

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN PLACE OF USE
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, **TRANSFER 8993**, a petition submitted by

EAST FORK IRRIGATION DISTRICT
P.O. BOX 162
ODELL, OREGON 97044.

The right to be modified is evidenced by a portion of:

CERTIFICATE Decree	PRIORITY DATE	SOURCE (Primary or Supplemental)
74642 Decree: V. 17, P. 333	November 25, 1895	East Fork Hood River (Primary Irrigation)

The District requests to permanently move the rights listed in Table A to locations listed in Table B.

The authorized place of use is located as follows:

TABLE A - Tabulation/Inventory of "FROM LANDS"

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	OWNER
1N	10E	22	SE NW	401	1.00	Frost LS,Cattle
2N	10E	13	NE SW	1500	0.90	Walton, Inc

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	OWNER
2N	10E	13	NE SW	1501	0.40	Walton, Inc.
2N	10E	13	SW SE	1100	0.30	Pine Grove F.D.
2N	10E	24	SE SW	3500	1.00	Duckwall-Pooley
2N	10E	26	SW NE	1005	5.80	John Bryant
2N	10E	26	NW NW	200	0.25	David Adams
2N	10E	26	NE SE	1300	1.50	Frank Lariza
2N	10E	27	NE SE	504	0.20	Charles Reed
2N	10E	27	NE SE	1200	0.80	Charles Reed
TOTAL:					12.15	

The proposed place of use is located as follows:

TABLE B - Tabulation/Inventory of "TO LANDS"

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	OWNER
1N	10E	3	SW SW	2100	5.80	John Bryant
1N	10E	10	NW NE	401	0.40	Charles Reed
1N	10E	22	SE NW	401	0.50	Frost LS, Cattle
2N	10E	1	SE NE	201	0.30	Frank Lariza
2N	10E	13	NW SW	2401	0.20	Walton, Inc.
2N	10E	13	NW SW	1500	0.90	Walton, Inc.
2N	10E	13	SW NW	1500	0.20	Walton, Inc.
2N	10E	13	SE SW	2100	0.30	Walton, Inc.
2N	10E	14	NE SW	1900	0.50	R. Webster Orchard
2N	10E	14	NW SE	400	0.30	R. Webster Orchard
2N	10E	24	SE SW	3500	0.70	Duckwall-Pooley
2N	10E	26	NW NW	200	0.25	David Adams
2N	10E	27	NE SE	504	0.10	Charles Reed
2N	10E	27	NE SE	1200	0.50	Charles Reed
3N	11E	31	SW SW	1700	0.30	Frank Lariza

TWP	RNG	SEC	¼ ¼	TAX LOT	ACRES	OWNER
3N	11E	31	SE SW	1700	0.90	Frank Lariza
TOTAL:					12.15	

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the certificate or decree.

**CANCELLATION OF WATER RIGHT CERTIFICATES
41301, 15010 & 11279.**

A review of the District's transfer petition revealed several conflicts with existing rights on both the "From" and "To" lands. On February 8, 2002, the Department contacted the District about the status of the rights, and requested cancellation of any abandoned rights. On March 27, 2002, the Department received three notarized affidavits from landowners requesting to cancel portions of the rights in conflict with the District's transfer petition.

ORS 540.621 provides that whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right.

Certificate 41301

Wendall Walton, of Walton, Inc., submitted an affidavit requesting cancellation of a portion of an abandoned water right appurtenant to his property. Water Right Certificate 41301 in the name of Pooley Orchards, with a date of priority of October 22, 1968, allows for the use of 0.006 cubic foot per second from a well perfected under Permit G-4286 for supplemental irrigation of 0.45 acres. The portion of the abandoned right is located as follows:

NE¼ SW¼ 0.45 ACRE
SECTION 13
TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

Certificate 15010

Charles H., Shelby S., and Mary C. Reed, submitted an affidavit requesting cancellation of a portion of an abandoned water right appurtenant to their property. Water Right Certificate 15010, with a priority date of 1895, allows for the use of 0.006 cubic foot per second from a tributary of Odell Creek, for domestic purposes and the irrigation of 0.50 acres. The right was confirmed by decree of the Circuit Court of the State of Oregon for Hood River County and entered in the Order Record of the State Engineer at Vol. 6, page 200. The portion of the abandoned right is located as follows:

NE¼ SE¼ 0.50 ACRE
SECTION 27
TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

Certificate 11279

Charles H. & Victoria Reed, submitted an affidavit requesting cancellation of a portion of an abandoned water right appurtenant to their property. Water Right Certificate 11279 in the name of World War Veteran's State Aid Commission, perfected under Permit S-11665 with a date of priority of March 28, 1935, allows for the use of 0.028 cubic foot per second from unnamed springs, tributary to Odell Creek, for irrigation of 2.10 acres. The portion of the abandoned right is located as follows:


NE¼ SE¼ 2.10 ACRES
SECTION 27
TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

THESE CHANGES TO EXISTING DISTRICT WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2003.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by EAST FORK IRRIGATION DISTRICT on or before October 1, 2004.
4. Except as modified herein, all other conditions and restrictions of Certificate 74642 and the Hood River Decree (V.17, P. 333) remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the rights not modified by this or any other order.

In addition, Certificates 15010, 11279 and 41301 are canceled. New certificates will be issued to confirm the remaining portion of the rights NOT modified by this transfer and cancellation order.

WITNESS the signature of the Water Resources Director, affixed APR 22 2002



For Paul R. Cleary, Director