

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11406, 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 19, 2012, Echo Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 85124, 87042, 74896 (as modified by T-6787), 87042, 74762, 87111, 80850, and Permit S-54561. The Department assigned the application number T-11406.
2. Notice of the application for temporary transfer was published April 24, 2012, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. On June 27, 2012, Echo Irrigation District amended their application and map to clarify the place of use.
4. The portion of the first primary right and its layered supplemental right to be transferred is as follows:
Certificate: 85124, issued in the name of Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-4969)
Priority Date: June 8, 1971
Use: IRRIGATION of 217.1 acres
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELLS #1, #2, #3, #4, #6 and #7

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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 6
3 N	30 E	WM	7	SW SW	WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W1/4 CORNER OF SECTION 7
3 N	29 E	WM	2	SE NE	WELL #4 - 180 FEET NORTH AND 260 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 CORNER OF SECTION 11
3 N	29 E	WM	12	NW NW	WELL #7 - 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12

Water Use Permit: S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

Use: SUPPLEMENTAL IRRIGATION (IS) of 217.1 acres

Priority Date: January 30, 2008

Rate & Duty: ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for Supplemental Irrigation from March 1 – April 14 and then from October 1 to October 31

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 feet North and 120 feet East from the SW Corner of Section 8

Authorized Place of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Certificate/Permit (acres)		User
						85124 (IR)	S54561(IS)	
3 N	30 E	WM	6	NE NW	300	32.8	32.8	HALE BROS. FARMS
3 N	30 E	WM	6	SE NW	300	36.5	36.5	HALE BROS. FARMS
3 N	30 E	WM	6	NE SW	300	2.6	2.6	HALE BROS. FARMS
3 N	30 E	WM	6	NW SW	300	10.3	10.3	HALE BROS. FARMS
3 N	30 E	WM	7	NE SW	1500	6.8	6.8	HALE BROS. FARMS
3 N	29 E	WM	1	NE SE	100	8.6	8.6	HALE BROS. FARMS
3 N	29 E	WM	1	SW SE	100	9.0	9.0	HALE BROS. FARMS
3 N	29 E	WM	1	SE SE	100	10.1	10.1	HALE BROS. FARMS
3 N	29 E	WM	12	NE NE	100	32.8	32.8	HALE BROS. FARMS
3 N	29 E	WM	12	NW NE	100	36.7	36.7	HALE BROS. FARMS
3 N	29 E	WM	12	SW NE	100	14.8	14.8	HALE BROS. FARMS
3 N	29 E	WM	12	SE NE	100	17.0	17.0	HALE BROS. FARMS
Total:						218.0	218.0	

5. Transfer Application T-11406 proposes to temporarily change the place of use of the rights to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						85124 (IR)	S54561(IS)	
3 N	29 E	WM	1	SW NE	100	6.2	6.2	HALE BROS. FARMS
3 N	29 E	WM	1	SE NE	100	0.8	0.8	HALE BROS. FARMS

						CERTIFICATE/PERMIT (ac)		
3 N	29 E	WM	1	NE SE	100	11.6	11.6	HALE BROS. FARMS
3 N	29 E	WM	1	NW SE	100	3.5	3.5	HALE BROS. FARMS
3 N	29 E	WM	1	SW SE	100	4.9	4.9	HALE BROS. FARMS
3 N	29 E	WM	1	SE SE	100	0.8	0.8	HALE BROS. FARMS
3 N	29 E	WM	13	NE NE	3700	3.4	3.4	HALE BROS. FARMS
3 N	29 E	WM	13	NW NE	3700	3.4	3.4	HALE BROS. FARMS
3 N	29 E	WM	13	SW NE	3700	3.4	3.4	HALE BROS. FARMS
3 N	29 E	WM	13	SE NE	3700	3.4	3.4	HALE BROS. FARMS
3 N	30 E	WM	6	SW NW	300	2.1	2.1	HALE BROS. FARMS
3 N	30 E	WM	8	NE SW	1400	31.0	31.0	HALE BROS. FARMS
3 N	30 E	WM	8	SW SW	1400	4.2	4.2	HALE BROS. FARMS
3 N	30 E	WM	8	SE SW	1400	31.6	31.6	HALE BROS. FARMS
4 N	29 E	WM	36	NE SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	NW SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	SW SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	SE SW	4900	13.95	13.95	HALE BROS. FARMS
Total:						218.0	218.0	

NOTE: The applicant has stated that the supplemental water use Permit S-54561 already existing on these "TO" lands will not be used or transferred during the 2012 irrigation season.

6. The portion of the second primary right and it's layered supplemental rights to be transferred are as follows:

Certificate: 74896 (as modified by Transfer Application T-6787) issued in the name of Robert C., Rick L., and Douglas L. Hale (originally perfected under Permit G-2415)

Use: Irrigation (IR) of 59.5 acres

Priority Date: April 8, 1963

Rate & Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) for each acre irrigated and further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of reach year

Source: Wells #1, #2, #4, #5, #6 and #7, within the Stage Gulch Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	Well #1 - 4340 feet North and 1830 feet West from the S1/4 Corner of Section 7
3 N	30 E	WM	6	NW SW	Well #2 - 2011 feet North and 1330 feet East from the SW Corner of Section 6
3 N	30 E	WM	7	SW SW	Well #3 - 1420 feet South and 40 feet East from the W1/4 Corner of Section 7
3 N	29 E	WM	2	SE NE	Well #4 - 180 feet North and 260 feet West from the E1/4 Corner of Section 2
3 N	29 E	WM	11	SE SE	Well #5 - 60 feet North and 590 feet West from the SE Corner of Section 11
3 N	29 E	WM	11	SW NE	Well #6 - 132 feet North and 2190 feet West from the E1/4 Corner of Section 11
3 N	29 E	WM	12	NW NW	Well #7 - 1010 feet South and 40 feet East from the NW Corner of Section 12

Certificate: 85124, issued in the name of Robert C., Rick L., and Douglas Hale (perfected under Permit G-4969)

Use: Supplemental Irrigation (IS) of 59.5 acres

Priority Date: June 8, 1971

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: Wells #1, #2, #3, #4, #6 and #7, within the Stage Gulch Basin.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	Well #1 - 4340 feet North and 1830 feet West from the S1/4 Corner of Section 7
3 N	30 E	WM	6	NW SW	Well #2 - 2011 feet North and 1330 feet East from the SW Corner of Section 6
3 N	30 E	WM	7	SW SW	Well #3 - 1420 feet South and 40 feet East from the W1/4 Corner of Section 7
3 N	29 E	WM	2	SE NE	Well #4 - 180 feet North and 260 feet West from the E1/4 Corner of Section 2
3 N	29 E	WM	11	SW NE	Well #6 - 132 feet North and 2190 feet West from the E1/4 Corner of Section 11
3 N	29 E	WM	12	NW NW	Well #7 - 1010 feet South and 40 feet East from the NW Corner of Section 12

Permit: S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

Use: Supplemental Irrigation (IS) of 59.5 acres

Priority Date: January 30, 2008

Rate & Duty: ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 - April 14 and from October 1 - October 31

Source: Columbia River, a tributary of the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Places of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74896(IR)	85124 (IS)	S-54561(IR)	
3 N	29 E	WM	1	SE SE	100	0.2	0.2	0.2	HALE BROS. FARMS
3 N	30 E	WM	6	SW SW	300/1500	2.5	2.5	2.5	HALE BROS. FARMS
3 N	30 E	WM	6	SE SW	300/1500	5.2	5.2	5.2	HALE BROS. FARMS
3 N	30 E	WM	7	NE NW	1500	7.8	7.8	7.8	HALE BROS. FARMS
3 N	30 E	WM	7	NW NW	1500	4.2	4.2	4.2	HALE BROS. FARMS
3 N	30 E	WM	7	SW NW	1500	18.9	18.9	18.9	HALE BROS. FARMS
3 N	30 E	WM	7	SE NW	1500	29.7	29.7	29.7	HALE BROS. FARMS
3 N	30 E	WM	7	NE SW	1500	33.2	33.2	33.2	HALE BROS. FARMS
Total:						101.7	101.7	101.7	

7. Transfer Application T-11406 proposes to temporarily change the place of use of the rights to:

Proposed Places of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74896 (IR)	85124(IS)**	S-54561(IS)	
4 N	29 E	WM	36	SE SW	4900	1.8	1.8	1.8	HALE BROS. FARMS
3 N	30 E	WM	6	SW SW	300/1500	5.5	5.5	5.5	HALE BROS. FARMS

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
						CERTIFICATE/PERMIT (acres)			
3 N	30 E	WM	8	SE NW	1300	20.3	20.3	20.3	HALE BROS. FARMS
3 N	30 E	WM	8	NW SW	1400	28.1	28.1	28.1	HALE BROS. FARMS
3 N	30 E	WM	8	SW SW	1400	22.8	22.8	22.8	HALE BROS. FARMS
3 N	29 E	WM	14	SE NE	3900	12.7	12.7	12.7	HALE BROS. FARMS
3 N	30 E	WM	20*	NW SW	1000	10.5	10.5	10.5	DITCHEN
Total:						101.7	101.7	101.7	

***NOTE:** The applicant has stated the lands in Sec. 20, T3N R30E, will be irrigated from Ditchen Wells #1 and #2 and these acres will be supplemental to Certificate 84095 which was allocated no water in the Stage Gulch Critical Groundwater order for the 2012 season.

****NOTE:** The applicant has stated that the supplemental water use Permit S-54561 already existing on these "TO" lands will not be used or transferred during the 2012 irrigation season.

8. Transfer Application T-11406 proposes to temporarily add two additional points of appropriation under this right to facilitate the place of use change. The proposed additional points of appropriation are located as follows:

Proposed Additional Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	30	NE SW	DITCHEN WELL #1 - 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHEN WELL #2 - 80 FEET EAST FROM THE SW CORNER OF SECTION 20

9. The portion of the third primary right and its layered supplemental water right to be transferred is as follows:

Certificate: 87042, issued in the name Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-5215)

Use: Irrigation of 92.7 acres

Priority Date: February 16, 1973

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: Hale Wells #1, 2, 4, 6 & 7, within the Stage Gulch Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 6
3 N	29 E	WM	2	SE NE	WELL #4 - 180 FEET NORTH AND 260 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 CORNER OF SECTION 11
3 N	29 E	WM	12	NW NW	WELL #7 - 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12

Permit: S-54561, issued in the name Echo Irrigation District (filed under Application S-87076)

Use: Supplemental Irrigation (IS) of 92.7 acres

Priority Date: January 30, 2008

Rate & Duty: ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 – April 14 and from October 1 - October 31

Source: Columbia River, a tributary of the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						87042 (IR)	Per.54561 (IS)	
3N	29E	WM	1	NE NW	100	5.1	5.1	HALE FARMS
3N	29E	WM	1	SW NW	100	4.3	4.3	HALE FARMS
3N	29E	WM	1	SE NW	100	16.0	16.0	HALE FARMS
3N	29E	WM	1	NE SW	100	16.8	16.8	HALE FARMS
3N	29E	WM	1	SW SW	100	11.0	11.0	HALE FARMS
3N	29E	WM	1	SE SW	100	2.8	2.8	HALE FARMS
3N	29E	WM	2	SE NE	100	7.3	7.3	HALE FARMS
3N	29E	WM	2	NE SE	100	5.4	5.4	HALE FARMS
3N	29E	WM	2	SE SE	100	8.9	8.9	HALE FARMS
3N	29E	WM	11	NE SE	303	13.8	13.8	HALE FARMS
3N	29E	WM	11	NW SE	303	1.0	1.0	HALE FARMS
3N	29E	WM	12	NW NW	3600	0.3	0.3	HALE FARMS
TOTAL:						92.7	92.7	

10. Transfer Application T-11406 proposes to temporarily change the place of use of the rights to:

Proposed Place of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						87042 (IR)	S-54561 (IS)	
3 N	29 E	WM	3	NE SW	400	30.0	30.0	GEHRKE
3 N	29 E	WM	3	SW SW	400	30.0	30.0	GEHRKE
3 N	29 E	WM	3	SE SW	400	30.0	30.0	GEHRKE
3 N	30 E	WM	7	NE NE	1300	0.4	0.4	HALE
3 N	30 E	WM	7	NW NE	1300	0.6	0.6	HALE
3 N	30 E	WM	7	SW NE	1300	1.0	1.0	HALE
3 N	30 E	WM	7	SE NE	1300	0.7	0.7	HALE
Total:						92.7	92.7	

11. The portion of the fourth primary right and its layered supplemental water rights to be transferred is as follows:

Certificate: 74762, issued in the name of Robert C., Rick L., and Douglas L. Hale (perfected under Permit U-714)

Use: Irrigation of 32.5 acres

Priority Date: March 25, 1955

Rate & Duty: ONE-EIGHTIETH of one cfs per acre or the equivalent for each acre irrigated and is further limited to at total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: Wells 1, 2, 4, 6 and 7 within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S¼ CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 6
3 N	29 E	WM	2	SE NE	WELL #4 - 180 FEET NORTH AND 260 FEET WEST FROM THE E¼ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E¼ CORNER OF SECTION 11
3 N	29 E	WM	12	NW NW	WELL #7 - 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12

Certificate: 87042, issued in the name Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-5215)

Use: Irrigation of 32.5 acres

Priority Date: February 16, 1973

Quantity: 0.29 cubic foot per second (cfs)

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: Hale Wells #1, 2, 4, 6 & 7, within the Stage Gulch Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	NW NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 6
3 N	29 E	WM	2	SE NE	WELL #4 - 180 FEET NORTH AND 260 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 CORNER OF SECTION 11
3 N	29 E	WM	12	NW NW	WELL #7 - 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12

Water Use Permit: S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

Use: Supplemental Irrigation (IS) of 32.5 acres

Priority Date: January 30, 2008

Rate & Duty: ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 – April 14 and October 1 - October 31

Source: Columbia River, a tributary of the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Places of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74762(IR)	87042(IS)	S-54561(IS)	
3N	29 E	WM	11	SW NE	300	7.0	7.0	7.0	HALE BROS. FARMS
3N	29 E	WM	11	SE NE	300	25.5	25.5	25.5	HALE BROS. FARMS
Total:						32.5	32.5	32.5	

12. Transfer Application T-11406 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74762(IR)	87042(IS)	S-54561(IS)	
4N	29 E	WM	36	SE SW	4900	2.5	2.5	2.5	HALE
3N	29 E	WM	3	NW SW	400	30.0	30.0	30.0	GEHRKE
TOTAL:						32.5	32.5	32.5	

13. The portion of the fifth primary right and its layered supplemental water right to be transferred is as follows:

Certificate: 80850, issued in the name of H - 4 Farms, Inc. (perfected under Permit G-5215)

Use: Irrigation of 124.3 acres

Priority Date: February 16, 1973

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre per growing season

Source: Two wells within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3N	29 E	WM	11	SE SE	WELL #5 - 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER OF SECTION 11
3N	29 E	WM	14	SW NW	WELL #8 - 1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF THE NW¼ OF THE NW¼ OF SECTION 14

Water Use Permit: S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

Use: Supplemental Irrigation (IS) of 124.3 acres

Priority Date: January 30, 2008

Rate & Duty: ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 - April 14 and October 1 - October 31

Source: Columbia River, a tributary of the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Places of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)		User
						80850 (IR)	Per. 54561(IS)	
3 N	29 E	WM	11	NE SW	304	5.9	5.9	HALE FARMS
3 N	29 E	WM	11	SE SW	304	1.6	1.6	HALE FARMS
3 N	29 E	WM	11	NE SE	304	3.1	3.1	HALE FARMS
3 N	29 E	WM	11	NW SE	304	8.8	8.8	HALE FARMS
3 N	29 E	WM	11	SE SE	304	4.0	4.0	HALE FARMS
3 N	29 E	WM	12	NW SW	3603	0.1	0.1	HALE FARMS
3 N	29 E	WM	12	SW SW	3603	29.5	29.5	HALE FARMS
3 N	29 E	WM	12	SE SW	3603	20.0	20.0	HALE FARMS
3 N	29 E	WM	14	NE NE	3900	30.4	30.4	HALE FARMS
3 N	29 E	WM	14	NW NE	3900	40.0	40.0	HALE FARMS
3 N	29 E	WM	14	SW NE	3900	40.0	40.0	HALE FARMS
3 N	29 E	WM	14	SE NE	4100	38.0	38.0	HALE FARMS
3 N	29 E	WM	14	NE NW	4100	9.9	9.9	HALE FARMS
3 N	29 E	WM	14	SE NW	4100	12.7	12.7	HALE FARMS
Total:						244.0	244.0	

14. Transfer Application T-11406 proposes to temporarily change the place of use of the above described rights to:

Proposed Place of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)		User
						80850 (IR)	Per. 54561(IS)	
3 N	29 E	WM	11	SE SW	304	2.3	2.3	HALE FARMS
3 N	30 E	WM	20	NE SW	1000	31.1*	31.1*	DITCHENS FARM
3 N	30 E	WM	20	NW SW	1000	20.3*	27.7*	DITCHENS FARM
3 N	30 E	WM	20	SW SW	1000	31.5*	31.5*	DITCHENS FARM
3 N	30 E	WM	20	SE SW	1000	31.7*	31.7*	DITCHENS FARM
3 N	30 E	WM	7	NE NE	1300	0.6	0.6	HALE FARMS
3 N	30 E	WM	7	NW NE	1300	1.0	1.0	HALE FARMS
3 N	30 E	WM	7	SW NE	1300	1.5	1.5	HALE FARMS
3 N	30 E	WM	7	SE NE	1300	1.2	1.2	HALE FARMS
3 N	30 E	WM	8	NE SE	1200	30.4	30.4	HALE FARMS
3 N	30 E	WM	8	NW SE	1200	30.1	30.1	HALE FARMS
3 N	30 E	WM	8	SW SE	1200	30.9	30.9	HALE FARMS
3 N	30 E	WM		SE SE	1200	31.4	31.4	HALE FARMS
Total:						244.0	244.0	

*NOTE: The applicant has stated that the primary water right Certificate 84095 existing on these "TO" lands (114.6 acres) was not allocated any water under the 2012 Stage Gulch Critical Groundwater order. These incoming rights will become supplemental to this certificate for the duration of this 2012 temporary transfer.

15. Transfer Application T-11406 also proposes to temporarily add additional points of appropriation under this right to facilitate the place of use change for the above described 114.6 acres. (See Note – Finding of Fact #14) The proposed additional points of appropriation are located as follows:

Proposed Additional Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	30	NE SW	DITCHEN WELL #1 – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHEN WELL #2 – 80 FEET EAST FROM THE SW CORNER OF SECTION 20

14. The portion of the sixth primary right and its layered supplemental water right to be transferred is as follows:

Certificate: 87111, issued in the name of Hale Farms, LLC (perfected under Permit S-37121 and includes an allocation of Conserved Water under CW-58)

Use: Irrigation of 110.1 acres

Priority Dates: October 3, 1973 and December 11, 1973

Rate & Duty: ONE-SIXTIETH 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: Columbia River, a tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

Primary Irrigation (IR)							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	13	NW SW	4000	31.0	HALE FARMS, INC.
3 N	29 E	WM	13	SW SW	4000	29.8	HALE FARMS, INC.
3 N	29 E	WM	14	SW NE	1300	31.0	HALE FARMS, INC.
3 N	30 E	WM	14	SE NE	1300	31.0	HALE FARMS, INC.
Total:						122.8	

***NOTE:** The applicant has stated that this existing supplemental water right Permit S-54561 on these "FROM" lands will not be used or transferred during the 2012 irrigation season.

15. Transfer Application T-11406 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Primary Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	14	NE NE	3900	30.4	HALE FARMS, INC.
3 N	30 E	WM	7	NW NE	3900	29.4	HALE FARMS, INC.
3 N	30 E	WM	7	SW NE	3900	31.5	HALE FARMS, INC.
3 N	30 E	WM	7	SE NE	3900	31.5	HALE FARMS, INC.
Total:						122.8	

16. The portion of the seventh primary right to be transferred is as follows:

Certificate: 74762, issued in the names of Robert C., Rick L. and Douglas L. Hale (perfected under Permit U-714)

Use: Irrigation of 17.0 acres

Priority Date: March 25, 1955

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre per growing season

Source: Two wells within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3 N	30 E	WM	7	NE NW	WELL #1 – 4340 FEET NORTH AND 1830 FEET WEST FROM THE W1/4 CORNER OF SECTION 7
3 N	29 E	WM	6	NW SW	WELL #2 – 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 7
3 N	29 E	WM	2	SE NE	WELL #4 – 180 FEET NORTH AND 260 FEET WEST FROM THE E1/4 COERNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 – 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 CORNER OF SECTION 11
3 N	29 E	WM	12	NW NW	WELL #7 – 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12

Authorized Place of Use:

Primary Irrigation (IR)							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	12	NW NW	3600	11.3	HALE FARMS, INC.
3 N	29 E	WM	12	SW NW	3600	4.2	HALE FARMS, INC.
3 N	29 E	WM	11	SE NE	300	1.5	HALE FARMS, INC.
Total:						17.0	

16. Transfer Application T-11406 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Primary Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	14	NE NE	1300	2.6	HALE FARMS, INC.
3 N	30 E	WM	7	NW NE	1300	4.1	HALE FARMS, INC.
3 N	30 E	WM	7	SW NE	1300	5.2	HALE FARMS, INC.
3 N	30 E	WM	7	SE NE	1300	4.5	HALE FARMS, INC.
3 N	30 E	WM	7	NW SE	1400	0.6	HALE FARMS, INC.
Total:						17.0	

17. The Department has determined that the proposed additional points of appropriation (Ditchen Wells #1 and #2) are all within the same subareas (D and H) of the Stage Gulch Critical Ground Water Area and will all develop the same source of water as the authorized existing wells.

18. Pursuant to OAR 690-385-3110, Echo Irrigation District has indicated that other appurtenant water rights and water use permits, as identified in Findings of Fact #5, #7 and #14, will remain unexercised during the 2012 irrigation season. Furthermore, the other appurtenant water rights or water use permits (also identified in Findings of Fact #5, #7 and #14) shall not be transferred during the 2012 irrigation season.

19. 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.

20. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

21. The proposed changes would not result in injury to other water rights.
22. Water rights under Conserved Water Allocation Certificates 87111 and ground water Certificate 87124 exist on a parcel identified as Circle #12.
23. It is proposed that a 2.0 acre-feet (AF) per acre under ground water Certificate 85124 be transferred to the following location:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q – Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						85124 (IR)	S54561(IS)	
4 N	29 E	WM	36	NE SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	NW SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	SW SW	4900	31.25	31.25	HALE BROS. FARMS
4 N	29 E	WM	36	SE SW	4900	13.95	13.95	HALE BROS. FARMS
Total:						107.7	107.7	

24. It is also proposed that the 1.0 acre-foot per acre authorized under the Conserved Water Allocation Certificate remain at the original, authorized location (identified in the transfer material as Circle #12).
25. Recognizing that limiting the amount of groundwater under Certificate 85124 at the new proposed location would have the benefit of shorter ground water pumping cycles and overall conservation of the ground water in a critical ground water area, the Department has determined that no enlargement would occur, if conditioned accordingly. The following conditions shall be applicable to the acres identified in Finding of Fact #23 (above):

- A. **At no time shall more than 2.0 AF per acre of ground water under Certificate 87124 be authorized on the proposed place of use (SW quarter, Section 36, T4N R29E) during the 2012 irrigation season.**
- B. **At no time shall the water use under Allocation of Conserved Water Certificate 87111 exceed 1.0 AF on Circle #12.**
- C. **Water used under any and all rights at the original location together with water used at the proposed location shall not exceed 3.0 AF per acre during the 2012 irrigation season.**
- D. **The approval of these conditions (A-E) may be revoked if injury to existing water rights is shown.**
- E. **Approval of this component of Transfer Application T-11406 shall not indicate a precedent for future approvals.**

Conclusions of Law

The temporary changes in place of use and additional points of appropriation as proposed in Transfer Application T-11406 satisfy the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11406 are approved.

2. The former places of use **shall not** be irrigated as part of these water rights during the 2012 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2012 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. The District shall not use water under portions of Permit S-54561 at the proposed places of use as described in Findings of Fact #5, #7 and #14 during the 2012 irrigation season.
5. The right to the use of the water at the temporary place of use authorized by this transfer shall be in accordance with the conditions and limitations contained in Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 (supersedes 86214), Permit S-54561 and any related decree.
6. Before water may be applied to the proposed "TO" lands, the District shall install totalizing flow meters or other measurement systems as approved by the Department at:
 - a) The point of diversion from the Columbia River and all other points of diversion or appropriation, which supply water to the proposed "TO" lands;
 - b) The northern boundary connection of the Echo Irrigation District; and
 - c) All field diversions (center pivots or other method of water delivery) used to apply water to the new landsAdditionally, the meters must be maintained in good working order according to manufacturer's specifications.
7. The District shall maintain a complete record of water usage on a monthly basis and shall submit monthly and annual reports to the Watermaster's office in Pendleton. The water use reports shall include recorded monthly water usage measurements from each point of diversion, each point of appropriation (well), the measurement device located at the North Echo Irrigation District boundary connection and for each field diversion (center pivot or other means of application). The reports shall also include dates of measurement and other information as may be requested by the Watermaster. The frequency or timing of the reports may be modified upon a determination by the Department that an alternate frequency is needed or appropriate. The reporting frequency may also be modified after the second full season of use, if requested by the receiving landowner and approved by the Department. The reports may be e-mailed, faxed or mailed.
8. 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.
9. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
10. 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.
11. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

12. 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.
13. A subsequent application for permanent transfer of Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 (supersedes 86214), Permit S-54561 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.
14. Additional measurement and reporting conditions, including, but not limited to, additional measuring sites, general water use information, and the place and nature of water use may be required at the discretion of the Department.
15. Regarding the lands identified in Finding of Fact #23:
 - a) **At no time shall more than 2.0 AF per acre of ground water under Certificate 87124 be authorized on the proposed place of use (SW quarter, Section 36, T4N R29E) during the 2012 irrigation season.**
 - b) **At no time shall the water use under Allocation of Conserved Water Certificate 87111 exceed 1.0 AF on Circle #12.**
 - c) **Water used under any and all rights at the original location together with water used at the proposed location shall not exceed 3.0 AF per acre during the 2012 irrigation season.**
 - d) **The approval of these conditions (A-E) may be revoked if injury to existing water rights is shown.**
 - e) **Approval of this component of Transfer Application T-11406 shall not indicate a precedent for future approvals.**
16. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
17. The use of the remaining water rights described by Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 and Permit S-54561 shall continue to be in accordance with the terms and conditions of Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 and Permit S-54561.

Dated at Salem, Oregon this 20th day of July, 2012.

E. Timothy Ward for

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

Mailing Date: JUL 26 2012