

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

In the Matter of Transfer Application            )    **F I N A L   O R D E R**  
T-9587, Hood River County                    )    **APPROVING A PERMANENT**  
  )    **DISTRICT TRANSFER**

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**

FARMERS IRRIGATION DISTRICT  
1985 Country Club Road  
Hood River, OR, 97031

**Findings of Fact**

1. On September 19, 2003, Farmers Irrigation District filed a district transfer application to permanently change the place of use under Certificate 74306. The Department assigned the application number T-9587.
2. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. Farmers Irrigation District proposes to modify the following right:  
**Certificate:** 74306; in the name of FARMERS IRRIGATION DISTRICT  
(confirmed by decree of the Circuit Court of the State of Oregon for Hood River County, recorded in the Order Record of the Water Resources Director, Volume 17, Page 333 )  
**Use:** IRRIGATION  
**Priority Date:** MAY 7, 1906  
**Rate:** 39.85 CUBIC FEET PER SECOND  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** the HOOD R, a tributary of the COLUMBIA R
4. Farmers Irrigation District proposes to change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION**

This is a final order in other than 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 either 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.

TABLE 1. AUTHORIZED PLACE OF USE - IRRIGATION										
TWP	RNG		MER	SEC	1/4	1/4	TL	ACRES	USER	
2	N	10	E	WM	10	SE	SE	02N10E10D03200	0.15	NASH
3	N	10	E	WM	27	SE	SE	03N10E27D01400	0.70	TAYLOR
3	N	10	E	WM	27	SE	SE	03N10E27D01500	2.20	TAYLOR
3	N	10	E	WM	33	NW	SE	03N10E33D02300	0.50	PAULUS
3	N	10	E	WM	34	NE	NW	03N10E34BO2202	0.15	BOVEE
3	N	10	E	WM	34	SE	NW	03N10E34BD0407	2.50	HUNTER
3	N	10	E	WM	34	SE	NW	03N10E34BD1001	0.25	OLMSTEAD
3	N	10	E	WM	34	SE	SW	03N10E34C02000	0.20	YOUNG
3	N	10	E	WM	34	SW	SE	03N10E34D01407	0.25	SANDERS
3	N	10	E	WM	35	SW	NW	03N10E35BC0702	1.50	SCHEMPF
3	N	10	E	WM	35	NE	SW	03N10E35CA0100	2.35	HENDERSON (Hazelview)
3	N	10	E	WM	35	NE	SW	03N10E35DB2001	10.75	HENDERSON (Hazelview)
3	N	10	E	WM	35	SE	SW	03N10E35CA0100	0.30	HENDERSON (Hazelview)
3	N	10	E	WM	35	SE	SW	03N10E35DB2001	0.90	HENDERSON (Hazelview)
3	N	10	E	WM	35	NW	SE	03N10E35DB0903	0.05	McKENNA
3	N	10	E	WM	35	NW	SE	03N10E35DB1700	1.85	BALDWIN
3	N	10	E	WM	35	NW	SE	03N10E35DB1800	0.10	WEBB
3	N	10	E	WM	35	NW	SE	03N10E35DB1801	0.70	BALDWIN
3	N	10	E	WM	35	NW	SE	03N10E35DB1900	0.35	JOHNSON
3	N	10	E	WM	35	NW	SE	03N10E35DB2000	0.35	GIBBONS
3	N	10	E	WM	35	NW	SE	03N10E35DB2001	1.30	HENDERSON (Hazelview)
3	N	10	E	WM	35	NW	SE	03N10E35DB2002	0.45	KLEIN
3	N	10	E	WM	35	SW	SE	03N10E35DC0102	0.15	RAMACKER
3	N	10	E	WM	35	SW	SE	03N10E35DC2001	0.30	HENDERSON (Hazelview)
								TOTAL	28.30	

TABLE 2. PROPOSED PLACE OF USE - IRRIGATION										
TWP	RNG		MER	SEC	1/4	1/4	TL	ACRES	USER	
2	N	10	E	WM	2	NW	NW	02N10E02BB0100	1.35	HRV CHRISTIAN / AKIN
2	N	10	E	WM	2	SE	SW	02N10E02C01701	0.05	HURLEY
2	N	10	E	WM	3	NW	NE	03N10E03A01900	5.35	MARCHESI
3	N	10	E	WM	33	SE	NE	03N10E33A02800	0.25	SMITH
3	N	10	E	WM	34	NW	NE	03N10E34A01607	0.50	GERDE
3	N	10	E	WM	34	SW	NE	03N10E34AC0100	0.15	BARONE
3	N	10	E	WM	34	SW	NE	03N10E34AC0200	0.10	BARONE
3	N	10	E	WM	34	SW	NE	03N10E34AC0400	0.20	BARONE
3	N	10	E	WM	34	SW	NE	03N10E34AC0500	0.15	BARONE
3	N	10	E	WM	34	SW	NE	03N10E34AC0700	0.25	BARONE
3	N	10	E	WM	34	SW	NE	03N10E34AC0800	0.15	WASSON
3	N	10	E	WM	34	SW	NE	03N10E34AC0900	0.10	WASSON
3	N	10	E	WM	34	SW	NE	03N10E34AC1000	0.15	BARONE

TABLE 2. PROPOSED PLACE OF USE - IRRIGATION

TWP	RNG	MER	SEC	1/4	1/4	TL	ACRES	USER	
3	N	10	E	WM	34	SW NE	03N10E34AC1100	0.15	BARONE
3	N	10	E	WM	34	SW NE	03N10E34AC1200	0.10	BARONE
3	N	10	E	WM	34	SW NE	03N10E34AC1300	0.10	BARONE
3	N	10	E	WM	34	SW NE	03N10E34AC1400	0.15	BARONE
3	N	10	E	WM	34	SW NE	03N10E34AC1500	0.10	BARONE
3	N	10	E	WM	34	SW NE	03N10E34AC1600	0.25	BARONE
3	N	10	E	WM	34	SW NE	03N10E34A02100	13.00	BARONE
3	N	10	E	WM	34	NW NW	03N10E34B01200	1.50	LOZOWSKI
3	N	10	E	WM	34	SW NW	03N10E34B01511	1.80	FLERCHINGER
3	N	10	E	WM	34	NW SE	03N10E34D00901	0.15	BEAMAN
3	N	10	E	WM	34	SW SE	03N10E34D01900	0.30	GUTHRIE
3	N	10	E	WM	34	SW SE	03N10E34D01907	0.15	GUTHRIE
3	N	10	E	WM	34	SE SE	03N10E34D02000	0.75	HENDERSON
3	N	10	E	WM	34	SE SE	03N10E34D02600	0.60	SMITH
3	N	10	E	WM	35	NE SW	03N10E35CA0100	0.20	HENDERSON
3	N	10	E	WM	35	NE SW	03N10E35CA0168	0.10	MARQUEZ
3	N	10	E	WM	35	SW SE	03N10E35DC2200	0.15	MARSHALL
							TOTAL	28.30	

5. 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.
6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in place of use would not result in enlargement of the right.
8. The proposed change in place of use would not result in injury to other water rights.
9. The District filed the transfer application prior to the end of the calendar year in which the changes were made or prior to any delivery of water as required under ORS 540.580(2).
10. The proposed place of use for irrigation of 5.35 acres in tax lot 03N10E03A01900 conflicts with Permit G-10612. Landowner Marchesi requested that the 5.35 acres under Permit G-10612 be diminished to supplemental irrigation at the time of certificate issuance to resolve the conflict.

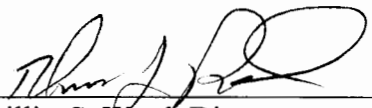
**Conclusions of Law**

The proposed changes in place of use in application T- 9587 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed change to the water right evidenced by Certificate 74306 is 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 Certificate 74306 and any related decree
3. The former places of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The Department shall issue a water right certificate describing the right when it determines that is necessary for record keeping or when the district or users within the district request issuance of a new certificate.

Dated at Salem, Oregon this 24<sup>th</sup> day of JANUARY, 2005.

  
For Phillip C. Ward, Director