

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10044, Morrow County) CHANGE IN PLACE OF USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

SAGE HOLLOW RANCH, LLC
3620 INDEPENDENCE ROAD
SUNNYSIDE, WA 98944

Findings of Fact

1. On December 16, 2005, Jeff Bosma, (J & J Bosma/Maple Grove Dairies) filed an application to transfer the place of use under Certificate 31195. The Department assigned the application number T-10044.
2. On February 22, 2010, Transfer Application T-10044 was assigned to Sage Hollow Ranch, LLC.
3. On February 25, 2010, the applicants submitted documentation of the transfer of title of the affected lands from Chowning Land, LLC to NWA Development IV, Inc., then to Galactic Orchards, LLC and a quitclaim deed conveying the interest in the real property from Galactic Orchards, LLC to Sage Hollow Ranch, LLC.
4. The supplemental right described under Certificate 81578 is associated with these lands and is also being transferred under application number T-10044.
5. The portion of the first right (primary) to be transferred is as follows:

Certificate: 31195 in the name of Waldo H. Cramer (perfected under Permit U-551)

Use: IRRIGATION of 7.6 ACRES

Priority Date: APRIL 28, 1953

Rate: 0.09 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: A WELL in the COLUMBIA RIVER BASIN

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	26 E	WM	10	SW NE	1350 feet South and 1430 feet West from the NE Corner of Section 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	10	SW NE	3.8
3 N	26 E	WM	10	SE NE	3.8

6. The portion of the second (supplemental) right to be transferred is as follows:
Certificate: 81578 in the name of Glenn S. Chowning and Erin R. Chowning (perfected under Permit S-45563)
Use: SUPPLEMENTAL IRRIGATION of 7.6 ACRES
Priority Date: FEBRUARY 5, 1981
Rate: 0.07 CUBIC FOOT PER SECOND
Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year
Source: COLUMBIA RIVER, tributary of the Pacific Ocean

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
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:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	10	SW NE	3.8
3 N	26 E	WM	10	SE NE	3.8

7. Application T-10044 proposes to change the place of use for the above portions of both rights to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	10	NE NE	3.8
3 N	26 E	WM	10	SE NE	3.8

8. T-10044 is being processed concurrently with T-10045 and both transfer applications propose changes to Certificate 81578.
9. Notice of the application for transfer was published on December 27, 2005, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
10. On July 24, 2006, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10044 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 25, 2006, for the applicants to respond. The applicants requested that the Department proceed with issuance of a

Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

11. On September 21, 2006, the Department issued a Preliminary Determination proposing to approve Transfer T-10044 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on September 26, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice, however, the applicants asked that issuance of a final order be delayed until the end of 2007, subsequently extended until March 1, 2010, unless requested earlier by the applicants.
12. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in application T-10044 is consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10044 is approved.
2. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 31195 and 81578 and any related decree.
3. Certificate 31195 is cancelled, and Certificate 82665 will be issued describing the portion of the right not affected by this transfer.
4. Certificate 81578 is cancelled, and Certificate 82668 will be issued describing the portion of the right not affected by T-10044 and T-10045.
5. The former place of use of the transferred water shall no longer receive water as part of these rights.
6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the portions of the rights transferred will be issued.

Dated at Salem, Oregon this 12th day of March 2010.


for Phillip C. Ward, Director

Mailing date: MAR 17 2010