

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-12502, Crook County) **A DISTRICT PERMANENT TRANSFER**
) **FOR PLACE OF USE**

Authority

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. 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 October 12, 2016, Farmers Irrigation District (FID) filed a district transfer application to permanently change the place of use under Certificate 74306. The Department assigned the application number T-12502.
2. Notice of the District Permanent Transfer Application was published on October 18, 2016, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. On March 31, 2017, FID submitted a Final Order issued by FID affirming a petition for inclusion of lands pursuant to ORS 545.051 through 545.085. The Final Order is a dated March 30, 2017, and was recorded in the Hood River County on March 31, 2017. The petitioned lands include 2N-10E-31-0800 at 3750 Dee Highway, Hood River, Oregon; these lands are now included within the boundaries of FID.
4. The portion of the irrigation right to be transferred is as follows:
Certificate: 74306 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)
Use: IRRIGATION of 20.0 acres
Priority Dates: MAY 7, 1906
Limits: ONE-EIGHTIETH of one cubic foot per second (cfs) per acre, not to exceed 3.0 acre-feet per acre per year 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: HOOD RIVER, tributary to 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	Acres	Tax Lot	Water User	Notice
3 N	10 E	WM	36	SE SW	11.4	200	SIEVERKROPP ORCHARDS	Hetzel-2016
3 N	10 E	WM	36	NW SE	2.5	500	SIEVERKROPP ORCHARDS	Hetzel-2016
3 N	10 E	WM	36	NW SE	3.1	600	SIEVERKROPP ORCHARDS	Hetzel-2016
3 N	10 E	WM	36	SW SE	3.0	600	SIEVERKROPP ORCHARDS	Hetzel-2016
Total:					20.0			

- Transfer Application T-12502 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	31	NE NE	0.2	500	HETZEL	Hetzel-2016
2 N	10 E	WM	31	NW NE	6.8	500	HETZEL	Hetzel-2016
2 N	10 E	WM	31	NW NE	7.4	800	HETZEL	Hetzel-2016
2 N	10 E	WM	31	SE NW	5.6	800	HETZEL	Hetzel-2016
Total:					20.0			

- The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 and contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use will not result in enlargement of the right.
- The proposed change in place of use will not result in injury to other water right.

Conclusions of Law


The proposed changes in place of use as proposed in Transfer Application T-12502 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

- The proposed changes in place of use to the water right evidenced by Certificate 74306 are approved.
- The right to the use of the water is restricted to beneficial use at the place of use described in Certificate 74306.
- The former places of use shall no longer be irrigated as part of this water right.

4. The water user shall maintain and operate the existing measurement device 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, 2018**. A Claim of Beneficial Use shall be submitted by FID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificate 74306 is modified. The Department will issue a superseding Certificate describing the right when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 5th day of April 2017.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: APR 07 2017