

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12038, 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 April 17, 2015, 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), 80850, 74762, 87042, 87667, 87666, 87111, and Permit S-54773. The Department assigned the application number T-12038.
2. Notice of the application for temporary transfer was published April 28, 2015, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. Water uses from wells located in 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.
4. The portion of the first primary right and its layered supplemental right to be transferred are as follows:
Certificate: 85124, issued in the name of Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-4969)

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 OAR 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.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty service members have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Priority Date: June 8, 1971

Use: IRRIGATION of 97.6 acres

Quantity: 0.91 cubic foot per second (cfs)

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	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 (IS) 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 cubic foot per second (cfs)

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for supplemental irrigation from March 1 - April 14 and October 1 to October 31, 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
5N	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)	Per.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	

5. Application T-12038 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 (acres)		User
						85124 (IR)	Per. S-54773 (IS)	
3N	29E	WM	1	SW NE	100	6.2	6.2	HALE BROS. FARMS
3N	29E	WM	1	SE NE	100	0.8	0.8	HALE BROS. FARMS
3N	29E	WM	1	NE SE	100	11.6	11.6	HALE BROS. FARMS
3N	29E	WM	1	NW SE	100	3.5	3.5	HALE BROS. FARMS
3N	29E	WM	1	SW SE	100	4.9	4.9	HALE BROS. FARMS
3N	29E	WM	1	SE SE	100	0.8	0.8	HALE BROS. FARMS
3N	30E	WM	6	SW NW	300	2.1	2.1	HALE BROS. FARMS
4N	29E	WM	35	NE SE	4900	30.0	30.0	HALE BROS. FARMS
4N	29E	WM	35	NW SE	4900	30.0	30.0	HALE BROS. FARMS
4N	29E	WM	35	SW SE	4900	7.7	7.7	HALE BROS. FARMS
TOTAL:						97.6	97.6	

6. Transfer Application T-12038 also proposes to temporarily add an additional point of appropriation under Certificate 85124 to facilitate the place of use change for the above described 97.6 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	RESSE WELL #1 - 520 FEET SOUTH AND 940 FEET EAST FROM THE E ¹ / ₄ CORNER OF SECTION 8

7. 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 81.8 acres

Priority Date: April 8, 1963

Quantity: 0.488 cubic foot per second (cfs)

Rate & Duty: ONE-EIGHTIETH of one 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, #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 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

Certificate: 85124, issued in the name of Robert C., Rick L., and Douglas Hale (perfected under Permit G-4969)
Use: Supplemental Irrigation (IS) of 81.8 acres
Priority Date: June 8, 1971
Quantity: 0.76 cubic foot per second (cfs)
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	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 (IS) of 81.8 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: 0.335 cubic foot per second (cfs)

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for Supplemental Irrigation from March 1 - April 14 and October 1 to October 31, 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
						74896 (IR)	85124 (IS)	Per. S-54773 (IS)	
3N	30 E	WM	7	SW NW	1500	18.9	18.9	18.9	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	1600	33.2	33.2	33.2	HALE BROS.
TOTAL:						81.8	81.8	81.8	

8. Transfer Application T-12038 proposes to temporarily change the places 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 (acres)			User
						74896 (IR)	85124 (IS)	Per. S-54773 (IS)	
3N	30 E	WM	6	SW SW	1500	5.5	5.5	5.5	HALE BROS.
3N	30 E	WM	7	NE NE	1300	3.6	3.6	3.6	HALE BROS.
3N	30 E	WM	7	NW NE	1300	5.7	5.7	5.7	HALE BROS.
3N	30 E	WM	7	SW NE	1300	7.7	7.7	7.7	HALE BROS.
3N	30 E	WM	7	SE NE	1300	6.4	6.4	6.4	HALE BROS.
3N	30 E	WM	7	NW SE	1400	0.6	0.6	0.6	HALE BROS.
4N	29 E	WM	35	SW SE	4900	22.3	22.3	22.3	HALE BROS.
4N	29 E	WM	35	SE SE	4900	30.0	30.0	30.0	HALE BROS.
TOTAL:						81.8	81.8	81.8	

9. Transfer Application T-12038 also proposes to temporarily add an additional point of appropriation under Certificate 74896 (as modified by Transfer Application T-6787) to facilitate the place of use change for the above described 81.8 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	RESSE WELL #1 - 520 FEET SOUTH AND 940 FEET EAST FROM THE E ¹ / ₄ CORNER OF SECTION 8

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

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

Use: Irrigation of 90.0 acres

Priority Date: February 16, 1973

Quantity: 0.14 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	Description/Measured Distances
3 N	30 E	WM	7	NW 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

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

Use: Supplemental Irrigation (IS) of 90.0 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: 0.37 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for Supplemental Irrigation from March 1 - April 14 and October 1 to October 31, 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
						87042 (IR)	Per. S-54773 (IS)	
3N	29 E	WM	1	NE NW	100	5.1	5.1	HALE BROS. FARMS
3N	29 E	WM	1	SW NW	100	4.3	4.3	HALE BROS. FARMS
3N	29 E	WM	1	SE NW	100	16.0	16.0	HALE BROS. FARMS
3N	29 E	WM	1	NE SW	100	16.8	16.8	HALE BROS. FARMS
3N	29 E	WM	1	SW SW	100	11.0	11.0	HALE BROS. FARMS
3N	29 E	WM	1	SE SW	100	2.8	2.8	HALE BROS. FARMS
3N	29 E	WM	2	SE NE	100	7.3	7.3	HALE BROS. FARMS
3N	29 E	WM	2	NE SE	100	5.4	5.4	HALE BROS. FARMS
3N	29 E	WM	2	SE SE	100	8.9	8.9	HALE BROS. FARMS
3N	29 E	WM	11	NE SE	303	11.4	11.4	HALE BROS. FARMS
3N	29 E	WM	11	NW SE	303	1.0	1.0	HALE BROS. FARMS
TOTAL:						90.0	90.0	

11. Transfer Application T-12038 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
						87042(IR)	Per.S-54773 (IS)	
3N	29 E	WM	3	NE NE	400	30.0	30.0	HALE BROS.
3N	29 E	WM	3	SW NE	400	30.0	30.0	HALE BROS.
3N	29 E	WM	3	SE NE	400	30.0	30.0	HALE BROS.
TOTAL:						90.0	90.0	

12. The portion of the fourth primary right and its layered supplemental water rights to be transferred are 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 30.0 acres

Priority Date: March 25, 1955

Quantity: 0.206 cubic foot per second (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 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 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

¹NOTE: 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: Supplemental Irrigation (IS) of 30.0 acres

Priority Date: February 16, 1973

Quantity: 0.267 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	Description/Measured Distances
3 N	30 E	WM	7	NW 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

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

Use: Supplemental Irrigation (IS) of 30.0 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: 0.123 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for Supplemental Irrigation from March 1 - April 14 and October 1 to October 31, 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)	Per. S-54773 (IS)	
3N	29 E	WM	11	SW NE	3600	4.5	4.5	4.5	HALE BROS. FARMS
3N	29 E	WM	11	SE NE	3600	25.5	25.5	25.5	HALE BROS. FARMS
TOTAL:						30.0	30.0	30.0	

13. Transfer Application T-12038 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)	Per. S-54773 (IS)	
3N	29 E	WM	3	NW NE	400	30.0	30.0	30.0	HALE BROS.
TOTAL:						30.0	30.0	30.0	

14. The portion of the fifth primary right and its layered supplemental right to be transferred are as follows:

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

Use: Irrigation of 127.2 acres

Quantity: 0.96 cfs

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	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 (IS) of 127.2 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: 0.52 cfs

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET per acre for Supplemental Irrigation from March 1 - April 14 and October 1 to October 31, 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
						80850 (IR)	Per. S-54773 (IS)	
3N	29 E	WM	11	NE SW	304	5.9	5.9	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	20.0	20.0	HALE FARMS
3N	29 E	WM	13	NE NW	3800	1.5	1.5	HALE FARMS
3N	29 E	WM	13	NW NW	3800	1.5	1.5	HALE FARMS
3N	29 E	WM	13	SW NW	3800	1.5	1.5	HALE FARMS
3N	29 E	WM	13	SE NW	3800	1.5	1.5	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:						127.2	127.2	

15. Transfer Application T-12038 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. S-54773 (IS)	
3N	29 E	WM	11	SE SW	304	2.3	2.3	HALE FARMS
3N	30 E	WM	8	NE SE	1400	30.9*	30.9*	DITCHENS FARM
3N	30 E	WM	8	NW SE	1400	30.6*	30.6*	DITCHENS FARM
3N	30 E	WM	8	SW SE	1400	31.5*	31.5*	DITCHENS FARM
3N	30 E	WM	8	SE SE	1400	31.9*	31.9*	DITCHENS FARM
TOTAL:						127.2	127.2	

*NOTE: The applicant has stated that the primary water right Certificate 84095 already existing on these "TO" lands (127.2 acres) was not allocated any water under the 2015 Stage Gulch Critical Groundwater order and these incoming rights will become supplemental to this certificate for the duration of this temporary transfer during the 2015 irrigation season.

16. Transfer Application T-12038 also proposes to temporarily add additional points of appropriation under Certificate 80850 to facilitate the place of use change for the above described 127.2 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	7	SW SW	HALE WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7
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

17. 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 of 108.5 acres

Priority Date: October 21, 1974

Quantity: 1.126 cubic foot per second (cfs)

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET 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	30 E	WM	7	SW SW	HALE WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7
3 N	30 E	WM	24	SW NE	COPPINGER WELL #1 - 20 FEET NORTH AND 1490 FEET WEST FROM THE E¼ CORNER OF SECTION 24

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	23	NE SE	8400	30.8	HALE FARMS
3 N	29 E	WM	23	NW SE	8400	5.1	HALE FARMS
3 N	29 E	WM	23	SE SE	8400	6.3	HALE FARMS
3 N	30 E	WM	6	NE SE	400	29.4	HALE FARMS
3 N	30 E	WM	6	NW SE	400	2.5	HALE FARMS
3 N	30 E	WM	6	SW SE	400	3.4	HALE FARMS
3 N	30 E	WM	6	SE SE	400	31.0	HALE FARMS
TOTAL:						108.5	

18. Transfer Application T-12038 proposes to temporarily change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	30 E	WM	20	NE SW	1000	31.1	HALE FARMS
3 N	30 E	WM	20	NW SW	1000	14.2	HALE FARMS
3 N	30 E	WM	20	SW SW	1000	31.5	HALE FARMS
3 N	30 E	WM	20	SE SW	1000	31.7	HALE FARMS
TOTAL:						108.5	

19. Transfer Application T-12038 also proposes to temporarily add an additional point of appropriation under Certificate 87667 to facilitate the place of use change for the above described 108.5 acres. The proposed additional point of appropriation is 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 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

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

Certificate: 87666, issued in the name Hale Farms LLC (perfected under Permit G-5335)

Use: Irrigation (IS) of 16.8 acres

Priority Date: July 19, 1974

Quantity: 0.079 cubic foot per second (cfs)

Rate & Duty: ONE-EIGHTIETH of one cfs and 3.0 ACRE-FEET 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 OF THE NW¼ OF SECTION 14
3 N	30 E	WM	7	SE SW	HALE WELL #3 - 1420 FEET SOUTH AND 40 FEET EAST FROM THE W¼ CORNER OF SECTION 7
3 N	30 E	WM	24	SW NE	COPPINGER WELL #1 - 20 FEET NORTH AND 1490 FEET WEST FROM THE E¼ CORNER OF SECTION 24

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	23	NE SE	8400	0.1	HALE FARMS
3 N	29 E	WM	23	SE SE	8400	16.7	HALE FARMS
TOTAL:						16.8	

21. Transfer Application T-12038 proposes to temporarily change the place of use to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	30 E	WM	20	NW SW	4000	16.8	HALE FARMS
TOTAL:						16.8	

22. Transfer Application T-12038 also proposes to temporarily add an additional point of appropriation under Certificate 87666 to facilitate the place of use change for the above described 16.8 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	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 - 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20

23. The portion of the eighth water 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 244.8 acres

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

Quantity: 1.36 cfs, limited to 247.26 acre-feet 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 ONE-SIXTIETH of one cfs, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season 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 Places of Use:

Primary Irrigation (IR)							
Twp	Rng	Mer	Sec	Q - Q	Circle #	Acres	User
3N	29E	WM	2	SW NE	14	9.8	HALE FARMS LLC
3N	29E	WM	2	SE NE	14	4.4	HALE FARMS LLC
3N	29E	WM	2	NE SE	14	21.7	HALE FARMS LLC
3N	29E	WM	2	NW SE	14	37.8	HALE FARMS LLC
3N	29E	WM	2	SW SE	14	4.7	HALE FARMS LLC
3N	29E	WM	2	SE SE	14	1.5	HALE FARMS LLC
Subtotal:						79.0	
3N	29E	WM	1	SW NW	15	14.6	HALE FARMS LLC
3N	29E	WM	1	SE NW	15	0.6	HALE FARMS LLC
3N	29E	WM	1	NE SW	15	7.5	HALE FARMS LLC
3N	29E	WM	1	NW SW	15	40.0	HALE FARMS LLC
3N	29E	WM	1	SW SW	15	6.2	HALE FARMS LLC
3N	29E	WM	2	SE NE	15	3.9	HALE FARMS LLC
3N	29E	WM	2	NE SE	15	12.9	HALE FARMS LLC
3N	29E	WM	2	SE SE	15	0.2	HALE FARMS LLC
Subtotal:						85.9	
3N	29E	WM	1	NE NW	17	6.1	HALE FARMS LLC
3N	29E	WM	1	NW NW	17	35.6	HALE FARMS LLC
3N	29E	WM	1	SW NW	17	21.8	HALE FARMS LLC
3N	29E	WM	1	SE NW	17	2.0	HALE FARMS LLC
3N	29E	WM	2	NW SE	17	9.6	HALE FARMS LLC
3N	29E	WM	2	SE NE	17	3.9	HALE FARMS LLC
Subtotal:						79.9	
TOTAL:						244.8	

NOTE: The applicant has stated that the primary water right Certificate 87042 and supplemental water right Permit S-54773 existing on the "FROM" lands will not be used or transferred during the 2015 irrigation season.

24. Transfer Application T-12038 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Primary Irrigation (IR)							
Twp	Rng	Mer	Sec	Q - Q	Circle #	Acres	User
3N	29E	WM	14	NE NE	2	30.4	HALE FARMS LLC
3N	29E	WM	14	NW NE	2	28.8	HALE FARMS LLC
3N	29E	WM	14	SW NE	2	30.9	HALE FARMS LLC
3N	29E	WM	14	SE NE	2	31.4	HALE FARMS LLC
3N	29E	WM	14	NE NW	3	29.9	HALE FARMS LLC
3N	29E	WM	14	NW NW	3	33.6	HALE FARMS LLC
3N	29E	WM	14	SW NW	3	33.5	HALE FARMS LLC
3N	29E	WM	14	SE NW	3	26.3	HALE FARMS LLC
TOTAL:						244.8	

NOTE: The applicant has stated that the supplemental water right Permit S-54773 already existing on "TO" lands will not be used or transferred during the 2015 irrigation season.

25. The Department has determined that the proposed additional points of appropriation Ditchen Wells #1, #2, New Coppinger Well #1, and Reese Well #1 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 described in Certificates 85124, 87042, 74762, 87667, 87666 and 80850.
26. 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 permits be transferred during the course of the 2015 irrigation season. (See Findings of Facts #23 and #24.)
27. 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.
28. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
29. The proposed changes in place of use would not result in enlargement of the rights.
30. 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-12038 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-12038 are approved.
2. The former places of use shall not be irrigated as part of these water rights during the 2015 irrigation season, except as specifically outlined and described herein.
3. The use shall revert to the authorized places of use at the end of the 2015 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 #23 and #24 during the 2015 irrigation season. Additionally, the District shall not transfer the portions of the other existing water rights identified and cited above in the 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), 80850, 74762, 87042, 87667, 87666, 87111 and Permit S-54773 and any related decree or order.
6. The water user shall maintain and operate the existing measurement devices 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 Certificates 85124, 74896 (as modified by Transfer Application T-6787), 80850, 74762, 87042, 87667, 87666, 87111 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 Certificates 85124, 74896 (as modified by Transfer Application T-6787), 80850, 74762, 87042, 87667, 87666, 87111 and Permit S-54773 shall continue to be in accordance with the terms and conditions of Certificates 85124, 74896 (as modified by Transfer Application T-6787), 80850, 74762, 87042, 87667, 87666, 87111 and Permit S-54773 and any related Order.

Dated at Salem, Oregon this 15 day of June, 2015.



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Mailing Date: JUN 18 2015