

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

COUNTY OF UMATILLA

In the Matter of a Proposed Change) ORDER
 In Place of Use of Water Within an) APPROVING A TEMPORARY
 Irrigation District — TRANSFER 9878) DISTRICT TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.570, ECHO IRRIGATION DISTRICT, P.O. Box 110, Hermiston, OR, 97838, petitioned the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The petition was originally received on March 4, 2005, and included the required fees.
2. The Department assigned the petition transfer application number T-9878.
3. The Department published notice of receipt of the petition in the Department’s Weekly Notice dated March 29, 2005. The petition was noticed as a temporary transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. The FIRST right proposed to be modified:
 - Certificate:** 80851, issued in the names Robert C., Rick L. and Douglas L. Hale
 - Use:** Irrigation (Primary)
 - Priority Date:** June 8, 1971
 - Rate & Duty:** 1/80 cfs and 3.0 acre-feet per acre per growing season
 - Source:** Hale Wells # 1, 2, 3, 4, 6 & 7
 - Points of Appropriation:**

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	30	E	W.M.	7	NW	NW	Well #1 - 4340 Feet North and 1830 Feet West from the S¼ Corner, Section 7
3	N	30	E	W.M.	6	NW	SW	Well #2 - 2010 Feet North and 1330 Feet East from the SW Corner, Section 6

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 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.

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	30	E	W.M.	7	SW	SW	Well #3 - 1420 Feet South and 40 Feet East from the W¼ Corner, Section 7
3	N	29	E	W.M.	2	SE	NE	Well #4 - 180 Feet North and 260 Feet West from the E¼ Corner, Section 2
3	N	29	E	W.M.	11	SW	NE	Well #6 - 132 Feet North and 2190 Feet West from the E¼ Corner, Section 11
3	N	29	E	W.M.	12	NW	NW	Well #7 - 1010 Feet South and 40 Feet East from the NW Corner, Section 12

6. Echo Irrigation District petitioned to TEMPORARILY CHANGE THE PLACE OF USE from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1 - "FROM" LANDS					
					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80851
3N	30E	6	NE NW	703	30.00
3N	30E	6	SE NW	703	36.31
TOTAL					66.31 acres

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2 - "TO" LANDS					
					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80851
3N	29E	13	NW NE	3700	30.00
3N	30E	8	NE SW	802	6.31
3N	30E	8	NW SW	802	30.00
TOTAL					66.31 acres

7. Echo Irrigation District also petitioned to TEMPORARILY add TWO ADDITIONAL POINTS OF APPROPRIATION for the above described lands in Table 2 located:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	29	E	W.M.	11	SE	SE	Hale Well #5 - 60 Feet North and 590 Feet West from the SE Corner, Section 11
3	N	29	E	W.M.	24	SW	NE	Coppinger Well #1 - 20 Feet North and 1490 Feet West from the E¼ Corner, Section 24

8. The SECOND right proposed to be modified:

a) PRIMARY IRRIGATION

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

Use: Irrigation (Primary)

Priority Date: April 8, 1963

Rate & Duty: 1/80 cubic foot per second and 3.0 acre-feet per acre irrigated

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

Points of Appropriation:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	30	E	W.M.	7	NW	NW	Well #1 - 4340 Feet North and 1830 Feet West from the S¼ Corner, Section 7
3	N	30	E	W.M.	6	NW	SW	Well #2 - 2010 Feet North and 1330 Feet East from the SW Corner, Section 6
3	N	29	E	W.M.	2	SE	NE	Well #4 - 180 Feet North and 260 Feet West from the E¼ Corner, Section 2
3	N	29	E	W.M.	11	SW	NE	Well #6 - 132 Feet North and 2190 Feet West from the E¼ Corner, Section 11
3	N	29	E	W.M.	12	NW	NW	Well #7 - 1010 Feet South and 40 Feet East from the NW Corner, Section 12

b) SUPPLEMENTAL IRRIGATION

Certificate 74897 (T-6787) issued in the names of Robert, Rick, and Douglas Hale

Use: Supplemental Irrigation

Priority Date: June 8, 1971

Rate & Duty: 1/80 cubic foot per second and 3.0 acre-feet per acre irrigated

Source: Hale Wells # 1, 2, 3, 4, 6 & 7, within the Stage Gulch Basin

Points of Appropriation:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	30	E	W.M.	7	NW	NW	Well #1 - 4340 Feet North and 1830 Feet West from the S¼ Corner, Section 7
3	N	30	E	W.M.	6	NW	SW	Well #2 - 2010 Feet North and 1330 Feet East from the SW Corner, Section 6
3	N	30	E	W.M.	7	SW	SW	Well #3 - 1420 Feet South and 40 Feet East from the W¼ Corner, Section 7
3	N	29	E	W.M.	2	SE	NE	Well #4 - 180 Feet North and 260 Feet West from the E¼ Corner, Section 2

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	29	E	W.M.	11	SW	NE	Well #6 - 132 Feet North and 2190 Feet West from the E $\frac{1}{4}$ Corner, Section 11
3	N	29	E	W.M.	12	NW	NW	Well #7 - 1010 Feet South and 40 Feet East from the NW Corner, Section 12

9. Echo Irrigation District petitioned to TEMPORARILY CHANGE THE PLACE OF USE from the locations identified in Table 3 to the locations listed in Table 4.

TABLE 3 - "FROM" LANDS						
					Water Right Certificates	
					Primary (acres)	Supplemental Irrigation
TWP	RNG	SEC	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	74896 (T-6787)	74897 (T-6787)
3N	29E	1	NE SE	100	0.50	0.50
3N	29E	1	SE SE	100	0.20	0.20
3N	30E	6	NW SW	703	8.50	8.50
3N	30E	6	SW SW	703	4.30	4.30
3N	30E	7	NE NW	703	2.50	2.50
3N	30E	7	NW SW	706	4.10	4.10
3N	30E	7	SW NW	702	13.20	13.20
3N	30E	7	SE NW	702	16.30	16.30
3N	30E	7	NE SW	702	33.20	33.20
3N	29E	12	NE SE	703	0.89	0.89
TOTALS					83.69 acres	83.69 acres

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 4 - "TO" LANDS						
					Water Right Certificates	
					Primary (acres)	Supplemental Irrigation
TWP	RNG	SEC	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	74896	74897 (T-6787)
3N	30E	8	NE SW	802	23.69	23.69
3N	30E	8	SW SW	802	30.00	30.00
3N	30E	8	SE SW	802	30.00	30.00
TOTALS					83.69 acres	83.69 acres

10. In continuing, the following right is proposed to be modified:

Certificate: 80849 issued in the name of Kenneth H. Coppinger

Use: Irrigation (Primary)

Priority Date: December 29, 1975

Rate & Duty: 1/80 cubic foot per second and 3.0 acre-feet per acre irrigated

Source: Coppinger Wells #1 and 2, within the Stage Gulch Basin

Points of Appropriation:

TWP		RNG		MER	SEC	QTR-QTR		LOCATION
3	N	29	E	W.M.	24	SW	NE	Well #1 - 20 Feet North and 1570 Feet West from the E ¹ / ₄ Corner, Section 24
3	N	29	E	W.M.	24	SE	NE	Well #2 - 960 Feet North and 30 Feet West from the E ¹ / ₄ Corner, Section 24

11. Echo Irrigation District petitioned to TEMPORARILY CHANGE THE PLACE OF USE from the locations identified in Table 5 to the locations listed in Table 6.

TABLE 5 - "FROM" LANDS					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80849
3N	29E	24	NE NE	8600	9.00
3N	29E	24	NW NE	8600	9.00
3N	29E	24	SW NE	8600	9.00
3N	29E	24	SE NE	8600	9.00
3N	29E	24	NE SE	8700	37.10
3N	29E	24	NW SE	8700	40.00
3N	29E	24	SW SE	8700	9.00
3N	29E	24	SE SE	8700	9.00
3N	30E	19	NE NW	2601	27.50
3N	30E	19	NW NW	2601	13.20
3N	30E	19	SW NW	2601	13.60
3N	30E	19	SE NW	2601	26.70
3N	30E	19	NE SW	2600	28.50
3N	30E	19	NW SW	2600	8.10
3N	30E	19	SW SW	2600	9.20
3N	30E	19	SE SW	2600	26.40
TOTAL					284.30 acres

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 6 - "TO" LANDS					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80849
3N	29E	13	NE NE	3700	30.00
3N	29E	13	SW NE	3700	29.50
3N	29E	13	SE NE	3700	30.00
3N	29E	13	NE SE	3700	30.20
3N	29E	13	NW SE	3700	30.20
3N	29E	13	SW SE	3700	30.20
3N	29E	13	SE SE	3700	30.20
3N	29E	24	SE NW	4000	14.00
3N	29E	25	NE NE	8800	30.00
3N	29E	25	NW NE	8800	30.00
TOTAL					284.30 acres

12. Echo Irrigation District also petitioned to TEMPORARILY add an ADDITIONAL POINT OF APPROPRIATION for the above described lands in Table 6 located:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION			
3	N	29	E	W.M.	24	SW	NE	New Coppinger Well #1 - 20 Feet North and 1490 Feet West from the E¼ Corner, Section 24

13. In continuing, the following right is proposed to be modified:

Certificate: 80850 issued in the name of H- 4 Farms, Inc.

Use: Irrigation (Primary)

Priority Date: February 16, 1973

Rate & Duty: 1/80 cubic foot per second and 3.0 acre-feet per acre irrigated

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

Points of Appropriation:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION			
3	N	29	E	W.M.	11	SE	SE	HaleWell #5 - 60 Feet North and 590 Feet West from the SE Corner, Section 11
3	N	29	E	W.M.	14	SW*	NW	HaleWell #8 - 1350 Feet South and 50 Feet West from the NE Corner of the NW¼ NW¼, Section 14

* Note: Scrivener's error on Cert# 80850, the NW¼ NW¼ is elongated north to south and the coordinate south 1350 Feet actually locates it within the NW¼ NW¼. (see map)

14. Echo Irrigation District petitioned to TEMPORARILY CHANGE THE PLACE OF USE from the locations identified in Table 7 to the locations listed in Table 8.

TABLE 7 - "FROM" LANDS					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80850
3N	29E	11	NE SE	3603	2.00
3N	29E	11	SE SE	3603	5.00
3N	29E	12	SW SW	3603	29.80
3N	29E	12	SE SW	3603	24.40
3N	29E	14	NW NE	3900	9.30
3N	29E	14	SW NE	3900	9.30
3N	29E	14	SE NE	3900	7.30
3N	29E	14	NE NW	3900	9.30
3N	30E	14	SE NW	3900	8.80
TOTAL					105.20 acres

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations described by permit or certificate. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 8 - "TO" LANDS					Water Right Certificate (acres)
TWP	RNG	SEC	¼ ¼	Tax Lot	80850
3N	29E	24	NE NW	4000	4.80
3N	29E	24	NW NW	4000	5.00
3N	29E	24	SW NW	4000	37.10
3N	29E	24	SE NW	4000	21.30
3N	29E	24	NE SW	4000	18.20
3N	29E	24	NW SW	4000	18.80
TOTAL					105.20 acres

15. Echo Irrigation District also petitioned to TEMPORARILY add an ADDITIONAL POINT OF APPROPRIATION for the above described lands in Table 8 located:

TWP	RNG	MER	SEC	QTR-QTR	LOCATION	
3	N	29	E	W.M.	24 SW NE	New Coppinger Well #1 - 20 Feet North and 1490 Feet West from the E¼ Corner, Section 24

16. Pursuant to ORS 540.574 and ORS 540.570, in reviewing the petition submitted by Echo Irrigation District, the Department has determined the following:

- a) The petition contains the information required under ORS 540.574(3).

- b) The petition meets the requirements of ORS 540.570.
- c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
- d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
- e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
- f) The use authorized by the water right subject to transfer will not change; and
- g) The proposed change in place of use will not result in injury to other water rights.

CONCLUSIONS OF LAW

1. The petition submitted by Echo Irrigation District proposing temporary changes in place of use within district boundaries includes the information, and satisfies the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.570.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.570 resulting in no injury to other water rights.

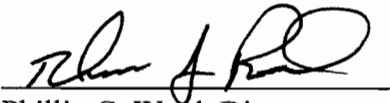
ORDER

It is hereby ORDERED :

1. The proposed temporary changes to the water rights evidenced by Water Right Certificates 80849, 80850, 80851, 74896 (T-6787) and 74897 (T-6787) may be made for the 2005 irrigation season provided the following conditions are met by the water user:
 - a) The FROM lands shall receive no water under the rights involved with this transfer for the 2005 irrigation season.
 - b) The use of water under water right Certificates 80849, 80850, 80851, 74896 (T-6787) and 74897 (T-6787) not involved with this transfer on both the TO and FROM lands during the 2005 irrigation season or calendar year, is prohibited and may subject both the district and landowner to civil penalties. The use under these certificates are also subject to any conditions and limitations as spelled out in the order approving T-6787.
 - c) Pursuant to 540.570 (5), the Department may further condition or revoke this temporary transfer, to the extent necessary to avoid injury, at any time the department finds the transfer is causing injury to an existing water right.

2. Pursuant to 540.570 (6), upon expiration of the 2005 irrigation season, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

Dated at Salem, Oregon this 6th day of JUNE, 2005.


For Phillip C. Ward, Director