

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11528, Hood River County)	A PERMANENT DISTRICT
)	TRANSFER AND THE PARTIAL
)	CANCELLATION OF A WATER
)	RIGHT

Authority

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right or a portion thereof has been abandoned and to voluntarily request that it be cancelled.

Applicant

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

Findings of Fact

1. On January 31, 2013, FARMERS IRRIGATION DISTRICT (FID) filed a transfer application for a change in place of use under Certificates 74299, 74306, 76230, 85974, 85975 and 85976. The Department assigned the application number T-11528.
2. Notice of the application for transfer was published on February 12, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 74299 in the name of FARMERS IRRIGATION DISTRICT (confirmed by the Hood River Decree)
Use: SUPPLEMENTAL IRRIGATION of 6.50 ACRE
Priority Date: DECEMBER 1, 1905
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 (cfs), 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: NORTH FORK GREEN POINT CREEK, SOUTH FORK GREEN POINT, DEAD POINT CREEK AND SOUTH FORK PINE CREEK, tributaries of HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	4	SE SE	SOUTH FORK GREEN POINT CREEK-430 FEET SOUTH AND 5670 FEET EAST FROM THE NW CORNER OF SECTION 9
1 N	9 E	WM	3	SE SW	NORTH FORK GREEN POINT CREEK-340 FEET SOUTH AND 7090 FEET EAST FROM THE NW CORNER OF SECTION 9
1 N	9 E	WM	2	NE NW	DEAD POINT CREEK-370 FEET SOUTH AND 1570 FEET EAST FROM THE NW CORNER OF SECTION 9
2 N	9 E	WM	25	SW SE	SOUTH FORK PINE CREEK-875 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 25

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
3 N	10 E	WM	33	SE SE	3800	2.40	GARDNER	6697
3 N	10 E	WM	33	SE SE	3900	0.50	GARDNER	6703
3 N	10 E	WM	33	SE SE	4300	1.50	RUSSELL	6717
3 N	10 E	WM	33	SE SE	4400	2.10	RUSSELL	6711
Total:						6.50		

4. The Department has collected additional information regarding the location of two of the authorized points of diversion. The additional information clarifies the location of the Green Point Creek diversions as follows:

Twp	Rng	Mer	Sec	Q-Q	GPS information
1 N	9 E	WM	10	NW NW	SOUTH FORK GREEN POINT CREEK - 45.59061,-121.688332
1 N	9 E	WM	3	SE SW	NORTH FORK GREEN POINT CREEK - 45.593538,-121.688332

5. Transfer Application T-11935 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN
2 N	10 E	WM	4	SE NE	3702	1.60	MCKNIGHT	7317
2 N	10 E	WM	10	NW SW	1400	0.65	HARDMAN	7321
2 N	10 E	WM	20	NW NE	800	1.05	PALEN	7324
2 N	10 E	WM	20	NW NE	805	3.20	ALLEY	7327
Total:						6.50		

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

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

Use: IRRIGATION of 24.55 ACRES

Priority Date: MAY 7, 1906

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 cfs 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 for each acre irrigated during the irrigation season of each year.

Source: HOOD RIVER, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
2 N	10 E	WM	1	NW NW	2800	2.75	CLARK	6570
2 N	10 E	WM	1	NW NW	3400	0.15	BRYANT	7262
2 N	10 E	WM	2	SE SW	1401	0.10	CLARKE	6779
2 N	10 E	WM	2	NW SE	3900	0.20	RECYCLE CENTER	7250
2 N	10 E	WM	2	NW SE	4000	0.40	RECYCLE CENTER	7249
2 N	10 E	WM	2	NW SE	4100	0.65	RECYCLE CENTER	7251
2 N	10 E	WM	3	NE NE	300	0.15	MAXWELL	7281
2 N	10 E	WM	3	NW NW	2200	1.40	CATANIA	7256
2 N	10 E	WM	10	NE NE	1600	0.10	ENRIQUEZ	7257
2 N	10 E	WM	11	SE NE	1000	0.25	PORT OF HOOD RIVER	7282
2 N	10 E	WM	11	SE NE	1100	0.60	PORT OF HOOD RIVER	7283
2 N	10 E	WM	11	SW NE	2200	2.60	PORT OF HOOD RIVER	7284
2 N	10 E	WM	11	NE NW	603	0.25	COOK	6774
2 N	10 E	WM	11	NW NW	1800	0.70	NIPPOLT	6789
2 N	10 E	WM	11	SE NW	2501	0.45	PORT OF HOOD RIVER	7285
2 N	10 E	WM	11	SE NW	2503	0.75	PORT OF HOOD RIVER	7286
2 N	10 E	WM	11	SE NW	2600	2.60	PORT OF HOOD RIVER	7287
2 N	10 E	WM	11	SW NW	2503	0.30	PORT OF HOOD RIVER	7288
2 N	10 E	WM	11	SW NW	2600	0.60	PORT OF HOOD RIVER	7289
2 N	10 E	WM	14	NW NE	700	0.40	BENTON	7258
2 N	10 E	WM	14	NW NE	800	0.50	BENTON	7259
2 N	10 E	WM	15	NW SE	800	2.00	ACREE	6775
2 N	10 E	WM	15	SW NE	1301	0.15	TRESEMER	6792
3 N	10 E	WM	26	SW SW	1300	0.50	HOOD RIVER COUNTY	6736
3 N	10 E	WM	27	SW SW	1200	0.20	CUSHMAN	7243
3 N	10 E	WM	27	SE SW	1200	0.10	CUSHMAN	7242
3 N	10 E	WM	33	SE SE	4500	1.20	SADDLE CLUB	6737
3 N	10 E	WM	34	SE NE	2600	0.35	CARR	7257
3 N	10 E	WM	34	SE NE	2602	2.10	HOPE	6453
3 N	10 E	WM	34	SE NW	700	0.15	PARSONS	6740
3 N	10 E	WM	35	SW NW	1100	0.55	COTTAGE HOUSING LLC	6738
3 N	10 E	WM	35	SW SW	2400	1.00	SMITH PROPERTIES	6508
3 N	10 E	WM	35	NW SE	1603	0.35	TAYLOR	7252
Total						24.55		

7. Transfer Application T-11935 proposes to change the place of use for the above described water right to:

IRRIGATION								
Twp	Rn	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10	WM	11	SW NE	2200	1.10	PORT OF HOOD RIVER	7290
2 N	10	WM	11	NW NW	1601	0.10	KINGDOM HALL	6587
2 N	10	WM	11	SE NW	2501	2.70	PORT OF HOOD RIVER	7291
2 N	10	WM	11	SE NW	2600	2.40	PORT OF HOOD RIVER	7292

IRRIGATION								
Twp	Rn	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10	WM	11	SW NW	2600	1.95	PORT OF HOOD RIVER	7293
2 N	10	WM	11	NW SE	1600	0.40	BOB ACRES LLC	7260
2 N	10	WM	12	NW NW	1800	0.40	BOB ACRES LLC	6788
3 N	10	WM	26	NW SW	1001	0.50	STEEVES	6767
3 N	10	WM	33	SE SE	3800	2.40	GARDNER	6701
3 N	10	WM	33	SE SE	3900	0.50	BELCHER	6707
3 N	10	WM	33	SE SE	4300	1.50	RUSSELL	6721
3 N	10	WM	33	SE SE	4400	2.10	RUSSELL	6715
3 N	10	WM	33	SE SE	4500	8.50	SADDLE CLUB	6737
						Total	24.55	

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

Certificate: 76230 in the name of FARMERS IRRIGATION DISTRICT (perfected under Permit S-51189)

Use: IRRIGATION of 10.90 ACRE

Priority Date: APRIL 27, 1989

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 cfs 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.

Sources: RAINY CREEK (WITH DEFICIENCY TO BE MADE UP FROM GATE CREEK, CABIN CREEK, DITCH CREEK AND DEAD POINT CREEK, UPPER AND LOWER GREEN POINT RESERVOIRS), a tributary of HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	8 E	WM	25	NE SE	600 FEET SOUTH AND 1150 FEET WEST FROM THE E1/4 CORNER OF SECTION 25

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	4	SE NE	3702	1.60	BAILEY	7313
2 N	10 E	WM	5	SE NE	100	0.25	DOG HILL ORCHARDS	7336
2 N	10 E	WM	5	SE NE	108	4.00	DOG HILL ORCHARDS	7335
2 N	10 E	WM	10	NW SW	1400	0.80	HARDMAN	7314
2 N	10 E	WM	20	NW NE	800	1.05	PALEN	7315
2 N	10 E	WM	20	NW NE	805	3.20	ALLEY	7316
						Total	10.90	

9. Transfer Application T-11935 proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	5	SW NE	100	2.65	DOG HILL ORCHARDS	7335
2 N	10 E	WM	5	SE NE	108	1.60	SAGER	7336

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	5	NE SW	301	0.70	HOOD RIVER CHERRY CO	7334
2 N	10 E	WM	5	SE SW	301	5.95	HOOD RIVER CHERRY CO	7333
						Total	10.90	

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

Certificate: 85974 in the name of FARMERS IRRIGATION DISTRICT
(confirmed by the Hood River Decree)

Use: IRRIGATION of 6.65 ACRES

Priority Dates: 1874, DECEMBER 19, 1892, and OCTOBER 6, 1902

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, 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: DITCH CREEK and DEAD POINT CREEK, tributaries of HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
1 N	9 E	WM	2	NW NW	4	DEAD POINT CREEK - 150 FEET SOUTH AND 1200 FEET EAST FROM THE NW CORNER OF SECTION 2
2 N	9 E	WM	24	NE NE	---	DITCH CREEK - 1740 FEET NORTH AND 330 FEET WEST FROM THE E¼ CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	16	NE SW	4600	0.15	HUKARI ORCHARDS INC	6764
3 N	10 E	WM	33	SE SE	3800	2.40	GARDNER	6700
3 N	10 E	WM	33	SE SE	3900	0.50	GARDNER	6706
3 N	10 E	WM	33	SE SE	4300	1.50	RUSSELL	6720
3 N	10 E	WM	33	SE SE	4400	2.10	RUSSELL	6714
						Total	6.65	

11. Transfer Application T-11935 also proposes to change the place of use of the right to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	4	SE NE	3702	1.60	MCKNIGHT	7317
2 N	10 E	WM	10	NW SW	1400	0.80	HARDMAN	7320
2 N	10 E	WM	20	NW NE	800	1.05	PALEN	7323
2 N	10 E	WM	20	NW NE	805	3.20	ALLEY	7326
						Total	6.65	

12. The portion of the sixth right to be transferred is as follows:

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

Use: IRRIGATION of 0.60 ACRE and SUPPLEMENTAL IRRIGATION OF 6.65 ACRES

Priority Date: 1891 for DITCH CREEK AND PARKER SPRINGS, and 1899 for NORTH FORK GREEN POINT CREEK and SPRING AT CAMP NO. 4

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, 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: DITCH CREEK, PARKER SPRINGS, NORTH FORK GREEN POINT CREEK, and SPRING AT CAMP NO. 4, tributaries to HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
2 N	9 E	WM	14	NE SW	--	PARKER SPRINGS - 1760 FEET NORTH AND 1480 FEET EAST FROM THE SW CORNER OF SECTION 14
2 N	9 E	WM	14	SE SE	--	DITCH CREEK - 1800 FEET SOUTH AND 1080 FEET WEST FROM THE E¼ CORNER OF SECTION 14
2 N	9 E	WM	30	NE SW	7	NORTH FORK GREEN POINT CREEK - 6940 FEET NORTH AND 14820 FEET WEST FROM THE SE CORNER OF THE SW¼ SW¼ OF SECTION 34
2 N	9 E	WM	30	NE SW	7	NORTH FORK GREEN POINT CREEK - 6820 FEET NORTH AND 14720 FEET WEST FROM THE SE CORNER OF THE SW¼ SW¼, OF SECTION 34
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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	18	NE NE	102	0.60	SAKURAMBO LLC	7280

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	16	NE SW	4600	0.15	HUKARI ORCHARDS INC	6763
3 N	10 E	WM	33	SE SE	3800	2.40	GARDNER	6699
3 N	10 E	WM	33	SE SE	3900	0.50	GARDNER	6705
3 N	10 E	WM	33	SE SE	4300	1.50	RUSSELL	6719
3 N	10 E	WM	33	SE SE	4400	2.10	RUSSELL	6713
Total						6.65		

13. Transfer Application T-11935 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	Water User	Notice
2 N	10 E	WM	18	NE NE	100	0.60	MCCRAVEY	7280

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
2 N	10 E	WM	4	SE NE	3702	1.60	MCKNIGHT	7329
2 N	10 E	WM	10	NW SW	1400	0.80	HARDMAN	7330
2 N	10 E	WM	20	NW NE	800	1.05	PALEN	7331
2 N	10 E	WM	20	NW NE	805	3.20	ALLEY	7332
Total						6.65		

14. The portion of the seventh right to be transferred is as follows:

Certificate: 85976 in the name of FARMERS IRRIGATION DISTRICT (perfected under Permit S-6575)

Use: SUPPLEMENTAL IRRIGATION of 6.50 ACRE

Priority Date: February 29, 1924

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 cfs, 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: CAPRON SPRING INFLOW, WINAN SPRING INFLOW, DAGO SPRING INFLOW, SAVAGE SPRING INFLOW, NO-NAME SPRING INFLOW, YUMIBE SPRING INFLOW, NORTH FORK PINE CREEK, UNNAMED STREAM and INDIAN CREEK, tributaries to HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov't lot	Measured Distances
1 N	9 E	WM	1	NW SW	6	DAGO SPRING INFLOW - 700 FEET SOUTH AND 100 FEET WEST FROM THE NE CORNER OF THE NW¼ SW¼ OF SECTION 1
1 N	9 E	WM	2	SW SW	--	WINAN SPRING INFLOW - 330 FEET NORTH AND 1080 FEET EAST FROM THE SW CORNER OF SECTION 2
1 N	9 E	WM	3	SE SW	--	CAPRON SPRING INFLOW - 320 FEET NORTH AND 7900 FEET EAST FROM THE NW CORNER OF SECTION 9
2 N	9 E	WM	25	NE SE	--	NORTH FORK PINE CREEK - 1920 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 25
2 N	9 E	WM	36	NE NE	--	YUMIBE SPRING INFLOW - 475 FEET SOUTH AND 1050 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	9 E	WM	36	SW NE	--	NO-NAME SPRING INFLOW - 2160 FEET SOUTH AND 1700 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	9 E	WM	36	SE SW	--	SAVAGE SPRING INFLOW - 4770 FEET SOUTH AND 3900 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	10 E	WM	10	NE NW	--	INDIAN CREEK - 70 FEET SOUTH AND 1220 FEET WEST FROM THE N¼ CORNER OF SECTION 10
2 N	10 E	WM	16	NW NW	--	INDIAN CREEK - 260 FEET SOUTH AND 100 FEET EAST FROM THE NW CORNER OF SECTION 16
2 N	10 E	WM	17	NE SW	--	INDIAN CREEK - 2030 FEET NORTH AND 2530 FEET EAST FROM THE SW CORNER OF SECTION 17
2 N	10 E	WM	19	SE NE	--	UNNAMED STREAM - 1350 FEET SOUTH AND 740 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	Notice
3 N	10 E	WM	33	SE SE	3800	2.40	GARDNER	6700
3 N	10 E	WM	33	SE SE	3900	0.50	GARDNER	6706
3 N	10 E	WM	33	SE SE	4300	1.50	RUSSELL	6720
3 N	10 E	WM	33	SE SE	4400	2.10	RUSSELL	6714
Total:						6.50		

15. Transfer Application T-11935 proposes to change the place of use of the above described rights to:

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acr	Water User	Notice
2 N	10 E	WM	4	SE NE	3702	1.60	MCKNIGHT	7319
2 N	10 E	WM	10	NW SW	1400	0.80	HARDMAN	7322
2 N	10 E	WM	20	NW NE	800	1.05	PALEN	7325
2 N	10 E	WM	20	NW NE	805	3.05	ALLEY	7545
Total :						6.50		

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11528.
18. 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.
19. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
20. The proposed changes in place of use would not result in enlargement of the rights.
21. The proposed changes in place of use would not result in injury to other rights.

Partial Cancellation of a Water Right

22. On January 31, 2013, Richard J. and Robin M. Cushman, owner of lands to which a portion of Certificate 74316 is appurtenant, submitted an affidavit requesting cancellation. The affiant requested a portion of Certificate 74316 be cancelled, as it will not be transferred along with the associated primary irrigation. The abandoned portion to be cancelled is described as follows:

Certificate: 74316 in the name of WILFORD CAREY; STEVEN STANCIN; ANNA CUSHMAN, ET AL; KEITH AND DEBBIE CASTRO; WOLF, DAVIDSON & FOSS PROPERTIES (perfected under Permit S-4961)

Use: SUPPLEMENTAL IRRIGATION of 0.10 ACRE

Priority Date: FEBRUARY 12, 1921

Rate: 0.004 CUBIC FOOT PER SECOND

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 cfs, 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: A SPRING, tributary to PHELPS CREEK

Place of Use to be cancelled:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	10 E	WM	27	SE SW	1200	0.10	CUSHMAN

23. On January 31, 2013, China Tresemer, owner of lands to which a portion of Certificate 87083 is appurtenant, submitted a voluntary cancellation affidavit. The affiant requested a portion of 87083 be cancelled, as it will not be transferred along with the associated primary irrigation water right. The abandoned portion to be cancelled is described as follows:

Certificate: 87083 in the name of SCOTT & LAURIE CROSSWHITE; ELMER WARREN; and PHEASANT VALLEY ORCHARDS, INC. (perfected under Permit S-7284)

Use: SUPPLEMENTAL IRRIGATION 0.15 ACRES

Priority Date: APRIL 26, 1926

Rate: 0.002 CUBIC FOOT PER SECOND

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 cfs, 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: UNNAMED STREAM, tributary to HOOD RIVER

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	15	SW NE	1301	0.15	TRESEMER

Conclusions of Law

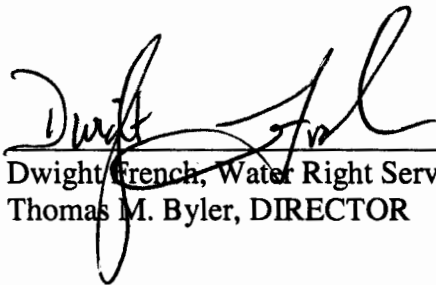
The proposed changes in place of use in Transfer Application T-11935 satisfy the requirements of ORS 540.570 – 540.580 and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes to the District's existing water right Certificates 74299, 74306, 76230, 85974, 85975, and 85976 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, this final order and the relevant decree.

3. The portions of the water rights as evidenced by Certificates 74316 and 87083 as requested to be cancelled are cancelled. New certificates will be issued for the portion of the water right not modified (remaining rights) by this Final Order.
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, 2017**. A Claim of Beneficial Use and Final Proof Map shall be submitted by Farmers Irrigation District to the Department by **October 1, 2018**.
6. Certificates 74299, 74306, 76230, 85974, 85975 and 85976 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 2 day of October, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, DIRECTOR

Mailing Date: OCT 06 2015