

**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-65, ) OF THE APPLICANT'S PORTION OF  
Morrow County ) CONSERVED WATER

**Applicant**

Royale Columbia Farms  
Attn: 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-65. 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 November 17, 2011, the Department issued a Final Order Approving Allocation of Conserved Water Project CW-65 and Additional Points of Diversion (Approval Order), recorded in Special Order Volume 85, Pages 698-713.
2. On December 11, 2011, the Applicant identified additional lands to be irrigated from the conserved water.
3. On January 18, 2012, at the Applicant's request, the Department issued an Order Finalizing Increment II of Allocation of Conserved Water CW-65 (Increment 2 Order), recorded at Special Order Volume 85, Pages 950-956.
4. On July 1, 2019, the Applicant submitted Claims of Beneficial Use for the "Applied (Proof Required)" portions of conserved water as required under the Approval Order and Increment 2 Order.
5. On September 30, 2019, the Department issued an Order on Submission of Claims of Beneficial Use and Approving Disposition and Use of the Applicant's Portion of Conserved Water (Final Order), under Allocation of Conserved Water Project CW-65, recorded in Special Order Volume 113, Pages 1277-1291.
6. The proposed areas for the Applicants' portion of conserved water to be used for out-of-stream uses were identified in the Final Order as follows:

Township	Range
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

7. The Final Order clarified and corrected the current allocation of the Applicant's portion of conserved water and was identified in the Final Order as follows:

Applicant's Portion of Conserved Water				Applied (Proof Submitted) Increment 1		Applied (Proof Submitted) Increment 2		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)
50872	12/5/1974*	0.98	224.93	0.89	203.90	0.04	9.89	0.05	11.14
81197	12/8/1970*	9.89	2047.90	7.01	1451.70	2.88	596.20	0	0
84967	12/8/1970*	0.52	117.22	0.37	83.69	0.04	10.15	0.11	23.38
<b>Totals</b>		<b>11.39</b>	<b>2390.05</b>	<b>8.27</b>	<b>1739.29</b>	<b>2.96</b>	<b>616.24</b>	<b>0.16</b>	<b>34.52</b>

\*Plus one minute

8. As of September 30, 2019, the current allocation of the Applicant's portion of conserved water was as follows:

Applicant's Portion of Conserved Water				Use on Other Lands		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)	Rate (cfs)	Volume (AF)
50872	12/5/1974*	0.98	224.93	0.93	213.79	0.05	11.14
81197	12/8/1970*	9.89	2047.90	9.89	2047.9	0	0
84967	12/8/1970*	0.52	117.22	0.41	93.84	0.11	23.38
Totals		11.39	<b>2390.05</b>	11.23	2355.53	0.16	34.52

9. On July 8, 2022, following submission of a 60-Day Notice of Use and Disposition, the Department issued a Final Order Approving the Use and Disposition of a Portion of the Applicant's Portion of Conserved Water, under Allocation of Conserved Water Project CW-65, recorded in Special Order Volume 125, Pages 371-376. The 2022 Use Order authorized the use of 0.51 cfs limited to 117.12 AF on 999.9 acres. The 2022 Use Order authorized the use of water 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 120 FEET EAST FROM THE SW CORNER OF SECTION 8

10. On December 20, 2022, the Applicant submitted a 60-Day Notice of Use and Disposition requesting the entirety of the Applicants' Portion of Conserved Water under application CW-65 to be applied to a new place of use within the area identified in the Final Order, recorded in Special Order Volume 113, Pages 1277-1291.
11. The Applicant proposes to relocate the use of 11.39 cfs of conserved water as listed below.

**Originating Certificate:** 81197

**Person/Entity Using the Water:**

Royale Columbia Farms and Cold Springs LLC  
c/o Greg Juul  
PO Box 130  
Hermiston, OR 97838

**Use:** IRRIGATION of 44.8 ACRES

**Priority Dates:** December 8, 1970, *plus one minute*

**Rate/Volume:** 1.21 CUBIC FEET PER SECOND (CFS), Limited to 134.4 ACRE FEET (AF)  
**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

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

**Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Glott	Acres	Use
5 N.	29 E	WM	36	SE NE	5900		5.5	Irrigation
4 N	30 E	WM	6	SW NW	700	1	17.7	Irrigation
4 N	30 E	WM	6	NW SW	700	2	4.5	Irrigation
5 N	30 E	WM	31	SW NW	1100		17.1	Irrigation
Total							44.8	

**Originating Certificates:** 50872, 81197, and 84967

**Person/Entity Using the Water:**

Royale Columbia Farms and Cold Springs LLC  
c/o Greg Juul  
PO Box 130  
Hermiston, OR 97838

**Use:** IRRIGATION of 2901.6 ACRES

**Priority Dates:** December 8, 1970, *plus one minute* and December 5, 1974, *plus one minute*

**Rate/Volume:** 10.18 CUBIC FEET PER SECOND (CFS), Limited to 2255.65 ACRE FEET (AF)

**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

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

**Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	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
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

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Use
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
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

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Acres	Use
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
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
4 N	31 E	WM	7	NE NW	1801		14.5	Irrigation
4 N	31 E	WM	7	NW NW	1801	1	24.0	Irrigation
4 N	31 E	WM	7	SW NW	1801	2	36.3	Irrigation
4 N	31 E	WM	7	SE NW	1801		28.1	Irrigation
4 N	31 E	WM	7	NE SW	1802		22.2	Irrigation
4 N	31 E	WM	7	NW SW	1802	3	38.6	Irrigation
4 N	31 E	WM	7	SW SW	1802	4	6.3	Irrigation
4 N	31 E	WM	7	SE SW	1802		0.2	Irrigation
5 N	31 E	WM	31	SW NW	4000		0.9	Irrigation
Total							2901.6	

12. The applicant also proposes an additional point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD #4 (EAST IMPROVEMENT DISTRICT PUMPING STATION) – 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

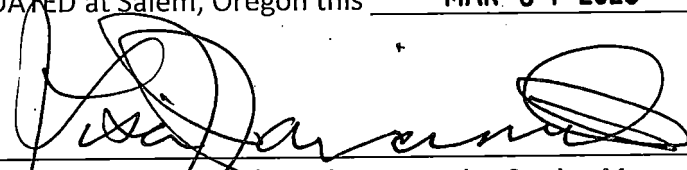
### Conclusions of Law

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 Finding of Fact #11 and #12 is approved.
2. The use of water for irrigation as described above in Finding of Fact #9, and as described in Findings of Fact #6, and #8 in the Final Order recorded at Special Order Volume 113, Pages 1277-1291, is no longer authorized.
3. 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 MAR 01 2023

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

Mailing date: MAR 02 2023