

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10588, Umatilla County)	TEMPORARY CHANGE 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
Attn – Craig Reeder, Manager
PO BOX 110
HERMISTON, OR 97838

Agent

William Porfily
PO BOX 643
STANFIELD, OR 97875

Findings of Fact

1. On March 31, 2008, Craig Reeder on behalf of ECHO IRRIGATION DISTRICT filed an application to temporarily change the place of use and point of appropriation under Certificate 79889 for a period of one year. The Department assigned the application number T-10588.

2. The portion of the first right to be transferred is as follow

Certificate: 79889 in the name of VERNON AND IVAN COOK (perfected under Permit G-7183)

Use: IRRIGATION of 29.5 ACRES

Priority Date: FEBRUARY 25, 1977

Rate: 0.37 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year

Source: WELL 4 in the UMATILLA RIVER BASIN

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 N	28 E	WM	24	SE NE	660 FEET NORTH AND 670 FEET WEST FROM THE E1/4 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

3. Transfer Application T-10588 proposes to change the place of use of the right to:

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

4. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Application T-10588 proposes to move the authorized point of appropriation approximately 5.2 miles in a southeasterly direction to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	29 E	WM	9	SE SW	380 FEET NORTH AND 3120 FEET WEST FROM THE SE CORNER OF SECTION 9

5. Notice of the application for temporary transfer was published on April 15, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

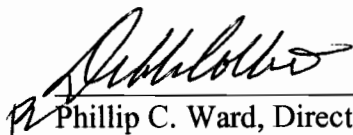
Conclusions of Law

The temporary changes in place of use and point of appropriation proposed in Transfer Application T-10588 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in Transfer Application T-10588 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2008 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2008 irrigation season. The authorization to use of the new point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 79889 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.
6. 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 79889.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The use of the remaining water right described by Certificate 79889 shall continue to be in accordance with the terms and conditions of Certificate 79889.

Dated at Salem, Oregon this 27th day of May, 2008.


Phillip C. Ward, Director

Mailing Date MAY 30 2008