

**Before the Water Resources Director
Wasco County**

FINAL ORDER

Pursuant to ORS 541.329 (District Water Rights Mapping Provision), a petition requesting approval and acceptance of district maps indicating the location and use of the water rights within and served by a district or any part thereof was submitted to the Oregon Water Resources Commission on June 25, 1993, by the petitioner:

**MIDDLE FORK IRRIGATION DISTRICT
P.O. BOX 291
PARKDALE, OR 97041**

The perfected water rights petitioned are evidenced by the Water Right Certificates 46957, 46958, 46959, 46960, 46961, 46962, 46963, 704, 47172, 20369, 46265 and 46667. The said rights and portions thereof allow use of the waters from various sources in the East Fork Hood River and Middle Fork Hood River Basins for irrigation of 1783.5 acres. Certificate 704 includes domestic use in addition to irrigation.

The source of water and point of diversion for each right petitioned is as follows:

TABLE 1			
PRIORITY DATE	CERTIFICATE	SOURCE	POINT OF DIVERSION
1892	46957	Trout Creek	NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1, T. 1S, R. 9E, WM
1894	46960	Evans Creek	NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 7, T. 1S, R. 10E, WM
1896	46961	Evans Creek	NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 25, T. 1S, R. 9E, WM
1897	46958	Trout Creek	SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 33, T. 1N, R. 10E, WM
1897	46963	East Fork of the Middle Fork HR	SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1S, R. 9E, WM
1898	46959	Trout Creek	NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1, T. 1S, R. 9E, WM
1900	46962	Evans Creek	NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 25, T. 1S, R. 9E, WM
1/19/1910	704	Rogers Creek	NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 31, T. 1N, R. 10E, WM
8/9/1915	47172	Wishart Creek	NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 32, T. 1N, R. 9E, WM
6/16/1924	20369 (TR 3303)	Griswell Creek	SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 8, T. 1S, R. 10E, WM
6/9/1955	46265	Elliot Branch	SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1S, R. 9E, WM
4/9/1971	46667	Elliot Creek and Clear Creek	SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1S, R. 9E, WM NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 27, T. 1S, R. 9E, WM

Attachment 1 lists the said affected perfected rights ordered by priority date. To summarize, the total acreage of water rights is as follows:

TABLE 2		
PRIORITY DATE	CERTIFICATE #	ELIGIBLE ACRES
1892	46957	17.9
1894	46960	85.0
1896	46961	79.0
1897	46958	12.5
1897	46963	837.6
1898	46959	15.0
1900	46962	30.0
1/19/1910	704	123.0
8/9/1915	47172	80.0
6/16/1924	20369	69.8
6/9/1955	46265	429.3
4/9/1971	46667	4.4

The petitioner requests to change the place of use for irrigation for said certificates listed in **Attachment 1**, to locations described in said petition, **Attachment 2**. The petitioner requests the cancellation of the domestic portion of Certificate 704.

To summarize **Attachment 2** (the petition), the total acreage requested for each priority date and use is as follows:

TABLE 3		
PRIORITY DATE	CERTIFICATE # SUPERSEDED	CONFIRMING RIGHT
1892	46957	17.9
1894	46960	85.0
1896	46961	75.9
1897	46958	12.5
1897	46963	837.6
1898	46959	15.0
1900	46962	30.0
1/19/1910	704	123.0
8/9/1915	47172	80.0
6/16/1924	20369	69.8
6/9/1955	46265	429.3
4/9/1971	46667	4.4

The petitioner has requested all perfected water rights eligible to be petitioned. As displayed in Table 4, twelve new certificates of water right conforming to the said petition (**Attachment 2**), for irrigation of 1,780.4 acres of land should be issued.

TABLE 4		
PRIORITY DATE	USE	CONFIRMING RIGHT
1892	Irrigation	17.9
1894	Irrigation	85.0
1896	Irrigation	75.9
1897	Irrigation	12.5
1897	Irrigation	837.6
1898	Irrigation	15.0
1900	Irrigation	30.0
1/19/1910	Irrigation	123.0
8/9/1915	Irrigation	80.0
6/16/1924	Irrigation	69.8
6/9/1955	Irrigation	429.3
4/9/1971	Irrigation	4.4

FINDINGS

The Director has examined the petition and maps submitted by Middle Fork Irrigation District and a report prepared by Department staff. Said report is on file at the Water Resources Department. Based upon the examination and report, the Director finds:

1. Middle Fork Irrigation District is a "district" as defined in ORS 541.325(1).
2. The District filed its petition and maps in a timely manner.
3. The District paid the fees required under ORS 536.050 1(O).
4. The District certified that the notice requirements of ORS 541.329 (4) were met.
5. The content and quality of the District's petition and maps meet the requirements of ORS 541.329.
6. The acreage petitioned is within the limits of the eligible water rights and the limits set in ORS 541.331(4).
7. The changes may be made without injury to existing water rights.
8. This order does not affect or make any legal determinations regarding any water right permit within the district.

Therefore the Director finds that MIDDLE FORK IRRIGATION DISTRICT has met the requirements of ORS 541.325 to 541.333.

ORDER

NOW THEREFORE, it is hereby ORDERED that the petition for Middle Fork Irrigation District's maps of water rights be accepted and approved and the certificates listed in **Attachment 1** be cancelled.

Twelve new certificates of water right conforming to the said petition (**Attachment 2**), shall be issued for the priority dates and uses as displayed below.

TABLE 5		
PRIORITY DATE	USE	CONFIRMING RIGHT
1892	Irrigation	17.9
1894	Irrigation	85.0
1896	Irrigation	75.9
1897	Irrigation	12.5
1897	Irrigation	837.6
1898	Irrigation	15.0
1900	Irrigation	30.0
1/19/1910	Irrigation	123.0
8/9/1915	Irrigation	80.0
6/16/1924	Irrigation	69.8
6/9/1955	Irrigation	429.3
4/9/1971	Irrigation	4.4

It is FURTHER ORDERED that remaining right certificate be issued for the portion of Certificate 46961 NOT involved in the petition. A list of the portion of said certificate is in **Attachment 3**.

It is FURTHER ORDERED that the domestic portion of Certificate 704 be cancelled.

It is FURTHER ORDERED that the original season, rate, duty limitations, and all other conditions and limitations contained in the original certificates and decrees shall remain in effect for the rights petitioned.

WITNESS the signature of the Water Resources Director, affixed
this 19th day of June 1997.



Martha O. Pagel
Director, Oregon Water Resources

ATTACHMENT 1.

Perfected water rights affected by Middle Fork Irrigation District petition and to be cancelled

ATTACHMENT I

Rights to be Affected

All irrigation plus Domestic under Certificate 704

Twp	N/S	Rng E.	Sec	Cert.	Priority	Source	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
1	N	10	32	46957	1892	TROUT CR.							17.9										
1	N	10	33	46960	1894	EVANS CR.					10.00						35.00						
1	N	10	6	46960	1894	EVANS CR.	20.00																
1	S	10	8	46961	1896	EVANS CR.													20.00			39.00	20.00
1	N	10	18	46958	1897	EVANS CR.																	2.50
1	N	10	19	46958	1897	EVANS CR.	10.00																
1	S	10	5	46963	1897	EAST FORK OF MF					42.00	21.60		36.40	38.40		15.60	39.60				8.00	
1	S	10	6	46963	1897	EAST FORK OF MF									31.60	24.80	7.60	17.60	35.20	36.80	40.00	35.20	
1	S	10	8	46963	1897	EAST FORK OF MF		17.20	21.80		39.20	36.20		36.00	35.20	38.00	33.40	39.20					
1	N	10	30	46959	1898	TROUT CR.				15.00													
1	S	10	7	46962	1900	EVANS CR.	7.00			20.00										3.00			
1	N	10	18	704	1910	ROGER CR.																	
1	N	10	19	704	1910	ROGER CR.					40.00	8.00	3.00	29.00								10.00	
1	N	10	20	47172	1915	WISHART CR.								40.00									
1	N	10	32	20369	1924	GRISWELL CR.									0.20							8.40	15.20
1	S	10	5	20369	1924	GRISWELL CR.		24.10	12.30													7.20	2.10
1	S	10	19	46667	1971	CLEAR AND ELLIOT CR.																4.40	
1	S	10	8	46265	1955	ELLIOT BRANCH OF MF																	3.50
1	S	10	17	46265	1955	ELLIOT BRANCH OF MF	36.00	30.80	22.00	35.00	40.80	28.80	14.80	32.40	1.40	24.80							
1	S	10	18	46265	1955	ELLIOT BRANCH OF MF	4.00			13.20													
1	S	10	19	46265	1955	ELLIOT BRANCH OF MF	20.00																
1	S	10	20	46265	1955	ELLIOT BRANCH OF MF	1.80		9.20	6.00	19.20	29.00		17.40	34.80								
1	S	10	21	46265	1955	ELLIOT BRANCH OF MF					4.40												
					TOTAL	1783.50																	

ATTACHMENT 2.

Listing of petitioned lands and uses;

ATTACHMENT 2

Rights as petitioned
Irrigation is only use

Twp	N/S	Rug	E	Sec	Cert.	Priority	Source	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
1	N	10	32	46957	1892		TROUT CR.										17.9						
1	N	10	33	46960	1894		EVANS CR.						10.00				20.00	35.00					
1	N	10	6	46960	1894		EVANS CR.	20.00															
1	S	10	8	46961	1896		EVANS CR.				1.20									17.70		37.80	19.20
1	N	10	18	46958	1897		EVANS CR.																2.50
1	N	10	19	46958	1897		EVANS CR.	10.00															
1	N	10	20	46963	1897		EAST FORK OF MF					0.90											
1	S	10	5	46963	1897		EAST FORK OF MF					42.00	21.60	36.40	38.40	38.00	0.20	17.00	38.00			8.00	
1	S	10	6	46963	1897		EAST FORK OF MF			31.90	38.70		2.00	1.80	22.90	29.60	7.40	17.60	36.20	38.20	37.40	35.00	
1	S	10	8	46963	1897		EAST FORK OF MF		17.20	21.80	1.10	39.30	36.20	0.60	35.50	37.00	33.70	39.20		38.10			
1	N	10	30	46959	1898		TROUT CR.				15.00												
1	S	10	7	46962	1900		EVANS CR.	8.00			19.00									3.00			
1	N	10	18	704	1910		ROGER CR.															9.60	
1	N	10	19	704	1910		ROGER CR.		0.50			40.00	8.00	3.00	29.00								
1	N	10	20	47172	1915		WISHART CR.																
1	N	10	33	20369	1924		GRISWELL CR.																
1	S	10	5	20369	1924		GRISWELL CR.																
1	S	10	19	46667	1971		CLEAR AND ELLIOT CR.		25.40	12.50											9.90		
1	S	10	8	46265	1955		ELLIOT BRANCH OF MF														7.80	15.60	
1	S	10	17	46265	1955		ELLIOT BRANCH OF MF	36.00	31.80	22.60	33.70	40.80	28.80	13.00	33.90	3.10	24.10			9.30			15.20
1	S	10	18	46265	1955		ELLIOT BRANCH OF MF	4.00		28.00													
1	S	10	19	46265	1955		ELLIOT BRANCH OF MF	17.90															
1	S	10	20	46265	1955		ELLIOT BRANCH OF MF					19.80	29.00				34.80						
							TOTAL																1780.40

ATTACHMENT 3.

Listing of portions of certificates not petitioned and to receive remaining right certificates

ATTACHMENT 3

Rights not petitioned (needing remaining right certificate)

Irrigation is only use

Trwp	N/S	Rng	E.	Sec	Cert.	Priority	Source	NE/NE	NW/NE	SW/NE	SE/NE	NENW/NWNW	SWNW/SWNW	SE/NE	SENW	NESW	NWSW/SWSW	SES/NE	NW/SE	SW/SE	SE/SE	
1	S	10	8	46961	1896	EVANS CR.													3.10			
					TOTAL		3.10															

ADDENDUM

CHANGES FROM PROPOSED ORDER TO FINAL ORDER.

1. Page 1, paragraph 2, change acreage from "1780.4" to "1783.5".
2. Page 2, line 1, change "petitioned" to "affected".
3. Page 2, line 2, delete "eligible to petition".
4. Page 2, Table 2, changed acreage for Certificate 46961 to 79.0 acres.
5. Page 5, line 2, removed period after Attachment 1.
6. Page 6, removed the notice requirements of proposed order after director's signature.
7. Moved page 6 information to page 5.
8. Attachment 1, introduction page, changed "petitioned" to "affected".
9. Attachment 1, line 4 of data, changed acreage for NE 1/4 of SE 1/4 from 16.9 to 20.0.