

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

In the Matter of Transfer Application                     )     FINAL ORDER APPROVING  
T-12621, Morrow County                                    )     A DISTRICT TEMPORARY TRANSFER  
   )

**Authority**

Oregon Revised Statue (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 March 24, 2017, Columbia Improvement District filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 80062, 86992, and 86993. The Department assigned the application number T-12621.
2. Notice of the application for transfer was published on March 28, 2017, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:  
**Certificate:** 80062 issued in the name of Connecticut General Life Insurance Company and First Interstate Bank of Oregon (perfected under Permit S-37150)  
**Use:** IRRIGATION of 350.2 acres  
**Priority Dates:** JULY 25, 1973  
**Rate & 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.

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

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.

**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	Tax Lot	Acres	Water User
3N	26E	15	SW NW	500	7.5	Greg te Velde
3N	26E	15	NW SW	500	7.2	Greg te Velde
3N	26E	15	SW SW	500	9.0	Greg te Velde
3N	26E	16	SW NE	500	31.0	Greg te Velde
3N	26E	16	SE NE	500	36.8	Greg te Velde
3N	26E	16	SW NW	500	5.0	Greg te Velde
3N	26E	16	SE NW	500	34.6	Greg te Velde
3N	26E	16	NE SW	500	36.7	Greg te Velde
3N	26E	16	NW SW	500	7.2	Greg te Velde
3N	26E	16	SW SW	500	6.2	Greg te Velde
3N	26E	16	SE SW	500	33.8	Greg te Velde
3N	26E	16	NE SE	500	33.8	Greg te Velde
3N	26E	16	NW SE	500	31.3	Greg te Velde
3N	26E	16	SW SE	500	32.1	Greg te Velde
3N	26E	16	SE SE	500	38.0	Greg te Velde
<b>Total</b>					<b>350.2</b>	

4. Transfer Application T-12621 proposes to change the place of use to:

**Proposed Place of Use:**

IRRIGATION								
Twn	Rng	Mer	Sec	Q-Q	G-Lot	Tax Lot	Acres	Water User
3N	26E	WM	4	NE NE	2	401	18.4	Sage Hollow Ranch, LLC
3N	26E	WM	4	NW NE	2	401	17.7	Sage Hollow Ranch, LLC
3N	26E	WM	4	SW NE	1	401	30.0	Sage Hollow Ranch, LLC
3N	26E	WM	4	SE NE	1	401	32.7	Sage Hollow Ranch, LLC
3N	26E	WM	4	NE NW	2	401	37.2	Sage Hollow Ranch, LLC
3N	26E	WM	4	NW NW	2	401	33.6	Sage Hollow Ranch, LLC
3N	26E	WM	4	SW NW	1	401	35.6	Sage Hollow Ranch, LLC
3N	26E	WM	4	SE NW	1	401	36.8	Sage Hollow Ranch, LLC
3N	26E	WM	4	NE SW		400	36.0	Sage Hollow Ranch, LLC
3N	26E	WM	4	NW SW		400	35.4	Sage Hollow Ranch, LLC
3N	26E	WM	4	SW SW		400	28.3	Sage Hollow Ranch, LLC
3N	26E	WM	4	NE SE		400	0.9	Sage Hollow Ranch, LLC
3N	26E	WM	4	NW SE		400	0.4	Sage Hollow Ranch, LLC
3N	26E	WM	4	SW SE		400	7.2	Sage Hollow Ranch, LLC
<b>Total</b>							<b>350.2</b>	

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

**Certificate:** 86992 issued in the name of BOARDMAN TREE FARM, LLC (perfected under Permit S-37150)

**Use:** IRRIGATION of 89.5 acres

**Priority Date:** JULY 25, 1973

**Rate & 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, 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.

**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	15	NW NW	500	2.4	Greg te Velde
3N	26E	WM	16	NE NE	500	0.6	Greg te Velde
3N	26E	WM	16	NW NE	500	1.8	Greg te Velde
3N	26E	WM	16	SW NE	500	5.4	Greg te Velde
3N	26E	WM	16	SE NE	500	2.0	Greg te Velde
3N	26E	WM	16	NE NW	500	0.8	Greg te Velde
3N	26E	WM	16	NW NW	500	2.3	Greg te Velde
3N	26E	WM	16	SW NW	500	6.0	Greg te Velde
3N	26E	WM	16	SE NW	500	5.2	Greg te Velde
3N	26E	WM	16	NE SW	500	3.0	Greg te Velde
3N	26E	WM	16	SW SW	500	4.7	Greg te Velde
3N	26E	WM	16	SE SW	500	4.2	Greg te Velde
3N	26E	WM	16	NE SE	500	5.2	Greg te Velde
3N	26E	WM	16	NW SE	500	7.4	Greg te Velde
3N	26E	WM	16	SW SE	500	6.5	Greg te Velde
3N	26E	WM	16	SE SE	500	1.2	Greg te Velde
3N	26E	WM	17	NE NE	500	1.5	Greg te Velde
3N	26E	WM	17	NW NE	500	1.0	Greg te Velde
3N	26E	WM	17	SW NE	500	2.0	Greg te Velde
3N	26E	WM	17	SE NE	500	2.4	Greg te Velde
3N	26E	WM	21	NE NE	500	4.4	Greg te Velde
3N	26E	WM	21	NW NE	500	6.4	Greg te Velde
3N	26E	WM	21	SW NE	500	6.2	Greg te Velde

IRRIGATION							
Twn	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3N	26E	WM	21	SE NE	500	0.5	Greg te Velde
3N	26E	WM	21	NE NW	500	1.2	Greg te Velde
3N	26E	WM	21	SE NW	500	5.2	Greg te Velde
<b>Total</b>						<b>89.5</b>	

6. Transfer Application T-12621 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	4	NE SE	400	4.4	Sage Hollow Ranch, LLC
3N	26E	WM	4	NW SE	400	23.6	Sage Hollow Ranch, LLC
3N	26E	WM	4	SW SE	400	27.4	Sage Hollow Ranch, LLC
3N	26E	WM	4	SE SE	400	34.1	Sage Hollow Ranch, LLC
<b>Total</b>						<b>89.5</b>	

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

**Certificate:** 86993 issued in the name of BOARDMAN TREE FARM, LLC (perfected under Permit S-37293)

**Use:** IRRIGATION of 63.3 acres

**Priority Date:** FEBRUARY 7, 1974

**Rate & 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 for each acre irrigated during the irrigation season of each year.

**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	15	NE NW	500	1.1	Greg te Velde
3N	26E	WM	15	SW NW	500	6.6	Greg te Velde
3N	26E	WM	15	SE NW	500	4.1	Greg te Velde
3N	26E	WM	15	NE SW	500	2.4	Greg te Velde
3N	26E	WM	15	NW SW	500	6.7	Greg te Velde
3N	26E	WM	15	SW SW	500	7.3	Greg te Velde

IRRIGATION							
TwN	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User
3N	26E	WM	15	SE SW	500	6.0	Greg te Velde
3N	26E	WM	15	SW SE	500	2.7	Greg te Velde
3N	26E	WM	22	NW NE	500	2.9	Greg te Velde
3N	26E	WM	22	SW NE	500	3.0	Greg te Velde
3N	26E	WM	22	NE NW	500	3.2	Greg te Velde
3N	26E	WM	22	NW NW	500	4.8	Greg te Velde
3N	26E	WM	22	SW NW	500	7.0	Greg te Velde
3N	26E	WM	22	SE NW	500	5.0	Greg te Velde
3N	26E	WM	22	NW SE	500	0.5	Greg te Velde
<b>Total</b>						<b>63.3</b>	

8. Transfer Application T-12621 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	4	SW SW	400	7.0	Sage Hollow Ranch, LLC
3N	26E	WM	4	SE SW	400	36.8	Sage Hollow Ranch, LLC
3N	26E	WM	4	NE SE	400	19.5	Sage Hollow Ranch, LLC
<b>Total</b>						<b>63.3</b>	

9. 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.
10. 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.
11. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
12. 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.
13. Certificates 49726, 49727, 55316, and 55317 are appurtenant to some of the land upon which the proposed place of use as described in Findings of Fact 4, 6, and 8 under Temporary Transfer T-12621 is to be used. The applicant has indicated that irrigation will not occur under Certificates 49726, 49727, 55316, and 55317 on the proposed place of use under T-12621 during the term of this temporary transfer.
14. As a condition of this Transfer T-12621, the portions of Certificates 49726, 49727, 55316, and 55317 that are appurtenant to the proposed places of use as described in Findings of Facts 4, 6 and 8, above, shall not be used for irrigation at that location during the term of this temporary transfer.

15. The proposed change in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
16. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
17. All other applicable requirements for district temporary water right transfers are met.

### **Conclusions of Law**

The temporary change in place of use proposed in Temporary Transfer Application T-12621, as conditioned above, is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

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

1. The temporary changes in place of use proposed in Transfer Application T-12621, as conditioned above, are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2017 irrigation season.
3. The use shall revert to the authorized place of use after the 2017 irrigation season.
4. Any application for permanent transfer of Certificates 80062, 86992, and 86993 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 portions of water rights evidenced by Certificates 49726, 49727, 55316 and 55317 that are appurtenant to the same place of use proposed in T-12621, as described above in Findings of Facts 4, 6, and 8, shall not be used for irrigation at that location during the term of this temporary transfer.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificates 80062, 86992, and 86993, under ORS 540.610.
7. The use of water on the lands from which the water right is transferred and at the new temporary place of use during the same irrigation season or calendar year is prohibited and may subject the district and landowner to civil penalties.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. 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.
10. 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 80062, 86992, and 86993.

11. The use of the remaining water rights described by Certificates 80062, 86992, and 86993 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 80062, 86992, and 86993.

Signed at Salem, Oregon this 28<sup>th</sup> day of April 2017.



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

Mailing Date: APR 28 2017