



Oregon

Tina Kotek, Governor

Water Resources Department

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February 10, 2023

VIA CERTIFIED MAIL AND E-MAIL

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

SUBJECT: Water Right Transfer Application T-13525

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13525. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the East Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application T-13525
Gregory M. Silbernagel, District 5 Watermaster (*via e-mail*)
Ted Ressler, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13525, Morrow and Umatilla Counties)	PROPOSING APPROVAL OF CHANGES IN
)	PLACES OF USE, A CHANGE IN POINT OF
)	DIVERSION, AN ADDITIONAL POINT OF
)	DIVERSION, AND PARTIAL DIMINUTION OF
)	A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

Findings of Fact

1. On September 29, 2020, FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST filed an application to change the places of use under Certificates 92990, 92992, 92993, and 92994. The Department assigned the application number T-13525.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Transfer T-13525 involves the same authorized and proposed place of use as approved for Certificate 92994 under temporary transfer T-13609 in a Final Order issued by the Department on April 15, 2021 (Special Order Volume 120, Page 151). The use of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently. On November 16, 2021, the Department contacted the applicant's agent by telephone to notify

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

the applicant and the applicant's agent of a deficiency in the application. A portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994 will become layered with Certificate 44654. The applicant wishes to diminish these portions of Certificate 44654 from primary to supplemental irrigation. The application did not include an Affidavit for the Voluntary Diminution of a portion of a Water Right Certificate. The Department requested that the deficiency be resolved prior to issuance of a Final Order to approve.

4. On December 7, 2021, the Department received an Affidavit for the Voluntary Partial Diminution of Water Right Certificate 44654 from Patrick Tolman, Vice President for Farmland Reserve, Inc.
5. On January 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 2, 2022, for the applicant to respond.
6. On February 4, 2022, the applicant requested an additional 60 days to review and amend the application, as Certificate 92992 would become layered with Certificate 93872. Both certificates are for primary irrigation. The applicant also requested an additional year to provide proof of beneficial use to October 1, 2024.
7. On July 28, 2022, the Department received revisions to the application along with the required additional fees. The revised application added two additional water right certificates, which includes an additional point of diversion, a change in point of diversion, and a change in place of use under Certificate 93872, and a change in place of use under Certificate 95662.
8. On December 8, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of January 9, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The first right to be transferred is as follows:
 - Certificate:** 92990 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)
 - Use:** IRRIGATION OF 133.59 ACRES
 - Priority Date:** JULY 25, 1973
 - Rate:** 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.
 - 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 the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
Total					133.59

10. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
Total					133.59

11. The second water right to be transferred is as follows:

Certificate: 92992 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 1425.07 ACRES

Priority Date: JULY 25, 1973

Rate: 30.72 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

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 the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37
3 N	26 E	WM	1	NW SW	9.47
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51

IRRIGATION						Acres
Twp	Rng	Mer	Sec	Q-Q		
3 N	26 E	WM	2	NW/SW		7.08
3 N	26 E	WM	2	SW/SW		7.01
3 N	26 E	WM	2	SE/SW		5.88
3 N	26 E	WM	2	NE/SE		7.30
3 N	26 E	WM	2	NW/SE		9.05
3 N	26 E	WM	2	SW/SE		8.25
3 N	26 E	WM	2	SE/SE		5.92
3 N	26 E	WM	3	NE/NE		4.05
3 N	26 E	WM	3	NW/NE		7.15
3 N	26 E	WM	3	SE/NE		7.65
3 N	26 E	WM	3	SE/NE		6.21
3 N	26 E	WM	3	NE/NW		8.06
3 N	26 E	WM	3	NW/NW		7.72
3 N	26 E	WM	3	SW/NW		6.71
3 N	26 E	WM	3	SE/NW		6.66
3 N	26 E	WM	3	NE/SW		6.90
3 N	26 E	WM	3	NW/SW		6.57
3 N	26 E	WM	3	SW/SW		6.92
3 N	26 E	WM	3	SE/SW		6.68
3 N	26 E	WM	3	NE/SE		5.44
3 N	26 E	WM	3	NW/SE		6.45
3 N	26 E	WM	3	SE/SE		8.07
3 N	26 E	WM	3	SE/SE		6.42
3 N	26 E	WM	5	NE/NE		7.98
3 N	26 E	WM	5	NW/NE		6.45
3 N	26 E	WM	5	SW/NE		5.44
3 N	26 E	WM	5	SE/NE		6.59
3 N	26 E	WM	5	NE/NW		7.57
3 N	26 E	WM	5	NW/NW		4.80
3 N	26 E	WM	5	SW/NW		5.00
3 N	26 E	WM	5	SE/NW		8.53
3 N	26 E	WM	5	NE/SW		6.88
3 N	26 E	WM	5	NW/SW		6.12
3 N	26 E	WM	5	SW/SW		5.85
3 N	26 E	WM	5	SE/SW		7.26
3 N	26 E	WM	5	NE/SE		6.88
3 N	26 E	WM	5	NW/SE		7.32
3 N	26 E	WM	5	SW/SE		7.43
3 N	26 E	WM	5	SE/SE		7.22
3 N	26 E	WM	6	NE/NE		6.53
3 N	26 E	WM	6	NW/NE		6.14
3 N	26 E	WM	6	SW/NE		5.89
3 N	26 E	WM	6	SE/NE		6.94
3 N	26 E	WM	6	NE/NW		12.15
3 N	26 E	WM	6	NW/NW		6.54
3 N	26 E	WM	6	SW/NW		5.98
3 N	26 E	WM	6	SE/NW		11.95
3 N	26 E	WM	6	NE/SW		11.59
3 N	26 E	WM	6	NW/SW		7.07
3 N	26 E	WM	6	SW/SW		6.20

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	W1	6	SE SW	11.24
3 N	26 E	W1	6	NE SE	7.66
3 N	26 E	W1	6	NW/SE	5.04
3 N	26 E	W1	6	SW/SE	4.55
3 N	26 E	W1	6	SE SE	7.49
3 N	26 E	W1	7	NE NE	9.49
3 N	26 E	W1	7	NW NE	3.57
3 N	26 E	W1	7	SW NE	3.95
3 N	26 E	W1	7	SE NE	10.22
3 N	26 E	W1	7	NE NW	10.93
3 N	26 E	W1	7	NW/NW	6.45
3 N	26 E	W1	7	SW/NW	5.79
3 N	26 E	W1	7	SE NW	10.45
3 N	26 E	W1	7	NE SW	11.48
3 N	26 E	W1	7	NW/SW	6.67
3 N	26 E	W1	7	SW/SW	4.90
3 N	26 E	W1	7	SE SW	10.57
3 N	26 E	W1	7	NE SE	9.28
3 N	26 E	W1	7	NW/SE	4.00
3 N	26 E	W1	7	SW/SE	3.17
3 N	26 E	W1	7	SE SE	8.13
3 N	26 E	W1	8	NE NE	6.84
3 N	26 E	W1	8	NW/NE	5.60
3 N	26 E	W1	8	SW/NE	3.24
3 N	26 E	W1	8	SE NE	9.04
3 N	26 E	W1	8	NE SE	7.15
3 N	26 E	W1	8	SW/SE	2.32
3 N	26 E	W1	8	NW/SE	4.79
3 N	26 E	W1	8	SE SE	0.08
3 N	26 E	W1	9	NE NE	6.69
3 N	26 E	W1	9	NW/NE	6.11
3 N	26 E	W1	9	SW NE	6.01
3 N	26 E	W1	9	SE NE	6.96
3 N	26 E	W1	9	NE NW	7.94
3 N	26 E	W1	9	NW/NW	6.25
3 N	26 E	W1	9	SW/NW	4.88
3 N	26 E	W1	9	SE NW	7.22
3 N	26 E	W1	9	NE SW	9.29
3 N	26 E	W1	9	NW/SW	5.66
3 N	26 E	W1	9	SW/SW	0.01
3 N	26 E	W1	9	SE SW	2.98
3 N	26 E	W1	9	NE SE	7.40
3 N	26 E	W1	9	NW/SE	5.80
3 N	26 E	W1	9	SW/SE	2.10
3 N	26 E	W1	9	SE SE	3.55
3 N	26 E	W1	11	NE NE	7.15
3 N	26 E	W1	11	NW/NE	6.99
3 N	26 E	W1	11	SW/NE	7.90
3 N	26 E	W1	11	SE NE	7.12
3 N	26 E	W1	11	NE NW	7.39

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
Total					1425.07

12. Transfer Application T-13525 Proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Glott	Acres
2 N	28 E	WM	4	NW NW		0.01
2 N	28 E	WM	5	NE NE	1	33.07
2 N	28 E	WM	5	NW NE	2	31.09
2 N	28 E	WM	5	SW NE		29.83
2 N	28 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.76
2 N	28 E	WM	7	SE NE		28.77
2 N	28 E	WM	7	NE SE		0.01
2 N	28 E	WM	7	NW SE		0.01
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		6.15
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.43
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.72

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	28 E	WM	33	NW SW		0.01
3 N	28 E	WM	33	SW SW		0.01
					Total	1425.07

13. The third right to be transferred is as follows:

Certificate: 92993 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 39.71 ACRES

Priority Date: JULY 25, 1973

Rate: 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under PERMIT 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW), SECTION 2, T2N, R25E, WM; 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

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 the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
3 N	26 E	WM	2	NW NE	0.05	
3 N	26 E	WM	2	SW NE	0.05	
3 N	26 E	WM	2	NE NW	1.54	
3 N	26 E	WM	2	NW NW	1.58	
3 N	26 E	WM	2	SW NW	1.64	
3 N	26 E	WM	2	SE NW	1.53	
3 N	26 E	WM	2	NE SW	1.61	
3 N	26 E	WM	2	NW SW	1.80	
3 N	26 E	WM	2	SW SW	1.67	
3 N	26 E	WM	2	SE SW	1.34	
3 N	26 E	WM	2	NW SE	0.25	
3 N	26 E	WM	2	SW SE	0.24	
3 N	26 E	WM	3	NE NE	0.99	
3 N	26 E	WM	3	NW NE	1.77	
3 N	26 E	WM	3	SW NE	1.91	
3 N	26 E	WM	3	SE NE	1.53	

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
Total					39.71

14. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SE	28.95
3 N	28 E	WM	31	NW SE	4.16
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.01
3 N	28 E	WM	32	NW SW	5.27
Total					39.71

15. The portion of the fourth right to be transferred is as follows:

- Certificate:** 92994 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 164.90 ACRES
Priority Date: JUNE 29, 1973
Rate: 4.08 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 the PACIFIC OCEAN
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	12.31
4 N	26 E	WM	17	NW NE	0.86
Total					164.90

16. Transfer Application T-13525 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	0.57
4 N	26 E	WM	19	SW NW	2	11.65
4 N	26 E	WM	19	SE NW		4.09
2 N	28 E	WM	17	NE NW		1.25
2 N	28 E	WM	17	NW NW		28.89
2 N	28 E	WM	17	SW NW		29.99
2 N	28 E	WM	17	SE NW		3.84
2 N	28 E	WM	17	NE SW		4.22
2 N	28 E	WM	17	NW SW		29.46
2 N	28 E	WM	17	SW SW		29.57
2 N	28 E	WM	17	SE SW		19.94
3 N	28 E	WM	31	NE SW		1.42
3 N	28 E	WM	31	SE SW		0.01
Total						164.90

17. The fifth right to be transferred is as follows:

- Certificate:** 93872 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)
- Use:** IRRIGATION of 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES
- Priority Date:** JUNE 29, 1973
- Rate:** 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2
- Period of Use:** March 1 through October 31
- Limit/Duty:** The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.
- Source:** COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION FROM POD 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NE NE	1	31.39
2 N	28 E	WM	5	NW NE	2	30.43
2 N	28 E	WM	5	SW NE		31.35
2 N	28 E	WM	5	SE NE		30.43
2 N	28 E	WM	5	NE SW		31.75
2 N	28 E	WM	5	NW SW		30.77
2 N	28 E	WM	5	SW SW		31.71
2 N	28 E	WM	5	SE SW		30.77
2 N	28 E	WM	5	NE SE		31.38
2 N	28 E	WM	5	NW SE		30.44
2 N	28 E	WM	5	SW SE		31.34
2 N	28 E	WM	5	SE SE		30.44
2 N	28 E	WM	8	SW NE		1.13
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
					Total	497.83

IRRIGATION FROM POD 2						
Twp	Rng	Mer	Sec	Q-Q	Acres	
3 N	29 E	WM	3	NE NE	30.73	
3 N	29 E	WM	3	NW NE	34.24	
3 N	29 E	WM	3	SW NE	32.16	
3 N	29 E	WM	3	SE NE	28.26	
3 N	29 E	WM	3	NE NW	0.37	
3 N	29 E	WM	3	SE NW	0.30	
3 N	29 E	WM	3	NE SW	29.31	
3 N	29 E	WM	3	NW SW	29.91	
3 N	29 E	WM	3	SW SW	30.28	
3 N	29 E	WM	3	SE SW	28.43	
3 N	29 E	WM	3	NE SE	30.00	
3 N	29 E	WM	3	NW SE	32.88	
3 N	29 E	WM	3	SW SE	32.90	
3 N	29 E	WM	3	SE SE	29.16	
					Total	368.93

18. The Department has received information from the applicant that better describes the location of the authorized point of diversion for POD 2 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STAHL PUMP STATION (PS) - 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

19. Transfer Application T-13525 proposes an additional point of diversion for 368.93 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

20. Transfer Application T-13525 also proposes to change the point of diversion for 497.83 acres from POD 1 (ORIGINAL) approximately 29.6 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD 2 (NEW) – 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

21. Transfer Application T-13525 also proposes an additional point of diversion for 497.83 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

22. Transfer Application T-13525 also proposes to change the place of use of the 497.83 acres to:

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	1	NE NE		1.02
2 N	27 E	WM	1	SE NE		0.57
2 N	28 E	WM	6	NE NW	3	34.33
2 N	28 E	WM	6	NW NW	5	11.93
2 N	28 E	WM	6	SW NW	4	21.36
2 N	28 E	WM	6	SE NW		16.84
3 N	28 E	WM	31	SW SW		0.84
3 N	28 E	WM	31	SE SW		4.99
3 N	29 E	WM	2	NE NW		32.88
3 N	29 E	WM	2	NW NW		20.14
3 N	29 E	WM	2	SW NW		9.74
3 N	29 E	WM	2	SE NW		16.72
3 N	29 E	WM	2	NE SW		8.49
3 N	29 E	WM	2	NW SW		19.26
3 N	29 E	WM	2	SW SW		34.81
3 N	29 E	WM	2	SE SW		16.65
3 N	29 E	WM	3	NE NW		29.64
3 N	29 E	WM	3	NW NW		22.87
3 N	29 E	WM	3	SE NW		11.46

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	29 E	WM	3	SE SE		0.28
3 N	29 E	WM	13	SE SE		30.29
3 N	29 E	WM	13	SW SE		31.36
3 N	29 E	WM	24	NE NE		0.01
3 N	29 E	WM	24	NW NE		0.01
3 N	30 E	WM	3	NE SW		14.63
3 N	30 E	WM	3	NW SW		21.76
3 N	30 E	WM	3	SW SW		33.55
3 N	30 E	WM	3	SE SW		27.33
3 N	30 E	WM	3	SW SE		24.07
					Total	497.83

23. The portion of the sixth right to be transferred is as follows:

Certificate: 95662 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 30.58 ACRES

Priority Date: JUNE 29, 1973

Rate: 0.51 CUBIC FOOT PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2)

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-SIXTIETH (1/60) 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and an annual volume limitation of 107.03 acre feet.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	26	NW SW		4.45
4 N	26 E	WM	26	SW SW		20.62
4 N	26 E	WM	26	SE SW		0.26
4 N	26 E	WM	35	NW NW		5.25
					Total	30.58

24. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	14.15
4 N	26 E	WM	19	SW NW	2	16.43
					Total	30.58

25. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100 and 690-380-4010(2)]

26. 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.

27. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

28. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13525.

29. The proposed changes would not result in enlargement of the rights.

30. The proposed changes would not result in injury to other water rights.

31. All other application requirements are met.

Partial Diminution of Water Right Certificate 44654

32. A portion of water right Certificate 44654 is appurtenant to a portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994. Therefore, to avoid layering of two primary water rights for irrigation, a portion of lands under Certificate 44654 will be diminished from primary to supplemental irrigation as a result of this order.

33. On December 7, 2021, Patrick Tolman who is an authorized representative of Farmland Reserve, Inc., and owner of lands to which a portion of Certificate 44654 is appurtenant, submitted an affidavit requesting a portion of Certificate 44654 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44654 in the name of LARRY HANSON (perfected under Permit G-4049)
Use: IRRIGATION of 446.7 ACRES

Priority Date: September 3, 1968

Rate: 2.5 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, shall be limited to ONE-EIGHTIETH 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 3 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of BUTTER CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	7	NE NE	1300	30.25
2 N	28 E	WM	7	NW NE	1300	9.75
2 N	28 E	WM	7	SW NE	1300	8.76
2 N	28 E	WM	7	SE NE	1300	28.77
2 N	28 E	WM	8	NE NW	1500	30.25
2 N	28 E	WM	8	NW NW	1501	28.72
2 N	28 E	WM	8	SW NW	1501	34.72
2 N	28 E	WM	8	SE NW	1500	30.60
2 N	28 E	WM	8	NE SW	1700	14.03
2 N	28 E	WM	8	NW SW	1701	36.09
2 N	28 E	WM	8	SW SW	1701	19.43
2 N	28 E	WM	8	SE SW	1700	11.58
2 N	28 E	WM	8	NE SE	1700	12.56
2 N	28 E	WM	8	NW SE	1700	39.72
2 N	28 E	WM	8	SW SE	1700	35.35
2 N	28 E	WM	8	SE SE	1700	9.67
2 N	28 E	WM	17	NE NW	1700	1.25
2 N	28 E	WM	17	NW NW	1702	28.89
2 N	28 E	WM	17	SW NW	1702	29.99
2 N	28 E	WM	17	SE NW	1702	3.84
2 N	28 E	WM	17	NE SW	1700	0.92
2 N	28 E	WM	17	NW SW	1700	1.56
Total						446.7

Determination and Proposed Action

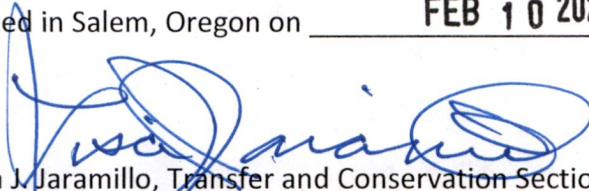
The additional point of diversion, change in point of diversion, and changes in places of use, proposed in Transfer Application T-13525 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of Certificate 44654 should be diminished as requested. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the portion of Certificate 44654 will be diminished from primary to supplemental irrigation.

If Transfer Application T-13525 is approved, the final order will include the following:

- 1. The additional point of diversion, change in point of diversion, and changes in places of use proposed in Transfer Application T-13525 are approved.*
- 2. The right to the 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 92990, 92992, 92993, 92994, 93872, and 95662 any related decree.*
- 3. Water right Certificates 92990, 92992, 92993, 92994, 93872, 95662, and 44654 are cancelled. New Certificates will be issued describing the portions of Certificates 92994 and 95662 not affected by this transfer., A new certificate will be issued describing the partial diminishment of Certificate 44654 from primary to supplemental irrigation.*
- 4. Under Certificate 93872, the quantity of water diverted at the new point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1 (ORIGINAL)).*
- 5. Under Certificate 93872, the quantity of water diverted at the new additional point of diversion (East Improvement District Pump Station), together with that diverted at the original point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2 (NEW)).*
- 6. 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 appropriation (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.*
- 7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
- 8. The former places of use of the transferred rights shall no longer receive water under the rights.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **FEB 10 2023**


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

Protests should be addressed to the attention of Water Rights Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

