

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-11794, Hood River County) **TEMPORARY DISTRICT TRANSFER**

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 April 17, 2014, East Fork irrigation District filed an application to temporarily change the place of use under Certificates 80929 and 81340. The Department assigned the application number T-11794.
2. Notice of the application for transfer was published on April 29, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 80929, in the name of East Fork Irrigation District (perfected under Permit S-29617)
Use: Irrigation of 8.40 acres
Priority Date: MARCH 13, 1964
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 the HOOD RIVER

Authorized Point of Diversion:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User
1 N	10 E	WM	2	SE SW	1800	8.40	H. Michael Pessl

This is a final 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.

4. Transfer Application T-11794 proposes to TEMPORARILY change the place of use for the above described right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User
1 N	10 E	WM	2	NE SE	2000	4.50	Truman and Mildred Goss
1 N	10 E	WM	2	SE SE	2000	2.00	Truman and Mildred Goss
2 N	10 E	WM	20	SW SE	2202	0.40	Grant and Sandra Porter
2 N	10 E	WM	20	SE SE	2202	1.50	Grant and Sandra Porter
Total:						8.40	

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

Certificate: 81340, issued in the name of East Fork Irrigation District (confirmed by decree)

Use: IRRIGATION of 1.20 ACRES

Priority Date: November 25, 1895

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

Authorized Point of Diversion:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User
1 N	10 E	WM	2	NE SW	1800	1.20	H. Michael Pessl

6. Transfer Application T-11794 proposes to TEMPORARILY change the place of use for the above described right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Water User
2 N	10 E	WM	20	SW SE	2202	1.20	Grant and Sandra Porter

6. Water has been used within the last five years according to the terms and conditions of the rights and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A diversion structure, district canals, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
8. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-4000, contains the information required under OAR 690-385-2000.
9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed changes would not result in enlargement of the rights.

11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.570(6) if the Department later finds that the transfer is causing injury to any existing water right.

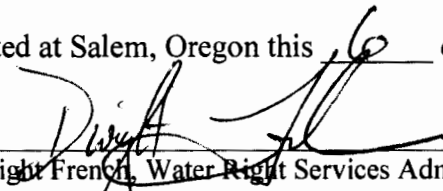
Conclusions of Law

The proposed changes in place of use in Transfer Application T-11794 satisfy the requirements of ORS 540.574(3) and 540.580. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The proposed changes in Transfer Application T-11794 are approved.
2. The temporary transfer is effective for the 2014 irrigation season.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2014 irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2013 irrigation season.
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 rights.
6. A subsequent application for permanent transfer of Certificate 80929 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 80929.
8. The use of the remaining water rights described by Certificate 80929 shall continue to be in accordance with the terms and condition of Certificate 80929.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
10. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 6 day of October 2014



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Water Resources Department

Mailing Date: OCT 10 2014