

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10972, Umatilla County) DISTRICT PERMANENT TRANSFER

Authority

ORS 540.570 and 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 97031

Findings of Fact

1. On November 2, 2009, EAST FORK IRRIGATION DISTRICT filed a district transfer application to permanently change the place of use under Certificate 81340. The Department assigned the application number T-10972.
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. The portion of the primary right to be transferred is as follows:

Certificate: 81340 in the name of East Fork Irrigation District

Use: Irrigation of 1.55 acres

Priority Date: November 25, 1895

Source: East Fork Hood River, a tributary of the Hood River

Quantity of water: 0.019 cubic foot per second (cfs)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Lot	Q - Q	Measured Distance
1 S	10 E	WM	4	1	NW SW	3750 Feet South and 430 Feet East from the NW Corner of Section 4

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 Place of Use-

IRRIGATION								
Twp	Rng	Sec	Q - Q	TL	Lot	Acres	User	Notice #
2 N	10 E	25	SE NW	1301	--	0.45	CARDINAL I.G. COMPANY	2009-01
1 N	10 E	15	SW NE	1700	7	0.10	MICHAEL NASTASI	2009-02
1 N	10 E	15	SW NE	601	7	0.40	MICHAEL NASTASI	2009-02
1 N	10 E	15	SE NW	601	6	0.10	MICHAEL NASTASI	2009-02
1 N	10 E	15	NW SE	2401	10	0.50	EUGENE & VICKI BARNHART and MICHAEL BRICE	2009-02
Total:						1.55		

4. Application T-10972 proposes to change the place of use of the above described right to:
Proposed Place of Use:

IRRIGATION								
Twp	Rng	Sec	Q - Q	TL	Lot	Acres	User	Notice #
2 N	10 E	25	SE NW	1009	-	0.15	VANCO ENTERPRISES, INC.	2009-01
2 N	10 E	25	NE SW	1009	-	0.30	VANCO ENTERPRISES, INC.	2009-01
1 N	10 E	15	NW NE	501	2	0.25	MICHAEL NASTASI	2009-02
1 N	10 E	15	NW NE	601	2	0.10	MICHAEL NASTASI	2009-02
1 N	10 E	15	SW NE	601	7	0.15	MICHAEL NASTASI	2009-02
1 N	10 E	15	SW NE	1600	7	0.05	MICHAEL NASTASI	2009-02
1 N	10 E	15	SW NE	1700	7	0.05	MICHAEL NASTASI	2009-02
1 N	10 E	15	NW SE	2402	10	0.50	KAREN A. LaPOINTE	2009-02
Total:						1.55		

5. Notice of the application for transfer on November 17, 2009, pursuant to ORS 540.580 and OAR 690-385-3400. No comments were filed in response to the notice.
6. 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.
7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
8. The proposed change in place of use would not result in enlargement of the right.
9. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10972 satisfies the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The proposed change to the District's water right evidenced by Certificate 81340 is

approved.

2. 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 Certificate 81340 and any related decree and the Final Order approving T-10972.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2011.
7. A Claim of Beneficial Use (COBU) shall be submitted by EAST FORK IRRIGATION DISTRICT to the Department by October 1, 2012.
8. Water right certificate 81340 is modified. The Department will issue a superseding certificate describing the district's right when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 30th day of December, 2009.


for Phillip C. Ward, Director

Mailing date: JAN 04 2010