

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11910, Hood River County) PERMANENT DISTRICT TRANSFER

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

1. On October 30, 2014, EAST FORK IRRIGATION DISTRICT filed an application to change the place of use under Certificates 81340. The Department assigned the application number T-11910.
2. Notice of the application for transfer was published on November 4, 2014, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
3. The portion of the water right to be transferred is as follows:

Certificate: 81340 in the name of East Fork Irrigation District (confirmed by the Hood River Decree)
Use: IRRIGATION of 1.38 ACRES
Priority Date: NOVEMBER 25, 1895
Source: EAST FORK HOOD RIVER, a a tributary of HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov’t Lot	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

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 Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
2 N	10 E	WM	22	SW NE	700	0.25	Graves, Randy & Sheryl	2014-01
2 N	10 E	WM	22	SW NE	702	0.05	Graves, Robert R.	2014-01
2 N	11 E	WM	06	SE NW	1702	0.58	Dills, Richard & Jean	2014-02
3 N	11 E	WM	31	NE NW	3000	0.30	Keller, Dennis	2014-03
3 N	11 E	WM	31	SE NW	3000	0.20	Keller, Dennis	2014-03
Total						1.38		

4. On December 30, 2009, Allocation of Conserved Water CW-53 was approved as recorded in Special Order Volume 79, Pages 1278-1281; the order reduced the duty from 3.0 to 2.9 acre-feet (AF) for each acre irrigated during the irrigation season for Certificate 81340 as described as the above authorized acres.
5. Transfer Application T-11910 proposes to change the place of use for the above described right at the reduced duty noted above to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice #
2 N	11 E	WM	06	SE NW	1702	0.58	Dills, Richard & Jean	2014-02
3 N	11 E	WM	31	SW NW	1701	0.30	Mihacsi, Sheri	2014-01
3 N	11 E	WM	31	SE NW	3000	0.50	Keller, Dennis	2014-03
Total						1.38		

6. Water has been used within the last five years according to the terms and conditions of the right and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure, district canals, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing right are present.
8. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
9. The water right is subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in the place of use will not result in enlargement of the right.
11. The proposed change in the place of use will not result in injury to other water right.


Conclusions of Law

The proposed changes in place of use in Transfer Application T-11910 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed change to the water right evidenced by Certificate 81340 is approved.
2. 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-11910.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The water user shall maintain and operate the existing measurement devices 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, 2016. A Claim of Beneficial Use shall be submitted by East Fork Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water Right certificate 81340 is modified. The Department will issue a superseding certificate describing the right when it determines that it is necessary for record keeping.

Dated at Salem, Oregon this 9 day of December, 2014



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

Mailing Date: ~~DEC 16 2014~~