

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14132, Hood River County)	A DISTRICT PERMANENT TRANSFER FOR
)	PLACE OF USE AND PARTIAL VOLUNTARY
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish 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.

Applicant

EAST FORK IRRIGATION DISTRICT
PO BOX 162
ODELL, OR 97044

Findings of Fact

1. On December 19, 2022, East Fork Irrigation District (EFID) filed a district transfer application to permanently change the places of use under Certificates 92000 as modified by CW-93, 80929 and 84803. The Department assigned the application number T-14132.
2. Notice of the District Permanent Transfer Application was published on December 27, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On January 23, 2023, EFID submitted two maps to correct scrivener's errors.
4. The portion of the first right to be transferred is as follows:

Certificate: 92000 in the name of EAST FORK IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County)

Use: IRRIGATION of 8.10 acres

Priority Date: NOVEMBER 25, 1895

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

This final order is in a contested case and is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075(2) and OAR 137-003-0675, 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).

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
1 N	10 E	WM	2	NE NE	0.15	100	MARQUEZ
1 N	10 E	WM	2	NW NE	0.40	400	DT FAMILY RANCH LLC
2 N	10 E	WM	21	NE SE	0.95	6300	WATANABE
2 N	10 E	WM	22	NE SE	2.35	100	GIDLEY
2 N	10 E	WM	26	SW SE	1.80	1001	ZELLER/SANDERS
2 N	10 E	WM	28	NW NE	1.25	2100	GIDLEY
2 N	10 E	WM	28	SW NE	0.90	1800	GIDLEY
2 N	10 E	WM	36	SW SE	0.30	1200	GRIMSLEY
TOTAL					8.10		

5. Transfer Application T-14132 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
1 N	10 E	WM	15	NE NW	0.20	906	LEININGER
1 N	10 E	WM	15	SE NW	0.20	903	BENEFIELD
1 N	10 E	WM	15	SE NW	0.50	907	CANTRELL
2 N	10 E	WM	27	NW NE	2.85	3600	RAMIREZ
2 N	10 E	WM	28	NE NW	4.35	2100	GIDLEY
TOTAL					8.10		

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

Certificate: 80929 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-29617)

Use: IRRIGATION of 0.65 acres

Priority Date: MARCH 13, 1964

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
1 N	10 E	WM	15	SW SW	0.15	200	SEPULVEDA
1 N	10 E	WM	34	SW SW	0.50	600	DOMINGUEZ
TOTAL					0.65		

7. Transfer Application T-14132 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
1 N	10 E	WM	11	SE NW	0.65	900	MUNOZ

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

Certificate: 84803 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-43395)

Use: IRRIGATION of 0.65 acres

Priority Dates: AUGUST 8, 1977 and AUGUST 3, 1978

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
2 N	10 E	WM	21	NE NE	0.55	1100	MUESKE
3 N	11 E	WM	31	SE NW	0.10	3002	WOOD
TOTAL					0.65		

9. Transfer Application T-14132 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User
2 N	10 E	WM	27	NW NE	0.65	3600	RAMIREZ

10. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

11. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
12. The water right is subject to transfer as defined in OAR 690-385-0100(17).
13. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
14. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
15. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Partial Cancellation of Water Right 96704 (superseded Certificate 15039)

16. On December 19, 2022, Norman Trejo Ramirez, the owner of lands to which a portion of Certificate 96704 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. Certain lands under Certificate 96704 will become “layered” with proposed lands under Certificate 92000 in this transfer and the affiant wishes to cancel that portion of the existing water right appurtenant to land he owns.
17. Certificate 96704 superseded Certificate 15039. Certificate 96704 was issued to describe the portion of Certificate 15039 NOT modified by provisions of a transfer final order (Transfer T-13957) of the Water Resources Director, recorded in Special Order Volume 125, Pages 943-949, approving a (different) partial cancellation of the right evidenced by Certificate 15039.
18. An affidavit was submitted requesting a partial cancellation as described as follows:

Certificate: 15039 in the names of R.H. Weber (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County)

Use: IRRIGATION of 3.5 acres

Rate: 0.04 CUBIC FOOT PER SECOND

Priority Date: 1875

Limit / Duty: The amount of water is limited on an amount actually beneficially used and shall not exceed ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: ODELL CREEK, tributary to the HOOD RIVER

Place of Use to be cancelled:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User
2 N	10 E	WM	27	NW NE	3.50	3600	RAMIREZ

19. The place of use to be cancelled under Certificate 96704 is as described in Finding of Fact #18, above.

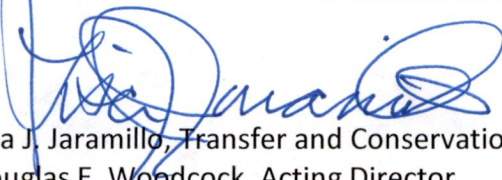
Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-14132 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500. The abandoned portion of Certificate 96704 should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 92000, 80929 and 84803 are approved.
2. The places of use from which the water rights are transferred off by Transfer T-14132 shall no longer be irrigated, and are cancelled from Certificates 92000, 80929 and 84803.
3. The right to the use of the water at the place of use NOT modified by this order is restricted to beneficial and is subject to all other conditions and limitations contained in Certificates 92000, 80929 and 84803, and any related decree.
4. The portion of water right as which was requested to be cancelled on Certificate 15039, which is now described on superseding Certificate 96704, is cancelled on the water right evidenced as Certificate 96704. A new certificate, being Certificate 96828, will be issued describing the portion of the Certificate 96704 NOT modified by this final order.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use shall be submitted by EFID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Water right Certificates 92000, 80929 and 84803 are modified. After satisfactory proof of completion has been determined by the Department, superseding water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on FEB 13 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date: FEB 14 2023