BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Allocation of Conserved Water Application CW-62, Morrow County	)))	ORDER APPROVING USE AND DISPOSITION OF A PORTION OF THE APPLICANT'S PORTION OF CONSERVED WATER

Applicant
St. Hilaire Brothers Hermiston Farm, LLC
Attn: Carl St. Hilaire, Manager
84186 Highway 37
Hermiston, OR 97838-6393

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-64. 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 August 16, 2010, the Department issued a Final Order approving the proposed project, providing the time to complete the project and requiring the applicant to submit a statement identifying a "permanent place of use," recorded at Special Order Volume 81, Pages 706-716.

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.

2. On April 2, 2013, the Department issued a Final Order Correcting and Finalizing the First Portion of Allocation of Conserved Water CW-62 (Correcting Final Order), recorded at Special Order Volume 89, Pages 145-155.

3. The Correcting Final Order identified the entirety of the Applicant's portion of conserved water as follows:

Applicant's Portion of Conserved Water				**Applied (Proof Required)**		Reserved Instream for Future Out-of-Stream Use	
Originating Certificate	Priority	Rate (cfs)	Volume (AF)	**Rate (cfs)**	**Volume (AF)**	Rate (cfs)	Volume (AF)
53117	8/18/1970, *plus one minute*	7.35	1243.13	**5.71**	**1044.23**	1.64	198.90
53118	8/17/1972, *plus one minute*	9.38	1577.25	**5.30**	**969.15**	4.08	608.10
	Totals	16.73	2820.38	**11.01**	**2013.38**	5.72	807.00

4. The proposed areas for the Applicant's portion of conserved water to be used for out-of-stream uses were identified by the Applicant on February 27, 2015.

Township	Ranges
1 North	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35, 36, 37, and 38 East
2 North	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 East
3 North	11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 East
4 North	22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 East
5 North	25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 East
6 North	30, 31, 32, 33, 34, 35, 36, 37, 38, 39
1 South	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30.5, 31, 32, 33, 34, 35, 36, 37, and 38 East
2 South	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30.5, 31, 32, 33, 34, 35, 36, and 37 East
3 South	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30.5, 31, 32, 33, 33.5, and 34 East
4 South	8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 33.5, and 34 East
5 South	8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 33.5, and 34 East
6 South	8, 8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 East
7 South	8, 8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 East
8 South	8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 East
9 South	8.5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 East

5. Since the issuance of a Finalization Order on April 2, 2013, multiple 60-Day Notice of Use and Disposition Final Orders have been approved, being April 20, 2015, recorded at Special Order Volume 95, Page 588, April 14, 2017, recorded at Special Order Volume 104, Page 533, November 27, 2017, recorded at Special Order Volume 107, Page 182, and March 16, 2020, recorded at Special Order Volume 116, Page 279.

6. On February 12, 2026, the Applicant submitted a 60-Day Notice of Use or Disposition for Applicant's Portion of Conserved Water. The 60-Day Notice requested a change in the location for the place of use of the conserved water.

7. The Applicant proposes to use its conserved water as follows:

Originating Certificate: 53117
Person/Entity Using the Water: Applicant
St Hilaire Brothers Hermiston Farms, LLC
84186 Highway 37
Hermiston, OR 97838
Use: IRRIGATION of 2900.1 ACRES
Priority Date: August 18, 1970, *plus one minute*
Rate/Volume: 7.35 CUBIC FEET PER SECOND (CFS), Limited to 1,243.13 ACRE FEET
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	30 E	WM	3	NE NE	401	25.5
4 N	30 E	WM	3	NW NE	401	28.1
4 N	30 E	WM	3	SW NE	401	24.1
4 N	30 E	WM	3	SE NE	401	22.2
4 N	30 E	WM	3	NE NW	401	27.3
4 N	30 E	WM	3	NW NW	401	29.1
4 N	30 E	WM	3	SW NW	401	23.2
4 N	30 E	WM	3	SE NW	401	21.5
4 N	30 E	WM	3	NE SW	401	30.6
4 N	30 E	WM	3	NW SW	401	32.2
4 N	30 E	WM	3	SW SW	401	31.2
4 N	30 E	WM	3	SE SW	401	31.8
4 N	30 E	WM	3	NE SE	401	29.3
4 N	30 E	WM	3	NW SE	401	32.0

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	30 E	WM	3	SW SE	401	30.0
4 N	30 E	WM	3	SE SE	401	29.7
5 N	30 E	WM	12	SE SW	100	7.0
5 N	30 E	WM	12	SW SE	100	5.0
5 N	30 E	WM	13	NE NE	100	31.9
5 N	30 E	WM	13	NW NE	100	34.8
5 N	30 E	WM	13	SW NE	100	18.0
5 N	30 E	WM	13	SE NE	100	34.0
5 N	30 E	WM	13	NE NW	100	38.6
5 N	30 E	WM	13	NW NW	100	22.3
5 N	30 E	WM	13	SW NW	100	34.3
5 N	30 E	WM	13	SE NW	100	22.5
5 N	30 E	WM	13	NE SW	100	33.8
5 N	30 E	WM	13	NW SW	100	36.1
5 N	30 E	WM	13	SW SW	100	28.6
5 N	30 E	WM	13	SE SW	100	29.2
5 N	30 E	WM	14	NE NE	100	24.6
5 N	30 E	WM	14	NW NE	100	19.8
5 N	30 E	WM	14	SW NE	100	31.5
5 N	30 E	WM	14	SE NE	100	38.4
5 N	30 E	WM	14	NE NW	100	21.4
5 N	30 E	WM	14	NW NW	700	22.1
5 N	30 E	WM	14	SW NW	700	37.7
5 N	30 E	WM	14	SE NW	100	30.0
5 N	30 E	WM	14	NE SW	100	30.7
5 N	30 E	WM	14	NW SW	100	35.5
5 N	30 E	WM	14	SW SW	100	30.4
5 N	30 E	WM	14	SE SW	100	30.3
5 N	30 E	WM	14	NE SE	100	35.6
5 N	30 E	WM	14	NW SE	100	33.2
5 N	30 E	WM	14	SW SE	100	31.8
5 N	30 E	WM	14	SE SE	100	30.8
5 N	30 E	WM	15	NE NE	100	20.8
5 N	30 E	WM	15	NW NE	100	6.1
5 N	30 E	WM	15	SW NE	100	16.3
5 N	30 E	WM	15	SE NE	100	36.0
5 N	30 E	WM	15	NE NW	100	20.7
5 N	30 E	WM	15	NW NW	100	0.8
5 N	30 E	WM	15	SW NW	100	4.4
5 N	30 E	WM	15	SE NW	100	39.5

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	15	NE SW	100	2.4
5 N	30 E	WM	15	NE SE	100	36.6
5 N	30 E	WM	15	NW SE	100	31.7
5 N	30 E	WM	15	SW SE	100	30.8
5 N	30 E	WM	15	SE SE	100	31.4
5 N	30 E	WM	22	NE NE	1500	4.4
5 N	30 E	WM	22	SW NE	1500	16.0
5 N	30 E	WM	22	SE NE	1500	27.8
5 N	30 E	WM	22	SE SW	1390	3.2
5 N	30 E	WM	22	NE SE	1380	40.2
5 N	30 E	WM	22	NW SE	1380	31.7
5 N	30 E	WM	22	SW SE	1380	33.1
5 N	30 E	WM	22	SE SE	1380	21.8
5 N	30 E	WM	23	NE NE	1380	16.3
5 N	30 E	WM	23	NW NE	1380	12.4
5 N	30 E	WM	23	SW NE	1380	29.9
5 N	30 E	WM	23	SE NE	1380	38.3
5 N	30 E	WM	23	NE NW	1380	20.6
5 N	30 E	WM	23	NW NW	1500	36.5
5 N	30 E	WM	23	SW NW	1500	37.8
5 N	30 E	WM	23	SE NW	1380	21.6
5 N	30 E	WM	23	NE SW	1380	11.7
5 N	30 E	WM	23	NW SW	1380	22.4
5 N	30 E	WM	23	SW SW	1380	40.5
5 N	30 E	WM	23	SE SW	1380	34.2
5 N	30 E	WM	23	NE SE	1380	34.1
5 N	30 E	WM	23	NW SE	1380	31.5
5 N	30 E	WM	23	SW SE	1380	39.6
5 N	30 E	WM	23	SE SE	1380	27.6
5 N	30 E	WM	24	NE NW	1305	9.3
5 N	30 E	WM	24	NW NW	1305	34.0
5 N	30 E	WM	24	SW NW	1305	12.2
5 N	30 E	WM	24	SE NW	1305	1.0
5 N	30 E	WM	24	NW SW	1305	26.7
5 N	30 E	WM	26	NE NE	1380	1.3
5 N	30 E	WM	26	NW NE	1380	33.7
5 N	30 E	WM	26	SW NE	1380	20.5
5 N	30 E	WM	26	NE NW	1380	28.4
5 N	30 E	WM	26	NW NW	1380	31.2
5 N	30 E	WM	26	SW NW	1380	15.3

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	26	SE NW	1380	15.3
5 N	30 E	WM	26	NW SW	1380	1.6
5 N	30 E	WM	27	NE NE	1380	18.9
5 N	30 E	WM	27	NW NE	1380	33.2
5 N	30 E	WM	27	SW NE	1380	0.5
5 N	30 E	WM	27	SE NE	1380	28.3
5 N	30 E	WM	27	NE NW	1304	4.2
5 N	30 E	WM	27	NE SE	1380	20.7
5 N	30 E	WM	27	NW SE	1380	0.5
5 N	30 E	WM	34	SW SW	1316	13.1
5 N	30 E	WM	34	SE SW	1316	11.3
5 N	30 E	WM	34	SW SE	1316	13.3
5 N	30 E	WM	34	SE SE	1316	11.2
5 N	31 E	WM	17	NW NW	790	25.9
5 N	31 E	WM	17	SW NW	790	24.7
5 N	31 E	WM	18	NE NE	790	34.2
5 N	31 E	WM	18	NW NE	790	27.1
5 N	31 E	WM	18	SW NE	790	26.9
5 N	31 E	WM	18	SE NE	790	34.1
5 N	31 E	WM	18	NE NW	790	33.8
5 N	31 E	WM	18	NW NW	790	26.7
5 N	31 E	WM	18	SW NW	790	28.3
5 N	31 E	WM	18	SE NW	790	34.3
					Total	2900.1

Originating Certificate: 53118

Person/Entity Using the Water: Applicant
St Hilaire Brothers Hermiston Farms, LLC
84186 Highway 37
Hermiston, OR 97838

Use: IRRIGATION of 2900.1 ACRES

Priority Date: August 17, 1972, *plus one minute*

Rate/Volume: 9.38 CUBIC FEET PER SECOND (CFS), Limited to 1577.25 ACRE FEET

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
4 N	30 E	WM	3	NE NE	401	25.5
4 N	30 E	WM	3	NW NE	401	28.1
4 N	30 E	WM	3	SW NE	401	24.1
4 N	30 E	WM	3	SE NE	401	22.2
4 N	30 E	WM	3	NE NW	401	27.3
4 N	30 E	WM	3	NW NW	401	29.1
4 N	30 E	WM	3	SW NW	401	23.2
4 N	30 E	WM	3	SE NW	401	21.5
4 N	30 E	WM	3	NE SW	401	30.6
4 N	30 E	WM	3	NW SW	401	32.2
4 N	30 E	WM	3	SW SW	401	31.2
4 N	30 E	WM	3	SE SW	401	31.8
4 N	30 E	WM	3	NE SE	401	29.3
4 N	30 E	WM	3	NW SE	401	32.0
4 N	30 E	WM	3	SW SE	401	30.0
4 N	30 E	WM	3	SE SE	401	29.7
5 N	30 E	WM	12	SE SW	100	7.0
5 N	30 E	WM	12	SW SE	100	5.0
5 N	30 E	WM	13	NE NE	100	31.9
5 N	30 E	WM	13	NW NE	100	34.8
5 N	30 E	WM	13	SW NE	100	18.0
5 N	30 E	WM	13	SE NE	100	34.0
5 N	30 E	WM	13	NE NW	100	38.6
5 N	30 E	WM	13	NW NW	100	22.3
5 N	30 E	WM	13	SW NW	100	34.3
5 N	30 E	WM	13	SE NW	100	22.5
5 N	30 E	WM	13	NE SW	100	33.8
5 N	30 E	WM	13	NW SW	100	36.1
5 N	30 E	WM	13	SW SW	100	28.6
5 N	30 E	WM	13	SE SW	100	29.2
5 N	30 E	WM	14	NE NE	100	24.6
5 N	30 E	WM	14	NW NE	100	19.8
5 N	30 E	WM	14	SW NE	100	31.5
5 N	30 E	WM	14	SE NE	100	38.4
5 N	30 E	WM	14	NE NW	100	21.4
5 N	30 E	WM	14	NW NW	700	22.1
5 N	30 E	WM	14	SW NW	700	37.7
5 N	30 E	WM	14	SE NW	100	30.0

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	14	NE SW	100	30.7
5 N	30 E	WM	14	NW SW	100	35.5
5 N	30 E	WM	14	SW SW	100	30.4
5 N	30 E	WM	14	SE SW	100	30.3
5 N	30 E	WM	14	NE SE	100	35.6
5 N	30 E	WM	14	NW SE	100	33.2
5 N	30 E	WM	14	SW SE	100	31.8
5 N	30 E	WM	14	SE SE	100	30.8
5 N	30 E	WM	15	NE NE	100	20.8
5 N	30 E	WM	15	NW NE	100	6.1
5 N	30 E	WM	15	SW NE	100	16.3
5 N	30 E	WM	15	SE NE	100	36.0
5 N	30 E	WM	15	NE NW	100	20.7
5 N	30 E	WM	15	NW NW	100	0.8
5 N	30 E	WM	15	SW NW	100	4.4
5 N	30 E	WM	15	SE NW	100	39.5
5 N	30 E	WM	15	NE SW	100	2.4
5 N	30 E	WM	15	NE SE	100	36.6
5 N	30 E	WM	15	NW SE	100	31.7
5 N	30 E	WM	15	SW SE	100	30.8
5 N	30 E	WM	15	SE SE	100	31.4
5 N	30 E	WM	22	NE NE	1500	4.4
5 N	30 E	WM	22	SW NE	1500	16.0
5 N	30 E	WM	22	SE NE	1500	27.8
5 N	30 E	WM	22	SE SW	1390	3.2
5 N	30 E	WM	22	NE SE	1380	40.2
5 N	30 E	WM	22	NW SE	1380	31.7
5 N	30 E	WM	22	SW SE	1380	33.1
5 N	30 E	WM	22	SE SE	1380	21.8
5 N	30 E	WM	23	NE NE	1380	16.3
5 N	30 E	WM	23	NW NE	1380	12.4
5 N	30 E	WM	23	SW NE	1380	29.9
5 N	30 E	WM	23	SE NE	1380	38.3
5 N	30 E	WM	23	NE NW	1380	20.6
5 N	30 E	WM	23	NW NW	1500	36.5
5 N	30 E	WM	23	SW NW	1500	37.8
5 N	30 E	WM	23	SE NW	1380	21.6
5 N	30 E	WM	23	NE SW	1380	11.7
5 N	30 E	WM	23	NW SW	1380	22.4
5 N	30 E	WM	23	SW SW	1380	40.5

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	23	SE SW	1380	34.2
5 N	30 E	WM	23	NE SE	1380	34.1
5 N	30 E	WM	23	NW SE	1380	31.5
5 N	30 E	WM	23	SW SE	1380	39.6
5 N	30 E	WM	23	SE SE	1380	27.6
5 N	30 E	WM	24	NE NW	1305	9.3
5 N	30 E	WM	24	NW NW	1305	34.0
5 N	30 E	WM	24	SW NW	1305	12.2
5 N	30 E	WM	24	SE NW	1305	1.0
5 N	30 E	WM	24	NW SW	1305	26.7
5 N	30 E	WM	26	NE NE	1380	1.3
5 N	30 E	WM	26	NW NE	1380	33.7
5 N	30 E	WM	26	SW NE	1380	20.5
5 N	30 E	WM	26	NE NW	1380	28.4
5 N	30 E	WM	26	NW NW	1380	31.2
5 N	30 E	WM	26	SW NW	1380	15.3
5 N	30 E	WM	26	SE NW	1380	15.3
5 N	30 E	WM	26	NW SW	1380	1.6
5 N	30 E	WM	27	NE NE	1380	18.9
5 N	30 E	WM	27	NW NE	1380	33.2
5 N	30 E	WM	27	SW NE	1380	0.5
5 N	30 E	WM	27	SE NE	1380	28.3
5 N	30 E	WM	27	NE NW	1304	4.2
5 N	30 E	WM	27	NE SE	1380	20.7
5 N	30 E	WM	27	NW SE	1380	0.5
5 N	30 E	WM	34	SW SW	1316	13.1
5 N	30 E	WM	34	SE SW	1316	11.3
5 N	30 E	WM	34	SW SE	1316	13.3
5 N	30 E	WM	34	SE SE	1316	11.2
5 N	31 E	WM	17	NW NW	790	25.9
5 N	31 E	WM	17	SW NW	790	24.7
5 N	31 E	WM	18	NE NE	790	34.2
5 N	31 E	WM	18	NW NE	790	27.1
5 N	31 E	WM	18	SW NE	790	26.9
5 N	31 E	WM	18	SE NE	790	34.1
5 N	31 E	WM	18	NE NW	790	33.8
5 N	31 E	WM	18	NW NW	790	26.7
5 N	31 E	WM	18	SW NW	790	28.3
5 N	31 E	WM	18	SE NW	790	34.3
					Total	2900.1

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.

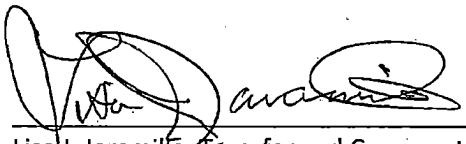
3. The proposed use is consistent with OAR 690-005-0045 (Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans).

Now, therefore, it is ORDERED:

1. The use of water as described in Finding of Fact #7 is approved.

2. 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 FEB 2 0 2026.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, *for*
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: FEB 2 3 2026