

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11805, 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

Agent

WILLIAM I. PORFILY
PO BOX 643
STANFIELD, OR 97875

Findings of Fact

1. On May 1, 2014, 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, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87111, 87667 and Permit S-54773. The Department assigned the application number T-11805.
2. Notice of the application for temporary transfer was published May 13, 2014, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. 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
Quantity: 0.91 cubic foot per second (cfs)
Use: IRRIGATION of 97.6 acres
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET (af) 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	Description/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

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.

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	30 E	WM	7	SW SW	WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7
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

Water Use Permit: S-54773, issued in the name of Echo Irrigation District, Hale Farms, LLC, (filed under Application S-87076)

Use: SUPPLEMENTAL IRRIGATION of 97.6 acres, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season

Priority Date: January 30, 2008

Quantity: 0.42 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af per acre for supplemental irrigation from March 1 – April 14 and then from October 1 to October 31; further limited to 1.5 af per acre from November 1 – February 29

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)	S-54773(IS)	
3N	29E	WM	1	NE SE	100	8.6	8.6	HALE BROS. FARMS
3N	30E	WM	6	NE NW	300	32.8	32.8	HALE BROS. FARMS
3N	30E	WM	6	SE NW	300	36.5	36.5	HALE BROS. FARMS
3N	30E	WM	6	NE SW	300	2.6	2.6	HALE BROS. FARMS
3N	30E	WM	6	NW SW	300	10.3	10.3	HALE BROS. FARMS
3N	30E	WM	7	NE SW	1500	6.8	6.8	HALE BROS. FARMS
TOTAL:						97.6	97.6	

4. Transfer Application T-11805 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
						85124 (IR)	S-54773 (IS)	
3N	29E	WM	1	SW NE	100	6.20	6.20	HALE BROS. FARMS
3N	29E	WM	1	SE NE	100	0.80	0.80	HALE BROS. FARMS
3N	29E	WM	1	NE SE	100	11.60	11.60	HALE BROS. FARMS
3N	29E	WM	1	NW SE	100	3.50	3.50	HALE BROS. FARMS
3N	29E	WM	1	SW SE	100	4.90	4.90	HALE BROS. FARMS
3N	29E	WM	1	SE SE	100	0.80	0.80	HALE BROS. FARMS
3N	29E	WM	13	NE NE	3700	3.40	3.40	HALE BROS. FARMS
3N	29E	WM	13	NW NE	3700	3.40	3.40	HALE BROS. FARMS

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
3N	29E	WM	13	SW NE	3700	3.40	3.40	HALE BROS. FARMS
3N	29E	WM	13	SE NE	3700	3.40	3.40	HALE BROS. FARMS
3N	30E	WM	6	SW NW	300	2.10	2.10	HALE BROS. FARMS
3N	30E	WM	8	NW SE	1200	22.85	22.85	HALE BROS. FARMS
3N	30E	WM	8	SW SE	1200	31.25	31.25	HALE BROS. FARMS
TOTAL:						97.60	97.60	

- The applicant has stated Water Use Permit S-54773 exists on the lands identified above. The applicant has also stated Permit S-54773 will not be used or transferred during the 2014 irrigation season.
- Transfer Application T-11805 also proposes to temporarily add additional points of appropriation to Certificate 85124 to facilitate the place of use change for the above described 97.60 acres. The proposed additional points of appropriation are located as follows:

Proposed Additional Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	29 E	WM	11	SE SE	HALE WELL #5 - 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER OF SECTION 11
3 N	29 E	WM	24	SW NE	COPPINGER WELL #1 - 20 FEET NORTH AND 1490 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24
3 N	30 E	WM	30	NE SW	DITCHENS WELL #1 - 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER CORNER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHENS WELL #2 - 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20

- The portion of the second primary right and its 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 109.9 acres

Priority Date: April 8, 1963

Quantity: 0.655 cfs)

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

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

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	30 E	WM	7	NW NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S $\frac{1}{4}$ 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 E $\frac{1}{4}$ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E $\frac{1}{4}$ 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 of 109.9 acres
Priority Date: June 8, 1971
Quantity: 1.022 cfs
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af 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	Description/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	30 E	WM	7	SW SW	WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7
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

Water Use Permit: S-54773, issued in the name of Echo Irrigation District, Hale Farms, LLC (filed under Application S-87076)

Use: Supplemental Irrigation of 109.9 acres, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season

Priority Date: January 30, 2008

Quantity: 0.91 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af per acre for supplemental irrigation from March 1 – April 14 and then from October 1 to October 31 and further limited to only 1.5 af per acre from November 1 – February 29

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 (ac)			User
						74896 (IR)	85124 (IS)	S-54773 (IS)	
3N	29 E	WM	1	SE SE	100	0.2	0.2	0.2	HALE BROS.
3N	30 E	WM	6	SW SW	1500	2.5	2.5	2.5	HALE BROS.
3N	30 E	WM	6	SE SW	300 & 1500	5.2	5.2	5.2	HALE BROS.
3N	30 E	WM	7	NE NW	300 & 1500	7.8	7.8	7.8	HALE BROS.
3N	30 E	WM	7	NW NW	1500	4.2	4.2	4.2	HALE BROS.
3N	30 E	WM	7	SW NW	1500	21.6	21.6	21.6	HALE BROS.
3N	30 E	WM	7	SE NW	1500	29.7	29.7	29.7	HALE BROS.
3N	30 E	WM	7	NE SW	1500	33.2	33.2	33.2	HALE BROS.

3N	30 E	WM	7	NW SW	1600	5.5	5.5	5.5	HALE BROS.
TOTAL:						109.9	109.9	109.9	

8. Transfer Application T-11805 proposes to temporarily change the place of use of the above described rights to:

Proposed Places of Use:

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)			User
						74896(IR)	85124 (IS)	S-54773 (IS)	
3N	30 E	WM	6	SW SW	300 & 1500	5.5	5.5	5.5	HALE BROS.
3N	30 E	WM	8	NW NE	1200	20.6	20.6	20.6	HALE BROS.
3N	30 E	WM	8	NE SE	1400	31.2	31.2	31.2	HALE BROS.
3N	30 E	WM	8	NW SE	1400	8.4	8.4	8.4	HALE BROS.
3N	30 E	WM	8	SE SE	1400	31.3	31.3	31.3	HALE BROS.
3N	30 E	WM	20	NW SW	1000	12.9	12.9	12.9	HALE BROS.
TOTAL:						109.9	109.9	109.9	

9. The applicant has stated there will no use under Certificate 52824 on the lands described above during the 2014 irrigation season. These lands were transferred onto these lands via Transfer Application T-11473 recorded in Special Order Volume 91 Pages 849 - 854.
10. The portion of the third 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 15.7 acres

Priority Date: March 25, 1955

Quantity: 0.11 cfs

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

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

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	30 E	WM	7	NW ¹ NW	WELL #1 - 4340 FEET NORTH AND 1830 FEET WEST FROM THE S ¹ / ₄ 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 E ¹ / ₄ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E ¹ / 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

NOTE: These are the corrected values for the scrivener's errors that exist in Certificate 74762.

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

Use: Irrigation of 15.7 acres

Priority Date: February 16, 1973

Quantity: 0.14 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 af 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	Description/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

Water Use Permit: S-54773, issued in the name of Echo Irrigation District, Hale Farms, LLC, (filed under Application S-87076)

Use: Supplemental Irrigation of 15.7 acres, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season

Priority Date: January 30, 2008

Quantity: 0.13 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for Supplemental Irrigation from March 1 – April 14 and then from October 1 to October 31 and further limited to only 1.5 ACRE-FEET per acre from November 1 – February 29

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-54773(IS)	
3N	29 E	WM	11	SE NE	300	15.7	15.7	15.7	HALE BROS. FARMS

11. Transfer Application T-11805 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-54773(IS)	
3N	30 E	WM	8	NW NE	1200	11.3	11.3	11.3	HALE BROS.
3N	30 E	WM	8	SW NE	1200	4.4	4.4	4.4	HALE BROS.
TOTAL:						15.7	15.7	15.7	

12. The portion of the fourth 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 115.5 acres
Quantity: 0.872 cfs
Priority Date: February 16, 1973
Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af per acre during the irrigation season of each year.
Source: TWO WELLS within the Umatilla River Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
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-54773, issued in the name of Echo Irrigation District and Hale Farms, LLC (filed under Application S-87076)

Use: Supplemental Irrigation of 115.5 acres, which includes raising the soil moisture to field capacity to be utilized by plant growth in the subsequent growing season

Priority Date: January 30, 2008

Quantity: 0.96 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af per acre for supplemental irrigation from March 1 – April 14 and then from October 1 to October 31 and further limited to only 1.5 af per acre from November 1 – February 29

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)	S- 54773(IS)	
3N	29 E	WM	11	NE SW	304	4.5	4.5	HALE FARMS
3N	29 E	WM	11	SE SW	304	1.6	1.6	HALE FARMS
3N	29 E	WM	11	NE SE	304	3.1	3.1	HALE FARMS
3N	29 E	WM	11	NW SE	304	8.8	8.8	HALE FARMS
3N	29 E	WM	11	SE SE	304	4.0	4.0	HALE FARMS
3N	29 E	WM	12	NW SW	3603	0.1	0.1	HALE FARMS
3N	29 E	WM	12	SW SW	3603	29.5	29.5	HALE FARMS
3N	29 E	WM	12	SE SW	3603	15.7	15.7	HALE FARMS
3N	29 E	WM	14	NW NE	3900	10.6	10.6	HALE FARMS
3N	29 E	WM	14	SW NE	3900	8.5	8.5	HALE FARMS
3N	29 E	WM	14	SE NE	3900	6.5	6.5	HALE FARMS
3N	29 E	WM	14	NE NW	4100	9.9	9.9	HALE FARMS
3N	29 E	WM	14	SE NW	4100	12.7	12.7	HALE FARMS
TOTAL:						115.5	115.5	

13. Transfer Application T-11805 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)	S-54773(IS)	
3N	29 E	WM	11	SE SW	304	2.3	2.3	HALE FARMS
3N	30 E	WM	20	NE SW	1000	32.1*	32.1*	DITCHENS FARM
3N	30 E	WM	20	NW SW	1000	17.9*	17.9*	DITCHENS FARM
3N	30 E	WM	20	SW SW	1000	31.5*	31.5*	DITCHENS FARM
3N	30 E	WM	20	SE SW	1000	31.7*	31.7*	DITCHENS FARM
TOTAL:						115.5	115.5	

*See finding below.

14. The applicant has stated Certificate 84095 existing on 113.2 acres of the lands identified above and Certificate 84095 was not allocated any water under the 2014 Stage Gulch Critical Groundwater order. The water right identified above will be supplemental to Certificate 84095 during the duration of this temporary transfer.

15. Transfer Application T-11805 also proposes to temporarily add additional points of appropriation under Certificate 80850 to facilitate the place of use change for the above described 115.5 acres. The proposed additional points of appropriation are located as follows:

Proposed Additional Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	30 E	WM	30	NE SW	DITCHEN WELL #1 - 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER CORNER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHEN WELL #2 - 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20

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

Certificate: 87111, issued in the name of Hale Farms, LLC (perfected under Permit S-37121)

Use: Irrigation of 247.4 acres

Priority Date: October 3, 1973 *plus one minute*, and December 11, 1973 *plus one minute*

Quantity: 1.38 cfs, limited to 247.26 af for primary irrigation for the season

Rate & Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cfs or its equivalent for each acre irrigated. The irrigation season is March 1 through October 31.

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:

Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3N	29E	WM	1	NE NW	100	6.1	HALE FARMS

Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3N	29E	WM	1	NW NW	100	38.7	HALE FARMS
3N	29E	WM	1	SW NW	100	21.4	HALE FARMS
3N	29E	WM	1	SE NW	100	1.9	HALE FARMS
3N	29E	WM	2	NE NE	100	29.2	HALE FARMS
3N	29E	WM	2	NW NE	100	34.0	HALE FARMS
3N	29E	WM	2	SW NE	100	29.2	HALE FARMS
3N	29E	WM	2	SE NE	100	18.7	HALE FARMS
3N	29E	WM	2	NE SE	100	21.9	HALE FARMS
3N	29E	WM	2	NW SE	100	38.1	HALE FARMS
3N	30E	WM	2	SW SE	100	6.7	HALE FARMS
3N	30E	WM	2	SE SE	100	1.5	HALE FARMS
TOTAL:						247.4	

17. Transfer Application T-11805 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
3N	29E	WM	13	NE NW	3800	30.8	HALE FARMS
3N	29E	WM	13	NW NW	3800	31.6	HALE FARMS
3N	29E	WM	13	SW NW	3800	32.8	HALE FARMS
3N	29E	WM	13	SE NW	3800	30.4	HALE FARMS
3N	29E	WM	14	NE NE	3900	30.4	HALE FARMS
3N	29E	WM	14	NW NE	3900	29.4	HALE FARMS
3N	29E	WM	14	SW NE	3900	31.5	HALE FARMS
3N	29E	WM	14	SE NE	3900	31.5	HALE FARMS
TOTAL:						247.4	

18. The applicant has stated water use Permit S-54773 exists on the lands identified in the table above and this permit will not be used or transferred during the 2014 irrigation season.

19. The portion of the sixth primary right to be transferred is as follows:

Certificate: 87667, issued in the name Hale Farms LLC (perfected under Permit G-5337)

Use: Irrigation (IS) of 24.0 acres

Priority Date: October 21, 1974

Quantity: 0.96 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 af for each acre irrigated during the irrigation season of each year. The irrigation season used herein shall include any time of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season

Source: Two Wells within the UMATILLA RIVER basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	29 E	WM	14	SW NW	HALE WELL #8 - 1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF THE NW¼ NW¼, OF SECTION 14
3 N	29 E	WM	23	SE NE	HALE WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3N	30E	WM	6	SW SE	509	0.5	HALE FARMS
3N	30E	WM	6	SE SE	509	23.5	HALE FARMS
TOTAL:						24.0	

20. Transfer Application T-11805 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3N	30E	WM	7	NE NE	1300	3.6	HALE FARMS
3N	30E	WM	7	NW NE	1300	5.7	HALE FARMS
3N	30E	WM	7	SW NE	1300	7.7	HALE FARMS
3N	30E	WM	7	SE NE	1300	6.4	HALE FARMS
3N	30E	WM	7	NW SE	1400	0.6	HALE FARMS
TOTAL:						24.0	

21. Transfer Application T-11805 also proposes to temporarily add an additional point of appropriation under Certificate 87667 to facilitate the place of use change for the above described 24.0 acres. The proposed additional point of appropriation is located as follows:

Proposed Additional Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Description/Measured Distances
3 N	30 E	WM	9	NW SW	REESE WELL #1 - 520 FEET SOUTH AND 940 FEET EAST FROM THE W¼ CORNER OF SECTION 9

22. Water use from wells in the Stage Gulch Critical Groundwater Areas are subject to allocation under OAR Chapter 690, Division 507. Certificates 85124, 87042, 87667, 74762 and 80850 are within the Stage Gulch Critical Ground Water Area, and therefore subject to allocation.
23. The Department has determined that the proposed additional points of appropriation (Ditchen Wells #1 and #2, New Coppinger Well #1 and Reese Well #1) are within the same subareas (D and H) of the Stage Gulch Critical Ground Water Area and will develop the same source of water as the authorized existing wells described in Certificates 85124, 87042, 87667, 74762 and 80850.
14. Pursuant to OAR 690-385-3110, Echo Irrigation District has indicated that water use under existing water rights or water use permits will remain unexercised nor will the water rights or water use permit be transferred during the course of the 2014 irrigation season. (See Findings of Facts #5, #9, and #14.)

15. 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.
16. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
17. The proposed changes in place of use, as conditioned (See Findings of Fact #5, #9 and #14), would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.

Conclusions of Law

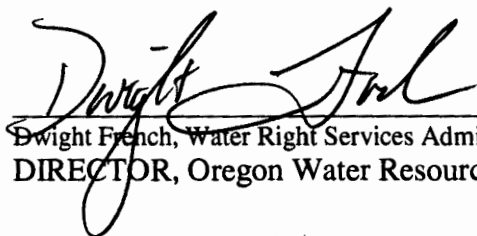
The temporary changes in place of use and additional points of appropriation as proposed in Transfer Application T-11805 satisfy the requirements of ORS 540.570 and 540.574(3).

Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11805 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2014 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2014 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-54773 at the proposed places of use as described in Findings of Fact #5, #9 and #14 during the 2014 irrigation season. Additionally, the District shall not transfer the portions of the existing water rights or water use permit identified in the above cited findings of fact.
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, 87111, 87667, Permit S-54773 and any related decree, order, or agreement.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. 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.
8. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
9. 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.

10. 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.
11. A subsequent application for permanent transfer of 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87111, 87667 and Permit S-54773 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.
12. 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.
13. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
14. The use of the remaining water rights described by 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87111, 87667 and Permit 54773 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, 87111, 87667 and Permit S-54773 and any related Order.

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


Dwight French, Water Right Services Administrator for
DIRECTOR, Oregon Water Resources Department

Mailing Date: AUG 28 2014