# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13172, Hood River County	)	A DISTRICT PERMANENT TRANSFER FOR
	)	PLACE OF USE

## Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

## Applicant

MIDDLE FORK IRRIGATION DISTRICT PO BOX 291 PARKDALE, OR 97041

## **Findings of Fact**

- 1. On April 26, 2019, Middle Fork Irrigation District (MFID) filed a district transfer application to permanently change the places of use under Certificates 74264, 89317, 89320, and 89321. The Department assigned the application number T-13172.
- 2. Notice of the District Permanent Transfer Application was published on May 7, 2019, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. On May 20, 2019, MFID submitted a revised table for Certificate 89321 clarifying a proposed place of use.
- 4. The portion of the first right to be transferred is as follows:

Certificate: 74264 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under

Permit S-23660)

Use: PRIMARY IRRIGATION of 9.25 acres

Priority Date: JUNE 9, 1955

Rate / Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH

of one cubic foot per second per acre or its equivalent for each acre irrigated

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 137-004-0080, 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

and shall be further limited to a diversion of not to exceed 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

**Source:** EILOT BRANCH OF MIDDLE FORK HOOD RIVER, a tributary of MIDDLE FORK HOOD RIVER

### **Authorized Points of Diversion:**

Measured Distances	
AND 2280 FEET WEST FROM	

### **Authorized Place of Use:**

	PRIMARY IRRIGATION										
Twp Rng Mer Sec Q-Q Acres Tax Lot Water User											
1 S	10 E	WM	19	NE NE	1.60	100	RICE				
15	10 E	WM	20	NW NW	2.45	400	RICE				
1 S	10 E	WM	20	NW NW	5.20	401	RICE				
				Total:	9.25						

5. Transfer Application T-13172 proposes to change the place of use to:

## Proposed Place of Use:

	PRIMARY IRRIGATION										
Twp	Tax Lot	Water User									
1 S	10 E	WM	, 20	NE NW	8.35	401	RICE				
1 S	10 E	WM	20	NW NW	0.90	401	RICE,				
				9.25							

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

Certificate: 89317 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under

Permit S-27788)

**Use:** PRIMARY IRRIGATION of 0.2 acres

**Priority Date:** JANUARY 2, 1962

Rate / Duty: The amount of water used for irrigation together with the amount secured under any other prior right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 ACRE-FEET per acre during the irrigation season of each year. Use from the reservoir shall be subject to the terms and conditions of the State Engineer's order entered at Volume 11, pages 502 to 503 on March 22, 1962.

**Source:** CLEAR CREEK AND CLEAR CREEK RESERVOIR (LAURANCE LAKE), tributary to MIDDLE FORK HOOD RIVER

#### **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec Q-Q		Measured Distances
15	9 E	WM	27	NW NE	CLEAR CREEK: 520 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 27

Certificate 89317 does not specify the location of Clear Creek Reservoir (Laurance Lake)

### **Authorized Place of Use:**

	PRIMARY IRRIGATION										
Twp	Twp Rng Mer Sec Q-Q Acres Tax Lot Water User										
15	10 E	WM	20	NW NW	0.2	401	RICE				

7. Transfer Application T-13172 proposes to change the place of use to:

## **Proposed Place of Use:**

	PRIMARY IRRIGATION										
	Twp Rng Mer Sec Q-Q Acres Tax Lot Water User										
ĺ	1 S	10 E	WM	20	NW NW	0.2	401	RICE			

8. The portion of the third right to be transferred is as follows:

Certificate: 89320 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under

Permit S-51366)

Use: SUPPLEMENTAL IRRIGATION of 0.2 acres

Priority Date: MARCH 9, 1970

Rate / Duty: The amount of water used for irrigation together with the amount secured

under any other prior right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 ACRE-FEET per acre during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior

right existing for the same land.

Source: ELIOT CREEK, tributary to MIDDLE FORK HOOD RIVER

## **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
1.0	0.5	14/0/4	26	CVA/ NIE	2450 FEET SOUTH AND 360 FEET EAST FROM THE N¼	
1.2	9 E	WM	26	SW NE	CORNER OF SECTION 26	

#### Authorized Place of Use:

	SUPPLEMENTAL IRRIGATION										
Twp	Twp Rng Mer Sec Q-Q Acres Tax Lot Water User										
1 S	10 E	WM	20	NW NW	0.2	401	RICE				

9. Transfer Application T-13172 proposes to change the place of use to:

## **Proposed Place of Use:**

	SUPPLEMENTAL IRRIGATION										
Twp	Twp Rng Mer Sec Q-Q Acres Tax Lot Water User										
15	10 E	WM	20	NW NW	0.2	401	RICE				

10. The portion of the fourth right to be transferred is as follows:

**Certificate:** 89321 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-51369)

Use: SUPPLEMENTAL IRRIGATION of 9.45 acres

Priority Date: AUGUST 19, 1985

Rate / Duty: The amount of water used for irrigation and temperature control together

with the amount secured under any other prior right existing for the same lands, is limited as follows: For irrigation ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 ACRE-FEET per acre during the irrigation season of each year. This right is limited to any deficiency in the

available supply of any prior right existing for the same land.

Source: COE CREEK, tributary to MIDDLE FORK HOOD RIVER

## **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1.0	0.5	1A/B.4	27	CENIE	2598 FEET SOUTH AND 945 FEET WEST FROM THE NE CORNER
13	96	ΜM	27	SE NE	OF SECTION 27

### **Authorized Place of Use:**

	SUPPLEMENTAL IRRIGATION											
Twp Rng Mer Sec Q-Q Acres Tax Lot Water User												
1 S	10 E	WM	19	NE NE	1.60	100	RICE					
1 S	10 E	WM	20	NW NW	2.45	400	RICE					
1 S	10 E	WM	20	NW NW	5.40	401	RICE					
				Total:	9.45							

11. Transfer Application T-13172 proposes to change the place of use to:

### **Proposed Place of Use:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	
1 S	10 E	WM	20	NE NW	8.35	401	RICE	
1 Ś	10 E	WM	20	NW NW	1.10	401	RICE	
				Total:	9.45			

- 12. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
- 13. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
- 14. The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 15. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
- 16. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).

17. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-13172 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

## Now, therefore, it is ORDERED:

- 1. The proposed changes in place of use to the water rights evidenced by Certificates 74264, 89317, 89320, and 89321 are approved.
- 2. The right to the use of the water is restricted to beneficial use at the places of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 74264, 89317, 89320, and 89321.
- 3. The places of use from which the water right is removed by T-13172 shall no longer be irrigated under the transferred right.
- 4. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use shall be submitted by MFID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
- 6. Water right Certificates 74264, 89317, 89320, and 89321 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Øregon on	JUN 0 3 2019 .	
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Lisa Lisa Lisa Tananillo, Transfer and	Conservation Section Manager for	
THOMAS M. BYLER, DIRECTOR	<b>(</b>	

**Oregon Water Resources Department** 

Mailing Date: JUN 0 4 2019