

Findings of Fact

1. On December 17, 2010, the Department issued a Final Order Approving and Partially Finalizing an Allocation of Conserved Water and Partial Cancellation (Final Order), recorded at Special Order Volume 83, Pages 281-294. The Final Order was mailed on January 4, 2011.
2. The Final Order stated the Applicant designated a "permanent place of use" for a portion of the conserved water allocated to the applicant and required completion of use at the permanent place of use by October 1, 2011, and a Claim of Beneficial use to be submitted on or before October 1, 2012, (identified in the table below in the column "Applied (Proof Required)"); thereafter, a certificate would be issued. (Final Order, Page 13, ¶11).
3. 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)
36803	8/28/1964*	4.55**	847.12	2.97	557.40	1.58	289.72
37974	1/23/1969*	1.13	185.96			1.13	185.96
37975	4/14/1969*	4.03	669.82			4.03	669.82
	Totals	9.71	1702.90	2.97	557.40	6.74	1145.50

* - plus one minute

** - scrivener's error in rate of Applicant's portion in Final Order, should be 4.55 cfs not 4.54 cfs

4. The Final Order also stated the remaining portion of the Applicant's portion of conserved water would be reserved instream until the Applicant provided the information required under OAR 690-018-0062(3), and the Department approved the new use. The information required under OAR 690-018-0062(3)(a) includes the following:
 - a. The name and address of the person using the water
 - b. A description of the type of beneficial use of the water
 - c. A legal description of the place of use; and
 - d. A map meeting the standards in OAR 690-310-0050.
5. On May 2, 2011, at the Applicant's request, the Department issued an Order Finalizing Increment II of Allocation of Conserved Water CW-63 (Increment 2 Order), recorded at Special Order Volume 83, Pages 1105-1114.

6. The Final Order stated the Applicant designated a “permanent place of use” for a portion of the conserved water allocated to the applicant and 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	SW NW	200	POD #2 (ROYALE COLUMBIA FARMS PUMPING STATION) 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
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

7. The Increment 2 Order required completion of use at the permanent place of use by October 1, 2012, 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, (identified in the table below in the column “Applied Proof Required Increment 2”)); thereafter, a certificate would be issued. (Increment 2 Order, Page 10, ¶12).
8. 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)	Rate (cfs)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
36803	8/28/1964*	4.55	847.12	2.97	557.40	1.44	267.6	0.14**	22.12
37974	1/23/1969*	1.13	185.96			1.13	185.96	0	0
37975	4/14/1969*	4.03	669.82			3.84	638.46	0.19	31.36
Totals		9.71	1702.90	2.97	557.40	6.41	1092.02	0.33	53.48

* - plus one minute

** - scrivener’s error in Increment 2 Order, should be 0.14 cfs not 0.13 cfs

9. On January 11, 2012, the Department issued an Order Finalizing Increment III of Allocation of Conserved Water CW-63 (Increment 3 Order). The Increment 3 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, (identified in the table below in the column “Applied Proof Required Increment 3”)); thereafter, a certificate would be issued. (Increment 3 Order, Page 6, ¶16).

10. The Increment 3 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		Applied (Proof Required) Increment 3		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Rate (cfs)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
36803	8/28/1964*	4.55	847.12	2.97	557.40	1.44	267.6	0.14**	22.12	0	0
37974	1/23/1969*	1.13	185.96			1.13	185.96	0	0	0	0
37975	4/14/1969*	4.03	669.82			3.84	638.46	0.19	31.36	0	0
Totals		9.71	1702.90	2.97	557.40	6.41	1092.02	0.33**	53.48	0	0

* - plus one minute

** - corrected for scrivener's error in Increment 2 Order

11. The proposed areas for the Applicant's portion of conserved water to be used for out-of-stream uses 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 6, 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 his intent to permanently give or sell his conserved water to Cold Spring Canyon, LLC. Rather, his 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, Increment 2 Order, and the Increment 3 Order.

15. The first submitted Claim of Beneficial Use identified the following use from the Final Order:

Use: IRRIGATION OF 185.8 ACRES
Priority Date: August 28, 1964, plus one-minute
Rate: 2.97 CUBIC FEET PER SECOND cfs
Limit: The amount of water used for irrigation is limited to a diversion of 1/62 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 557.4 acre feet.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point 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

Authorized Place of Use:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	15	NW NW	8.4
5 N	30 E	WM	15	SW NW	25.8
5 N	30 E	WM	15	NW SW	2.0
5 N	30 E	WM	16	NE NE	14.8
5 N	30 E	WM	16	SE NE	5.8
5 N	30 E	WM	16	NE NW	8.4
5 N	30 E	WM	16	NW NW	9.2
5 N	30 E	WM	16	SW NW	0.1
5 N	30 E	WM	16	SW SW	2.6
5 N	30 E	WM	16	SE SW	5.4
5 N	30 E	WM	16	NE SE	2.9
5 N	30 E	WM	16	SW SE	5.4
5 N	30 E	WM	17	NE NE	8.6
5 N	30 E	WM	17	NW NE	0.4
5 N	30 E	WM	17	SW NE	7.8
5 N	30 E	WM	17	SE NE	2.3
5 N	30 E	WM	17	SW NW	2.3
5 N	30 E	WM	17	SE NW	2.3
5 N	30 E	WM	17	NE SW	14.5
5 N	30 E	WM	17	NW SW	12.1
5 N	30 E	WM	17	SW SW	1.1
5 N	30 E	WM	17	SW SE	0.8
5 N	30 E	WM	17	SE SE	12.2
5 N	30 E	WM	19	NE NE	2.4
5 N	30 E	WM	19	NW NE	0.9
5 N	30 E	WM	19	SW NE	1.8
5 N	30 E	WM	19	SE NE	3.9
5 N	30 E	WM	19	NE SW	0.8
5 N	30 E	WM	20	NE NE	3.8
5 N	30 E	WM	20	SW NE	0.7
5 N	30 E	WM	20	NW NW	1.1
5 N	30 E	WM	21	NW NE	5.4
5 N	30 E	WM	21	NE NW	5.4
5 N	30 E	WM	21	NW NW	3.5
5 N	30 E	WM	30	NW NE	0.1
5 N	30 E	WM	30	NE NW	0.8
TOTAL:					185.8

16. The second submitted Claim of Beneficial Use identified the following uses from the Increment 2 Order:

Use: IRRIGATION OF 89.2 ACRES
Priority Date: August 28, 1964, *plus one-minute*
Rate: 1.44 CUBIC FEET PER SECOND
Limit: The amount of water used for irrigation is limited to a diversion of 1/62 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 267.6 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 PUMPING STATION) 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:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	30 E	WM	2	NW NE	2	1.6
4 N	30 E	WM	2	NE NW	2	17.9
4 N	30 E	WM	2	NW NW	2	2.6
5 N	30 E	WM	35	NE SW		5.6
5 N	30 E	WM	35	NW SW		0.1
5 N	30 E	WM	35	SW SW		12.5
5 N	30 E	WM	35	SE SW		40.0
5 N	30 E	WM	35	SW SE		8.9
Total						89.2

Use: IRRIGATION OF 61.98 ACRES
Priority Date: JANUARY 23, 1969, *plus one-minute*
Rate: 1.13 CUBIC FEET PER SECOND
Limit: The amount of water used for irrigation is limited to a diversion of 1/55 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 185.96 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 PUMPING STATION) 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:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	35	NE NW	11.30
5 N	30 E	WM	35	NW NW	23.80
5 N	30 E	WM	35	SW NW	14.38
5 N	30 E	WM	35	SE NW	12.50
Total					61.98

Use: IRRIGATION OF 212.82 ACRES

Priority Date: APRIL 14, 1969, *plus one-minute*

Rate: 3.84 CUBIC FEET PER SECOND

Limit: The amount of water used for irrigation is limited to a diversion of 1/55 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 638.46 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 PUMPING STATION) 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:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	30 E	WM	2	NE NE	2	23.00
4 N	30 E	WM	2	NW NE	2	16.50
4 N	30 E	WM	2	SW NE		1.20
4 N	30 E	WM	2	SE NE		2.60
5 N	30 E	WM	26	SE SW		2.00
5 N	30 E	WM	26	SW SE		7.00
5 N	30 E	WM	35	NW NE		37.30
5 N	30 E	WM	35	SW NE		6.60
5 N	30 E	WM	35	NE NW		18.80
5 N	30 E	WM	35	SW NW		11.62
5 N	30 E	WM	35	SE NW		1.90
5 N	30 E	WM	35	NE SW		0.40
5 N	30 E	WM	35	NE SE		0.80
5 N	30 E	WM	35	NW SE		31.10
5 N	30 E	WM	35	SW SE		25.10
5 N	30 E	WM	35	SE SE		26.90
Total						212.82

17. The third submitted Claim of Beneficial Use identified the following uses from the Increment 3 Order:

Use: IRRIGATION OF 7.37 ACRES
Priority Date: August 28, 1964, *plus one-minute*
Rate: 0.14 CUBIC FOOT PER SECOND
Limit: The amount of water used for irrigation is limited to a diversion of 1/53 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 22.12 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 PUMPING STATION) 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:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	11	SW NE	4.53
4 N	30 E	WM	11	SE NW	2.84
Total					7.37

Use: IRRIGATION OF 10.45 ACRES

Priority Date: APRIL 14, 1969, *plus one-minute*

Rate: 0.19 CUBIC FOOT PER SECOND

Limit: The amount of water used for irrigation is limited to a diversion of 1/55 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 31.36 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 PUMPING STATION) 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:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	11	SW NE	0.45
4 N	30 E	WM	11	SE NW	0.40
4 N	30 E	WM	11	NE SW	5.09
4 N	30 E	WM	11	NW SE	4.51
Total					10.45

18. On December 16, 2022, the Applicant submitted a 60-Day Notice of Use and Disposition requesting the Applicants' Portion of Conserved Water under application CW-63 to be applied to its lands as follows:

Applicant's Portion of Conserved Water				Applied (Proof Required) Increment 2		Applied (Proof Required) Increment 3		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)
36803	8/28/1964*	4.55	847.12	1.44	267.6	0.14**	22.12	0	0
37974	1/23/1969*	1.13	185.96	1.13	185.96	0	0	0	0
37975	4/14/1969*	4.03	669.82	3.84	638.46	0.19	31.36	0	0
Totals		9.71	1702.90	6.41	1092.02	0.33**	53.48	0	0

* - plus one minute

** - corrected for scrivener's error in Increment 2 Order

From the following points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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
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 PUMPING STATION): 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	8	SW NW	POD #4 (EAST IMPROVEMENT DISTRICT PUMPING STATION): 2910 FEET NORTH AND 210 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

Twp	Rng	Sec	¼	¼	Tax Lot	GLot	Acres	Type of Use
4 N	30 E	1	NE	NE	100	2	17.4	Irrigation
4 N	30 E	1	NW	NE	100	2	22.5	Irrigation
4 N	30 E	1	SW	NE	100		2.9	Irrigation
4 N	30 E	1	SE	NE	100		1.5	Irrigation
4 N	30 E	1	NE	NW	404	2	25.3	Irrigation
4 N	30 E	1	NW	NW	400/404	2	26.0	Irrigation
4 N	30 E	1	SW	NW	400/404		19.6	Irrigation
4 N	30 E	1	SE	NW	404		7.5	Irrigation
4 N	30 E	1	SW	SW	400		23.8	Irrigation
4 N	30 E	1	SE	SW	200		27.0	Irrigation
4 N	30 E	1	SW	SE	400		23.6	Irrigation
4 N	30 E	1	SE	SE	400/403		6.0	Irrigation
4 N	30 E	2	NE	NE	400/404	2	24.2	Irrigation
4 N	30 E	2	NW	NE	400/404	2	24.2	Irrigation
4 N	30 E	2	SW	NE	400		16.2	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	GLot	Acres	Type of Use
4 N	30 E	2	SE	NE	400/404		25.4	Irrigation
4 N	30 E	2	NE	NW	400/404	2	21.9	Irrigation
4 N	30 E	2	NW	NW	404	2	2.6	Irrigation
4 N	30 E	2	SE	NW	400		10.2	Irrigation
4 N	30 E	2	NE	SW	400/800		5.9	Irrigation
4 N	30 E	2	NW	SW	800		15.6	Irrigation
4 N	30 E	2	SW	SW	800		38.9	Irrigation
4 N	30 E	2	SE	SW	400/800		33.9	Irrigation
4 N	30 E	2	NW	SE	400		1.3	Irrigation
4 N	30 E	2	SW	SE	400/800		28.9	Irrigation
4 N	30 E	2	SE	SE	400		1.8	Irrigation
4 N	30 E	11	NE	NE	1300		32.6	Irrigation
4 N	30 E	11	NW	NE	1300		34.5	Irrigation
4 N	30 E	11	SW	NE	1300		36.0	Irrigation
4 N	30 E	11	SE	NE	1300		35.1	Irrigation
4 N	30 E	11	NE	NW	800		32.4	Irrigation
4 N	30 E	11	NW	NW	800		36.6	Irrigation
4 N	30 E	11	SW	NW	800		36.0	Irrigation
4 N	30 E	11	SE	NW	800		36.0	Irrigation
4 N	30 E	11	NE	SW	1100		36.0	Irrigation
4 N	30 E	11	NW	SW	1100		36.0	Irrigation
4 N	30 E	11	SW	SW	1100		30.9	Irrigation
4 N	30 E	11	SE	SW	1100		30.9	Irrigation
4 N	30 E	11	NE	SE	1200		36.0	Irrigation
4 N	30 E	11	NW	SE	1200		36.0	Irrigation
4 N	30 E	11	SW	SE	1200		30.9	Irrigation
4 N	30 E	11	SE	SE	1200		36.0	Irrigation
4 N	30 E	12	NE	NE	1400		24.0	Irrigation
4 N	30 E	12	NW	NE	1400		38.2	Irrigation
4 N	30 E	12	SW	NE	1400		37.8	Irrigation
4 N	30 E	12	SE	NE	1400		32.3	Irrigation
4 N	30 E	12	NE	NW	1400		36.2	Irrigation
4 N	30 E	12	NW	NW	1400		36.6	Irrigation
4 N	30 E	12	SW	NW	1400		38.4	Irrigation
4 N	30 E	12	SE	NW	1400		36.2	Irrigation
4 N	30 E	12	NE	SW	1400		36.1	Irrigation
4 N	30 E	12	NW	SW	1400		36.8	Irrigation
4 N	30 E	12	SW	SW	1400		35.7	Irrigation
4 N	30 E	12	SE	SW	1400		36.1	Irrigation
4 N	30 E	12	NE	SE	1400		36.1	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	GLot	Acres	Type of Use	
4	N	30	E	12	NW SE	1400		36.0	Irrigation
4	N	30	E	12	SW SE	1400		36.4	Irrigation
4	N	30	E	12	SE SE	1400		31.0	Irrigation
4	N	30	E	13	NW NE	1400		17.0	Irrigation
4	N	30	E	13	NE NW	1400		19.0	Irrigation
4	N	30	E	13	NW NW	1400		4.7	Irrigation
4	N	30	E	14	NE NE	1400		37.2	Irrigation
4	N	30	E	14	NW NE	1400		31.3	Irrigation
4	N	30	E	14	SW NE	1400		28.7	Irrigation
4	N	30	E	14	SE NE	1400		31.5	Irrigation
5	N	30	E	25	NE SW	1800		24.4	Irrigation
5	N	30	E	25	NW SW	1800		14.4	Irrigation
5	N	30	E	25	SW SW	1800		31.6	Irrigation
5	N	30	E	25	SE SW	1800		33.6	Irrigation
5	N	30	E	25	NE SE	1800		0.1	Irrigation
5	N	30	E	25	NW SE	1800		12.0	Irrigation
5	N	30	E	25	SW SE	1800		33.5	Irrigation
5	N	30	E	25	SE SE	1800		1.0	Irrigation
5	N	30	E	26	SE SW	1315		2.0	Irrigation
5	N	30	E	26	NE SE	1800		2.5	Irrigation
5	N	30	E	26	SW SE	1315		7.0	Irrigation
5	N	30	E	26	SE SE	1800		36.0	Irrigation
5	N	30	E	35	NE NE	1800		27.6	Irrigation
5	N	30	E	35	NW NE	1315		37.3	Irrigation
5	N	30	E	35	SW NE	1315		19.7	Irrigation
5	N	30	E	35	SE NE	1800		28.5	Irrigation
5	N	30	E	35	NE NW	1315		30.1	Irrigation
5	N	30	E	35	NW NW	1315		23.8	Irrigation
5	N	30	E	35	SW NW	1315		26.6	Irrigation
5	N	30	E	35	SE NW	1315		31.4	Irrigation
5	N	30	E	35	NE SW	1315		33.4	Irrigation
5	N	30	E	35	NW SW	1315		4.6	Irrigation
5	N	30	E	35	SW SW	1315		12.5	Irrigation
5	N	30	E	35	SE SW	1315		40.0	Irrigation
5	N	30	E	35	NE SE	1315		26.4	Irrigation
5	N	30	E	35	NW SE	1315		40.0	Irrigation
5	N	30	E	35	SW SE	1315		35.3	Irrigation
5	N	30	E	35	SE SE	1315		30.9	Irrigation
5	N	30	E	36	NE NE	1800		8.4	Irrigation
5	N	30	E	36	NW NE	1800		31.0	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	GLot	Acres	Type of Use	
5	N	30	E	36	SW NE	1800		28.0	Irrigation
5	N	30	E	36	SE NE	1800		31.7	Irrigation
5	N	30	E	36	NE NW	1800		40.0	Irrigation
5	N	30	E	36	NW NW	1800		10.2	Irrigation
5	N	30	E	36	SW NW	1800		1.1	Irrigation
5	N	30	E	36	SE NW	1800		21.2	Irrigation
5	N	30	E	36	NE SW	1800		7.4	Irrigation
5	N	30	E	36	NW SW	1800		0.2	Irrigation
5	N	30	E	36	SW SW	1315		30.7	Irrigation
5	N	30	E	36	SE SW	1315		29.8	Irrigation
5	N	30	E	36	NE SE	1800		16.6	Irrigation
5	N	30	E	36	NW SE	1800		40.0	Irrigation
5	N	30	E	36	SW SE	1800		30.3	Irrigation
5	N	30	E	36	SE SE	1800		18.4	Irrigation
4	N	31	E	7	NE NW	1801		14.5	Irrigation
4	N	31	E	7	NW NW	1801	1	24.0	Irrigation
4	N	31	E	7	SW NW	1801	2	36.3	Irrigation
4	N	31	E	7	SE NW	1801		28.1	Irrigation
4	N	31	E	7	NE SW	1802		22.2	Irrigation
4	N	31	E	7	NW SW	1802	3	38.6	Irrigation
4	N	31	E	7	SW SW	1802	4	6.3	Irrigation
4	N	31	E	7	SE SW	1802		0.2	Irrigation
5	N	31	E	31	SW NW	4000		0.9	Irrigation
							2901.6		

19. This notice will not change the existing place of use of conserved water authorized by Increment 1 identified in Finding of Fact #15.

Conclusions of Law

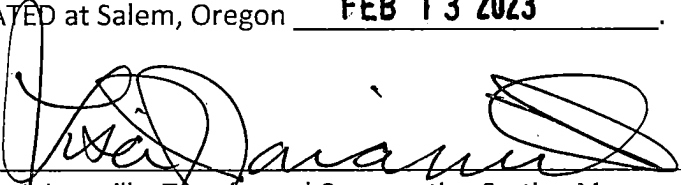
1. The proposed use is within the area described by the applicant under OAR 690-018-0050(4)(h).
2. The proposed use would not constitute an expansion of the right.
3. The proposed use is consistent with OAR 690-005-0045(Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans).

EXON 11 91P

Now, therefore, it is ORDERED:

1. The use of water as described in Finding of Fact #18 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 #18 above is subject to the provisions of OAR 690-0018-0090(6) and ORS 540.610 to 540.660.

DATED at Salem, Oregon FEB 13 2023



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

Mailing date: FEB 13 2023