BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	F	I	N	A	L	O	R	D	E	R
T-10393, Hood River County)	AP	PR	OV.	ING	A DIS	TRI	CT			
)	TE	MP	POR	ARY	Y TRA	NSF	ER			

Authority

ORS 540.570 establishes the process in which a district may submit a request to temporarily 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.

Applicant

EAST FORK IRRIGATION DISTRICT P.O. BOX 162 ODELL, OR 97044

Findings of Fact

- 1. On May 23, 2007, East Fork Irrigation District filed a district transfer application to temporarily change the place of use under a portion of Certificate 81340. The Department assigned the application number T-10393.
- 2. On June 14, 2007, the applicant submitted a new amended map and application to better describe the authorized place of use.
- 3. Notice of the application for transfer was published on May 29, 2007, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 4. The portion of the right to be transferred are as follows:

Certificate: 81340, issued in the name of East Fork Irrigation District (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County, recorded in the Order Record of the Water Resources Director, in Vol. 17, page 333)

Use: Irrigation (IR) of 4.2 acres **Priority Date:** November 25, 1895

Rate: 0.052 cubic foot per second (cfs), which is equivalent to ONE-EIGHTIETH of one cfs

Source: East Fork Hood River, a tributary of Hood River

This is a final order in other than 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 either 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.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	Lot	SURVEY COORDINATES			
1 S	10 E	WM	4	NW SW	1	3750 feet South and 430 feet East			
						from the NW Corner of Section 4			

Authorized Place of Use:

TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER
2 N	10 E	WM	26	NE SE	1100	4.2	C.M. & W.O. SHEPPARD, INC.

5. Application T-10393 proposes to TEMPORARILY change the place of use for the above described right to:

TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER
1 N	10 E	WM	2	NW SW	1806	1.1	Wy'EAST VINEYARDS, INC.
1 N	10 E	WM	2	SW SW	1806	3.1	Wy'EAST VINEYARDS, INC.

- 6. The district temporary transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- 7. The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 8. The proposed change in place of use would not result in enlargement of the right.
- 9. The proposed change in place of use would not result in injury to other water rights

Conclusions of Law

The change in place of use proposed in Transfer Application T-10393 satisfies the requirements of ORS 540.574(3) and 540.570.

Now, therefore, it is ORDERED:

- 1. The proposed change in place of use to the water right evidenced by Certificate 81340 is approved.
- 2. The temporary transfer is effective for the 2007 irrigation season.
- 3. 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-10393.
- 4. 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.

- 5. The use of water under this temporary transfer may be conditioned 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.
- 6. At the end of the 2007 irrigation season all uses of water under this temporary transfer revert automatically to the terms and conditions of the original water right permit, certificate, or adjudication as evidenced by a court decree.

Dated at Salem, Oregon this 3d day of		uly	, 2007.
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Phillip C. Ward, Director

Mailing date: JUL 1 1 2007