

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

In the Matter of the Completion of a)
Change of Place of Use Authorized by the) DETERMINATION OF
Final Order Approving District Permanent) SATISFACTORY PROOF
Transfer T-11317, Hood River County)
)

Authority

ORS 540.530 and OAR 690-385-7600 describes the process for the Water Resources Department to issue or modify a water right certificate upon determination that an applicant has made satisfactory proof of completion of the changes authorized by a final order approving a district permanent transfer.

Applicant

East Fork Irrigation District
PO Box 162
Odell, OR 97044

Findings of Fact

1. On March 13, 2012, the Department issued a final order, recorded in Special Order Volume 87, Pages 163 - 166, approving district permanent transfer application T-11317. The order established October 1, 2013, as the date for completion of the authorized change in place of use.

2. On June 6, 2014, the Department issued an order, recorded in Special Order Volume 92, Pages 847 - 848 approving an extension to the completion date. This order extended the completion date to October 1, 2014.

3. On January 6, 2015, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant.

4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11317.

5. The CBU did not contain map(s) of the point(s) of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district, and did not involve changes in point of diversion, the existing map(s) on file with the Department are sufficient to identify the point(s) of diversion from the source.

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.

6. Since the issuance of the order approving Transfer Application T-11317 there have been changes to the affected tax lots as further described in the table below.

Twp	Rng	Mer	Sec	Q-Q	Former Tax Lot	Current Tax Lot	Acres	Notice #
3 N	11 E	WM	31	NE NW	201	401	1.00	2011-01

7. Since the issuance of the order approving Transfer Application T-11317 there have been changes in ownership of the parcel affected by the transfer. The table below illustrates these changes.

Twp	Rng	Mer	Sec	Q-Q	Former Water User	Current Water User	Notice #
1N	10 E	WM	15	SW SW	Brady Claussen & Erica Price	Brady Claussen	2011-01
1 N	10 E	WM	15	SW SW	Nathan O. Austin	Stoltz	2011-02

8. A portion of the transfer was developed differently than authorized in the order.

As authorized by the Final Order								
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Tax Lot	Acres	Notice #
1 N	10 E	WM	15	SW SW	13	1000	0.20	2011-02
1 N	10 E	WM	15	SW SW	13	1100	0.50	2011-02

As document on the CBU and associated maps								
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Tax Lot	Acres	Notice #
1 N	10 E	WM	15	SW SW	13	1100	0.70	2011-02

9. The reconfigured change in place of use as documented in the CBU and associated map is determined satisfactory because the reconfigured, completed use is under the same water right holder, does not enlarge the right and affects the same number of irrigated acres.

10. Satisfactory proof of the changes was submitted with evidence showing that water was used in the location and for the purpose as authorized by the final order (except as noted above) approving Transfer Application T-11317.

Conclusions of Law

Pursuant to ORS 540.530 and OAR 690-385-7600, the Department may issue or modify a certificate upon a determination that the application of water to beneficial use under the terms of the final order approving a permanent district transfer was completed to the extent authorized.

Now, therefore, it is ORDERED:

- The Department has determined that the application of water to beneficial use under the terms of the final order approving permanent district Transfer Application T-11317 was completed to the extent authorized.

2. Pursuant to OAR 690-385-7600, the Department will issue a water right certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 26 day of May, 2015.



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: MAY 27 2015