

**BEFORE THE WATER RESOURCES DEPARTMENT
OF
STATE OF OREGON
COUNTY OF HOOD RIVER**

In the Matter of a Proposed Change) ORDER APPROVING A PERMANENT
In Place of Use of Water Within an) DISTRICT TRANSFER
Irrigation District — TRANSFER 9804)

FINDINGS OF FACT

1. Pursuant to ORS 540.580, EAST FORK IRRIGATION DISTRICT, P.O. Box 162, Odell, OR, 97044, petitioned the Oregon Water Resources Department to permanently change the place of use of water within the boundaries of the irrigation district. The petition was received on October 14, 2004, and included the required fees.
2. The Department assigned the petition transfer application number T-9804.
3. The Department published notice of receipt of the petition in the Department’s Weekly Notice dated November 23, 2004. The petition was noticed as a transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. East Fork Irrigation District petitioned to modify the following rights:

Certificate 74642: issued in the name of East Fork Irrigation District
Use: Irrigation
Source: East Fork Hood River, tributary to Hood River
Priority Date: November 25, 1895
Rate & Duty: Limited to 0.074 cubic foot per second (cfs) per acre irrigated during the irrigation season

East Fork Irrigation District petitioned to permanently change the place of use of primary irrigation, diverted through the district’s water delivery system appurtenant to 5.95 acres

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final 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.

under Certificate 74642. The petition proposed to change the place of use from the locations identified in Table 1 to the locations listed in Table 2.

TABLE 1. AUTHORIZED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 74642 - IRRIGATION										
TWP	RNG	MER	SEC	1/4	1/4	TL	AC	LANDOWNER		
2	N	10	E	W.M.	13	SW	NE	600	2.00	WILLIS FAMILY, INC.
2	N	10	E	W.M.	22	SE	SE	500	0.10	ORTIZ, TELLEZ
2	N	10	E	W.M.	22	SE	SE	700	0.70	MARTHA WEBER LIVING TRUST
2	N	10	E	W.M.	26	SW	NW	7300	0.02	VALLE-GUZMAN
2	N	10	E	W.M.	26	SW	NW	7400	0.02	PEREZ
2	N	10	E	W.M.	26	SW	NW	7500	0.04	VAZQUEZ
2	N	10	E	W.M.	26	SW	NW	7600	0.01	BROWN
2	N	10	E	W.M.	26	SW	NW	7700	0.05	MUNOZ
2	N	10	E	W.M.	26	SW	NW	7800	0.02	ANCHEITA-REYES
2	N	10	E	W.M.	26	SW	NW	7900	0.02	OROPEZA
2	N	10	E	W.M.	26	SW	NW		0.50	MAPLE ROAD
2	N	10	E	W.M.	26	SW	NW		0.10	CEDAR DRIVE
2	N	10	E	W.M.	26	SE	NW	2403	0.04	STORAGE PROPERTY
2	N	10	E	W.M.	26	SE	NW	2404	0.03	ORTIZ
2	N	10	E	W.M.	26	SE	NW	2405	0.04	AGUILERA
2	N	10	E	W.M.	26	SE	NW	2406	0.04	EWING
2	N	10	E	W.M.	26	SE	NW	2407	0.04	MANZO
2	N	10	E	W.M.	26	SE	NW	2408	0.02	ZARATE
2	N	10	E	W.M.	26	SE	NW	2409	0.02	CAMPOS
2	N	10	E	W.M.	26	SE	NW	2410	0.02	TREJO
2	N	10	E	W.M.	26	SE	NW	2411	0.02	RAMIREZ
2	N	10	E	W.M.	26	SE	NW	2412	0.02	AVILA
2	N	10	E	W.M.	26	SE	NW	2413	0.02	GUITIERREZ
2	N	10	E	W.M.	26	SE	NW	2414	0.03	PLAYGROUND
2	N	10	E	W.M.	26	SE	NW	2415	0.04	HABITAT FOR HUMANITY
2	N	10	E	W.M.	26	SE	NW	2416	0.04	DIAZ
2	N	10	E	W.M.	26	SE	NW	2417	0.03	EDWARDS

TABLE 1. AUTHORIZED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 74642 - IRRIGATION										
2	N	10	E	W.M.	26	SE	NW	2418	0.05	RODRIGUEZ
2	N	10	E	W.M.	26	SE	NW	2419	0.04	HEDGES
2	N	10	E	W.M.	26	SE	NW	2420	0.05	RIVERA
2	N	10	E	W.M.	26	SE	NW	2421	0.02	MURO
2	N	10	E	W.M.	26	SE	NW	2422	0.05	JIMENEZ
2	N	10	E	W.M.	26	SE	NW		0.73	CEDAR DRIVE
2	N	10	E	W.M.	26	SE	NW		0.83	TAMARACK ROAD
2	N	10	E	W.M.	26	SE	NW		0.15	PONDEROSA ROAD
TOTAL									5.95 acres	

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 water right Certificate 74642. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 2. PROPOSED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 74642 - IRRIGATION										
TWP	RNG	MER	SEC	1/4	1/4	TL	AC	LANDOWNER		
2	N	11	E	W.M.	6	SW	NW	1600	0.70	ARECHAGA, SUSAN
2	N	11	E	W.M.	6	NE	SW	1901	3.70	ING, GEORGE & MURIEL
2	N	11	E	W.M.	19	NE	NE	101	1.55	WALLER, DAVID & NANCY
TOTAL									5.95 acres	

Certificate 80927: issued in the name of East Fork Irrigation District

Use: Irrigation

Source: East Fork Hood River, tributary to Hood River

Priority Date: October 26, 1966

Rate & Duty: Limited to one-eightieth of cubic foot per second (cfs) per acre and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

East Fork Irrigation District petitioned to permanently change the place of use of primary irrigation, diverted through the district's water delivery system appurtenant to 0.50 acres under Certificate 80927. The petition proposed to change the place of use from the location identified in Table 3 to the location listed in Table 4.

TABLE 3. AUTHORIZED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 80927 - IRRIGATION										
TWP	RNG	MER	SEC	1/4	1/4	TL	AC	LANDOWNER		
1	N	10	E	W.M.	3	NE	SE	2603	0.50	WALKER
TOTAL									0.50 acres	

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 water right Certificate 80927. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 4. PROPOSED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 80927 - IRRIGATION										
TWP	RNG	MER	SEC	1/4	1/4	TL	AC	LANDOWNER		
1	N	10	E	W.M.	2	SW	NW	1300	0.50	WALKER
TOTAL									0.50 acres	

Certificate 80929: issued in the name of East Fork Irrigation District

Use: Irrigation

Source: East Fork Hood River, tributary to Hood River

Priority Date: March 13, 1964

Rate & Duty: Limited to one-eightieth of cubic foot per second (cfs) per acre and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

East Fork Irrigation District petitioned to permanently change the place of use of primary irrigation, diverted through the district's water delivery system appurtenant to 0.60 acres under Certificate 80929. The petition proposed to change the place of use from the location identified in Table 5 to the location listed in Table 6.

TABLE 5. AUTHORIZED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 80929 - IRRIGATION										
TWP	RNG	MER	SEC	1/4	1/4	TL	AC	LANDOWNER		
2	N	11	E	W.M.	19	NE	NE	101	0.60	WALLER
TOTAL									0.60 acres	

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 water right Certificate 80929. The use also shall conform to any reasonable rotation system ordered by the proper state officer.

TABLE 6. PROPOSED PLACE OF USE UNDER WATER RIGHT CERTIFICATE 80929 - IRRIGATION										
TWP	RNG		MER		SEC	1/4	1/4	TL	AC	LANDOWNER
2	N	11	E	W.M.	19	NE	NE	101	0.60	WALLER
TOTAL									0.60 acres	

8. Pursuant to ORS 540.574 and ORS 540.580, in reviewing the petition submitted by East Fork Irrigation District, the Department has determined the following:
- a) The petition contains the information required under ORS 540.574(3).
 - b) The petition meets the requirements of ORS 540.580.
 - c) The petition contains maps which are satisfactory to the Department and which the District certified as being accurate.
 - d) The petition includes the required statement from the District that it has on file, and available for review, written authorization from each landowner affected by the transfer.
 - e) The rate, duty, and total number of acres proposed for transfer do not exceed that of the water right subject to transfer.
 - f) The lands from which the water rights would be moved by the proposed transfer will not continue to receive water under the water right.
 - g) The use authorized by the water rights subject to transfer will not change; and
 - h) The proposed changes in place of use will not result in injury to other water rights.
9. The petition was filed prior to the end of the calendar year or prior to any delivery of water as required under ORS 540.580(2).

CONCLUSIONS OF LAW

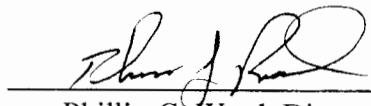
1. The petition submitted by East Fork Irrigation District proposing a permanent change in place of use within district boundaries included the information, and satisfied the criteria, required by ORS 540.574(3).
2. The proposed transfer complies with the requirements of ORS 540.580.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.580 resulting in no injury to other water rights.

ORDER

It is hereby ORDERED :

1. The proposed change to the water right evidenced by water right Certificates 74642, 80927 and 80929 may be made provided the following conditions are met by the water user:
 - a. The proposed changes shall be completed on or before October 1, 2006.
 - b. The former places of use shall no longer be irrigated as a part of these water rights.
 - c. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by Westland Irrigation District, on or before October 1, 2007.
2. Except as modified herein, all other conditions and limitations of the water rights remain in effect.
3. 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 right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed FEBRUARY 24, 2005.



For Phillip C. Ward, Director