

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11572, Umatilla County) DISTRICT TEMPORARY TRANSFER

Authority

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

ECHO IRRIGATION DISTRICT
73120 HIGHWAY 207
ECHO, OR 97826

Findings of Fact

1. On April 16, 2013, Echo Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district and add additional points of appropriation under Certificate 80849. The Department assigned the application number T-11572.
2. Notice of the application for temporary district transfer was published April 23, 2013, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the primary right to be transferred is as follows:
Certificate: 80849, issued in the name Kenneth Coppinger (perfected under Permit G-6626)
Use: Irrigation of 227.1 acres
Priority Date: December 29, 1975
Rate & Duty: ONE-EIGHTIETH of one cfs or the equivalent for each acre irrigated and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: Coppinger Wells #1 and #2, within the Stage Gulch Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	24	SW NE	Coppinger Well #1 (C Old #1) - 20 feet North and 1570 feet West from the E1/4 Corner of Section 24

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	24	NE NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	NW NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	SW NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	SE NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	NE SE	8700	7.3	KENNETH COPPINGER
3 N	29 E	WM	24	NW SE	8700	10.2	KENNETH COPPINGER
3 N	29 E	WM	24	SW SE	8700	10.2	KENNETH COPPINGER
3 N	29 E	WM	24	SE SE	8700	10.2	KENNETH COPPINGER
3 N	30 E	WM	19	NE NW	600	27.5	KENNETH COPPINGER
3 N	30 E	WM	19	NW NW	600	13.2	KENNETH COPPINGER
3 N	30 E	WM	19	SW NW	600	13.6	KENNETH COPPINGER
3 N	30 E	WM	19	SE NW	600	26.7	KENNETH COPPINGER
3 N	30 E	WM	19	NE SW	800	28.5	KENNETH COPPINGER
3 N	30 E	WM	19	NW SW	800	8.1	KENNETH COPPINGER
3 N	30 E	WM	19	SW SW	800	9.2	KENNETH COPPINGER
3 N	30 E	WM	19	SE SW	800	26.4	KENNETH COPPINGER
TOTAL:						227.1	

4. Transfer Application T-11572 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	13	NE NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	NW NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	SW NE	3700	26.5	KENNETH COPPINGER
3 N	29 E	WM	13	SE NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	NE SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	NW SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	SW SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	SE SE	3700	30.2	KENNETH COPPINGER
TOTAL:						227.1	

5. Transfer Application T-11572 also proposes to add points of appropriation for the proposed place of use (described in Finding of Fact #4 above). The additional points of appropriation are located as follows:

Proposed Additional Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	24	SW NE	Coppinger NEW Well #1 - 20 feet North and 1490 feet West from the E1/4 Corner of Section 24
3 N	29 E	WM	23	NE NE	Coppinger Well #3 - 3960 feet North and 1320 feet West from the SE Corner of Section 23
3 N	30 E	WM	30	NE SW	Ditchen Well #1 - 30 feet South and 640 feet West from the Center of Section 30

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	20	SW SW	Ditchen Well #2 - 80 feet East from the SW Corner of Section 20

14. The field (identified on the transfer map as Circle #41 and in the table below) served by the pivot is larger than the number of acres being proposed to be moved "to" this location. The lands involved are as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	13	NE NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	NW NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	SW NE	3700	26.5	KENNETH COPPINGER
3 N	29 E	WM	13	SE NE	3700	26.6	KENNETH COPPINGER

15. The District has included in a separate transfer application (T-11571) additional water right sufficient to cover the area served by this pivot.

16. In the event that the portion of Transfer Application T-11571 that is adding additional water right to Circle #41 is not approved, the District shall cease using the end spigots/end guns that would deliver water to the outer reaches of Circle #41.

17. The Department has determined that the proposed additional points of appropriation are within the same subareas (D and H) of the Stage Gulch Critical Ground Water Area. The Department has also determined that the proposed additional points of appropriation will develop the same source of water as the authorized wells described in Certificate 80849.

18. The district temporary transfer application satisfies the criteria of OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.

19. The water right is subject to transfer as defined in OAR 690-385-0100(17).

20. The proposed changes in place of use would not result in enlargement of the right.

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

Conclusions of Law

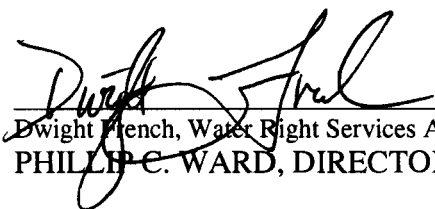
The temporary change in place of use and additional points of appropriation as proposed in Transfer Application T-11572 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11572 are approved.
2. The former places of use **shall not** be irrigated as part of this water right during the 2013 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2013 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.

4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
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 water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. 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.
9. A subsequent application for permanent transfer of Certificate 80849 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 and 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
10. 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 80849.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
12. The use of the remaining water right described by Certificate 80849 shall continue to be in accordance with the terms and conditions of Certificate 80849.

Dated at Salem, Oregon this 16 day of July, 2013.



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

Mailing date: JUL 26 2013