

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

IN THE MATTER OF ALLOCATION)	ORDER FINALIZING INCREMENT II
OF CONSERVED WATER)	OF ALLOCATION OF CONSERVED
APPLICATION CW-65)	WATER CW-65
UMATILLA COUNTY)	

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.

ORS 537.705 and 540.505 to 540.580 establish the process in which a the holder of conserved water may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Royale Columbia Farms Inc.
Greg Juul
P.O. Box 130
Hermiston, Oregon 97838

Agent

Bill Porfily
PO Box 643
Stanfield OR 97875

Findings of Fact

1. On November 5, 2009 Greg Juul of Royale Columbia Farms Inc., filed an Application for Allocation of Conserved Water. The Department assigned the application number CW-65.
2. On November 17, 2011 the Department issued Special Order Volume 85, Page 698 (*pages 698 through 713 inclusive*), which approved and partially finalized Allocation of Conserved Water Application CW-65. The order also notified the Applicant and all parties who had filed comments that any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1).

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. The Order Approving and Partially Finalizing CW-65, as recorded in Special Order Volume 85, at Page 698, reserved the following portion of the Applicant's instream until a permanent place of use could be determined. The Order further stated that, before any portion of the Conserved Water reserved instream could be applied to any beneficial use, the Applicant must submit, and the Department must approve Request for Finalization. The Applicant's portion of the Conserved Water reserved instream is as follows:

Originating Certificate	Priority*	AF	CFS
50872	12/5/1974	9.89	0.04
81197	12/8/1970	594.85	2.88
84967	12/8/1970	10.15	0.04
TOTAL:		614.89	2.96

*Plus One Minute.

4. On December 12, 2011 the Applicant requested the remaining portion of Allocation of Conserved Water project CW-65 be finalized pursuant to OAR 690-018-0062.
5. The Applicant's remaining share of water conserved under Certificate 50872, with a priority date of December 5, 1974, plus one-minute, may be used for 2.58 acres of new irrigation described as follows:

Originating Certificate: 50872 in the name of ROYALE COLUMBIA ASSOCIATES
(perfected under Permit S-37538)

Use: IRRIGATION OF 2.58 ACRES

Priority Date: DECEMBER 5, 1974

Rate: 0.04 CUBIC FOOT PER SECOND

Limit/Duty: 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-SIXTY-FOURTH 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 3.83 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
5 N	30 E	WM	8	NE NW	200	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	200	POD #2 (ROYAL 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

NEW LANDS TO RECEIVE CONSERVED WATER FOR IRRIGATION*								
Originating Certificate	Priority	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
50872	12/5/1974*	4 N	30 E	WM	11	NE NE	1300	2.58

*Plus one-minute

**The Applicant has not yet surveyed of the above designated lands; therefore, the legal description of the designated place of use as set forth above may have a slight variance from the legal description that will be set forth when the Claim of Beneficial Use is submitted. However, the total number of acres, along with rates and duties established herein, shall be the maximum number of acres, rates and duties allowed under Increment II of CW-65

The rate, duty and priority dates for the above listed acres is shown below:

Priority	Total Acres	New Irrigation		
		AF/AC	Total Duty AF	Max Rate CFS
12/5/1974*	2.58	3.83	9.89	0.04
<i>*Plus One Minute</i>				

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 1/64 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 3.83 acre-feet per acre for each acre irrigated. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

6. The remaining portion of the Applicant's share of water conserved under Certificate 81197, with a priority date of December 8, 1970, *plus one minute*, may be used for a maximum of 198.28 acres of new irrigation described as follows:

Originating Certificate: 81197 in the name of ROYALE COLUMBIA FARMS INC.
(perfected under Permit S-36718)

Use: IRRIGATION of 198.28 ACRES

Priority Date: DECEMBER 8, 1970

Rate: 2.88 CUBIC FEET PER SECOND

Limit/Duty: 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-SIXTY-NINTH 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.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
5 N	30 E	WM	8	NE NW	200	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	200	POD #2 (ROYAL 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

NEW LANDS TO RECEIVE CONSERVED WATER FOR IRRIGATION*								
Originating Certificate	Priority	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
81197	12/8/1970*	4 N	30 E	WM	11	NE NE	1300	25.68
81197	12/8/1970*	4 N	30 E	WM	11	NW NE	1300	30.95
81197	12/8/1970*	4 N	30 E	WM	11	SW NE	1300	15.47
81197	12/8/1970*	4 N	30 E	WM	11	SE NW	800	2.38
81197	12/8/1970*	4 N	30 E	WM	11	NE SE	1200	30.95
81197	12/8/1970*	4 N	30 E	WM	11	NW SE	1200	30.95
81197	12/8/1970*	4 N	30 E	WM	11	SW SE	1200	30.95
81197	12/8/1970*	4 N	30 E	WM	11	SE SE	1200	30.95
TOTAL:								198.28

**Plus one-minute*

***The Applicant has not yet surveyed of the above designated lands; therefore, the legal description of the designated place of use as set forth above may have a slight variance from the legal description that will be set forth when the Claim of Beneficial Use is submitted. However, the total number of acres, along with rates and duties established herein, shall be the maximum number of acres, rates and duties allowed under Increment II of CW-65.*

The rate, duty and priority dates for the above listed acres is as follows:

Priority	Total Acres	New Irrigation		
		AF/AC	Total Duty AF	Max Rate CFS
12/8/1970*	198.28	3.0	594.85	2.88
<i>*Plus One Minute</i>				

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 1/69 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 3.00 acre-feet per acre for each acre irrigated. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

7. The remaining portion of the Applicant's share of water conserved under Certificate 84967, with a priority date of December 8, 1970, *plus one minute*, may be used for a maximum of 2.69 acres of new irrigation described as follows:

Originating Certificate: 84967 in the name of ROYALE COLUMBIA FARMS INC
(perfected under Permit S-36718)

Use: IRRIGATION of 2.69 ACRES

Priority Date: DECEMBER 8, 1970

Rate: 0.04 CUBIC FEET PER SECOND

Limit/Duty: 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-SIXTY-SEVENTH 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 3.77 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Points of Diversion:

Twps	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
5 N	30 E	WM	8	NE NW	200	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	200	POD #2 (ROYAL 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

NEW LANDS TO RECEIVE CONSERVED WATER FOR IRRIGATION*								
Originating Certificate	Priority	Twps	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
84967	12/8/1970*	4 N	30 E	WM	11	NE NE	1300	2.69

*Plus one-minute

**The Applicant has not yet surveyed of the above designated lands; therefore, the legal description of the designated place of use as set forth above may have a slight variance from the legal description that will be set forth when the Claim of Beneficial Use is submitted. However, the total number of acres, along with rates and duties established herein, shall be the maximum number of acres, rates and duties allowed under Increment II of CW-65.

The rate, duty and priority dates for the above listed acres is as follows:

Priority	Total Acres	New Irrigation		
		AF/AC	Total Duty AF	Max Rate CFS
12/8/1970*	2.69	3.77	10.15	0.04
<i>*Plus One Minute</i>				

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 1/67 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 3.77 acre-feet per acre for each acre irrigated. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

Now, therefore, it is ORDERED:

Consistent with Special Order Volume 85, at Page 698, the Department takes the following actions:

1. The Applicant's request to finalize Increment II of Allocation of Conserved Water Application CW-65, as described above, is approved.

2. Before water use 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 emailed, 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 approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. When satisfactory proof of the completed change is received, new certificates confirming the use of the conserved water on the new lands will be issued.

Dated at Salem, Oregon this 18 day of January 2012


Dwight French, Water Rights Services Administrator for

Phillip C. Ward, Director

Mailing date: JAN 20 2012