

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

In the Matter of Transfer Application            )    PRELIMINARY DETERMINATION  
T-10517, Umatilla County                        )    PROPOSING APPROVAL OF  
  )    ADDITIONAL POINTS OF  
  )    APPROPRIATION AND CHANGE IN  
  )    PLACE OF USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

Golden Valley Farms, LLC  
c/o Darrin Ditchen  
7385 Howell Prairie Rd NE  
Silverton, OR 97381

**Findings of Fact**

**Background**

1. On January 4, 2008, Golden Valley Farms, LLC filed an application to change the place of use and add a point of appropriation under Certificates 76367, 76368, and, 76369. The Department assigned the application number T-10517.
2. The first right to be transferred is as follows:

**Certificate:** 76367 in the name of DITCHEN LAND COMPANY (perfected under Permit G-6600)

**Use:** IRRIGATION of 400.0 ACRES

**Priority Date:** NOVEMBER 12, 1975

**Rate:** 2.2 CUBIC FEET PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** WELL 1 in the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

| <b>Twp</b> | <b>Rng</b> | <b>Mer</b> | <b>Sec</b> | <b>Q-Q</b> | <b>Survey Coordinates</b>  |
|------------|------------|------------|------------|------------|--|
| 3 N        | 30 E       | WM         | 30         | NE SW      | WELL 1 – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30 |

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.

**Authorized Place of Use:**

| IRRIGATION    |      |     |     |       |              |
|---------------|------|-----|-----|-------|--------------|
| Twp           | Rng  | Mer | Sec | Q-Q   | Acres        |
| 3 N           | 30 E | WM  | 30  | NE NE | 33.4         |
| 3 N           | 30 E | WM  | 30  | NW NE | 34.3         |
| 3 N           | 30 E | WM  | 30  | SW NE | 38.1         |
| 3 N           | 30 E | WM  | 30  | SE NE | 37.4         |
| 3 N           | 30 E | WM  | 30  | NE NW | 34.8         |
| 3 N           | 30 E | WM  | 30  | NW NW | 57.6         |
| 3 N           | 30 E | WM  | 30  | SW NW | 56.8         |
| 3 N           | 30 E | WM  | 30  | SE NW | 39.2         |
| 3 N           | 30 E | WM  | 30  | NE SW | 22.7         |
| 3 N           | 30 E | WM  | 30  | NW SW | 38.4         |
| 3 N           | 30 E | WM  | 30  | NW SE | 7.3          |
| <b>TOTAL:</b> |      |     |     |       | <b>400.0</b> |

3. Application T-10517 proposes to add an authorized point of appropriation approximately 0.8 mile northeast from the existing point of appropriation to:

| Twp | Rng  | Mer | Sec | Q-Q   | T Lot | Survey Coordinates   |
|-----|------|-----|-----|-------|-------|--|
| 3 N | 30 E | WM  | 20  | SW SW | 3000  | <b>WELL 2 – 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20</b> |

4. Application T-10517 also proposes to change the place of use of the right to:

| IRRIGATION    |     |     |     |       |       |              |
|---------------|-----|-----|-----|-------|-------|--------------|
| Twp           | Rng | Mer | Sec | Q-Q   | T Lot | Acres        |
| 3N            | 30E | WM  | 30  | NE NE | 4900  | 30.8         |
| 3N            | 30E | WM  | 30  | NW NE | 4900  | 32.2         |
| 3N            | 30E | WM  | 30  | SW NE | 4900  | 38.0         |
| 3N            | 30E | WM  | 30  | SE NE | 4900  | 32.4         |
| 3N            | 30E | WM  | 30  | NE NW | 4900  | 34.3         |
| 3N            | 30E | WM  | 30  | NW NW | 4900  | 19.4         |
| 3N            | 30E | WM  | 30  | SW NW | 4900  | 36.1         |
| 3N            | 30E | WM  | 30  | SE NW | 4900  | 35.6         |
| 3N            | 30E | WM  | 30  | NE SW | 5000  | 21.7         |
| 3N            | 30E | WM  | 30  | NW SW | 5000  | 35.4         |
| 3N            | 30E | WM  | 30  | NE SE | 5000  | 29.8         |
| 3N            | 30E | WM  | 30  | NW SE | 5000  | 8.3          |
| 3N            | 30E | WM  | 30  | SW SE | 5000  | 19.3         |
| 3N            | 30E | WM  | 30  | SE SE | 5000  | 26.7         |
| <b>TOTAL:</b> |     |     |     |       |       | <b>400.0</b> |

5. The second right to be transferred is as follows:

**Certificate:** 76368 in the name of DITCHEN LAND COMPANY (perfected under Permit G-8041)

**Use:** SUPPLEMENTAL IRRIGATION of 123.6 ACRES

**Priority Date:** FEBRUARY 21, 1978

**Rate:** 3.0 CUBIC FEET PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Authorized Point of Appropriation:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates   |
|-----|------|-----|-----|-------|--|
| 3 N | 30 E | WM  | 20  | SW SW | <b>WELL 2 – 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20</b> |

**Authorized Place of Use:**

| IRRIGATION    |      |     |     |       |             |
|---------------|------|-----|-----|-------|-------------|
| Twp           | Rng  | Mer | Sec | Q-Q   | Acres       |
| 3 N           | 30 E | WM  | 30  | NE SE | 28.8        |
| 3 N           | 30 E | WM  | 30  | SW SE | 17.8        |
| 3 N           | 30 E | WM  | 30  | SE SE | 33.7        |
| <b>TOTAL:</b> |      |     |     |       | <b>80.3</b> |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |              |
|-------------------------|------|-----|-----|-------|--------------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres        |
| 3 N                     | 30 E | WM  | 30  | NE NE | 33.4         |
| 3 N                     | 30 E | WM  | 30  | NW NE | 34.3         |
| 3 N                     | 30 E | WM  | 30  | SW NE | 38.1         |
| 3 N                     | 30 E | WM  | 30  | SE NE | 37.4         |
| 3 N                     | 30 E | WM  | 30  | NE NW | 25.6         |
| 3 N                     | 30 E | WM  | 30  | SE NW | 39.2         |
| 3 N                     | 30 E | WM  | 30  | NE SW | 22.7         |
| 3 N                     | 30 E | WM  | 30  | NW SW | 38.4         |
| 3 N                     | 30 E | WM  | 30  | NW SE | 7.3          |
| <b>TOTAL:</b>           |      |     |     |       | <b>276.4</b> |

9. Application T-10517 proposes to add an authorized point of appropriation approximately 0.8 mile southwest from the existing point of appropriation to:

| Twp | Rng  | Mer | Sec | Q-Q   | T Lot | Survey Coordinates  |
|-----|------|-----|-----|-------|-------|---|
| 3 N | 30 E | WM  | 30  | NE SW | 5000  | <b>WELL 1 – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30</b> |

10. Application T-10517 also proposes to change the place of use of the right to:

| IRRIGATION    |      |     |     |       |       |             |
|---------------|------|-----|-----|-------|-------|-------------|
| Twp           | Rng  | Mer | Sec | Q-Q   | T Lot | Acres       |
| 3 N           | 30 E | WM  | 30  | SW NE | 4900  | 0.7         |
| 3 N           | 30 E | WM  | 30  | SE NE | 4900  | 5.4         |
| 3 N           | 30 E | WM  | 30  | NW NW | 4900  | 38.2        |
| 3 N           | 30 E | WM  | 30  | SW NW | 4900  | 20.7        |
| 3 N           | 30 E | WM  | 30  | SE NW | 4900  | 4.3         |
| 3 N           | 30 E | WM  | 30  | NW SW | 5000  | 11.0        |
| <b>TOTAL:</b> |      |     |     |       |       | <b>80.3</b> |

| SUPPLEMENTAL IRRIGATION |      |     |     |       |       |              |
|-------------------------|------|-----|-----|-------|-------|--------------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | T Lot | Acres        |
| 3 N                     | 30 E | WM  | 30  | NE NE | 4900  | 30.8         |
| 3 N                     | 30 E | WM  | 30  | NW NE | 4900  | 32.2         |
| 3 N                     | 30 E | WM  | 30  | SW NE | 4900  | 38.0         |
| 3 N                     | 30 E | WM  | 30  | SE NE | 4900  | 32.4         |
| 3 N                     | 30 E | WM  | 30  | NE NW | 4900  | 34.3         |
| 3 N                     | 30 E | WM  | 30  | NW NW | 4900  | 19.4         |
| 3 N                     | 30 E | WM  | 30  | SW NW | 4900  | 9.3          |
| 3 N                     | 30 E | WM  | 30  | SE NW | 4900  | 34.0         |
| 3 N                     | 30 E | WM  | 30  | NE SW | 5000  | 18.8         |
| 3 N                     | 30 E | WM  | 30  | NW SE | 5000  | 8.3          |
| 3 N                     | 30 E | WM  | 30  | SE SE | 5000  | 18.9         |
| <b>TOTAL:</b>           |      |     |     |       |       | <b>276.4</b> |

11. Notice of the application for transfer was published on January 15, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On March 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10517 to the applicant. The draft Preliminary Determination set forth a deadline of April 11, 2008, 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.

***Transfer Review Criteria (OAR 690-380-4010)***

13. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10517.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.

**Determination and Proposed Action**

The changes in place of use and additional points of appropriation proposed in application T-10517 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

**Source:** WELL 1 in the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates  |
|-----|------|-----|-----|-------|---|
| 3 N | 30 E | WM  | 30  | NE SW | <b>WELL 1</b> – 30 FEET SOUTH AND 640 FEET WEST FROM THE CENTER OF SECTION 30 |

**Authorized Place of Use:**

| SUPPLEMENTAL IRRIGATION |      |     |     |       |              |
|-------------------------|------|-----|-----|-------|--------------|
| Twp                     | Rng  | Mer | Sec | Q-Q   | Acres        |
| 3 N                     | 30 E | WM  | 30  | NE NW | 9.2          |
| 3 N                     | 30 E | WM  | 30  | NW NW | 57.6         |
| 3 N                     | 30 E | WM  | 30  | SW NW | 56.8         |
| <b>TOTAL:</b>           |      |     |     |       | <b>123.6</b> |

6. Application T-10517 proposes to add an authorized point of appropriation approximately 0.8 mile northeast from the existing point of appropriation to:

| Twp | Rng  | Mer | Sec | Q-Q   | T Lot | Survey Coordinates  |
|-----|------|-----|-----|-------|-------|---|
| 3 N | 30 E | WM  | 20  | SW SW | 3000  | <b>WELL 2</b> – 100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER SECTION 20 |

7. Application T-10517 also proposes to change the place of use of the right to:

| IRRIGATION    |      |     |     |       |       |              |
|---------------|------|-----|-----|-------|-------|--------------|
| Twp           | Rng  | Mer | Sec | Q-Q   | T Lot | Acres        |
| 3 N           | 30 E | WM  | 30  | SW NW | 4900  | 26.8         |
| 3 N           | 30 E | WM  | 30  | SE NW | 4900  | 1.6          |
| 3 N           | 30 E | WM  | 30  | NE SW | 5000  | 2.9          |
| 3 N           | 30 E | WM  | 30  | NW SW | 5000  | 35.4         |
| 3 N           | 30 E | WM  | 30  | NE SE | 5000  | 29.8         |
| 3 N           | 30 E | WM  | 30  | SW SE | 5000  | 19.3         |
| 3 N           | 30 E | WM  | 30  | SE SE | 5000  | 7.8          |
| <b>TOTAL:</b> |      |     |     |       |       | <b>123.6</b> |

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

**Certificate:** 76369 in the name of DITCHEN LAND COMPANY (perfected under Permit G-8367)

**Use:** PRIMARY IRRIGATION of 80.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 276.4 ACRES

**Priority Date:** AUGUST 2, 1978

**Rate:** 2.91 CUBIC FEET PER SECOND (CFS)


**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** WELL 2 in the UMATILLA RIVER BASIN

*If application T-10517 is approved, the final order will include the following:*

- 1. The changes in place of use and additional points of appropriation proposed in application T-10517 are approved.*
- 2. Water right certificates 76367, 76368 and 76369 are cancelled. A new certificate will be issued describing that portion of the Certificate 76369 not affected by this transfer.*
- 3. 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 76367, 76368 and 76369 and any related decree.*
- 4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 5. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 6. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 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 approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights 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.*
- 9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 25<sup>th</sup> day of April 2008.

  
Phillip C. Ward, Director *pn*

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us).

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