

BEFORE THE WATER RESOURCES DIRECTOR OF
THE STATE OF OREGON

UMATILLA COUNTY

IN THE MATTER OF REJECTING TEMPORARY) FINAL ORDER
TRANSFER APPLICATION 9043)

STATEMENT OF FACTS

Temporary Transfer Application 9043, in the name of Echo Irrigation District, was filed with the Department on February 25, 2002. The applicant submitted the appropriate examination fees with the transfer application.

Staff examined the temporary transfer application and found several requests for additional points of appropriation for certain lands proposed for transfer within the district.

Some lands proposed for transfer also were not located within district boundaries.

In addition, the application and map contained several deficiencies and did not correctly describe the rights of record subject to transfer.

DETERMINATION AND FINDINGS

Temporary Transfer Application 9043 proposed adding points of appropriation to irrigate certain lands. ORS 540.570 authorizes the temporary change in the place of use of water appurtenant to any land within the legal boundaries of an irrigation district. Therefore, applying for additional points of appropriation exceeds the scope of statutory authority.

The application proposed changing the place of use of water appurtenant to lands not located within the legal boundaries of the district. ORS 540.570 authorizes the temporary change in the place of use of water appurtenant to any land within the legal boundaries of an irrigation district to an equal acreage elsewhere within the legal boundaries of that district. The proposed change is not authorized by statute.

The application contained map errors and incomplete information, and thus was not submitted in a form satisfactory to the Department as required by ORS 540.570(2)(b) and (2)(d).

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).

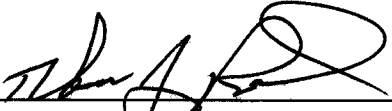
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Staff performed a thorough and lengthy examination of the application, and thus the examination fees submitted according to ORS 536.050(i) will not be reimbursed to the applicant.

ORDER

Temporary Transfer Application 9043, in the name of Echo Irrigation District, is REJECTED and of no further force or effect.

WITNESS the signature of the Water Resources Director, affixed APR 22 2002.



Paul R. Cleary, Director