

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11486, Hood River County	)	PERMANENT DISTRICT TRANSFER
	)	AND CORRECTING A SCRIVENER'S
	)	ERROR ON CERTIFICATE 84803

**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**

EAST FORK IRRIGATION DISTRICT  
PO BOX 162  
ODELL, OR 97044

**Findings of Fact**

**Background**

1. On October 31, 2012, EAST FORK IRRIGATION DISTRICT filed an application to change the places of use under Certificates 80929 and 84803. The Department assigned the application number T-11486.
2. The portion of the first right water right to be transferred is as follows:
  - Certificate:** 80929, issued in the name of East Fork Irrigation District (perfected under Permit S-29617)
  - Use:** Irrigation of 1.0 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

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.

**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:**

Irrigation								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice #
1 N	10 E	WM	10	SW SE	1006	1.0	Monaghan	2012-02

3. Transfer Application T-11486 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Irrigation								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice #
1 N	10 E	WM	10	SW SE	1007	1.0	Beam	2012-02

4. The place of use listing for Certificate 84803 contains a scrivener's error. The table below illustrates the erroneous location:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
2 N	10 E	WM	25	SE NE (B)	1301	0.40	Cardinal IG Co.

5. Consistent with all available evidence including, but not limited to tax lot maps and the maps used in illustrating the authorized place of use for Certificate 84803, the correct location is as described in the table below:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User
2 N	10 E	WM	25	SE NW (B)	1301	0.40	Cardinal IG Co.

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

**Certificate:** 84803, issued in the name of East Fork Irrigation District (perfected under Permit S-43395)

**Use:** Irrigation of 0.15 acres

**Priority Date:** August 8, 1977

**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:**

Irrigation								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice #
2 N	10 E	WM	25	SE NW	1301	0.15	Cardinal IG Co.	2012-01

- Transfer Application T-11486 proposes to change the place of use for the above described right to:

**Proposed Place of Use:**

Irrigation								
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	User	Notice#
2 N	10 E	WM	25	SE NW	1003	0.15	Adams	2012-01

- Notice of the application for transfer was published on November 6, 2012, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 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.
- 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.
- 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.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed changes would not result in enlargement of the rights.
- The proposed changes would not result in injury to other water rights.

**Conclusions of Law**

The proposed changes in place of use in Transfer Application T-11486 satisfy the requirements of ORS 540.574(3) and 540.580.

**Now, therefore, it is ORDERED:**

- Certificate 84803 is corrected, consistent with Finding of Fact #5.
- The proposed changes to the water rights evidenced by Certificates 80929 and 84803 are approved.
- 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 water rights, related decree, and the Final Order approving T-11486.
- The former places of use shall no longer be irrigated as part of these water rights.

5. The proposed changes shall be completed on or before **October 1, 2014**. A Claim of Beneficial Use and Final Proof Map shall be submitted by East Fork Irrigation District to the Department by October 1, 2015.
6. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
7. Certificates 80929 and 84803 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 31 day of December, 2012.

  
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Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: \_\_\_\_\_