

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

In the Matter of Allocation of Conserved) ORDER APPROVING USE AND DISPOSITION
Water Application CW-98,) OF THE APPLICANT'S PORTION OF
Morrow County) CONSERVED WATER

Applicant

Stanfield Hutterian Brethren
c/o Herb Stahl
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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-98. 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 notice must be submitted 60 days before the actual the change.

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).

Findings of Fact

1. On January 30, 2018, an Order of Approval on Completion of Allocation of Conserved Water CW-98 (Approval Order) was issued. The Approval Order is recorded at Special Order Volume 107, Pages 530-545.

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 January 23, 2020, the Department issued a Final Order on Finalization of Allocation of Conserved Water CW-98 (Finalization Order), recorded at Special Order Volume 114, Pages 951-960.
3. The Approval Order and the Finalization Order identified the proposed areas for the Applicant's portion of conserved water to be used for out-of-stream uses as follows:

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

4. The Finalization Order allocated the Applicant's portion of conserved water as follows:

Priority	Originating Certificate	Maximum Rate (CFS)	Maximum Duty (Volume) AF
8/15/1967, plus one minute	91005	10.97	1975.61
3/9/1979, plus one minute	91006	8.06	1451.20
9/23/1983, plus one minute	91007	1.22	220.27
4/6/1977, plus one minute	91008	0.37	43.80
Totals		20.62	3690.88

5. The Finalization Order specified the Applicant's portion of conserved water would be managed instream for future out-of-stream use until a 60-Day Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.
6. On March 10, 2020, following submission of a 60-Day Notice of Use or Disposition, the Department issued its Final Order Approving Use and Disposition of a Portion of the Applicant's Portion of Conserved Water (2020 Use Order) recorded at Special Order Volume 116, Pages 258 – 262. The 2020 Use Order authorized the use of 6.39 cfs limited to 1144.0 AF on 1593.0 acres of River Crest Farm with the remaining portion of conserved water being managed instream for future out-of-stream use.
7. Following issuance of the 2020 Use Order, the balance of the Applicant's portion was as follows:

Priority Date	Originating Certificate	Rate (CFS)	Duty (Volume) AF
8/15/1967, plus one minute	91005	4.58	831.61
3/9/1979, plus one minute	91006	8.06	1451.20
9/23/1983, plus one minute	91007	1.22	220.27
4/6/1977, plus one minute	91008	0.37	43.80
Totals		14.23	2546.88

8. On March 5, 2021, following submission of a 60-Day Notice of Use and Disposition, the Department issued its Final Order Approving Use and Disposition of a Portion of the Applicant's Portion of Conserved Water (2021 Use Order) recorded at Special Order Volume 118, Pages 646 – 650. The 2021 Use Order authorized the use of 5.0 cfs limited to 1035.69 AF on 999.90 acres of Colds Springs Canyon, LLC with the remaining portion of conserved water being managed instream for future out-of-stream use. The 2021 Use Order authorized the use of water from 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: (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 (SUPERIOR FARMS PUMPING STATION) 460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

9. Following issuance of the 2021 Use Order, the balance of the Applicant's portion was as follows:

Priority Date	Originating Certificate	Rate (CFS)	Duty (Volume) AF
8/15/1967, plus one minute	91005	4.58	831.61
3/9/1979, plus one minute	91006	3.06	415.51
9/23/1983, plus one minute	91007	1.22	220.27
4/6/1977, plus one minute.	91008	0.37	43.80
Totals		9.23	1511.19

10. On November 29, 2021, following submission of a 60-Day Notice of Use and Disposition, the Department issued its Final Order Approving Use and Disposition of a Portion of the Applicant's Portion of Conserved Water (2022 Use Order) recorded at Special Order Volume 122, Pages 146 – 151. The 2021 Use Order authorized the use of the balance of 9.23 cfs limited to 1511.19 AF on 1804.4 acres. The 2022 Use Order authorized the use of water from the following points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STANFIELD HUTTERITE BROTHERS PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

11. On December 2, 2022, the Applicant submitted a 60-Day Notice of Use and Disposition requesting the Applicants' Portion of Conserved Water under application CW-98 to be applied to its lands as follows:

Priority	Originating Certificate	Maximum Rate (CFS)	Maximum Duty (Volume) AF
8/15/1967, plus one minute	91005	10.97	1975.61
3/9/1979, plus one minute	91006	8.06	1451.20
9/23/1983, plus one minute	91007	1.22	220.27
4/6/1977, plus one minute	91008	0.37	43.80
Totals		20.62	3690.88

From the following points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STANFIELD HUTTERITE BROTHERS PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use
3 N	30 E	16	NE	NE	4700	26.9	Irrigation
3 N	30 E	16	NW	NE	4700	10.3	Irrigation
3 N	30 E	16	SW	NE	4700	19.3	Irrigation
3 N	30 E	16	SE	NE	4700	27.1	Irrigation
3 N	30 E	16	NE	NW	4700	30.3	Irrigation
3 N	30 E	16	NW	NW	4700	9.1	Irrigation
3 N	30 E	16	SW	NW	4700	18.1	Irrigation
3 N	30 E	16	SE	NW	4700	40.0	Irrigation
3 N	30 E	16	NE	SW	4700	9.4	Irrigation
3 N	30 E	16	NW	SW	4700	0.6	Irrigation
3 N	30 E	16	NE	SE	4700	15.9	Irrigation
3 N	30 E	16	NW	SE	4700	30.1	Irrigation
3 N	30 E	16	SW	SE	4700	7.6	Irrigation
3 N	30 E	16	SE	SE	4700	3.2	Irrigation
3 N	30 E	28	NE	NE	5200	31.6	Irrigation
3 N	30 E	28	NW	NE	5200	31.4	Irrigation
3 N	30 E	28	SW	NE	5200	28.8	Irrigation
3 N	30 E	28	SE	NE	5200	30.2	Irrigation
3 N	30 E	28	NE	NW	5200	31.5	Irrigation
3 N	30 E	28	NW	NW	5200	30.3	Irrigation
3 N	30 E	28	SW	NW	5200	28.8	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use	
3	N	30	E	28	SE NW	5200	31.4	Irrigation
3	N	30	E	28	NE SW	5200	31.8	Irrigation
3	N	30	E	28	NW SW	5200	31.1	Irrigation
3	N	30	E	28	SW SW	5200	28.7	Irrigation
3	N	30	E	28	SE SW	5200	30.4	Irrigation
3	N	30	E	28	NE SE	5200	31.7	Irrigation
3	N	30	E	28	NW SE	5200	31.3	Irrigation
3	N	30	E	28	SW SE	5200	28.7	Irrigation
3	N	30	E	28	SE SE	5200	30.3	Irrigation
3	N	30	E	31	NE NE	6600	29.8	Irrigation
3	N	30	E	31	SE NE	6600	28.5	Irrigation
3	N	30	E	32	NE NE	6600	28.7	Irrigation
3	N	30	E	32	NW NE	6600	29.3	Irrigation
3	N	30	E	32	SW NE	6600	35.6	Irrigation
3	N	30	E	32	SE NE	6600	34.4	Irrigation
3	N	30	E	32	NE NW	6600	30.2	Irrigation
3	N	30	E	32	NW NW	6600	29.2	Irrigation
3	N	30	E	32	SW NW	6600	33.9	Irrigation
3	N	30	E	32	SE NW	6600	34.8	Irrigation
3	N	30	E	32	NE SW	6600	35.3	Irrigation
3	N	30	E	32	NW SW	6600	31.8	Irrigation
3	N	30	E	32	SW SW	6600	2.4	Irrigation
3	N	30	E	32	SE SW	6600	3.6	Irrigation
3	N	30	E	32	NE SE	6600	33.3	Irrigation
3	N	30	E	32	NW SE	6600	33.9	Irrigation
3	N	30	E	32	SW SE	6600	2.4	Irrigation
3	N	30	E	32	SE SE	6600	2.4	Irrigation
3	N	30	E	33	NE NE	7100	31.0	Irrigation
3	N	30	E	33	NW NE	7100	30.5	Irrigation
3	N	30	E	33	SW NE	7100	29.7	Irrigation
3	N	30	E	33	SE NE	7100	30.8	Irrigation
3	N	30	E	33	NE NW	7100	30.9	Irrigation
3	N	30	E	33	NW NW	7100	29.9	Irrigation
3	N	30	E	33	SW NW	7100	29.7	Irrigation
3	N	30	E	33	SE NW	7100	31.5	Irrigation
3	N	30	E	33	NE SW	7100	31.7	Irrigation
3	N	30	E	33	NW SW	7100	30.0	Irrigation
3	N	30	E	33	SW SW	7100	29.0	Irrigation
3	N	30	E	33	SE SW	7100	31.3	Irrigation
3	N	30	E	33	NE SE	7100	30.8	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use	
3	N	30	E	33	NW SE	7100	30.9	Irrigation
3	N	30	E	33	SW SE	7100	30.0	Irrigation
3	N	30	E	33	SE SE	7100	30.3	Irrigation
							1683.4	

12. Water use limitations: The use of water under these rights is limited to a maximum of 1/60 of one cubic foot per second per acre and a maximum of 3.0 acre feet per acre irrigated, with a combined annual volume limitation of 3690.88 acre-feet.
13. Water use measurement conditions:
 - a. Before the use of the Applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point authorized and identified by the Watermaster under the original rights and for the use of the conserved water.
 - b. The water user shall take monthly readings of the quantity of water used and shall report annually to the Watermaster.
 - c. The water user shall maintain the meters or measuring devices in good working order.
 - d. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

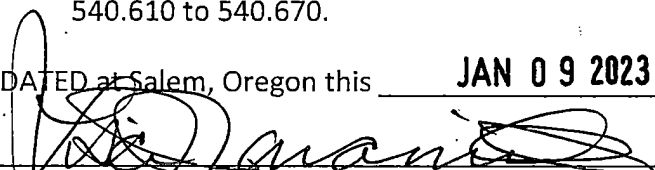
Conclusions of Law

1. The proposed use is within the area described under OAR 690-018-0050(4)(h).
2. The proposed use would not constitute an expansion of the right.
3. 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 Finding of Fact #11 is approved.
2. The right is subject to the provisions of ORS 540.510 to 540.539, 540.572 to 540.578, and 540.610 to 540.670.

DATED at Salem, Oregon this JAN 09 2023


 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
 DOUGLAS E. WOODCOCK, ACTING DIRECTOR
 Oregon Water Resources Department

Mailing date: JAN 10 2023