

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-14225, 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 April 24, 2023, Columbia Improvement District (CID) filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 94871, 94873, and 94874. The Department assigned the application number T-14225.
2. Notice of the application for transfer was published on April 26, 2023, pursuant to ORS 540.570 and OAR 690-385-3400. It was re-noticed on May 16, 2023, to correct a scrivener's error in one of the certificates.
3. On May 10, 2023, the applicant submitted a map to correct scrivener errors in the original map.
4. 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 369.8 acres
Priority Dates: JULY 25, 1973
Rate: 5.78 CUBIC FEET PER SECOND

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.

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.

Source: COLUMBIA RIVER, A TRIBUTARY OF THE PACIFIC OCEAN

Authorized Point of Diversion:

| Twsp | 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 | | | | | | | |
|--------------|-----|-----|-----|-------|---------|--------------|----------------------|
| Twsp | Rng | Mer | Sec | Q-Q | Tax Lot | Acres | Water User |
| 3N | 26E | WM | 15 | SW NW | 500 | 7.5 | Easterday Dairy, LLC |
| 3N | 26E | WM | 15 | NW SW | 500 | 7.2 | Easterday Dairy, LLC |
| 3N | 26E | WM | 15 | SW SW | 500 | 9.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW NE | 500 | 1.1 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW NE | 500 | 31.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE NE | 500 | 36.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW NW | 500 | 1.1 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW NW | 500 | 13.9 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE NW | 500 | 34.6 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE SW | 500 | 36.7 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW SW | 500 | 12.9 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW SW | 500 | 9.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE SW | 500 | 33.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE SE | 500 | 33.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW SE | 500 | 31.3 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW SE | 500 | 32.1 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE SE | 500 | 38.0 | Easterday Dairy, LLC |
| Total | | | | | | 369.8 | |

5. Transfer Application T-14225 proposes to change the place of use to:

Proposed Place of Use:

| IRRIGATION | | | | | | | | |
|------------|-----|-----|-----|-------|-------|---------|-------|------------------------|
| Twsp | 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 |
|--------------|-----|-----|-----|-------|-------|---------|--------------|----------------------------|
| TwN | Rng | Mer | Sec | Q-Q | G-Lot | Tax Lot | Acres | Water User |
| 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 |
| 3N | 26E | WM | 16 | NE NE | | 500 | 0.9 | Easterday Farms Dairy, LLC |
| 3N | 26E | WM | 16 | NE NW | | 500 | 1.0 | Easterday Farms Dairy, LLC |
| 3N | 26E | WM | 16 | NW NW | | 500 | 1.4 | Easterday Farms Dairy, LLC |
| 3N | 26E | WM | 16 | SW NW | | 500 | 0.1 | Easterday Farms Dairy, LLC |
| 3N | 27E | WM | 8 | NW NW | | 700 | 16.2 | Sage Hollow Ranch, LLC |
| Total | | | | | | | 369.8 | |

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

Certificate: 94873 issued in the name of BOARDMAN TREE FARM, LLC (perfected under Permit S-37150)

Use: IRRIGATION of 89.4 acres

Priority Date: JULY 25, 1973

Rate: 1.40 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 for each acre irrigated during the irrigation season of each year.

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:

| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|---------|-------|----------------------|
| TwN | Rng | Mer | Sec | Q-Q | Tax Lot | Acres | Water User |
| 3N | 26E | WM | 15 | NW NW | 500 | 2.4 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE NE | 500 | 0.6 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW NE | 500 | 1.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW NE | 500 | 5.4 | Easterday Dairy, LLC |

| TwN | Rng | Mer | Sec | Q-Q | Tax Lot | Acres | Water User |
|--------------|-----|-----|-----|-------|---------|-------------|----------------------|
| 3N | 26E | WM | 16 | SE NE | 500 | 2.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE NW | 500 | 0.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW NW | 500 | 2.3 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW NW | 500 | 6.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE NW | 500 | 5.2 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE SW | 500 | 3.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW SW | 500 | 2.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW SW | 500 | 0.3 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW SW | 500 | 1.6 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE SW | 500 | 4.2 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NE SE | 500 | 5.2 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | NW SE | 500 | 7.4 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SW SE | 500 | 6.5 | Easterday Dairy, LLC |
| 3N | 26E | WM | 16 | SE SE | 500 | 1.2 | Easterday Dairy, LLC |
| 3N | 26E | WM | 17 | NE NE | 500 | 1.5 | Easterday Dairy, LLC |
| 3N | 26E | WM | 17 | NW NE | 500 | 1.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 17 | SW NE | 500 | 2.0 | Easterday Dairy, LLC |
| 3N | 26E | WM | 17 | SE NE | 500 | 2.4 | Easterday Dairy, LLC |
| 3N | 26E | WM | 17 | NE SE | 500 | 0.7 | Easterday Dairy, LLC |
| 3N | 26E | WM | 21 | NE NE | 500 | 4.4 | Easterday Dairy, LLC |
| 3N | 26E | WM | 21 | NE NE | 1506 | | Canyon Farm II, LLC |
| 3N | 26E | WM | 21 | NW NE | 500 | 6.4 | Easterday Dairy, LLC |
| 3N | 26E | WM | 21 | NW NE | 1506 | | Canyon Farm II, LLC |
| 3N | 26E | WM | 21 | SW NE | 1506 | 6.2 | Canyon Farm II, LLC |
| 3N | 26E | WM | 21 | SE NE | 1506 | 0.5 | Canyon Farm II, LLC |
| 3N | 26E | WM | 21 | NE NW | 1506 | 1.2 | Canyon Farm II, LLC |
| 3N | 26E | WM | 21 | SE NW | 1506 | 5.2 | Canyon Farm II, LLC |
| Total | | | | | | 89.4 | |

7. Transfer Application T-14225 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 | 1.3 | 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 |
| 3N | 27E | WM | 8 | NW NW | 700 | 3.0 | Sage Hollow Ranch, LLC |
| Total | | | | | | 89.4 | |

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

Certificate: 94874 issued in the name of BOARDMAN TREE FARM, LLC (perfected under Permit S-37293)

Use: IRRIGATION of 66.4 acres

Priority Date: FEBRUARY 7, 1974

Rate: 1.09 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, 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 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 | 1506 | 1.1 | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | SW NW | 500 | 6.6 | Easterday Dairy, LLC |
| 3N | 26E | WM | 15 | SW NW | 1506 | | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | SE NW | 1506 | 4.1 | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | NE SW | 1506 | 2.4 | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | NW SW | 500 | 6.7 | Easterday Dairy, LLC |
| 3N | 26E | WM | 15 | SW SW | 500 | 7.3 | Easterday Dairy, LLC |
| 3N | 26E | WM | 15 | SW SW | 1506 | | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | SE SW | 1506 | 6.0 | Canyon Farm II, LLC |
| 3N | 26E | WM | 15 | SW SE | 1506 | 2.7 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | NW NE | 1506 | 2.9 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | SW NE | 1506 | 3.0 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | NE NW | 1506 | 3.2 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | NW NW | 500 | 4.8 | Easterday Dairy, LLC |
| 3N | 26E | WM | 22 | NW NW | 1506 | | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | SW NW | 1506 | 7.0 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | SE NW | 1506 | 5.0 | Canyon Farm II, LLC |
| 3N | 26E | WM | 22 | NW SE | 1506 | 3.6 | Canyon Farm II, LLC |
| Total | | | | | | 66.4 | |

9. Transfer Application T-14225 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 | 22.6 | Sage Hollow Ranch, LLC |
| Total | | | | | | 66.4 | |

10. Certificates 49726, 49727, 55316, and 55317 (all primary irrigation) are appurtenant to some of the lands upon which the proposed places of use within Section 4 of T3N, R26E, under Certificates 94871, 94873, and 94874, as described in Findings of Fact 5, 7, and 9, above, are to be used under Temporary Transfer T-13977. Certificates 49726, 49727, 55316, and 55317 are all for use of groundwater, and each is a deficient rate right as described in OAR 690-300-0010 (11). Certificates 94871, 94873, and 94874, also deficient rate rights, may therefore, for the duration of this temporary Transfer T-13977, be layered with these primary groundwater rights. The amount of water used under a ground water certificate, together with the amount secured under any other right existing for the same lands, including the 94871, 94873, or 94874, is limited to a diversion of not to exceed ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season.
11. Certificate 95272 (primary irrigation) is appurtenant to the proposed place of use within the NWNW & SWNW, Section 16 of T3N, R26E, under Certificate 94871 as described in Finding of Fact 5, above. This certificate is for the use of water from the same source (Columbia River), and is a deficient rate right as described in OAR 690-300-0010 (11). It can therefore be layered with primary irrigation under Certificate 94871, which is also a deficient in rate right. The amount of water used under these two certificates, together with the amount secured under any other right existing for the same lands is limited to a diversion of not to exceed ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season.
12. Certificates 89657 (primary irrigation) and 88115 (supplemental irrigation) are appurtenant the proposed place of use within Section 8 of T3N, R27E, under Certificates 94871 and 94873 as described in Findings of Fact 5 and 7, above. Certificate 89657 is for the use of water from the same source (Columbia River), and Certificate 88115 is for use of groundwater. Each certificate is a deficient rate right as described in OAR 690-300-0010 (11) and can therefore be layered with primary irrigation under Certificates 94871 or 84973, which are also deficient in rate rights. The amount of water used under one of these certificates, together with the amount secured under any other right existing for the same lands is limited to a diversion of not to exceed ONE-FORTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season.

13. 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.
14. 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.
15. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
16. 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.
17. The watermaster review dated July 27, 2023, indicates the proposed changes in place of use, as conditioned, 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).
18. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

1. The proposed changes in place of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
2. The proposed changes 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 changes in place of use proposed in Temporary Transfer Application T-14225, as conditioned above, is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

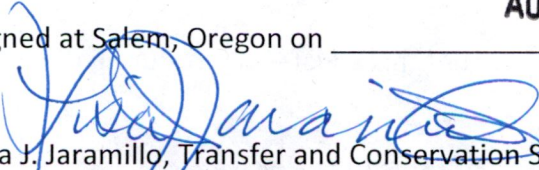
Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Transfer Application T-14225, as conditioned, are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2023 irrigation season.
3. The use shall revert to the authorized place of use after the **2023** irrigation season.
4. Any application for permanent transfer of Certificates 94871, 94873, and 94874 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 Certificates 94871, 94873, and 94874, under ORS 540.610.
6. Use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
7. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
8. 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.
9. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 94871, 94873, and 94874.
10. 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.
 - 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.
11. The use of the remaining water rights described by Certificates 94871, 94873, and 94874 not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 94871, 94873, and 94874.

AUG 08 2023

Signed at Salem, Oregon on _____


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

Mailing Date: ~~_____~~ **AUG 09 2023**