

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-14364, 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
501 COLUMBIA AVE NE
BOARDMAN, OR 97818

Findings of Fact

1. On December 8, 2023, Columbia Improvement District filed a district transfer application to temporarily change the place of use within the boundaries of the irrigation district under 94872. The Department assigned the application number T-14364.
2. Notice of the application for transfer was published on December 26, 2023, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 94872 issued in the name of Connecticut General Life Insurance Co. (perfected under Permit S-37293)

Use: IRRIGATION of 393.0 acres

Priority Dates: February 7, 1974

Rate: 6.34 Cubic Foot 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 Point 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:

| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres | Taxlot | Water User |
|--------------|------|-----|-----|-------|------|---------------|--------|-----------------|
| 3 N | 26 E | WM | 30 | SW NW | 2 | 27.00 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 30 | NE SW | 1 | 25.60 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 30 | NW SW | 2 | 30.80 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 30 | SW SW | 2 | 38.40 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 30 | SE SW | 1 | 28.00 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | NE NW | 1 | 25.20 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | NW NW | 2 | 35.60 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | SW NW | 2 | 38.00 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | SE NW | 1 | 24.00 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | NE SW | 1 | 24.80 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | NW SW | 2 | 37.60 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | SW SW | 2 | 36.80 | 511 | RIVERCREST FARM |
| 3 N | 26 E | WM | 31 | SE SW | 1 | 21.20 | 511 | RIVERCREST FARM |
| Total | | | | | | 393.00 | | |

4. Transfer Application T-14364 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | Acres | Taxlot | Water User | |
|--------------|------|-----|-----|-------|-------|---------------|-----------------|--|
| 3 N | 26 E | WM | 29 | NE SW | 40.00 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 29 | NW SW | 32.40 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 29 | SW SW | 34.50 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 29 | SE SW | 34.50 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 29 | NW SE | 33.30 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 29 | SW SE | 5.40 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | NW NE | 2.70 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | NE NW | 39.70 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | NW NW | 38.90 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | SW NW | 26.70 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | SE NW | 23.40 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | NE SW | 32.10 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | NW SW | 39.00 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | SW SW | 6.30 | 1513 | RIVERCREST FARM | |
| 3 N | 26 E | WM | 32 | SE SW | 4.10 | 1513 | RIVERCREST FARM | |
| Total | | | | | | 393.00 | | |

5. The authorized place of use as described in Finding of #3, above, is appurtenant to lands described under Permit S-55401. This permit provides for pre-planned (only) annual use of water from the Columbia River, tributary to the Pacific Ocean, within certain constraints and permissions as outlined in the permit. Transfer T-14364 was filed prior to the February 14, 2024 deadline for declaring planned irrigation for the 2024 irrigation season under Permit S-55401; therefore the authorized place of use as described in Finding of Fact #3, above, is not deemed as being layered with any planned irrigation for the 2024 irrigation season under Permit S-55401, as may be shown on any 2024 Planned Irrigation map submitted by or on behalf of the permit holders to the Department.
6. 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.
7. 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 right is subject to forfeiture under ORS 540.610.
8. The water right is subject to transfer as defined in OAR 690-385-0100(17).
9. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change in place of use, as conditioned, will not result in enlargement of the right as defined in OAR 690-385-0100(6).
11. The proposed change in place of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
12. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

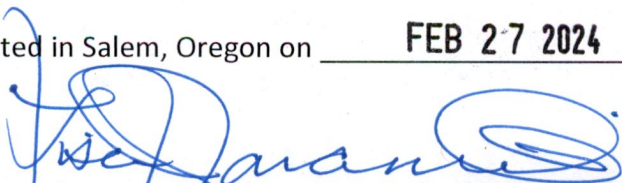
The temporary change in place of use proposed in Temporary Transfer Application T-14364 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Transfer Application T-14364, as conditioned above, is approved.
2. The lands from which the water right is removed under Certificate 94872 shall receive no water under the transferred right during the **2024** irrigation season.
3. The use shall revert to the authorized place of use after the **2024** irrigation season.

4. Any application for permanent transfer of Certificate 94872 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 on the proposed lands under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 94872 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. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. 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.
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 Certificate 94872.
11. The use of the remaining water right described by Certificate 94872 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificate 94872.

Dated in Salem, Oregon on FEB 27 2024



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Mailing Date FEB 28 2024