

**STATE OF OREGON**

**COUNTY OF HOOD RIVER**

**ORDER APPROVING A CHANGE IN PLACE OF USE IN AN IRRIGATION DISTRICT AND THE PARTIAL CANCELLATION OF WATER RIGHTS**

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 8650** submitted by

FARMERS IRRIGATION DISTRICT  
1985 COUNTRY CLUB ROAD  
HOOD RIVER, OREGON 97031.

The rights to be modified are evidenced by portions of:

<b>CERTIFICATE</b>	<b>PRIORITY</b>	<b>SOURCE</b>
Transfer 7353 (Certificate 74298)	1874 December 19, 1892 October 6, 1902	Ditch Creek Dead Point Creek Dead Point Creek
Transfer 7354 (Certificate 74300)	1891 1899	Ditch Creek & Parker Springs North Fork Green Point Creek & Spring at Camp No. 4
74299	December 1, 1905	North Fork Green Point Creek South Fork Greek Point Creek Dead Point Creek & South Fork Pine Creek
74306	May 7, 1906	Hood River
Transfer 7353 (Certificate 74301)	February 29, 1924	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
74304	July 16, 1969	Hood River
76230	April 27, 1989	Rainy Creek, with a deficiency to be made up from Gate Creek, Cabin Creek, Ditch Creek and Deadpoint Creek, and Upper and Lower Greenpoint Reservoirs Constructed under Permit R-698

This is an order other than 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.

The District proposes to change the authorized places of use for the water rights listed in Table A to the new locations and places of use listed in Table B.

**TABLE A**

CERTIFICATE	USE	TWP	RNG	SEC	Q/Q	TAX LOT	ACRES	OWNER
74306	IR	2N	10E	3	SWNW	3301	0.35	WEST
74306	IR	2N	10E	3	NWNW	3301	0.35	WEST
74298	IR	2N	10E	4	SWSE	2503	0.10	WEBBER
74301	IR(S)	2N	10E	4	SWSE	2503	0.10	WEBBER
74304	IR(S)	2N	10E	4	SWSE	2503	0.10	WEBBER
74299	IR(S)	2N	10E	4	SWSE	2503	0.10	WEBBER
74300	IR(S)	2N	10E	4	SWSE	2503	0.10	WEBBER
74298	IR	2N	10E	4	NWNE	1600	0.35	PHELPS
74301	IR(S)	2N	10E	4	NWNE	1600	0.35	PHELPS
74304	IR(S)	2N	10E	4	NWNE	1600	0.35	PHELPS
74299	IR(S)	2N	10E	4	NWNE	1600	0.35	PHELPS
74300	IR(S)	2N	10E	4	NWNE	1600	0.35	PHELPS
74298	IR	2N	10E	9	SENE	1103	0.10	KENNEY
74301	IR(S)	2N	10E	9	SENE	1103	0.10	KENNEY
74304	IR(S)	2N	10E	9	SENE	1103	0.10	KENNEY
74299	IR(S)	2N	10E	9	SENE	1103	0.10	KENNEY
74300	IR(S)	2N	10E	9	SENE	1103	0.10	KENNEY
74306	IR	3N	10E	34	SWSW	1100	1.00	MT. VIEW BAPTIST CHURCH
74306	IR	3N	10E	35	NWNW	4100	4.00	MALEY
74306	IR	3N	10E	35	NESW	400C	0.05	AKIYAMA

Note: IR under the USE category denotes irrigation, and IR(S) denotes supplemental irrigation.

**TABLE B**

CERTIFICATE	USE	TWP	RNG	SEC	Q/Q	TAX LOT	ACRES	OWNER
74298	IR	2N	10E	10	NWSW	0900	0.55	SHAW
74301	IR(S)	2N	10E	10	NWSW	0900	0.55	SHAW
74304	IR(S)	2N	10E	10	NWSW	0900	0.55	SHAW
74299	IR(S)	2N	10E	10	NWSW	0900	0.55	SHAW
74300	IR(S)	2N	10E	10	NWSW	0900	0.55	SHAW
74306	IR	2N	10E	10	SENE	4201	3.15	DYE
74306	IR	3N	10E	33	SENE	2600	2.00	HEIN
74306	IR	3N	10E	35	SESW	1301	0.45	HIGHLANDS DEVELOPMENT
74306	IR	3N	10E	35	SESW	1300C	0.10	HIGHLANDS DEVELOPMENT
74306	IR	3N	10E	35	SWSE	1301C	0.05	HIGHLANDS DEVELOPMENT

### **Voluntary Cancellation of Water Rights**

ORS 540.621 provides: “Whenever the owner of a perfected and developed water right certificate 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.”

In conjunction with this transfer, Raymond and Jacqueline Shaw and Deborah and John Kenney submitted affidavits certifying portions of the water rights appurtenant to land they own have been abandoned. They requested cancellation of those portions of the water rights.

Raymond and Jacqueline Shaw certified they abandoned a portion of the water right described by Certificate 76230, State Record of Water Right Certificates. The abandoned portion of the water right is for the use of 0.006 cubic foot per second of water from Rainy Creek for the irrigation of 0.55 acres. The priority date is April 27, 1989.

A description of the place of use of the abandoned portion of the right is as follows:

NW¼ SW¼ 0.55 ACRES (Taxlot 0900)  
SECTION 10  
TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

Deborah and John Kenney certified they abandoned a portion of the water right described by Certificate 74349, State Record of Water Right Certificates. The abandoned portion of the

water right is for the use of 0.001 cubic foot per second of water from Waste Water in a Swale for the supplemental irrigation of 0.10 acres. The priority date is February 7, 1920.

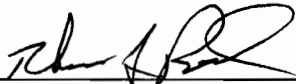
A description of the place of use of the abandoned portion of the right is as follows:

SE¼ NE¼ 0.10 ACRES  
SECTION 9  
TOWNSHIP 2 NORTH, RANGE 10 EAST, W.M.

**THEREFORE, THESE CHANGES TO EXISTING DISTRICT WATER RIGHTS MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The proposed changes shall be completed on or before October 1, 2002.
2. The former places of use shall no longer be irrigated as a part of these water rights.
3. Proof, to the satisfaction of the Director, that the changes in points of diversion were made in accordance with the terms and conditions of the orders approving Transfer 7353 (Sp. Or. Vol. 51, page 1125) and Transfer 7354 (Sp. Or. Vol. 51, page 1103) was made on April 10, 2001.
4. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by FARMERS IRRIGATION DISTRICT on or before October 1, 2003.
5. That portion of the Certificate 76230 requested to be canceled as described herein is canceled.
6. That portion of the Certificate 74349 requested to be canceled as described herein is canceled.
7. Except as modified herein, all other conditions and restrictions of Transfer 7353 (Certificates 74298 and 74301), Transfer 7354 (Certificate 74300), Certificates 74299, 74306, 74304 and 76230 remain in effect.
8. 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 APR 26 2001.

  
\_\_\_\_\_  
for Paul R. Cleary, Director  
Oregon Water Resources Department