# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13049, Hood River County	)	A DISTRICT PERMANENT TRANSFER FOR
	)	PLACE OF USE AND PARTIAL
•		CANCELLATIONS OF WATER RIGHTS

# **Authority**

Oregon Revised Statutes (ORS) 540.570 through 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.

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 October 24, 2018, Farmers Irrigation District (FID) filed a district transfer application to permanently change the place of use under Certificates 74306, 85974, 74299 as modified by CW-92, 85975, and 85976. The Department assigned the application number T-13049.
- Notice of the District Permanent Transfer Application was published on November 6, 2018, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. The portion of first the right to be transferred is as follows:

Certificate: 74306 in the name of FARMERS IRRIGATION DISTRICT (confirmed by

Hood River decree)

Use: IRRIGATION of 8.21 acres
Priority Date: MAY 7, 1906

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).

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
214	10 L	00101	21	1444 344	OF SECTION 31

## **Authorized Place of Use:**

				PRI	MARY IF	RIGATIO	N	
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
2 N	10 E	WM	_ 2	SE SW	0.05	1701	HAYNES	7638
2 N	10 E	WM	3	NW NE	0.50	1900	MARCHESI	7865
2 N	10 E	WM	3	SE NE	0.10	800	MARTIN REVOCABLE TRUST	7917
2 N	10 E	WM	3	SE NE	0.10	803	SANDERS	7860
2 N	10 E	WΜ	3	NW NW	0.05	3200	WEST	7498
2 N	10 E	WM	3	SW NW	0.15	3200	WHITING	7861
2 N	10 E	WM	10	NW NE	0.25	2202	BROUSSARD	
2 N	10 E	WM	11	NW NW	1.00*	1600	BRANDT	
2 N	10 E	WM	11	NW NW	1.80	1600	BRANDT	7626
2 N	10 E	WM	21	NW NW	0.08	1701	JEROME	
3 N	<sup>7</sup> 10 E	WM	34	SW NW	0.15	1511	BELL	
3 N	10 E	WM	34	SE NW	0.05	436	MCMONAGLE	7739
3 N	10 E	WM	34	NE SW	0.05	510	SMITH	7565
3 N	10 E	WM	34	NW SW	0.25	510	SMITH	7564
3 N,	10 E	WM	34	SW.SW	0.30	504	BREVARD	7511
3 N	10 E	WM	34	SE SW	0.25	300	FITZSIMONS	7499
3 N	10 E	WM	34	SE SW	0.05	510	SMITH	7563
3 N	10 E	WM	34	NW SE	0.40	400	BETTS	
3 N	10 E	WM	35	SE NW	0.05	901	DAVODSPM	7962
3 N	10 E	WM	35	NE SW	0.10	901	DAVIDSON	7963
3 N	10 E	WM	35	NE SW	0.10	117	PARSON	7510
3 N	10 E	WM	35	SW SW	0.58	801	HOOD RIVER SCHOOL DIST	
3 N	10 E	WM	35	NW SE	0.10	2300	SMITH	7512
3 N	10 E	WM	36	SW SE	1.70	600	SIEVERKROPP	•••
-		TOTA	L		8.21			

<sup>\*</sup>Tax Lot number change only – no change in location

# 4. Transfer Application T-13049 proposes to change the place of use to:

# **Proposed Place of Use:**

	PRIMARY IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	<ul><li>Notice</li></ul>				
2 N	10 E	WM	2	NW NW	0.20	1300	OLMSTEAD	7787				
2 N	10 E	WM	3	SE NE	0.25	807	HPC PROPERTIES LLC	7788				
2 N	10 E	WM	10	NW NE	0.25	2202	BROUSSARD					

		<del></del> -		PR	IMARY IF	RIGATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice
2 N	10 E	WM	10	NE SE	1.50	400	SCHULL	7908
2 N	10 E	WM	10	NE SE	0.20	410	SCHULL	7909
2 N	10 E	·WM	11	NW NW	1.00*	1604	BRANDT	7558
2 N .	10 E	WM	11	SW NW	1.80	1604	BRANDT	7818
2 N.	10 E	WM	14	SE NŴ	0.40	1600	JEPSEN	7867
2 N	10 E	WM	21	NW NW	0.08	1701	JEROME	
3 N	10 E	WM	34	NW NW	0.40	1505	GLEASMAN	
3 N	10 E	WM	34	NW NW	1.00	1507	SANDOVAL	
3 N	10 E	WM	34	SW NW	0.15	1511	BELL	
3 N	10 E	WM	34	NW SE	0.40	400	BETTS	
-3 N	10 E	WM	35	SW SW	0.58	801	HOOD RIVER SCHOOL DIST	
				TOTAL	8.21			

<sup>\*</sup>Tax Lot number change only – no change in location

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

Certificate: 85974 in the name of FARMERS IRRIGATION DISTRICT (confirmed by

Hood River decree)

Use: IRRIGATION of 1.20 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 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 E½ CORNER OF SECTION 24

# **Authorized Place of Use:**

				PRIMA	RY IRRIG	NOITA	•	
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	. Water User	Notice
2 N	10 E	WM	3	sw sw	0.20	3201	MURPHY ESTATE	7879
2 N	10 E	WM	4 .	NE SE	0.10	104	CHAPMAN	7948
2 N	10 E	WM	4	NE SE	0.15	105	COLEMAN	7927
2 N	10 E	WM	4	NE SE	0.15	106	GILBERT	7940
2 N	10 E	WM	4	NE SE	0.15	101	WELLS	7919
2 N	10 E	WM	8	NW SW	0.45	900	BASSLER	
				TOTAL	1.20	•		

6. Transfer Application T-13049 proposes to change the place of use to:

# **Proposed Place of Use:**

	PRIMARY IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice				
2 N	10 E	WM	4	SW SE	0.60	2400	JACKSON	7953				
2 N	10 E	WM	8	NW SW	0.45	900	BASSLER					
2 N	10 E	WM	10	NW NW	0.15	2300	DE LA ROSA	7944				
				TOTAL	1.20		ř.					

7. 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 0.75 acres

**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 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	Taxlot	Water User	Notice				
2 N	10 E	WM	3	SW SW	0.20	3201	MURPHY ESTATE	7879				
2 N	10 E	WM	4	NE SE	0.10	104	CHAPMAN	7948				
2 N	10 E	WM	4	NE SE	0.15	105	COLEMAN	7927				
2 N	10 E	WM	4	NE SE	0.15	106	GILBERT	7940				
2 N	10 E	WM	4.	NE SE	0.15	101	WELLS	7919				
1				TOTAL	0.75							

8. Transfer Application T-13049 proposes to change the place of use to:

# **Proposed Place of Use:**

	SUPPLEMENTAL IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice				
2 N	10 E	WM	4	SW SE	0.60	2400	JACKSON	7953				
2 N	10 E	WM	10	NW NW	0.15	2300	DE LA ROSA	7944				
	•			TOTAL	0.75							

9. The portion of the fourth 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 1.2 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 E½ 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	Taxlot	Water User	Notice					
2 N	10 E	WM	3	SW SW	0.20	3201	MURPHY ESTATE	7879					
2 N	10 E	WM	4	NE SE	0.10	104	CHAPMAN	7948					
2 N	10 E	WM	4	NE SE	0.15	105	COLEMAN	7927					
2 N	10 E	WM	4	NE SE	0.15	106	GILBERT	7940					
2 N	10 E	WM	4	NE SE	0.15	101	WELLS	7919					

SUPPLEMENTAL IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot		Water User	Notice		
2 N	10 E	WM	8	NW SW	0.45	900	ı	BASSLER			
				TOTAL	1.20	•	1				

10. Transfer Application T-13049 proposes to change the place of use to:

# **Proposed Place of Use:**

	SUPPLEMENTAL IRRIGATION												
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice					
2 N	10 E	WM	4	SW SE	0.60	2400	JACKSON	7953					
2 N	10 E	WM	8	NW SW	0.45	900	BASSLER						
2 N	10 E	WM	10	NW NW	0.15	2300	DE LA ROSA	7944					
	-			TOTAL	1.20	-							

11. The portion of the fifth 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 0.75 acres

**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, 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

Twp	Rng	Mer	Sec	Q-Q	Gov't lot	Measured Distances
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 Taxlot Water User													
2 N	10 E	WM	3	SW SW	0.20	3201	MURPHY ESTATE	7879					
2 N	10 E	WM	4	NE SE	0.10	104	CHAPMAN	7948					
2 N	10 E	WM	4	NE SE	0.15	~105	COLEMAN	7927					
2 N	10 E	WM	4	NE SE	0.15	106	GILBERT	7940					
2 N	2 N 10 E WM 4		NE SE	0.15	101	WELLS	7919						
		•		TOTAL	0.75								

12. Transfer Application T-13049 proposes to change the place of use to:

# **Proposed Place of Use:**

	SUPPLEMENTAL IRRIGATION												
Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Water User	Notice					
2 N	10 E	WM	4	SW SE	0.60	2400	JACKSON	7953					
2 N	10 E	WM	10	NW NW	0.15	2300	DE LA ROSA	7944					
	_			TOTAL	0.75	)							

- 13. 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.
- 14. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
- 15. The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 16. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
- 17. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
- 18. 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 39053, 82151, and 94222 are appurtenant to certain authorized lands involved in this Transfer T-13049.

19. Water rights were conveyed to FID on April 17, 2018, by Murphy, James H. & Fama L. Trust Estate, owners of lands to which portions of Certificates 74306 and 39053 are appurtenant. On October 24, 2018, FID submitted an affidavit meeting the requirements of ORS 540.621 for voluntary cancellation for a portion of Certificate 39053. The affiant requested a portion of Certificate 39053 be cancelled as it will not be transferred along with the associated primary. 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. The affiant requests a partial cancellation described as follows:

Certificate:

39053 in the name of JAMES HESS (perfected under Permit S-28458)

Use:

SUPPLEMENTAL IRRIGATION of 0.20 ACRE

**Priority Date:** APRIL 18, 1962

Amount:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed

herein.

Source:

SEEPAGE, 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	SW SW	3201	0.2	MURPHY ESTATE

- 20. Certificate 39053 is a deficient water right. The abandoned portion of the water right no longer authorizes water to be applied at the place of described in Finding of Fact #19, but does not reduce the total quantity of water available for supplemental irrigation.
- 21. Water rights were conveyed to FID on April 3, 2018, by Franco Marchesi, owner of lands to which portions of Certificates 74306 and 82151 are appurtenant. On October 24, 2018, FID submitted an affidavit meeting the requirements of ORS 540.621 for voluntary cancellation for a portion of Certificate 82151. The affiant requested a portion of Certificate 82151 be cancelled as it will not be transferred along with the associated primary. 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. The affiant requests a partial cancellation described as follows:

Certificate: 8

82151 in the name of FRANCO & JAYNE MARCHESI (perfected under

Permit G-10612)

Use:

SUPPLEMENTAL IRRIGATION of 0.5 ACRES

Priority Date:

**JANUARY 21, 1985** 

Rate:

0.006 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) and 3.0 acre-feet for each acre irrigated during the irrigation

season of each year.

Source:

A WELL within the HOOD RIVER BASIN

Rate to be Cancelled: 0.006 CUBIC FOOT PER SECOND

#### Place of Use to be cancelled

	Twp	Rng	Mer	Sec	Q-Q	Tax lot	Acres	Water User
ı	2 N	10 E	WM	3	NW NE	1900	0.5	MARCHESI

22. Water rights were conveyed to FID on July 5, 2018, by a representative of The Martin Revocable Trust, owners of lands to which portions of Certificates 74306 and 94222 are appurtenant. Water rights were also conveyed to FID on March 12, 2018, by Martin and Kathleen Sanders, owners of lands to which portions of Certificates 74306 and 94222 are appurtenant. On January 19, 2019, FID submitted affidavits meeting the requirements of ORS 540.621 for voluntary cancellation for Certificate 94222. 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. The affiant requests a partial cancellation described as follows:

Certificate: 94222 in the name of Brookside, Inc. (perfected under Permit S-4700)

Use: SUPPLEMENTAL IRRIGATION of 0.2 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

Rate to be Cancelled: 0.002 CUBIC FOOT PER SECOND

#### 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	800	0.1	DAVIDSON
ļ	2 N	10 E	WM	3	SE NE	803	0.1	DAVIDSON

#### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-13049 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500, and the abandoned portions of the 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, 74299 as modified by CW-92, 85975, 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, 74299 as modified by CW-92, 85975, and 85976, and any related decree.
- 3. The portions of the water rights as evidenced by Certificates 39053, 82151, and 94222 as requested to be canceled are canceled. New certificates will be issued describing the balance of the rights not modified by this Final Order.
- 4. The place of use from which the water right is removed by T-13049 shall no longer be irrigated under the transferred right.
- 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, 2020. 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.
- 7. Water right Certificates 74306, 85974, 74299 as modified by CW-92, 85975, and 85976 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Signed at Salem, Oregon on FEB 1 1 2019

Dwight Mench, Water Right Services Administrator for

THOMAS M. BYLER, DIRECTOR

Oregon Department of Water Resources

Mailing Date: FEB 1 2 2019