

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

In the Matter of Transfer Application ) F I N A L O R D E R  
T-10095, Umatilla County ) APPROVING A DISTRICT  
 ) TEMPORARY TRANSFER

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  
P.O. Box 110  
Hermiston, OR 97838

**Findings of Fact**

1. On February 16, 2006, Echo Irrigation District filed a district transfer application to temporarily change the place of use under Certificates 80849, 80850 and 80851. The Department assigned the application number T-10095.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
3. Pursuant to OAR 690-385-3130 the applicant applied to temporarily change the subject water rights to supplemental irrigation at the proposed place of use during the 2006 irrigation season.
4. The portion of the FIRST right to be transferred is as follows:  
**Certificate:** 80851, issued in the names Robert C., Rick L. and Douglas L. Hale  
**Use:** Irrigation  
**Priority Date:** June 8, 1971  
**Rate & Duty:** 1/80 cfs and 3.0 acre-feet per acre per growing season  
**Source:** Hale Wells # 1, 2, 3, 4, 6 & 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 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.

**Authorized Points of Appropriation:**

TWP	RNG	MER	SEC	1/4	1/4	SURVEY COORDINATES
3	N	30	E	WM	7	NW NW Well #1 – 4340 ft N and 1830 ft W from the S¼ Corner, Section 7
3	N	30	E	WM	6	NW SW Well #2 – 2010 ft N and 1330 ft E from the SW Corner, Section 6
3	N	30	E	WM	7	SW SW Well #3 - 1420 ft S and 40 ft E from the W¼ Corner, Section 7
3	N	29	E	WM	2	SE NE Well #4 - 180 ft N and 260 ft W from the E¼ Corner, Section 2
3	N	29	E	WM	11	SW NE Well #6 - 132 ft N and 2190 ft W from the E¼ Corner, Section 11
3	N	29	E	WM	7	NW NW Well #7 - 1010 ft S and 40 ft E from the NW Corner, Section 12

**Authorized Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	30	E	W.M.	6	NE NW	703	30.00	HALE BROS. FARMS
3	N	30	E	W.M.	6	SE NW	703	36.31	HALE BROS. FARMS
<b>TOTAL:</b>							<b>66.31</b>		

5. Application T-10095 proposes to change the place of use of the right to:

**Proposed Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	30	E	W.M.	8	NE SW	802	6.31	HALE BROS. FARMS
3	N	30	E	W.M.	8	NW SW	802	30.00	HALE BROS. FARMS
3	N	30	E	W.M.	8	SW SW	802	30.00	HALE BROS. FARMS
<b>TOTAL:</b>							<b>66.31</b>		

6. The portion of the SECOND right to be transferred is as follows:

**Certificate:** 80849, issued in the name of Kenneth H. Coppinger

**Use:** Irrigation

**Priority Date:** December 29, 1975

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet per acre per irrigated

**Source:** Coppinger Wells #1 & 2, within the Stage Gulch Basin

**Authorized Points of Appropriation:**

TWP	RNG	MER	SEC	1/4	1/4	SURVEY COORDINATES
3	N	29	E	WM	24	SW NE Coppinger Well #1 - 20 ft N and 1490 ft W from the E¼ Corner, Section 24
3	N	29	E	WM	24	SE NE Coppinger Well #2 - 960 ft N and 30 ft W from the E¼ Corner, Section 24

**Authorized Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	29	E	W.M.	24	NE NE	8600	9.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	NW NE	8600	9.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	SW NE	8600	9.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	SE NE	8600	9.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	NE SE	8700	37.10	HALE BROS. FARMS
3	N	29	E	W.M.	24	NW SE	8700	26.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	SW SE	8700	9.00	HALE BROS. FARMS
3	N	29	E	W.M.	24	SE SE	8700	9.00	HALE BROS. FARMS
3	N	30	E	W.M.	19	NE NW	2601	27.50	HALE BROS. FARMS
3	N	30	E	W.M.	19	NW NW	2601	13.20	HALE BROS. FARMS

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	30	E	W.M	19	SW NW	2601	13.60	HALE BROS. FARMS
3	N	30	E	W.M	19	SE NW	2601	26.70	HALE BROS. FARMS
3	N	30	E	W.M	19	NE SW	2600	28.50	HALE BROS. FARMS
3	N	30	E	W.M	19	NW SW	2600	8.10	HALE BROS. FARMS
3	N	30	E	W.M	19	SW SW	2600	9.20	HALE BROS. FARMS
3	N	30	E	W.M	19	SW SW	2601	26.40	HALE BROS. FARMS
<b>TOTAL:</b>							<b>270.30</b>		

7. Application T-10095 proposes to add an additional point of appropriation to facilitate the change in place of use proposed under this right as follows:

**Proposed Additional Point of Appropriation:**

TWP	RNG	MER	SEC	1/4	1/4	SURVEY COORDINATES	
3	N	29	E	WM	24	SW NE	Coppinger NEW Well #1 - 20 ft N and 1490 ft W from the E¼ Corner, Section 24

8. Application T-10095 proposes to change the place of use and diminish a portion of the right as follows:

**Proposed Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	29	E	W.M.	13	NE NE	3700	30.00	HALE BROS. FARMS
3	N	29	E	W.M.	13	SW NE	3700	29.50	HALE BROS. FARMS
3	N	29	E	W.M.	13	SE NE	3700	30.00	HALE BROS. FARMS
3	N	29	E	W.M.	13	NE SE	3700	30.20	HALE BROS. FARMS
3	N	29	E	W.M.	13	NW SE	3700	30.20	HALE BROS. FARMS
3	N	29	E	W.M.	13	SW SE	3700	30.20	HALE BROS. FARMS
3	N	29	E	W.M.	13	SE SE	3700	30.20	HALE BROS. FARMS
3	N	29	E	W.M.	25	NE NE	8800	30.00	HALE BROS. FARMS
3	N	30	E	W.M.	25	NW NE	8800	30.00	HALE BROS. FARMS
<b>TOTAL:</b>							<b>270.30</b>		

The applicant proposes to diminish from irrigation to supplemental irrigation the following lands described under Certificate 80849 to reflect proposed irrigation on these lands under Temporary Transfer Application T-10096

**Proposed Diminishment:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	29	E	W.M.	13	SW NE	3700	29.50	HALE BROS. FARMS

9. The portion of the THIRD right to be transferred is as follows:

**Certificate:** 80850, issued in the name of H-4 FARMS, INC.

**Use:** Irrigation

**Priority Date:** February 16, 1973

**Rate & Duty:** 1/80 cfs per acre and 3.0 acre-feet per acre per irrigated

**Source:** Two Wells, within the Umatilla River Basin

**Authorized Points of Appropriation:**

TWP	RNG	MER	SEC	1/4	1/4	SURVEY COORDINATES	
3	N	29	E	WM	11	SE SE	Well #5 - 60 ft N and 590 ft W from the SE Corner, Section 11
3	N	29	E	WM	14	SW NW	Well #8 - 1350 ft S and 50 ft W from the NE Cor, NWNW, Sec.14

**Authorized Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	29	E	W.M	11	NE SE	3603	2.00	HALE BROS. FARMS
3	N	29	E	W.M	11	SE SE	3603	5.00	HALE BROS. FARMS
3	N	29	E	W.M	12	SW SW	3603	29.80	HALE BROS. FARMS
3	N	29	E	W.M	12	SE SW	3603	2.89	HALE BROS. FARMS
3	N	29	E	W.M	14	NW NE	3900	9.30	HALE BROS. FARMS
3	N	29	E	W.M	14	SW NE	3900	9.30	HALE BROS. FARMS
3	N	29	E	W.M	14	SE NE	3900	7.30	HALE BROS. FARMS
3	N	29	E	W.M	14	NE NW	3900	9.30	HALE BROS. FARMS
3	N	30	E	W.M	14	SE NW	3900	8.80	HALE BROS. FARMS
<b>TOTAL:</b>							<b>83.69</b>		

10. Application T-10095 proposes to add an additional point of appropriation to facilitate the change in place of use proposed under this right as follows:

**Proposed Additional Point of Appropriation:**

TWP	RNG	MER	SEC	1/4	1/4	SURVEY COORDINATES	
3	N	30	E	WM	7	SW SW	Hale Well #3 – 1420 ft S and 40 ft E from the W¼ Corner, Section 7

11. Application T-10095 proposes to change the place of use of the right to:

**Proposed Place of Use:**

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	29	E	W.M.	13	NW NE	3700	30.00	HALE BROS. FARMS
3	N	30	E	W.M.	8	NE SW	802	23.69	HALE BROS. FARMS
3	N	30	E	W.M.	8	SE SW	802	30.00	HALE BROS. FARMS
<b>TOTAL:</b>							<b>83.69</b>		

The proposed additional point of appropriation identified as Hale Well #3, described in *Finding of Fact #10* is proposed to be the point of appropriation for the following lands:

TWP	RNG	MER	SEC	QTR-QTR	TL	ACRES	USER		
3	N	30	E	W.M.	8	NE SW	802	23.69	HALE BROS. FARMS
3	N	30	E	W.M.	8	SE SW	802	30.00	HALE BROS. FARMS

12. The proposed changes in place of use would not result in enlargement of the rights.

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

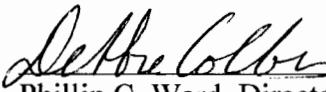
**Conclusions of Law**

The proposed changes in application T-10095 satisfy the requirements of ORS 540.574(3) and 540.570.

**Now, therefore, it is ORDERED:**

1. The proposed changes to the water rights evidenced by Certificates 80849, 80850 and 80851 are approved.
2. The temporary transfer is effective for the 2006 irrigation season.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 80849, 80850 and 80851 and any related decree.
4. The applicant shall not use water under Permit G-8097 during the 2006 Irrigation Season.
5. 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.
6. 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.
7. At the end of the 2006 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 27<sup>th</sup> day of March, 2006.

*For*   
Phillip C. Ward, Director

MAR 29 2006  
Mailing Date: \_\_\_\_\_