

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11682, Hood River County) PERMANENT DISTRICT TRANSFER

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to 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

EAST FORK IRRIGATION DISTRICT
PO BOX 162
ODELL, OR 97044

Findings of Fact

Background

1. On November 5, 2013, EAST FORK IRRIGATION DISTRICT filed an application to change the places of use under Certificates 80929, 84803, and 81340. The Department assigned the application number T-11682.
2. Notice of the application for transfer was published on November 12, 2013 pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On November 11, 2013, the applicant identified an error in their original application and provided the Department superseding documentation.
4. The portion of the first right water right to be transferred is as follows:

Certificate: 81340 in the name of East Fork Irrigation District (confirmed by the Hood River Decree)
Use: IRRIGATION of 8.40 ACRES
Priority Date: NOVEMBER 25, 1895
Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.
Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Tax Lot	Acres	User Name	Notice #
1 N	10 E	WM	03	SW NE	7	600	1.00	Capovilla Properties, LLC	2013-06
2 N	10 E	WM	12	NW SE		400	1.20	Paasch	2013-02
2 N	10 E	WM	14	SW NE		401	0.15	Webster	2013-03
2 N	10 E	WM	14	SW NE		402	0.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	SW NE		403	0.25	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1902	0.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1903	0.20	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NW SE		400	1.60	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	24	SW NW		2200	0.60	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	26	NE SE		1300	1.00	Lariza	2013-05
2 N	11 E	WM	6	NW SE		100	1.00	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	6	SW SE		104	0.20	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	6	SW SE		106	0.15	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	6	SW SE		107	0.25	B.B.K. Holdings, LLC	2013-01
3 N	11 E	WM	31	SE SW		1800	0.60	Kroeger	2013-04
Total							8.40		

5. Transfer Application T-11682 proposes to change the place of use for the above described right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres	User Name	Notice #
1 N	10 E	WM	03	SW NE	7	600	1.00	Capovilla Properties, LLC	2013-06
2 N	10 E	WM	12	NW SE		400	1.20	Paasch	2013-02
2 N	10 E	WM	14	SW NE		403	0.20	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	SE NW		1400	1.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1902	0.10	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NE SW		1903	0.70	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	14	NW SE		400	0.60	Roy Webster Orchards, Inc.	2013-03
2 N	10 E	WM	24	SE NW		2500	0.30	Roy Webster Orchards, Inc.	2013-03
2 N	11 E	WM	6	NW SE		101	1.00	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	6	SW SE		104	0.40	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	6	SW SE		106	0.20	B.B.K. Holdings, LLC	2013-01
2 N	11 E	WM	30	NW NW		1200	0.70	Lariza	2013-0
2 N	11 E	WM	30	SW NW		1200	0.30	Lariza	2013-0
3 N	11 E	WM	31	SE SW		1900	0.60	Kroeger	2013-04
Total							8.40		

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

Certificate: 80929 in the name of East Fork Irrigation District (perfected under Permit S-29617)

Use: IRRIGATION of 0.20 ACRES

Priority Date: MARCH 13, 1964

Duty /Limit: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to the HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	10 E	WM	4	NW SW	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
2 N	10 E	WM	14	SW NE	401	0.10	Webster	2013-03
2 N	10 E	WM	14	SW NE	403	0.10	Roy Webster Orchards, Inc.	2013-03
Total:						0.20		

7. Transfer Application T-11682 proposes to change the place of use for the above described right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
2 N	10 E	WM	14	NE SW	1902	0.20	Roy Webster Orchards, Inc.	2013-03

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

Certificate: 84803 in the name of East Fork Irrigation District (perfected under Permit S-43395)

Use: IRRIGATION of 2.00 ACRES

Priority Date: August 8, 1977

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year

Source: EAST FORK HOOD RIVER, tributary to the HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	10 E	WM	4	NW SW	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
3 N	11 E	WM	31	SE SW	1800	2.00	Kroeger	2013-04

- Transfer Application T-11682 proposes to change the place of use for the above described right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	User Name	Notice #
3 N	11 E	WM	31	SW SE	2300	2.00	Kroeger	2013-04

- Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A diversion structure, district canals, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed changes in the place of use will not result in enlargement of the rights.
- The proposed changes in the place of use will not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use in Transfer Application T-11682 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- The proposed changes to the water rights evidenced by Certificates 81340, 80929 and 84803 are approved.
- The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the water rights, related decree, and the Final Order approving T-11682.
- The former places of use shall no longer be irrigated as part of these water rights.
- The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
- Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use shall be submitted by East Fork Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

6. Certificates 81340, 80929 and 84803 are modified. The Department will issue superseding certificates describing the rights when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 20 day of March, 2014.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing Date: _____