

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

In the Matter of Allocation of Conserved) ORDER APPROVING USE AND DISPOSITION
Water Application CW-85,) OF APPLICANT’S PORTION OF CONSERVED
Morrow County) 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. Since the issuance of a Finalization Order on April 2, 2015, multiple 60-Day Notice of Use and Disposition Final Orders have been approved, being April 10, 2015, recorded at Special Order Volume 95, Page 515, February 6, 2020, recorded at Special Order Volume 116, Page 47, and March 10, 2025, recorded at Special Order Volume 134, Page 39.
5. On December 11, 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.
6. 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 5,199.1 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
4 N	25 E	WM	10	NE NE	MESSNER POND POD – 800 FEET SOUTH AND 1140 FEET WEST FROM THE NE CORNER OF SECTION 10
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:

PRIMARY IRRIGATION (MARCH 1 THROUGH APRIL 14 and OCTOBER 1 THROUGH OCTOBER 31) – ECHO FARM							
Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres	
2	N	28	E	4	NE SW	8103	3.50
2	N	28	E	4	NW SW	8103	0.10
2	N	28	E	4	SW SW	8103	14.70
2	N	28	E	4	SE SW	8103	27.90
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
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

PRIMARY IRRIGATION (MARCH 1 THROUGH APRIL 14 and OCTOBER 1
THROUGH OCTOBER 31) – ECHO FARM

Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres
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
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	5.40
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

PRIMARY IRRIGATION (MARCH 1 THROUGH APRIL 14 and OCTOBER 1 THROUGH OCTOBER 31) – ECHO FARM						
Twp	Range	Sec	Q-Q	Tax Lot	GLot	Acres
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	32.60
3	N	28	E 33	SE SW	8103	30.40
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						2701.95

PRIMARY IRRIGATION (OCTOBER 1 THROUGH OCTOBER 31) and SUPPLEMENTAL IRRIGATION (MARCH 1 THROUGH APRIL 14) – 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	30.20
2	N	28	E 4	NW SW	8103	33.50
2	N	28	E 4	SW SW	8103	13.20
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 32	NE NW	8105	31.00
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	SW SW	8103	0.10
3	N	28	E 33	SE SW	8103	0.10
Total						579.5

IRRIGATION – SOUTH PORT FARM*							
Twp	Range	Sec	1/4	1/4	Tax Lot	Acres	
4	N	25	E	22	NE NE	100	29.40
4	N	25	E	22	NW NE	100	19.70
4	N	25	E	22	SW NE	100	20.80
4	N	25	E	22	SE NE	100	36.90
4	N	25	E	22	NE NW	500	12.00
4	N	25	E	22	SW NW	100	29.00
4	N	25	E	22	SE NW	100	34.90
4	N	25	E	22	NE SW	100	32.80
4	N	25	E	22	NW SW	100	34.90
4	N	25	E	22	SW SW	100	34.10
4	N	25	E	22	SE SW	100	32.50
4	N	25	E	22	NE SE	100	37.90
4	N	25	E	22	NW SE	100	29.80
4	N	25	E	22	SW SE	100	29.40
4	N	25	E	22	SE SE	100	32.70
4	N	25	E	23	NE NE	1500	31.60
4	N	25	E	23	NW NE	1500	30.50
4	N	25	E	23	SW NE	1500	35.80
4	N	25	E	23	SE NE	1500	35.90
4	N	25	E	23	NE NW	1500	31.40
4	N	25	E	23	NW NW	1500	30.80
4	N	25	E	23	SW NW	1500	35.60
4	N	25	E	23	SE NW	1500	36.30
4	N	25	E	23	NE SW	1500	37.80
4	N	25	E	23	NW SW	1500	36.00
4	N	25	E	23	SW SW	1500	29.60
4	N	25	E	23	SE SW	1500	32.70
4	N	25	E	23	NE SE	1500	36.80
4	N	25	E	23	NW SE	1500	35.80
4	N	25	E	23	SW SE	1500	29.90
4	N	25	E	23	SE SE	1500	32.90
4	N	25	E	24	NE NE	200	4.10
4	N	25	E	24	NW NE	200	3.90
4	N	25	E	24	SW NE	200	39.70
4	N	25	E	24	SE NE	200	29.45
4	N	25	E	24	NE NW	200	3.10
4	N	25	E	24	NW NW	200	3.10
4	N	25	E	24	SW NW	200	37.00
4	N	25	E	24	SE NW	200	39.70
4	N	25	E	24	NE SW	200	39.70

IRRIGATION – SOUTH PORT FARM*							
Twp	Range	Sec	1/4	1/4	Tax Lot	Acres	
4	N	25	E	24	NW SW	200	37.10
4	N	25	E	24	SW SW	200	31.60
4	N	25	E	24	SE SW	200	31.60
4	N	25	E	24	NE SE	200	29.30
4	N	25	E	24	NW SE	200	29.30
4	N	25	E	24	SW SE	200	29.30
4	N	25	E	24	SE SE	200	29.30
Total							1403.45

*This place of use is to be irrigated from the Messner Pond POD

IRRIGATION – MILLS FARM							
Twp	Range	Sec	1/4	1/4	Tax Lot	Acres	
4	N	29	E	20	NE SW	1700	33.5
4	N	29	E	20	NW SW	1700	34.9
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
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

7. Pursuant to OAR 690-250-0070 and the Approval on Completion Order issued on September 17, 2014, recorded at Special Order Volume 93, Page 456, the irrigation season of use is March 1 through October 31.
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 #6 is approved.
2. The use of water for irrigation as described in Finding of Fact #7, as described in the Final Order recorded in Special Order Volume 134, Pages 39-44 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: April 8, 2026.



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

Mailing date: April 10, 2026