

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11317, 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  
P. O. BOX 162  
ODELL, OR 97044

**Findings of Fact**

**Background**

1. On November 17, 2011, EAST FORK IRRIGATION DISTRICT filed an application to change the places of use under Certificates 80929 and 81340. The Department assigned the application number T-11317.
  
2. The portion of the FIRST right water right to be transferred are as follows:
  - Certificate:** 80929, issued in the name of East Fork Irrigation District (perfected under Permit S-29617)
  - Use:** Irrigation of 6.60 acres
  - Priority Date:** MARCH 13, 1964
  - 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

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	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:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	Acres	User	NOTICE#
1 N	10 E	WM	1	NW SE	--	2100	2.20	HOOD RIVER COUNTY (Peters)	2011-04
1 N	10 E	WM	1	SW SE	--	2100	2.80	HOOD RIVER COUNTY (Peters)	2011-04
1 N	10 E	WM	15	SW SW	13	1300	0.30	JOHN & CHARLENE STOLTZ	2011-02
1 N	10 E	WM	15	SW SW	13	1400	0.70	ROBIN & KAREN GOODYER	2011-02
1 N	10 E	WM	15	SW SW	13	1500	0.30	JOHN & CHARLENE STOLTZ	2011-02
1 N	10 E	WM	15	SW SW	13	road	0.30	STOLTZ DRIVE	2011-02
<b>TOTAL:</b>							<b>6.60</b>		

3. Transfer Application T-11317 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	Acres	User	NOTICE#
1 N	10 E	WM	15	SW SW	13	1000	0.20	BRADY CLAUSSEN & ERICA PRICE	2011-02
1 N	10 E	WM	15	SW SW	13	1100	0.50	BRADY CLAUSSEN & ERICA PRICE	2011-02
1 N	10 E	WM	15	SW SW	13	1200	0.10	JOHN & CHARLENE STOLTZ	2011-02
1 N	10 E	WM	15	SW SW	13	1201	0.50	NATHAN O. AUSTIN	2011-02
1 N	10 E	WM	15	SW SW	13	1202	0.30	JOHN & CHARLENE STOLTZ	2011-02
2 N	10 E	WM	21	NW NE	--	601	0.45	DONALD & CYNTHIA POOLE	2011-04
2 N	10 E	WM	21	SW NE	--	601	0.20	DONALD & CYNTHIA POOLE	2011-04
2 N	10 E	WM	21	NE NW	--	1000	4.05	DONALD POOLE	2011-04
2 N	10 E	WM	21	SE NW	--	600	0.05	DONALD & CYNTHIA POOLE	2011-04
2 N	10 E	WM	21	SE NW	--	601	0.25	DONALD & CYNTHIA POOLE	2011-04
<b>TOTAL:</b>							<b>6.60</b>		

4. The portion of the SECOND right water right to be transferred are as follows:

**Certificate:** 81340, issued in the name of East Fork Irrigation District (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County)

**Use:** IRRIGATION of 2.50 ACRES

**Priority Date:** November 25, 1895

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

**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:**

IRRIGATION									
Twp	Rng	Mer	Sec	Q - Q	Gov't Lot	Tax Lot	Acres	User	Notice#
1 N	10 E	WM	15	NW SE	10	2400	0.55	EUGENE & VICKI BARNHART & MICHAEL BRICE	2011-03
1 N	10 E	WM	15	NW SE	10	2401	0.85	DERIK & STACEY FARLOW	2011-03
1 N	10 E	WM	15	NW SE	10	road	0.10	BURL ROAD	2011-03
2 N	10 E	WM	26	NE NW	--	407	1.00	HRV GROUP, INC.	2011-01
<b>TOTAL:</b>							<b>2.50</b>		

5. Transfer Application T-11317 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

IRRIGATION										
Twp	Rng	Mer	Sec	Q - Q	DLC	Gov't Lot	TL	Acres	User	Notice#
1 N	10 E	WM	15	NW SE	--	10	2400	1.50	EUGENE & VICKI BARNHART & MICHAEL BRICE	2011-03
3 N	11E	WM	31	NE NW	37	--	400	0.80	DONALD HULL	2011-01
3 N	11E	WM	31	NE NW	--	--	201	0.20	DONALD HULL	2011-01
<b>TOTAL:</b>							<b>2.50</b>			

6. Notice of the application for transfer was published on November 22, 2011, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
7. 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.
8. 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.
9. The district transfer application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed changes would not result in enlargement of the rights.

12. The proposed changes would not result in injury to other water rights.

**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-11317 satisfy 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 changes to the water rights evidenced by Certificates 81340 and 80929 are 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 the water rights, related decree, and the Final Order approving T-11317.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The proposed changes shall be completed on or before **October 1, 2013**. A Claim of Beneficial Use and Final Proof Map shall be submitted by East Fork Irrigation District to the Department by October 1, 2014.
5. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
6. Certificates 81340 and 80929 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 13 day of March, 2012.

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

Mailing Date: MAR 16 2012