

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	SUPERSEDING FINAL ORDER
T-11935, Hood River County)	APPROVING A PERMANENT
)	DISTRICT TRANSFER AND PARTIAL
)	CANCELLATION OF WATER RIGHTS

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.

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 RD.
HOOD RIVER, OR 97031

Findings of Fact

1. On November 28, 2014, Farmers Irrigation District filed an application to change the place of use under Certificates 74299, 74302, 74306, 76230, 85974, 85975, 74335, 74334, 74368, and 85976. The Department assigned the application number T-11935.
2. This order is issued to supersede the Final Order at Special Order Volume 95, Pages 953-964 issued to correct a variety of errors. Additions are shown in "underline" text, deletions are shown in "~~strike~~" text, and corrections are shown in "**bold**" text.
3. The portion of the first right to be transferred is as follows:
Certificate: 74299 in the name of FARMERS IRRIGATION DISTRICT (confirmed by Hood River Decree)
Use: SUPPLEMENTAL IRRIGATION of 1.0 ACRE
Priority Date: 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 GREEN POINT CREEK, SOUTH FORK GREEN POINT, DEAD POINT CREEK AND SOUTH FORK PINE CREEK, tributaries of 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 9
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	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER	7350
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	SE SE	3104	0.05	BILLSON	7358
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7427
Total						1.00		

4. The Department has collected additional information regarding the location of two of the authorized points of diversion. The additional information clarifies the location of the Green Point Creek diversions as follows:

Twp	Rng	Mer	Sec	Q-Q	GPS information
1 N	9 E	WM	10	NW NW	SOUTH FORK GREEN POINT CREEK – 45.59061,-121.688332
1 N	9 E	WM	3	SE SW	NORTH FORK GREEN POINT CREEK – 45.593538,-121.688332

5. Transfer Application T-11935 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7410
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7443
Total						1.00		

6. The portion of the second 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 0.40 ACRE

Priority Date: 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 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, tributary to HOOD 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 FROM THE SE CORNER OF THE SW SW, 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	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7428

7. Transfer Application T-11935 proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7444

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

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

Use: IRRIGATION of 5.30 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 ONE-EIGHTIETH of one cfs 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 for each acre irrigated during the irrigation season of each year.

Source: HOOD RIVER, a tributary of the 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	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	1	SE NW	3800	0.30	NICKELSEN	7397
2 N	10 E	WM	2	NE NW	1300	0.10	BROOKSIDE INC	7345
2 N	10 E	WM	2	SE NE	2500	0.25	OUR REDEEMER	7384
2 N	10 E	WM	2	NW NW	500	0.05	IINTEGRITY	7347
2 N	10 E	WM	2	SW SE	2000	0.20	TALLMAN	7385
2 N	10 E	WM	2	SE SE	1300	0.05	LOREDO	7481
2 N	10 E	WM	3	NW SW	2700	0.30	IRLE	7396
2 N	10 E	WM	3	NW SE	300	0.10	BENTZ	-
2 N	10 E	WM	3	SW SE	1100	0.25	TWILLEY	7353
2 N	10 E	WM	3	SW SE	1102	0.15	TWILLEY	7353
2 N	10 E	WM	3	SW SE	1103	0.15	TWILLEY	7353
2 N	10 E	WM	10	NE NE	1000	0.10	BAKER	7365
2 N	10 E	WM	10	NE NW	100	0.55	GLORY ORCHARDS	-
2 N	10 E	WM	11	NE SE	300	0.75	RED BARN	7399
2 N	10 E	WM	11	NE SE	1000	0.60	RED BARN	7400
2 N	10 E	WM	11	SE SE	1000	0.10	RED BARN	7402
2 N	10 E	WM	11	SE SE	2200	0.20	RED BARN	7403
2 N	10 E	WM	12	NW SW	300	0.40	RED BARN	7404
2 N	10 E	WM	12	NW SW	2600	0.10	RED BARN	7405
3 N	10 E	WM	33	SE NE	2400	0.20	WILHELM	7391
3 N	10 E	WM	34	SE NW	434	0.10	HUMANN	7398
3 N	10 E	WM	34	SE NW	3800	0.05	SLOVER	7346
3 N	10 E	WM	34	NW SW	702	0.25	VAGLIENTI	-
Total						5.30		

9. Transfer Application T-11935 proposes to change the place of use for the above described water right to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	1	SE NW	1100	0.25	NICKELSEN ORCHARDS INC	7397
2 N	10 E	WM	1	SE NW	3800	0.05	NICKELSEN ORCHARDS INC	-
2 N	10 E	WM	3	NW SE	300	0.10	BENTZ	-
2 N	10 E	WM	11	NE SE	300	0.65	RED BARN	7399
2 N	10 E	WM	11	NE SE	1000	0.15	RED BARN	7400
2 N	10 E	WM	11	SE SE	300	0.25	RED BARN	7401
2 N	10 E	WM	12	NW SW	300	0.75	RED BARN	7404
2 N	10 E	WM	12	NW SW	2600	0.35	RED BARN	7405
2 N	10 E	WM	10	NE NW	100	0.50	GLORY ORCHARDS	-
2 N	10 E	WM	10	NE NW	100	0.90	GLORY ORCHARDS	7394
2 N	10 E	WM	10	SE NW	100	0.05	GLORY ORCHARDS	7395
2 N	10 E	WM	14	NW SW	2008	0.55	BECK	7301
3 N	10 E	WM	34	NW NE	1400	0.50	BREWER	7387
3 N	10 E	WM	34	NW SW	702	0.25	VAGLIENTI	-
Total						5.30		

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

Certificate: 76230 in the name of FARMERS IRRIGATION DISTRICT (perfected under Permit S-51189)

Use: IRRIGATION of 0.20 ACRE

Priority Date: APRIL 27, 1989

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 ONE-EIGHTIETH of one cfs 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.

Sources: RAINY CREEK (WITH DEFICIENCY TO BE MADE UP FROM GATE CREEK, CABIN CREEK, DITCH CREEK AND DEAD POINT CREEK, UPPER AND LOWER GREEN POINT RESERVOIRS), a tributary of HOOD RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	8 E	WM	25	NE SE	600 FEET SOUTH AND 1150 FEET WEST FROM THE E1/4 CORNER OF SECTION 25

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7408

11. Transfer Application T-11935 proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	5	SE SW	301	0.20	FOWLER	7413

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

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

Use: IRRIGATION of 2.30 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, 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 of HOOD RIVER

Authorized Points 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 E $\frac{1}{4}$ CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER	7349
2 N	10 E	WM	8	SW NE	402	1.10	WINSLOW	7298
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	SE SE	3104	0.05	BILLSON	7357
2 N	10 E	WM	17	NW NW	1703	0.20	ROWLEY	7375
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7426
Total						2.30		

13. Transfer Application T-11935 also proposes to change the place of use of the right to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	5	SE SW	301	1.30	FOWLER	7406
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7409
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7442
Total						2.30		

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

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

Use: IRRIGATION of 0.05 ACRE and SUPPLEMENTAL IRRIGATION OF 2.30 ACRES

Priority Date: 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, 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 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 SW¼ SW¼ 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 SW¼ SW¼, 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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	NE SW	2500	0.05	WIMMERS	-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER	7351
2 N	10 E	WM	8	SW NE	402	1.10	WINSLOW	7299
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	SE SE	3104	0.05	BILLSON	7359
2 N	10 E	WM	17	NW NW	1703	0.20	ROWLEY	7376
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7429
Total						2.30		

15. Transfer Application T-11935 proposes to change the place of use of the above described right to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	17	NE SW	2500	0.05	WIMMERS	-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	5	SE SW	301	1.30	FOWLER	7407
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7411
2 N	10 E	WM	17	SE SE	4300	0.40	WY'EAST ORCHARD LLC	7445
Total						2.30		

16. The portion of the seventh 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 1.0 ACRE

Priority Date: 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, 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 to 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 NW¼ SW¼ 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	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER	7352
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	SE SE	3104	0.05	BILLSON	7360
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7430
Total:						1.00		

17. Transfer Application T-11935 proposes to change the place of use of the above described rights to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN #
2 N	10 E	WM	9	NE SW	4900	0.30	ANNALA	-
2 N	10 E	WM	9	NW SW	3100	0.10	KINOSHITA	-
2 N	10 E	WM	10	NW SW	1400	0.20	HARDMAN	7412
2 N	10 E	WM	17	SE SE	4300	0.40	WY EAST ORCHARD LLC	7446
Total:						1.00		

18. The portion of the eighth right to be transferred if as follows:

Certificate: 74334 in the name of Donald and Jeannette Copper (perfected under Permit S-37199)

Use: SUPPLEMENTAL IRRIGATION of 0.40 ACRE

Priority Date: September 7, 1972

Rate: 0.005 CUBIC FOOT PER SECOND (CFS)

Source: A SPRING, a tributary of HOOD RIVER

Authorized Place of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	12	NW SW	300	0.40	RED BARN	-

19. Transfer Application T-11935 proposes to change the place of use of the above described rights to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	12	NW SW	300	0.40	RED BARN	-

20. The portion of the ninth right to be transferred is a follows:

Certificate: 74335 in the name of Donald and Jeannette Copper (perfected under Permit S-10532)

Use: SUPPLEMENTAL IRRIGATION of 0.59 ACRE

Priority Date: March 31, 1932

Rate: 0.01 CUBIC FOOT PER SECOND (CFS)

Source: A SPRING, SEEPAGE, AND DRAINAGE WATER a tributary of HOOD RIVER

Authorized Place of Use

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	11	NE SE	300	0.59	RED BARN	-

21. Transfer Application T-11935 proposes to change the place of use of the above described rights to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	11	NE SE	300	0.59	RED BARN	-

22. The portion of the tenth right to be transferred is as follows:

Certificate: 74368 in the name of Nickelson Orchards Inc. (perfected under Permit S-4780)

Use: SUPPLEMENTAL IRRIGATION of 0.3 acre

Priority Date: September 11, 1920

Rate: 0.007 CUBIC FEET PER SECOND

Amount: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to 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 acre-feet for each acre irrigated during the irrigation season of each year.

Source: A SPRING and SEEPAGE on Cedar Creek, a tributary of HOOD RIVER

Authorized Place of Use

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	1	SE NW	3800	0.30	NICKELSON	-

23. Transfer Application T-11935 proposes to change the place of use of the above described rights to:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User	DINN#
2 N	10 E	WM	1	SE NW	3800	0.25	NICKELSON	
2 N	10 E	WM	1	SE NW	3800	0.05	NICKELSON	

24. Notice of the application for transfer was published on December 9, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
25. The district transfer application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
26. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
27. The proposed changes in place of use would not result in enlargement of the rights.
28. The proposed changes in place of use would not result in injury to other rights.

Partial Cancellation of certain Water Rights

Portions of water right Certificates 74314, 74334, 74335, 74368, 87085, 87086, and 87087 are appurtenant to certain authorized lands.

29. On November 28, 2014, Thomas Wilhelm, owner of lands to which a portion of Certificates 74306 and 74314 are appurtenant, submitted an affidavit meeting the requirements of ORS 540.621. The affiant requested a portion of Certificate 74314 be cancelled as it will not be transferred along with the associated primary. The abandoned portion to be cancelled is described as follows:

Certificate: 74314 in the name of Thomas Wilhelm, Michael and Lorrie Wingerd (perfected under Permit S-2598)
 Use: SUPPLEMENTAL IRRIGATION of 0.20 ACRE
 Priority Date: August 13, 1915
 Rate: 0.004 CUBIC FOOT PER SECOND
 Source: NAMELESS POND tributary of HOOD RIVER

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
3 N	10 E	WM	33	SE NE	2400	0.20	WILHELM

30. On November 28, 2014, Mark and Jennifer Geller, owners of lands to which a portion of Certificate 85974 is appurtenant submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The affiants identified a “layered” supplemental water right on the “FROM” lands and submitted an affidavit for the partial cancellation as further described below:

Certificate: 87085 in the name of T. J. MILLER (perfected under Permit S-4439)
 Use: SUPPLEMENTAL IRRIGATION of 0.15 ACRES
 Priority Date: February 18, 1920
 Rate: 0.002 CUBIC FOOT PER SECOND
 Amount: 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.
 Source: NAMELESS POND, a tributary of HOOD RIVER

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER

31. On November 28, 2014, Mark and Jennifer Geller, owners of lands to which a portion of Certificate 85974 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The affiants identified a “layered” supplemental water right on the “FROM” lands and does 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: 87086 in the name of T.J. MILLER (perfected under Permit S-3827)
 Use: SUPPLEMENTAL IRRIGATION of 0.15 ACRES
 Priority Date: June 13, 1918
 Rate: 0.002 CUBIC FOOT PER SECOND
 Source: NAMELESS STREAM arising in springs, a tributary of FARMER'S IRRIGATION DITCH

Place of Use to be cancelled

Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
2 N	10 E	WM	4	SE NE	3000	0.15	GELLER

32. On April 13, 2011, Shirley J. Billson, owner of lands to which a portion of Certificate 85974 is appurtenant, submitted a voluntary cancellation affidavit meeting the requirements of ORS 540.621. The affiant identified a "layered" supplemental water right on the "FROM" lands and does 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: 87087 in the name of MRS. ANNIE REINOEHL (perfected under Permit S-13976)
 Use: SUPPLEMENTAL IRRIGATION of 0.05 ACRES
 Priority Date: August 9, 1939
 Rate: 0.001 CUBIC FOOT PER SECOND
 Amount: 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, 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 during the irrigation season.
 Source: Waste water from SW¼ SE¼, Section 10, T 2N, R 10E, W.M., tributary to 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	3104	0.05	BILLSON

Conclusions of Law

The proposed changes in place of use in Transfer Application T-11935 satisfy the requirements of ORS 540.574(3) and 540.580 and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The proposed changes to the District's existing water right Certificates 74299, 76230, 74302, 74306, 85974, 85975, 74334, 74335, 74368, and 85976 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in the District's water rights, related decree, and the Final Order approving T-11935.

3. The portions of the water rights as evidenced by Certificates 74314, 74334, 74335, 74368, 87085, 87086 and 87087 as requested to be canceled are canceled. New certificates 90227, 90230, 90229 and 90228, respectively, have been ~~will be issued confirming~~ describing the balance of the rights not modified by this Final Order.
 - 3a. Certificates 74334, 76335, and 74368 are modified. No new certificates will be issued describing the modifications of these rights because the place of use changes occur within the same quarter-quarters.
4. The former places of use shall no longer be irrigated as part of these water rights.
5. The proposed changes shall be completed on or before October 1, 2016. A Claim of Beneficial Use and Final Proof Map shall be submitted by Farmers Irrigation District to the Department by October 1, 2017.
6. Certificates 74299, 76230, 76302, 76306, 85974, 85975 and 85976 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 3rd day of August, 2017.



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

Mailing Date: **AUG 08 2017**