

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-6787, Umatilla County, Oregon)	REVERSION OF AN ADDITIONAL
)	POINT OF APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicants

RICK L. HALE
DOUGLAS L. HALE
ROBERT C. HALE
PO BOX 110
HERMISTON OR 97838

Findings of Fact

1. On July 27, 1992, RICK L. HALE, DOUGLAS L. HALE, AND ROBERT C. HALE filed an application for an additional point of appropriation and change in place of use under Certificates 74896 and 74897. The Department assigned the application number T-6787.
2. On May 31, 2003, the Water Resources Department issued an order approving the proposed additional point of appropriation (Hale Well 5) and a change in place of use. The order was recorded in Special Order Volume 57, Pages 893-901.
3. On November 26, 2004, a claim of beneficial use was filed to confirm the changes authorized under Transfer Application T-6787. The claim reported that there was no delivery system to 349.59 acres under Certificate 74896 approved by Transfer Application T-6787 to receive water from the additional point of appropriation, Hale Well 5.

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.

4. The portion of Certificate 74896 that is reverting back to the original points of appropriation is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	1	NE SE	0.50
3 N	29 E	WM	1	SE SE	0.20
3 N	29 E	WM	12	NE NE	1.00
3 N	29 E	WM	12	NE SE	0.89
3 N	30 E	WM	6	NW NW	23.80
3 N	30 E	WM	6	NE SW	16.60
3 N	30 E	WM	6	SW SW	36.40
3 N	30 E	WM	6	SE SW	29.50
3 N	30 E	WM	7	NE NW	40.00
3 N	30 E	WM	7	NW NW	39.80
3 N	30 E	WM	7	SW NW	41.30
3 N	30 E	WM	7	SE NW	38.00
3 N	30 E	WM	7	NE SW	33.20
3 N	30 E	WM	7	NW SW	48.40
Total					349.59

5. Pursuant to OAR 690-380-6010(6), the additional point of appropriation shall revert to the last authorized point of appropriation for that portion of the transfer not completed.

Conclusion of Law

The reversion of the additional point of appropriation back to the authorized points of appropriation under Certificate 74896 is consistent with the requirements of OAR 690-380-6010(6).

Now, therefore, it is ORDERED:

1. The additional point of appropriation authorized under Transfer Application T-6787 for the right described by Certificate 74896 is reverted to the points of appropriation authorized under the water right prior to the transfer.
2. A superseding certificate, in the names of Robert C. Hale, Rick L. Hale, and Douglas L. Hale, shall be issued to describe the water right reverted.

3. All other terms and conditions of Special Order Vol. 57, Pages 893-901 remain unchanged.

Dated at Salem, Oregon this 21 day of October, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: OCT 28 2016