



# Oregon

John A. Kitzhaber, MD, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

October 1, 2013

VIA E-MAIL

**Applicant**

CITY OF STANFIELD  
C/O JERRY CARLSON  
P.O. BOX 368  
STANFIELD, OR 97875

**Agent**

ANDERSON PERRY AND ASSOCIATES INC.  
C/O MIKE POSADA CWRE  
1901 N FIR STREET  
LA GRANDE, OR 97850

**SUBJECT:** Water Right Transfer Application T-11601

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11601. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Hermiston Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@wrд.state.or.us](mailto:Patrick.K.Starnes@wrд.state.or.us) if I may be of assistance.

Sincerely,

Kelly Starnes  
Transfer Specialist  
Transfer and Conservation Section

cc: File T-11601  
Tony G. Justus, District 5 Watermaster (*via e-mail*)  
Mike Posada, CWRE/Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application            )  
T-11601, Umatilla County                        )  
  )  
  )

**PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF AN  
ADDITIONAL POINT OF  
APPROPRIATION**

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

City Of Stanfield  
C/O Jerry Carlson  
P.O. Box 368  
Stanfield, Or 97875

**Agent**

Anderson Perry and Associates Inc.  
c/o Mike Posada CWRE  
1901 N Fir Street  
La Grande, OR 97850

**Findings of Fact**

1. On May 20, 2013, the City of Stanfield, filed an application for an additional point of appropriation under Certificate 37615. The Department assigned the application number T-11601.
2. Pursuant to 540.510 3(a) the City of Stanfield is currently applying water to beneficial use on lands to which the right is not appurtenant due to the expansion of the Urban Growth Boundary to the City of Stanfield. The rate of 1.34 cubic feet per second authorized by the water right is not exceeded.
3. On September 9, 2013, the agent requested on behalf of their client that the completion date be extended to October 1, 2033.
4. Notice of the application for transfer was published on May 28, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

5. On August 29, 2013, the Department sent a copy of the Preliminary Determination proposing to approve Transfer Application T-11601 to the applicants. The Preliminary Determination cover letter set forth a deadline of September, 2013, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. The right to be transferred is as follows:

**Certificate:** 37615 in the name of CITY OF STANFIELD (perfected under Permit G-1321)

**Use:** MUNICIPAL USES

**Priority Date:** MARCH 6, 1959

**Rate:** 1.34 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.34 cubic feet per second or its equivalent in case of rotation, measured at the point of diversion from the stream.

**Source:** CITY WELL within the UMATILLA RIVER (COLUMBIA RIVER)

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	29 E	WM	32	NE SW	WELL NO. 3 - 1200 FEET SOUTH AND 780 FEET WEST FROM THE CENTER OF SECTION 32

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
3 N	29 E	WM	5	NW NW
3 N	29 E	WM	5	SW NW
4 N	29 E	WM	32	SW NE
4 N	29 E	WM	32	SE NW
4 N	29 E	WM	32	NE SW
4 N	29 E	WM	32	NW SW
4 N	29 E	WM	32	SW SW
4 N	29 E	WM	32	SE SW
4 N	29 E	WM	32	NE SE
4 N	29 E	WM	32	NW SE
4 N	29 E	WM	32	SW SE
4 N	29 E	WM	32	SE SE

7. Transfer Application T-11601 proposes an additional point of appropriation approximately 1.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	5	SE SE	WELL NO. 5 - 875 FEET NORTH AND 253 FEET WEST FROM THE SE CORNER OF SECTION 5

***Transfer Review Criteria (OAR 690-380-4010)***

8. The right is not subject to forfeiture and a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2).
9. A pump, pipeline, sufficient to use the full amount of water allowed under the existing right is present within the five-year period prior to submittal of Transfer Application T-11601.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

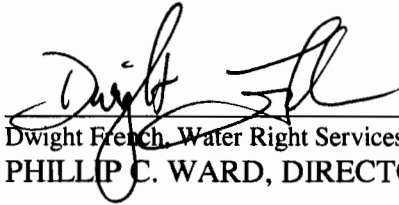
The additional point of appropriation proposed in Transfer Application T-11601 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11601 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-11601 is approved.*
2. *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 Certificate 37615 and any related decree.*
3. *Water Right Certificate 37615 is cancelled.*
4. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing) appropriation.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2033**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 2 day of October, 2013.



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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Carrie Matthews. If you have questions about the information in this document, you may reach me at 541-523-8224 ext 223 or [carrie.r.matthews@wrд.state.or.us](mailto:carrie.r.matthews@wrд.state.or.us)

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.