

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

In the Matter of Allocation of Conserved)
Water Application CW-85,)
Morrow County) ORDER APPROVING USE AND DISPOSITION
OF APPLICANT'S PORTION OF CONSERVED
WATER

Applicant

Windy River
1000 Highway 395 South #423
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-85. 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 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 April 2, 2015, the Department issued a Final Order on Finalization of Allocation of Conserved Water CW-85, (Final Order), recorded at Special Order Volume 95, Pages 395-400.

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. The proposed areas for the Applicant's portion of conserved water to be used for out-of-stream uses were identified in the Final Order as follows:

Township	Range	Mer.
2 North	23, 24, 26, 27, and 28 East	WM
3 North	23, 24, 26, 27, 28, 29 and 30 East	WM
4 North	23, 24, 25, 26, 27, 28, 29, and 30 East	WM
5 North	26, 27, 28, 29 and 30 East	WM

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

Originating Certificate	Priority	Maximum Rate (CFS)	Maximum Duty (Volume) AF
89304	6/29/1973*	6.62	1205.0

* - plus one minute

4. On February 3, 2020, the Applicant submitted a 60-Day Notice of Use or Disposition for Applicant's Portion of Conserved Water (60-Day Notice) along with the required documentation. The 60-Day Notice requested a change in the location for the place of use of the conserved water.
5. On February 6, 2020, the Department issued a Final Order, recorded in Special Order Volume 116, Pages 47-51, approving the use or disposition of the Applicant's portion of conserved water under the terms of an order approving Allocation of Conserved Water CW-85.
6. On January 27, 2025, the Applicant submitted a 60-Day Notice of Use or Disposition for Applicant's Portion of Conserved Water (60-Day Notice) along with the required documentation. 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 their portion of the conserved water for out-of-stream use as follows:

Originating Certificate: 89304
Person/Entity Using the Water: Applicant
Use: IRRIGATION of 3,799.15 ACRES
Priority Date: June 29, 1973, plus one minute
Rate/Volume: 6.62 CUBIC FEET PER SECOND (CFS), Limited to 1205.0 ACRE FEET PER YEAR
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	2	NE NW	CID COLUMBIA RIVER POD – SOUTH 86 DEGREES 32 MINUTES 38 SECONDS WEST, 2841.57 FEET FROM THE NE CORNER OF SECTION 2
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMPING STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

IRRIGATION – ECHO FARM								
Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres		
2	N	28	E	4	NE NE	8103	1	34.00
2	N	28	E	4	NW NE	8103	2	33.90
2	N	28	E	4	SW NE	8103		29.20
2	N	28	E	4	SE NE	8103		29.20
2	N	28	E	4	NE NW	8103	3	34.20
2	N	28	E	4	NW NW	8103	4	34.30
2	N	28	E	4	SW NW	8103		28.90
2	N	28	E	4	SE NW	8103		28.90
2	N	28	E	4	NE SW	8103		33.70
2	N	28	E	4	NW SW	8103		33.70
2	N	28	E	4	SW SW	8103		31.30
2	N	28	E	4	SE SW	8103		27.90
2	N	28	E	4	NE SE	8103		33.50
2	N	28	E	4	NW SE	8103		33.00
2	N	28	E	4	SW SE	8103		28.50
2	N	28	E	4	SE SE	8103		28.70
3	N	28	E	14	SW SE	7300		1.20
3	N	28	E	14	SE SE	7300		1.20
3	N	28	E	23	NE NE	7300		33.60
3	N	28	E	23	NW NE	7300		34.20
3	N	28	E	23	SW NE	7300		27.70
3	N	28	E	23	SE NE	7300		27.10
3	N	28	E	23	NE NW	7300		30.20
3	N	28	E	23	NW NW	7300		29.00
3	N	28	E	23	SW NW	7300		36.50
3	N	28	E	23	SE NW	7300		36.95
3	N	28	E	23	NE SW	7300		37.60
3	N	28	E	23	NW SW	7300		35.70
3	N	28	E	23	SW SW	7300		40.20
3	N	28	E	23	SE SW	7300		35.60
3	N	28	E	23	NE SE	7300		30.30
3	N	28	E	23	NW SE	7300		31.30
3	N	28	E	23	SW SE	7300		23.70
3	N	28	E	23	SE SE	7300		21.70
3	N	28	E	26	NE NE	7300		30.20
3	N	28	E	26	NW NE	7300		35.70
3	N	28	E	26	SW NE	7300		35.20
3	N	28	E	26	SE NE	7300		28.10
3	N	28	E	26	NE NW	7300		17.50
3	N	28	E	26	NW NW	7300		22.70

IRRIGATION – ECHO FARM							
Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres	
3	N	28	E	26	SW NW	7300	38.80
3	N	28	E	26	SE NW	7300	36.60
3	N	28	E	27	NE NE	7404	36.40
3	N	28	E	27	NW NE	7404	26.80
3	N	28	E	27	SW NE	7404	37.90
3	N	28	E	27	SE NE	7404	21.10
3	N	28	E	27	NE NW	7404	28.40
3	N	28	E	27	NW NW	7404	30.40
3	N	28	E	27	SW NW	7404	30.40
3	N	28	E	27	SE NW	7404	31.80
3	N	28	E	27	NE SW	7404	30.10
3	N	28	E	27	NW SW	7404	27.60
3	N	28	E	27	SW SW	7404	32.00
3	N	28	E	27	SE SW	7404	28.90
3	N	28	E	27	NE SE	7404	38.80
3	N	28	E	27	NW SE	7404	40.00
3	N	28	E	27	SW SE	7404	16.00
3	N	28	E	27	SE SE	7404	13.60
3	N	28	E	28	NE NE	7500	33.00
3	N	28	E	28	NW NE	7500	33.00
3	N	28	E	28	SW NE	7500	29.40
3	N	28	E	28	SE NE	7500	29.40
3	N	28	E	28	NE NW	7500	31.30
3	N	28	E	28	NW NW	7500	31.20
3	N	28	E	28	SW NW	7500	31.00
3	N	28	E	28	SE NW	7500	30.80
3	N	28	E	28	NE SW	7500	30.50
3	N	28	E	28	NW SW	7500	30.20
3	N	28	E	28	SW SW	7500	39.00
3	N	28	E	28	SE SW	7500	39.00
3	N	28	E	28	NE SE	7500	27.20
3	N	28	E	28	NW SE	7500	28.00
3	N	28	E	28	SW SE	7500	35.90
3	N	28	E	28	SE SE	7500	30.90
3	N	28	E	29	NE SW	8105	28.30
3	N	28	E	29	NW SW	8105	29.70
3	N	28	E	29	SW SW	8105	33.70
3	N	28	E	29	SE SW	8105	36.50
3	N	28	E	29	NE SE	8105	30.00
3	N	28	E	29	NW SE	8105	26.20
3	N	28	E	29	SW SE	8105	34.90
3	N	28	E	29	SE SE	8105	36.90

IRRIGATION – ECHO FARM							
Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres	
3	N	28	E	32	NE NE	8105	36.70
3	N	28	E	32	NW NE	8105	36.90
3	N	28	E	32	SW NE	8105	32.20
3	N	28	E	32	SE NE	8105	32.00
3	N	28	E	32	NE NW	8105	36.40
3	N	28	E	32	NW NW	8105	31.70
3	N	28	E	32	SW NW	8105	31.90
3	N	28	E	32	SE NW	8105	31.50
3	N	28	E	33	NE NE	8105	31.30
3	N	28	E	33	NW NE	8105	36.50
3	N	28	E	33	SW NE	8105	31.00
3	N	28	E	33	SE NE	8105	31.00
3	N	28	E	33	NE NW	8105	36.90
3	N	28	E	33	NW NW	8105	36.30
3	N	28	E	33	SW NW	8105	32.00
3	N	28	E	33	SE NW	8105	32.40
3	N	28	E	33	NE SW	8103	29.20
3	N	28	E	33	NW SW	8103	30.90
3	N	28	E	33	SW SW	8103	32.70
3	N	28	E	33	SE SW	8103	30.50
3	N	28	E	33	NE SE	8103	31.10
3	N	28	E	33	NW SE	8103	31.20
3	N	28	E	33	SW SE	8103	32.70
3	N	28	E	33	SE SE	8103	32.30
Total						3284.95	

IRRIGATION – MILLS FARM							
Twp	Range	Sec	1/4	1/4	Tax Lot	Acres	
4	N	29	E	20	NE SW	1700	33.3
4	N	29	E	20	NW SW	1700	35.1
4	N	29	E	20	SW SW	1700	32.3
4	N	29	E	20	SE SW	1700	32.6
4	N	29	E	20	NE SE	1700	33.9
4	N	29	E	20	NW SE	1700	35.0
4	N	29	E	20	SW SE	1700	30.9
4	N	29	E	20	SE SE	1700	33.1
4	N	29	E	29	NE SW	200	34.5
4	N	29	E	29	NW SW	200	30.5
4	N	29	E	29	SW SW	200	27.8
4	N	29	E	29	SE SW	200	36.5
4	N	29	E	29	NE SE	200	34.7

IRRIGATION – MILLS FARM						
Twp	Range	Sec	1/4	1/4	Tax Lot	Acres
4 N	29 E	29	NW	SE	200	35.9
4 N	29 E	29	SW	SE	200	34.5
4 N	29 E	29	SE	SE	200	13.6
Total						514.2

8. The Applicant shall have sufficient measuring devices installed for reporting and monitoring the water use from CW-85. The reports must be submitted annually by the end of each calendar year to the Watermaster. The Department may request additional data, measuring devices, and more frequent reporting if necessary.

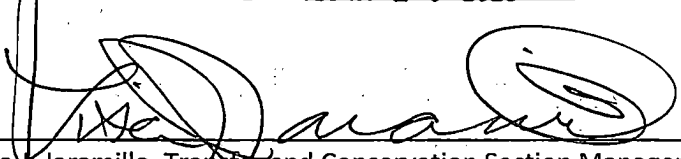
Conclusions of Law

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 use of water for irrigation as described above in Finding of Fact #5, and as described in Finding of Fact #5 in the Final Order recorded in Special Order Volume 116, Pages 47-51 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: MAR 10 2025


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

Mailing date: MAR 11 2025