

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **DISTRICT TEMPORARY TRANSFER 9411**, a petition submitted by:

EAST FORK IRRIGATION DISTRICT (Radiance to Golden Mt., LLC)
P.O. BOX 162
ODELL, OR 97044

The right to be modified is as follows:

Certificate 74642; Hood River Decree - Vol. 17, Page 333: Irrigation;
Priority Date - November 25, 1895; Authorized Source - East Fork Hood River

Authorized Point of Diversion

NW ¼ SW ¼, Section 4, Township 1 South, Range 10 East, W.M.; 3750 Feet South and 430 Feet East from the NW Corner of Section 4

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

TABLE A - FROM LANDS									
TWP		RNG		SEC	QTR	QTR	TL#	ACRES	LANDOWNER
2	N	10	E	29	NE	NW	107	0.6	RADIANCE
2	N	10	E	29	SE	NW	107	17.1	RADIANCE
Total:								17.7	

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The proposed place of use is located as follows:

TABLE B - TO LANDS										
TWP		RNG		SEC	QTR	QTR	TL#	ACRES	LANDOWNER	
2	N	10	E	28	SW	NW	2800	13.0	GOLDEN MT.	
2	N	10	E	28	NW	SW	2900	4.7	GOLDEN MT.	
Total:								17.7		

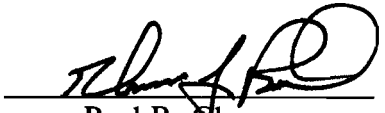
The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2003 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.
2. This change is temporary and use shall revert to the authorized place of use at the end of the 2003 irrigation season.
3. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
4. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands.
5. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.

6. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed MAY 20 2003.


Paul R. Cleary