

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-12817, Umatilla) A DISTRICT PERMANENT TRANSFER
) FOR PLACE OF USE AND
) CANCELLATION AND PARTIAL
) CANCELLATIONS OF WATER RIGHTS

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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 January 16, 2018, Stanfield Irrigation District (SID) filed a completed district transfer application to permanently change the place of use under Certificates 87035, 86377, 86203, and 86205. The Department assigned the application number T-12817.
2. Notice of the District Permanent Transfer Application was published on January 16, 2018, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The U.S. Bureau of Reclamation was notified of the transfer application on January 16, 2018; no comments were received within 60 days of the notification.
4. On April 30, 2018, June 15 and 25, 2018, and November 2, 2018, SID submitted corrections and amended their transfer application.
5. The portion of the first right to be transferred is as follows:

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

This is an 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Use: IRRIGATION of 6.6 ACRES, DOMESTIC, AND STOCK WATER

Priority Dates: MARCH 8, 1905

Limit/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 for each acre irrigated during the irrigation season of each year.

Source: The UMATILLA RIVER, tributary to 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

*Note this Q-Q is incorrectly described on Certificate 87035 as being within the NWSW.

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
4 N	29 E	WM	03	NW SW	1.0	400	LATHAM
4 N	29 E	WM	10	NE NW	1.0	901	LATHAM
4 N	29 E	WM	22	SE SE	0.5	2800	WALKER
4 N	29 E	WM	27	NW NE	0.4	3302	DITCHEN LAND CO
4 N	29 E	WM	27	SW NE	2.7	3500	DITCHEN LAND CO
4 N	29 E	WM	28	NE SW	1.0	900	WINDBLOWN RANCH INC
					6.6		

6. Transfer Application T-12817 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acre	Tax Lot	Water User
4 N	29 E	WM	9	SE NE	2.0	1800	HARMON
4 N	29 E	WM	19	SE NE	1.0	100	WINDBLOWN RANCH INC
4 N	29 E	WM	22	NE SE	0.5	2600	WALKER
4 N	29 E	WM	23	NW SW	2.0	2200	DITCHEN LAND CO
4 N	29 E	WM	27	NW NE	1.1	3302	DITCHEN LAND CO
Total:					6.6		

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

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

Use: IRRIGATION of 6.95 ACRES

Priority Dates: JUNE 23, 1965

Limit/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 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Season: The irrigation season shall include any time between January 1 and 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	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

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	4	SE NE	1.25	1600	GEHRKE
4 N	28 E	WM	13	SW SW	0.80	ROW	STANFIELD IRRIGATION DISTRICT
4 N	28 E	WM	13	SW SW	0.90	ROW	STANFIELD IRRIGATION DISTRICT
4 N	28E	WM	13	SW SW	1.60	400	THOMPSON & THOMPSON
4 N	28 E	WM	13	SW SW	0.50	802	BELLINGER PROPERTIES LLC
4 N	28 E	WM	13	SW SW	0.60	1000	HVC LAND LLC
4 N	29 E	WM	22	SE SW	1.30	2900	WALKER
Total					6.95		

8. Transfer Application T-12817 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	4	NE NE	1.25	200	GEHRKE
3 N	29 E	WM	8	NW NE	0.90	600	HUXOLL
3 N	29 E	WM	16	NE SE	0.80	100	EVANS
4 N	29 E	WM	19	SE NE	2.70	100	WINDBLOWN RANCH INC
4 N	29 E	WM	22	NE SE	1.30	2600	WALKER
Total:					6.95		

9. The portion of the third right to be transferred is as follows:

Certificate: 86377 in the name of the U. S. BUREAU OF RECLAMATION (perfected under Permit S-7400) for lands served by Stanfield Irrigation District

Use: SUPPLEMENTAL IRRIGATION of 11.0 ACRES

Priority Dates: JULY 1, 1924

Limit/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), 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	Measured Distances
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:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax	Water User
4 N	28E	WM	13	SW SW	1.6	400	THOMPSON & THOMPSON
4 N	28 E	WM	13	SW SW	0.5	802	BELLINGER PROPERTIES LLC
4 N	28 E	WM	13	SW SW	0.6	1000	HVC LAND LLC
4 N	28 E	WM	13	SW SW	0.8	ROW	STANFIELD IRRIGATION DISTRICT
4 N	28 E	WM	13	SW SW	0.9	ROW	STANFIELD IRRIGATION DISTRICT
4 N	29 E	WM	03	NW SW	1.0	400	LATHAM
4 N	29 E	WM	10	NE NW	1.0	901	LATHAM
4 N	29 E	WM	22	SE SE	0.5	2800	WALKER
4 N	29 E	WM	27	NW NE	0.4	3302	DITCHEN LAND CO
4 N	29 E	WM	27	SW NE	2.7	3500	DITCHEN LAND CO
4 N	29 E	WM	28	NE SW	1.0	900	WINDBLOWN RANCH INC
					11.0		

10. Transfer Application T-12817 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	8	NW NE	0.9	600	HUXOLL
3 N	29 E	WM	16	NE SE	0.8	100	EVANS
4 N	29 E	WM	9	SE NE	2.0	1800	HARMON
4 N	29 E	WM	19	SE NE	3.7	100	WINDBLOWN RANCH INC
4 N	29 E	WM	22	NE SE	0.5	2600	WALKER
4 N	29 E	WM	23	NW SW	2.0	2200	DITCHEN LAND CO
4 N	29 E	WM	27	NW NE	1.1	3302	DITCHEN LAND CO
Total:					11.0		

11. The portion of the fourth right to be transferred is as follows:

Certificate: 86205 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-54406) for lands served by Stanfield Irrigation District

Use: SUPPLEMENTAL IRRIGATION of 2.55 ACRES

Priority Date: MARCH 14, 2007

Limit/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 season March 1 through November 1 of each year.

Source: MCKAY RESERVOIR (constructed under Permit R-564), a tributary of MCKAY CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Lot	Measured Distances
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:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	4	SE NE	1.25	1600	GEHRKE
4 N	29 E	WM	22	SE SW	1.30	2900	WALKER
Total					2.55		

12. Transfer Application T-12817 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
3 N	29 E	WM	4	NE NE	1.25	200	GEHRKE
4 N	29 E	WM	22	NE SE	1.30	2600	WALKER
Total					2.55		

13. All or a portion of the authorized and proposed places of use in this transfer application are layered with Water Right Permit S-55061 which is for use of water from the Columbia River, tributary to the Pacific Ocean. Permit S-55061 has a condition (No. 2, page 32) that states if water authorized under the permit is used for supplemental irrigation, then the pre-existing primary rights for the same place of use cannot be transferred to another place of use or the character of use changed. As required under permit condition No. 16.A and 16.B, all irrigation activity under Permit S-55061 must be mapped by quarter-quarter and reported to the Department prior to February 15 of each irrigation season.

However, the permit holder has not provided any maps or records to indicate an intent to irrigate lands authorized under Permit S-55061 involved in this transfer as described in the above Findings of Facts 5 through 12. Therefore, the Department finds permit condition No. 2 does not apply to the lands involved in this transfer.

14. All or a portion of the authorized and proposed places of use in this transfer application are layered with Water Right Permit S-55114 which is for use of water from the Columbia River, tributary to the Pacific Ocean. Permit S-55114 has a condition (No. 2, page 28) that states if water authorized under the permit is used for supplemental irrigation, then the pre-existing primary rights for the same place of use cannot be transferred to another place of use or the character of use changed. As required under permit condition No. 17.A and 17.B, all irrigation activity under Permit S-55114 must be mapped by quarter-quarter and reported to the Department prior to February 15 of each irrigation season.

However, the permit holder has not provided any maps or records to indicate intent to irrigate lands authorized under Permit S-55114 involved in this transfer as described in the above

Findings of Facts 5 through 12. Therefore, the Department finds permit condition No. 2 does not apply to the lands involved in this transfer.

15. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
16. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
17. The water right is subject to transfer as defined in OAR 690-385-0100(17).
18. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
19. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
20. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellations of Water Right Certificate 91246

Portions of water right Certificate 91246 are appurtenant to certain authorized lands on Certificate 86203 involved in this transfer, or have no underlying authorized water right for primary irrigation.

21. On October 26, 2018, Simon and Simon Land Co, owner of lands to which a portion of Certificate 91246 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested a portion of Certificate 91246 be cancelled as it will not be transferred along with the associated primary or has no underlying authorized water right for primary irrigation. The abandoned portion to be cancelled is described as follows:

Certificate: 91246 in the name of Thomas N. Able, Jr. (perfected under Permit G-2974)
Use: SUPPLEMENTAL IRRIGATION of 0.20 ACRE
Priority Date: July 12, 1965
Rate: 0.003 CUBIC FOOT PER SECOND
Source: A SUMP, within the U.S. Feed Canal and Umatilla River Basin

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SE SW	0.20

22. On October 26, 2018, Nancy Able, owner of lands to which a portion of Certificate 91246 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested a portion of Certificate 91246 be cancelled as it will not be transferred along with the associated primary or has no underlying authorized water right for primary irrigation. The abandoned portion to be cancelled is described as follows:

Certificate: 91246 in the name of Thomas N. Able, Jr. (perfected under Permit G-2974)
Use: SUPPLEMENTAL IRRIGATION of 3.83 ACRES
Priority Date: July 12, 1965

Rate: 0.0534 CUBIC FOOT PER SECOND
Source: A SUMP, within the U.S. Feed Canal and Umatilla River Basin

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SW SW	3.83

23. On October 26, 2018, Bellinger Properties, LLC, owner of lands to which a portion of Certificate 91246 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested a portion of Certificate 91246 be cancelled as it will not be transferred along with the associated primary or has no underlying authorized water right for primary irrigation. The abandoned portion to be cancelled is described as follows:

Certificate: 91246 in the name of Thomas N. Able, Jr. (perfected under Permit G-2974)
Use: SUPPLEMENTAL IRRIGATION of 1.0 ACRES
Priority Date: July 12, 1965
Rate: 0.0133 CUBIC FOOT PER SECOND
Source: A SUMP, within the U.S. Feed Canal and Umatilla River Basin

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SW SW	1.0

Cancellation of Water Right Certificate 91247

Water right Certificate 91247 is appurtenant to certain authorized lands on Certificate 86203 involved in this transfer, or have no underlying authorized water right for primary irrigation.

24. On October 26, 2018, Thompson GD & Thompson MD & DD (TRS), owner of lands to which Certificate 91247 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested Certificate 91247 be cancelled as it will not be transferred along with the associated primary or has no underlying authorized water right for primary irrigation. The abandoned portion to be cancelled is described as follows:

Certificate: 91247 in the name of Cecil C. Thompson (perfected under Permit G-2974)
Use: SUPPLEMENTAL IRRIGATION of 1.72 ACRE
Priority Date: July 12, 1965
Rate: 0.024 CUBIC FOOT PER SECOND
Source: A SUMP, within the U.S. Feed Canal and Umatilla River Basin

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	13	SW SW	1.72

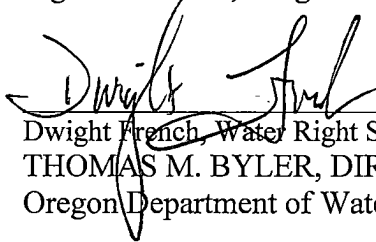
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12817 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500 and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 87035, 86377, 86203, and 86205 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 87035, 86377, 86203, and 86205 and any related decree.
3. The portions of the water right as evidenced by Certificates 91246 as requested to be canceled are canceled. A new certificate will be issued confirming the balance of the right not modified by this Final Order.
4. The water right as evidenced by Certificates 91247 as requested to be canceled is canceled.
5. The proposed changes in place of use as proposed in Transfer Application T-12817 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.
6. The place of use from which the water right is removed by T-12817 shall no longer be irrigated under the transferred rights.
7. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use shall be submitted by SID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. Water right Certificates 87035, 86377, 86203, and 86205 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon on NOV 19 2018



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: NOV 20 2018