



Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SE	SW	2.58 acres and domestic use
1	S	10	E	W.M.	9	NW	NW	0.4 acre

3. Application T-8644 proposes to change the place of use for the portion of the right described in Finding of Fact 2 to:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SW	SE	3.21 acres and domestic use
1	S	10	E	W.M.	9	NW	NE	1.47 acres

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

**Certificate:** 24395 in the name of Berta Klausner Goetz and Edward Goetz  
**Use:** Irrigation of 2.6 acres and supplemental irrigation of 2.1 acres  
**Priority Date:** February 21, 1945  
**Quantity:** 0.06 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Source:** East Fork of Hood River, tributary to Hood River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	9	NW	NW	150' S and 480' E of NW corner of Sec. 9

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SW	SW	0.3 acre – Primary
1	S	10	E	W.M.	4	SE	SW	2.3 acres – Primary
1	S	10	E	W.M.	4	SW	SW	1.7 acres – Supplemental
1	S	10	E	W.M.	4	SE	SW	0.2 acre – Supplemental
1	S	10	E	W.M.	9	NW	NW	0.2 acre – Supplemental

5. Application T-8644 proposes to add a point of diversion for the portion of the right described in Finding of Fact 4, to a location approximately 1600 feet North from the existing authorized point of diversion located at:

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	4	NW	SW	1,020' S and 2,180' W of center corner of Sec. 4

6. Application T-8644 also proposes to change the place of use for the portion of the right described in Finding of Fact 4 to:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	NE	SE	2.6 acres – Primary
1	S	10	E	W.M.	4	SW	SE	2.1 acres – Supplemental

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

**Certificate:** 24396 in the name of Berta Klaussner Goetz and Edward Goetz  
**Use:** Irrigation and supplemental irrigation  
**Priority Date:** May 21, 1951  
**Quantity:** 0.25 cfs being 0.12 cfs from East Fork Hood River and 0.13 cfs from Alder Creek  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 4.0 acre-feet per acre  
**Acres:** Irrigation of 15.62 acres from Alder Creek and East Fork Hood River and supplemental irrigation of 2.3 acres from Alder Creek and 2.38 acres from East Fork Hood River  
**Source:** Alder Creek and East Fork Hood River, tributary to Hood River

**Authorized Points of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	9	NW	NW	Alder Creek--165' S & 455' E from NW corner, Sec. 9
1	S	10	E	W.M.	9	SW	NE	E. Fk. Hood River--780' N & 1865' W from E¼ corner, Sec. 9

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SE	SW	8.63 acres – Primary
1	S	10	E	W.M.	9	NE	NW	6.99 acres - Primary
1	S	10	E	W.M.	4	SE	SW	2.3 acres – Supplemental (Alder Cr)
1	S	10	E	W.M.	4	SE	SW	2.38 acres – Supplemental (E.F. Hood R.)

8. Application T-8644 proposes to add a point of diversion for the portion of the right described in Finding of Fact 7, approximately 1600 feet North from the existing authorized point of diversion on the E. Fk. Hood River to:

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	4	NW	SW	1,020' S and 2,180' W of center corner of Sec. 4

9. Application T-8644 also proposes to change the place of use for the portion of the right described in Finding of Fact 7 to:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	NE	SE	2.29 acres
1	S	10	E	W.M.	4	SW	SE	3.5 acres
1	S	10	E	W.M.	4	SE	SE	5.6 acres
1	S	10	E	W.M.	9	NE	NE	0.5 acre
1	S	10	E	W.M.	9	NW	NE	3.73 acres
1	S	10	E	W.M.	4	NE	SE	2.3 acres – Supplemental (Alder Cr)
1	S	10	E	W.M.	4	SW	SE	1.11 acres – Supplemental (E.Fk.Hood R.)
1	S	10	E	W.M.	9	NW	NE	1.27 acres – Supplemental (E.Fk.Hood R.)

10. The portion of the fourth right to be transferred is as follows:

**Certificate:** 74209 in the name of John Harry Jacobson  
**Use:** Irrigation  
**Priority Date:** July 12, 1982  
**Quantity:** 0.01 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Acres:** 0.8  
**Source:** Yellow Jacket Creek, w/any deficiency to be made up from East Fork Hood River and Reservoir 1, tributaries to Hood River

**Authorized Points of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	9	SW	NE	POD #1 – (Yellow Jacket Creek) 780’ N & 1865’ W from E¼ corner, Section 9
1	S	10	E	W.M.	9	NE	NW	POD#2 – (Reservoir 1) 450’ S & 850’ W from the N¼ corner, Section 9
1	S	10	E	W.M.	9	NW	NW	POD#3 – (East Fork Hood River) 165’ S & 455’ E from NW corner, Section 9
1	S	10	E	W.M.	4	NW	SW	POD#4 – (East Fork Hood River) 1020’ S & 2140’ W from center corner, Section 4

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SW	SW	0.2 acre
1	S	10	E	W.M.	4	SE	SW	0.6 acre

11. Application T-8644 proposes to change the place of use for the portion of the right described in Finding of Fact 10 to:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SE	SE	0.8

12. The fifth right to be transferred is as follows:

**Certificate:** 38235, in the name of Keith W. and Victoria A. Adams  
**Use:** Domestic use of two families and a nine family labor camp  
**Priority Date:** April 24, 1968  
**Quantity:** 0.01 cfs  
**Source:** a spring, tributary to East Fork Hood River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼	¼	Location
1	S	10	E	W.M.	4	SW	SE	820’ N & 680’ E from S¼ corner, Section 4

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SW	SW	one domestic
1	S	10	E	W.M.	4	SE	SW	one domestic and nine family labor camp

13. Application T-8644 proposes to consolidate the entire use of the right described in Finding of Fact 12 under a single domestic use and to change the place of use of the right to:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	9	NW	NE	one domestic

14. On June 18, 2004, an affidavit to diminish certificate 74209 by abandoning an authorized point of diversion for a portion of the right was received from Mr. Jacobson. Mr. Jacobson requested that the authorization to use point of diversion #4, which is located 1220' South and 2180' W from the center corner, Section 4, Township 1 South, Range 10 East, W.M., under this right be cancelled for the following lands:

Township		Range		Meridian	Sec	¼	¼	Acres
1	S	10	E	W.M.	4	SW	SW	0.6
1	S	10	E	W.M.	4	SE	SW	6.5

15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.

### Conclusions of Law

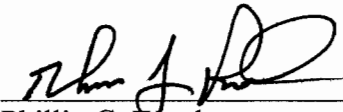
The changes in place of use and addition of a point of diversion proposed in application T-8644 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-8644 are approved.
2. Water right certificates 459, 24395, 24396, 38235 and 74209 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. POD #4 shall no longer be used for the remaining 7.1 acres in the SW ¼ of Section 4, T1S, R10E, W.M. under the right evidenced by Certificate 74209.
4. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 459, 24395, 24396, 38235, and 74209.
5. The proposed changes shall be completed on or before October 1, 2006.

6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the additional point of diversion, together with that diverted at the existing authorized points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
8. The former place of use and character of use shall no longer receive water under the original authorized use of these water rights.
9. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new additional point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 16<sup>th</sup> day of May, 2005.

  
 Phillip C. Ward  
 Director

MAY 20 2005  
 Mailing date: \_\_\_\_\_