

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

In the Matter of Transfer Application)
T-10551, Umatilla County)
) **F I N A L O R D E R**
) 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. On February 28, 2008, Stanfield Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 79442, 76113 and 79440. The Department assigned the application number T-10551.
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. On April 10, 2008, Stanfield Irrigation District submitted a revised application and revised maps to better describe the authorized place of use and proposed place of use.
4. The first portion of the rights to be transferred are as follows: (Internal Transfer #Tt-A-2008)

Certificate: 79442, issued in the name of Stanfield Irrigation District
Use: Irrigation (IR) of 95.3 acres
Priority Date: March 8, 1905

<p>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 OR 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.</p>
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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

Authorized Point of Diversion:

Twtp	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 of Section 31

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

Use: Supplemental Irrigation (IS) of 95.3 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:

Twtp	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 of Section 31

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twtp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							79442 (IR)	79440 (IS)	
3 N	29 E	WM	4	NE NW	--	500	7.00	7.00	HAROLD COLCLESSER
3 N	29 E	WM	4	SW NW	--	1300	5.70	5.70	HAROLD COLCLESSER
3 N	29 E	WM	4	SW NW	--	1400	4.00	4.00	MARVIN & DAN MILLS
3 N	29 E	WM	4	SE NW	--	1400	3.00	3.00	MARVIN & DAN MILLS
3 N	29 E	WM	4	SE NW	--	1501	4.00	4.00	MILLS BROTHERS
3 N	29 E	WM	4	NW SW	--	1300	0.30	0.30	MARVIN & DAN MILLS
3 N	29 E	WM	5	SW NE	--	400	8.00	8.00	DAN MILLS
3 N	29 E	WM	5	SE NE	--	100	4.00	4.00	DAN MILLS
4 N	29 E	WM	11	SE SE	--	1600	2.00	2.00	MILLS MINT FARM, INC
4 N	29 E	WM	11	SE SE	--	1700	2.00	2.00	MILLS MINT FARM, INC
4 N	29 E	WM	23	NE SE	--	100	3.29	3.29	MILLS MINT FARM, INC

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	23	SE SE	--	2800	0.60	0.60	MILLS MINT FARM, INC
4 N	29 E	WM	26	SE NW	--	4100	4.60	4.60	MILLS MINT FARM, INC
4 N	29 E	WM	27	SE NW	--	3200	3.80	3.80	DON MILLS
4 N	29 E	WM	27	SE SW	--	3200	1.30	1.30	DON MILLS
4 N	29 E	WM	28	NE SE	--	2000	6.00	6.00	MILLS MINT FARM, INC
4 N	29 E	WM	28	SE SE	--	2000	3.00	3.00	MILLS MINT FARM, INC
4 N	29 E	WM	33	NW NE	--	300	5.00	5.00	MILLS MINT FARM, INC
4 N	29 E	WM	33	NW SE	--	1600	10.37	10.37	MILLS MINT FARM, INC
4 N	29 E	WM	34	NE NW	--	300	5.37	5.37	DON MILLS
4 N	29 E	WM	34	NE SW	--	500	1.80	1.80	MILLS MINT FARM, INC
4 N	29 E	WM	34	NE SW	--	500	1.34	1.34	MILLS MINT FARM, INC
4 N	29 E	WM	34	NE SW	--	600	8.83	8.83	MILLS MINT FARM, INC
TOTAL:							95.30	95.30	

District Temporary Transfer Application T-10551 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	34	NE SE	--	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	NW SE	--	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	SW SE	--	800	25.50	25.50	MERLE GEHRKE
4 N	29 E	WM	34	SE SE	--	800	18.80	18.80	MERLE GEHRKE
TOTAL:							95.30	95.30	

5. The second portion of the rights to be transferred are as follows: (Internal Transfer #Tt-A-2008)

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

Use: Irrigation (IR) of 6.7 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 of Section 31

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

Use: Supplemental Irrigation (IS) of 6.7 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 of Section 31

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							76113 (IR)	79440 (IS)	
4 N	29 E	WM	23	SE SE	--	2800	6.70	6.70	MILLS MINT FARM, INC

District Temporary Transfer Application T-10551 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							76113 (IR)	79440 (IS)	
4 N	29 E	WM	34	SE SE	--	800	6.70	6.70	MERLE GEHRKE

6. The third portion of the rights to be transferred are as follows: (Internal Transfer #Tt-B-2008)

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

Use: Irrigation (IR) of 15.6 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

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 of Section 31

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

Use: Supplemental Irrigation (IS) of 15.6 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 of Section 31

Authorized Places of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	14	SW SE	--	2400	2.0	2.0	DENNIS SIMMONS
4 N	29 E	WM	18	NE SW	--	1700	2.1	2.1	SHARRON REISE
4 N	29 E	WM	18	SE SW	--	1700	11.5	11.5	SHARRON REISE
TOTAL:							15.6	15.6	

District Temporary Transfer Application T-10551 proposes to TEMPORARILY change the place of use for the above described rights to:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	CERTIFICATE (Acres)		User
							79442 (IR)	79440 (IS)	
4 N	29 E	WM	26	NE SW	--	4001	4.25	4.25	RANDY COOPER
4 N	29 E	WM	26	NW SE	--	4001	11.35	11.35	RANDY COOPER
TOTAL:							15.60	15.60	

7. **Non-exercise of Water Rights during the 2008 Irrigation Season**

On February 28, 2008, Ray Kopacz, District Manager for Stanfield Irrigation District, stated that several water rights at the authorized place of use will not be transferred or used during the duration of the district temporary transfer. Those water rights are described in the following tables:

Certificate 38733 & 38734						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	27	SE NW	3200	3.80
4 N	29 E	WM	27	SE SW	3200	1.30

Certificate 53479						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	27	SE SW	3200	1.3

Certificate 55328						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	11	SE SE	1600	4.00

Certificate 74882						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	28	NE SE	2200	6.00
4 N	29 E	WM	28	SE SE	2200	3.00

Certificate 74883						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
4 N	29 E	WM	33	NW SE	1600	1.70
4 N	29 E	WM	34	NE NW	300	5.37
4 N	29 E	WM	34	NE SW	800	8.83
4 N	29 E	WM	34	NE SW	500	1.34
4 N	29 E	WM	34	NW SW	500	1.80

8. Notice of the application for temporary transfer was published March 11, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. The district temporary 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.
10. The proposed changes would not result in injury to other water rights.

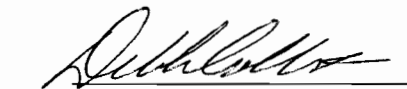
Conclusions of Law

The temporary change in place of use proposed in District Temporary Transfer Application T-10551 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The temporary change in place of use to the water rights evidenced by Certificates 79442, 76113 and 79440 proposed in District Temporart Transfer Application T-10551 are approved.
2. The temporary transfer is effective for the 2008 irrigation season.
3. The former places of use shall not be irrigated as part of these water rights during the 2008 irrigation season.
4. The District shall not use water under Certificates 38733, 38734, 53479, 55328, 74882 and 74883 during the 2008 irrigation season at the authorized place of use as described in Finding of Fact #7.
5. The use shall revert to the authorized places of use at the end of the 2008 irrigation season.
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 approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
8. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
9. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 79442, 76113 and 79440.
10. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this 16th day of May, 2008.


Phillip C. Ward, Director

MAY 23 2008

Mailing Date: _____