

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13069, Hood River County)	A DISTRICT PERMANENT TRANSFER FOR
)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 to 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.

Applicant

EAST FORK IRRIGATION DISTRICT
PO BOX 162
ODELL, OR 97044

Findings of Fact

1. On November 26, 2018, East Fork Irrigation District (EFID) filed a district transfer application to permanently change the places of use under Certificates 92000 and 84803. The Department assigned the application number T-13069.
2. Notice of the District Permanent Transfer Application was published on December 8, 2018, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On January 7, 2019, the applicant submitted new place of use tables and a map to correct a scrivener's error.
4. The portion of the first right to be transferred is as follows:

Certificate: 92000 in the name of EAST FORK IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County)

Use: IRRIGATION of 7.85 acres

Priority Date: NOVEMBER 25, 1895

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

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).

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	POD 1: 3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	22	NW NE	0.25	102	DICHTER	T-2018-03
2 N	10 E	WM	22	NW NE	0.25	200	DICHTER	T-2018-03
2 N	10 E	WM	22	SE SW	6.00	2200	HR CO SCHOOL DISTRICT	T-2018-03
2 N	10 E	WM	22	SW SE	0.25	1600	HERNANDEZ	T-2018-03
2 N	10 E	WM	25	SE NW	0.50	1301	CARDINAL IG CO	T-2018-03
2 N	11 E	WM	19	NW SW	0.50	2302	WELLS	T-2018-03
3 N	11 E	WM	31	SE NW	0.10	2702	MACRAE/WYLDE	T-2018-03
Total:					7.85			

5. Transfer Application T-13069 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	2	SW SW	3.80	1806	WY' EAST VINEYARDS	T-2018-03
1 N	10 E	WM	3	SE NW	1.25	1400	LOOMIS	T-2018-03
2 N	10 E	WM	22	NE NE	0.50	200	DICHTER	T-2018-03
2 N	10 E	WM	34	NW SW	1.80	3100	BETTS	T-2018-03
2 N	11 E	WM	19	NE SW	0.50	2300	REID	T-2018-03
Total:					7.85			

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

Certificate: 84803 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-43395)

Use: IRRIGATION of 4.30 acres

Priority Dates: AUGUST 8, 1977 and AUGUST 3, 1978

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 3.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
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:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	15	NE NE	0.60	100	BAILEY	T-2018-03
2 N	10 E	WM	14	NW NE	1.15	500	ORCHARD	T-2018-03
2 N	10 E	WM	14	SW NE	0.55	403	ORCHARD	T-2018-03

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	27	SE NW	2.00	5300	SMITH	T-2018-03
Total:					4.30			

7. Transfer Application T-13069 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	POD
1 N	10 E	WM	03	SE NW	1.70	1400	LOOMIS	T-2018-03	1
1 N	10 E	WM	15	NE NE	0.30	100	BAILEY	T-2018-03	1
1 N	10 E	WM	15	NE NE	0.30	101	PRITCHETT	T-2018-03	1
1 N	10 E	WM	15	NW NE	0.65	1000	PORTER	T-2018-03	1
1 N	10 E	WM	15	NE NW	1.35	1000	PORTER	T-2018-03	1
Total:					4.30				

8. 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.
9. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
10. The water right is subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
12. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
13. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

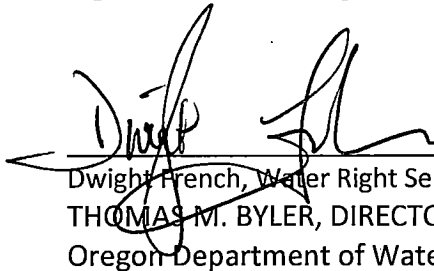
The proposed changes in place of use as proposed in Transfer Application T-13069 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 92000 and 84803 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 92000 and 84803 and any related decree.

3. The place of use from which the water right is removed by T-13069 shall no longer be irrigated under the transferred right.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. 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 EFID to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water right Certificates 92000 and 84803 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 12 2019



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

Mailing Date: FEB 13 2019