

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

COUNTY OF HOOD RIVER

In the Matter of a Proposed Change)	ORDER APPROVING
In Place of Use of Water Within an)	A DISTRICT
Irrigation District — TRANSFER 9690)	TEMPORARY TRANSFER

FINDINGS OF FACT

1. Pursuant to ORS 540.570, EAST FORK IRRIGATION DISTRICT, P.O. BOX 162, Odell, OR, 97044, submitted an application to the Oregon Water Resources Department to temporarily change the place of use of water within the boundaries of the irrigation district. The application was received on April 15, 2004, and included the required fees.
2. The Department assigned the transfer application number T-9690.
3. The Department published notice of receipt of the petition in the Department's Weekly Notice dated May 11, 2004. The application was noticed as a temporary transfer within irrigation district boundaries.
4. No comments or timely protests were received in response to the published notice.
5. EAST FORK IRRIGATION DISTRICT applied to modify the following right:

IRRIGATION

Certificate 74642: issued in the name of East Fork Irrigation District

Use: Irrigation (Primary)

Source: East Fork Hood River

Priority Date: November 25, 1895

6. East Fork Irrigation District applied to temporarily change the place of use for irrigation authorized by Certificate 74642 from the location identified in Table 1 to the location listed in Table 2.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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

TABLE 1. AUTHORIZED PLACE OF USE - IRRIGATION										
TWP	RNG	MER	SEC	¼	¼	TL	AC	LANDOWNER		
2	N	10	E	WM	29	NE	NW	107	0.60	RADIANCE
2	N	10	E	WM	29	SE	NW	107	17.10	RADIANCE
								TOTAL	17.70	

TABLE 2. PROPOSED PLACE OF USE - IRRIGATION										
TWP	RNG	MER	SEC	¼	¼	TL	AC	LANDOWNER		
2	N	10	E	WM	28	SW	NW	2800	13.00	GOLDEN MTN.
2	N	10	E	WM	28	NW	SW	2900	4.70	GOLDEN MTN.
								TOTAL	17.70	

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the permit. The use shall conform to any reasonable rotation system ordered by the proper state officer.

7. East Fork Irrigation District also applied to temporarily change the place of use for irrigation authorized by Certificate 74642 from the location identified in Table 3 to the location listed in Table 4.

TABLE 3. AUTHORIZED PLACE OF USE - IRRIGATION										
TWP	RNG	MER	SEC	¼	¼	TL	AC	LANDOWNER		
2	N	10	E	WM	26	NE	SE	1100	4.20	SHEPPARD
								TOTAL	4.20	

TABLE 4 PROPOSED PLACE OF USE - IRRIGATION										
TWP	RNG	MER	SEC	¼	¼	TL	AC	LANDOWNER		
1	N	10	E	WM	2	NW	SW	1806	1.70	WY'EAST VINEYARDS
1	N	10	E	WM	2	SW	SW	1806	2.50	WY'EAST VINEYARDS
								TOTAL	4.20	

The right to use water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the permit. The use shall conform to any reasonable rotation system ordered by the proper state officer.

8. Pursuant to ORS 540.574 and ORS 540.580, in reviewing the application submitted by East Fork Irrigation District, the Department has determined the following:
 - a) The application contains the information required under ORS 540.574(3).
 - b) The application meets the requirements of ORS 540.570.

- c) The application contains maps which are satisfactory to the Department and which the District certified as being accurate.
- d) The application 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 District notified each affected landowner that the Department may at any time, to the extent necessary to avoid injury to an existing water right:
 - A) Condition the temporary transfer to mitigate injury; or
 - B) Reject or revoke the temporary transfer.
- f) The lands from which the water right would be moved by the proposed transfer will not continue to receive water under the water right.
- g) The use authorized by the water right subject to transfer will not change; and
- h) The proposed change in place of use will not result in injury or enlargement to an existing water right.

CONCLUSIONS OF LAW

1. The application submitted by East Fork Irrigation District proposing a temporary 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 540.570.
3. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.574(3) and ORS 540.570 resulting in no injury or enlargement to existing water rights.

ORDER


It is hereby ORDERED :

1. The temporary transfer of place of use is approved.
2. The temporary transfer is effective for the 2004 irrigation season.
3. At the end of the 2004 irrigation season, all uses of water under the temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.
4. The approval of this temporary transfer may be conditioned, rejected or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
5. The former place of use shall no longer be irrigated as a part of this water right. The use of water on the lands from which the water right is transferred and at the new temporary place

of use during the same irrigation season or calendar year is prohibited, and may subject the district and landowner to civil penalties.

6. Except as modified herein, all other conditions and limitations of the water right remain in effect.

WITNESS the signature of the Water Resources Director affixed July 6, 2004.


Phillip C. Ward, Acting Director