

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

In the Matter of Transfer Application            )  
T-12554, Hood River County                    )  
  )  
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  )

FINAL ORDER APPROVING  
A DISTRICT PERMANENT TRANSFER  
FOR PLACE OF USE AND PARTIAL  
CANCELLATION OF WATER RIGHTS  
AND PARTIAL DIMUNITION OF  
WATER RIGHT

**Authority**

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

FARMERS IRRIGATION DISTRICT  
1985 COUNTRY CLUB ROAD  
HOOD RIVER, OR 97031

**Findings of Fact**

1. On January 4, 2017, Farmers Irrigation District (FID) filed a district transfer application to permanently change the place of use under Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975 and 85976. The Department assigned the application number T-12554.
2. Notice of the District Permanent Transfer Application was published on January 17, 2017, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notices.
3. On April 28, May 2, and August 31, 2017, FID submitted additional information as requested for clarification of the transfer application.

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).

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

**Certificate:** 74306 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** IRRIGATION of 5.65 acres

**Priority Date:** MAY 7, 1906

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**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:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	3	SE NE	0.15	0804	REYNIER	7501
2 N	10 E	WM	3	NW NW	0.05	2505	ALBERTS	N/A
2 N	10 E	WM	3	SW SE	0.25	0400	FOWLER	N/A
2 N	10 E	WM	11	NE SW	0.05	0102	BENTON	7372
2 N	10 E	WM	11	NE SW	0.05	0103	BENTON	7373
2 N	10 E	WM	11	NW SW	0.45	1001	BARR	7546
2 N	10 E	WM	12	NW NW	0.10	2000	WEATHERS	7371
2 N	10 E	WM	15	SE NE	2.00	1001	GARCIA	7390
3 N	10 E	WM	33	SE SE	0.20	3800	GARDNER	7374
3 N	10 E	WM	34	SW NE	0.20	2600W	RICHMOND	7356
3 N	10 E	WM	34	SE NE	0.45	2902	HAWLEY	7370
3 N	10 E	WM	34	NE NW	0.10	2700	HIGGINS	7509
3 N	10 E	WM	34	NE NW	0.15	5400	WHITMIRE	7382
3 N	10 E	WM	34	SE NW	0.40	0407	WINDCOVE	N/A
3 N	10 E	WM	34	SE NW	0.05	0436	McMONAGLE	7739
3 N	10 E	WM	34	SW SW	0.15	0511	OLSSON	7393
3 N	10 E	WM	34	SE SW	0.10	1301	EGAN	7342
3 N	10 E	WM	34	SE SW	0.20	0511	OLSSON	7392
3 N	10 E	WM	34	SE SW	0.20	0507	PHILLIPS	7211
3 N	10 E	WM	34	SW SE	0.05	1309	DELAERE	7447
3 N	10 E	WM	35	NE SW	0.10	0633	MCCANN	7386
3 N	10 E	WM	35	SW SE	0.20	2106	HENKE	7386
<b>Total:</b>					<b>5.65</b>			

5. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	3	NW NW	0.05	2505	ALBERTS	N/A
2 N	10 E	WM	3	NW SW	1.85	2800	NEVIN,	7683
2 N	10 E	WM	3	SW SE	0.25	0400	FOWLER	N/A
3 N	10 E	WM	33	SE NE	2.00	2600	HEIN	7674
3 N	10 E	WM	34	SW NE	1.10	4200	GRIGGS	7608
3 N	10 E	WM	34	SE NW	0.40	0407	WINDCOVER	N/A
<b>Total:</b>					<b>5.65</b>			

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

**Certificate:** 85974 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** IRRIGATION of 2.90 acres

**Priority Dates:** 1874, DECEMBER 19, 1892, and OCTOBER 6, 1902

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** DITCH CREEK and DEAD POINT CREEK, tributaries to HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
1 N	9 E	WM	2	NW NW	4	DEAD POINT CREEK: 150 FEET SOUTH AND 1200 FEET EAST FROM THE NW CORNER OF SECTION 2
2 N	9 E	WM	24	NE NE	---	DITCH CREEK: 1740 FEET NORTH AND 330 FEET WEST FROM THE E¼ CORNER OF SECTION 24

**Authorized Place of Use:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SE	1.80	0100	CHAPMAN	7616
2 N	10 E	WM	4	SE SE	1.00	1902	HONS	7485
2 N	10 E	WM	10	SE SE	0.05	3105	BILLSON	7361
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

7. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7609
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

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

**Certificate:** 74299 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree), modified by CW-92 as ordered in the FINAL ORDER OF APPROVAL ON COMPLETION OF ALLOCATION OF CONSERVED WATER CW-92, VOL 103, PAGES 866-886.

**Use:** SUPPLEMENTAL IRRIGATION of 2.90 acres

**Priority Dates:** DECEMBER 1, 1905

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** NORTH FORK AND SOUTH FORK OF GREEN POINT CREEK, DEAD POINT CREEK, and SOUTH FORK PINE CREEK, tributaries to the HOOD RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	4	SE SE	SOUTH FORK GREEN POINT CREEK: 430 FEET SOUTH AND 5670 FEET EAST FROM THE NW CORNER OF SECTION 9
1 N	9 E	WM	3	SE SW	NORTH FORK GREEN POINT CREEK: 340 FEET SOUTH AND 7090 FEET EAST FROM THE NW CORNER OF SECTION 9
1 N	9 E	WM	2	NE NW	DEAD POINT CREEK: 370 FEET SOUTH AND 1570 FEET EAST FROM THE NW CORNER OF SECTION 2
2 N	9 E	WM	25	SW SE	SOUTH FORK PINE CREEK: 875 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 25

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SE	1.80	0100	CHAPMAN	7617
2 N	10 E	WM	4	SE SE	1.00	1902	HONS	7486
2 N	10 E	WM	10	SE SE	0.05	3105	BILLSON	7362
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

9. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7610
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

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

**Certificate:** 74302 in the name of FARMERS IRRIGATION DISTRICT (perfected under Permit S-12362)

**Use:** SUPPLEMENTAL IRRIGATION of 0.05 acres

**Priority Dates:** NOVEMBER 22, 1933

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** NORTH FORK GREEN POINT CREEK (GATE CREEK) and UPPER GREEN POINT RESERVOIR AND LOWER GREEN POINT RESERVOIR (constructed under Permit R-698), tributaries to the COLUMBIA RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	9 E	WM	30	NE SW	NORTH FORK GREEN POINT CREEK (GATE CREEK): 6940 FEET NORTH AND 14820 FEET WEST, and 6820 FEET NORTH AND 14720 FEET WEST, BOTH FROM THE SE CORNER OF THE SWSW OF SECTION 34
2 N	9 E	WM	15	SE SE	UPPER GREEN POINT RESERVOIR: 2800 FEET SOUTH AND 1950 FEET WEST FROM THE NE CORNER OF SECTION 22
2 N	9 E	WM	22	NW SE	LOWER GREEN POINT RESERVOIR: 50 FEET NORTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 22

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A

11. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A

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

**Certificate:** 85975 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River decree)

**Use:** SUPPLEMENTAL IRRIGATION of 2.90 acres

**Priority Dates:** 1891 for DITCH CREEK AND PARKER SPRINGS, and 1899 for NORTH FORK GREEN POINT CREEK and SPRING AT CAMP NO. 4

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed

3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** DITCH CREEK, PARKER SPRINGS, NORTH FORK GREEN POINT CREEK, and SPRING AT CAMP NO. 4, tributaries to the HOOD RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
2 N	9 E	WM	14	NE SW	--	PARKER SPRINGS: 1760 FEET NORTH AND 1480 FEET EAST FROM THE SW CORNER OF SECTION 14
2 N	9 E	WM	14	SE SE	--	DITCH CREEK: 1800 FEET SOUTH AND 1080 FEET WEST FROM THE E¼ CORNER OF SECTION 14
2 N	9 E	WM	30	NE SW	7	NORTH FORK GREEN POINT CREEK: 6940 FEET NORTH AND 14820 FEET WEST FROM THE SE CORNER OF THE SWSW OF SECTION 34
2 N	9 E	WM	30	NE SW	7	NORTH FORK GREEN POINT CREEK: 6820 FEET NORTH AND 14720 FEET WEST FROM THE SE CORNER OF THE SWSW OF SECTION 34
2 N	9 E	WM	32	NW NE	--	SPRING AT CAMP NO. 4: 170 FEET SOUTH AND 800 FEET EAST FROM THE N¼ CORNER OF SECTION 32

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SE	1.80	0100	CHAPMAN	7619
2 N	10 E	WM	4	SE SE	1.00	1902	HONS	7487
2 N	10 E	WM	10	SE SE	0.05	3105	BILLSON	7363
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

13. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7611
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

14. The portion of the sixth right to be transferred is as follows:

**Certificate:** 85976 in the name of FARMERS IRRIGATION DISTRICT (perfected under Permit S-6575)

**Use:** SUPPLEMENTAL IRRIGATION of 2.90 acres

**Priority Dates:** FEBRUARY 29, 1924

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** 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, tributaries of the HOOD RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't lot	Measured Distances
1 N	9 E	WM	1	NW SW	6	DAGO SPRING INFLOW: 700 FEET SOUTH AND 100 FEET WEST FROM THE NE CORNER OF THE NW SW OF SECTION 1
1 N	9 E	WM	2	SW SW	--	WINAN SPRING INFLOW: 330 FEET NORTH AND 1080 FEET EAST FROM THE SW CORNER OF SECTION 2
1 N	9 E	WM	3	SE SW	--	CAPRON SPRING INFLOW: 320 FEET NORTH AND 7900 FEET EAST FROM THE NW CORNER OF SECTION 9
2 N	9 E	WM	25	NE SE	--	NORTH FORK PINE CREEK: 1920 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 25
2 N	9 E	WM	36	NE NE	--	YUMIBE SPRING INFLOW: 475 FEET SOUTH AND 1050 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	9 E	WM	36	SW NE	--	NO-NAME SPRING INFLOW: 2160 FEET SOUTH AND 1700 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	9 E	WM	36	SE SW	--	SAVAGE SPRING INFLOW: 4770 FEET SOUTH AND 3900 FEET WEST FROM THE NE CORNER OF SECTION 36
2 N	10 E	WM	10	NE NW	--	INDIAN CREEK: 70 FEET SOUTH AND 1220 FEET WEST FROM THE N¼ CORNER OF SECTION 10
2 N	10 E	WM	16	NW NW	--	INDIAN CREEK: 260 FEET SOUTH AND 100 FEET EAST FROM THE NW CORNER OF SECTION 16
2 N	10 E	WM	17	NE SW	--	INDIAN CREEK: 2030 FEET NORTH AND 2530 FEET EAST FROM THE SW CORNER OF SECTION 17
2 N	10 E	WM	19	SE NE	--	UNNAMED STREAM: 1350 FEET SOUTH AND 740 FEET WEST FROM THE NE CORNER OF SECTION 19

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	4	NE SE	1.80	0100	CHAPMAN	7620
2 N	10 E	WM	4	SE SE	1.00	1902	HONS	7488
2 N	10 E	WM	10	SE SE	0.05	3105	BILLSON	7364
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

15. Transfer Application T-12554 proposes to change the place of use to:

**Proposed Place of Use:**

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	10	NW NW	2.85	2300	DE LA ROSA	7612
2 N	10 E	WM	16	NE NE	0.05	0201	SANCHEZ	N/A
<b>Total:</b>					<b>2.90</b>			

16. 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 OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.

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

**Partial Cancellation of Certain Water Rights**

Portions of water right Certificates 74306 and 85974 are appurtenant to identical lands also authorized under other water rights of record.

22. Water rights were conveyed to FID on March 2, 2015, by Scott and Kristen Reynier, owners of lands to which portions of Certificates 74306 and 74361 are appurtenant. On May 10, 2017, FID submitted an affidavit meeting the requirements of ORS 540.621 for voluntary cancellation for Certificate 74361. The affiants identified a “layered” supplemental water right on the “FROM” lands and do not intend to transfer this water right with the primary water right. An affidavit was submitted requesting a partial cancellation as described as follows:

**Certificate:** 74361 in the name of Brookside, Inc. (perfected under Permit S-4700)

**Use:** SUPPLEMENTAL IRRIGATION of 0.15 ACRE

**Priority Date:** JULY 19, 1920

**Rate:** 0.002 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WATER BEARING GRAVEL STRATA, a tributary of INDIAN CREEK

**Place of Use to be cancelled:**

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	3	SE NE	0804	0.15	REYNIER

23. Water rights were conveyed to FID on December 8, 2014, by Thomas J. Hons, owner of lands to which portions of Certificates 85974 and 19539 are appurtenant. On January 4, FID submitted an affidavit meeting the requirements of ORS 540.621 for voluntary



cancellation for Certificate 19539. FID amended the affidavit on May 2, 2017. The affiant identified a “layered” supplemental water right on the “FROM” lands and do not intend to transfer this water right with the primary water right. An affidavit was submitted requesting a partial cancellation as described as follows:

**Certificate:** 19539 in the name of H.A. Bendler (perfected under Permit S-12173)

**Use:** SUPPLEMENTAL IRRIGATION of 1.0 ACRES

**Priority Date:** MAY 9, 1936

**Rate:** 0.01 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** UNNAMED DRAINAGE DRAW, a tributary of INDIAN CREEK

**Place of Use to be cancelled:**

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	4	SE SE	1902	1.0	HONS

24. Water rights were conveyed to FID on February 26, 2014, Shirley J. Billson, owner of lands to which portions of Certificates 85974 and 90228 are appurtenant. On January 4, FID submitted an affidavit meeting the requirements of ORS 540.621 for voluntary cancellation for Certificate 90228. FID amended the affidavit on May 2, 2017. The affiant identified a “layered” supplemental water right on the “FROM” lands and do not intend to transfer this water right with the primary water right. An affidavit was submitted requesting a partial cancellation as described as follows:

**Certificate:** 90228 in the name of Mrs. Annie Reinoehl (perfected under Permit S-13976)

**Use:** SUPPLEMENTAL IRRIGATION of .05 ACRES

**Priority Date:** AUGUST 9, 1939

**Rate:** 0.001 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WASTE WATER from the SW¼ SE¼, SECTION 10, T.2.N., R 10E., W.M., a tributary to the HOOD RIVER

**Place of Use to be cancelled:**

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	10	SE SE	3105	0.05	BILLSON

25. On December 29, 2016, Miguel De La Rosa, owner of lands to which portions of Certificates 85974 and 74340 are appurtenant, submitted an affidavit in conjunction with FID meeting the requirements of ORS 540.621 for voluntary cancellation for Certificate

74340. The affiant identified a “layered” supplemental water right on the “TO” lands and do not intend to layer this water right with 85974. An affidavit was submitted requesting a partial cancellation as described as follows:

**Certificate:** 74340 in the names of Debbie Lee, Donald Decker, Don and Dianne Cochran, Gary Williams, Kevin Benefield, Et Ux, Richard and Carol Thornton, and L.E. Dart (confirmed by Hood River decree)

**Use:** IRRIGATION of 2.08 ACRES

**Priority Date:** 1875

**Rate:** None Listed

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** INDIAN CREEK, a tributary of the HOOD RIVER

**Place of Use to be cancelled**

Diversion	Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
South Side of Ditch	2 N	10 E	WM	10	NW NW	2300	2.08	DE LA ROSA

**Partial Diminution of a Water Right**

26. On October 2017, Brain H. and Valerie G. Bellus, owners of lands to which a portion of Certificate 74340 is appurtenant, submitted an affidavit meeting the requirements of ORS 540.621 for a diminution of a portion of Certificate 74340. An affidavit was submitted requesting a partial diminution as described as follows:

**Certificate:** 74340 in the names of Debbie Lee, Donald Decker, Don and Dianne Cochran, Gary Williams, Kevin Benefield, Et Ux, Richard and Carol Thornton, and L.E. Dart (confirmed by Hood River decree)

**Use:** IRRIGATION of 3.0 ACRES

**Priority Date:** 1875

**Rate:** None Listed

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** INDIAN CREEK, a tributary of the HOOD RIVER

**Place of Use to be Diminished from Primary Irrigation to Supplemental Irrigation:**

Diversion	Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
South Side of Ditch	2 N	10 E	WM	10	NW NW	2100	3.00	BELLUS

## Conclusions of Law

The proposed changes in place of use as proposed in Transfer Application T-12554 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned rights should be cancelled.

### Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975 and 85976 and 85976 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975, and 85976, and any related decree.
3. The portions of the water rights as evidenced by Certificates 74361, 19539, and 90228 as requested to be canceled are canceled. New certificates will be issued to describe the balance of these rights not modified by this Final Order.
4. The portion of the water right as evidenced by Certificate 74340 as requested to be canceled is canceled. The portion of the water right as evidenced by Certificate 74340 as requested to be partially diminished from primary irrigation to supplemental irrigation. A new certificate will be issued to describe the balance of this right modified by this Final Order.
5. The place of use from which the water right is removed by T-12554 shall no longer be irrigated under the transferred right.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.
8. Water right Certificates 74306, 85974, 74302, 74299 as modified by CW-92, 85975, and 85976 are modified. The Department will issue superseding Certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 30 day of October 2017.



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

**NOV 02 2017**

Mailing Date: \_\_\_\_\_