BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Allocation of Conserved Water Application CW-98, Umatilla and Morrow Counties	)))	ORDER APPROVING USE AND DISPOSITION OF APPLICANT'S PORTION OF CONSERVED WATER

Applicant
Stanfield Hutterian Brethren
c/o Herb Stahl
36345 Dispain Gulch Road
Stanfield, OR 97875
Herb.stahl@eotnet.net

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-98. 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).

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 January 30, 2018, the Department issued a Final Order on Completion of Allocation of Conserved Water CW-98, (Approval Order), recorded at Special Order Volume 107, Pages 530-545.

2. On January 23, 2020, the Department issued a Final Order on Finalization of Allocation of Conserved Water CW-98 (Finalization Order), recorded at Special Order Volume 114, Pages 951-960.

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

Township	Ranges
2 North	23, 24, 26, 27, and 28 East
3 North	23, 24, 26, 27, 28, 29, 30, and 31 East
4 North	23, 24, 25, 26, 27, 28, 29, 30, and 31 East
5 North	26, 27, 28, 29, 30, and 31 East

4. The Approval Order identified the Applicant's portion of conserved water as follows:

Priority	Originating Certificate	Maximum Rate (CFS)	Maximum Duty (Volume) AF
8/15/1967, *plus one minute*	91005	10.97	1975.61
3/9/1979, *plus one minute*	91006	8.06	1451.20
9/23/1983, *plus one minute*	91007	1.22	220.27
4/6/1977, *plus one minute*	91008	0.37	43.80
Totals		**20.62**	**3690.88**

5. Since the issuance of a Finalization Order on January 23, 2020, multiple 60-Day Notice of Use and Disposition Final Orders have been approved, being March 10, 2020, recorded at Special Order Volume 116, Page 258, March 5, 2021, recorded at Special Order Volume 118, Page 646, November 29, 2021, recorded at Special Order Volume 122, Page 146, and January 9, 2023, recorded at Special Order Volume 127, Page 220.

6. On November 17, 2023, following submission of a 60-Day Notice of Use and Disposition, the Department issued its Final Order Approving Use and Disposition for the entirety of the Applicant's Portion of Conserved Water (2023 Use Order) recorded at Special Order Volume 129, Pages 403 – 409. The 2023 Use Order authorized the use of 20.62 cfs limited to 3690.88 AF on 1683.4 acres. The 2023 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	8	SW NW	STANFIELD HUTTERITE BRETHREN PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMPING STATION: 2910 FEET NORTH AND 210 FEET EAST FROM THE SW CORNER OF SECTION 8

7. On December 8, 2025, the Applicant submitted a 60-Day Notice of Use and Disposition requesting the Applicant's Portion of Conserved Water under application CW-98 to be applied to its lands as follows:

Priority	Originating Certificate	Maximum Rate (CFS)	Maximum Duty (Volume) AF
8/15/1967, *plus one minute*	91005	10.97	1975.61
3/9/1979, *plus one minute*	91006	8.06	1451.20
9/23/1983, *plus one minute*	91007	1.22	220.27
4/6/1977, *plus one minute*	91008	0.37	43.80
Totals		**20.62**	**3690.88**

From the following points of diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STANFIELD HUTTERITE BRETHREN PUMPING STATION: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMPING STATION: 2910 FEET NORTH AND 210 FEET EAST FROM THE SW CORNER OF SECTION 8

Place of Use:

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use
3 N	30 E	8	NE	NE	3900	31.25	Irrigation
3 N	30 E	8	NW	NE	3900	31.25	Irrigation
3 N	30 E	8	SW	NE	3900	31.25	Irrigation
3 N	30 E	8	SE	NE	3900	31.25	Irrigation
3 N	30 E	8	NE	SE	3900	30.15	Irrigation
3 N	30 E	8	NW	SE	3900	31.25	Irrigation
3 N	30 E	8	SW	SE	3900	31.25	Irrigation
3 N	30 E	8	SE	SE	3900	31.25	Irrigation
3 N	30 E	15	NW	SW	2600	31.8	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use
3 N	30 E	15	SW	SW	2600	30.0	Irrigation
3 N	30 E	16	NE	NE	4700	18.7	Irrigation
3 N	30 E	16	NW	NE	4700	10.3	Irrigation
3 N	30 E	16	SW	NE	4700	19.3	Irrigation
3 N	30 E	16	SE	NE	4700	37.3	Irrigation
3 N	30 E	16	NE	NW	4700	30.3	Irrigation
3 N	30 E	16	NW	NW	4700	9.1	Irrigation
3 N	30 E	16	SW	NW	4700	18.1	Irrigation
3 N	30 E	16	SE	NW	4700	40.0	Irrigation
3 N	30 E	16	NE	SW	4700	9.4	Irrigation
3 N	30 E	16	NW	SW	4700	0.6	Irrigation
3 N	30 E	16	NE	SE	4700	22.2	Irrigation
3 N	30 E	16	NW	SE	4700	30.1	Irrigation
3 N	30 E	16	SW	SE	4700	7.6	Irrigation
3 N	30 E	16	SE	SE	4700	23.4	Irrigation
3 N	30 E	21	NE	NE	5200	29.0	Irrigation
3 N	30 E	21	NW	NE	5200	29.0	Irrigation
3 N	30 E	21	SW	NE	5200	29.0	Irrigation
3 N	30 E	21	SE	NE	5200	29.0	Irrigation
3 N	30 E	21	NE	NW	5300	29.5	Irrigation
3 N	30 E	21	NW	NW	5300	29.5	Irrigation
3 N	30 E	21	SW	NW	5300	29.5	Irrigation
3 N	30 E	21	SE	NW	5300	29.5	Irrigation
3 N	30 E	21	NE	SW	5300	30.1	Irrigation
3 N	30 E	21	NW	SW	5300	31.0	Irrigation
3 N	30 E	21	SW	SW	5300	28.6	Irrigation
3 N	30 E	21	SE	SW	5300	28.3	Irrigation
3 N	30 E	21	NE	SE	5200	29.6	Irrigation
3 N	30 E	21	NW	SE	5200	29.6	Irrigation
3 N	30 E	21	SW	SE	5200	29.5	Irrigation
3 N	30 E	21	SE	SE	5200	29.3	Irrigation
3 N	30 E	31	NE	NE	6600	0.7	Irrigation
3 N	30 E	31	SE	NE	6600	0.7	Irrigation
3 N	30 E	32	NE	NE	6600	28.7	Irrigation
3 N	30 E	32	NW	NE	6600	29.3	Irrigation
3 N	30 E	32	SW	NE	6600	35.6	Irrigation
3 N	30 E	32	SE	NE	6600	34.4	Irrigation
3 N	30 E	32	NE	NW	6600	30.2	Irrigation
3 N	30 E	32	NW	NW	6600	29.2	Irrigation
3 N	30 E	32	SW	NW	6600	33.9	Irrigation
3 N	30 E	32	SE	NW	6600	34.8	Irrigation

Twp	Rng	Sec	¼	¼	Tax Lot	Acres	Type of Use
3 N	30 E	32	NE	SW	6600	35.3	Irrigation
3 N	30 E	32	NW	SW	6600	31.8	Irrigation
3 N	30 E	32	SW	SW	6600	2.4	Irrigation
3 N	30 E	32	SE	SW	6600	3.6	Irrigation
3 N	30 E	32	NE	SE	6600	33.3	Irrigation
3 N	30 E	32	NW	SE	6600	33.9	Irrigation
3 N	30 E	32	SW	SE	6600	2.4	Irrigation
3 N	30 E	32	SE	SE	6600	2.4	Irrigation
3 N	30 E	33	NE	NE	7100	31.0	Irrigation
3 N	30 E	33	NW	NE	7100	30.5	Irrigation
3 N	30 E	33	SW	NE	7100	29.7	Irrigation
3 N	30 E	33	SE	NE	7100	30.8	Irrigation
3 N	30 E	33	NE	NW	7100	30.9	Irrigation
3 N	30 E	33	NW	NW	7100	29.9	Irrigation
3 N	30 E	33	SW	NW	7100	29.7	Irrigation
3 N	30 E	33	SE	NW	7100	31.5	Irrigation
3 N	30 E	33	NE	SW	7100	26.7	Irrigation
3 N	30 E	33	NW	SW	7100	31.3	Irrigation
3 N	30 E	33	SW	SW	7100	26.1	Irrigation
3 N	30 E	33	SE	SW	7100	22.5	Irrigation
3 N	30 E	33	NE	SE	7100	30.8	Irrigation
3 N	30 E	33	NW	SE	7100	30.9	Irrigation
3 N	30 E	33	SW	SE	7100	30.0	Irrigation
3 N	30 E	33	SE	SE	7100	30.3	Irrigation
						1932.3	

8. Water use limitations: The use of water under these rights is limited to a maximum of 1/60 of one cubic foot per second per acre and a maximum of 3.0 acre feet per acre irrigated, with a combined annual volume limitation of 3690.88 acre-feet.

9. 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 authorized and identified by the Watermaster under the original rights and for the use of the conserved water.
   b. The water user shall take monthly readings of the quantity of water used and shall report annually to the Watermaster.
   c. The water user shall maintain the meters or measuring devices in good working order.
   d. 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.

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: JAN 2 3 2026.

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

Mailing date: JAN 2 6 2026