

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

In the Matter of Transfer Application            )    FINAL ORDER APPROVING  
T-13708, Morrow County                         )    A DISTRICT TEMPORARY TRANSFER  
  )

**Authority**

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily 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**

COLUMBIA IMPROVEMENT DISTRICT  
PO BOX 47  
BOARDMAN, OR 97818

**Findings of Fact**

1. On May 14, 2021, Columbia Improvement District (CID) filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificate 94871. The Department assigned the application number T-13708.
2. Notice of the application for transfer was published on May 18, 2021, pursuant to ORS 540.570 and OAR 690-385-3400.
3. The portion of the first right to be transferred is as follows:

**Certificate:** 94871 issued in the name of Connecticut General Life Insurance Company and First Interstate Bank of Oregon (perfected under Permit S-37150)

**Use:** IRRIGATION of 3.4 acres

**Priority Dates:** JULY 25, 1973

**Rate:** 0.05 CUBIC FEET PER SECOND

**Limit & Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

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.

**Source:** COLUMBIA RIVER, A TRIBUTARY OF THE PACIFIC OCEAN

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Measured Distances
4 N	25 E	WM	2	NE NW	7	150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION							
TwN	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3N	26E	WM	16	NW NW	500	1.1	Easterday Dairy, LLC
3N	26E	WM	16	SW SW	500	2.3	Easterday Dairy, LLC
<b>Total</b>						<b>3.4</b>	

4. Transfer Application T-13708 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION							
TwN	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3N	26E	WM	16	NE NE	500	0.9	Easterday Dairy, LLC
3N	26E	WM	16	NE NW	500	1.0	Easterday Dairy, LLC
3N	26E	WM	16	NW NW	500	1.4	Easterday Dairy, LLC
3N	26E	WM	16	SW NW	500	0.1	Easterday Dairy, LLC
<b>Total</b>						<b>3.4</b>	

5. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
6. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
8. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed changes in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(6) nor result in injury to other water rights as defined in OAR 690-385-0100(4).
10. All other applicable requirements for district temporary water right transfers are met.



## Conclusions of Law

1. The proposed change in place of use will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
2. The proposed change in place of use, as conditioned, will not result in injury to other water rights as defined in OAR 690-385-0100(4).
3. The temporary change in place of use proposed in Temporary Transfer Application T-13708 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

## Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Transfer Application T-13708 is approved.
2. The land from which the water right is removed under Certificate 94871 shall receive no water under the transferred right during the 2021 irrigation season.
3. The use shall revert to the authorized place of use after the 2021 irrigation season.
4. Any application for permanent transfer of Certificates 94871 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 94871 under ORS 540.610.
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. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
8. Pursuant to ORS 536.900, a district and user may be subject to civil penalties for allowing the use of water on both the land from which water is transferred, and the lands to which the water is transferred, during the same irrigation season or calendar year.
9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 94871.

10. The use of the remaining water right described by Certificates 94871 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 94871.

**JUL 14 2021**

Signed at Salem, Oregon this \_\_\_\_\_.



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

Mailing Date: **JUL 15 2021**