

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11820, Umatilla County	)	TEMPORARY CHANGES IN PLACE
	)	OF USE AND ADDITIONAL POINTS
	)	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 temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation 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**

BUTTER CREEK IRRIGATION DISTRICT-HALE FARMS, LLC  
c/o CRAIG REEDER  
73120 HIGHWAY 207  
ECHO, OR 97826

**Findings of Fact**

1. On May 28, 2014, Butter Creek Irrigation District-Hale Farms, LLC filed an application to temporarily change the place of use and add points of appropriation to serve the proposed place of use under Certificate 44654 for a period of 1 year. The Department assigned the application number T-11820.
2. Notice of the application for transfer was published on June 3, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 26, 2014, the Department received required land use forms and clarifying information from the applicant.
4. Water use from wells in Critical Groundwater Areas are subject to allocation under OAR Chapter 690, Division 507, Certificate 44654 is within the Butter Creek Critical Ground Water Area, and therefore subject to allocation.
5. The portion of the right to be transferred is as follows:

**Certificate:** 44654 in the name of LARRY HANSON (perfected under Permit G-4049)  
**Use:** IRRIGATION of 115.9 ACRES  
**Priority Date:** SEPTEMBER 3, 1968

This is a final 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.

**Rate:** 0.64 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the BUTTER CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	7	NE NE	40.00
2 N	28 E	WM	7	NW NE	40.00
2 N	28 E	WM	7	SW NE	35.90
<b>Total</b>					<b>115.90</b>

6. Temporary Transfer Application T-11820 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	11	NE NW	34.70
2 N	27 E	WM	11	NW NW	1.30
2 N	27 E	WM	11	SW NW	18.30
2 N	27 E	WM	11	SE NW	40.00
3 N	28 E	WM	32	NE SE	21.60
<b>Total</b>					<b>115.90</b>

7. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11820 proposes additional points of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized POD
2 N	27 E	WM	2	NE SE	AMMON WELL #1-100 FEET SOUTH AND 130 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 2	West- 2.03 miles
2 N	27 E	WM	12	NW NW	HANSEN WELL #1-10 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 12	West- 1.90 miles

8. Temporary Transfer Application T-11820 proposes to temporarily transfer a water right within the boundaries of Echo Irrigation District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

### ***Temporary Transfer Review Criteria***

9. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### **Conclusions of Law**

The temporary changes in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-11820 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **Now, therefore, it is ORDERED:**

1. The temporary changes in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-11820 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2014 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2014 irrigation season. The authorization to use the temporary points of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 44654 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 44654, any related decree, order, or agreement.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. The water user and/or district shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. The use of the remaining water right described by Certificate 44654 shall continue to be in accordance with the terms and conditions of Certificate 44654 and any related Order.

Dated at Salem, Oregon this 25 day of July 2014.

  
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Dwight French  
Water Right Services Division Administrator, for  
Director,  
Oregon Water Resources Department

Mailing Date: JUL 30 2014