1905

Rate & Duty: Maximum of 1/80 cfs per acre 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.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

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 place of use:

CERTIFICATE 79442 - IRRIGATION						
TWP	RNG	SEC	¼ ¼	TL	AC	USER
3N	29E	4	SW NW	1400	10.00	MILLS BROTHERS
3N	29E	4	SE NW	1300	6.00	MILLS BROTHERS
3N	29E	4	SE NW	1501	2.70	MILLS BROTHERS
3N	29E	5	SW NE	400	6.00	MILLS BROTHERS
3N	29E	5	SE NE	400	4.00	MILLS BROTHERS
4N	29E	11	SE SE	2500	2.00	MILLS MINT FARM, INC.
4N	29E	11	SE SE	2600	2.00	MILLS MINT FARM, INC.
4N	29E	23	SE SE	300	4.80	MILLS BROTHERS
4N	29E	26	SW NE	4600	8.00	MARVIN MILLS
4N	29E	26	SE NE	4600	8.00	MARVIN MILLS
4N	29E	26	SE NW	4100	4.60	MILLS BROTHERS
4N	29E	27	SE NW	3200	5.00	DON MILLS
4N	29E	28	NE SE	2600	6.00	MILLS MINT FARM, INC.
4N	29E	28	SE SE	2600	1.60	MILLS MINT FARM, INC.
4N	29E	33	NW NE	300	5.00	MILLS MINT FARM, INC.
4N	29E	33	NE SE	2800	0.75	MILLS BROTHERS
4N	29E	33	NW SE	1600	13.00	MONTE & DAN MILLS
4N	29E	34	NE SW	5603	8.83	MILLS BROTHERS
4N	29E	34	NE SW	5604	1.34	MILLS BROTHERS
4N	29E	34	NW SW	5600	1.80	MILLS BROTHERS
Total:					101.42	

4. Application T-9867 proposes to temporarily change the place of use to:

CERTIFICATE 79442 - IRRIGATION						
TWP	RNG	SEC	¼ ¼	TL	AC	USER
4N	29E	34	NE SE	5100	20.50	MERLE GEHRKE
4N	29E	34	NW SE	5100	22.50	MERLE GEHRKE
4N	29E	34	SW SE	5100	31.42	MERLE GEHRKE
4N	29E	34	SE SE	5100	27.00	MERLE GEHRKE
Total:					101.42	

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

Certificate 79440: issued in the name of U.S. Bureau of Reclamation

Use: Supplemental Irrigation

Acres: 101.42

Source: McKay Reservoir, tributary to McKay Creek

Priority Date: July 1, 1924

Rate & Duty: Maximum of 1/80 cfs per acre and limited to any deficiency in supply of any prior right existing for the same land

Authorized place of use:

CERTIFICATE 79440 – SUPPLEMENTAL IRRIGATION						
TWP	RNG	SEC	¼ ¼	TL	AC	USER
3N	29E	4	SW NW	1400	10.00	MILLS BROTHERS
3N	29E	4	SE NW	1300	6.00	MILLS BROTHERS
3N	29E	4	SE NW	1501	2.70	MILLS BROTHERS
3N	29E	5	SW NE	400	6.00	MILLS BROTHERS
3N	29E	5	SE NE	400	4.00	MILLS BROTHERS
4N	29E	11	SE SE	2500	2.00	MILLS MINT FARM, INC.
4N	29E	11	SE SE	2600	2.00	MILLS MINT FARM, INC.
4N	29E	23	SE SE	300	4.80	MILLS BROTHERS
4N	29E	26	SW NE	4600	8.00	MARVIN MILLS
4N	29E	26	SE NE	4600	8.00	MARVIN MILLS
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4N	29E	27	SE NW	3200	5.00	DON MILLS
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4N	29E	33	NE SE	2800	0.75	MILLS BROTHERS
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4N	29E	34	SW SE	5100	31.42	MERLE GEHRKE
4N	29E	34	SE SE	5100	27.00	MERLE GEHRKE
Total:					101.42	

7. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
8. The water right is 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 right.

10. The proposed changes would not result in injury to other water rights.

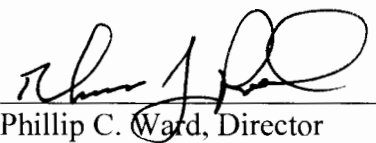
Conclusions of Law

The proposed changes in application T-9867 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 79442 and 79440 are approved.
2. The temporary transfer is effective for the 2005 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 79442 and 79440 and any related decree.
4. 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.
5. 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.
6. At the end of the 2005 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.
7. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 28th day of March, 2005.


for Phillip C. Ward, Director

Mailing date: APR 06 2005

*Requests for reconsideration should be addressed to the attention of Field Services Division,
Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*