

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

COUNTY OF UMATILLA

In the Matter of a Proposed Change)	ORDER REJECTING
In Place of Use of Water Within an)	A DISTRICT
Irrigation District — TRANSFER 9671)	TEMPORARY TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.570, ECHO IRRIGATION DISTRICT, P.O. Box 110, Hermiston, OR, 97838, petitioned the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The petition was originally received on March 8, 2004, and included the required fees.
2. The Department assigned the petition transfer application number T-9671.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated April 20, 2004. The petition was noticed as a temporary transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. The following rights are proposed to be modified:

PRIMARY IRRIGATION

Certificate T-6775 & T-6787 (Canceled Certificate 74897): issued in the names Robert C., Rick L. and Douglas L. Hale

Use: Irrigation (Primary)

Priority Date: June 8, 1971

Rate & Duty: 1/80 cfs

Source: Hale Wells # 1, 2, 3, 4, 6 & 7

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

PRIMARY IRRIGATION

Certificate T-6787 (Canceled Certificate 74896): issued in the names Robert C., Rick L. and Douglas L. Hale

Use: Irrigation (Primary)

Priority Date: April 8, 1963

Rate & Duty: 1/80 cubic foot per second per acre irrigated

Source: Hale Wells No. 1, 2, 4, 6 & 7, within the Stage Gulch Basin

PRIMARY IRRIGATION

Certificate T-6777 (Canceled Certificate 49733): issued in the name of Kenneth H. Coppinger

Use: Irrigation (Primary)

Priority Date: December 29, 1975

Rate & Duty: 1/80 cubic foot per second per acre irrigated

Source: Coppinger Wells # 1, 2, 3, Hale Bros. Well #3 & 8, Brogoitti Wells #1 & 2, all within the Stage Gulch Basin

PRIMARY IRRIGATION

Certificate T-6775 (Canceled Certificate 65485): issued in the name H- 4 Farms, Inc.

Use: Irrigation (Primary)

Priority Date: February 16, 1973

Rate & Duty: 1/80 cubic foot per second per acre irrigated

Source: Two Wells #5 & 8, within the Umatilla River Basin

SUPPLEMENTAL IRRIGATION

Certificate T-6775 (Canceled Certificate 74897): issued in the names of Robert, Rick, and Douglas Hale

Use: Supplemental Irrigation

Priority Date: June 8, 1971

Rate & Duty: 1/80 cubic foot per second per acre irrigated

Source: Hale Wells # 1, 2, 3, 4, 6 & 7

7. The water rights proposed for transfer are not water rights subject to transfer as required under ORS 540.570(1)(a). The District proposed to transfer the five above described rights. Transfer applications T-6775, T-6777 and T-6787 canceled the certificates described in the petition. Claims of beneficial use for these transfers has not been submitted. Given this, the water rights are not water uses subject to transfer and the petition cannot be approved as submitted.

CONCLUSIONS OF LAW

1. The proposed transfer does not comply with the requirements of ORS 540.570(1)(a).


2. The Director should reject the transfer because the water rights identified for transfer in the petition are not water rights subject to transfer

ORDER

It is hereby ORDERED :

1. Transfer application T-9671 is rejected.
2. The proposed temporary changes to the water rights evidenced by transfers T-6775, T-6777 and T-6787 may not be made for the 2004 irrigation season.
3. The use of water on both the "FROM" lands and "TO" lands during the 2004 irrigation season may subject both the land owner and the district to civil penalties..

Issued: JUN 14 2004



For Phillip C. Ward, Acting Director