

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11448, 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 HWY 207
ECHO, OR 97826

Findings of Fact

1. On July 20, 2012, Echo Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificate 87666. The Department assigned the application number T-11448.
2. Notice of the application for temporary transfer was published July 24, 2012, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the primary right to be transferred is as follows:
Certificate: 87666, issued in the name Hale Farms, LLC (perfected under Permit G-5335)
Use: Irrigation of 69.8 acres
Priority Date: July 19, 1974
Rate & Duty: ONE-EIGHTIETH of one cfs or the equivalent for each acre irrigated and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The irrigation season used herein shall include any time of each year that water can be put to beneficial use by irrigation, either from 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
Source: Hale Well #3, within the Umatilla River Basin

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Points 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 W1/4 corner of Section 7

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	23	NE SE	8400	1.6	HALE FARM, LLC
3 N	29 E	WM	23	NW SE	8400	22.7	HALE FARM, LLC
3 N	29 E	WM	23	SW SE	8400	24.4	HALE FARM, LLC
3 N	29 E	WM	23	SE SE	8400	21.1	HALE FARM, LLC
TOTAL:						69.8	

- Transfer Application T-11448 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	29 E	WM	3	NE NW	400	32.9	MERLE GEHRKE
3 N	29 E	WM	3	NW NW	400	23.7	MERLE GEHRKE
3 N	29 E	WM	3	SE NW	400	13.2	MERLE GEHRKE
TOTAL:						69.8	

- 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.
- The water right is subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law

The temporary changed in place of use as proposed in Transfer Application T-11448 satisfies the requirements of ORS 540.570 and 540.574(3).

Now, therefore, it is ORDERED:

- The temporary change proposed in Transfer Application T-11448 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2012 irrigation season.
- The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
- 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.

5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. 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.
7. A subsequent application for permanent transfer of Certificate 87666 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.
8. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 87666.
9. 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.
10. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
11. The use of the remaining water right described by Certificate 87666 shall continue to be in accordance with the terms and conditions of Certificate 87666.

Dated at Salem, Oregon this 30 day of August, 2012.


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

Mailing date: SEP 04 2012