

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12656, Hood River County	)	A DISTRICT PERMANENT TRANSFER
	)	FOR PLACE OF USE

**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**

MIDDLE FORK IRRIGATION DISTRICT  
PO BOX 291  
PARKDALE, OR 97041

**Findings of Fact**

1. On May 1, 2017, Middle Fork Irrigation District (MFID) filed a district transfer application to permanently change the places of use under Certificates 89317, 89320, and 89321. The Department assigned the application number T-12656.
2. Notice of the District Permanent Transfer Application was published on May 16, 2017, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On May 18, 2017, and June 5, 2017, OWRD received additional information from MFID to amend and clarify the transfer application.
4. The portion of the first right to be transferred is as follows:  
**Certificate:** 89317 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-27788)  
**Use:** PRIMARY IRRIGATION of 2.00 acres  
**Priority Date:** JANUARY 2, 1962  
**Rate / Duty:** ONE-EIGHTIETH of one cubic foot per second and 4.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.  
**Source:** CLEAR CREEK AND CLEAR CREEK RESERVOIR (LAURANCE LAKE), tributary to MIDDLE FK HOOD RIVER

<p>This is an 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.</p> <p>Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).</p>
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**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	27	NWNE	520 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 27

**Authorized Place of Use:**

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	9 E	WM	12	NE NE	1.77	100	2017-1
1 S	9 E	WM	12	NW NE	0.23	100	2017-1
<b>Total:</b>					<b>2.00</b>		

5. Transfer Application T-12656 proposes to change the place of use to:

**Proposed Place of Use:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	7	NW NW	2.00	1502	MIDDLE FORK ID	2017-1

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

**Certificate:** 89320 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-51366)

**Use:** SUPPLEMENTAL IRRIGATION of 2.00 acres

**Priority Date:** MARCH 9, 1970

**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:** ELIOT CREEK, tributary to MIDDLE FK HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	26	SW NE	2450 FEET SOUTH AND 360 FEET EAST FROM THE N <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 26

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	9 E	WM	12	NE NE	1.77	100	2017-1
1 S	9 E	WM	12	NW NE	0.23	100	2017-1
<b>Total:</b>					<b>2.00</b>		

7. Transfer Application T-12656 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	7	NW NW	2.00	1502	MIDDLE FORK ID	2017-1

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

**Certificate:** 89321 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-51369)

**Use:** SUPPLEMENTAL IRRIGATION of 2.00 acres, TEMPERATURE CONTOL, MAINTENANCE OF A FIRE PROTECTION SYSTEM and STOCK WATER

**Priority Date:** AUGUST 19, 1985

**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; 0.15 CUBIC FOOT PER SECOND for temperature control.

**Source:** COE CREEK, tributary to MIDDLE FK HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	27	SE NE	2598 FEET SOUTH AND 945 FEET WEST FROM THE NE CORNER OF SECTION 27

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION; TEMPERATURE CONTOL; FIRE PROTECTION; LIVESTOCK WATERING							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	9 E	WM	12	NE NE	1.77	100	2017-1
1 S	9 E	WM	12	NW NE	0.23	100	2017-1
<b>Total:</b>					<b>2.00</b>		

9. Transfer Application T-12656 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION; TEMPERATURE CONTOL; FIRE PROTECTION; LIVESTOCK WATERING								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	7	NW NW	2.00	1502	MIDDLE FORK ID	2017-1

10. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.

11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

12. The proposed change in place of use will not result in enlargement of the rights.

13. The proposed change in place of use will not result in injury to other water rights.

**Conclusions of Law**


The proposed changes in place of use as proposed in Transfer Application T-12656 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 89317, 89320, and 89321 are approved.

2. 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 Certificates 89317, 89320, and 89321.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use shall be submitted by MFID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 89317, 89320, and 89321 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 16 day of June 2017.

  
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Dwight French, Water Right Services Administrator for  
THOMAS M BYLER, DIRECTOR  
Oregon Department of Water Resources

Mailing Date: JUN 22 2017