

STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.570, after notice was given and no objections were filed, and finding no injury to existing water rights, this order approves, as conditioned or limited herein, **DISTRICT TEMPORARY TRANSFER 9165**, a petition submitted by:

EAST FORK IRRIGATION DISTRICT (Radiance to Golden Mt., LLC)
P.O. BOX 162
ODELL, OR 97044

The rights to be modified are as follows:

Certificate 74642; Hood River Decree - Vol. 17, Page 333: Irrigation;
Priority Date - November 25, 1895; Authorized Source - East Fork Hood River

Authorized Point of Diversion

NW¼ SW¼, Section 4, Township 1 South, Range 10 East, W.M.; 3750 Feet South and 430 Feet East from the NW Corner, Section 4

The District requests to TEMPORARILY move the rights listed in Table A to locations listed in Table B.

The authorized place of use is located as follows:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

TABLE A - Inventory of "FROM LANDS"									
CERTIFICATE	USE	TWP	RNG	SEC	QTR/QTR	LANDOWNER	TL#	PRIORITY	ACRES
74642	IRR	2N	10E	29	SESW	RADIANCE	107	11/25/1895	13.0
IRR TOTAL									13.0

The proposed place of use is located as follows:

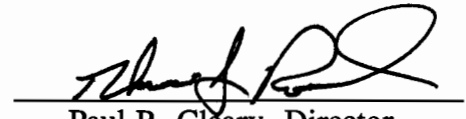
TABLE B - Inventory of "TO LANDS"									
CERTIFICATE	USE	TWP	RNG	SEC	QTR/QTR	LANDOWNER	TL#	PRIORITY	ACRES
74642	IRR	2N	10E	28	SWNW	GOLDEN MT.	2800	11/25/1895	13.0
IRR TOTAL									13.0

THE PROPOSED TEMPORARY CHANGES TO THE EXISTING DISTRICT WATER RIGHTS FOR THE 2002 IRRIGATION SEASON MAY BE MADE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Pursuant to 540.570(1) the applicant may transfer the place of use of water within the district for one irrigation season provided the land from which the water use is being transferred does not receive any water under the right subject to transfer during the irrigation season in which the change is made; there is no enlargement in rate, duty and acres irrigated of the right subject to transfer; and the type of use subject to transfer remains the same.
2. Use of water on both the transfer "FROM" lands and transfer "TO" lands during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
3. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the "TO" lands.
4. Pursuant to 540.570 (5), the Department may further condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.

6. Pursuant to 540.570 (6), upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or an adjudication proceeding under ORS chapter 539 as evidenced by a court decree.

WITNESS the signature of the Water Resources Director, affixed August 21, 2002.


for Paul R. Cleary, Director