

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING  
T-13284, Hood River County                            )     A DISTRICT PERMANENT TRANSFER FOR  
  )     PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.570 to 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (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**

1. On November 6, 2019, East Fork Irrigation District (EFID) filed a district transfer application to permanently change the places of use under Certificates 92000 as modified by CW-93, 80928, 80929 and 84803. The Department assigned the application number T-13284.
2. Notice of the District Permanent Transfer Application was published on November 19, 2019, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. On December 18, 2019, EFID submitted a correction for a section number reference on the proposed place of use table.

4. The portion of the first right to be transferred is as follows:  
**Certificate:** 92000 in the name of EAST FORK IRRIGATION DISTRICT (confirmed by decree of the Circuit Court of the State of Oregon for Hood River County)  
**Use:** IRRIGATION of 17.40 acres  
**Priority Date:** NOVEMBER 25, 1895  
**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 HOOD RIVER

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).

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	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	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	13	SW NE	1.55	600	WILLIS FAMILY INC	2019-1
2 N	10 E	WM	13	NW NW	0.45	1500	ANGOSTORA FARMS	2019-1
2 N	10 E	WM	13	SW NW	0.25	1500	ANGOSTORA FARMS	2019-1
2 N	10 E	WM	13	SE NW	0.80	1500	ANGOSTORA FARMS	2019-1
2 N	10 E	WM	22	SW NW	2.10	1600	OATES	2019-1
2 N	10 E	WM	22	SW SE	0.50	1702	ARTHUR	2019-1
2 N	10 E	WM	22	SW SE	0.80	1700	JONES	2019-1
2 N	10 E	WM	22	SW SE	0.25	600	TREJO	2019-1
2 N	10 E	WM	22	SE SE	0.80	1600	SOHLER	2019-1
2 N	10 E	WM	24	NW NE	0.20	1103	PORTER	2019-1
2 N	10 E	WM	24	SE NE	0.20	500	NEWCOM	2019-1
2 N	10 E	WM	24	SE SE	0.35	4500	DEBOARD	2019-1
2 N	10 E	WM	26	SE SE	0.15	2300	HINMAM ORCHARDS	2019-1
2 N	10 E	WM	27	NE NE	4.30	100	HOOD RIVER CO SCHOOLS	2019-1
2 N	10 E	WM	27	NW SE	0.50	301	HARVEY	2019-1
2 N	10 E	WM	28	NE NE	0.80	100	MARQUEZ/HERNANDEZ	2019-1
2 N	10 E	WM	36	NW NW	1.90	1600	HINMAM ORCHARDS	2019-1
3 N	11 E	WM	31	NE SW	1.00	100	REIERSON	2019-1
3 N	11 E	WM	31	NW SW	0.50	100	REIERSON	2019-1
<b>Total:</b>					<b>17.40</b>			

5. Transfer Application T-13284 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	3	SE NW	2.05	1400	LOOMIS	2019-1
1 N	10 E	WM	3	SE SW	2.00	2400	LYLE'S LOG CABIN LLC	2019-1
1 N	10 E	WM	15	NE NW	0.05	904	PETERSON	2019-1
2 N	10 E	WM	22	NW NW	1.30	1400	OATES	2019-1
2 N	10 E	WM	25	SE SW	1.70	1500	ELK MOUNTAIN LLC	2019-1
2 N	10 E	WM	25	SW SE	4.00	4000	OSBORN	2019-1
2 N	10 E	WM	28	NW NW	1.90	2200	YBARRA	2019-1
2 N	10 E	WM	28	SE NW	0.20	2600	BALES	2019-1
2 N	10 E	WM	29	SE NW	0.20	103	NAJERA-CERVANTES	2019-1
2 N	10 E	WM	29	SW SW	0.20	800	JONES	2019-1
2 N	10 E	WM	29	SW SW	0.20	701	JONES	2019-1
2 N	10 E	WM	29	SW SW	0.20	1000	JONES	2019-1
2 N	10 E	WM	29	SW SW	0.20	801	LYDECKER	2019-1
2 N	10 E	WM	30	NE SE	2.10	800	JONES	2019-1
2 N	10 E	WM	36	NE NW	0.15	1500	ELK MOUNTAIN LLC	2019-1
2 N	10 E	WM	36	NE SE	0.80	400	VALLE-GUZEMAN	2019-1

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
2 N	11 E	WM	18	SW NW	0.15	1400	WILLIS FAMILY INC	2019-1
<b>Total:</b>					<b>17.40</b>			

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

**Certificate:** 80928 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-30825)

**Use:** IRRIGATION of 0.85 acres

**Priority Date:** AUGUST 13, 1965

**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 HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	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	Acres	Tax Lot	Water User	Notice
2 N	10 E	WM	25	SW SW	0.85	1000	HINMAN ORCHARDS	2019-1

7. Transfer Application T-13284 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	11 E	WM	6	SW NW	0.25	600	MCNAUGHTON	2019-1
2 N	10 E	WM	23	SW NW	0.45	1900	MOORE	2019-1
2 N	10 E	WM	23	NW SW	0.15	1900	MOORE	2019-1
<b>Total:</b>					<b>0.85</b>			

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

**Certificate:** 80929 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-29617)

**Use:** IRRIGATION of 1.85 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 HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	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	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	22	NW NW	0.05	900	RODHALL	2019-1
2 N	10 E	WM	25	SE SW	0.10	1400	HINMAN ORCHARDS	2019-1
3 N	11 E	WM	31	NE SW	1.30	100	REIERSON	2019-1
3 N	11 E	WM	31	SE SW	0.40	100	REIERSON	2019-1
<b>Total:</b>					<b>1.85</b>			

9. Transfer Application T-13284 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	22	SW NE	0.70	503	MEYERS	2019-1
2 N	10 E	WM	26	SW NW	0.15	4300	HILTON	2019-1
2 N	10 E	WM	36	NE SE	1.00	1100	SNAPP	2019-1
<b>Total:</b>					<b>1.85</b>			

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

**Certificate:** 84803 in the name of EAST FORK IRRIGATION DISTRICT (perfected under Permit S-43395)

**Use:** IRRIGATION of 1.85 acres

**Priority Dates:** AUGUST 8, 1977 and AUGUST 3, 1978

**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 HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	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	Acres	Tax Lot	Water User	Notice
3 N	11 E	WM	31	SW SW	0.80	100	REIERSON	2019-1
3 N	11 E	WM	31	SE SW	1.05	100	REIERSON	2019-1
<b>Total:</b>					<b>1.85</b>			

11. Transfer Application T-13284 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice
1 N	10 E	WM	11	SW NW	0.75	600	AMMON	2019-1
1 N	10 E	WM	15	SW NE	0.90	1800	PEREZ	2019-1
2 N	10 E	WM	29	NE SW	0.20	508	HECK	2019-1
<b>Total:</b>					<b>1.85</b>			

12. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
13. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
14. The water right is subject to transfer as defined in OAR 690-385-0100(17).
15. The proposed change in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
16. The proposed change in place of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
17. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

#### **Conclusions of Law**

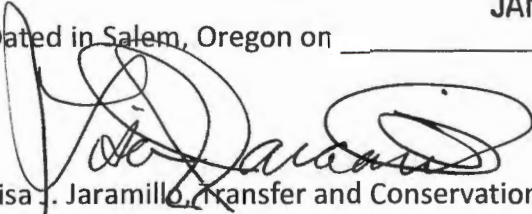
The proposed changes in place of use as proposed in Transfer Application T-13284 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

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

1. The proposed changes in place of use to the water rights evidenced by Certificates 92000, 80928, 80929 and 84803 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 92000, 80928, 80929 and 84803, and any related decree.
3. The place of use from which the water right is removed by T-13284 shall no longer be irrigated under the transferred right.
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, 2021**. A Claim of Beneficial Use shall be submitted by EFID 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 92000, 80928, 80929 and 84803 are modified. After satisfactory proof of completion has been determined by the Department, superseding confirming-remaining water right certificates will be issued when the Department determines it is necessary for record keeping.

Dated in Salem, Oregon on JAN 16 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Department of Water Resources

Mailing Date: JAN 17 2020