

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

In the Matter of Allocation of Conserved )  
Water Application CW-84, )  
Morrow County ) ORDER APPROVING USE AND  
DISPOSITION OF APPLICANT'S  
PORTION OF CONSERVED WATER

**Applicant**

Hale Farms, LLC  
73120 Highway 207  
Echo, OR 97826

**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-84. 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 May 27, 2014, the Department issued a Final Order Approving on Completion and Finalization Allocation of Conserved Water CW-84, recorded at Special Order Volume 92,

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.

Pages 615-623. The Final Order identified the Applicant's portion of conserved water as follows:

Priority Date	Source	Rate (cfs)	Volume (acre-feet)
June 29, 1973 <i>plus one minute</i>	Columbia River	9.14	1325.07

2. On March 26, 2014, prior to issuance of the Final Order, the Applicant submitted a 60-Day Notice of Use or Disposition for Applicant's Portion of Conserved Water for CW-84 along with the required documentation.
3. On May 27, 2014, the Department signed an Order Approving Use and Disposition of Applicant's Portion of Conserved Water. The Order is recorded in Special Order Volume 92, Pages 624-626.
4. On November 1, 2016, the Applicant submitted a 60-Day Notice of Use or Disposition for Applicant's Portion of Conserved Water (Notice). The Notice identifies the entire quantity of the Applicant's portion of conserved water is to revert from the place of use previously identified in Special Order Volume 92, Pages 624-626 to being managed instream within the reach identified in the Finalization Order.
5. To prevent enlargement, the rate of the water use to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
6. The Applicant's portion of conserved water, as adjusted in Finding of Fact #5 above, shall be managed instream as follows:

Source: **Columbia River**

Priority Date	Period of Use	Rate (cfs)	Volume (acre-feet)
June 29, 1973 <i>plus one minute</i>	March 1 through October 31	2.7	1325.07

Reach: From the authorized point of diversion under Certificate 79482 (superseded, in part, by Certificate 89305) as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

To the mouth at river mile 0.0.

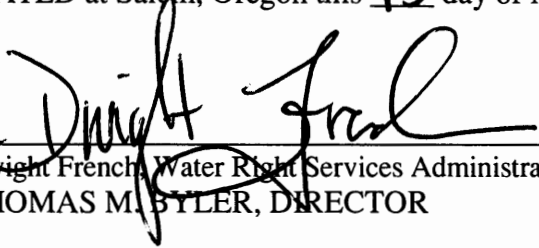
### Conclusions of Law

1. The proposed use would not constitute an expansion of the right.
2. 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 to be managed instream for future out-of-stream use as described in Finding of Fact #6 is approved.
2. The right is subject to the provisions of ORS 537.490 and ORS 537.500(2).

DATED at Salem, Oregon this 15 day of November, 2016.

  
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Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing date: NOV 17 2016