



3. On July 14, 2009, Rick Brock, Water Rights Specialist for Farmers Irrigation District filed a statement requesting to withdraw a portion of the transfer application. The District does not intend to move the 1.0 acre of water right under the primary water right Certificate 74298 and its associated supplemental water rights Certificates 74300 and 74303. Additionally, the District withdrew its statement regarding not proving up on the same lands under Permit 41178.

4. The portion of the FIRST right is as follows:

**Certificate:** 74306 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** IRRIGATION of 18.7 ACRES

**Priority Date:** MAY 7, 1906

**Rate:** 0.23 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH of one cubic foot per second (cfs) per acre, not to exceed 3.0 acre-feet per acre per year during the irrigation season of each year

**Source:** HOOD RIVER, tributary to COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
2 N	10 E	WM	31	NW SW	2250 Feet North and 470 Feet East from the SW Corner of Section 31

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
2 N	10 E	WM	2	NW NE	1200	0.10	Trujillio / Gundlach
2 N	10 E	WM	2	NE NW	200	0.05	Debbie Schroder
2 N	10 E	WM	2	NW NW	2800	0.10	John Hunter
2 N	10 E	WM	2	SW NW	1100	0.10	Johnson, Carl/ Tessmer
2 N	10 E	WM	3	NW NW	2501	0.50	James West
2 N	10 E	WM	3	NW SW	2700	0.10	Dennis Redmond
2 N	10 E	WM	3	NW SW	2702	0.10	Scott Baklenko
2 N	10 E	WM	3	NW SW	2703	0.10	Richard Phillips
2 N	10 E	WM	10	NW NE	2300	0.20	Johnisee
2 N	10 E	WM	11	SW NE	1600	0.05	Jeremy Young
2 N	10 E	WM	11	NE NW	601	0.10	Kimberly Forbes
2 N	10 E	WM	11	NW NW	1600	1.25	Brandt
2 N	10 E	WM	12	NW NW	2100	0.15	Robert Benton
2 N	10 E	WM	12	SW NW	2400	0.05	George Tamura
2 N	10 E	WM	20	NW SE	1800	0.35	Ilene Anderson
3 N	10 E	WM	34	NE NE	100	2.90	Morgan-Gray Development
3 N	10 E	WM	34	SE NE	2401	0.45	Steven Eddy
3 N	10 E	WM	34	NE NW	2024	1.90	Summitview LLC
3 N	10 E	WM	34	NE NW	2030	5.00	Hood River Land Co.
3 N	10 E	WM	34	NE NW	2200C	0.20	Pathfinder Development
3 N	10 E	WM	34	SE NW	200	0.30	Peter Biltoft
3 N	10 E	WM	34	SE NW	600	0.15	Jay Jackson
3 N	10 E	WM	34	SE NW	1000	0.35	Jeff Sacre
3 N	10 E	WM	34	SE NW	2030	2.20	Hood River Land Co.
3 N	10 E	WM	34	NE SW	401	0.10	Kerri Kent
3 N	10 E	WM	34	SE SW	2002	0.05	Mark Johnson/ Davis
3 N	10 E	WM	34	SE SW	2003	0.10	Pat Hannigan

Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
3 N	10 E	WM	34	SW SE	1600	0.20	Darin Finn
3 N	10 E	WM	34	SE SE	2104	0.10	Salvadore Ledezma
3 N	10 E	WM	35	SW NW	200	0.75	Mark McCavic
3 N	10 E	WM	35	SW NW	800	0.15	Russell, James
3 N	10 E	WM	35	NE SW	101	0.30	Kathy Hammon
3 N	10 E	WM	35	SW SW	801	0.15	Hood River School District
3 N	10 E	WM	35	SW SE	300	0.05	Derek Nielsen
<b>TOTAL:</b>						<b>18.70</b>	

5. Application T-10708 proposes to change the place of use for the above described water right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
2 N	10 E	WM	3	SE SE	1500	0.05	Diamond Fruit Inc.
2 N	10 E	WM	3	SE SE	1500	1.95	Diamond Fruit Inc.
2 N	10 E	WM	11	SW NE	2100	0.45	Barone, Pasquale
2 N	10 E	WM	11	NW NW	1601	0.15	Kingdom Hall J.W.
2 N	10 E	WM	12	NW NW	1900	0.75	Hobbs, Judith
2 N	10 E	WM	20	NE SE	2000	1.00	Ilene Anderson
2 N	10 E	WM	20	NW SE	700	0.25	Nick Walrod
2 N	10 E	WM	20	NW SE	1801	1.00	Nick Walrod
3 N	10 E	WM	27	NE SE	400	0.65	Max Peterson
3 N	10 E	WM	27	NE SE	402	0.20	Max Peterson
3 N	10 E	WM	33	NW SE	1102	1.50	Steve Richter
3 N	10 E	WM	34	NW NE	1500	0.20	Richard Thomas
3 N	10 E	WM	34	NW NE	1502	1.00	Dennis Price
3 N	10 E	WM	34	NW NE	1505	0.20	Dan Armstrong
3 N	10 E	WM	34	NW NE	1506	0.55	Greg Skwarczynski
3 N	10 E	WM	34	NW NE	1608	0.10	Kristin Gerde
3 N	10 E	WM	34	NW NE	1609	0.15	Kristin Gerde
3 N	10 E	WM	34	NW NE	1700	0.15	Laurie Balmuth
3 N	10 E	WM	34	SE NE	2804	0.05	Melanie Thompson
3 N	10 E	WM	34	NE NW	100c	0.15	Querin
3 N	10 E	WM	34	NE NW	0200	0.25	Pedrotti
3 N	10 E	WM	34	NE NW	0300	0.15	Estes
3 N	10 E	WM	34	NE NW	0400	0.10	Wilson
3 N	10 E	WM	34	NE NW	0500	0.20	Larive
3 N	10 E	WM	34	NE NW	0600	0.15	Galvez
3 N	10 E	WM	34	NE NW	0700	0.20	Fick
3 N	10 E	WM	34	NE NW	800c	0.20	Rankin
3 N	10 E	WM	34	NE NW	0900	0.10	Duryee
3 N	10 E	WM	34	NE NW	4500	0.25	Johnston, Randall
3 N	10 E	WM	34	NE NW	4600	0.10	Sinclair
3 N	10 E	WM	34	NE NW	4700	0.15	Dancer
3 N	10 E	WM	34	NE NW	4800	0.25	Cimock
3 N	10 E	WM	34	NE NW	4900	0.10	Bauer
3 N	10 E	WM	34	NE NW	5000	0.20	McCaw
3 N	10 E	WM	34	NE NW	5100	0.30	Journeau
3 N	10 E	WM	34	NE NW	5200	0.20	Stewart
3 N	10 E	WM	34	NE NW	5300	0.15	Hopkins
3 N	10 E	WM	34	NE NW	5400	0.15	Mazzara

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
3 N	10 E	WM	34	SE NW	600	0.10	Alexander Dixon
3 N	10 E	WM	34	SE NW	601	0.10	James Haun
3 N	10 E	WM	34	SE NW	2000	0.15	Koppenhofer
3 N	10 E	WM	34	SE NW	2100	0.15	Meade
3 N	10 E	WM	34	SE NW	2200	0.20	Hood River Land Co.
3 N	10 E	WM	34	SE NW	2300	0.10	Hood River Land Co.
3 N	10 E	WM	34	SE NW	2400	0.20	Pearce
3 N	10 E	WM	34	SE NW	2500	0.30	Watson
3 N	10 E	WM	34	SE NW	2600	0.25	Hewitt
3 N	10 E	WM	34	SE NW	2700	0.15	Graham
3 N	10 E	WM	34	SE NW	2800	0.15	Stauffacher
3 N	10 E	WM	34	SE NW	2900	0.10	Fuller
3 N	10 E	WM	34	SE NW	3000	0.15	Frankton Park Home
3 N	10 E	WM	34	SE NW	3100	0.15	Fouch
3 N	10 E	WM	34	SE NW	3200	0.15	Cain
3 N	10 E	WM	34	SE NW	3300	0.15	Cain/ Hewitt
3 N	10 E	WM	34	SE NW	3400	0.15	Jacobson
3 N	10 E	WM	34	SE NW	3500	0.20	Santee
3 N	10 E	WM	34	SE NW	3600	0.15	Frankton Park Home
3 N	10 E	WM	34	SE NW	3700	0.20	Gaines
3 N	10 E	WM	34	SE NW	3800	0.25	Elle
3 N	10 E	WM	34	SE NW	3900	0.20	Thompson
3 N	10 E	WM	34	SE NW	4000	0.15	O'Neill
3 N	10 E	WM	34	SE NW	4100	0.15	Lariza
3 N	10 E	WM	34	SE NW	4500	0.35	Johnston, Randall
3 N	10 E	WM	35	NE SW	123	0.05	Lois Butler
3 N	10 E	WM	35	NE SW	127	0.05	Bev Mountain
3 N	10 E	WM	35	NE SW	128	0.05	Kim Miers
3 N	10 E	WM	35	NE SW	130	0.05	Darlene Kemper
3 N	10 E	WM	35	NE SW	131	0.05	Jeanne Suiste
3 N	10 E	WM	35	NE SW	132	0.05	Warren Webb
3 N	10 E	WM	35	NE SW	133	0.05	Shirlee Kerr
3 N	10 E	WM	35	NE SW	2028	0.15	Martinez, Miguel
3 N	10 E	WM	35	NE SW	2029	0.10	Martinez, Arturo
3 N	10 E	WM	35	SE SW	129	0.05	Mike Hannifan
<b>TOTAL:</b>						<b>18.70</b>	

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

**Certificate:** 74307 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** IRRIGATION of 1.35 ACRES

**Priority Date:** MAY 7, 1906

**Limit/Duty:** ONE-EIGHTIETH of one cubic foot per second (cfs) per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** HOOD RIVER, tributary to COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
2 N	10 E	WM	31	NW SW	2250 Feet North and 470 Feet East

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
					from the SW Corner of Section 31

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
3 N	10 E	WM	35	NE SE	4800	0.40	Michael Pullen
3 N	10 E	WM	35	NW SE	1602	0.45	Elwood Hutson
3 N	10 E	WM	36	SW SW	1500	0.20	Marie Phillips
3 N	10 E	WM	36	SW SW	1601	0.15	Marie Phillips
3 N	10 E	WM	36	SW SW	1602	0.15	Marie Phillips
<b>TOTAL:</b>						<b>1.35</b>	

7. Application T-10708 proposes to change the place of use of the above described right to:

**Proposed Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Tax Lot#	Acres	User
3 N	10 E	WM	26	NW SW	200	0.60	Gail Eriksson
3 N	10 E	WM	26	NW SW	600	0.30	Steven Oberlin
3 N	10 E	WM	35	NE SW	122	0.10	Wes Swearingen
3 N	10 E	WM	35	NE SW	124	0.10	Donald Placido
3 N	10 E	WM	35	NE SW	125	0.05	Paul Pargeter
3 N	10 E	WM	35	NE SW	126	0.05	Paul Vivian
3 N	10 E	WM	35	NE SW	134	0.10	Jonah Shelton
3 N	10 E	WM	35	NE SW	135	0.05	James Hazard
<b>TOTAL:</b>						<b>1.35</b>	

8. Notice of the application for transfer was published on October 7, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. Research revealed that portions of water right Permit 44002 are appurtenant to the "FROM" lands and the proposed "TO" lands described in Findings of Fact Nos. 4, 5, 6, and 7. On February 13, 2009, the Department received a statement from Mike Kleinsmith, Manager for Farmers Irrigation District stating that the District does not intend on proving up on any of the lands under Permit 44002 being proposed in the transfer. The portions are described in Findings of Fact No. 17.
10. 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.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. The proposed change in place of use would not result in enlargement of the rights.
13. The proposed changes in place of use would not result in injury to other rights.

**Partial Cancellation of Water Rights**

14. On April 8, 2009, Richard D. & Sheri L. Thomas, Dan & Jan Armstrong and Gregory & Katherine Skwarczynski, owners of lands to which a portion of Certificate 74313 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affidavit identified an existing primary water right on the authorized lands and requested that a portion of water right Certificate 74313 be cancelled in order to make way for the incoming district water right described in Findings of Fact #5 above. The affidavit is for the partial cancellation described below:

**Certificate:** 74313 in the name of Holloway, Lincoln, Johnson and Talley (perfected under permit 14362)

**Use:** IRRIGATION of 1.0 ACRE

**Priority Date:** June 5, 1940

**Rate:** 0.01 CUBIC FOOT PER SECOND (CFS)

**Source:** WASTE WATER FROM SE¼ of the SW¼, SECTION 34, and WASTE WATER FROM AN UNNAMED STREAM, a tributary of PHELPS CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
3 N	10 E	WM	34	NW NE	240 Feet North and 240 Feet East from the SW Corner of the NW¼ NE¼ of Section 34

**Place of Use to be cancelled: (TL's 1500, 1505 & 1506)**

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	10 E	WM	34	NW NE	1.0 Total

15. On April 27, 2009, Randolph Olmstead, owner of lands to which a portion of Certificate 8253 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affidavit identified a supplemental water right. The landowner does not intend to transfer this water right with the primary water right described in Finding of Fact #4 above. The affidavit is for the partial cancellation of 5.0 acres under Certificate 8253 on the authorized lands described as follows:

**Certificate:** 8253, in the name of A.C. Staten (perfected under permit 8501)

**Use:** SUPPLEMENTAL IRRIGATION of 5.0 ACRES

**Priority Date:** May 9, 1928

**Rate:** 0.066 CUBIC FOOT PER SECOND (CFS)

**Source:** UNDERGROUND DRAINAGE of LOW SWAMPY GROUND, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q - Q
3 N	10 E	WM	35	W½ NW¼ SW¼

**Place of Use to be cancelled: (TL 100)**

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	10 E	WM	34	E½ NE¼ NE¼	5.0

16. Pursuant to OAR 690-017-0010(2), the Department has determined that all the affiants listed in Findings of Fact #14 and #15 are the record owners, as established by county deed records, of property to which portions of the water rights evidenced by Certificate 74313 and 8253 are appurtenant.
17. On February 13, 2009, Mike Kleinsmith, Manager for the Farmers Irrigation District, submitted a statement that the District will not prove up on a portion of their water right. The Farmers Irrigation District has identified several properties within the district boundaries in which portions of water right Permit S-44002 are appurtenant to. The District has abandoned any and all interest in this portion of the permit. The parcels which the use of water under this water right permit for FERTILIZATION has ceased are described as follows”

**The portion of the water right that will not be proved up on is described as follows:**

**Permit:** 44002 in the name of Farmers Irrigation District

**Use:** FERTILIZATION of 21.1 ACRES

**Priority Date:** July 28, 1977

**Source:** HOOD RIVER, with any deficiency in the available supply of water to be made up by diversions of water from PINE CREEK, DITCH CREEK and SPRING BROOK

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distance
2 N	10 E	WM	30	SW SE	PINE CREEK - 750 Feet North & 2640 Feet West from the SE Corner of Section 30
2 N	10 E	WM	20	NE SW	DITCH CREEK - 1980 Feet North & 3960 Feet West from the SE Corner of Section 20
2 N	10 E	WM	20	NE SW	SPRING BROOK - 1420 Feet North & 3960 Feet West from SE Corner of Section 20
2 N	10 E	WM	31	NW SW	HOOD RIVER - 2250 Feet North & 470 Feet East from the SW Corner of Section 31

Lands under Permit 44002 that will NOT BE PROVED UP ON:							
Twp	Rng	Mer	Sec	Q - Q	TL#	Acres	User
2 N	10 E	WM	2	NW NE	1200	0.10	Trujillio / Gundlach
2 N	10 E	WM	2	NE NW	200	0.05	Debbie Schroder
2 N	10 E	WM	2	NW NW	2800	0.10	John Hunter
2 N	10 E	WM	2	SW NW	1100	0.10	Johnson, Carl/ Tessmer
2 N	10 E	WM	2	SW SE	2000	0.75	Robert Tallman
2 N	10 E	WM	3	NW NW	2501	0.50	West, James
2 N	10 E	WM	10	NW NE	2300	0.20	Johnisee
2 N	10 E	WM	11	SW NE	1600	0.05	Jeremy Young
2 N	10 E	WM	11	NE NW	601	0.10	Kimberly Forbes
2 N	10 E	WM	11	NW NW	1600	1.25	Brandt
2 N	10 E	WM	20	NW SE	1800	0.35	Ilene Anderson
3 N	10 E	WM	34	NE NE	100	2.90	Morgan-Gray Develop
3 N	10 E	WM	34	SE NE	2401	0.45	Steven Eddy
3 N	10 E	WM	34	NE NW	2024	1.90	Summitview LLC
3 N	10 E	WM	34	NE NW	2030	5.00	Hood River Land Co.
3 N	10 E	WM	34	NE NW	2200c	0.20	Pathfinder Development

<b>Lands under Permit 44002 that will NOT BE PROVED UP ON:</b>							
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q - Q</b>	<b>TL#</b>	<b>Acres</b>	<b>User</b>
3 N	10 E	WM	34	SE NW	200	0.30	Peter Biltoft
3 N	10 E	WM	34	SE NW	600	0.15	Jay Jackson
3 N	10 E	WM	34	SE NW	601	0.10	James Haun
3 N	10 E	WM	34	SE NW	1000	0.35	Jeff Sacre
3 N	10 E	WM	34	SE NW	2030	2.25	Hood River Land Co.
3 N	10 E	WM	34	NE SW	401	0.10	Kerri Kent
3 N	10 E	WM	34	SE SW	2002	0.05	Mark Johnson/ Davis
3 N	10 E	WM	34	SE SW	2003	0.10	Pat Hannigan
3 N	10 E	WM	34	SW SE	1600	0.20	Darin Finn
3 N	10 E	WM	34	SE SE	2104	0.10	Salvadore Ledezma
3 N	10 E	WM	35	SW NW	200	0.75	McCavic, Mark
3 N	10 E	WM	35	SW NW	800	0.15	Russell, James
3 N	10 E	WM	35	NE SW	101	0.30	Kathy Hammon
3 N	10 E	WM	35	NE SW	122	0.10	Swearingen, Wes
3 N	10 E	WM	35	NE SW	123	0.05	Lois Butler
3 N	10 E	WM	35	NE SW	124	0.10	Placido, Donald
3 N	10 E	WM	35	NE SW	125	0.05	Pargeter, Paul
3 N	10 E	WM	35	NE SW	126	0.05	Vivian, Paul
3 N	10 E	WM	35	NE SW	127	0.05	Bev Mountain
3 N	10 E	WM	35	NE SW	128	0.05	Kim Miers
3 N	10 E	WM	35	NE SW	130	0.05	Darlene Kemper
3 N	10 E	WM	35	NE SW	131	0.05	Jeanne Suiste
3 N	10 E	WM	35	NE SW	132	0.05	Warren Webb
3 N	10 E	WM	35	NE SW	133	0.05	Shirlee Kerr
3 N	10 E	WM	35	NE SW	134	0.10	Shelton, Jonah
3 N	10 E	WM	35	NE SW	135	0.05	Hazard, James
3 N	10 E	WM	35	NE SW	2028	0.15	Martinez, Miguel
3 N	10 E	WM	35	NE SW	2029	0.10	Martinez, Arturo
3 N	10 E	WM	35	SW SW	801	0.15	School District
3 N	10 E	WM	35	SE SW	129	0.05	Mike Hannifan
3 N	10 E	WM	35	NE SE	4800	0.40	Pullen, Michael
3 N	10 E	WM	35	SW SE	300	0.05	Derek Nielsen
3 N	10 E	WM	36	SW SW	1500	0.20	Marie Phillips
3 N	10 E	WM	36	SW SW	1601	0.15	Marie Phillips
3 N	10 E	WM	36	SW SW	1602	0.15	Marie Phillips1
<b>TOTAL:</b>						<b>21.1 ac.</b>	

**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-10708 satisfy the requirements of ORS 540.574(3) and 540.580 and the abandoned rights should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right will be cancelled.



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

1. The proposed changes to the District's existing water right Certificates 74306 and 74307 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 District's water rights, related decree, and the Final Order approving T-10708.
3. The portions of the water rights evidenced by Certificates 8253 and 74313 requested to be canceled are canceled. New certificates will be issued confirming the balance of the rights not modified by the Final Order approving a change in place of use.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. The proposed changes shall be completed on or before **October 1, 2011**. A Claim of Beneficial Use and Final Proof Map shall be submitted by Farmers Irrigation District to the Department by October 1, 2012.
6. Permit S-44002 is diminished as set forth in Finding of Fact #17.
7. Certificates 74306 and 74307 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 29<sup>th</sup> day of January, 2010.



*for* Phillip C. Ward, Director

Mailing date FEB 02 2010