BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Allocation of Conserved Water Application CW-80, Douglas County	)))	FINAL ORDER ON COMPLETION AND FINALIZATION OF ALLOCATION OF CONSERVED WATER CW-80

Applicant
Blue Heron Land Company, LLC
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Applicable Law

Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application for an Allocation of Conserved Water to the Water Resources Commission for a conservation project that has not yet been implemented or was implemented within five years prior to the submission of the application. ORS 537.465. Under the Allocation of Conserved Water Program, a portion of the water proposed to be conserved by an applicant may be used on additional lands, put to a different use, or be leased or sold to another user. OAR 690-018-0010. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the measure as implemented and the date on which the measure was implemented; (b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented; (c) The amount of water needed to supply existing rights after implementation of the conservation measure; (d) The amount of water conserved by implementing the conservation measure; (e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470; (f) The intended use of any water allocated to the applicant and the proposed location of use; (g) The applicant's choice of priority date for the conserved water; (h) Evidence that the measure was implemented within five years prior to the date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

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.

After determining any quantity of water needed to mitigate the effects on other water rights, 25-percent of the conserved water shall be allocated to the state and 75-percent to the applicant unless the applicant proposes a higher allocation to the state or more than 25-percent of the funds used to finance the conservation measures comes from federal or state sources not subject to repayment. ORS 537.470(3).

If an application for the allocation of conserved water is approved, the Department shall issue orders describing the changes in the original water rights. Once the conservation project is finalized, the Department shall issue new certificates preserving the previously established-priority date of the rights to reflect the unaffected portion of the water rights and new certificates reflecting the changes for the portions of the water rights involved in the conserved water application. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process by 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. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

Findings of Fact

1. On August 21, 2013, Confluence Estate filed an allocation of conserved water application under Certificates 53700 and 79749. The Department assigned the application number CW-80.

2. On January 30, 2014, a Final Order Approving Allocation of Conserved Water CW-80 (Approval Order) was issued and mailed on February 3, 2014. The Approval Order is recorded at Special Order Volume 91, Pages 763-772.

3. The Approval Order allocated the conserved water as follows:

	State's Portion			Applicant's Portion			Conserved Water		
Certificate	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate CFS)	Maximum Duty (Volume) AF
53700	25%	0.12	24.09	75%	0.36	72.28	100%	0.48	96.37
79749	25%	0.10	22.50	75%	0.30	67.50	100%	0.40	90.00
	Totals	0.22	46.59		0.66	139.78		0.88	186.37

4. The Approval Order established the reduced rate and duty for the existing uses under Certificates 53700 and 79749 as follows:

	Rate		Duty	
Originating Certificate	Maximum CFS	CFS/AC	Maximum AF	AF/AC
53700	0.48	1/160	96.38	1.25
79749	0.40	1/160	90.00	1.25

5. The Approval Order allocated the following rate and volume to the State for instream use:

Certificate	Priority Date	Rate (cfs)	Volume (acre-feet)
53700	March 29, 1974	0.12	24.09
79749	April 2, 1952	0.10	22.50
	Total	0.22	46.59

6. The Approval Order established the amount of conserved water allocated to the Applicant. The rate and volume allocated to the Applicant is as follows:

Certificate	Priority Date	Rate (cfs)	Volume (acre-feet)
53700	March 29, 1974	0.36	72.28
79749	April 2, 1952	0.30	67.50
	Total	0.66	139.78

7. The Approval Order established the following areas the Applicant's portion of conserved water may be used for out-of-stream uses as follows:

Twp	Rng	Mer	Sections
25 S	6 W	WM	S1/2 Section 19
25 S	6 W	WM	N1/2 Section 30

8. The Approval Order established the deadline for submitting a Notice of Completion of June 30, 2020, and the deadline for submitting a Request for Finalization of June 30, 2025.

9. On November 17, 2020, the Department approved an assignment from Confluence Estate to Blue Heron Land Company, LLC.

10. On January 19, 2021, the Department issued a Final Order Approving an Extension of Time for completion of the conservation project approved by Allocation of Conserved Water Application CW-80, recorded in Special Order Volume 118, Pages 387-388. The time for completion of the conservation project was extended to June 30, 2025.

11. On June 11, 2025, the Applicant submitted a Notice of Completion.

12. On June 14, 2025, the Applicant submitted a Request for Finalization.

13. On June 16, 2025, the Department contacted the applicant and agent requesting revisions to the map and place of use (POU) table for the Applicant's portion of the conserved water. The POU table and map received on June 11 and 14, 2025, describe the use of the Applicant's portion of the conserved water within Section 25, Township 25 South, Range 7 West, WM. The order issued on January 30, 2014, approving CW-80 authorized use of the Applicant's portion only within the South half of Section 19, and the North half of Section 30, Township 25 South, Range 6 West, WM.

14. On June 24, 2025, the Department determined the condition requiring submittal of a Claim of Beneficial Use (COBU) reflecting the change in point of diversion (POD) under Certificate 79749, prepared by a Certified Water Right Examiner was erroneous. OAR 690-018 describes satisfactory proof of use only when a right to the use of conserved water is sold or given to an agency or political subdivision of the state or to a person. Therefore, submittal of a COBU is not required, as use of the conserved water was not authorized, sold, or gifted when the approval order was issued. Additionally, the proposed POD under Certificate 79749, is also the authorized POD under Certificate 53700, which is already in place and operational.

15. On June 25, 2025, the Department received a revised POU table and map, resolving the discrepancy described in Finding of Fact #13.

Conclusions of Law

The Findings of Fact and Conclusions of Law set forth in the Final Order Approving Allocation of Conserved Water CW-80, recorded at Special Order Volume 91, Pages 763 to 772, are incorporated as if set forth fully herein. The project described in Allocation of Conserved Water Application CW-80, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077.

Now, therefore, it is ORDERED:

1. The project is complete, and no additional time is needed for finalization.

2. The Applicant's portion of conserved water shall be used as described below until such time as a subsequent Notice of Use and Disposition form is submitted pursuant to ORS 537.490.

Use:	IRRIGATION of 57.6 ACRES
Priority Date:	MARCH 29, 1974
Rate:	0.36 CUBIC FOOT PER SECOND
Limit:	The amount of water used for irrigation is further limited to an annual volume limitation of 72.0 acre feet per year, March 1 through October 31
Source:	UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Tax Lot	Acres
25 S	6 W	WM	19	NE SW	2		601	6.9
25 S	6 W	WM	19	SE SW		53	602	0.8
25 S	6 W	WM	19	NW SE			602	6.9
25 S	6 W	WM	19	SW SE	4		602	11.0
25 S	6 W	WM	19	SW SE		53	602	5.7
25 S	6 W	WM	30	NW NE	4		602	3.8
25 S	6 W	WM	30	NW NE		53	602	0.2
25 S	6 W	WM	30	SW NE		53	702	1.7
25 S	6 W	WM	30	SW NW		37	706	6.0
25 S	6 W	WM	30	SE NW		53	706	8.1
25 S	6 W	WM	30	SE NW		53	702	6.5
							Total	57.6

Use: IRRIGATION of 41.1 ACRES
Priority Date: APRIL 2, 1952
Rate: 0.26 CUBIC FOOT PER SECOND
Limit: The amount of water used for irrigation is further limited to an annual volume limitation of 51.38 acre feet per year, March 1 through October 31
Source: UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Tax Lot	Acres
25 S	6 W	WM	19	SE SW	3		605	4.0
25 S	6 W	WM	19	SE SW		53	605	2.0
25 S	6 W	WM	19	SE SW		53	700	0.1
25 S	6 W	WM	30	NW NE	4		700	18.1
25 S	6 W	WM	30	NW NE		53	700	2.6
25 S	6 W	WM	30	SW NE		62	700	1.9
25 S	6 W	WM	30	SW NE	5		700	9.4
25 S	6 W	WM	30	SE NE	6		700	0.5
25 S	6 W	WM	30	NE NW		53	700	2.5
							Total	41.1

3. Water Right Certificate 53700 is cancelled. A new certificate will be issued for that portion of Certificate 53700 not affected by CW-80. A superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 77.1 ACRES
Priority Date: MARCH 29, 1974
Rate: 0.48 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-ONE HUNDRED SIXTIETH (1/160) of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation of 96.38 acre-feet per year.

Source: UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	6 W	WM	30	NW NW	49	7.9
25 S	7 W	WM	25	NE NE	37	38.8
25 S	7 W	WM	25	NW NE	37	25.0
25 S	7 W	WM	25	SW NE	37	1.2
25 S	7 W	WM	25	SE NE	37	4.1
25 S	7 W	WM	25	NE NW	37	0.1
					Total	77.1

4. Water Right Certificate 79749 is cancelled. A new certificate will be issued for that portion of Certificate 79749 not affected by CW-80. A superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 72.0 ACRES

Priority Date: APRIL 2, 1952

Rate: 0.40 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-ONE HUNDRED SIXTIETH (1/160) of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation of 90.0 acre-feet per year.

Source: UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	6 W	WM	30	NW NW	37	13.0
25 S	6 W	WM	30	SW NW	37	30.9
25 S	6 W	WM	30	SE NW	37	11.0
25 S	7 W	WM	25	NE NE	37	0.8
25 S	7 W	WM	25	SE NE	37	15.4
25 S	7 W	WM	25	NE SE	37	0.9
					Total	72.0

5. Water use measurement conditions:

   a. Before the use of the Applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
   b. The water user shall maintain the meters or measuring devices in good working order.
   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. To prevent enlargement, the period of use for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the season of use, the full quantity of conserved water may be protected without enlarging the rights. The Department shall issue new instream water right certificates for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Umpqua River. The instream rights shall allow the use and protection of flows as follows:

Certificate	Priority Date	Period	Rate (cfs)	Volume (acre-feet)
53700	March 29, 1974	July 23 through October 31	0.12	24.09

Umpqua River: From the authorized point of diversion under Certificate 53700, located at approximately River Mile (RM) 102.0:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

To the head of tide at Scottsburg, RM 27.2 located in the SW 1/4, Section 18, Township 22 South, Range 9 West, W.M.

Certificate	Priority Date	Period	Rate (cfs)	Volume (acre-feet)
79749	April 2, 1952	July 11 through October 31	0.10	22.50

Umpqua River: From the previously authorized point of diversion under Certificate 79749, located at approximately River Mile (RM) 102.5:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	SE NE	37	250 FEET NORTH AND 1690 FEET EAST FROM THE CENTER OF SECTION 25

To the head of tide at Scottsburg, RM 27.2 located in the SW 1/4, Section 18, Township 22 South, Range 9 West, W.M

The instream rights established by this allocation of conserved water shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to 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: AUG 0 6 2025

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, Director
Oregon Water Resources department

Mailing date: AUG 0 7 2025