

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

In the Matter of Transfer Application                    )    FINAL ORDER APPROVING  
T-13166, Hood River County                            )    A DISTRICT TEMPORARY TRANSFER

**Authority**

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily 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**

FARMERS IRRIGATION DISTRICT  
1985 COUNTRY CLUB ROAD  
HOOD RIVER, OR 97031

**Findings of Fact**

1. On April 10, 2019, Farmers Irrigation District (FID) filed a district transfer application to temporarily change the place of use under Certificates 85974, 77288, and 85975. The Department assigned the application number T-13166.
2. Notice of the application for transfer was published on April 16, 2019, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:  
**Certificate:** 85974 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)  
**Use:** IRRIGATION of 5.2 acres  
**Priority Dates:** 1874  
**Limit/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 a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, 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 for each acre irrigated during the irrigation season of each year.

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).

**Source:** DITCH CREEK, tributary to HOOD RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
2 N	9 E	WM	24	NE NE	----	DITCH CREEK: 1740 FEET NORTH AND 330 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24

**Authorized Place of Use:**

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	04	NW NW	5.2	1700	LAHTI

4. Transfer Application T-13166 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
2 N	10 E	WM	04	NE NW	5.2	1715	DECKER

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

**Certificate:** 77288 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree).

**Use:** SUPPLEMENTAL IRRIGATION of 5.2 acres

**Priority Date:** SEPTEMBER 15, 1904

**Limit/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, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated 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:** PHELPS CREEK, a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
3 N	10 E	WM	33	NW SE

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	04	NW NW	5.2	1700	LAHTI

6. Transfer Application T-13166 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	04	NE NW	5.2	1715	DECKER

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

**Certificate:** 85975 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** SUPPLEMENTAL IRRIGATION of 5.4 acres

**Priority Dates:** 1899

**Limit/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 a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, 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 for each acre irrigated during the irrigation season of each year.

**Source:** SPRING AT CAMP NO. 4, tributary to the HOOD RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
2 N	9 E	WM	32	NW NE	---	SPRING AT CAMP NO. 4: 170 FEET SOUTH AND 800 FEET EAST FROM THE N¼ CORNER OF SECTION 32

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	04	NW NW	5.2	1700	LAHTI

8. Transfer Application T-13166 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	04	NE NW	5.2	1715	DECKER

9. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

12. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
14. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
15. All other applicable requirements for district temporary water right transfers are met.

### **Conclusions of Law**

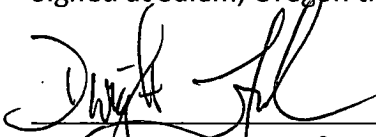
The temporary change in place of use proposed in Temporary Transfer Application T-13166 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

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

1. The temporary changes in place of use proposed in Transfer Application T-13166 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2019 irrigation season.
3. The use shall revert to the authorized place of use after the 2019 irrigation season.
4. Any application for permanent transfer of Certificates 85974, 77288, and 85975 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificates 85974, 77288, and 85975 under ORS 540.610.
6. The use of water on both the lands from which the water right is transferred and the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
7. The use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

9. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
10. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 80062, 86992, and 86993.
11. The use of the remaining water rights described by Certificates 85974, 77288, and 85975 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 85974, 77288, and 85975.

Signed at Salem, Oregon this JUN 03 2019



\_\_\_\_\_  
Lisa L. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

*Mailing Date:* JUN 04 2019