

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12093, Umatilla County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY CHANGE IN PLACE OF
	)	USE

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

Eagle Ranch  
c/o Art Prior  
32327 Oregon Trail Road  
Echo, OR 97826

**Findings of Fact**

1. On June 21, 2015, Eagle Ranch filed an application to temporarily change the place of use under Certificate 61534, 75127, and 80652 for the remainder of the 2015 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-12093.
2. Notice of the application for transfer was published on July 7, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 20, 2015, the Department informed the applicant of deficiencies between the supplemental water right place of use and the underlying primary place of use on the "TO" lands. On July 21, 2015 the applicant provided the Department with an amended application and map, resolving the deficiencies.

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.

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

**Certificate:** 61534 in the name of TRAVELERS INSURANCE COMPANY REAL ESTATE INVESTMENT DEPARTMENT (perfected under Permit G-7078)  
**Use:** SUPPLEMENTAL IRRIGATION of 128.3 ACRES  
**Priority Date:** MARCH 30, 1976  
**Rate:** 1.6 CUBIC FEET PER SECOND (CFS)  
**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.  
**Source:** TWO WELLS within the UMATILLA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	35	NW NE	WELL #5 - 770 FEET SOUTH AND 2640 FEET EAST FROM THE NW CORNER OF SECTION 35
3 N	28 E	WM	35	NE SW	WELL #6 - 1940 FEET NORTH AND 2540 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	25	NW SW	0.10
3 N	28 E	WM	25	SW SW	0.20
3 N	28 E	WM	26	NE SE	30.00
3 N	28 E	WM	26	NW SE	29.80
3 N	28 E	WM	26	SW SE	33.60
3 N	28 E	WM	26	SE SE	33.60
3 N	28 E	WM	35	NE NE	0.50
3 N	28 E	WM	35	NW NE	0.50

5. Temporary Transfer Application T-12093 proposes to temporarily change the place of use to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	21	NE NW	23.50
3 N	28 E	WM	21	NW NW	31.50
3 N	28 E	WM	21	SW NW	32.60
3 N	28 E	WM	21	SE NW	31.40
3 N	28 E	WM	29	NW NW	9.30

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

**Certificate:** 75127 in the name of CHESTER AND ROSALIE PRIOR (perfected under Permit G-6069)  
**Use:** SUPPLEMENTAL IRRIGATION of 238.4 ACRES  
**Priority Date:** SEPTEMBER 5, 1974  
**Rate:** 2.97 (CFS)  
**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 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.  
**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	28 E	WM	1	SE NW	WELL #4 - 2640 FEET SOUTH AND 630 FEET WEST FROM THE N1/4 CORNER OF SECTION 1
2 N	28 E	WM	2	SE NW	WELL #7 - 2500 FEET SOUTH AND 2580 FEET EAST FROM THE NW CORNER OF SECTION 2
2 N	28 E	WM	2	NE SE	WELL #8 - 2800 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	2	NE NE	1	8.20
2 N	28 E	WM	2	NW NE	2	30.40
2 N	28 E	WM	2	SW NE		38.20
2 N	28 E	WM	2	SE NE		29.20
2 N	28 E	WM	2	NE NW	3	33.30
2 N	28 E	WM	2	NW NW	4	32.20
2 N	28 E	WM	2	SW NW		27.80
2 N	28 E	WM	2	SE NW		30.00
2 N	28 E	WM	2	NE SE		3.30
2 N	28 E	WM	2	NW SE		5.80

7. Temporary Transfer Application T-12093 proposes to temporarily change the place of use to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	21	NE SE	29.90
3 N	28 E	WM	21	NW SE	30.60
3 N	28 E	WM	21	SW SE	32.40
3 N	28 E	WM	21	SE SE	31.20
3 N	28 E	WM	29	NE NW	28.70

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	29	NW NW	23.80
3 N	28 E	WM	29	SW NW	32.80
3 N	28 E	WM	29	SE NW	28.50
3 N	28 E	WM	30	NE NE	0.20
3 N	28 E	WM	30	SE NE	0.30

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

**Certificate:** 80652 in the name of CHESTER AND ROSALIE PRIOR (perfected under Permit G-5275)

**Use:** SUPPLEMENTAL IRRIGATION of 502.1 ACRES

**Priority Date:** MARCH 26, 1974

**Rate:** 5.96 (CFS)

**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 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, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right confirmed herein shall not authorize appropriation from the aquifer supplying these wells within the Butter Creek Water area as finally determined. A totalizing meter shall be maintained on each well prior to making the appropriation. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** TWO WELLS within the UMATILLA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	35	NW NE	WELL #5 - 770 FEET SOUTH AND 2620 FEET WEST FROM THE NE CORNER OF SECTION 36
3 N	28 E	WM	35	NE SW	WELL #6 - 1940 FEET NORTH AND 2540 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	25	NE SE	30.0
3 N	28 E	WM	25	NW SE	29.2
3 N	28 E	WM	25	SW SE	38.7
3 N	28 E	WM	25	SE SE	32.8
3 N	28 E	WM	35	NE NW	30.0
3 N	28 E	WM	35	NW NW	31.2
3 N	28 E	WM	35	SW NW	32.8
3 N	28 E	WM	35	SE NW	32.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	35	NE SW	31.8
3 N	28 E	WM	35	NW SW	33.2
3 N	28 E	WM	35	SW SW	31.8
3 N	28 E	WM	35	SE SW	28.1
3 N	28 E	WM	36	NE SW	31.1
3 N	28 E	WM	36	NW SW	28.8
3 N	28 E	WM	36	SW SW	28.6
3 N	28 E	WM	36	SE SW	31.2

9. Temporary Transfer Application T-12093 proposes to temporarily change the place of use to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	16	NE NW	29.7
3 N	28 E	WM	16	NW NW	32.2
3 N	28 E	WM	16	SW NW	33.5
3 N	28 E	WM	16	SE NW	29.4
3 N	28 E	WM	16	NE SW	29.6
3 N	28 E	WM	16	NE SW	32.2
3 N	28 E	WM	16	SW SW	34.0
3 N	28 E	WM	16	SE SW	29.0
3 N	28 E	WM	17	NE NE	33.3
3 N	28 E	WM	17	NW NE	18.8
3 N	28 E	WM	17	SW NE	18.7
3 N	28 E	WM	17	SE NE	21.8
3 N	28 E	WM	17	NE SW	10.1
3 N	28 E	WM	17	SE SW	5.8
3 N	28 E	WM	17	NE SE	34.6
3 N	28 E	WM	17	NW SE	40.9
3 N	28 E	WM	17	SW SE	35.9
3 N	28 E	WM	17	SE SE	24.7
3 N	28 E	WM	21	NE NW	7.9

***Temporary Drought Transfer Review Criteria***

10. Water has been used within the last five years according to the terms and conditions of the rights.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
12. The Governor issued an executive order on May 22, 2015, declaring a state of drought emergency in Umatilla County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
13. The proposed changes would not result in enlargement of the rights.

14. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

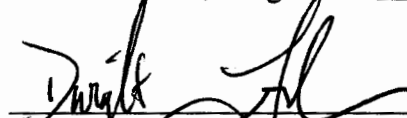
### Conclusions of Law

The temporary change in places of use proposed in Temporary Drought Transfer Application T-12093 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

### Now, therefore, it is ORDERED:

1. The temporary change in places of use proposed in Temporary Drought Transfer Application T-12093 is approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2015 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 61534, 75127, and 80652. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
5. The applicant shall maintain all existing measurement devices in good working order and shall continue to report groundwater usage annually.
6. The proposed change in places of use shall revert to the authorized place of use at the end of the 2015 irrigation season or the end of the Governor's declared drought, whichever occurs first.
7. The use of the remaining water rights described by Certificates 61534, 75127, and 80652 shall continue to be in accordance with the terms and conditions of Certificates 61534, 75127, and 80652.

Dated at Salem, Oregon this 4 day of August 2015.

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

Mailing Date: AUG 07 2015