

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

In the Matter of Allocation of Conserved)	ORDER ON ASSIGNMENT and REQUIRING
Water Application CW-107,)	SUBMISSION OF CLAIM OF BENEFICIAL USE
Douglas County)	FOR APPLICANT'S PORTION OF CONSERVED
)	WATER

Project Holder of CW-107

OR PH, LLC
PO Box 2542
Redway, CA 95560

(Original Applicant)

Hempterra
Attn: Rulsan Pop
501 Addy Lane
Roseburg, OR 97417

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-107. ORS 537.490(1) provides any person or agency to whom conserved water is allocated shall notify the Commission of the dispensation of the right to the conserved water. Pursuant to ORS 537.490(3) and OAR 690-018-0090(4), when a right to the use of conserved water is sold or given to an agency or political subdivision of the state or to a person: (a) the right shall become appurtenant to the premises upon which the use is made; (b) a certificate of water shall be issued upon satisfactory proof of use; and (c) unless dedicated to instream use, the right shall be subject to the provisions of ORS 540.510 to 540.539, 540.572 to 540.578, and 540.610 to 540.670.

Pursuant to ORS 537.490(4), when the commission receives notice of the sale of the right to the use of conserved water, the commission shall issue to the purchaser a new water right

<p>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.</p>
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certificate covering the right to the use of conserved water that was sold. The certificate shall indicate the priority of the water right according to the provisions of ORS 537.485.

Findings of Fact

1. On July 3, 2019, the Department issued a Final Order Approving on Completion and Finalization Allocation of Conserved Water CW-107 (Finalization Order), recorded at Special Order Volume 113, Pages 518-526.
2. The Finalization Order allocated the Applicant the following quantity of conserved water:

Priority Date	Maximum Rate	Maximum Duty (Volume)
April 17, 1923	0.083 cfs	40.26 AF

3. The Finalization Order also included the proposed areas for future out-of-stream use as follows:

Sections	Township	Range	Mer.
3, 4, 9, and 10	28 South	6	WM

4. The Finalization Order allowed the use of the Applicant's portion of conserved water as follows until such time a subsequent Notice of Use or Disposition was received pursuant to ORS 537.490 and OAR 690-018-0090 was received.

Use: IRRIGATION of 15.0 ACRES

Priority Date: April 17, 1923

Rate: 0.083 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE ONE-HUNDRED EIGHTIETH (1/180) of one cubic foot per second per acre, and is further limited to an annual volume limitation of 40.26 acre-feet.

Source: SOUTH UMPQUA RIVER, tributary of the UMPQUA RIVER

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	6 W	WM	3	SW SW	402 FEET NORTH AND 1268 FEET EAST FROM THE SW SECTION CORNER OF SECTION 3

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	6 W	WM	3	SW SW	11.5
28 S	6 W	WM	4	SE SE	3.5
Total					15.0

5. On November 17, 2021, an Assignment by Proof of deeded landowner was recorded in the records of the Department.

Review Criteria

6. When a right to the use of conserved water is sold, the right shall become appurtenant to the premises upon which use is made. OAR 690-018-0090(4)(a).
7. OAR 690-018-0090(4)(b) provides a certificate of water right shall be issued upon satisfactory proof of use.
8. Unless the water right is dedicated to instream use, the right shall be subject to the provisions of ORS 540.510 to 540.539, 540,572 to 540.578, and 540.610 to 540.670. OAR 690-018-0090(4)(c).

Conclusions of Law

The proposed change in the holder of CW-107 is consistent with the requirements of OAR 690-018-0090.

Now, therefore, it is ORDERED:

1. On or before October 1, 2023, OR PH, LLC, shall apply the full quantity (0.83 cfs) of conserved water to beneficial use as follows:

Use: IRRIGATION of 15.0 ACRES

Priority Date: April 17, 1923

Rate: 0.083 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE ONE-HUNDRED EIGHTIETH (1/180) of one cubic foot per second per acre, and is further limited to an annual volume limitation of 40.26 acre-feet.

Source: SOUTH UMPQUA RIVER, tributary of the UMPQUA RIVER

Point of Diversion:

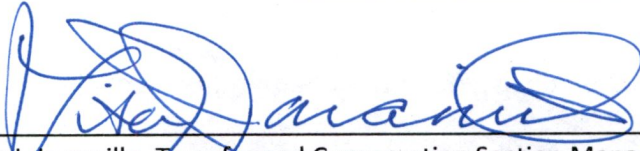
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	6 W	WM	3	SW SW	402 FEET NORTH AND 1268 FEET EAST FROM THE SW SECTION CORNER OF SECTION 3

Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	6 W	WM	3	SW SW	11.5
28 S	6 W	WM	4	SE SE	3.5
Total					15.0

2. Within one year of complete application of the conserved water to beneficial use, a Claim of Beneficial Use completed by a Certified Water Right Examiner shall be submitted to the Department.
3. All other terms and conditions set forth in the Final Order Approving on Completion and Finalization Allocation of Conserved Water CW-107 (Finalization Order), recorded at Special Order Volume 113, Pages 518-526, including the submission of a claim of beneficial use for the change in point of diversion for the original lands, shall remain in full force and effect.

DATED at Salem, Oregon NOV 29 2021.



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

Mailing date: NOV 30 2021