

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

In the Matter of Allocation of Conserved)	FINAL ORDER WITHDRAWING
Water Application CW-85,)	A NOTICE OF USE OR DISPOSITION OF
Morrow County)	APPLICANT'S PORTION OF CONSERVED
)	WATER

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-85. 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.

The Director shall approve a change in the type of use, place of use, or point of diversion for conserved water, if: 1) the proposed new use is within the area described under OAR 690-018-0050(4)(h); 2) the proposed change would not constitute an expansion of the right; and c) the approval is consistent with OAR 690-005-0045 (Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans).

Applicant

Windy River
1000 Highway 395 South #423
Hermiston, OR 97838

Findings of Fact

1. Allocation of Conserved Water application CW-85, in the name of Windy River, was filed on March 1, 2014, proposing to conserve 8.83 cubic feet per second and a maximum volume of 1606.67 Acre-Feet under Certificate 89304.

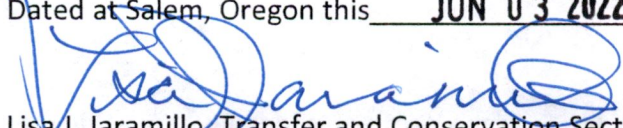
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or 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. On April 2, 2015, the Department issued a Final Order on Finalization of Allocation of Conserved Water CW-85, (Final Order), recorded at Special Order Volume 95, Pages 395-400.
3. On April 7, 2015, the Applicant submitted a 60 Day Notice of Use or Disposition for a Applicant's Portion of Conserved Water for CW-85 along with the required documentation.
4. On April 10, 2015, the Department issued a Final Order Approving Use and Disposition of Applicant's Portion of Conserved Water under Allocation of Conserved Water Application CW-85, recorded at Special Order Volume 95, Pages 515-519.
5. On February 3, 2020, the Department received a Notice of Use or Disposition of Applicant's Portion of Conserved Water, in the name of Windy River proposing to change the place of use of the applicant's portion of conserved water.
6. On February 6, 2020, the Department issued a Final Order Approving Use and Disposition of Applicant's Portion of Conserved Water under Allocation of Conserved Water Application CW-85, recorded at Special Order Volume 116, Pages 47-51.
7. On January 31, 2022, the Department received a Notice of Use or Disposition of Applicant's Portion of Conserved Water, in the name of Windy River proposing to change the place of use of the applicant's portion of conserved water.
8. On May 12, 2022, on behalf of the applicant, William Porfily, agent, submitted a request to withdraw the Notice of Use or Disposition of Applicant's Portion of Conserved Water under CW-85.

Now, therefore, it is ORDERED:

The Notice of Use or Disposition of Applicant's Portion of Conserved Water submitted on January 31, 2022, in the name of Windy River, is withdrawn and is of no further force or effect. Until such time that a new order is issued, the final order issued on February 6, 2020, approving a Notice of Use and Disposition for CW-85 under Special Order Volume 116, Pages 47 to 51 remains in effect.

Dated at Salem, Oregon this JUN 03 2022.


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

Mailing date: JUN 06 2022