

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

In the Matter of Transfer Application            ) FINAL ORDER APPROVING A  
T-11239, 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

**Findings of Fact**

1. On April 29, 2011, Echo Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificate 80849. The Department assigned the application number T-11239.
2. Notice of the application for temporary transfer was published May 10, 2011, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the primary right to be transferred is as follows:

**Certificate:** 80849, issued in the name Kenneth Coppinger (perfected under Permit G-6626)

**Use:** Irrigation of 227.1 acres

**Priority Date:** December 29, 1975

**Quantity:** 2.40 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:** Coppinger Wells #1 and #2, within the Stage Gulch Basin

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	24	SW NE	Coppinger Well #1 - 20 feet North and 1570 feet West from the E1/4 Corner of Section 24
3 N	29 E	WM	24	SE NE	Coppinger Well #2 - 960 feet North and 30 feet West from the E1/4 Corner of Section 24

**Authorized Place of Use:**

Primary Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	24	NE NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	NW NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	SW NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	SE NE	8600	9.0	KENNETH COPPINGER
3 N	29 E	WM	24	NE SE	8700	7.3	KENNETH COPPINGER
3 N	29 E	WM	24	NW SE	8700	10.2	KENNETH COPPINGER
3 N	29 E	WM	24	SW SE	8700	10.2	KENNETH COPPINGER
3 N	29 E	WM	24	SE SE	8700	10.2	KENNETH COPPINGER
3 N	30 E	WM	19	NE NW	600	27.5	KENNETH COPPINGER
3 N	30 E	WM	19	NW NW	600	13.2	KENNETH COPPINGER
3 N	30 E	WM	19	SW NW	600	13.6	KENNETH COPPINGER
3 N	30 E	WM	19	SE NW	600	26.7	KENNETH COPPINGER
3 N	30 E	WM	19	NE SW	800	28.5	KENNETH COPPINGER
3 N	30 E	WM	19	NW SW	800	8.1	KENNETH COPPINGER
3 N	30 E	WM	19	SW SW	800	9.2	KENNETH COPPINGER
3 N	30 E	WM	19	SE SW	800	26.4	KENNETH COPPINGER
<b>TOTAL:</b>						<b>227.1</b>	

4. Transfer Application T-11239 proposes to TEMPORARILY change the place of use of the right to:

**Proposed Place of Use:**

Primary Irrigation							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	13	NE NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	NW NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	SW NE	3700	26.5	KENNETH COPPINGER
3 N	29 E	WM	13	SE NE	3700	26.6	KENNETH COPPINGER
3 N	29 E	WM	13	NE SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	NW SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	SW SE	3700	30.2	KENNETH COPPINGER
3 N	29 E	WM	13	SE SE	3700	30.2	KENNETH COPPINGER
<b>TOTAL:</b>						<b>227.1</b>	

5. Transfer Application T-11239 also proposes to TEMPORARILY add points of appropriation for the proposed "TO" lands as described in the table above. The additional points of appropriation are located as follows:

**Proposed Additional Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	24	SW NE	Coppinger NEW Well #1 - 20 feet North and 1490 feet West from the E1/4 Corner of Section 24
3 N	29 E	WM	23	NE NE	Coppinger Well #3 - 3960 feet North and 1320 feet West from the SE Corner of Section 23
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 - 80 feet East from the SW Corner of Section 20

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	29 E	WM	20	SW NE	Hale Well #8 - 1350 feet South and 50 feet West from the NE Corner of the NW¼ NW¼ of Section 14

14. The Department has determined that the proposed additional points of appropriation (Coppinger New Well #1, Coppinger New #3, Ditchen Wells #1 and #2, and Hale Well#8) 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 Certificate 80849.
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 right is subject to transfer as defined in OAR 690-385-0100(17).
17. The proposed changes in place of use would not result in enlargement of the right.
18. The proposed changes would not result in injury to other water rights.

#### Conclusions of Law

The temporary changed in place of use and additional points of appropriation as proposed in Transfer Application T-11239 satisfies the requirements of ORS 540.574(3) and 540.570.

#### Now, therefore, it is ORDERED:

1. The temporary changes proposed in Transfer Application T-11239 are approved.
2. The former places of use **shall not** be irrigated as part of this water right during the 2011 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2011 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. 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.
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
6. 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.
7. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

8. 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.
9. A subsequent application for permanent transfer of Certificate 80849 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.
10. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 80849.
11. 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.
12. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
13. The use of the remaining water right described by Certificate 80849 shall continue to be in accordance with the terms and conditions of Certificate 80849.

Dated at Salem, Oregon this 23 day of August, 2011.

  
Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing date: AUG 24, 2011