

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

In the Matter of Allocation of Conserved     )  
Water Application CW-65,                         )  
Umatilla County                                 )  
  )  
  ) ORDER ON SUBMISSION OF CLAIMS OF  
  ) BENEFICIAL USE AND APPROVING  
  ) DISPOSITION AND USE OF THE  
  ) APPLICANT’S PORTION OF CONSERVED  
  ) WATER

**Applicant**

Royale Columbia Farms, Inc.  
Attn.: Greg Juul  
PO Box 130  
Hermiston, OR 97838

**Applicable Law**

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 conserved water applications and for implementing the use of the conserved water.

Pursuant to ORS 537.470(3), the Department determined the allocation of conserved water under Conserved Water Application CW-65. Any person or agency allocated conserved water under ORS 537.470 may reserve the water instream for future out-of-stream use or otherwise use or dispose of the conserved water. Any person or agency to whom conserved water is allocated shall notify the Commission of any change in the type of use, place of use, or point of diversion.

OAR 690-018-0062 establishes the criteria and procedures on completion and finalization of a conserved water project.

**Findings of Fact**

1. On November 17, 2011, the Department issued a Final Order Approving Allocation of Conserved Water Application CW-65 and Additional Points of Diversion (Final Order), recorded in Special Order Volume 85, Pages 698-713. The Final Order was mailed on November 21, 2011.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

2. The Final Order described the conserved water as follows:

Conserved Water Description										
		Certificate			Needed			Conserved Water		
		Rate	Duty		Rate	Duty		Rate	Duty	
Certificate	Acres	Maximum CFS	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
50872	454.4	8.90	2044.8	4.5	7.59	1744.90	3.84	1.31	299.90	0.66
81197	<b>2115.6*</b>	41.46	<b>9520.2</b>	4.5	28.27	6790.11	3.21	13.19	<b>2730.09</b>	1.29
84967	236.8	4.64	1065.6	4.5	3.95	909.31	3.84	0.69	156.29	0.66
<b>Total</b>	<b>2806.8</b>	<b>55.00</b>	<b>12630.6</b>		<b>39.81</b>	<b>9444.32</b>		<b>15.19</b>	<b>3186.28</b>	

\* - Scriveners error in the Final Order showed the number of acres involved as 2115.3 instead of 2115.6. This caused a corresponding error in the duty of water listed under the Certificate and the duty of water listed under the conserved water (identified in bold).  
(Final Order, Page 7, ¶17).

3. The Final Order established the allocation of the conserved water as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
50872	25%	0.33	74.97	75%	0.98	224.93	100%	1.31	299.90
81197	25%	3.30	682.19	75%	9.89	<b>2047.90*</b>	100%	13.19	<b>2730.09*</b>
84967	25%	0.17	39.07	75%	0.52	117.22	100%	0.69	156.29
<b>Totals</b>		<b>3.80</b>	<b>796.23</b>		<b>11.39</b>	<b>2390.05</b>		<b>15.19</b>	<b>3186.28</b>

\* - Scrivener's error in Final Order as identified in Finding of Fact #2 above.

4. The Final Order stated a "permanent place of use" for portions of the conserved water allocated to the applicant has been determined and required completion of use at the permanent place of use by October 1, 2012, and a Claim of Beneficial Use to be submitted on or before October 1, 2013, (identified in the table below in the column "Applied (Proof Required)"); thereafter, a certificate would be issued. (Final Order, Page 14, ¶6 and Page 16 ¶ 15).

5. The Final Order established the Applicant's portion of conserved water as follows:

Applicant's Portion of Conserved Water				Applied (Proof Required)		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
50872	12/5/1974*	0.98	224.93	0.94	215.04	0.04	9.89
81197	12/8/1970*	9.89	<b>2047.90**</b>	7.01	1451.70	2.88	<b>596.20</b>
84967	12/8/1970*	0.52	117.22	0.47	107.07	0.05	10.15
<b>Totals</b>		<b>11.39</b>	<b>2390.05</b>	<b>8.42</b>	<b>1773.81</b>	<b>2.97</b>	<b>616.24</b>

\* - plus one minute

\*\* - Scrivener's error in Final Order as identified in Finding of Fact #2 above.

6. The Final Order also approved two new additional points of diversion for the conserved water to serve the new lands as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
5 N	30 E	WM	8	NE NW	200	POD #1: (HAWMAN PUMPING STATION) 9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17
5 N	30 E	WM	7	SE SW	200	POD #3: (JB LAND PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

(Final Order, Page 6, ¶11, and Page 14, ¶12).

7. The Final Order also stated the remaining portion of the Applicant's portion of conserved water would be reserved instream until a "permanent place of use" was determined. (Final Order, Page 15, ¶19).
8. On December 11, 2011, the Applicant identified additional lands to be irrigated from the conserved water. On January 18, 2012, at the Applicant's request, the Department issued an Order Finalizing Increment II of Allocation of Conserved Water CW-65 (Increment 2 Order), recorded at Special Order Volume 85, Pages 950-956.
9. The Increment 2 Order established the Applicant's portion of conserved water as follows:

Applicant's Portion of Conserved Water				Applied (Proof Required) Increment 1		Applied (Proof Required) Increment 2		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
50872	12/5/1974*	0.98	224.93	0.94	215.04	0.04	9.89	0	0
81197	12/8/1970*	9.89	2047.90**	7.01	1451.70	2.88	596.20	0	0
84967	12/8/1970*	0.52	117.22	0.47	107.07	0.05***	10.15	0	0
<b>Totals</b>		<b>11.39</b>	<b>2390.05</b>	<b>8.42</b>	<b>1773.81</b>	<b>2.97</b>	<b>616.24</b>	<b>0</b>	<b>0</b>

\* - plus one minute

\*\* - Scrivener's error in Final Order as identified in Finding of Fact #2 above.

\*\*\* - Scrivener's error in Increment 2 Order (0.52 cfs - 0.47 cfs = 0.05 cfs); order listed as 0.04 cfs.

10. The Increment 2 Order required completion of use at the "permanent place" of use by October 1, 2013, and a Claim of Beneficial use to be submitted within one year after the deadline for completion of the change and full beneficial use of the water; thereafter, a certificate would be issued. (Increment 2 Order, Page 7, ¶¶6 and 7).
11. The proposed areas for the Applicant's portion of conserved water to be used for future out-of-stream purposes were identified by the Applicant on July 1, 2019.

Township	Ranges
2 North	23, 24, 26, 27, 28, 29 East
3 North	23, 24, 26, 27, 28, 29, 30, 31 East
4 North	23, 24, 25, 26, 27, 28, 29, 30, 31 East
5 North	26, 27, 28, 29, 30, 31 East

12. On February 4, 2013, upon the advice of the Department, the Applicant submitted a Request for Assignment assigning a portion of his interest in the conserved water application to Cold Springs Canyon, LLC. This was done because a portion of the conserved water was placed on Cold Springs Canyon, LLC's property.
13. On July 1, 2019, the Applicant submitted a letter to the Department indicating it was not its intent to permanently give or sell his conserved water to Cold Spring Canyon, LLC. Rather, the intent was to use the conserved water on Cold Spring Canyon, LLC's land.
14. On July 1, 2019, the Applicant submitted Claims of Beneficial Use for the "Applied (Proof Required)" portions of conserved water as required under the Final Order and Increment 2 Order.
15. The first submitted Claim of Beneficial Use (CW-65 Increment 1) identified the following uses from the Final Order:

**Originating**

**Certificate:** 50872

**Use:** IRRIGATION OF 53.1 ACRES

**Priority Date:** December 5, 1974, *plus one-minute*

**Rate:** 0.89 CUBIC FOOT PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.84 acre-feet per acre for each acre irrigated, further limited to an annual volume of 203.9 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	36	SE NE	23.4
5 N	30 E	WM	18	SE SE	12.6
5 N	30 E	WM	31	SW NW	17.1
TOTAL:					53.1

**Originating****Certificate:** 81197**Use:** IRRIGATION OF 483.9 ACRES**Priority Date:** December 8, 1970, *plus one-minute***Rate:** 7.01 CUBIC FEET PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 1/69 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 3.0 acre-feet per acre for each acre irrigated, further limited to an annual volume of 1451.7 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	G-Lot or DLC	Acres
4 N	30 E	WM	1	NE NW	1315	2	25.5
4 N	30 E	WM	1	NW NW	1315	2	26.0
4 N	30 E	WM	1	SW NW	1315		9.4
4 N	30 E	WM	1	SE NW	1315		8.4
4 N	30 E	WM	2	NE NE	1315	2	0.2
4 N	30 E	WM	2	NE SW	800		6.0
4 N	30 E	WM	2	NW SW	800		15.6
4 N	30 E	WM	2	SW SW	800		35.9
4 N	30 E	WM	2	SE SW	800		29.0
4 N	30 E	WM	2	NW SE	800		0.6
4 N	30 E	WM	2	SW SE	800		21.5
4 N	30 E	WM	11	NE NW	800		31.1
4 N	30 E	WM	11	NW NW	800		30.6
4 N	30 E	WM	11	SW NW	800		30.6
4 N	30 E	WM	11	SE NW	800		31.5
4 N	30 E	WM	11	NE SW	1100		31.2
4 N	30 E	WM	11	NW SW	1100		30.6
4 N	30 E	WM	11	SW SW	1100		30.6
4 N	30 E	WM	11	SE SW	1100		31.4
5 N	30 E	WM	35	SE SE	1315		0.1

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	G-Lot or DLC	Acres
5 N	30 E	WM	36	SW SW	1315		29.6
5 N	30 E	WM	36	SE SW	1315		28.5
TOTAL							483.9

**Originating**

**Certificate:** 84967

**Use:** IRRIGATION OF 22.2 ACRES

**Priority Date:** December 8, 1970, *plus one-minute*

**Rate:** 0.37 CUBIC FOOT PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.77 acre-feet per acre for each acre irrigated, further limited to an annual volume of 83.69 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Lot or DLC	Acres
4 N	30 E	WM	6	SW NW	700	1	17.7*
4 N	30 E	WM	6	NW SW	700	2	4.5
TOTAL							22.2

\*Scriveners error in Claim of Beneficial Use Form. Map shows 17.7

16. The second submitted Claim of Beneficial Use (CW-65 Increment 2) identified the following uses from the Increment 2 Order:

**Originating**

**Certificate:** 50872

**Use:** IRRIGATION OF 2.58 ACRES

**Priority Date:** December 5, 1974, *plus one-minute*

**Rate:** 0.04 CUBIC FOOT PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.83 acre-feet per acre for each acre irrigated, further limited to an annual volume of 9.89 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Acres
4 N	30 E	WM	11	NE NE	1300	2.58

\* - Scrivener's error in Increment 2 Order. Rate per acre calculates to 1/60 of one cfs not the 1/69 of one cfs rate stated in the Increment 2 Order, and is consistent with the rate under the Final Order.

**Originating**

**Certificate:** 81197

**Use:** IRRIGATION OF 198.28 ACRES

**Priority Date:** December 8, 1970, *plus one-minute*

**Rate:** 2.88 CUBIC FEET PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 1/69 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 3.0 acre-feet per acre for each acre irrigated, further limited to an annual volume of 596.2 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Acres
4 N	30 E	WM	11	NE NE	1300	24.48
4 N	30 E	WM	11	NW NE	1300	30.30
4 N	30 E	WM	11	SW NE	1300	16.22
4 N	30 E	WM	11	SE NE	1300	1.10
4 N	30 E	WM	11	SE NW	800	2.38
4 N	30 E	WM	11	NE SE	1300	30.2
4 N	30 E	WM	11	NW SE	1300	30.4
4 N	30 E	WM	11	SW SE	1300	31.6
4 N	30 E	WM	11	SE SE	1300	31.6
TOTAL						198.28

**Originating**

**Certificate:** 84967

**Use:** IRRIGATION OF 2.69 ACRES

**Priority Date:** December 8, 1970, *plus one-minute*

**Rate:** 0.04 CUBIC FOOT PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.77 acre-feet per acre for each acre irrigated, further limited to an annual volume of 10.15 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Acres
4 N	30 E	WM	11	NE NE	1300	2.69

- The Increment 2 Order also included limitation language for the use of conserved water under each of the certificates. The language stated: "The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands . . ." ORS 540.510(2) states that: subject to the limitations in ORS 537.490, any right



to the use of conserved water allocated under ORS 537.470 may be severed from the land and transferred or sold. Therefore, the conserved water is not layered with any other water right existing for the same lands.

18. The use of the conserved water and the Claims of Beneficial Use identified slightly different quantities and amounts than listed in the Final Order and Increment 2 Order. Therefore, the Applicant's portion of conserved water is depicted as follows:

Applicant's Portion of Conserved Water				Applied (Proof Submitted) Increment 1		Applied (Proof Submitted) Increment 2		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
50872	12/5/1974*	0.98	224.93	0.89	203.90	0.04	9.89	0.05	11.14
81197	12/8/1970*	9.89	2047.90**	7.01	1451.70	2.88	596.20	0	0
84967	12/8/1970*	0.52	117.22	0.37	83.69	0.04	10.15	0.11	23.38
<b>Totals</b>		<b>11.39</b>	<b>2390.05</b>	<b>8.27</b>	<b>1739.29</b>	<b>2.96</b>	<b>616.24</b>	<b>0.16</b>	<b>34.52</b>

\* - plus one minute

\*\* - Scrivener's error in Final Order as identified in Finding of Fact #2 above.

19. On July 1, 2019, the Applicant submitted 60-Day Notices of Use or Disposition of the Applicant's Portion of Conserved Water (Notices of Use) for each finalized increment. The 60-day Notices of Use included the additional information required under 537.490(1) and OAR 690-018-0062(3)(A), along with a map. The Notices of Use specified use of water at the same places of use as the Claims of Beneficial Use and indicated a portion of the conserved water was to be used on the lands of:

Cold Springs Canyon, LLC  
 c/o Paul Bracher  
 81891 Hwy 37  
 Pendleton, OR 97801

**Review Criteria**

20. Under ORS 537.490(1), the Department may only require a Notice of Use of the right to the use of conserved water. The Notice of Use shall include the name and address of the person buying or leasing the right to the use of conserved water; the use to which the conserved water is to be put; and the terms of any agreement between the appropriator and the person using the conserved water.
21. Under OAR 690-018-0062(4)(c), upon receipt of a request that an allocation of conserved water be finalized, the Director shall issue an order allowing: a) the use of any portion of the conserved water allocated to the applicants at the location for the type of use identified pursuant to subsection (3)(a) of the rule; and the use and management as an instream water right for that water that is being leased or temporarily reserved instream for future out-of-stream use.

22. OAR 690-18-0090 allows any person or agency entitled to the use of conserved water to notify the Director of any change in the type of use, place of use, or point of diversion.
23. ORS 537.500(1) states a water right for conserved water shall have the same legal status as any other water right for which a certificate has been issued.
24. Under ORS 537.490(3), any right to the use of conserved water sold under ORS 537.490(1) shall: a) become appurtenant to the premises upon which the purchaser uses the water, and b) shall be subject to the provisions of ORS 540.505 to 540.565 [transfer statutes] and 540.610 to 540.650 [forfeiture statutes].
25. None of the conserved water statutes or rules requires an applicant to specify a permanent place of use of the conserved water, thereby making the water right appurtenant to the lands specified. Only upon gift or sale of the conserved water shall the water right become appurtenant to the premises upon which use is made and a certificate of water right shall be issued upon satisfactory proof.
26. The Applicant's portion of conserved water identified as Reserved Instream for Future Out-of-Stream Use in Finding of Fact #18, shall be managed instream until such time as a Notice of Use and Disposition is submitted and approved.

The quantities protected are not measurable in the Columbia River, therefore, the quantities will only be protected at the authorized point of diversion and not a reach. The instream right shall allow the use and protection of flows as follows:

**COLUMBIA RIVER, tributary to the Pacific Ocean**

**Instream Point:**

At the authorized point of diversion for Certificates 50872 and 84967:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	(ROYALE COLUMBIA FARMS): 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

Orig. Cert	Priority	Period of Use	Rate (CFS)	Volume (AF)
50872	12/5/1974, <i>plus one minute</i>	June 13 through September 30	0.05	11.14
84967	12/8/1970, <i>plus one minute</i>	June 13 through September 30	0.11	23.38
Total			0.16	34.52

**Conclusions of Law**

1. The Department did not have the authority to require the Applicant to submit Claims of Beneficial Use making the conserved water appurtenant to specific lands.

2. The Applicant has complied with the terms of the Final Order and the Increment 2 Order.
3. The proposed use is within the area described by the applicant under OAR 690-018-0050(4)(h).
4. The proposed use would not constitute an expansion of the right.
5. The proposed use is consistent with OAR 690-005-0045(Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans).

Now, therefore, it is **ORDERED**:

1. The use of water as described in Findings of Fact #15, #16, and #17 is approved.
2. Before water may be applied to the new lands the applicant shall install totalizing flow meters to the Department's satisfaction at the authorized points of diversion from the Columbia River (*if not already present*), and at such places, including "tie-ins," or connection points as deemed necessary by the Watermaster to ensure the Applicant is not exceeding the quantity of water allowed on the new lands as described above. Additionally, 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 that is acceptable to, and approved by the Director, may be allowed.
3. The applicant shall provide the Watermaster access to the meters or measuring devices at all times. However, if the meter is located within a private structure, the Watermaster shall provide reasonable notice of intent to inspect the meter, prior to entering the private structure.
4. The Applicant shall maintain a complete record of water usage on a monthly basis and shall submit annual reports of water usage to the Watermaster's office in Pendleton. The water use reports shall include recorded monthly water usage measurements from each point of diversion and each tie-in. The reports shall also include dates of measurement and other information as may be requested by the Watermaster. The frequency or timing of the reports may be modified upon a determination by the Department that an alternate frequency is needed or appropriate. The reporting frequency may also be modified, if requested by the Applicant and approved by the Department. The reports may be e-mailed, faxed, mailed or delivered in person.
5. 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.
6. The use of water as identified in Finding of Fact #15, #16, and #17, and as specified below, may be made until such time as subsequent Notices of Use are received pursuant to ORS 537.490 and OAR 690-018-0090.

**Certificate:** 50872  
**Use:** IRRIGATION OF 55.68 ACRES  
**Priority Date:** December 5, 1974, *plus one-minute*  
**Rate:** 0.93 CUBIC FOOT PER SECOND (cfs)  
**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.84 acre-feet per acre for each acre irrigated, further limited to an annual volume of 213.79 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Acres
5 N	29 E	WM	36	SE NE	2900	23.40
5 N	30 E	WM	18	SE SE	903	12.60
5 N	30 E	WM	31	SW NW	1100	17.10
4 N	30 E	WM	11	NE NE	1300	2.58
TOTAL						55.68

**Originating Certificate:** 81197  
**Use:** IRRIGATION OF 682.18 ACRES  
**Priority Date:** December 8, 1970, *plus one-minute*  
**Rate:** 9.89 CUBIC FEET PER SECOND (cfs)  
**Limit:** The amount of water used for irrigation is limited to a diversion of 1/69 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 3.0 acre-feet per acre for each acre irrigated, further limited to an annual volume of 2047.9 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	G-Lot or DLC	Acres
4 N	30 E	WM	1	NE NW	1315	2	25.50
4 N	30 E	WM	1	NW NW	1315	2	26.00
4 N	30 E	WM	1	SW NW	1315		9.40
4 N	30 E	WM	1	SE NW	1315		8.40
4 N	30 E	WM	2	NE NE	1315	2	0.20
4 N	30 E	WM	2	NE SW	800		6.00
4 N	30 E	WM	2	NW SW	800		15.60
4 N	30 E	WM	2	SW SW	800		35.90
4 N	30 E	WM	2	SE SW	800		29.00
4 N	30 E	WM	2	NW SE	800		0.60
4 N	30 E	WM	2	SW SE	800		21.50
4 N	30 E	WM	11	NE NE	1300		24.48
4 N	30 E	WM	11	NW NE	1300		30.30
4 N	30 E	WM	11	SW NE	1300		16.22
4 N	30 E	WM	11	SE NE	1300		1.10
4 N	30 E	WM	11	NE NW	800		31.10
4 N	30 E	WM	11	NW NW	800		30.60
4 N	30 E	WM	11	SW NW	800		30.60
4 N	30 E	WM	11	SE NW	800		31.50
4 N	30 E	WM	11	SE NW	800		2.38
4 N	30 E	WM	11	NE SW	1100		31.20
4 N	30 E	WM	11	NW SW	1100		30.60
4 N	30 E	WM	11	SW SW	1100		30.60
4 N	30 E	WM	11	SE SW	1100		31.40
4 N	30 E	WM	11	NE SE	1300		30.20
4 N	30 E	WM	11	NW SE	1300		30.40
4 N	30 E	WM	11	SW SE	1300		31.60
4 N	30 E	WM	11	SE SE	1300		31.60
5 N	30 E	WM	35	SE SE	1315		0.100
5 N	30 E	WM	36	SW SW	1315		29.60
5 N	30 E	WM	36	SE SW	1315		28.50
TOTAL							682.18

**Originating**

**Certificate:** 84967

**Use:** IRRIGATION OF 24.89 ACRES

**Priority Date:** December 8, 1970, *plus one-minute*

**Rate:** 0.41 CUBIC FOOT PER SECOND (cfs)

**Limit:** The amount of water used for irrigation is limited to a diversion of 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 3.77 acre-feet per acre for each acre irrigated, further limited to an annual volume of 93.84 acre feet.

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

**Authorized 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: (ROYALE COLUMBIA FARMS) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	7	SE SW	POD #3 (JB LAND PUMPING STATION) 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	Tax Lot	Lot or DLC	Acres
4 N	30 E	WM	6	SW NW	700	1	17.70
4 N	30 E	WM	6	NW SW	700	2	4.50
4 N	30 E	WM	11	NE NE	1300		2.69
TOTAL							24.89

- The use of water as identified in #6 above is subject to the provisions of OAR 690-0018-0090(6) and ORS 540.610 to 540.660.
- The Applicant's portion of conserved water identified as Reserved Instream for Future Out-of-Stream Use in Finding of Fact #18, shall be managed instream until such time as a Notice of Use and Disposition is submitted and approved.

**COLUMBIA RIVER, tributary to the Pacific Ocean**

**Instream Point:**

At the authorized point of diversion for Certificates 50872 and 84967:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	(ROYALE COLUMBIA FARMS): 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

Orig. Cert	Priority	Period of Use	Rate (CFS)	Volume (AF)
50872	12/5/1974, <i>plus one minute</i>	June 13 through September 30	0.05	11.14
84967	12/8/1970, <i>plus one minute</i>	June 13 through September 30	0.11	23.38
Total			0.16	34.52

DATED at Salem, Oregon this 30 day of September, 2019.

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 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 THOMAS M. BYLER, DIRECTOR  
 Oregon Water Resources Department

Mailing date: October 2, 2019

