

**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 A PORTION OF THE APPLICANT'S
Morrow County) PORTION OF 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-64. 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	Range
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 Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.
6. On March 3, 2020, the Applicant electronically submitted a 60-Day Notice of Use and Disposition and the required map.
7. The Applicant proposes to use a portion of its conserved water reserved instream for future out-of-stream use as follows:

Originating Certificate: 91005
Person/Entity Using the Water: River Crest Farm
 c/o Frank Tiegs
 PO Box 3110
 Pasco, WA 99302

Use: IRRIGATION of 1593.0 ACRES
Priority Date: August 15, 1967, plus one minute
Rate/Volume: 6.39 CUBIC FEET PER SECOND (CFS), Limited to 1144.0 ACRE FEET
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	2	NE NW	150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2

Place of Use:

Twp	Rng	Sec	Q-Q	Tax Lot	Acres
3 N	26 E	29	SW NE	1513	28.2
3 N	26 E	29	SE NE	1513	4.1
3 N	26 E	29	NE NW	1513	7.1
3 N	26 E	29	NW NW	1513	32.8
3 N	26 E	29	SW NW	1513	28.1
3 N	26 E	29	SE NW	1513	19.6
3 N	26 E	29	NE SW	1513	33.9
3 N	26 E	29	NW SW	1513	27.8
3 N	26 E	29	SW SW	1513	26.8
3 N	26 E	29	SE SW	1513	31.3
3 N	26 E	29	NE SE	1513	12.8
3 N	26 E	29	NW SE	1513	40.0
3 N	26 E	29	SW SE	1513	22.0
3 N	26 E	29	SE SE	1513	0.4
3 N	26 E	30	NE NE	511	6.6
3 N	26 E	30	SW NE	511	25.6
3 N	26 E	30	SE NE	511	31.5
3 N	26 E	30	NE SE	511	37.0
3 N	26 E	30	NW SE	511	33.4
3 N	26 E	30	SW SE	511	28.6
3 N	26 E	30	SE SE	511	31.1
3 N	26 E	31	NE NE	511	31.7
3 N	26 E	31	NW NE	511	32.1
3 N	26 E	31	SW NE	511	29.8
3 N	26 E	31	SE NE	511	30.2
3 N	26 E	31	NE SE	511	2.5
3 N	26 E	31	NW SE	511	30.0
3 N	26 E	32	NW NE	1513	27.0
3 N	26 E	32	SW NE	1513	7.0
3 N	26 E	32	NE NW	1513	40.0
3 N	26 E	32	NW NW	1513	17.5
3 N	26 E	32	SW NW	1513	8.2
3 N	26 E	32	SE NW	1513	35.3
3 N	26 E	32	NE SW	1513	40.0
3 N	26 E	32	NW SW	1513	24.5
3 N	26 E	32	SW SW	1513	5.3
3 N	26 E	32	SE SW	1513	14.5
3 N	26 E	32	NW SE	1513	8.3
3 N	26 E	32	SW SE	1513	0.2
2 N	26 E	6	NE NE	400	28.5
2 N	26 E	6	NW NE	400	28.5
2 N	26 E	6	SW NE	400	28.5
2 N	26 E	6	SE NE	400	28.8
2 N	26 E	6	NE NW	400	30.0
2 N	26 E	6	NW NW	400	28.4

Twp	Rng	Sec	Q-Q	Tax Lot	Acres
2 N	26 E	6	SW NW	400	28.4
2 N	26 E	6	SE NW	400	28.3
2 N	26 E	6	NE SW	400	30.2
2 N	26 E	6	NW SW	400	30.2
2 N	26 E	6	SW SW	400	30.2
2 N	26 E	6	SE SW	400	30.1
2 N	26 E	6	NE SE	400	27.5
2 N	26 E	6	NW SE	400	27.7
2 N	26 E	6	SW SE	400	27.5
2 N	26 E	6	SE SE	400	27.5
2 N	26 E	7	SW NW	500	6.3
2 N	26 E	7	SE NW	500	7.5
2 N	26 E	7	NE SW	500	7.7
2 N	26 E	7	NW SW	500	15.4
2 N	26 E	7	SW SW	500	10.5
2 N	26 E	7	SE SW	500	2.8
2 N	26 E	17	NW SW	603	11.1
2 N	26 E	17	SW SW	603	2.1
2 N	26 E	18	NW NE	900	32.0
2 N	26 E	18	NE NW	500	13.2
2 N	26 E	18	NW NW	500	12.5
2 N	26 E	18	SW SW	500	1.5
2 N	26 E	18	SE SW	500	1.1
2 N	26 E	19	NW NE	500	5.1
2 N	26 E	19	NE NW	500	5.5
2 N	26 E	19	SE SW	500	1.3
2 N	26 E	19	SW SE	500	6.0
2 N	26 E	19	SE SE	500	10.8
2 N	26 E	20	NW NW	603	17.8
2 N	26 E	20	SW NW	500	8.0
2 N	26 E	30	NE NE	500	29.9
2 N	26 E	30	NW NE	500	4.1
2 N	26 E	30	NE NW	500	16.4
2 N	27 E	30	NW NW	500	11.3
Total					1593.0

8. The balance of the Applicants' Portion of Conserved Water will continue to be reserved instream for future out-of-stream use:

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

9. To prevent enlargement, the rate of Applicant's portion of conserved water to be managed instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be managed throughout the entire irrigation season, as follows:

Priority Date	Originating Certificate	Period	Rate (cfs)	Volume (acre-feet)
8/15/1967, plus one minute	91005	March 1 through October 31	1.71	831.61
3/9/1979, plus one minute	91006	March 1 through October 31	2.97	1451.20
9/23/1983, plus one minute	91007	March 1 through October 31	0.45	220.27
4/6/1977, plus one minute	91008	March 1 through October 31	0.09	43.80
Totals			5.22	2546.88

At the common authorized point of diversion for Certificates 91005, 91006, 91007, and 91008 located at approximately River Mile 278.3:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	26 E	WM	23	SE NE	1	600 FEET NORTH AND 230 FEET WEST FROM EAST 1/4 CORNER OF SECTION 23

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 Findings of Fact #7 and #9 are 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 10th day of March, 2020.


 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
 THOMAS M. BYLER, DIRECTOR

Mailing date: MAR 10 2020