

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

In the Matter of Proposed Allocation of)	SUPERSEDING FINAL ORDER
Conserved Water Application CW-64,)	APPROVING AND FINALIZING
Umatilla County)	ALLOCATION OF CONSERVED
)	WATER PROJECT CW-64; PARTIAL
)	CANCELLATION OF CERTIFICATE
)	80773; and APPROVAL OF USE
)	UNDER OAR 690-018-0090

Authority

Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application for an Allocation of Conserved Water to the Water Resources Commission for a conservation project that has not yet been implemented or was implemented within five years prior to the submission of the application. ORS 537.465. Under the Allocation of Conserved Water Program, a portion of the water proposed to be conserved by an applicant may be used on additional lands, put to a different use, or be leased or sold to another user. OAR 690-018-0010. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the measure as implemented and the date on which the measure was implemented; (b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented; (c) The amount of water needed to supply existing rights after implementation of the conservation measure; (d) The amount of water conserved by implementing the conservation measure; (e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470; (f) The intended use of any water allocated to the applicant; (g) The applicant's choice of priority date for the conserved water; (h) Evidence that the measure was implemented within five years prior to the date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

After determining any quantity of water needed to mitigate the effects on other water rights, 25-percent of the conserved water shall be allocated to the state and 75-percent to the applicant unless the applicant proposes a higher allocation to the state or more than 25-percent of the funds used to finance the conservation measures comes from federal or state sources. ORS 537.470(3).

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

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 either 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.

If an application for the allocation of conserved water is approved, the Department shall issue orders covering the changes in the original water rights, and once the conservation project is finalized, the Department shall issue new certificates preserving the previously established priority of rights to cover the unaffected portion of the water rights. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process in which a water right holder may submit a request for an allocation of conserved water. OAR Chapter 690, Division 18, implements the statutes and provides the Department's procedures and criteria for evaluating allocation of conserved water applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right certificate is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled. OAR Chapter 690, Division 17 implements the statutes and provides the Department's procedures and criteria for evaluating a voluntarily request that a portion of a water right be cancelled.

Applicants

Superior Farms
J B Land LLC,
P.O. Box 130
Hermiston, OR 97838

Cold Springs Canyon, LLC
81891 Highway 97
Pendleton, OR 97801

Agent

Bill Porfily
PO Box 643
Stanfield OR 97875
wporfily@gmail.com

Findings of Fact

1. This order is issued to correct errors contained in the order issued on April 24, 2012, recorded at Special Order Volume 87, Pages 480-494, and finalizes the allocation under Conserved Water Application CW-64.
2. On November 5, 2009, J B Land LLC, dba Superior Farms, filed an Application for Allocation of Conserved Water. The Department assigned the application number CW-64.
3. The Department published notice of CW-64 in the Department's weekly bulletin on December 22, 2009, and the Applicant published notice of the proposed project in the *East Oregonian* on December 1, 8, and 15, 2009, as required under OAR 690-018-0050.
4. On December 23, 2009, Todd Crosby submitted comments in response to the notice published in the *East Oregonian* on December 15, 2009. However, the comments submitted by Mr. Crosby were directed to the Allocation of Conserved Water program in general, and did not specifically address Allocation of Conserved Water Application CW-64.

5. On December 2, 7, and 12, 2011, the Applicants filed an amended application which more accurately depicted the proposed conservation project. In addition, the Applicant's requested the Department amend the Allocation of Conserved Water project to allow the Applicant to divert the conserved water from the authorized point of diversion or either of the following points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

6. On January 25, 2012, the Applicants amended the existing place of use table for Water Right Certificate 80773 to specify the 53.7 acres to be voluntarily cancelled due to non-use and to specify the 24.0 acres which were not included in the conservation project.
7. On February 10, 2012, the Applicant requested the Department to finalize CW-64 as soon as the 60-day comment period had run.
8. On April 24, 2012, the Department issued Final Order Approving and Partially Finalizing Allocation of Conserved Water Project CW-64, Partial Cancellation and Additional Points of Diversion.
9. On February 5, 2013, a partial assignment of CW-64 from Superior Farms, JB Land, LLC to Cold Springs Canyon, LLC was recorded in the records of the Water Resources Department.
10. The conservation project involves modifying the existing center pivot irrigation systems on 965.8 acres of farmland with state-of-the-art low pressure, low flow sprinklers. Additionally, variable speed pumps have been installed to assist the distribution system to more accurately meet instantaneous irrigation needs.
11. The Applicants propose a rate reduction of approximately 5.05 cubic feet per second (cfs) and propose to reduce the annual volume by 1,047.64 acre-feet (AF).

Certificate	Priority	Existing Acres	Before Project			After Project			Conserved Water	
			CFS	AF/AC	AF	CFS	AF/AC	AF	CFS	AF
80773	3/13/1972	868.50	17.75	4.5	3908.25	13.06	3.38	2935.53	4.69	972.72
85285	3/13/1972	97.30	1.99	4.5	437.85	1.63	3.73	362.93	0.36	74.92
Total:		965.80	19.74		4346.10	14.69		3298.46	5.05	1047.64

12. The portion of the first right to be modified is as follows:

Certificate: 80773 in the name of ROBERT W. BRADSHAW (perfected under Permit S-36169)

Use: IRRIGATION of 868.50 ACRES

Priority Date: MARCH 13, 1972

Rate: 17.75 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, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	24	NE NE	1.9
5 N	29 E	WM	24	SW NE	7.0
5 N	29 E	WM	24	SE NE	35.8
5 N	29 E	WM	24	NE SW	11.7
5 N	29 E	WM	24	SW SW	12.7
5 N	29 E	WM	24	SE SW	34.5
5 N	29 E	WM	24	NE SE	20.4
5 N	29 E	WM	24	NW SE	32.3
5 N	29 E	WM	24	SW SE	21.6
5 N	29 E	WM	24	SE SE	39.5
5 N	29 E	WM	25	NE NE	10.0
5 N	29 E	WM	25	NW NE	40.0
5 N	29 E	WM	25	SW NE	14.9
5 N	29 E	WM	25	SE NE	0.5
5 N	29 E	WM	25	NE NW	28.5
5 N	29 E	WM	25	NW NW	26.1
5 N	29 E	WM	25	SW NW	29.6
5 N	29 E	WM	25	SE NW	37.7
5 N	29 E	WM	25	NE SW	21.0
5 N	29 E	WM	25	NW SW	32.2
5 N	29 E	WM	25	SW SW	21.9
5 N	29 E	WM	26	NE NE	17.2
5 N	29 E	WM	26	SW NE	11.4
5 N	29 E	WM	26	SE NE	26.4
5 N	29 E	WM	26	SE NW	0.2
5 N	29 E	WM	26	NE SW	8.9
5 N	29 E	WM	26	SE SW	3.0
5 N	29 E	WM	26	NE SE	28.7
5 N	29 E	WM	26	NW SE	34.7
5 N	29 E	WM	26	SW SE	10.5
5 N	29 E	WM	26	SE SE	24.5
5 N	29 E	WM	35	NE NE	28.5
5 N	29 E	WM	35	NW NE	30.2
5 N	29 E	WM	35	SW NE	34.5
5 N	29 E	WM	35	SE NE	0.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	35	NE NW	28.3
5 N	29 E	WM	35	NW NW	26.6
5 N	29 E	WM	35	SW NW	25.9
5 N	29 E	WM	35	SE NW	30.5
5 N	30 E	WM	19	SW NW	1.8
5 N	30 E	WM	19	NW SW	2.0
5 N	30 E	WM	19	SW SW	14.0
5 N	30 E	WM	30	NW NW	0.1
TOTAL:					868.5

13. The second right to be modified is as follows:

Certificate: 85285 in the name of J B LAND, LLC (perfected under Permit S-36169)

Use: IRRIGATION of 97.3 ACRES

Priority Date: MARCH 13, 1972

Rate: 1.99 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 an amount actually beneficially used and is further 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, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	24	SW NE	2.8
5 N	29 E	WM	24	NE SW	5.5
5 N	29 E	WM	24	SW SW	1.1
5 N	29 E	WM	24	SE SW	0.9
5 N	29 E	WM	24	NE SE	9.0
5 N	29 E	WM	24	SW SE	12.6
5 N	29 E	WM	24	SE SE	0.4
5 N	29 E	WM	25	NE NE	3.6
5 N	29 E	WM	25	NE NW	6.0
5 N	29 E	WM	25	NW NW	8.9
5 N	29 E	WM	25	SW NW	4.7
5 N	29 E	WM	26	NE NE	2.4
5 N	29 E	WM	26	SW NE	0.4
5 N	29 E	WM	26	SE NE	9.4
5 N	29 E	WM	26	NE SW	8.5
5 N	29 E	WM	26	SE SW	0.8
5 N	29 E	WM	26	NW SE	1.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	26	SW SE	9.2
5 N	29 E	WM	26	SE SE	0.7
5 N	29 E	WM	35	NW NW	6.1
5 N	29 E	WM	35	SE NW	3.0
TOTAL:					97.3

14. Certificates 80773 and 85285 do not list a period of use; therefore, pursuant to OAR 690-250-0070, the irrigation season of use is March 1 through October 31.
15. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A diversion structure and delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submission of Application CW-64.
17. The Applicants propose the conserved water be allocated as follows:

		Conserved Water					
		Applicants' Share		State's Share		Total	
Certificate	Priority	CFS	AF	CFS	AF	CFS	AF
80773	3/13/1972	3.52	729.54	1.17	243.18	4.69	972.72
85285	3/13/1972	0.27	56.19	0.09	18.73	0.36	74.92
Total:		3.79	785.73	1.26	261.91	5.05	1047.64

18. The Applicants request that the priority dates of the conserved water be one-minute junior to the originating rights.
19. The Applicants funded 100% of the conservation project.
20. The application includes land use information forms completed and signed by a representative of the Umatilla County planning department, demonstrating that the application is compatible with the local comprehensive land use plan. Additionally, the Department notified the following downstream local and tribal governments:
 Cities: Arlington, Astoria, Boardman, Clatskanie, Columbia City, The Dalles, Fairview, Hermiston, Mosier, Portland, Prescott, Rufus, Scappoose, St. Helens, and Troutdale;
 Counties: Clatsop, Columbia, Gilliam, Morrow, Multnomah, Sherman, Wasco, and Washington;
 Tribal governments: Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs.
21. The Applicants propose that any instream water right created be for the purposes of conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.

22. The Applicants requested the Department protect the new instream water rights created from the conserved water under Certificates 80773 and 85285 from the authorized point of diversion to the mouth of the Columbia River.
23. In consultation with the Oregon Department of Fish and Wildlife, the Department has determined that conserved water is needed to support instream uses in the Columbia River to provide for the conservation, maintenance and enhancement of aquatic and fish life and fish habitat. Neither the Department of Environmental Quality, nor the Oregon Parks and Recreation Department provided comments on this conservation project.
24. In the December 2011 Amendments to the application, the Applicants indicated the project was completed and requested the allocation be finalized.
25. In the December 2011 Amendments, the Applicants requested a portion of their conserved water under Certificate 80773 be made appurtenant to property (commonly referred to as Cold Springs Canyon) as follows:

Priority: March 13, 1972, plus one minute
Use: Irrigation of 46.43 Acres
Rate: 0.67 cfs
Maximum Volume: 139.29 AF
Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	30 E	WM	11	SW NE	1300	15.48
4 N	30 E	WM	11	SE NE	1300	30.95
TOTAL						46.43

26. In the December 2011 Amendments, the Applicants also requested a portion of their conserved water under Certificate 80773 be used on the following lands:

Priority: March 13, 1972, plus one minute
Use: Irrigation of 20.3 Acres
Rate: 0.34 cfs
Maximum Volume: 68.61 AF

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	29 E	WM	24	SE SW	102	0.1
5 N	29 E	WM	24	SE SE	102	0.1
5 N	29 E	WM	25	SW NW	2800	0.1
5 N	29 E	WM	25	NW SW	2800	0.1
5 N	29 E	WM	26	SW NE	2701	1.3
5 N	29 E	WM	26	SE NW	2701	0.4
5 N	29 E	WM	26	NE SE	2701	0.2
5 N	29 E	WM	35	NE NW	3200	7.0
5 N	29 E	WM	35	SW NW	3200	10.9
5 N	30 E	WM	30	NW NW	1100	0.1
TOTAL						20.3

27. In the December 2011 Amendments, the Applicants requested that the remaining portion of their conserved water be reserved for future out-of-stream use.
28. The application meets the requirements of OAR 690-018-0040.
29. On June 12, 2014, the Applicants clarified the proposed locations for future out-of-stream uses:

Township	Range
2 North	26, 27, and 28 East
3 North	26, 27, 28, 29, and 30 East
4 North	26, 27, 28, 29, and 30 East
5 North	26, 27, 28, 29, and 30 East

30. On June 12, 2014, the Applicants identified additional lands for a portion of their allocation of conserved water to become appurtenant to the lands of Cold Spring Canyon.

Certificate: 80773
Priority: March 13, 1972, plus one minute
Use: Irrigation of 61.4 Acres
Rate: 0.977 cfs, being 0.444 cfs for Tract 2, and 0.533 cfs for Tract 3
Maximum Volume: 184.2 AF, being 73.8 AF for Tract 2, and 110.40 AF for Tract 3

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Tract
4 N	30 E	WM	2	SW SW	800	3.0	3
4 N	30 E	WM	2	SE SW	800	5.7	3
4 N	30 E	WM	2	SW SE	800	5.8	3
4 N	30 E	WM	11	NW NE	1300	4.3	3
4 N	30 E	WM	11	NE NW	800	2.2	3
4 N	30 E	WM	11	NW NW	800	5.6	3
4 N	30 E	WM	11	SW NW	800	5.1	3
4 N	30 E	WM	11	NW SW	1100	5.1	3
5 N	30 E	WM	35	SW NE	1315	4.5	2
5 N	30 E	WM	35	NE SW	1315	4.2	2
5 N	30 E	WM	35	NE SE	1315	5.6	2
5 N	30 E	WM	35	NW SE	1315	8.9	2
5 N	30 E	WM	35	SW SE	1315	1.3	2
5 N	30 E	WM	35	SE SE	1315	0.1	2
TOTAL:						61.4	

31. On June 12, 2014, the Applicants also notified the Department a portion of their allocation of conserved water was to be used by Superior Farms and Royale Columbia Farms, PO Box 130, Hermiston, OR, as follows:

Certificates: 80773 and 85285
Priority: March 13, 1972, plus one minute
Use: Irrigation of 61.0 Acres, being 47.5 acres under Certificate 80773, and 13.5 acres under Certificate 85285
Rate: 1.02 cfs, being 0.794 cfs under Certificate 80773, and 0.226 cfs under Certificate 85285
Maximum Volume: 206.31 AF, being 160.55 AF under Certificate 80773 and 45.76 AF under Certificate 85285

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Certificate	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
85285	4 N	30 E	WM	6	SW NE	600	4.5
85285	4 N	30 E	WM	6	SE NW	700	2.3
85285	4 N	30 E	WM	6	NE SW	700	6.4
85285	4 N	30 E	WM	6	NW SE	600	0.3
80773	5 N	29 E	WM	25	NE NE	2800	6.1
80773	5 N	29 E	WM	25	NE NE	2900	4.2
80773	5 N	29 E	WM	25	SW NE	2800	6.1
80773	5 N	29 E	WM	25	SE NE	2900	4.2
80773	5 N	29 E	WM	25	NE SW	2800	2.9
80773	5 N	29 E	WM	25	NW SW	2800	2.2
80773	5 N	29 E	WM	25	SW SW	2800	1.1
80773	5 N	29 E	WM	25	SW SW	2900	4.2
80773	5 N	29 E	WM	25	SE SW	2900	0.1
80773	5 N	30 E	WM	29	SW NW	1100	0.5
80773	5 N	30 E	WM	30	NE NE	1100	2.3
80773	5 N	30 E	WM	30	SE NE	1100	5.2
80773	5 N	30 E	WM	31	SE SE	1100	2.9
80773	5 N	30 E	WM	32	SW SW	1100	5.5
TOTAL							61.0

32. On June 12, 2014, the Applicants also notified the Department a portion of their allocation of conserved water was to be used by Hawman Farms, 84917 Highway 37, Hermiston, OR, as follows:

Certificate: 80773
Priority: March 13, 1972, plus one minute
Use: Irrigation of 13.6 Acres
Rate: 0.227 cfs
Maximum Volume: 45.97 AF
Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	30 E	WM	19	SW SW	1101	6.8
4 N	30 E	WM	19	SW SW	1102	5.9
4 N	30 E	WM	19	SE SW	1102	0.9
TOTAL						13.6

Allocation of Conserved Water Review Criteria [OAR 690-018-0050]

33. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing rights pursuant to OAR 690-018-0050(4)(a). (Finding of Fact #11).
34. Department staff performed a review of the proposed Allocation of Conserved Water Project. The Department staff determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
35. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #20) OAR 690-018-0050(4)(c).
36. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in the Allocation of Conserved Water Application CW-64 under Certificates 80773 and 85285 are as follows:

Certificate	Rate	Duty	
	Maximum CFS	Maximum AF	AF/AC
80773	13.06	2935.53	3.38
85285	1.63	362.93	3.73

(Finding of Fact #11).

37. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Certificate	Maximum Rate (CFS)	Maximum Duty (Volume) (AF)
80773	1.17	243.18
85285	0.09	18.73

(Finding of Fact #17).

38. As required by OAR 690-018-0050(4)(f), the Department has determined the instream right created will support public benefits. The proposed instream water right will help to meet the target flows identified to increase survival of federally listed salmon and steelhead species as well as other native species in the Biological Opinion issued for the Federal Columbia River Power System Operation. (Finding of Fact #23).
39. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of conserved water allocated to the Applicants does not need to be adjusted because the Applicants funded

100% of the project. (Finding of Fact #19). The rate and volume allocated to the Applicants are as follows:

Certificate	Priority date	Maximum Rate (cfs)	Maximum Duty (Volume) AF
80773	March 13, 1972, <i>plus one minute</i>	3.52	729.54
85285	March 13, 1972, <i>plus one minute</i>	0.27	56.19
Total		3.79	785.73

(Finding of Fact #17).

40. The new instream right created will be protected in the Columbia River from the authorized point of diversion, as described in Findings of Fact #20 and #21, to the mouth. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).

41. To prevent enlargement, the instantaneous rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.

42. The instream right shall allow the use and protection of flow as follows:

Certificate	Priority date	Period of Use	Rate (cfs)	Volume (AF)
80773	March 13, 1972, <i>plus one minute</i>	3/1 through 10/31	0.50	243.18
85285	March 13, 1972, <i>plus one minute</i>	3/1 through 10/31	0.04	18.73
Total			0.54	261.91

43. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water rights.

44. The protection of flows within the proposed reach is appropriate, considering:

- a. The instream water use begins at the recorded point of diversion;
- b. The location of confluences with other streams downstream of the point of diversion;
- c. There are no known areas of natural loss of stream flow to the river bed downstream from the point of diversion; and
- d. Any return flows resulting from the exercise of the existing water rights do not re-enter the river.

OAR 690-077-0015(8).

45. The combination of instream rights for the proposed reach on the Columbia River does not exceed the amount needed to provide increased public benefits, and do not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(8).

46. There are no existing instream water rights on the Columbia River established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.335 (state agency process). By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) located within the proposed reach, any instream water rights established by this conserved water project would provide for protection for additional flows identified as necessary for conservation,

maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).

- 47. The Applicants have completed the project and request the project be finalized. OAR 690-018-0050(4)(i).
- 48. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #34); OAR 690-018-0050(4)(j).
- 49. The proposed areas within which the conserved water is proposed to be used for out of stream uses are within:

Township	Range
2 North	26, 27, and 28 East
3 North	26, 27, 28, 29, and 30 East
4 North	26, 27, 28, 29, and 30 East
5 North	26, 27, 28, 29, and 30 East

(Finding of Fact #29).

- 50. Pursuant to OAR 690-018-0062(3)(a), a portion of the Applicants' share of conserved water shall be applied and become appurtenant as listed below. Upon satisfactory proof of completion of the changes and full beneficial use, a certificate will be issued for the following:

Orig. Certificate: 80773
Priority: March 13, 1972, *plus one minute*
Use: Irrigation of 107.83 Acres
Rate: 1.647 cfs, being 0.67 cfs for Tract 1, 0.444 cfs for Tract 2, and 0.533 cfs for Tract 3
Maximum Volume: 323.49 AF, being 139.29 AF for Tract 1, 73.8 AF for Tract 2, and 110.4 AF for Tract 3

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Tract
4 N	30 E	WM	2	SW SW	800	3.0	3
4 N	30 E	WM	2	SE SW	800	5.7	3
4 N	30 E	WM	2	SW SE	800	5.8	3
4 N	30 E	WM	11	NW NE	1300	4.3	3

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Tract
4 N	30 E	WM	11	NE NW	800	2.2	3
4 N	30 E	WM	11	NW NW	800	5.6	3
4 N	30 E	WM	11	SW NE	1300	15.48	1
4 N	30 E	WM	11	SE NE	1300	30.95	1
4 N	30 E	WM	11	SW NW	800	5.1	3
4 N	30 E	WM	11	NW SW	1100	5.1	3
5 N	30 E	WM	35	SW NE	1315	4.5	2
5 N	30 E	WM	35	NE SW	1315	4.2	2
5 N	30 E	WM	35	NE SE	1315	5.6	2
5 N	30 E	WM	35	NW SE	1315	8.9	2
5 N	30 E	WM	35	SW SE	1315	1.3	2
5 N	30 E	WM	35	SE SE	1315	0.1	2
TOTAL						107.83	

(Findings of Fact #25 and #30).

Pursuant to ORS 540.510(2), the new Certificate shall include the following language:

The use of water under this right was perfected under CW-64. For purposes of future transfers, it is not the intention to permanently layer this water right with any other right existing for the same lands. Therefore, this water right is not subject to the layered water right restrictions contained in ORS 540.510(1). Upon transfer of title to the lands to which this right is appurtenant, this right shall be subject to ORS 537.490(3).

51. A portion of the Applicants' allocation of conserved water as may be utilized as listed below until further notice is provided as set forth in OAR 690-018-0090:

Orig. Certificates: 80773 and 85285
Priority: March 13, 1972, plus one minute
Use: Irrigation of 94.90 Acres, being 81.40 Acres under Certificate 80773, and 13.50 Acres under Certificate 85285
Rate: 1.587 cfs, being 1.361 cfs under Certificate 80773, and 0.226 cfs under Certificate 85285
Maximum Volume: 320.89 AF, being 275.13 AF under Certificate 80773, and 45.76 AF under Certificate 85285

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Certificate	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
85285	4 N	30 E	WM	6	SW NE	600	4.50
85285	4 N	30 E	WM	6	SE NW	700	2.30
85285	4 N	30 E	WM	6	NE SW	700	6.40
85285	4 N	30 E	WM	6	NW SE	600	0.30
80773	4 N	30 E	WM	19	SW SW	1101	6.80
80773	4 N	30 E	WM	19	SW SW	1102	5.90
80773	4 N	30 E	WM	19	SE SW	1102	0.90
80773	5 N	29 E	WM	24	SE SW	102	0.1
80773	5 N	29 E	WM	24	SE SE	102	0.1
80773	5 N	29 E	WM	25	SW NW	2800	0.1
80773	5 N	29 E	WM	25	NW SW	2800	0.1
80773	5 N	29 E	WM	26	SW NE	2701	1.3
80773	5 N	29 E	WM	26	SE NW	2701	0.4
80773	5 N	29 E	WM	26	NE SE	2701	0.2
80773	5 N	29 E	WM	35	NE NW	3200	7.0
80773	5 N	29 E	WM	35	SW NW	3200	10.9
80773	5 N	30 E	WM	30	NW NW	1100	0.1
80773	5 N	29 E	WM	25	NE NE	2800	6.10
80773	5 N	29 E	WM	25	NE NE	2900	4.20
80773	5 N	29 E	WM	25	SW NE	2800	6.10
80773	5 N	29 E	WM	25	SE NE	2900	4.20
80773	5 N	29 E	WM	25	NE SW	2800	2.90
80773	5 N	29 E	WM	25	NW SW	2800	2.20
80773	5 N	29 E	WM	25	SW SW	2800	1.10
80773	5 N	29 E	WM	25	SW SW	2900	4.20
80773	5 N	29 E	WM	25	SE SW	2900	0.10
80773	5 N	30 E	WM	29	SW NW	1100	0.50
80773	5 N	30 E	WM	30	NE NE	1100	2.30
80773	5 N	30 E	WM	30	SE NE	1100	5.20
80773	5 N	30 E	WM	31	SE SE	1100	2.90
80773	5 N	30 E	WM	32	SW SW	1100	5.50
TOTAL							94.90

(Findings of Fact #26, #31, and #32).

52. The remaining portion of the Applicants' conserved water shall be managed instream for future out-of-stream uses as follows:

Certificate	Priority date	Rate (cfs)	Volume (AF)
80773	March 13, 1972, <i>plus one minute</i>	0.512	130.92
85285	March 13, 1972, <i>plus one minute</i>	0.044	10.43
Total		0.556	141.35

From the authorized point of diversion located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

To the mouth of the Columbia River.

Partial Cancellation of a Water Right

53. In the original Allocation of Conserved Water Application, the Applicant asserted a portion of the water right under Certificate 80773 had been abandoned. On June 12, 2014, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Greg Juul, Owner of J.B. Land, LLC. The right to be cancelled is as follows:

Certificate: 80773 in the name of ROBERT W. BRADSHAW (perfected under Permit S-36169)

Use: IRRIGATION of 53.7 ACRES

Priority Date: MARCH 13, 1972

Rate: 1.10 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, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH & 1680 FEET EAST FROM SW CORNER, SECTION 7

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	24	SW NE	2.5
5 N	29 E	WM	24	NE SW	0.4
5 N	29 E	WM	24	SW SW	1.0
5 N	29 E	WM	24	SE SW	4.2
5 N	29 E	WM	24	NE SE	0.4
5 N	29 E	WM	24	NW SE	7.7
5 N	29 E	WM	24	SW SE	4.2
5 N	29 E	WM	25	NE NE	4.5
5 N	29 E	WM	25	NE NW	3.7
5 N	29 E	WM	25	NW NW	1.2
5 N	29 E	WM	25	SE NW	0.3
5 N	29 E	WM	25	NW SW	2.6
5 N	29 E	WM	26	SW NE	7.4
5 N	29 E	WM	26	SE SW	3.0
5 N	29 E	WM	26	SW SE	1.9
5 N	29 E	WM	26	SE SE	8.7
TOTAL:					53.7

Conclusions of Law

The project described in Allocation of Conserved Water Application CW-64 is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Division 018 and 077, and the abandoned right should be cancelled.

1. The proposed change will result in a reduced diversion for the uses allowed under the original water rights. Findings of Fact #11 and #33.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #34.
3. The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #35.

Now, therefore, it is ORDERED:

1. The changes in Conserved Water Application CW-64 are approved, and the abandoned right is cancelled.
2. The quantities of water conserved and allocated are as follows:

		Conserved Water					
		Applicants' Share		State's Share		Total	
Certificate	Priority	CFS	AF	CFS	AF	CFS	AF
80773	3/13/1972	3.52	729.54	1.17	243.18	4.69	972.72
85285	3/13/1972	0.27	56.19	0.09	18.73	0.36	74.92
Total:		3.79	785.73	1.26	261.91	5.05	1047.64

3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 80773 and 85285 and any related decree.
4. Water right Certificate 80773 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding certificate will be issued for the existing use and place of use (described in Finding of Fact #12) at the reduced rate and duty as follows:

Use: IRRIGATION of 868.5 ACRES
Priority Date: March 13, 1972
Rate: 13.06 CFS
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 sixty-sixth (1/66) 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 3.38 acre-feet for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

5. Water Right Certificate 85285 is cancelled. A new certificate will be issued for the existing use and place of use (described in Finding of Fact #13) at the reduced rate and duty as follows:

Use: IRRIGATION of 97.3 ACRES
Priority Date: March 13, 1972
Rate: 1.63 CFS
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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.73 acre-feet for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

6. The Applicants may divert water from the original POD (identified below as POD #3) or from the additional PODs #1 and #2 listed below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

7. Before water may be applied to the new lands, the applicant shall install totalizing flow meters to the Department's satisfaction:
- i. At the points of diversion from the Columbia River and the field diversion used to apply water to the lands described in Findings of Fact #12 and #13, and any other new lands under the Allocation of Conserved Water Project;
 - ii. The meters must be maintained in good working order according to manufacturer's specifications. A different plan for measurement of diverted water at each point of diversion or appropriation that is acceptable to and approved by the Director may be allowed.
 - iii. The Applicants shall allow the Watermaster access to the meters or measuring devices. Where a meter or measuring device is located within a private structure, the Watermaster shall be granted access upon request.
 - iv. Additional measurement and reporting conditions, including, but not limited to additional measuring sites, general water-use information, the place and nature of use of water, and telemetry may be required at the discretion of the Department.

8. A portion of the Applicants' share of conserved water is allocated and appurtenant to the following lands:

Orig. Certificate: 80773
Priority: March 13, 1972, *plus one minute*
Use: Irrigation of 107.83 Acres
Rate: 1.647 cfs, being 0.67 cfs for Tract 1, 0.444 cfs for Tract 2, and 0.533 cfs for Tract 3
Maximum Volume: 323.49 AF, being 139.29 AF for Tract 1, 73.8 AF for Tract 2, and 110.4 AF for Tract 3

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Tract
4 N	30 E	WM	2	SW SW	800	3.0	3
4 N	30 E	WM	2	SE SW	800	5.7	3
4 N	30 E	WM	2	SW SE	800	5.8	3
4 N	30 E	WM	11	NW NE	1300	4.3	3
4 N	30 E	WM	11	NE NW	800	2.2	3
4 N	30 E	WM	11	NW NW	800	5.6	3
4 N	30 E	WM	11	SW NE	1300	15.48	1
4 N	30 E	WM	11	SE NE	1300	30.95	1
4 N	30 E	WM	11	SW NW	800	5.1	3
4 N	30 E	WM	11	NW SW	1100	5.1	3
5 N	30 E	WM	35	SW NE	1315	4.5	2
5 N	30 E	WM	35	NE SW	1315	4.2	2
5 N	30 E	WM	35	NE SE	1315	5.6	2
5 N	30 E	WM	35	NW SE	1315	8.9	2
5 N	30 E	WM	35	SW SE	1315	1.3	2
5 N	30 E	WM	35	SE SE	1315	0.1	2
TOTAL						107.83	

Finding of Fact #25 and 30.

Pursuant to ORS 540.510(2), the new Certificate shall include the following language:

The use of water under this right was perfected under CW-64. For purposes of future transfers, it is not the intention to permanently layer this water right with any other right existing for the same lands. Therefore, this water right is not subject to the layered water right restrictions contained in ORS 540.510(1). Upon transfer of title to the lands to which this right is appurtenant, this right shall be subject to ORS 537.490(3).

9. A portion of the Applicants' allocation of conserved water may be utilized as listed below until further notice is provided as set forth in ORS 537.490(1) and OAR 690-018-0090:

Orig. Certificates: 80773 and 85285
Priority: March 13, 1972, plus one minute
Use: Irrigation of 94.90 Acres, being 81.40 Acres under Certificate 80773, and 13.50 Acres under Certificate 85285
Rate: 1.587 cfs, being 1.361 cfs under Certificate 80773, and 0.226 cfs under Certificate 85285
Maximum Volume: 320.89 AF, being 275.13 AF under Certificate 80773, and 45.76 AF under Certificate 85285

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	POD #1 (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	8	SW NW	POD #2 (ROYAL COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Place of Use:

IRRIGATION							
Certificate	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
85285	4 N	30 E	WM	6	SW NE	600	4.50
85285	4 N	30 E	WM	6	SE NW	700	2.30
85285	4 N	30 E	WM	6	NE SW	700	6.40
85285	4 N	30 E	WM	6	NW SE	600	0.30
80773	4 N	30 E	WM	19	SW SW	1101	6.80
80773	4 N	30 E	WM	19	SW SW	1102	5.90
80773	4 N	30 E	WM	19	SE SW	1102	0.90
80773	5 N	29 E	WM	24	SE SW	102	0.1
80773	5 N	29 E	WM	24	SE SE	102	0.1
80773	5 N	29 E	WM	25	SW NW	2800	0.1
80773	5 N	29 E	WM	25	NW SW	2800	0.1
80773	5 N	29 E	WM	26	SW NE	2701	1.3
80773	5 N	29 E	WM	26	SE NW	2701	0.4
80773	5 N	29 E	WM	26	NE SE	2701	0.2
80773	5 N	29 E	WM	35	NE NW	3200	7.0

IRRIGATION							
Certificate	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
80773	5 N	29 E	WM	35	SW NW	3200	10.9
80773	5 N	30 E	WM	30	NW NW	1100	0.1
80773	5 N	29 E	WM	25	NE NE	2800	6.10
80773	5 N	29 E	WM	25	NE NE	2900	4.20
80773	5 N	29 E	WM	25	SW NE	2800	6.10
80773	5 N	29 E	WM	25	SE NE	2900	4.20
80773	5 N	29 E	WM	25	NE SW	2800	2.90
80773	5 N	29 E	WM	25	NW SW	2800	2.20
80773	5 N	29 E	WM	25	SW SW	2800	1.10
80773	5 N	29 E	WM	25	SW SW	2900	4.20
80773	5 N	29 E	WM	25	SE SW	2900	0.10
80773	5 N	30 E	WM	29	SW NW	1100	0.50
80773	5 N	30 E	WM	30	NE NE	1100	2.30
80773	5 N	30 E	WM	30	SE NE	1100	5.20
80773	5 N	30 E	WM	31	SE SE	1100	2.90
80773	5 N	30 E	WM	32	SW SW	1100	5.50
TOTAL							94.90

10. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2016. A claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the Applicants, on or before October 1, 2017, for the 107.83 acres identified in Conclusion of Law #8 above.
11. When satisfactory proof of the completed changes is received, a new certificate confirming the use of the conserved water on the new lands identified in Conclusion of Law #8 above, will be issued.
12. The remaining portion of the Applicants' share of the Conserved Water (described below) will be reserved and managed instream until a Notice provided under ORS 537.490(1) and OAR 690-018-0090 is submitted by the Applicants and approved by the Department.

Conserved Water				Applied (Proof Required)		Use on Other Lands		Remaining	
Orig. Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
80773	3/13/1972	3.52	729.54	1.647	323.49	1.361	275.13	0.512	130.92
85285	3/31/1972	0.27	56.19			0.226	45.76	0.044	10.43
Totals		3.79	785.73	1.647	323.49	1.587	320.89	0.556	141.35

From the authorized point of diversion on the Columbia River, located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

To the mouth of the Columbia River, at river mile 0.0.

13. As set forth in Findings of Fact #40, #41, and #42, a new instream certificate shall be issued for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Columbia River as follows:

Certificate	Priority date	Period of Use	Rate (cfs)	Volume (AF)
80773	March 13, 1972, <i>plus one minute</i>	3/1 through 10/31	0.50	243.18
85285	March 13, 1972, <i>plus one minute</i>	3/1 through 10/31	0.04	18.73
Total			0.54	261.91


From the authorized point of diversion on the Columbia River, located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	POD #3 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

To the mouth of the Columbia River, at river mile 0.0.

14. The instream water right shall be in addition to any instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

Dated at Salem, Oregon this 27 day of January, 2015.


 Dwight French, Water Rights Services Administrator for
 THOMAS M. BYLER, DIRECTOR
 OREGON WATER RESOURCES DEPARTMENT

Mailing date: _____