

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-12537, Hood River County) **A DISTRICT PERMANENT TRANSFER**
) **FOR PLACE OF USE**

Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to 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

MIDDLE FORK IRRIGATION DISTRICT
PO BOX 291
PARKDALE, OR 97041

Findings of Fact

1. On December 14, 2016, Middle Fork Irrigation District (MFID) filed a district transfer application to permanently change the places of use under Certificates 46268, 89317, 89320, and 89321. The Department assigned the application number T-12537.
2. Notice of the District Permanent Transfer Application was published on December 27, 2016, 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: 46268 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-34104)

Use: PRIMARY IRRIGATION of 2.7 acres

Priority Date: JANUARY 22, 1969

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: EILOT AND CLEAR CREEKS, tributary to MIDDLE FK HOOD RIVER

Authorized Points of Diversion:

Source	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Eliot Creek	1 S	9 E	WM	26	SW NE	2400 FEET SOUTH AND 125 FEET EAST FROM THE N¼ CORNER OF SECTION 26

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).

Source	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Clear Creek	1 S	9 E	WM	27	NW NE	520 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	G Lot	Notice
1 S	10 E	WM	30	NW NW	2.7	1	n/a
Total:					2.7		

4. Transfer Application T-12537 proposes to change the place of use to:

Proposed Place of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	20	NW SW	2.7	1300	MFID	n/a
Total:					2.7			

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

Certificate: 89317 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-27788)

Use: PRIMARY IRRIGATION of 0.92 acres, and
SUPPLEMENTAL IRRIGATION of 2.7 acres

Priority Date: JANUARY 2, 1962

Rate / Duty: ONE-EIGHTIETH of one cubic foot per second and 4.0 ACRE-FEET for each acre irrigated during the irrigation season of each year.

Source: CLEAR CREEK AND CLEAR CREEK RESERVOIR (LAURANCE LAKE), tributary to MIDDLE FK HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	27	NWNE	520 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	10 E	WM	30	NE NW	0.92	701	n/a
Total:					0.92		

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	10 E	WM	30	NW NW	2.7	800	n/a
Total:					2.7		

6. Transfer Application T-12537 proposes to change the place of use to:

Proposed Place of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	20	NW SW	0.92	1300	MFID	n/a
Total:					0.92			

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	20	NW SW	2.7	1300	MFID	n/a
Total:					2.7			

7. The portion of the third right to be transferred is as follows:

Certificate: 89320 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-51366)

Use: SUPPLEMENTAL IRRIGATION of 3.62 acres

Priority Dates: MARCH 9, 1970

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: ELIOT CREEK, tributary to MIDDLE FK HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	26	SW NE	2450 FEET SOUTH AND 360 FEET EAST FROM THE N¼ CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice	
1 S	10 E	WM	30	NE NW	0.92	701	n/a	
1 S	10 E	WM	30	NW NW	2.7	800	n/a	
Total:					3.62			

8. Transfer Application T-12537 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	20	NW SW	3.62	1300	MFID	n/a
Total:					3.62			

9. The portion of the fourth right to be transferred is as follows:

Certificate: 89321 in the name of MIDDLE FORK IRRIGATION DISTRICT (perfected under Permit S-51369)

Use: SUPPLEMENTAL IRRIGATION of 3.62 acres

Priority Dates: AUGUST 19, 1985

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: COE CREEK, tributary to MIDDLE FK HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 E	WM	27	SE NE	2598 FEET SOUTH AND 945 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Notice
1 S	10 E	WM	30	NE NW	0.92	701	n/a
1 S	10 E	WM	30	NW NW	2.7	800	n/a
Total					3.62		

10. Transfer Application T-12537 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 S	10 E	WM	20	NW SW	3.62	1300	MFID	n/a
Total:					3.62			

11. The Department finds that the district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-4200 and includes maps meeting the requirements of OAR 690-385-4300.

12. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

13. The proposed change in place of use will not result in enlargement of the rights.

14. The proposed change in place of use will not result in injury to other water rights.

Conclusions of Law

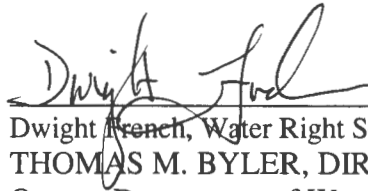
The proposed changes in place of use as proposed in Transfer Application T-12537 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water rights evidenced by Certificates 46268, 89317, 89320, and 89321 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 46268, 89317, 89320, and 89321.
3. The former places 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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use shall be submitted by MFID 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 46268, 89317, 89320, and 89321 are modified. The Department will issue superseding certificates describing the rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 31 day of January 2017.



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

Mailing Date: FEB 07 2017..