

Use: IRRIGATION (IR) of 11.45 ACRES
Priority Date: NOVEMBER 25, 1895
Rate: 0.14 CUBIC FOOT PER SECOND (CFS), which is equivalent to ONE-EIGHTIETH of one cubic foot per second per acre
Source: EAST FORK HOOD RIVER, tributary of HOOD RIVER

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	Lot	Tax Lot	Acres	User	Notice#
2 N	10 E	WM	25	NE SW	11	100	0.10	CASTANEDA	2007-01
2 N	10 E	WM	25	NE SW	11	200	0.40	CASTANEDA	2007-01
1 N	10 E	WM	15	SW NE	7	2800	0.35	WESEMAN	2007-02
2 N	10 E	WM	22	SE SE	16	300	0.30	ENRIQUEZ	2007-02
2 N	10 E	WM	25	SE NW	6	1301	10.0	CARDINAL IG CO.	2007-02
2 N	10 E	WM	35	NW NE	2	900	0.30	COOPER	2007-02
TOTAL:							11.45		

4. Application T-10416 proposes to change the place of use for the above described right to:

Twp	Rng	Mer	Sec	Q - Q	Lot	Tax Lot	Acres	User	Notice#
2 N	10 E	WM	29	SW SW	13	700	0.50	CASTENEDA	2007-01
1 N	10 E	WM	10	NW SE	10	701	2.00	ACHZIGER	2007-02
1 N	10 E	WM	10	NW SE	10	708	1.60	McCAW	2007-02
1 N	10 E	WM	11	SE NW	6	1100	0.40	BERTY	2007-02
1 N	10 E	WM	15	SW NE	7	2800	1.45	WESEMAN	2007-02
1 N	10 E	WM	15	SE NW	6	905	1.50	LUCAS	2007-02
2 N	10 E	WM	25	SE NW	6	1301	0.30	CARDINAL IG CO.	2007-02
2 N	10 E	WM	36	SE SE	16	800	1.40	DUNN	2007-02
3 N	11 E	WM	31	NE NW	3	200	2.00	PETERSON	2007-02
3 N	11 E	WM	31	NW SW	12	1001	0.30	HASEGAWA	2007-02
TOTAL:							11.45		

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

Certificate: 80929, issued in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit 29617)

Use: IRRIGATION (IR) of 0.2 ACRE

Priority Date: MARCH 13, 1964

Rate: 0.0025 CUBIC FOOT PER SECOND (CFS), which is equivalent to ONE-EIGHTIETH of one cubic foot per second per acre

Source: EAST FORK HOOD RIVER, tributary of HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
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	Lot	Tax Lot	Acres	User	Notice #
1N	10 E	WM	15	SW SW	13	1403	0.20	JENKINS	2007-02

6. Application T-10416 proposes to change the place of use for the above described right to:

Twp	Rng	Mer	Sec	Q - Q	Lot	Tax Lot	Acres	User	Notice #
1N	10 E	WM	22	NW NW	4	1112	0.20	JENKINS	2007-02

7. Research revealed that a portion of water use Permit 43395 is appurtenant to the proposed "TO" lands. A Claim of Beneficial Use report and map have been submitted on Permit 43395 but no water right certificate has been issued. On November 23, 2007, the Department received an affidavit from Mr. Buckley, Manager for East Fork Irrigation District, stating that the District does not intend to prove up on any of the land under Permit 43395 that is situated in the same location as the place of use proposed in this transfer.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.
9. The district transfer application satisfies the criteria of ORS 540.580 and OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
11. The proposed change in place of use would not result in enlargement of the rights.
12. The proposed change in place of use would not result in injury to other water rights.

Partial Cancellation of Certain Water Rights

13. On November 13, 2007, Felipe Castaneda and Karalyn Johnson (P.O. Box 65, Odell, Oregon 97044) submitted affidavits authorizing cancellation of a portion of water right Certificates 1668 and 3846 found to be in conflict with an incoming District water right, thus resolving the conflict.
14. Pursuant to OAR 690-017-0100(2), the Department determined that the affiants (Castaneda and Johnson) are the record owners, as established by county deed records, of land to which the portions of the water rights evidenced by Certificates 1668 and 3846 (described in Findings of Fact #15 and #16) are appurtenant.

15. The portion of the first right to be cancelled is as follows:

Certificate: 1668, in the name of WILLIAM ASHLEY SUNDAY, c/o L.C. HEIZER
(perfected under Permit 2389)
Use: IRRIGATION of 0.4 ACRE
Priority Date: APRIL 20, 1915
Rate: 0.0052 CUBIC FOOT PER SECOND (CFS)
Source: SHELLEY SPRINGS AND CREEK, a tributary of NEAL CREEK

Authorized Place of Use to be Cancelled:

PORTION OF WATER RIGHT TO BE CANCELLED – CERTIFICATE 1668						
Twp	Rng	Sec	Q – Q	Tax Lot	Acres	Affiants
2 N	10 E	25	NE SW	200	0.4	CASTANEDA & JOHNSON

16. The portion of the second right to be cancelled is as follows:

Certificate: 3846 in the name of WILLIAM A. SUNDAY (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 469)
Use: IRRIGATION of 0.1 ACRE, DOMESTIC & STOCK
Priority Date: MARCH 1901
Rate: 0.0012 CUBIC FOOT PER SECOND (CFS), and shall be subject to all other conditions and limitations contained in said decree
Source: NEAL CREEK, a tributary of HOOD RIVER

Authorized Place of Use to be Cancelled:

PORTION OF WATER RIGHT TO BE CANCELLED – CERTIFICATE 3846						
Twp	Rng	Sec	Q - Q	Tax Lot	Acres	Affiants
2 N	10 E	25	NE SW	100	0.1	CASTANEDA & JOHNSON

Conclusions of Law


The change in place of use proposed in Transfer Application T-10416 satisfies the requirements of ORS 540.574(3) and 540.580, and the rights abandoned will be cancelled.

Now, therefore, it is ORDERED:

1. The proposed change in place of use to the water rights evidenced by Certificates 80929 and 81340 is approved.
2. 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 right Certificates 80929 and 81340, any related decree, and this Final Order.
3. The former place of use shall no longer be irrigated as part of these water rights.
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. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
7. The portions of the water rights evidenced by Certificates 1668 and 3846, as described in Findings of Fact #15 and #16, are cancelled. New certificates will be issued confirming the balance of the rights not modified by this Final Order.
8. The proposed change shall be completed on or before **October 1, 2009**.
9. A Claim of Beneficial Use and Final Proof Map shall be submitted by East Fork Irrigation District to the Department by October 1, 2010.
10. Certificates 80929 and 81340 are modified. The Department will issue superseding certificates describing the rights when it is determined that it is necessary for record keeping.

Dated at Salem, Oregon this 13 day of December, 2007.


Phillip C. Ward, Director

Mailing date: DEC 17 2007