

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

In the Matter of Permit G-16291,	)	PROPOSED FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

**Authority**

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

**Applicant**

SHORTLAND GOLF CLUB  
C/O MIKE FRITZ  
16842 ALDER CIRCLE  
LAKE OSWEGO, OR 97034

**Findings of Fact**

**Background**

1. On May 15, 2023, SHORTLAND GOLF CLUB c/o MIKE FRITZ filed an application for partial assignment of Water Right Permit G-16291 and requested issuance of replacement permits. The Department assigned the application number T-14244.
2. On July 30, 2013, the Department approved an extension of time for complete application of water to October 1, 2032.
3. The Applicant identified the following landowner within the authorized place of use, who is not participating in the request for assignment: Sandelie Golf Club Inc. c/o Keith Kaiser.

Pursuant to OAR 690-325-0100, a record landowner, an applicant, an assignee, an affected water right permit holder or other interested person may file a protest within 45 days after the date of publication of notice of this Proposed Final Order.

4. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on August 22, 2023, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the draft Proposed Final Order, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

6. The Permit to be modified and assigned is as follows:

**Permit:** G-16291 in the name of SANDELIE GOLF CLUB INC  
**Use:** IRRIGATION USE on 162.6 ACRES  
**Priority Date:** July 20, 2005  
**Quantity:** 406.5 ACRE FEET PER YEAR, FURTHER LIMITED TO AN INSTANTANEOUS RATE OF 2.0 CUBIC FEET PER SECOND  
**Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	16	SW NW	WELL 1 (CLAC 9317) - 2050 FEET SOUTH AND 1560 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16
3 S	1 E	WM	16	NE SW	WELL 2 (CLAC 9316) - 3780 FEET SOUTH AND 360 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	16	NE NW	30.9
3 S	1 E	WM	16	SW NW	39.8
3 S	1 E	WM	16	SE NW	30.7
3 S	1 E	WM	16	NE SW	21.2
3 S	1 E	WM	16	NW SW	38.6
3 S	1 E	WM	16	SW SW	1.4
Total					162.6

7. The Applicants request Permit G-16291 be split and replacement permits be issued as follows:

**PERMIT A: SHORTLAND GOLF CLUB LLC C/O MIKE FRITZ:**

**Use:** IRRIGATION USE on 30.9 ACRES  
**Priority Date:** July 20, 2005  
**Quantity:** 77.25 ACRE FEET PER YEAR, FURTHER LIMITED TO AN INSTANTANEOUS RATE OF 0.4 CUBIC FOOT PER SECOND  
**Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** WELL 1 (CLAC 9317) and WELL 2 (CLAC 9316) in WILLAMETTE RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	16	SW NW	WELL 1 (CLAC 9317) - 2050 FEET SOUTH AND 1560 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16
3 S	1 E	WM	16	NE SW	WELL 2 (CLAC 9316) - 3780 FEET SOUTH AND 360 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	16	NE NW	30.9

**PERMIT B: SANDELIE GOLF CLUB INC:**

**Use:** IRRIGATION USE on 131.7 ACRES  
**Priority Date:** July 20, 2005  
**Quantity:** 329.25 ACRE FEET PER YEAR, FURTHER LIMITED TO AN INSTANTANEOUS RATE OF 1.6 CUBIC FEET PER SECOND  
**Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** WELL 1 (CLAC 9317) and WELL 2 (CLAC 9316) in WILLAMETTE RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	16	SW NW	WELL 1 (CLAC 9317) - 2050 FEET SOUTH AND 1560 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16
3 S	1 E	WM	16	NE SW	WELL 2 (CLAC 9316) - 3780 FEET SOUTH AND 360 FEET WEST FROM THE N 1/4 CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	16	SW NW	39.8
3 S	1 E	WM	16	SE NW	30.7
3 S	1 E	WM	16	NE SW	21.2
3 S	1 E	WM	16	NW SW	38.6
3 S	1 E	WM	16	SW SW	1.4
Total					131.7

**Split a Permit Review Criteria**

8. The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
SANDELIE GOLF CLUB INC 28333 SW MOUNTAIN RD WEST LINN, OR 97068	131.7	1.6 CFS	3 S	1 E	WM	16	MULTIPLE	400, 500, 1200 & 1300
SHORTLAND GOLF CLUB AKA SHORTYS GOLF COURSE LLC C/O MIKE FRITZ 16842 ALDER CIRCLE LAKE OSWEGO, OR 97034	30.9	0.4 CFS	3 S	1 E	WM	16		100 & 1100

9. The deed supplied with the application, matches the property proposed for assignment.
10. The applicant affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
11. The assignment and issuance of replacement permits would not result in injury to other water right holders.
12. The assignment and issuance of replacement permits would not result in enlargement of the permit.
13. The assignment and issuance of replacement permits does not alter any other terms of Permit G-16291.

**Conclusions of Law**

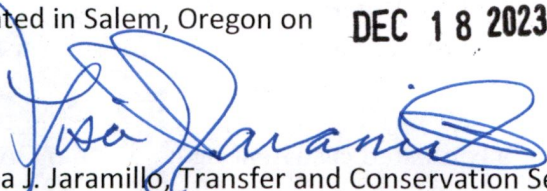
The assignment and issuance of replacement permits proposed by Application T-14244 appear to be consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, the application will be approved.

*If Application T-14244 is approved, the final order will contain the following:*

- The assignment and issuance of replacement permits proposed by Application T-14244 are approved.*

2. *Permit G-18861, in the name of SHORTLAND GOLF CLUB LLC C/O MIKE FRITZ, and Permit G-18862 in the name of SANDELIE GOLF CLUB INC are issued to supersede Permit G-16291. Permit G-16291 is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-16291, previous extensions of time are incorporated into Permits G-18861 and G-18862*

Dated in Salem, Oregon on **DEC 18 2023**

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

This Proposed Final Order was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me at (503) 979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@water.oregon.gov).

### **Protests**

Under the provisions of ORS 537.227 and OAR 690-325-0100, within 45 days after the date of publication in the Department's weekly notice as prescribed by OAR 690-325-0090, a record landowner, an assignee, an affected water right permit holder or other interested person may protest this proposed final order.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-325-0100]. The protest must include the following:

- The person's name, address, and telephone number of the person filing the protest; and;
- A detailed explanation of why the proposed order does not conform with the criteria for a water right permit assignment and a description of the changes to the order that are necessary to correct the nonconformity.
- A protest must identify all issues the person wishes to raise that are reasonably ascertainable at the time the protest is filed. The issues must directly pertain to whether the proposed replacement water right permits are authorized under and in conformance with ORS 537.225;
- If a protest is properly filed, the Department may work with the applicant and the person filing the protest to determine whether the issues raised by the protest can be resolved informally. The Department may:
  - (a) Reissue a proposed final order;
  - (b) Issue a final order; or

(c) Refer the matter for a contested case hearing.

- If the Department is unable to resolve the issues informally and refers the matter for a contested case hearing, the issues properly before the administrative law judge are limited to whether the proposed replacement water right permits are authorized under and in conformance with ORS 537.225. Any unraised issue that was reasonably ascertainable at the time the protest was filed and any argument not raised in the protest with sufficient specificity to afford the Department an opportunity for response is not subject to review at the contested case hearing.
- Notwithstanding ORS 183.310, the parties to a contested case hearing held under OAR 690-325-0100 are limited to:
  - (a) The applicant for the water right permit assignment; and
  - (b) Persons that timely filed a protest against the proposed order under OAR 690-325-0090(3)
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

**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 telephone number for the Oregon Military Department is: 971-355-4127. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-986-0801.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.