

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

In the Matter of Transfer Application        ) FINAL ORDER APPROVING A  
T-11238, Umatilla County                    ) DISTRICT TEMPORARY TRANSFER

**Authority**

ORS 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

**Applicant**

ECHO IRRIGATION DISTRICT  
73120 HIGHWAY 207  
ECHO, OR 97826

**Findings of Fact**

1. On April 29, 2011, Echo Irrigation District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 (supersedes 86214), and Permit 54561. The Department assigned the application number T-11238.
2. Notice of the application for temporary transfer was published May 10, 2011, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. On May 20, 2011, Echo Irrigation District amended their application and map to clarify the place of use.
4. The portion of the FIRST primary right and its layered supplemental right to be transferred is as follows:  
**Certificate:** 85124, issued in the name of Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-4969)  
**Priority Date:** June 8, 1971  
**Quantity:** 0.90 cubic foot per second (cfs)  
**Use:** IRRIGATION of 96.7 acres  
**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

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 OR 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.

**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 S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 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 W1/4 CORNER OF SECTION 7
3 N	29 E	WM	2	SE NE	WELL #4 - 180 FEET NORTH AND 260 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 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

**Water Use Permit:** S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

**Use:** SUPPLEMENTAL IRRIGATION (IS) of 96.7 acres

**Priority Date:** January 30, 2008

**Quantity:** 0.42 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for Supplemental Irrigation from March 1 – April 14 and then from October 1 to October 31

**Source:** COLUMBIA RIVER, a 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	2910 feet North and 120 feet East from the SW Corner of Section 8

**Authorized Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Certificate/Permit (acres)		User
						85124 (IR)	Per.54561(IS)	
3N	29E	WM	1	NE SE	100	8.6	8.6	HALE BROS. FARMS
3N	30E	WM	6	NE NW	300	32.8	32.8	HALE BROS. FARMS
3N	30E	WM	6	SE NW	300	36.5	36.5	HALE BROS. FARMS
3N	30E	WM	6	NE SW	300	1.7	1.7	HALE BROS. FARMS
3N	30E	WM	6	NW SW	300	10.3	10.3	HALE BROS. FARMS
3N	30E	WM	7	NE SW	1500	6.8	6.8	HALE BROS. FARMS
<b>TOTAL:</b>						<b>96.7</b>	<b>96.7</b>	

5. Transfer Application T-11238 proposes to TEMPORARILY change the place of use of the rights to:

**Proposed Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						85124 (IR)	Per.54561(IS)	
3N	29E	WM	1	SW NE	100	6.2 <sup>1</sup>	6.2 <sup>1</sup>	HALE BROS. FARMS
3N	29E	WM	1	SE NE	100	0.8 <sup>1</sup>	0.8 <sup>1</sup>	HALE BROS. FARMS
3N	29E	WM	1	NE SE	100	11.6 <sup>1</sup>	11.6 <sup>1</sup>	HALE BROS. FARMS
3N	29E	WM	1	NW SE	100	3.5 <sup>1</sup>	3.5 <sup>1</sup>	HALE BROS. FARMS
3N	29E	WM	1	SW SE	100	4.9 <sup>1</sup>	4.9 <sup>1</sup>	HALE BROS. FARMS
3N	29E	WM	1	SE SE	100	0.8 <sup>1</sup>	0.8 <sup>1</sup>	HALE BROS. FARMS

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
						CERTIFICATE/PERMIT (ac)		
3N	30E	WM	6	SW NW	300	2.1 <sup>1</sup>	27.5 <sup>1</sup>	HALE BROS. FARMS
3N	30E	WM	8	NE SW	1400	31.0 <sup>1</sup>	31.0 <sup>1</sup>	HALE BROS. FARMS
3N	30E	WM	8	SW SW	1400	4.2 <sup>1</sup>	4.2 <sup>1</sup>	HALE BROS. FARMS
3N	30E	WM	8	SE SW	1400	4.1 <sup>1</sup>	4.1 <sup>1</sup>	HALE BROS. FARMS
3N	30E	WM	8	SE SW	1400	27.5 <sup>1</sup>	27.5 <sup>1</sup>	HALE BROS. FARMS
<b>TOTAL:</b>						<b>96.7</b>	<b>96.7</b>	

**NOTE:** The applicant has stated that the supplemental water right Permit 54561 already existing on these "TO" lands will not be used or transferred during the 2011 irrigation season.

6. Transfer Application T-11238 also proposes to TEMPORARILY add two additional points of appropriation under this right to facilitate the place of use change for the above described 96.7 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	DITCHEN WELL #1 – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHEN WELL #2 – 80 FEET EAST FROM THE SW CORNER OF SECTION 20

7. The portion of the SECOND primary right and it's layered supplemental rights to be transferred are as follows:

**Certificate:** 74896 (as modified by Transfer Application T-6787) issued in the name of Robert C., Rick L., and Douglas L. Hale (originally perfected under Permit G-2415)

**Use:** Irrigation (IR) of 59.5 acres

**Priority Date:** April 8, 1963

**Quantity:** 0.35 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cubic foot per second (cfs) for each acre irrigated and further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of reach year

**Source:** Wells #1, #2, #4, #5, #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 S1/4 Corner of Section 7
3 N	30 E	WM	6	NW SW	Well #2 – 2011 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 W1/4 Corner of Section 7
3 N	29 E	WM	2	SE NE	Well #4 - 180 feet North and 260 feet West from the E1/4 Corner of Section 2
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	11	SW NE	Well #6 - 132 feet North and 2190 feet West from the E1/4 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

**Certificate:** 85124, issued in the name of Robert C., Rick L., and Douglas Hale (perfected under Permit G-4969)

**Use:** Supplemental Irrigation (IS) of 59.5 acres

**Priority Date:** June 8, 1971

**Quantity:** 0.55 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 S1/4 Corner of Section 7
3 N	30 E	WM	6	NW SW	Well #2 - 2011 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 W1/4 Corner of Section 7
3 N	29 E	WM	2	SE NE	Well #4 - 180 feet North and 260 feet West from the E1/4 Corner of Section 2
3 N	29 E	WM	11	SW NE	Well #6 - 132 feet North and 2190 feet West from the E1/4 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

**Permit:** S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

**Use:** Supplemental Irrigation (IS) of 59.5 acres

**Priority Date:** January 30, 2008

**Quantity:** 0.49 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 – April 14 and from October 1 - October 31

**Source:** Columbia River, a 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	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Places of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74896(IR)	85124 (IS)**	Per S-54561(IR)	
3N	30 E	WM	7	SW NW	1500	9.5	9.5	9.5	HALE BROS. FARMS
3N	30 E	WM	7	SE NW	1500	16.8	16.8	16.8	HALE BROS. FARMS
3N	30 E	WM	7	NE SW	1500	33.2	33.2	33.2	HALE BROS. FARMS
<b>TOTAL:</b>						<b>59.5</b>	<b>59.5</b>	<b>59.5</b>	

8. Transfer Application T-11238 proposes to temporarily change the place of use of the rights to:

**Proposed Places of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74896 (IR)	85124(IS)**	Per S-54561(IS)	
3N	30E	WM	6	SW SW	1500	5.5 <sup>1&amp;2</sup>	5.5 <sup>1&amp;2</sup>	5.5 <sup>1&amp;2</sup>	HALE BROS. FARMS
3N	30E	WM	8	NW SW	1400	28.1 <sup>1&amp;2</sup>	28.1 <sup>1&amp;2</sup>	28.1 <sup>1&amp;2</sup>	HALE BROS. FARMS
3N	30E	WM	8	SW SW	1400	22.8 <sup>1&amp;2</sup>	22.8 <sup>1&amp;2</sup>	22.8 <sup>1&amp;2</sup>	HALE BROS. FARMS
3N	30E	WM	20	NW SW	1000	3.1 <sup>1,2&amp;3</sup>	3.1 <sup>1,2&amp;3</sup>	3.1 <sup>1,2&amp;3</sup>	HALE BROS. FARMS

Primary Irrigation (IR) and Supplemental Irrigation (IS)							
						CERTIFICATE/PERMIT (acres)	
<b>TOTAL:</b>					<b>59.5*</b>	<b>59.5*</b>	<b>59.5*</b>

**\*\*NOTE:** The use of Well #3 may only be used to irrigate these lands under Certificate 85124 for supplemental irrigation ONLY.

<sup>1</sup>**NOTE:** The applicant has stated that the supplemental water right Permit S-87051 and supplemental water right Permit S-54561 already exist on these "TO" lands will not be used or transferred during the 2011 irrigation season.

<sup>2</sup>**NOTE:** The applicant has stated that there will be no use under the primary water right Certificate 84095 on these lands during the 2011 season.

<sup>3</sup>**NOTE:** The applicant has stated these lands in Sec. 20 will be irrigated from Ditch Wells #1 & 2

9. The portion of the THIRD primary right and its layered supplemental water right to be transferred is as follows:

**Certificate:** 87042, issued in the name Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-5215)

**Use:** Irrigation of 92.7 acres

**Priority Date:** February 16, 1973

**Quantity:** 0.83 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs or the equivalent for each acre irrigated and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** Hale Wells #1, 2, 4, 6 & 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 S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 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 E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 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

**Permit:** 54561, issued in the name Echo Irrigation District (filed under Application S-87076)

**Use:** Supplemental Irrigation (IS) of 92.7 acres

**Priority Date:** January 30, 2008

**Quantity:** 0.77 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 - April 14 and from October 1 - October 31

**Source:** Columbia River, a 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	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Place of Use:**

<b>Primary Irrigation (IR) and Supplemental Irrigation (IS)</b>
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Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						87042 (IR)	Per.54561 (IS)	
3N	29E	WM	1	NE NW	100	5.1	5.1	HALE FARMS
3N	29E	WM	1	SW NW	100	4.3	4.3	HALE FARMS
3N	29E	WM	1	SE NW	100	16.0	16.0	HALE FARMS
3N	29E	WM	1	NE SW	100	16.8	16.8	HALE FARMS
3N	29E	WM	1	SW SW	100	11.0	11.0	HALE FARMS
3N	29E	WM	1	SE SW	100	2.8	2.8	HALE FARMS
3N	29E	WM	2	SE NE	100	7.3	7.3	HALE FARMS
3N	29E	WM	2	NE SE	100	5.4	5.4	HALE FARMS
3N	29E	WM	2	SE SE	100	8.9	8.9	HALE FARMS
3N	29E	WM	11	NE SE	303	13.8	13.8	HALE FARMS
3N	29E	WM	11	NW SE	303	1.0	1.0	HALE FARMS
3N	29E	WM	12	NW NW	3600	0.3	0.3	HALE FARMS
<b>TOTAL:</b>						<b>92.7</b>	<b>92.7</b>	

10. Transfer Application T-11238 proposes to TEMPORARILY change the place of use of the rights to:

**Proposed Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						87042 (IR)	Per.54561 (IS)	
3 N	29 E	WM	3	NE SE	400	30.1	30.1	GEHRKE
3 N	29 E	WM	3	SW SE	400	31.3	31.3	GEHRKE
3 N	29 E	WM	3	SE SE	400	31.3	31.3	GEHRKE
<b>TOTAL:</b>						<b>92.7</b>	<b>92.7</b>	

11. The portion of the FOURTH primary right and its layered supplemental water 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 32.5 acres

**Priority Date:** March 25, 1955

**Quantity:** 0.22 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs per acre or the equivalent for each acre irrigated and is further limited to at total diversion not to exceed 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 Umatilla River 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
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**Certificate:** 87042, issued in the name Robert C., Rick L., and Douglas L. Hale (perfected under Permit G-5215)

**Use:** Irrigation of 32.5 acres

**Priority Date:** February 16, 1973

**Quantity:** 0.29 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs or the equivalent for each acre irrigated and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** Hale Wells #1, 2, 4, 6 & 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 S1/4 CORNER OF SECTION 7
3 N	30 E	WM	6	NW SW	WELL #2 - 2011 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 E1/4 CORNER OF SECTION 2
3 N	29 E	WM	11	SW NE	WELL #6 - 132 FEET NORTH AND 2190 FEET WEST FROM THE E1/4 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

**Water Use Permit:** S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

**Use:** Supplemental Irrigation (IS) of 32.5 acres

**Priority Date:** January 30, 2008

**Quantity:** 0.27 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 – April 14 and October 1 - October 31

**Source:** Columbia River, a 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	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Places of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74762(IR)	87042(IS)	Per.54561(IS)	
3N	29 E	WM	11	SW NE	300	7.0	7.0	7.0	HALE BROS. FARMS
3N	29 E	WM	11	SE NE	300	25.5	25.5	25.5	HALE BROS. FARMS
<b>TOTAL:</b>						<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	

12. Transfer Application T-11238 proposes to TEMPORARILY change the place of use of the above described rights to:

**Proposed Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)			User
						74762(IR)	87042(IS)	Per.54561(IS)	
3N	29 E	WM	3	NE SE	400	1.2	1.2	1.2	GEHRKE
3N	29 E	WM	3	NW SE	400	31.3	31.3	31.3	GEHRKE
<b>TOTAL:</b>						<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	

13. The portion of the FIFTH primary right and its layered supplemental water right to be transferred is as follows:

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

**Use:** Irrigation of 124.3 acres

**Quantity:** 0.94 cubic foot per second (cfs)

**Priority Date:** February 16, 1973

**Rate & Duty:** ONE-EIGHTIETH of one cfs and 3.0 acre-feet per acre per growing season

**Source:** Two wells within the Umatilla River Basin

**Authorized Points of Appropriation:**

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

**Water Use Permit:** S-54561, issued in the name of Echo Irrigation District (filed under Application S-87076)

**Use:** Supplemental Irrigation (IS) of 124.3 acres

**Priority Date:** January 30, 2008

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

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 - April 14 and October 1 - October 31

**Source:** Columbia River, a 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	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Places of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)									
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)		User	
						80850 (IR)	Per. 54561(IS)		
3N	29 E	WM	11	NE SW	304	5.9	5.9	HALE FARMS	
3N	29 E	WM	11	SE SW	304	1.6	1.6	HALE FARMS	
3N	29 E	WM	11	NE SE	304	3.1	3.1	HALE FARMS	
3N	29 E	WM	11	NW SE	304	8.8	8.8	HALE FARMS	
3N	29 E	WM	11	SE SE	304	4.0	4.0	HALE FARMS	
3N	29 E	WM	12	NW SW	3603	0.1	0.1	HALE FARMS	
3N	29 E	WM	12	SW SW	3603	29.5	29.5	HALE FARMS	
3N	29 E	WM	12	SE SW	3603	21.4	21.4	HALE FARMS	



Primary Irrigation (IR) and Supplemental Irrigation (IS)								
3N	29 E	WM	14	NW NE	3900	11.2	11.2	HALE FARMS
3N	29 E	WM	14	SW NE	3900	9.1	9.1	HALE FARMS
3N	29 E	WM	14	SE NE	3900	7.0	7.0	HALE FARMS
3N	29 E	WM	14	NE NW	4100	9.9	9.9	HALE FARMS
3N	29 E	WM	14	SE NW	4100	12.7	12.7	HALE FARMS
<b>TOTAL:</b>						<b>124.3</b>	<b>124.3</b>	

14. Transfer Application T-11238 proposes to TEMPORARILY change the place of use of the above described rights to:

**Proposed Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (acres)		User
						80850 (IR)	Per. 54561 (IS)	
3N	29 E	WM	11	SE SW	304	2.3	2.3	HALE FARMS
3N	30 E	WM	20	NE SW	1000	31.1*	31.1*	DITCHENS FARM
3N	30 E	WM	20	NW SW	1000	27.7*	27.7*	DITCHENS FARM
3N	30 E	WM	20	SW SW	1000	31.5*	31.5*	DITCHENS FARM
3N	30 E	WM	20	SE SW	1000	31.7*	31.7*	DITCHENS FARM
<b>TOTAL:</b>						<b>124.3</b>	<b>124.3</b>	

\*NOTE: The applicant has stated that the primary water right Certificate 84095 already existing on these "TO" lands (122.0 acres) was not allocated any water under the 2011 Stage Gulch Critical Groundwater order and these incoming rights will become supplemental to this certificate for the duration of this temporary transfer during the 2011 irrigation season.

15. Transfer Application T-11238 also proposes to TEMPORARILY add additional points of appropriation under this right to facilitate the place of use change for the above described 124.3 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	DITCHEN WELL #1 – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30
3 N	30 E	WM	20	SW SW	DITCHEN WELL #2 – 80 FEET EAST FROM THE SW CORNER OF SECTION 20

14. The portion of the SIXTH primary right and its layered supplemental water right to be transferred is as follows:

**Certificate:** 87051 (supersedes 86214), issued in the name Hale Farms, LLC (perfected under Permit S-37121)

**Use:** Irrigation of 145.2 acres

**Priority Date:** October 3, 1973 and December 11, 1973

**Quantity:** 1.02 cubic foot per second (cfs)

**Rate & Duty:** ONE-SIXTIETH of one cfs or the equivalent for each acre irrigated and is further limited to a total diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** 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

**Permit:** 54561, issued in the name Echo Irrigation District (filed under Application S-87076)

**Use:** Supplemental Irrigation (IS) of 145.2 acres

**Priority Date:** January 30, 2008

**Quantity:** 1.20 cubic foot per second (cfs)

**Rate & Duty:** ONE-EIGHTIETH of one cfs for and 3.0 acre-feet per acre for supplemental irrigation from March 1 – April 14 and from October 1 - October 31

**Source:** Columbia River, a 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	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Place of Use:**

Primary Irrigation (IR) and Supplemental Irrigation (IS)								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	CERTIFICATE/PERMIT (ac)		User
						87051 (IR)	Per.54561 (IS)	
3N	30E	WM	7	NE SE	1400	29.0	29.0*	HALE FARMS, INC.
3N	30E	WM	7	NW SE	1400	28.5	28.5*	HALE FARMS, INC.
3N	30E	WM	7	SW SE	1400	28.9	28.9*	HALE FARMS, INC.
3N	30E	WM	7	SE SE	1400	31.3	31.3*	HALE FARMS, INC.
3N	30E	WM	8	SE SW	1400	27.5	27.5*	HALE FARMS, INC.
<b>TOTAL:</b>						<b>145.2</b>	<b>145.2*</b>	

\*NOTE: The applicant has stated that this existing supplemental water right Permit S-54561 on these "FROM" lands will not be used or transferred during the 2011 irrigation season.

15. Transfer Application T-1 1238 proposes to TEMPORARILY change the place of use of the right to:

**Proposed Place of Use:**

Primary Irrigation (IR)							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
3 N	30 E	WM	7	NE NE	1300	3.2	HALE FARMS, INC.
3 N	30 E	WM	7	NW NE	1300	5.1	HALE FARMS, INC.
3 N	30 E	WM	7	SW NE	1300	7.3	HALE FARMS, INC.
3 N	30 E	WM	7	SE NE	1300	6.2	HALE FARMS, INC.
3 N	30 E	WM	7	NW SE	1300	0.6	HALE FARMS, INC.
3 N	29 E	WM	14	NE NE	3900	30.4	HALE FARMS, INC.
3 N	29 E	WM	14	NW NE	3900	30.1	HALE FARMS, INC.
3 N	29 E	WM	14	SW NE	3900	30.9	HALE FARMS, INC.
3 N	29 E	WM	14	SE NE	3900	31.4	HALE FARMS, INC.
<b>TOTAL:</b>						<b>145.2</b>	

16. Department has determined that the proposed additional points of appropriation Ditchen Wells #1 and #2 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 80850 and 85124.
17. 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 2011 irrigation season. (See Findings of Facts #5, #8, and #14.)

18. Notice of the application for temporary transfer was published May 10, 2011, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
19. 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.
20. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
21. The proposed changes in place of use would not result in enlargement of the rights.
22. The proposed changes would not result in injury to other water rights.

### **Conclusions of Law**

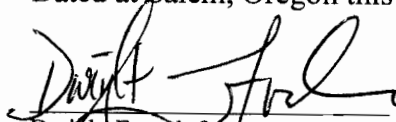
The temporary changed in place of use and additional points of appropriation as proposed in Transfer Application T-11238 satisfies the requirements of ORS 540.574(3) and 540.570.

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

1. The temporary changes proposed in Transfer Application T-11238 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2011 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2011 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. The District shall not use water under portions of Permit S-54561 at the proposed places of use as described in Findings of Fact #5, #8 and #14 during the 2011 irrigation season. Additionally, the District shall not transfer the portions of the existing water right identified in the above cited 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, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 (supersedes 86214), Permit 54561 and any related decree.
6. Before water may be applied to the proposed "TO" lands, the District shall install totalizing flow meters or other measurement systems as approved by the Department at:
  - a) The point of diversion from the Columbia River and all other points of diversion or appropriation, which supply water to the proposed "TO" lands;
  - b) The northern boundary connection of the Echo Irrigation District; and
  - c) All field diversions (center pivots or other method of water delivery) used to apply water to the new landsAdditionally, the meters must be maintained in good working order according to manufacturer's specifications.

7. The District shall maintain a complete record of water usage on a monthly basis and shall submit monthly and annual reports to the Watermaster's office in Pendleton. The water use reports shall include recorded monthly water usage measurements from each point of diversion, each point of appropriation (well) the measurement device located at the North Echo Irrigation District boundary connection and for each field diversion (center pivot or other means of application). The reports shall also include dates of measurement and other information as may be requested by the Watermaster. The frequency or timing of the reports may be modified upon a determination by the Department that an alternate frequency is needed or appropriate. The reporting frequency may also be modified after the second full season of use, if requested by the receiving landowner and approved by the Department. The reports may be e-mailed, faxed or mailed.
8. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
9. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
10. 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.
11. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
12. 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.
13. A subsequent application for permanent transfer of Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 (supersedes 86214), Permit 54561 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.
14. 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.
15. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
16. The use of the remaining water rights described by Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 and Permit 54561 shall continue to be in accordance with the terms and conditions of Certificates 85124, 74896 (as modified by Transfer Application T-6787), 87042, 74762, 80850, 87051 and Permit 54561.

Dated at Salem, Oregon this 20 day of June, 2011.

  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

Date Mailed JUN 23 2011