

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

In the Matter of Transfer Application        ) FINAL ORDER APPROVING A  
T-12287, 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  
P.O. Box 643  
Stanfield, OR. 97875

**Findings of Fact**

1. On March 1, 2016, 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, 74762, 87042, 80849, 80850, 87667, 87666, 87111, 92001, and Permit S-54773. The Department assigned the application number T-12287.
2. Transfer Application was amended on April 1, 2016. On April 11, 2016, the applicant provided to the Department an amended application map clarifying the place of use.
3. Notice of the application for temporary transfer was originally published March 15, 2016, pursuant to ORS 540.570 and OAR 690-385-3400. Notice of the application was subsequently published on April 19, 2016. No comments were filed in response to the notice.
4. Water uses from wells located in Critical Groundwater Areas are subject to allocation under OAR Chapter 690, Division 507. Certificates 85124, 87042, 87667, 92001, and 80850 are within the Stage Gulch Critical Ground Water Area, and therefore subject to allocation.
5. On October 21, 2016, Special Order Volume103, Page 233, approved a final order reverting a portion of transfer application T-6787 for an additional point of diversion. A new certificate was issued for the portion of the right reverted by the aforementioned order Certificate 92001.

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.

6. 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. Hale, Rick L. Hale, and Douglas L. Hale (perfected under Permit G-4969)

**Priority Date:** June 8, 1971

**Use:** Primary Irrigation of 145.9 acres and Supplemental Irrigation of 172.1 acres

**Quantity:** 1.47 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	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

**Authorized Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	NE SE	100	8.6
3 N	30 E	WM	6	NE NW	300	32.8
3 N	30 E	WM	6	SW NW	300	4.2
3 N	30 E	WM	6	SE NW	300	40.0
3 N	30 E	WM	6	NE SW	300	20.9
3 N	30 E	WM	6	NW SW	300	32.6
3 N	30 E	WM	7	NE SW	1500	6.8
<b>Total</b>						<b>145.9</b>

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	NE SE	100	0.5
3 N	29 E	WM	1	SE SE	100	0.2
3 N	30 E	WM	6	NE SW	300	16.6
3 N	30 E	WM	6	NW SW	300	23.8
3 N	30 E	WM	6	SW SW	300	34.5
3 N	30 E	WM	6	SE SW	300	26.3
3 N	30 E	WM	7	NE NW	1500	2.5
3 N	30 E	WM	7	SW NW	1500	18.2
3 N	30 E	WM	7	SE NW	1500	16.3

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	30 E	WM	7	NE SW	1500	33.2
<b>Total</b>						<b>172.1</b>

7. Certificate 85124 limits the amount of water from wells 1, 2, 4, 6, and 7, to 4.745 cubic foot per second, calculations were based on this limitation.
8. Transfer Application T-12287 also proposes to temporarily add two additional points of appropriation under Certificate 85124 to facilitate the place of use change for the above described acres. The proposed additional points of appropriation are located as follows:

**Proposed Additional Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	9	NW SW	R#1 - 520 FEET SOUTH AND 940 FEET EAST FROM THE EAST CORNER OF SECTION 8
4 N	30 E	WM	35	SW SE	L- 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST CORNER OF SECTION 35

9. Application T-12287 proposes to temporarily change the place of use of the rights to:

**Proposed Place of Use:**

PRIMARY IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1-2-3-4-6-7, R#1 & L	3 N	29 E	WM	1	SW NE	100	6.2
	3 N	29 E	WM	1	SE NE	100	4.9
	3 N	29 E	WM	1	NE SE	100	11.6
	3 N	29 E	WM	1	NW SE	100	3.5
	3 N	30 E	WM	1	SW SE	100	4.9
	3 N	30 E	WM	1	SE SE	100	0.8
	3 N	30 E	WM	2	NW NE	300	18.2
	3 N	30 E	WM	2	SW NE	300	29.3
	3 N	30 E	WM	2	NE NW	400	1.4
	3 N	30 E	WM	2	SE NW	400	37.8
	3 N	30 E	WM	2	NW SE	300	23.9
	3 N	30 E	WM	2	NE SW	400	7.5
<b>Total</b>						<b>145.9</b>	

SUPPLEMENTAL IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1-2-3-4-6-7, R#1 & L	2 N	30 E	WM	2	NW SE	300	15.0
	2 N	30 E	WM	2	SW SE	300	33.9
	3 N	30 E	WM	2	NE SW	400	7.5
	3 N	30 E	WM	2	SE SW	400	6.5
	3 N	30 E	WM	2	NE SE	300	15.0
	3 N	30 E	WM	2	SE SE	300	13.3
	3 N	30 E	WM	7	NE NE	1300	3.6
	3 N	30 E	WM	7	NW NE	1300	5.7

SUPPLEMENTAL IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
	3 N	30 E	WM	7	SW NE	1300	7.7
	3 N	30 E	WM	7	SE NE	1300	6.4
	3 N	30 E	WM	7	NW SE	1400	0.6
	3 N	30 E	WM	8	NW NE	1200	31.9
	3 N	30 E	WM	8	SW NE	1200	4.4
	3 N	30 E	WM	8	NE SE	1200	20.6
<b>Total:</b>							<b>172.1</b>

10. The portion of the next right to be transferred is as follows:

**Certificate:** 92001 (perfected under water use Permit G-2415) issued in the name of Rick L. Hale, Douglas L. Hale, and Robert C. Hale

**Use:** Irrigation (IR) of 172.1 acres

**Priority Date:** April 8, 1963

**Quantity:** 1.03 cubic foot per second (cfs)

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 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	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	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

**Authorized Places of Use:**

IRRIGATION							
POD	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
WELLS 1,2,4,6,7	3 N	29 E	WM	1	NE SE	100	0.5
	3 N	29 E	WM	1	SE SE	100	0.2
	3 N	30 E	WM	6	NE SW	300	16.6
	3 N	30 E	WM	6	NW SW	300	23.8
	3 N	30 E	WM	6	SW SW	300	34.5
	3 N	30 E	WM	6	SE SW	300	26.3
	3 N	30 E	WM	7	NE NW	1500	2.5
	3 N	30 E	WM	7	SW NW	1500	18.2
	3 N	30 E	WM	7	SE NW	1500	16.3
	3 N	30 E	WM	7	NE SW	1500	33.2
<b>Total:</b>							<b>172.1</b>

11. Transfer Application T-12287 proposes to temporarily change the places of use of the above described rights to:

**Proposed Places of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
WELLS 1, 2, 4, 6, 7, R#1	3 N	30 E	WM	20	NE SW	1000	31.2
	3 N	30 E	WM	20	SE SW	1000	28.8
	3 N	30 E	WM	20	NE SE	1000	31.2
	3 N	30 E	WM	7	NE NE	1300	3.6
	3 N	30 E	WM	7	NW NE	1300	5.7
	3 N	30 E	WM	7	SW NE	1300	7.7
	3 N	30 E	WM	7	SE NE	1300	6.4
	3 N	30 E	WM	7	NW SE	1400	0.6
	3 N	30 E	WM	8	NW NE	1200	31.9
	3 N	30 E	WM	8	SW NE	1200	4.4
	3 N	30 E	WM	8	NE SE	1200	20.6
<b>Total</b>							<b>172.1</b>

12. Transfer Application T-12287 also proposes to temporarily add two additional points of appropriation under Certificate 74896 (as modified by T-6787) to facilitate the place of use change for the above described acres. The proposed additional points of appropriation are located as follows:

**Proposed Additional Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
3 N	30 E	WM	7	SW SW	1420 FEET SOUTH AND 40 FEET EAST FROM THE WEST CORNER OF SECTION 7
3 N	30 E	WM	9	NW SW	R#1 - 520 FEET SOUTH AND 940 FEET EAST FROM THE EAST CORNER OF SECTION 8

13. The portion of the next 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:** 0.80 cubic foot per second (cfs)

**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-EIGHTIETH of one cubic foot per second (or the equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** WELLS 1, 2, 4, 6, and 7, in the STAGE GULCH BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	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

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
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

**Authorized Places of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
WELLS # 4, 6, 7, 1, & 2	3 N	29 E	WM	1	NE NW	100	5.1
	3 N	29 E	WM	1	SW NW	100	4.3
	3 N	29 E	WM	1	SE NW	100	16.0
	3 N	29 E	WM	1	NE SW	100	16.8
	3 N	29 E	WM	1	SW SW	100	11.0
	3 N	29 E	WM	1	SE SW	100	2.8
	3 N	29 E	WM	2	SE NE	100	7.3
	3 N	29 E	WM	2	NE SE	100	5.4
	3 N	29 E	WM	2	SE SE	100	8.9
	3 N	29 E	WM	11	NE SE	303	11.4
3 N	29 E	WM	11	NW SE	303	1.0	
<b>Total</b>							<b>90.0</b>

14. Transfer Application T-12287 proposes to temporarily change the place of use of the above described rights to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
WELLS # 4, 6, 7, 1, & 2	3 N	30 E	WM	8	NW SE	1200	23.3
	3 N	30 E	WM	8	SW SE	1200	32.8
	3 N	30 E	WM	8	SE SE	1200	33.9
<b>Total</b>							<b>90.0</b>

15. The portion of the next right to be transferred is 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 21.7 acres

**Priority Date:** March 25, 1955

**Quantity:** 0.15 cubic foot per second (cfs)

**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-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** WELLS 1, 2, 4, 6, and 7 in the STAGE GULCH BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
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	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

\*NOTE: These are the corrected values for the scrivener's errors that exist in Certificate 74762.

**Authorized Places of Use:**

IRRIGATION							
POD	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
WELLS 1,2,4,6,7	3 N	29 E	WM	11	SE NE	300	21.7

16. Transfer Application T-12287 proposes to temporarily change the place of use of the above described rights to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
WELLS 1, 2, 4, 6, 7, HALE WELL # 3 & L	3 N	30 E	WM	8	NE SE	1200	11.5
	3 N	30 E	WM	8	NW SE	1200	10.2
<b>Total:</b>							<b>21.7</b>

17. Transfer Application T-12287 also proposes to temporarily add two additional points of appropriation under Certificate 74762 to facilitate the place of use change for the above described acres. The proposed additional points of appropriation are located as follows:

**Proposed Additional Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	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
4 N	30 E	WM	35	SW SE	L- 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W¼ CORNER OF SECTION 35

18. The portion of the next right to be transferred is as follows:

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

**Use:** Supplemental Irrigation of 156.7 acres

**Quantity:** 1.18 cfs

**Priority Date:** February 16, 1973

**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 ONE-EIGHTIETH of one cubic foot per second 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: TWO WELLS within the Umatilla River Basin

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	11	SE SE	WELL # 5 - 60 FEET NORTH AND 590 FEET WEST FROM THE SE CORNER OF SECTION 11
3 N	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

**Authorized Place of Use**

SUPPLEMENTAL IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
WELLS 5, 8	3 N	29 E	WM	11	NE SW	304	5.9
	3 N	29 E	WM	11	SE SW	304	1.6
	3 N	29 E	WM	11	NE SE	304	3.1
	3 N	29 E	WM	11	NW SE	304	8.8
	3 N	29 E	WM	11	SE SE	304	4.0
	3 N	29 E	WM	12	NW SW	3600	0.1
	3 N	29 E	WM	12	SW SW	3603	29.5
	3 N	29 E	WM	12	SE SW	3603	20.0
	3 N	29 E	WM	13	NE NW	3603	1.5
	3 N	29 E	WM	13	NW NW	3800	1.5
	3 N	29 E	WM	13	SW NW	3800	1.5
	3 N	29 E	WM	13	SE NW	3800	1.5
	3 N	29 E	WM	14	NW NE	3900	10.6
	3 N	29 E	WM	14	SW NE	3900	8.5
	3 N	29 E	WM	14	SE NE	3900	6.5
	3 N	29 E	WM	14	NE NW	4100	9.9
	3 N	29 E	WM	14	SE NW	4100	12.7
	3 N	29 E	WM	13	SW NW	3800	0.6
3 N	29 E	WM	13	SE NW	3800	28.9	
						<b>Total</b>	<b>156.7</b>

19. Transfer Application T-12287 proposes to temporarily change the place of use of the above described rights to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
WELLS 5, 8, D#1, 2 & L	3 N	30 E	WM	2	NE SW	400	7.5
	3 N	30 E	WM	2	SE SW	400	6.5
	3 N	30 E	WM	2	NE SE	300	15.0
	3 N	30 E	WM	2	NW SE	300	15.0
	3 N	30 E	WM	2	SW SE	300	33.9
	3 N	30 E	WM	2	SE SE	300	13.3
	3 N	30 E	WM	20	NW SW	1000	31.3
	3 N	30 E	WM	20	SW SW	1000	2.4



IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
	3 N	30 E	WM	11	SE SW	304	2.3
	3 N	29 E	WM	13	SW NW	3800	0.60
	3 N	29 E	WM	13	SE NW	3800	28.9
<b>Total:</b>							<b>156.7</b>

**\*NOTE:** The applicant has stated that the primary water right Certificate 84095 already existing on these "TO" lands (127.2 acres) and was not allocated any water under the 2016 Stage Gulch Critical Groundwater order. These incoming rights will become supplemental to this certificate for the duration of this temporary transfer.

20. Transfer Application T-12287 also proposes to temporarily add three additional points of appropriation under Certificate 80850 to facilitate the place of use change for the above described acres. The proposed additional points of appropriation are located as follows:

**Proposed Additional Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	30	NE SW	D #1- 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30
3 N	30 E	WM	20	NW NW	D #2- 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20
3 N	30 E	WM	35	SW SE	L - 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W 1/4 CORNER OF SECTION 35
3 N	30 E	WM	23	SE NE	COPPINGER WELL #3 - 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 23

21. 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 108.95 acres

**Priority Date:** October 21, 1974

**Quantity:** 1.13 cubic foot per second (cfs)

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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 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:** THREE WELLS within the UMATILLA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	14	SW NW	HALE WELL #8 - 1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER IN THE NW NW 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:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
HALE WELLS 8,3, & COPPINGER WELL 3	3 N	29 E	WM	23	SW NE	8300	0.05
	3 N	29 E	WM	23	SE NE	8300	0.40
	3 N	29 E	WM	23	NE SE	8400	30.80
	3 N	29 E	WM	23	NW SE	8400	5.10
	3 N	29 E	WM	23	SE SE	8400	6.30
	3 N	30 E	WM	6	NE SE	8400	29.40
	3 N	30 E	WM	6	NW SE	400	2.50
	3 N	30 E	WM	6	SW SE	400	3.40
	3 N	30 E	WM	6	SE SE	400	31.00
Total							108.95

22. Transfer Application T-12287 proposes to temporarily change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
HALE WELLS 8, 3, & COPPINGER WELL 3, DITCHEN WELLS 1, 2 & L	3 N	30 E	WM	1	SW SW	200	31.30
	3 N	30 E	WM	1	SE SW	200	13.20
	3 N	30 E	WM	2	NE NE	300	31.80
	3 N	30 E	WM	2	NW NE	300	9.45
	3 N	30 E	WM	2	SE NE	300	23.20
Total							108.95

23. Transfer Application T-12287 also proposes to temporarily add three additional point of appropriation under Certificate 87667 to facilitate the place of use change for the above described acres. The proposed additional point of appropriation is located as follows:

**Proposed Additional Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	35	SW SE	L - 1860 SOUTH AND 2920 FEET EAST FROM THE W1/4 CORNER OF SECTION 35

24. The portion of the next right to be transferred is as follows:

**Certificate:** 87666, issued in the name Hale Farms LLC (perfected under Permit G-5335)  
**Use:** Irrigation of 203.5 acres  
**Priority Date:** July 19, 1974  
**Quantity:** 0.95 cubic foot per second (cfs)

**Rate & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH on one cubic foot per second per acre, 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 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	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 NW ¼ 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
3 N	30 E	WM	23	SE NE	COPPINGER WELL #3 - 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 23

**Authorized Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
HALE WELLS 8,3 & COPPINGER WELL 1	3 N	29 E	WM	23	NE SE	8400	1.6
	3 N	29 E	WM	23	NW SE	8400	22.7
	3 N	29 E	WM	23	SW SE	8400	24.4
	3 N	29 E	WM	23	SE SE	8400	21.1
	3 N	29 E	WM	24	NE NW	8300	10.3
	3 N	29 E	WM	24	NW NW	8300	10.4
	3 N	29 E	WM	24	SW NW	8300	37.3
	3 N	29 E	WM	24	SE NW	8300	36.4
	3 N	29 E	WM	24	NE SW	8300	19.8
	3 N	29 E	WM	24	NW SW	8300	19.5
<b>Total</b>							<b>203.5</b>

25. Transfer Application T-12287 proposes to temporarily change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
HALE WELLS 8,3, COPPINGER WELL 1, DITCHEN WELLS 1,2	3 N	30 E	WM	1	NE NW	200	27.3
	3 N	30 E	WM	1	NW NW	200	26.2
	3 N	30 E	WM	1	SW NW	200	33.3
	3 N	30 E	WM	1	SE NW	200	36.2
	3 N	30 E	WM	1	NE SW	200	30.9
	3 N	30 E	WM	1	NW SW	200	29.8
	3 N	30 E	WM	1	SE SW	200	19.8
<b>Total</b>							<b>203.5</b>

26. 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 244.5 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:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
AS LISTED ON CERTIFICATE 87111	3 N	29 E	WM	1	NW NE	100	30.4
	3 N	29 E	WM	1	SW NE	100	18.4
	3 N	29 E	WM	1	NE NW	100	30.5
	3 N	29 E	WM	1	NW NW	100	29.9
	3 N	29 E	WM	1	SW NW	100	21.4
	3 N	29 E	WM	1	SE NW	100	16.3
	3 N	29 E	WM	2	NE NE	100	29.2
	3 N	29 E	WM	2	NW NE	100	34.0
	3 N	29 E	WM	2	SW NE	100	20.1
	3 N	29 E	WM	2	SE NE	100	14.3
<b>Total</b>							244.5

**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 2016 irrigation season.

27. Transfer Application T-12287 proposes to temporarily change the place of use of the right to:

**Proposed Place of Use:**

IRRIGATION							
POA	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
AS LISTED ON CERTIFICATE 87111	3 N	29 E	WM	14	NE NE	3900	30.4
	3 N	29 E	WM	14	NW NE	3900	28.8
	3 N	29 E	WM	14	SW NE	3900	30.9
	3 N	29 E	WM	14	SE NE	4100	31.4
	3 N	29 E	WM	14	NE NW	4100	29.9
	3 N	29 E	WM	14	NW NW	4100	33.3
	3 N	29 E	WM	14	SW NW	4100	33.5
	3 N	29 E	WM	14	SE NW	4100	26.3
<b>Total</b>							244.5

**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 2016 irrigation season.

28. 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.
29. 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 2016 irrigation season.
30. 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.
31. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
32. The proposed changes in place of use would not result in enlargement of the rights.
33. 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-12287 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-12287 are approved.
2. The former places of use shall not be irrigated as part of these water rights during the 2016 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 2016 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 the above Findings of Facts during the 2016 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, 92001, 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 points 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, 92001, 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, 92001, 80850, 74762, 87042, 87667, 87666, 87111, and Permit S-54773 shall continue to be in accordance with the terms and conditions of Certificates 85124, 92001, 80850, 74762, 87042, 87667, 87666, 87111 and Permit S-54773 and any related Order.

Dated at Salem, Oregon this 31 day of October 2016.

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

Mailing Date: NOV 03 2016