

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

In the Matter of Allocation of Conserved )  
Water Final Order for CW-64, Morrow ) ORDER APPROVING USE AND DISPOSITION  
County ) OF THE APPLICANT'S PORTION OF  
 ) CONSERVED WATER

**Applicant**

Superior Farms  
J B Land, LLC  
c/o Gregg Juul  
PO Box 130  
Hermiston, OR 97838

**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).

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.

**Findings of Fact**

1. On January 27, 2015, the Department issued a Superseding Final Order Approving and Finalizing Allocation of Conserved Water Project CW-64, Partial Cancellation of Certificate 80773, and Approval of Use under OAR 690-018-0090 (Superseding Final Order), recorded in Special Order Volume 93, Pages 1171-1192.
2. The proposed areas for the Applicants’ portion of conserved water to be used for out-of-stream uses were identified in the Superseding Final Order as follows:

Township	Range
2 North	26, 27, and 28 East
3 North	26, 27, 28, 29, and 30 East
4 North	26, 27, 28, 29, and 30 East
5 North	26, 27, 28, 29, and 30 East

3. On January 30, 2020, the Applicants submitted a 60-Day Notice of Use and Disposition of a portion of the Applicant’s portion of conserved water.
4. On February 6, 2020, the Department issued an Order on Submission of Claim of Beneficial Use and Approving Use and Disposition of the Applicant’s Portion of Conserved Water (“Prior Order”), recorded at Special Order Volume 116, Pages 52 – 64.
5. The Prior Order identified the allocation of the Applicant’s portion of conserved water as follows:

Applicants’ Portion Conserved Water				Applied (Proof Submitted) 107.83 Acres		Use on Other Lands 20.30 Acres		Reserved Instream for Future Out-Of-Stream Use	
Orig. Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
80773	3/13/1972*	3.52	729.54	1.647	323.49	0.340	68.61	1.533	337.44
85285	3/13/1972*	0.27	56.19	--	--	--	--	0.270	56.19
<b>Totals</b>		<b>3.79</b>	<b>785.73</b>	1.647	323.49	0.340	68.61	1.803	393.63

\* - plus one minute

6. On January 28, 2021, the Applicants submitted a 60-Day Notice of Use and Disposition of the portion of the Applicant’s portion of conserved water reserved instream.
7. On March 5, 2021, the Department issued an Order Approving Use and Disposition of a Portion of Applicant’s Portion of Conserved Water (“Existing Order”), recorded at Special Order Volume 118, Pages 651 - 654.

8. As of March 5, 2021, the current allocation of the Applicant's portion of conserved water is as follows:

Applicants' Portion Conserved Water				Applied (Proof Submitted) 107.83 Acres		Use on Other Lands 20.30 Acres		Use on Other Lands 832.90 Acres	
Orig. Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
80773	3/13/1972*	3.520	729.54	1.647	323.49	0.340	68.61	1.533	337.44
85285	3/13/1972*	0.270	56.19	--	--	--	--	0.270	56.19
<b>Totals</b>		<b>3.790</b>	<b>785.73</b>	1.647	323.49	0.340	68.61	1.803	393.63

\* - plus one minute

9. On December 10, 2021, the Applicants submitted a 60-Day Notice of Use or Disposition for a portion of the Applicants' Portion of Conserved Water for CW-64 along with the required documentation. This request is to relocate the 0.34 cfs of conserved water approved under the Prior Order recorded at Special Order Volume 116, Pages 52-64 for irrigation of 20.3 acres.
10. On March 7, 2022, the Department issued a Final Order (Special Order Volume 122, Pages 518 - 522), approving the use or disposition of a portion of applicant's portion of conserved water under the terms of an order approving Allocation of Conserved Water application CW-64.
11. The Department reconsidered the March 7, 2022, Final Order within 60 calendar days of issuance pursuant to OAR 137-004-0080(5) for the following two reasons. On April 6, 2022, the Department identified the applicant submitted a Groundwater Allocation of Conserved Water Notice of Use rather than the appropriate Surface Water Allocation of Conserved Water Notice of Use, as Certificate 80773 authorizes the use of water from the Columbia River. Additionally, the applicant was requesting an additional point of diversion but did not submit a Land Use Information form, as required under OAR 690-018-0090(2)(c), and 690-005-0045.
12. On April 13, 2022, the Department corresponded with the applicant's agent by telephone, informing them that the Department was reconsidering the Final Order issued on March 7, 2022, and that the notice of use needed to be submitted on the correct form along with a completed Land Use Information form.
13. On April 18, 2022, the applicant's agent submitted a Surface Water Allocation of Conserved Water Notice of Use or Disposition and the completed Land Use Information form, resolving the deficiencies.
14. On May 2, 2022, the Department issued a Notice of Reconsideration of Final Order on Notice of Use or Disposition of a Portion of Applicant's Portion of Conserved Water, for Allocation of Conserved Water Application CW-64.

15. On July 8, 2022, the Department issued a Final Order (Special Order Volume 125, Pages 365 - 370), approving the use or disposition of a portion of applicant's portion of conserved water under the terms of an order approving Allocation of Conserved Water application CW-64.
16. On December 19, 2022, the Applicants submitted a 60-Day Notice of Use or Disposition for the entirety of the Applicants' Portion of Conserved Water for CW-64 along with the required documentation. This request is to relocate the 3.79 cfs of conserved water approved under the Prior Order recorded at Special Order Volume 93, Pages 1171-1192 for irrigation of 2730.5 acres.
17. The Applicants propose to relocate the use of the 3.79 cfs of conserved water as listed below.

**Originating Certificates:** 80773 and 85285  
**Person/Entity Using the Water:** Cold Springs Canyon, LLC  
 PO Box 387  
 Helix, OR 97835

**Use:** IRRIGATION of 2730.5 ACRES  
**Priority Dates:** March 13, 1972, *plus one minute*  
**Rate/Volume:** 3.79 CUBIC FEET PER SECOND (CFS), Limited to 785.73 ACRE FEET (AF)  
**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	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

**Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Type of Use
4 N	30 E	WM	1	NE NE	100	2	17.4	Irrigation
4 N	30 E	WM	1	NW NE	100	2	22.5	Irrigation
4 N	30 E	WM	1	SW NE	100		2.9	Irrigation
4 N	30 E	WM	1	SE NE	100		1.5	Irrigation
4 N	30 E	WM	1	NE NW	404	2	25.3	Irrigation
4 N	30 E	WM	1	NW NW	400/404	2	26.0	Irrigation
4 N	30 E	WM	1	SW NW	400/404		19.6	Irrigation
4 N	30 E	WM	1	SE NW	404		7.5	Irrigation
4 N	30 E	WM	1	SW SW	400		23.8	Irrigation
4 N	30 E	WM	1	SE SW	200		27.0	Irrigation

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Type of Use
4 N	30 E	WM	1	SW SE	400		23.6	Irrigation
4 N	30 E	WM	1	SE SE	400/403		6.0	Irrigation
4 N	30 E	WM	2	NE NE	400/404	2	24.2	Irrigation
4 N	30 E	WM	2	NW NE	400/404	2	24.2	Irrigation
4 N	30 E	WM	2	SW NE	400		16.2	Irrigation
4 N	30 E	WM	2	SE NE	400/404		25.4	Irrigation
4 N	30 E	WM	2	NE NW	400/404	2	21.9	Irrigation
4 N	30 E	WM	2	NW NW	404	2	2.6	Irrigation
4 N	30 E	WM	2	SE NW	400		10.2	Irrigation
4 N	30 E	WM	2	NE SW	400/800		5.9	Irrigation
4 N	30 E	WM	2	NW SW	800		15.6	Irrigation
4 N	30 E	WM	2	SW SW	800		38.9	Irrigation
4 N	30 E	WM	2	SE SW	400/800		33.9	Irrigation
4 N	30 E	WM	2	NW SE	400		1.3	Irrigation
4 N	30 E	WM	2	SW SE	400/800		28.9	Irrigation
4 N	30 E	WM	2	SE SE	400		1.8	Irrigation
4 N	30 E	WM	11	NE NE	1300		32.6	Irrigation
4 N	30 E	WM	11	NW NE	1300		34.5	Irrigation
4 N	30 E	WM	11	SW NE	1300		36.0	Irrigation
4 N	30 E	WM	11	SE NE	1300		35.1	Irrigation
4 N	30 E	WM	11	NE NW	800		32.4	Irrigation
4 N	30 E	WM	11	NW NW	800		36.6	Irrigation
4 N	30 E	WM	11	SW NW	800		36.0	Irrigation
4 N	30 E	WM	11	SE NW	800		36.0	Irrigation
4 N	30 E	WM	11	NE SW	1100		36.0	Irrigation
4 N	30 E	WM	11	NW SW	1100		36.0	Irrigation
4 N	30 E	WM	11	SW SW	1100		30.9	Irrigation
4 N	30 E	WM	11	SE SW	1100		30.9	Irrigation
4 N	30 E	WM	11	NE SE	1200		36.0	Irrigation
4 N	30 E	WM	11	NW SE	1200		36.0	Irrigation
4 N	30 E	WM	11	SW SE	1200		30.9	Irrigation
4 N	30 E	WM	11	SE SE	1200		36.0	Irrigation
4 N	30 E	WM	12	NE NE	1400		24.0	Irrigation
4 N	30 E	WM	12	NW NE	1400		38.2	Irrigation
4 N	30 E	WM	12	SW NE	1400		37.8	Irrigation
4 N	30 E	WM	12	SE NE	1400		32.3	Irrigation
4 N	30 E	WM	12	NE NW	1400		36.2	Irrigation
4 N	30 E	WM	12	NW NW	1400		36.6	Irrigation
4 N	30 E	WM	12	SW NW	1400		38.4	Irrigation
4 N	30 E	WM	12	SE NW	1400		36.2	Irrigation
4 N	30 E	WM	12	NE SW	1400		36.1	Irrigation
4 N	30 E	WM	12	NW SW	1400		36.8	Irrigation

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Type of Use
4 N	30 E	WM	12	SW SW	1400		35.7	Irrigation
4 N	30 E	WM	12	SE SW	1400		36.1	Irrigation
4 N	30 E	WM	12	NE SE	1400		36.1	Irrigation
4 N	30 E	WM	12	NW SE	1400		36.0	Irrigation
4 N	30 E	WM	12	SW SE	1400		36.4	Irrigation
4 N	30 E	WM	12	SE SE	1400		31.0	Irrigation
4 N	30 E	WM	13	NW NE	1400		17.0	Irrigation
4 N	30 E	WM	13	NE NW	1400		19.0	Irrigation
4 N	30 E	WM	13	NW NW	1400		4.7	Irrigation
4 N	30 E	WM	14	NE NE	1400		37.2	Irrigation
4 N	30 E	WM	14	NW NE	1400		31.3	Irrigation
4 N	30 E	WM	14	SW NE	1400		28.7	Irrigation
4 N	30 E	WM	14	SE NE	1400		31.5	Irrigation
5 N	30 E	WM	25	NE SW	1800		24.4	Irrigation
5 N	30 E	WM	25	NW SW	1800		14.4	Irrigation
5 N	30 E	WM	25	SW SW	1800		31.6	Irrigation
5 N	30 E	WM	25	SE SW	1800		33.6	Irrigation
5 N	30 E	WM	25	NE SE	1800		0.1	Irrigation
5 N	30 E	WM	25	NW SE	1800		12.0	Irrigation
5 N	30 E	WM	25	SW SE	1800		33.5	Irrigation
5 N	30 E	WM	25	SE SE	1800		1.0	Irrigation
5 N	30 E	WM	26	SE SW	1315		2.0	Irrigation
5 N	30 E	WM	26	NE SE	1800		2.5	Irrigation
5 N	30 E	WM	26	SW SE	1315		7.0	Irrigation
5 N	30 E	WM	26	SE SE	1800		36.0	Irrigation
5 N	30 E	WM	35	NE NE	1800		27.6	Irrigation
5 N	30 E	WM	35	NW NE	1315		37.3	Irrigation
5 N	30 E	WM	35	SW NE	1315		19.7	Irrigation
5 N	30 E	WM	35	SE NE	1800		28.5	Irrigation
5 N	30 E	WM	35	NE NW	1315		30.1	Irrigation
5 N	30 E	WM	35	NW NW	1315		23.8	Irrigation
5 N	30 E	WM	35	SW NW	1315		26.6	Irrigation
5 N	30 E	WM	35	SE NW	1315		31.4	Irrigation
5 N	30 E	WM	35	NE SW	1315		33.4	Irrigation
5 N	30 E	WM	35	NW SW	1315		4.6	Irrigation
5 N	30 E	WM	35	SW SW	1315		12.5	Irrigation
5 N	30 E	WM	35	SE SW	1315		40.0	Irrigation
5 N	30 E	WM	35	NE SE	1315		26.4	Irrigation
5 N	30 E	WM	35	NW SE	1315		40.0	Irrigation
5 N	30 E	WM	35	SW SE	1315		35.3	Irrigation
5 N	30 E	WM	35	SE SE	1315		30.9	Irrigation
5 N	30 E	WM	36	NE NE	1800		8.4	Irrigation

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Type of Use
5 N	30 E	WM	36	NW NE	1800		31.0	Irrigation
5 N	30 E	WM	36	SW NE	1800		28.0	Irrigation
5 N	30 E	WM	36	SE NE	1800		31.7	Irrigation
5 N	30 E	WM	36	NE NW	1800		40.0	Irrigation
5 N	30 E	WM	36	NW NW	1800		10.2	Irrigation
5 N	30 E	WM	36	SW NW	1800		1.1	Irrigation
5 N	30 E	WM	36	SE NW	1800		21.2	Irrigation
5 N	30 E	WM	36	NE SW	1800		7.4	Irrigation
5 N	30 E	WM	36	NW SW	1800		0.2	Irrigation
5 N	30 E	WM	36	SW SW	1315		30.7	Irrigation
5 N	30 E	WM	36	SE SW	1315		29.8	Irrigation
5 N	30 E	WM	36	NE SE	1800		16.6	Irrigation
5 N	30 E	WM	36	NW SE	1800		40.0	Irrigation
5 N	30 E	WM	36	SW SE	1800		30.3	Irrigation
5 N	30 E	WM	36	SE SE	1800		18.4	Irrigation
Total							2730.5	

16. The Applicants also propose an additional point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.)		
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	POD #1	POD #2	POD #3
						2228 ft. downstream	70 ft. upstream	4503 ft. upstream

**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).
4. The District 5 Watermaster has indicated approval for the use of the additional point of diversion.

**Now, therefore, it is ORDERED:**

1. The use of water as described in Findings of Fact #15 and #16 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     **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**