

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

In the Matter of Proposed Allocation of ) ***CORRECTING AND SUPERSEDING***  
Conserved Water Application ) **FINAL ORDER APPROVING AND**  
CW-58, Umatilla County ) **FINALIZING ALLOCATION OF**  
) **CONSERVED WATER CW-58**

**Authority**

ORS 537.455 to 537.500 as amended by 2003 HB 2456, 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 allocation of conserved water applications.

**Applicant**

Stanfield Hutterian Farm  
c/o John Stahl  
36345 Despain Gulch Road  
Stanfield, OR 97875

**Agent**

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P.O. Box 643  
Stanfield, Oregon 97875  
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**Attorney**

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Stoel Rives LLP  
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**Party To Receive Applicant's Portion of  
Conserved Water**

***Hale Farms, LLC***  
73120 Highway 207  
Echo, Oregon 97826

**Findings of Fact**

1. On July 9, 2009 the Department issued a final order approving Application for Allocation of Conserved Water CW-58, recorded at Special Order Volume 78, page 350. The order approving CW-58 contained several scriveners' errors. The scriveners' errors corrected in this order are shown in ***bold and italicized font***.
2. On July 8, 2008 David Filippi, an attorney representing John Stahl of the Stanfield Hutterian Farm and Echo Irrigation District (Echo ID), filed an application for Allocation of Conserved Water. The Department assigned the application number CW-58.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. On January 27, 2009 the Applicant submitted a revised application and new maps, which more accurately depict existing ground water rights within the area affected by the proposed conservation project.
4. On March 10, 2009 the Department issued a Notice of Determination and Proposed Final Order Approving Allocation of Conserved Water Application CW-58. The Notice of Determination and Proposed Final Order (PFO) notified the Applicants of their protest rights under OAR 690-018-0050.
5. On May 11, 2009 Heath Curtiss, an attorney, filed a formal protest on behalf of the Applicant and Echo ID. That protest was filed timely.
6. On May 13, 2009 the Department invited the Protestants to a settlement meeting. During the settlement meeting, the Department agreed to amend its decision by removing the telemetry measurement-reporting requirement. The Department also agreed to allow Echo ID to use 1851 AF of conserved water for primary irrigation on the lands described in Findings of Fact #25. In return, the Applicant and Echo ID agreed to withdraw the protest they filed on May 11, 2009.
7. On May 22, 2009 the Department received amended maps, which more accurately depict the new places of use and are consistent with the terms of the settlement agreement.
8. On July 2, 2009 David Filippi, on behalf of Echo Irrigation District and Hale Farms, LLC requested the Department to amend the Final Order for CW-58 by issuing the conserved water rights in the name of Hale Farms, LLC rather than in the name of Echo Irrigation District.
9. On July 7, 2009 Bob Hale of Hale Farms, LLC notified the Department that Hale Farms, LLC agreed to undertake the obligations and adhere to the requirements associated with the spreadable water made available under CW-58.
10. On July 8, 2009 the Department received a signed memorandum from David Filippi, on behalf of the Applicant and Echo ID, which recorded the settlement agreement that was reached during the May 13, 2009 meeting.
11. The right to be modified is as follows:
  - Certificate:** 80912 in the name of STANFIELD HUTTERIAN FARM C/O JOHN STAHL (perfected under Permit S-37121).
  - Use:** IRRIGATION of 3730.2 ACRES
  - Priority Date(s):** OCTOBER 3, 1973, DECEMBER 11, 1973
  - Rate:** 68.79 CFS under October 3, 1973 and 18.42 under December 11, 1973.
  - Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 4.5 acre-feet per acre per year.
  - Source:** COLUMBIA RIVER, tributary to PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	4	NE NW	17.9
4 N	30 E	WM	4	NW NW	23.5
4 N	30 E	WM	4	SW NW	33.7
4 N	30 E	WM	4	SE NW	37.5
4 N	30 E	WM	4	NE SW	36.3
4 N	30 E	WM	4	NW SW	30.2
4 N	30 E	WM	4	SW SW	30.9
4 N	30 E	WM	4	SE SW	36.3
4 N	30 E	WM	5	NE NE	4.5
4 N	30 E	WM	5	NW NE	1.6
4 N	30 E	WM	5	SW NE	30.9
4 N	30 E	WM	5	SE NE	37.9
4 N	30 E	WM	5	SW NW	22.4
4 N	30 E	WM	5	SE NW	25.7
4 N	30 E	WM	5	NE SW	34.5
4 N	30 E	WM	5	NW SW	31.6
4 N	30 E	WM	5	SW SW	35.8
4 N	30 E	WM	5	SE SW	31.2
4 N	30 E	WM	5	NE SE	27.8
4 N	30 E	WM	5	NW SE	34.2
4 N	30 E	WM	5	SW SE	30.9
4 N	30 E	WM	5	SE SE	29.3
4 N	30 E	WM	7	NE NE	33.1
4 N	30 E	WM	7	NW NE	8.1
4 N	30 E	WM	7	SW NE	30.4
4 N	30 E	WM	7	SE NE	33.9
4 N	30 E	WM	7	NE NW	35.8
4 N	30 E	WM	7	NW NW	46.0
4 N	30 E	WM	7	SW NW	19.5
4 N	30 E	WM	7	SE NW	27.0
4 N	30 E	WM	7	NE SW	23.9
4 N	30 E	WM	7	NW SW	17.3
4 N	30 E	WM	7	SW SW	30.2
4 N	30 E	WM	7	SE SW	33.9
4 N	30 E	WM	7	NE SE	21.0
4 N	30 E	WM	7	NW SE	26.7
4 N	30 E	WM	7	SW SE	36.2
4 N	30 E	WM	7	SE SE	33.9
4 N	30 E	WM	8	NE NE	38.1
4 N	30 E	WM	8	NW NE	37.1
4 N	30 E	WM	8	SW NE	36.5
4 N	30 E	WM	8	SE NE	31.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	8	NE NW	33.9
4 N	30 E	WM	8	NW NW	18.2
4 N	30 E	WM	8	SW NW	36.0
4 N	30 E	WM	8	SE NW	37.2
4 N	30 E	WM	8	NE SW	38.1
4 N	30 E	WM	8	NW SW	26.4
4 N	30 E	WM	8	SW SW	37.1
4 N	30 E	WM	8	SE SW	35.6
4 N	30 E	WM	8	NE SE	38.4
4 N	30 E	WM	8	NW SE	35.4
4 N	30 E	WM	8	SW SE	34.1
4 N	30 E	WM	8	SE SE	35.3
4 N	30 E	WM	17	NE NE	29.8
4 N	30 E	WM	17	NW NE	33.5
4 N	30 E	WM	17	SW NE	36.3
4 N	30 E	WM	17	SE NE	36.1
4 N	30 E	WM	17	NE NW	40.0
4 N	30 E	WM	17	NW NW	27.4
4 N	30 E	WM	17	SW NW	36.6
4 N	30 E	WM	17	SE NW	36.9
4 N	30 E	WM	17	NE SW	40.0
4 N	30 E	WM	17	NW SW	14.8
4 N	30 E	WM	17	SW SW	24.8
4 N	30 E	WM	17	SE SW	30.3
4 N	30 E	WM	17	NE SE	10.0
4 N	30 E	WM	17	NW SE	23.5
4 N	30 E	WM	17	SW SE	11.2
4 N	30 E	WM	18	NE NE	17.0
4 N	30 E	WM	18	NW NE	26.7
4 N	30 E	WM	18	SW NE	17.5
4 N	30 E	WM	18	SE NE	39.1
4 N	30 E	WM	18	NE NW	16.8
4 N	30 E	WM	18	NW NW	50.2
4 N	30 E	WM	18	SW NW	51.3
4 N	30 E	WM	18	SE NW	11.5
4 N	30 E	WM	18	NE SW	39.6
4 N	30 E	WM	18	NW SW	49.3
4 N	30 E	WM	18	SW SW	52.5
4 N	30 E	WM	18	SE SW	38.5
4 N	30 E	WM	18	NE SE	15.8
4 N	30 E	WM	18	NW SE	24.6
4 N	30 E	WM	18	SW SE	35.6
4 N	30 E	WM	18	SE SE	33.8
4 N	30 E	WM	19	NE NE	35.0
4 N	30 E	WM	19	NW NE	39.7
4 N	30 E	WM	19	SW NE	37.2
4 N	30 E	WM	19	SE NE	38.8
4 N	30 E	WM	19	NE NW	34.8
4 N	30 E	WM	19	NW NW	49.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	19	SW NW	52.2
4 N	30 E	WM	19	SE NW	40.0
4 N	30 E	WM	19	NE SW	37.4
4 N	30 E	WM	19	NW SW	48.0
4 N	30 E	WM	19	SW SW	44.1
4 N	30 E	WM	19	SE SW	28.2
4 N	30 E	WM	19	NE SE	36.4
4 N	30 E	WM	19	NW SE	36.5
4 N	30 E	WM	19	SW SE	36.8
4 N	30 E	WM	19	SE SE	27.7
4 N	30 E	WM	20	NE NE	14.8
4 N	30 E	WM	20	NW NE	14.4
4 N	30 E	WM	20	SW NE	40.0
4 N	30 E	WM	20	SE NE	39.8
4 N	30 E	WM	20	NE NW	33.2
4 N	30 E	WM	20	NW NW	35.9
4 N	30 E	WM	20	SW NW	38.8
4 N	30 E	WM	20	SE NW	37.5
4 N	30 E	WM	20	NE SW	37.5
4 N	30 E	WM	20	NW SW	38.1
4 N	30 E	WM	20	SW SW	29.8
4 N	30 E	WM	20	SE SW	35.2
4 N	30 E	WM	20	NE SE	35.4
4 N	30 E	WM	20	NW SE	33.0
4 N	30 E	WM	20	SW SE	29.4
4 N	30 E	WM	20	SE SE	34.6
<b>Total:</b>					<b>3,730.2</b>

12. The application proposes an Allocation of Conserved Water project under Certificate 80912. The Applicant proposes to conserve 5,595.3 acre-feet (AF) and 25.04 cfs of water by replacing 10.5 gallon per minute per acre center pivot sprinklers on 3,730.2 acres of farmland with 7.5 gallon per minute per acre center pivot sprinklers. Additionally, variable speed pumps have been installed and the main delivery line has been lined with concrete.
13. Water has been used within the last five years according to the terms and conditions of the right. The record does not contain information that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A diversion structure and delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application CW-58.
15. The proposed Allocation of Conserved Water project was implemented in 2008, and will result in the following amount of conserved water under Certificate 80912:

Priority Date	Existing Acres	Before Project			After Project			Conserved Water		
		AF/ac	AF	CFS	AF/ac	AF	CFS	AF/ac	AF	CFS
Oct. 3, 1973	3,730.2	4.5	13,240.5	68.79	3.0	8,827.0	49.04	1.5	4,413.5	19.75
Dec. 11, 1973	3,730.2*	4.5	3,545.4	18.42	3.0	2,363.7	13.13	1.5	1,181.8	5.29
<b>Total</b>	<b>3,730.2</b>	<b>4.5</b>	<b>16,785.9</b>	<b>87.21</b>	<b>3.0</b>	<b>11,190.6</b>	<b>62.17</b>	<b>1.5</b>	<b>5,595.3</b>	<b>25.04</b>

\* same acres as those covered by October 3, 1973 priority date

16. The applicant funded 100 percent of the project. Therefore, pursuant to OAR 690-018-0012(1), 75 percent of the conserved water may go to the applicant and 25 percent to the state in the amounts described below:

Certificate #	Priority Date	Applicant's Share of Conserved Water		State's Share of Conserved Water		Total Amount of Conserved Water	
		AF	CFS	AF	CFS	AF	CFS
80912	October 3, 1973 plus one minute	3,310.1	14.81	1,103.4	4.94	4,413.5	19.75
80912	December 11, 1973 plus one minute	886.4	3.97	295.4	1.32	1,181.8	5.29
<b>Total:</b>		<b>4,196.5</b>	<b>18.78</b>	<b>1,398.8</b>	<b>6.26</b>	<b>5,595.3</b>	<b>25.04</b>

17. In consultation with the Oregon Department of Fish and Wildlife, Department of Environmental Quality, and Oregon Parks and Recreation Department, the Department has determined that conserved water is needed to support instream uses in the COLUMBIA RIVER to provide for the conservation, maintenance and enhancement of aquatic and fish life and fish habitat.

18. Public notice was published in the Department's weekly notice on November 4, 2008 and in the *East Oregonian* on November 16, 23 and 30, 2008 as required under OAR 690-018-0050. No comments were received in response to these notices.

19. Pursuant to ORS 537.485, the Applicant requests that the priority dates of the conserved water be one-minute junior to the originating right.

20. The proposed allocation of conserved water will not harm existing rights.

21. The application includes land use information forms completed and signed by a representative of the Umatilla County planning department, demonstrating that the application is compatible with the local comprehensive land use plan. Additionally, the Department notified the following downstream local and tribal governments:

Cities: Arlington, Astoria, Boardman, Clatskanie, Columbia City, The Dalles, Fairview, Hermiston, Mosier, Portland, Prescott, Rufus, Scappoose, St. Helens, and Troutdale;

Counties: Clatsop, Columbia, Gilliam, Morrow, Multnomah, Sherman, Wasco, and Washington; and

Tribal governments: Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs.

22. Since no harm to other water rights will occur, no reduction in the quantity of conserved water to be allocated is required to mitigate for effects on other water rights.
23. After the allocation of conserved water, the water rights held by the Applicant will allow use of the following quantities of water on the existing acres:

Priority Date	Existing Acres	After Project		
		AF/ac	AF	CFS
October 3, 1973	3,730.2	3.0	8,827.0	49.04
December 11, 1973	3,730.2*	3.0	2,363.6	13.13
<b>Total:</b>	<b>3,730.2</b>	<b>3.0</b>	<b>11,190.6</b>	<b>62.17</b>

\* same acres as those covered by October 3, 1973 priority date

24. The Applicant's portion of the conserved water may be used by Hale Farms, LLC for primary irrigation on a maximum of 778.5 acres of new lands located within:

NEW LANDS RECEIVING CONSERVED WATER FOR PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3N	29E	WM	13	NE SW	30.0
3N	29E	WM	13	NW SW	25.9
3N	29E	WM	13	SW SW	25.9
3N	29E	WM	13	SE SW	30.0
3N	29E	WM	14	NE SE	25.9
3N	29E	WM	14	SE SE	25.9
3N	30E	WM	5	NE SW	31.25
3N	30E	WM	5	NW SW	31.25
3N	30E	WM	5	SW SW	31.25
3N	30E	WM	5	SE SW	33.15
3N	30E	WM	7	NE NE	30.0
3N	30E	WM	7	NW NE	30.0
3N	30E	WM	7	SW NE	30.0
3N	30E	WM	7	SE NE	30.0
3N	30E	WM	7	NE SE	30.0
3N	30E	WM	7	NW SE	30.0
3N	30E	WM	7	SW SE	30.0
3N	30E	WM	7	SE SE	30.0
3N	30E	WM	8	NE NW	31.0
3N	30E	WM	8	NW NW	31.0
3N	30E	WM	8	SW NW	31.0
3N	30E	WM	8	SE NW	31.0
3N	30E	WM	8	NE SW	31.0
3N	30E	WM	8	NW SW	31.0
3N	30E	WM	8	SW SW	31.0
3N	30E	WM	8	SE SW	31.0
<b>Total:</b>					<b>778.5</b>

The rate, duty and priority dates for these primary acres is shown below:

Priority Date	Rate (CFS)	Duty (AF)
October 3, 1973 plus one minute	6.64	1,842.2
December 11, 1973 plus one minute	1.78	493.3
<b>Total:</b>	<b>8.42</b>	<b>2,335.5</b>

The amount of water used for irrigation, together with the amount secured under any other right, for the same lands, is limited to a diversion of ONE-SIXTIETH 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 during the irrigation season of each year. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

25. Additionally, the Applicant's portion of the conserved water may be used by Hale Farms, LLC, for primary irrigation, on a maximum of 1,860.0 acres located as follows:

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Certificate
3N	29E	WM	1	SW SW	1.3	74762
3N	29E	WM	2	SWSE	0.2	74762
3N	29E	WM	2	SE SE	0.9	74762
3N	29E	WM	11	NE NE	40.0	74762
3N	29E	WM	11	NW NE	36.4	74762
3N	29E	WM	11	SW NE	8.5	74762
3N	29E	WM	11	SE NE	16.4	74762
3N	29E	WM	12	NW NW	27.9	74762
3N	29E	WM	12	SW NW	32.8	74762
3N	29E	WM	12	NW SW	1.9	74762
3N	30E	WM	6	NE SW	16.6	74896
3N	30E	WM	6	NW SW	23.8	74896
3N	30E	WM	6	SW SW	25.9	74896
3N	30E	WM	6	SE SW	28.4	74896
3N	30E	WM	7	NE NW	35.2	74896
3N	30E	WM	7	NW NW	35.9	74896
3N	30E	WM	7	SW NW	22.3	74896
3N	30E	WM	7	SE NW	20.7	74896
3N	30E	WM	7	NW SW	40.7	74896
3N	29E	WM	1	NE NW	35.8	74898
3N	29E	WM	1	NW NW	38.7	74898
3N	29E	WM	1	SW NW	37.1	74898
3N	29E	WM	1	SE NW	27.1	74898
3N	29E	WM	1	NE SW	39.0	74898
3N	29E	WM	1	NW SW	39.6	74898
3N	29E	WM	1	SW SW	30.3	74898



LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Certificate
3N	29E	WM	1	SE SW	40.0	74898
3N	29E	WM	2	NE NE	29.3	74898
3N	29E	WM	2	NW NE	34.0	74898
3N	29E	WM	2	SW NE	29.3	74898
3N	29E	WM	2	SE NE	27.6	74898
3N	29E	WM	2	NE SE	38.4	74898
3N	29E	WM	2	NW SE	38.1	74898
3N	29E	WM	2	SW SE	26.9	74898
3N	29E	WM	2	SE SE	36.5	74898
3N	29E	WM	11	NE NW	30.7	74898
3N	29E	WM	11	NW NW	30.7	74898
3N	29E	WM	11	SW NW	27.2	74898
3N	29E	WM	11	SE NW	26.0	74898
3N	29E	WM	12	NE NW	32.6	74898
3N	29E	WM	12	NW NW	4.1	74898
3N	29E	WM	12	SW NW	3.1	74898
3N	29E	WM	12	SE NW	36.7	74898
3N	29E	WM	12	NE SW	28.3	74898
3N	29E	WM	12	NW SW	23.5	74898
3N	29E	WM	9	NW NE	3.6	79890/ T-9853
3N	29E	WM	9	SW NE	37.5	79890/ T-9853
3N	29E	WM	9	SE NE	0.6	79890/ T-9853
3N	29E	WM	9	NW SE	26.2	79890/ T-9853
3N	30E	WM	6	NW NW	46.1	80851
3N	30E	WM	6	SW NW	49.2	80851
3N	30E	WM	6	SE NW	3.8	80851
3N	30E	WM	6	NE SW	20.9	80851
3N	30E	WM	6	NW SW	32.6	80851
3N	30E	WM	7	NW SW	9.5	80851
3N	30E	WM	7	SW SW	45.0	80851
3N	29E	WM	1	NE NE	14.3	80851
3N	29E	WM	1	NW NE	25.1	80851
3N	29E	WM	1	SW NE	26.6	80851
3N	29E	WM	1	SE NE	14.3	80851
3N	29E	WM	1	NW SE	35.8	80851
3N	29E	WM	1	SW SE	18.5	80851
3N	29E	WM	1	SE SE	10.4	80851
3N	29E	WM	12	NE NE	39.0	80851
3N	29E	WM	12	NW NE	40.0	80851
3N	29E	WM	12	SW NE	30.0	80851
3N	29E	WM	12	SE NE	23.4	80851

LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Certificate
3N	29E	WM	12	NE SE	36.6	80851
3N	29E	WM	12	NW SE	39.6	80851
3N	29E	WM	12	SW SE	9.8	80851
3N	29E	WM	12	SE SE	15.2	80851
<b>Total:</b>					<b>1860.0</b>	

The rate, duty and priority date for these acres is shown below:

Priority Date	Rate (CFS)	Duty (AF)
October 3, 1973 plus one minute	8.17	1,467.9
December 11, 1973 plus one minute	2.19	393.1
<b>Total:</b>	<b>10.36</b>	<b>1861.0</b>

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of ONE-SIXTIETH 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 during the irrigation season of each year. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

26. The State's share of the conserved water is:

Priority Date	Rate (CFS)	Duty (AF)
October 3, 1973 plus one minute	4.94	1,103.4
December 11, 1973 plus one minute	1.32	295.4
<b>Total:</b>	<b>6.26</b>	<b>1,398.8</b>

27. The instream water right created from the conserved water under Certificate 80912 is from the point of diversion on the Columbia River, being:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	47 E	WM	21	NE NW	350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER OF SECTION 21

To the Pacific Ocean (Columbia River Mile 0.0).

The right will be protected instream from April 15 through September 30 at the rate and priority date shown below:

Priority Date	Rate (CFS)
October 3, 1973 plus one minute	3.31
December 11, 1973 plus one minute	0.89
<b>Total:</b>	<b>4.20</b>

28. The applicants have completed the project and request that the project be finalized pursuant to OAR 690-018-0062.
29. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights.

**Conclusions of Law**

1. *The Final Order entered at Special Order Volume 78, pages 350-362, is void and of no further force or effect.*
2. The project described in the application CW-58 for Allocation of Conserved Water is consistent with the criteria in ORS 537.455 to 537.500, as amended by 2003 HB 2456 and OAR Chapter 690, Division 18. Water will be conserved that can be allocated without harming other water rights.
3. The protest filed by the Applicant and Echo Irrigation District is withdrawn and of no further force or effect.

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

1. The changes in Conserved Water Application CW-58 are approved.
2. Water Right Certificate 80912 is cancelled and a superseding Certificate will be issued.
3. Approval of this Allocation of Conserved Water reduces the amount of water lawfully available to the lands previously described under Certificate 80912 by the following amounts:

Priority Date	Duty (AF)	Rate (CFS)
October 3, 1973	4,413.5	19.75
December 11, 1973	1,181.8	5.29
<b>Total</b>	<b>5,595.3</b>	<b>25.04</b>

An Allocation of Conserved Water remaining right certificate will be issued describing the portion of the right remaining on the lands previously described under Certificate 80912. The new rates and duties for these lands are:

Priority Date	Duty		Rate	
	AF/ac	AF	CFS/ac	CFS
October 3, 1973		8,827.0		49.04
December 11, 1973		2,363.6		13.13
<b>Total:</b>	<b>3.0</b>	<b>11,190.6</b>	<b>1/60*</b>	<b>62.17</b>

\*1/60 is the maximum per acre rate that may be applied in conjunction with any other certificate.

The acreage, rate, duty, and priority dates are subject to modification by any previously approved transfers, cancellations, corrections, allocations of conserved water or other prior modification to the certificates. All other conditions and limitations of the existing water right shall be included in the superseding certificate.

4. The permanent places of use for the Applicant's share of the conserved water have been determined and are described in Findings of Fact #24 and #25.
5. The applicant has completed the conservation project and will not be requesting additional time to finalize the project.
6. Before water may be applied to the new lands, as described in Findings of Fact #24 and #25, the Applicant and Hale Farms, LLC shall install totalizing flow meters or other measurement system as approved by the Department at:
  - a) The point of diversion from the Columbia River and all other points of diversion or appropriation, which supply water to the new lands;
  - b) The northern boundary connection of the Echo Irrigation District; and
  - c) All field diversions (center pivots or other method of water delivery) used to apply water to the new lands described in Findings of Fact#24 and #25.

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 field diversion, which is acceptable to, and approved by the Department may be allowed. Testing of the approved measurement devices shall occur at such intervals as deemed appropriate and necessary by the Watermaster.

7. The Applicant and Hale Farms, LLC shall maintain a complete record of water usage on a monthly basis and shall submit monthly and annual reports to the Watermaster's office in Pendleton. The water use reports shall include recorded monthly water usage measurements from each point of diversion, the measurement device located at the North Echo ID boundary connection and for each field diversion (center pivot or other means of application). 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 after the second full season of use, if requested by the Applicant or Hale Farms, LLC and approved by the Department. The reports may be e-mailed, faxed or mailed.
8. The Applicant and Hale Farms, LLC shall allow the Watermaster access to the water meters described above. Where a meter is located within a private structure, the Watermaster shall request access upon reasonable notice.

9. Additional measurement and reporting conditions, including, but not limited to, additional measuring sites, general water-use information and the place and nature of water use may be required at the discretion of the Department.
10. The 2,335.5 AF of conserved water held by the applicant may be used to irrigate a maximum of 778.5 new primary acres as described in Finding of Fact #24. To conserve use of water in the critical ground water area, the remaining 1,861 AF of water conserved by the Applicant may be used by Hale Farms, LLC for primary irrigation on the 1,860.0 acres described in Finding of Fact #25. The authorized point of diversion for these lands is the existing point of diversion, being:


**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

All other conditions and limitations of the existing water rights and any related decree shall be included in the new certificates.

11. When satisfactory proof of the completed changes is received, new certificates confirming the use of the conserved water on the new lands will be issued.
12. A new instream certificate shall be issued for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Columbia River as described in Finding of Fact #27.
13. The instream water rights shall be in addition to any instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

Dated at Salem, Oregon this 15<sup>th</sup> day of July, 2009.



Phillip C. Ward *th*

Director

Date of Mailing: JUL 17 2009