

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12875, Umatilla County	)	TEMPORARY CHANGES IN PLACE OF
	)	USE AND POINT OF APPROPRIATION

**Authority**

ORS 537.705 and 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 appropriation authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

ECHO IRRIGATION DISTRICT  
PO BOX 2308  
PASCO, WA 99302

**Agent**

MATTHEW VICKERY  
6176 WEST RIO GRANDE  
KENNEWICK, WA 99336

**Findings of Fact**

1. On March 22, 2018, Matthew Vickery of Echo Irrigation District filed an application to temporarily change the point of appropriation to serve the proposed place of use under Certificate 87373 for a period of one year. The Department assigned the application number T-12875.
2. On September 27, 2018, Matthew Vickery, Manager, Echo Irrigation District, submitted a revised application which clarified the use of water rights existing on the "TO" lands (Permit S-54773, Permit S-55114, and Certificate 87111) proposed in transfer application T-12875. The applicant has requested that these water rights not be included as part of this Temporary Transfer application
3. Notice of the application for transfer was published on March 27, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The right to be transferred is as follows:
  - Certificate:** 87373 in the name of VERDON LLC (perfected under Permit G-7183)
  - Use:** IRRIGATION of 29.5 ACRES
  - Priority Date:** FEBRUARY 25, 1977
  - Rate:** 0.37 CUBIC FOOT PER SECOND

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.

**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:** A WELL (#4) within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	24	SE NE	660 FEET NORTH AND 670 FEET WEST FROM THE E¼ CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	24	SE NE	29.5

- Temporary Transfer Application T-12875 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	13	NE SW	29.5

- Temporary Transfer Application T-12875 also proposes to move the authorized point of appropriation to convey water to the temporary place of use described in Finding of Fact No. 5 above approximately 5.2 miles southeast from the existing point of appropriation to:

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

- There are three primary irrigation water rights, Permit S-54773, Permit S-55114, and Certificate 87111, appurtenant to all or a portion of the lands described above in Finding of Fact #5. During the term of the Temporary Transfer, water use under these rights are either already shut off, do not supply enough water or have not been activated by mitigation or intended to be used on these acres and thus shall not be exercised.
- The Department has determined that the proposed point of appropriation (Seibel Well/UMAT 54154) is within the same Subarea A of the Stage Gulch Critical Ground Water Area and will develop the same source of water as the authorized existing Well #4(UMAT 2515).

**Temporary Transfer Review Criteria**

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12875.
11. The proposed changes would not result in enlargement of the right.
12. 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 ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### **Conclusions of Law**

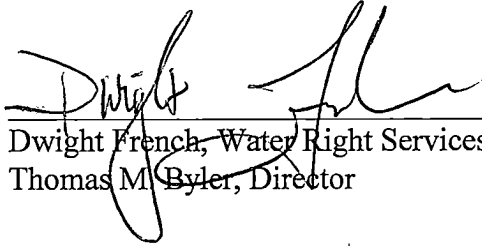
The temporary change in place of use and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-12875 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-12875 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2018 irrigation season.
3. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water from the new point of appropriation shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. The use shall revert to the authorized place of use at the end of the 2018 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
7. The approval of this temporary transfer may be revoked or modified if the Department finds the changes causes injury to any existing water right.
8. A subsequent application for permanent transfer of Certificate 87373 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.
9. 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 87373. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 87373, any Order, and any related decree.

10. There are water rights existing on the proposed "TO" lands as identified in Finding of Fact #5. Water use for primary irrigation under these water rights shall be suspended during the 2018 irrigation season.
11. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this NOV 14 2018,



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

Mailing Date: NOV 15 2018