

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-13603, Umatilla County	)	CHANGES IN PLACE OF USE AND POINTS
	)	OF APPROPRIATION

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

FARMLAND RESERVE, INC.  
PO BOX 2308  
PASCO, WA 99302

**Findings of Fact**

1. On February 11, 2021, Farmland Reserve, Inc. filed an application to temporarily change the places of use under Certificates 74762, 80849, 80850, 85124, 87042, 87111, 87666, 87667, 92001, and 94107, for a period of five (5) years, being 2021 through 2025. The applicant also proposes to change certain points of appropriation to facilitate the change in places of use under Certificates 80849, 80850, 85124, 87111, 87666, and 87667. The Department assigned the application number T-13603.
2. Notice of the application for transfer was published on February 16, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Water uses from wells located in critical groundwater areas are subject to allocation under OAR Chapter 690, Division 507. Water uses under Certificates 74762, 80849, 80850, 85124, 87042, 87666, 87667, 92001, and 94107 are within the Stage Gulch Critical Groundwater area, and therefore are subject to allocation.
4. Temporary Transfer Application T-13603 proposes to temporarily transfer a water right from within the boundaries Echo Irrigation District and East Improvement District. The

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 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.

applicant conferred with the districts about proposed temporary transfer. Neither district objected to the transfer.

5. April 20, 2021, the applicant provided further clarification regarding the disposition of water rights layered with appurtenant lands involved in the transfer. On April 21, 2021, the applicant withdrew 121.43 acres authorized on Certificate 87111 from the transfer.

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

**Certificate:** 74762 issued in the names of ROBERT C., RICK L., AND DOUGLAS L. HALE  
(perfected under Permit U-714)

**Use:** IRRIGATION of 62.13 ACRES

**Priority Dates:** MARCH 25, 1955

**Rate:** 0.43 CUBIC FEET PER SECOND

**Limit/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 per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELLS 1, 2, 4, 6 & 7, ALL 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 SOUTH ¼ 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 EAST ¼ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL 6: 132 FEET NORTH AND 2190 FEET WEST FROM THE EAST ¼ 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:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	11	SW NE	300	17.06
3 N	29 E	WM	11	SE NE	300	26.91
3 N	29 E	WM	11	NE SE	303	1.15
3 N	29 E	WM	11	NW SE	303	0.10
3 N	29 E	WM	12	NW NW	3600	11.9
3 N	29 E	WM	12	SW NW	3600	4.98
3 N	29 E	WM	12	NW SW	3600	0.03
<b>Total:</b>						<b>62.13</b>



7. Transfer Application T-13603 proposes to change the place of use to

**Proposed Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	3	NE NW	400	29.63
3 N	29 E	WM	3	NW NW	400	22.87
3 N	29 E	WM	3	SE NW	400	9.63
<b>Total:</b>						<b>62.13</b>

8. A portion of the authorized place of use described in Finding of Fact #6, above, is layered with supplemental irrigation under Certificate 87042. This permit is not involved in the transfer at this location. The applicant has stated that the irrigation use under Certificate 87042 at this location shall remain unexercised at this location during the period of this temporary transfer.
9. As a condition of this Transfer T-13603, the portion of Certificate 87042 that is appurtenant to the authorized place of use as described in Findings of Fact #6, above, shall remain unexercised during the period of this temporary transfer.
10. A portion of the authorized place of use as described in Finding of Fact #6, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 74762 described in FOF #6 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.
11. The proposed place of use described in Finding of Fact #7, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 74762, and these permits, once layered, are subject to the following annual conditions:
  - a. In the interest of preserving groundwater, water use described under Permit S- Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
  - b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.

- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 74762, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

12. The portion of the second right to be transferred is as follows:

**Certificate:** 80849 issued in the name of KENNETH H. COPPINGER (perfected under Permit G-6626)

**Use:** IRRIGATION of 194.33 ACRES

**Priority Dates:** DECEMBER 29, 1975

**Rate:** 2.04 CUBIC FEET PER SECOND

**Limit/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:** COPPINGER WELLS #1 AND #2, BOTH 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 EAST ¼ CORNER OF SECTION 24
3 N	29 E	WM	24	SE NE	COPPINGER WELL #2: 960 FEET NORTH AND 30 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Tax Lot	Acres
3 N	29 E	WM	24	NE NE		3700	11.45
3 N	29 E	WM	24	NW NE		3700	9.51
3 N	29 E	WM	24	SW NE		4000	10.04
3 N	29 E	WM	24	SE NE		8700	11.49
3 N	29 E	WM	24	NE SE		8700	6.33
3 N	29 E	WM	24	NW SE		4000	9.00
3 N	29 E	WM	24	SW SE		8500	8.83
3 N	29 E	WM	24	SE SE		8700	9.08
3 N	30 E	WM	19	NE NW		2000	25.53
3 N	30 E	WM	19	NW NW	1	3700	11.13
3 N	30 E	WM	19	SW NW	2	8700	10.30
3 N	30 E	WM	19	SE NW		600	25.16
3 N	30 E	WM	19	NE SW		600	27.37
3 N	30 E	WM	19	NW SW	3	8700	10.11
3 N	30 E	WM	19	SW SW	4	8700	9.00
<b>Total:</b>							<b>194.33</b>



13. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Transfer Application T-13603 proposes to change the points of appropriation under Certificate 80849, as described below, to serve the proposed place of use.

**Proposed Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	WELL ID	Measured Distances
4 N	30 E	WM	35	SW SE	UMAT 3010	LORENZEN WELL: 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 35

14. Transfer Application T-13603 proposes to change the place of use to

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Proposed Well
3 N	30 E	WM	2	NE SW	400	21.22	Lorenzen Well
3 N	30 E	WM	2	NW SW	400	35.9	Lorenzen Well
3 N	30 E	WM	2	SW SW	400	7.93	Lorenzen Well
3 N	30 E	WM	2	SE SW	400	21.85	Lorenzen Well
3 N	30 E	WM	2	NE SE	300	14.15	Lorenzen Well
3 N	30 E	WM	2	NW SE	301	33.42	Lorenzen Well
3 N	30 E	WM	2	SW SE	301	38.27	Lorenzen Well
3 N	30 E	WM	2	SE SE	300	16.42	Lorenzen Well
3 N	30 E	WM	3	NE SE	500	5.17	Lorenzen Well
<b>Total:</b>						<b>194.33</b>	

15. Portions of the proposed place of use described in Finding of Fact #14, above, will become layered with irrigation under Certificate 94466. This certificate is not involved in this transfer. The applicant has stated that the irrigation under Certificate 94466 will remain unexercised at this location during the period of this temporary transfer.
16. As a condition of this Transfer T-13603, the portion of Certificate 94466 that is appurtenant to the proposed place of use as described in Finding of Fact #14, above, shall remain unexercised during the period of this temporary transfer.
17. The proposed place of use described in Finding of Fact #14, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 80849, and these permits, once layered, are subject to the following annual conditions:
- a. In the interest of preserving groundwater, water use described under Permit S- Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.

- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 80849, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

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

**Certificate:** 80850 issued in the name of H-4 FARMS, INC., RICK HALE, PRESIDENT  
(perfected under Permit G-5215)

**Use:** PRIMARY IRRIGATION of 244.90 ACRES

**Priority Dates:** FEBRUARY 16, 1973

**Rate:** 1.48 CUBIC FOOT PER SECOND from WELL #8 in Subarea H of Stage Gulch CGWA

**Limit/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 its 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, BOTH 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 NW NW OF SECTION 14

**Authorized Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	11	NE SW	300	4.45
3 N	29 E	WM	11	SE SW	304	0.84
3 N	29 E	WM	11	NE SE	300	1.90
3 N	29 E	WM	11	NW SE	300	7.85
3 N	29 E	WM	11	SW SE	304	1.06
3 N	29 E	WM	11	SE SE	304	5.00
3 N	29 E	WM	12	NW SW	300	0.10
3 N	29 E	WM	12	SW SW	304	29.8
3 N	29 E	WM	12	SE SW	102	24.40
3 N	29 E	WM	14	NE NE	3900	30.80
3 N	29 E	WM	14	NW NE	3900	40.00
3 N	29 E	WM	14	SW NE	3900	40.00
3 N	29 E	WM	14	SE NE	3900	38.00



Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	14	NE NW	4100	11.38
3 N	29 E	WM	14	NW NW	3404	0.15
3 N	29 E	WM	14	SE NW	4100	9.17
<b>Total:</b>						<b>244.90</b>

19. A change in point of appropriation from Well #8, located within Subarea H, is necessary to convey the water to the proposed temporary place of use. Transfer Application T-13603 proposes to change the point of appropriation under Certificate 80850, as described below, to serve the entire proposed place of use.

**Proposed Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	WELL ID	Measured Distances
4 N	30 E	WM	35	SW SE	UMAT 3010	LORENZEN WELL: 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 35

20. Transfer Application T-13603 proposes to change the place of use to

**Proposed Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	30 E	WM	1	NE NW	200	27.15
3 N	30 E	WM	1	NW NW	200	32.53
3 N	30 E	WM	1	SW NW	200	30.99
3 N	30 E	WM	1	SE NW	200	30.16
3 N	30 E	WM	1	NE SW	200	29.69
3 N	30 E	WM	1	NW SW	200	32.84
3 N	30 E	WM	1	SW SW	200	30.79
3 N	30 E	WM	1	SE SW	200	30.11
3 N	30 E	WM	2	NE NE	301	0.15
3 N	30 E	WM	2	SE NE	300	0.10
3 N	30 E	WM	2	NE SE	300	0.24
3 N	30 E	WM	2	SE SE	300	0.15
<b>Total</b>						<b>244.90</b>

21. Certificate 80850 authorizes points of appropriation from two different subareas (D and H) of the Stage Gulch Critical Ground Water Area. Water use from an authorized point of appropriation within a specific subarea may not be transferred to a different subarea. Therefore, the water use from the Lorenzo Well, located within Subarea H, under Certificate 80850 as proposed in this transfer, may not exceed 1.48 CFS, and is further limited as ordered for any 2021, 2022, 2023, 2024, and 2025 Annual Allocation of Groundwater in the Stage Gulch Critical Groundwater Area, Subarea H, under Certificate 80850.

22. A portion of the authorized place of use as described in Finding of Fact #18, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the

authorized place of use under Certificate 80850 described in FOF #18 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

23. The proposed place of use described in Finding of Fact #20, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 80850, and these permits, once layered, are subject to the following annual conditions:

- a. In the interest of preserving groundwater, water use described under Permit S-Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 80850, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

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

**Certificate:** 85124 issued in the name of ROBERT C. HALE, RICK L. HALE, and DOUGLAS L. HALE (perfected under Permit G-4969)

**Use:** PRIMARY IRRIGATION of 116.37 ACRES and SUPPLEMENTAL IRRIGATION of 129.54 ACRES

**Priority Dates:** JUNE 8, 1971

**Rate:** 2.29 CUBIC FEET PER SECOND (CFS), being 1.21 CFS from Wells #1, 2, 4, 6 & 7, and 1.08 CFS from Well #3

**Limit/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 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.

**Source:** WELLS 1, 2, 3, 4, 6 & 7, ALL WITHIN THE STAGE GULCH BASIN



**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Subarea of Stage Gulch Critical GWA
3 N	30 E	WM	7	NW NW	WELL 1: 4340 FEET NORTH AND 1830 FEET WEST FROM THE SOUTH ¼ CORNER OF SECTION 7	D
3 N	30 E	WM	6	NW SW	WELL 2: 2010 FEET NORTH AND 1330 FEET EAST FROM THE SW CORNER OF SECTION 6	D
3 N	30 E	WM	7	SW SW	WELL 3: 1420 FEET SOUTH AND 40 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 7	H
3 N	29 E	WM	2	SE NE	WELL 4: 180 FEET NORTH AND 260 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 2	D
3 N	29 E	WM	11	SW NE	WELL 6: 132 FEET NORTH AND 2190 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 11	D
3 N	29 E	WM	12	NW NW	WELL 7: 1010 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 12	D

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	SW NE	100	0.77
3 N	29 E	WM	1	NE SE	300	8.60
3 N	29 E	WM	1	SE SE	300	0.98
3 N	29 E	WM	12	NE NE	100	1.30
3 N	29 E	WM	12	NW NE	3600	0.71
3 N	29 E	WM	12	SW SE	3600	5.26
3 N	29 E	WM	12	NE SE	100	5.13
3 N	29 E	WM	12	NW SE	3600	2.37
3 N	29 E	WM	12	SW SE	102	4.13
3 N	30 E	WM	6	NE NW	300	33.14
3 N	30 E	WM	6	SE NW	300	36.12
3 N	30 E	WM	6	NWSW	300	11.42
3 N	30 E	WM	7	NE SW	1500	6.44
<b>Total:</b>						<b>116.37</b>

SUPPLEMENTAL IRRIGATION (LAYERED WITH 92001)						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	NE SE	300	0.50
3 N	29 E	WM	1	SE SE	300	0.20
3 N	29 E	WM	12	NE NE	100	0.88
3 N	29 E	WM	12	NE SE	100	0.25
3 N	30 E	WM	6	NW SW	300	8.18
3 N	30 E	WM	6	SW SW	300	10.24
3 N	30 E	WM	6	SE SW	300	7.97
3 N	30 E	WM	7	NE NW	1500	7.47
3 N	30 E	WM	7	NW NW	1500	6.16
3 N	30 E	WM	7	SW NW	1500	23.93
3 N	30 E	WM	7	SE NW	1500	23.38
3 N	30 E	WM	7	NE SW	1500	32.34
3 N	30 E	WM	7	NW SW	1500	8.04
<b>Total:</b>						<b>129.54</b>

25. A change in point of appropriation from Well #3, located within Subarea H, is necessary to convey the water to the proposed temporary place of use, which is also located within Subarea H, for primary irrigation. Transfer Application T-13603 proposes to change the point of appropriation under Certificate 85124 for primary irrigation, as described below, to serve portions of the proposed place of use.

**Proposed Point of Appropriation for Primary Irrigation:**

Twp	Rng	Mer	Sec	Q-Q	WELL ID	Measured Distances	Subarea of Stage Gulch Critical GWA
4 N	30 E	WM	35	SW SE	UMAT 3010	LORENZEN WELL: 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 35	H

26. Transfer Application T-13603 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Proposed Well
3 N	30 E	WM	2	NE NE	301	37.62	LORENZEN
3 N	30 E	WM	2	NW NE	301	31.85	LORENZEN
3 N	30 E	WM	2	SW NE	300	14.29	LORENZEN
3 N	30 E	WM	2	SE NE	300	16.39	LORENZEN
3 N	30 E	WM	2	NW SW	400	1.88	LORENZEN
3 N	30 E	WM	2	SW SW	400	4.91	LORENZEN
3 N	30 E	WM	3	NE SE	500	2.96	LORENZEN
3 N	30 E	WM	3	SE SE	400	6.41	LORENZEN
4 N	30 E	WM	35	SW SE	3701	0.01	LORENZEN
4 N	30 E	WM	35	SE SE	3704	0.05	LORENZEN
<b>Total:</b>						<b>116.37</b>	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Authorized Wells
3 N	29 E	WM	2	NE SW	100	8.49	Hale Wells #1, #2, #4, #6 #7
3 N	29 E	WM	2	NW NW	400	10.54	Hale Wells #1, #2, #4, #6 #7
3 N	29 E	WM	2	SW SW	400	12.57	Hale Wells #1, #2, #4, #6 #7
3 N	29 E	WM	2	SE SW	100	16.64	Hale Wells #1, #2, #4, #6 #7
3 N	29 E	WM	11	SE SW	304	4.24	Hale Wells #1, #2, #4, #6 #7
3 N	30 E	WM	7	NE NE	400	8.06	Hale Wells #1, #2, #4, #6 #7
3 N	30 E	WM	7	NW NE	400	16.23	Hale Wells #1, #2, #4, #6 #7
3 N	30 E	WM	7	SW NE	1300	34.32	Hale Wells #1, #2, #4, #6 #7
3 N	30 E	WM	7	SE NE	1300	18.30	Hale Wells #1, #2, #4, #6 #7
3 N	30 E	WM	7	NW SE	1300	0.15	Hale Wells #1, #2, #4, #6 #7
<b>Total:</b>						<b>129.54</b>	

27. Certificate 85124 authorizes points of appropriation from two different subareas (D and H) of the Stage Gulch Critical Ground Water Area. Water use from an authorized point of appropriation within a specific subarea may not be transferred to a different subarea. Therefore, the water use from the Lorenzo Well, located within Subarea H, under Certificate 85124 as proposed in this transfer for primary irrigation, may not exceed 1.08 CFS, and is further limited as ordered for any 2021, 2022, 2023, 2024, and 2025 Annual Allocation of



Groundwater in the Stage Gulch Critical Groundwater Area, Subarea H, under Certificate 85124. And the water use from the Wells 1, 2, 4, 6 & 7 located within Subarea D under Certificate 85124 as proposed in this transfer for supplemental irrigation, may not exceed 1.21 CFS, and is further limited as ordered for any 2021, 2022, 2023, 2024, and 2025 Annual Allocation of Groundwater in the Stage Gulch Critical Groundwater Area, Subarea H, under Certificate 85124.

28. A portion of the authorized place of use as described in Finding of Fact #24, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 85124 described in FOF #24 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.
29. A portion of the proposed place of use for primary irrigation described in Finding of Fact #26, above, will become layered with primary irrigation under Certificate 94466. This certificate is not involved in this transfer. The applicant has stated that the irrigation under Certificate 94466 will remain unexercised at this location during the period of this temporary transfer.
30. As a condition of this Transfer T-13603, the portion of Certificate 94466 that is appurtenant to the proposed place of use as described in Finding of Fact #26, above, shall remain unexercised during the period of this temporary transfer.
31. The proposed place for primary irrigation of use described in Finding of Fact #26, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. The proposed place for supplemental irrigation of use described in Finding of Fact #26, above, will become layered with the same lands for which there is primary use or supplemental use Planned Irrigation Activity during the 2021 irrigation season. In addition, primary and/or supplemental irrigation under Certificate 85124 may become layered with Permits S-55114, S-55262, and S-55263, again with in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 85124, and these permits, once layered, are subject to the following annual conditions:
  - a. In the interest of preserving groundwater, water use described under Permit S- Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
  - b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.

- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 85124, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

32. The portion of the fifth right to be transferred is as follows:

**Certificate:** 87042 issued in the names of ROBERT C., RICK L., AND DOUGLAS L. HALE  
(perfected under Permit G-5215)

**Use:** PRIMARY IRRIGATION of 103.02 ACRES

**Priority Dates:** FEBRUARY 16, 1973

**Rate:** 0.92 CUBIC FOOT PER SECOND

**Limit/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 per acre for each acre irrigated during the irrigation season of each year.

**Source:** WELLS 1, 2, 4, 6 & 7, ALL 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 SOUTH ¼ 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 EAST ¼ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL 6: 132 FEET NORTH AND 2190 FEET WEST FROM THE EAST ¼ 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:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	NE NW	100	5.47
3 N	29 E	WM	1	SW NW	100	3.83
3 N	29 E	WM	1	SE NW	100	14.99
3 N	29 E	WM	1	NE SW	100	17.5
3 N	29 E	WM	1	SW SW	100	11.33
3 N	29 E	WM	1	SE SW	100	3.54
3 N	29 E	WM	2	SW NE	100	1.12
3 N	29 E	WM	2	SE NE	100	8.86
3 N	29 E	WM	2	NE SE	100	6.55
3 N	29 E	WM	2	NW SE	100	0.93
3 N	29 E	WM	2	SW SE	100	0.98
3 N	29 E	WM	2	SE SE	100	9.62
3 N	29 E	WM	11	NE SE	300	14.40
3 N	29 E	WM	11	NW SE	300	1.00
3 N	29 E	WM	12	NE NW	3600	1.99



IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	12	SE NW	3600	0.58
3 N	29 E	WM	12	NE SW	3600	0.33
<b>Total:</b>						<b>103.02</b>

33. Transfer Application T-13603 proposes to change the place of use to

**Proposed Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	2	NE NW	100	28.38
3 N	29 E	WM	2	NW NW	400	16.96
3 N	29 E	WM	2	SW NW	400	9.74
3 N	29 E	WM	2	SE NW	100	16.72
3 N	29 E	WM	2	NW SW	400	8.71
3 N	29 E	WM	2	SW SW	400	22.23
3 N	29 E	WM	3	SE SE	400	0.28
<b>Total</b>						<b>103.02</b>

34. A portion of the authorized place of use as described in Finding of Fact #32, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 87042 described in FOF #32 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

35. The proposed place of use described in Finding of Fact #33, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 87042, and these permits, once layered, are subject to the following annual conditions:

- a. In the interest of preserving groundwater, water use described under Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate

87042, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

36. The portion of the sixth right to be transferred is as follows:

**Certificate:** 87111 issued in the name of HALE FARMS, LLC (perfected under Permit S-37121)

**Use:** PRIMARY IRRIGATION of 77.50 ACRES

**Priority Dates:** OCTOBER 3, 1973, plus one minute for 0.34 CUBIC FEET PER SECOND; and DECEMBER 11, 1973, plus one minute for 0.09 CUBIC FEET PER SECOND

**Rate:** 0.43 CUBIC FOOT PER SECOND

**Limit/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-SIXTIETH of one cubic foot per second, 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 use of water on 77.5 ACRES in combination with the total quantity used on the remaining 1782.5 acres under this certificate is limited to a maximum of 10.36 cfs and a total duty of 1861.0 Acre-Feet during the term of T-13603.**

**Source:** The COLUMBIA RIVER, tributary of the PACIFIC OCEAN

**Authorized Point of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STAHL PUMP STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION FROM STAHL PUMP STATION							
Twp	Rng	Mer	Sec	Q-Q	G-Lot	TaxLot	Acres
3 N	30E	WM	7	NW SW	3	1500	46.22
3 N	30 E	WM	7	SW SW	4	1600	31.28
<b>Total:</b>							<b>77.50</b>

37. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13603 proposes to add an additional point of diversion approximately 50 feet downstream on the Columbia River at the location described below.

**Proposed Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EID PUMP STATION: 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8



38. Transfer Application T-13603 proposes to change the place of use to

**Proposed Place of Use:**

IRRIGATION FROM EID PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	13	SW SE	3700	31.36
3 N	29 E	WM	13	SE SE	3700	30.29
3 N	29 E	WM	14	NE SE	3900	0.93
3 N	29 E	WM	23	SW NE	8200	0.09
3 N	29 E	WM	23	NE SE	8300	0.21
3 N	29 E	WM	23	NW SE	8200	5.56
3 N	29 E	WM	23	SW SE	8200	5.40
3 N	29 E	WM	23	SE SE	8400	3.64
3 N	29 E	WM	24	NE NE	3700	0.01
3 N	29 E	WM	24	NW NE	3700	0.01
<b>Total</b>						<b>77.50</b>

39. Portions of the authorized place of use described in Finding of Fact #36, above, are layered with irrigation under primary groundwater Certificates 87042, 85124 and 92001. These groundwater certificates are located in the Subarea D of the Stage Gulch Critical Groundwater Area, and are not involved in this transfer. Certificates 87042, 85124 and 92001 will remain in place and become layered with a Planned Irrigation under Permits S-55114, S-55262, and S-55263, which is the same source of water as Certificates 87111. Certificate 87111 and Permits S-55114, S-55262, & S-55263 each allow for use of primary water from the Columbia River, and under certain conditions, may be used with primary groundwater in a critical ground water area, and therefore are considered to be of similar reliability pursuant to 690-380-2240 (5).

40. As a condition of Transfer T-13603, the portions of Certificates 87042, 85124 and 92001 that are appurtenant to the authorized place of use as described in Finding of Fact #36, above, may only be exercised during the period of this temporary transfer if layered with irrigation under Columbia River water Permits S-55114, S-55262, and S-55263.

41. A portion of the authorized place of use as described in Finding of Fact #36, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 87111 described in FOF #36 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

42. The proposed place of use described in Finding of Fact #38, above, will become layered with the same lands for which there is supplemental use Planned Irrigation Activity during the 2021 irrigation season under Permits S-54633, S-55061 and S-55190. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under these permits is subject to the following annual use conditions:

- a. The amount of water used under Permits S-54633, S-55061 and S-55190, together with the amount secured under any other right existing for the same lands, including

Certificate 87111, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

- b. If water under Permits S-54633, S-55061 and S-55190 is planned for use as supplemental irrigation, then pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.

43. The portion of the seventh right to be transferred is as follows:

**Certificate:** 87666 issued in the name of HALE FARMS, LLC (perfected under Permit G-5335)

**Use:** IRRIGATION of 12.52 ACRES

**Priority Dates:** JULY 19, 1974

**Rate:** 0.06 CUBIC FOOT PER SECOND, if available at the original point of appropriation

**Limit/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, provided the amount of water used at the authorized place of use, together with the amount of water approved for use under Certificate 86680 shall not exceed 1.86 cubic feet per second and 1,014.56 acre feet per year, which reflect the capacity of the well system at the time of perfection attributable to the rights modified by T-10692.

**Source:** FOUR WELLS, ALL 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 NW OF SECTION 14
3 N	29 E	WM	23	SE NE	COPPINGER WELL #3: 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 23
3 N	29 E	WM	24	SW NE	COPPINGER WELL #1: 20 FEET NORTH AND 1570 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 24
3 N	30 E	WM	7	SW SW	HALE WELL #3: 1420 FEET SOUTH AND 40 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 7

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	13	SW SW	4000	0.73
3 N	29 E	WM	13	SE SW	4000	0.90
3 N	29 E	WM	24	NW NW	4000	3.15
3 N	29 E	WM	24	SW NW	4000	1.17
3 N	29 E	WM	24	NE SW	4000	2.86



IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	24	NW SW	4000	3.71
<b>Total:</b>						<b>12.52</b>

44. A change in points of appropriation is necessary to convey the water to the proposed temporary place of use. Transfer Application T-13603 proposes to change the points of appropriation under Certificate 87666, as described below, to serve portions of the proposed place of use.

**Proposed Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	WELL ID	Measured Distances
4 N	30 E	WM	35	SW SE	UMAT 3010	LORENZEN WELL: 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 35

45. Transfer Application T-13603 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Proposed Well
3 N	30 E	WM	1	NE NW	200	2.41	Lorenzen Well
3 N	30 E	WM	1	NW NW	200	0.21	Lorenzen Well
3 N	30 E	WM	2	SW SW	400	9.90	Lorenzen Well
<b>Total</b>						<b>12.52</b>	

46. A portion of the authorized place of use as described in Finding of Fact #43, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 87666 described in FOF #43 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

47. The proposed place of use described in Finding of Fact #45, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 87666, and these permits, once layered, are subject to the following annual conditions:

- a. In the interest of preserving groundwater, water use described under Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.

- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 87666, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

48. The portion of the eight right to be transferred is as follows:

**Certificate:** 87667 issued in the name of HALE FARMS, LLC (perfected under Permit G-5337)

**Use:** IRRIGATION of 71.17 ACRES

**Rate:** 0.74 CUBIC FOOT PER SECOND, if available at the original point of appropriation

**Priority Dates:** OCTOBER 21, 1974

**Limit/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, provided the amount of water use at the authorized place of use together with the amount of water approved for use under Certificate 86679 shall not exceed 1.86 cubic feet per second and 1,014.56 acre feet per year, which reflect the capacity of the well system at the time of perfection attributable to the rights modified by T-10692.

**Source:** FOUR WELLS, ALL 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 NW OF SECTION 14
3 N	29 E	WM	23	SE NE	COPPINGER WELL #3: 3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 23
3 N	29 E	WM	24	SW NE	COPPINGER WELL #1: 20 FEET NORTH AND 1570 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 24
3 N	30 E	WM	7	SW SW	HALE WELL #3: 1420 FEET SOUTH AND 40 FEET EAST FROM THE W ¼ CORNER OF SECTION 7

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	23	SW NE	8200	0.05
3 N	29 E	WM	23	SE NE	8300	0.40
3 N	29 E	WM	23	NE SE	8300	1.55
3 N	29 E	WM	23	NW SE	8200	0.99
3 N	29 E	WM	24	NE NW	4000	2.44
3 N	30 E	WM	6	NE SE	200	28.84



IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	30 E	WM	6	NW SE	200	2.50
3 N	30 E	WM	6	SW SE	400	3.40
3 N	30 E	WM	6	SE SE	400	31.00
<b>Total:</b>						<b>71.17</b>

49. A change in points of appropriation is necessary to convey the water to the proposed temporary place of use. Transfer Application T-13603 proposes to change the points of appropriation under Certificate 87667, as described below, to serve the entire proposed place of use.

**Proposed Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	WELL ID	Measured Distances
4 N	30 E	WM	35	SW SE	UMAT 3010	LORENZEN WELL: 1860 FEET SOUTH AND 2920 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 35

50. Transfer Application T-13603 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	30 E	WM	2	SW NE	300	12.39
3 N	30 E	WM	2	SE NW	400	30.91
3 N	30 E	WM	2	NE SW	400	9.47
3 N	30 E	WM	2	SW SW	400	14.18
3 N	30 E	WM	2	NW SE	301	2.53
3 N	30 E	WM	3	SE SE	400	1.69
<b>Total:</b>						<b>71.17</b>

51. A portion of the authorized place of use as described in Finding of Fact #48, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 74767 described in FOF #48 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

52. The proposed place of use described in Finding of Fact #50, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 87667, and these permits, once layered, are subject to the following annual conditions:

- a. In the interest of preserving groundwater, water use described under Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary

supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.

- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 87667, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

53. The portion of the ninth right to be transferred is as follows:

**Certificate:** 92001 issued in the name of RICK L. HALE, DOUGLAS L. HALE , and ROBERT C. HALE (perfected under Permit G-2415)

**Use:** IRRIGATION 129.54 of ACRES

**Priority Date:** April 8, 1963

**Rate:** 0.77 CUBIC FOOT PER SECOND, if available at the original point of appropriation

**Limit/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, & 7, ALL 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 SOUTH ¼ 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 EAST ¼ CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL 6: 132 FEET NORTH AND 2190 FEET WEST FROM THE EAST ¼ 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:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	1	NE SE	300	0.50
3 N	29 E	WM	1	SE SE	300	0.20
3 N	29 E	WM	12	NE NE	100	0.88
3 N	29 E	WM	12	NE SE	100	0.25
3 N	30 E	WM	6	NW SW	300	8.18
3 N	30 E	WM	6	SW SW	300	10.24
3 N	30 E	WM	6	SE SW	300	7.97
3 N	30 E	WM	7	NE NW	1500	7.47
3 N	30 E	WM	7	NW NW	1500	6.16
3 N	30 E	WM	7	SW NW	1500	23.93



IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	30 E	WM	7	SE NW	1500	23.38
3 N	30 E	WM	7	NE SW	1500	32.34
3 N	30 E	WM	7	NW SW	1500	8.04
<b>Total:</b>						<b>129.54</b>

54. Transfer Application T-13603 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	2	NE SW	100	8.49
3 N	29 E	WM	2	NW SW	400	10.54
3 N	29 E	WM	2	SW SW	400	12.57
3 N	29 E	WM	2	SE SW	100	16.64
3 N	29 E	WM	11	SE SW	304	4.24
3 N	30 E	WM	7	NE NE	400	8.06
3 N	30 E	WM	7	NW NE	400	16.23
3 N	30 E	WM	7	SW NE	1300	34.32
3 N	30 E	WM	7	SE NE	1300	18.30
3 N	30 E	WM	7	NW SE	1300	0.15
<b>Total:</b>						<b>129.54</b>

55. A portion of the authorized place of use as described in Finding of Fact #53, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 92001 described in FOF #53 is not subject to conditions set forth in Permits S-55114, S-55262 and S-55263 and S-55173.

56. The proposed place of use for 52.45 acres of primary irrigation located in Township 3 North, Range 29 East, Sections 2 and 11, of use as described in Finding of Fact #54, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. The proposed place of use for 77.09 acres of primary irrigation located in Township 3 North, Range 30 East, as described in Finding of Fact #54, above, will become layered with the same lands for which there is supplemental use Planned Irrigation Activity during the 2021 irrigation season. In addition, these proposed places of use may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 92001, and these permits, once layered, are subject to the following annual conditions:

- a. In the interest of preserving groundwater, water use described under Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.

- b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
- c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 92001, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.

57. The portion of the tenth right to be transferred is as follows:

**Certificate:** 94107 issued in the name of FARMLAND RESERVE, INC., C/O AGRINORTHWEST (perfected under Permit G-7183)

**Use:** IRRIGATION of 9.51 ACRES

**Priority Date:** FEBRUARY 25, 1977

**Rate:** 0.12 CUBIC FOOT PER SECOND, if available at the original Well #2

**Limit/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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** SEIBEL WELL WITHIN THE UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	9	SE SW	SEIBEL WELL: 380 FEET NORTH AND 3120 FEET WEST FROM THE SE CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	15	SWSE	600	1.49
3 N	29 E	WM	15	SESE	600	8.02
<b>Total:</b>						<b>9.51</b>

58. Transfer Application T-13603 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29 E	WM	2	NE NW	400	4.50
3 N	29 E	WM	2	NW NW	400	3.18
3 N	29 E	WM	3	NE NW	400	0.01
3 N	29 E	WM	3	SE NW	400	1.82
<b>Total:</b>						<b>9.51</b>

59. A portion of the authorized place of use as described in Finding of Fact #57, above, is appurtenant to lands described under Permits S-55114, S-55262 and S-55263 and S-55173. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean.



The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer.

60. The proposed place of use described in Finding of Fact #58, above, will become layered with the same lands for which there is primary use Planned Irrigation Activity during the 2021 irrigation season under Permits S-55114, S-55262, and S-55263. In addition, it may become layered again in subsequent years prior to the termination of this transfer. Use of water under groundwater Certificate 94107, and these permits, once layered, are subject to the following annual conditions:
- a. In the interest of preserving groundwater, water use described under Permits S-55114, S-55262, and S-55263 may be used as the primary supply when surface water is available for use under these permits. If water use under these permits is supplemental to a primary groundwater right, and the water under the permits is used as the primary supply, then the primary groundwater right for the same place of use cannot be transferred separately to another place of or character of use.
  - b. If water from Permits S-55114, S-55262, and S-55263 is used for supplemental irrigation, the pre-existing primary rights for the same place of use cannot be transferred to another place or character of use.
  - c. The amount of water used for under these three permits, together with the amount secured under any other right existing for the same lands, including Certificate 94107, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during this irrigation season.
61. Portions of the authorized and proposed places of use described in Finding of Facts #6, #12, #18, #24, #36, #38, #43, #48, #53, #54, #57, and #58, above, are layered with supplemental irrigation under Permit S-54773. This permit is not involved in the transfer. The applicant has stated that the irrigation use under Permit S-54773 shall remain unexercised during the period of this temporary transfer.
62. As a condition of Transfer T-13603, the portion of Permit S-54773 that is appurtenant to the authorized place of use as described Finding of Facts #6, #12, #18, #24, #36, #38, #43, #48, #53, #54, #57, and #58, above, shall remain unexercised during the period of this temporary transfer.
63. Pursuant to ORS 540.523(7), during the period of this temporary transfer, this transfer must be conditioned to prevent lands from which the water right is removed from receiving water under the transferred water right.

***Temporary Transfer Review Criteria***

64. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
65. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.

66. The proposed changes, as conditioned, would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
67. The Department finds the proposed changes, as conditioned, would not result in injury to other water rights in accordance with ORS 540.523(2). This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.
68. All other applicable requirements for a temporary water right transfer pursuant to OAR Chapter 690, Division 380, are met.

### **Conclusions of Law**

The temporary changes in place of use and in some points of appropriation/diversion needed to convey water to the temporary places of use proposed in Temporary Transfer Application T-13603, as conditioned above, are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and additional points of appropriation needed to convey water to the temporary place of use proposed in Temporary Transfer Application T-13603 are approved, providing that water use from an proposed point of appropriation within a specific subarea of the Stage Gulch Critical Ground Water Area may not have originated from an authorized point of appropriation from a different subarea.
2. All water use from any proposed point of appropriation from wells located within the Stage Gulch Critical Groundwater Area is subject to any 2021, 2022, 2023, 2024 and/or 2025 annual allocation as authorized in final orders of the Department for its originating authorized point of appropriation on the same water right.
3. The lands from which the water rights described by Water Right Certificates 74762, 80849, 80850, 85124, 87042, 87111, 87666, 87667, 92001, and 94107 are temporarily removed shall not receive any water under the rights during the 2021, 2022, 2023, 2024, and 2025 irrigation seasons.
4. The portions of Permit S-54773 that are appurtenant to the authorized and proposed places of use as described in Findings of Fact #6, #12, #18, #24, #36, #38, #43, #48, #53, #54, #57, and #58, above, shall remain unexercised during the period of this temporary transfer.
5. The portion of Certificate 87042 that is appurtenant to the authorized place of use as described in Finding of Fact #6, above, shall remain unexercised during the period of this temporary transfer.



6. The portion of Certificate 94466 that is appurtenant to the proposed places of use as described in Finding of Fact #14 and #26, above, shall remain unexercised during the period of this temporary transfer.
7. The portions of Certificates 87042, 85124, and 92001 that are appurtenant to the authorized place of use as described in Finding of Fact #36, above, may only be exercised during the period of this temporary transfer if layered with irrigation under Columbia River water Permits S-55114, S-55262, and S-55263.
8. All uses of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently.
9. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
10. Any subsequent application for permanent transfer of Certificates 74762, 80849, 80850, 85124, 87042, 87111, 87666, 87667, 92001, and/or 94107 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
11. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 74762, 80849, 80850, 85124, 87042, 87111, 87666, 87667, 92001, and 94107.
12. The time during which water is used on the proposed lands under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
13. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

14. The use of the remaining water rights described by Certificates 74762, 80849, 80850, 85124, 87042, 87111, 87666, 87667, 92001, and 94107 not involved in this transfer shall continue to be in accordance with the terms and conditions of those Certificates.

Signed at Salem, Oregon this           **MAY 04 2021**          .



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Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date:           **MAY 06 2021**