

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

In the Matter of Transfer Application        )        FINAL ORDER APPROVING  
T-13986, Morrow County                    )        TEMPORARY CHANGE IN PLACES OF USE

**Authority**

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

COLUMBIA IMPROVEMENT DISTRICT  
501 COLUMBIA AVE NE  
BOARDMAN, OR 97818

**Findings of Facts**

1. On May 12, 2022, COLUMBIA IMPROVEMENT DISTRICT filed an application to temporarily change the place of use under Certificates 80507 and 94872 for a period of 2 years. The Department assigned the application number T-13986.
2. Notice of the application for transfer was published on May 3, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

**Certificate:** 80507 in the name of CONNECTICUT GENERAL LIFE INSURANCE COMPANY  
(perfected under Permit G-4918)  
**Use:** IRRIGATION of 350.0 ACRES  
**Priority Date:** FEBRUARY 3, 1970  
**Rate:** 1.24 CUBIC FEET PER SECOND

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.

**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 a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** THREE WELLS in the COLUMBIA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	26 E	WM	23	NE SW	WELL 62 - 3700 FEET SOUTH AND 1790 FEET EAST FROM THE NW CORNER OF SECTION 23
2 N	26 E	WM	10	SE SW	WELL 62A - 560 FEET NORTH AND 1450 FEET EAST FROM THE SW CORNER OF SECTION 10
2 N	26 E	WM	3	SW NW	WELL 62B - 3500 FEET NORTH AND 350 FEET EAST FROM THE SW CORNER OF SECTION 3

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	23	NE NE	1.8
2 N	26 E	WM	23	NW NE	1.8
2 N	26 E	WM	23	SW NE	33.8
2 N	26 E	WM	23	SE NE	33.9
2 N	26 E	WM	23	NE NW	2.8
2 N	26 E	WM	23	NW NW	32.8
2 N	26 E	WM	23	SW NW	29.7
2 N	26 E	WM	23	SE NW	30.4
2 N	26 E	WM	23	NE SW	33.0
2 N	26 E	WM	23	NW SW	33.8
2 N	26 E	WM	23	SW SW	30.4
2 N	26 E	WM	23	SE SW	29.7
2 N	26 E	WM	23	NE SE	28.3
2 N	26 E	WM	23	NW SE	27.8
Total					350.0

4. Temporary Transfer Application T-13986 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	3	NE NW	23.6
2 N	26 E	WM	3	NW NW	39.6
2 N	26 E	WM	3	SW NW	15.4
2 N	26 E	WM	3	SE NW	2.7
2 N	26 E	WM	4	NE NE	25.6
2 N	26 E	WM	4	NW NE	5.3
2 N	26 E	WM	4	SW NE	11.0
2 N	26 E	WM	4	SE NE	3.5

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	4	NE NW	35.0
2 N	26 E	WM	4	NW NW	25.6
2 N	26 E	WM	4	SW NW	35.8
2 N	26 E	WM	4	SE NW	40.0
2 N	26 E	WM	4	NE SW	11.4
2 N	26 E	WM	4	NW SW	5.9
3 N	26 E	WM	33	SE SE	16.8
3 N	26 E	WM	34	SW SW	37.9
3 N	26 E	WM	34	SE SW	14.9
Total					350.0

5. Temporary Transfer Application T-13986 proposes to temporarily transfer a water right within the boundaries of Columbia Improvement District. The district is party to this Temporary Transfer Application.

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

**Certificate:** 94872 in the name of CONNECTICUT GENERAL LIFE INSURANCE CO.  
(perfected under Permit S-37293)

**Use:** SUPPLEMENTAL IRRIGATION of 350.0 ACRES

**Priority Date:** FEBRUARY 7, 1974

**Rate:** 51.49 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 a diversion of ONE-FORTIETH, of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** COLUMBIA RIVER a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

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

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	23	NE NE	1.8
2 N	26 E	WM	23	NW NE	1.8
2 N	26 E	WM	23	SW NE	33.8
2 N	26 E	WM	23	SE NE	33.9
2 N	26 E	WM	23	NE NW	2.8
2 N	26 E	WM	23	NW NW	32.8
2 N	26 E	WM	23	SW NW	29.7
2 N	26 E	WM	23	SE NW	30.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	23	NE SW	33.0
2 N	26 E	WM	23	NW SW	33.8
2 N	26 E	WM	23	SW SW	30.4
2 N	26 E	WM	23	SE SW	29.7
2 N	26 E	WM	23	NE SE	28.3
2 N	26 E	WM	23	NW SE	27.8
Total					350.0

7. Temporary Transfer Application T-13986 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	26 E	WM	3	NE NW	23.6
2 N	26 E	WM	3	NW NW	39.6
2 N	26 E	WM	3	SW NW	15.4
2 N	26 E	WM	3	SE NW	2.7
2 N	26 E	WM	4	NE NE	25.6
2 N	26 E	WM	4	NW NE	5.3
2 N	26 E	WM	4	SW NE	11.0
2 N	26 E	WM	4	SE NE	3.5
2 N	26 E	WM	4	NE NW	35.0
2 N	26 E	WM	4	NW NW	25.6
2 N	26 E	WM	4	SW NW	35.8
2 N	26 E	WM	4	SE NW	40.0
2 N	26 E	WM	4	NE SW	11.4
2 N	26 E	WM	4	NW SW	5.9
3 N	26 E	WM	33	SE SE	16.8
3 N	26 E	WM	34	SW SW	37.9
3 N	26 E	WM	34	SE SW	14.9
Total					350.0

**Temporary Transfer Review Criteria**

8. 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).

11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13986 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13986 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 80507 and 94872 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. 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 80507 and 94872.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water rights described by Certificates 80507 and 94872 shall continue to be in accordance with the terms and conditions of Certificates 80507 and 94872.

Dated in Salem, Oregon on **AUG 03 2022**



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

Mailing Date:

**AUG 04 2022**

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