

CW-126 Umatilla County  
Grimmway Enterprises, Inc.



# Allocation of Covered Water Cover Sheet

W-126 Caseworker-Corey C.

Applicant Name/Address: Grimmway Enterprises Inc. Matt Vickery PO Box 81498 Bakersfield, CA 93380	Agent Name/Address: GSI Water Solutions Inc. Ted Ressler 55 SW Yamhill St. Suite 300 Portland, OR 97204	Affected Gov'ts Name/Address: Umatilla County
Rec. Landowner Name/Address:	Irr. District Name/Address:	Tribes:
Current Landowner Name/Address: Onyx Land Company LLC 9100 Ming Ave Suite 120 Bakersfield, CA 93311	Commenter's: <input checked="" type="checkbox"/>	Watermaster District:

## Water Rights Affected

Records Marked	App File No. or Decree Name	Permit No.	Certificate No.	WRIS Entry	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-50239	S-37108	53731	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions

App Rec'd: Newspaper quote requested: Request for news \$ sent: 12/10/21 News \$ received: 12/16/21 Caseworker Checklist Completed:	Publication sent to newspaper: Weekly Notice: 1/4/2022 Dates Published in News: 12/31/21; Affidavit of publication received: 1/7/22; 3/1/22 Comments due: Elec. <input checked="" type="checkbox"/>	File Assigned: Watermaster Review received:  Add'l Reviews sent to:
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## Processing Dates & Actions

Public Comments Received yes <input type="checkbox"/> no <input type="checkbox"/>							
Document	Drafted	Peer Review	Changes Made	Sig. Date	Data Entry	Sent to Applicant	Work Flow Updates
DRAFT-Preliminary Determination	Date 12/11/21	Date	Date	Date	Date	Date	Date
	Initials CC	Initials	Initials	Initials	Initials	Initials	Initials
Preliminary Determination	Date 10/27/22	Date 10/27/22	Date	Date	Date 11/9/22	Protest Deadline: 1/8/2023	
	Initials CC	Initials AR	Initials	Initials	Initials SHP	Sent Cert Mail: <input checked="" type="checkbox"/> 11/10/2022	
Approving Order	Date 1/17/23	Date 1/19/23	Date 1/19/23	Date	Date 1/20/23	Notice of Completion Deadline:	
	Initials CC	Initials CC	Initials CC	Initials	Initials SHP		
Completion Order	Date 1/17/23	Date 1/19/23	Date 1/19/23	Date	Date 1/20/23	Remaining Right Issued: 4-12-2023	Date
	Initials CC	Initials CC	Initials CC	Initials	Initials SHP		Initials SHP
Modification Order	Date	Date	Date	Date	Date	Deadline for Finalization:	
	Initials	Initials	Initials	Initials	Initials		
Finalization Order	Date 3/3/23	Date 4/6/23	Date 4/6/23	Date	Date 4-12-23	Order Vol/Page	
	Initials CC	Initials SH	Initials CC	Initials	Initials SHP	128-122	

Comments/Special Issues:	Instream Certificate Number:
	Reduced Rate Remaining Certificate Number

SEN

## COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GRIMMWAY ENTERPRISES INC  
MATT VICKERY  
PO BOX 81498  
BAKERSFIELD, CA 93380



9590 9402 6816 1074 5421 47

2. AI lumber (Transfer from service label)

701 1040 0000 3184 6192

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:

 No

RECEIVED

NOV 17 2022

OWRD

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING #



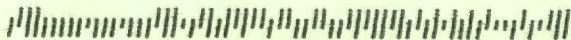
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 6816 1074 5421 47

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

OREGON WATER RESOURCES DEPARTMENT  
725 SUMMER ST NE, STE A  
SALEM, OR 97301





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **137101**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Illwaco Desert Investments LLC; Trust Account for Orux Land Company, LLC  
 BY: \_\_\_\_\_  
 CASH:  CHECK:# 1004 OTHER: (IDENTIFY) \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>CW-126</u>

**TOTAL REC'D** \$ 139.01

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 139.01  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
 0410 RESEARCH FEES \$ \_\_\_\_\_  
 0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
 0240 EXTENSION OF TIME \_\_\_\_\_ \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY) _____			

**0636 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_  
 0210 MONITORING WELLS \$ \_\_\_\_\_  
 OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
 0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
 HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **137101**

DATED: 12-16-2001 BY: [Signature]

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **137101**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Illume Desert Investments, LLC; Trust Account for Onyx Land Company, LLC

BY: \_\_\_\_\_

CASH:  CHECK: #  1004 OTHER: (IDENTIFY) \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>111-126</u>
<b>TOTAL REC'D</b>	<b>\$ <u>139.01</u></b>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES <u>46118</u>	
<u>0207</u>	OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>139.01</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	\$
0203	GROUND WATER	EXAM FEE	\$
0205	TRANSFER	EXAM FEE	\$
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	\$
	LANDOWNER'S PERMIT		\$
	OTHER (IDENTIFY)		\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
	OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **137101** DATED: 12-16-2001 BY: [Signature]



ILLUME DESERT INVESTMENTS, LLC • PO BOX 22020 • BAKERSFIELD, CA 93390

001004

Vendor: OREGON WATER RESOURCES DEPARTMENT ID: OWRD

Invoice No.	Invoice Date	Description	P.O. No.	Voucher Amt	Discount Amt	Pay Amount
211213	Dec 13, 2021	NEWSPAPER NOTICE FOR CW-126		139.01	.00	139.01

RECEIVED

DEC 16 2021

OWRD

SANTA CLARITA CA 913

13 DEC 2021 PM 3:11

FIRST-CLASS



US POSTAGE IMPITNEY BOWES

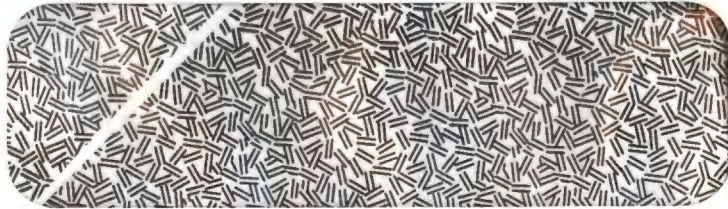
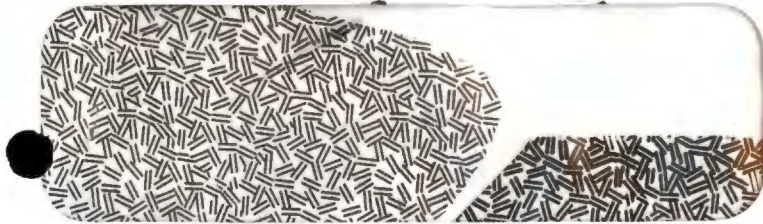


ZIP 93311  
02 7H

**\$ 000.53<sup>0</sup>**

0001358309 DEC 13 2021

97301-126673





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136971**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Illume Desert Investments, LLC; Trust Account for Onyx Land Company, LLC  
 BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>CW-126</u>

CASH:  CHECK:# 1003 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,360.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46109 \$  
 OTHER: (IDENTIFY) \$  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \$1,360.00

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ CARD# \_\_\_\_\_  
 0210 MONITORING WELLS \$ CARD# \_\_\_\_\_  
 OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$  
 0231 HYDRO LICENSE FEE (FW/WRD) \$  
 HYDRO APPLICATION \$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **136971**

DATED 11-30-2021 BY: Mindy Cook

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **136971**

INVOICE # \_\_\_\_\_

RECEIVED FROM: **Illume Desert Investments, LLC; Trust Account for Onyx Land Company, LLC**

APPLICATION	
PERMIT	
TRANSFER	<b>GW-156</b>

CASH:  CHECK # **1003** OTHER: (IDENTIFY)

TOTAL REC'D \$ **1,360.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	<b>46109</b>	\$
	OTHER:	(IDENTIFY)	\$
0243 I/S Lease			
0244 Muni Water Mgmt. Plan			
0245 Cons. Water			<b>\$1,360.00</b>

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

**WATER RIGHTS:**

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
	OTHER (IDENTIFY)			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	
	OTHER (IDENTIFY)			

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **136971**

DATE: **11-30-2021** BY: **Mincey Cash**



ILLUME DESERT INVESTMENTS, LLC • PO BOX 22020 • BAKERSFIELD, CA 93390

001003

Vendor: OREGON WATER RESOURCES DEPARTMENT ID: OWRD

Invoice No.	Invoice Date	Description	P.O. No.	Voucher Amt	Discount Amt	Pay Amount
211123	Nov 23, 2021	WATER RIGHT APPLICATION - AMSTAD RANCH		1,360.00	.00	1,360.00

ILLUME DESERT INVESTMENTS, LLC • PO BOX 22020 • BAKERSFIELD, CA 93390

001003

RECEIVED

NOV 30 2021

OWRD

Check No.: 1003

Check Date: Nov 23, 2021 Currency: USD

Totals: 1,360.00 .00 1,360.00

REORDER FROM PEGBOARD (661) 327-5861



**Water Solutions, Inc.**

November 24, 2021

Ms. Teri Hranac  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for Surface Water Allocation of Conserved Water  
Certificate 53731, Grimmway Enterprises, Inc.

Dear Teri:

On behalf of the applicant, Grimmway Enterprises, Inc., please find enclosed an Application for Surface Water Allocation of Conserved Water involving a portion of Certificate 53731. Please also find enclosed a check in the amount of \$1,360 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE  
GSI Water Solutions, Inc.

Enclosures: Application for Surface Water Allocation of Conserved Water  
Check #1003 in the amount of \$1,360

CC: Matt Vickery  
Tracy Saiki

**RECEIVED**

NOV 30 2021

**OWRD**



cert 53731

# ALLOCATION OF CONSERVED WATER Application Checklist

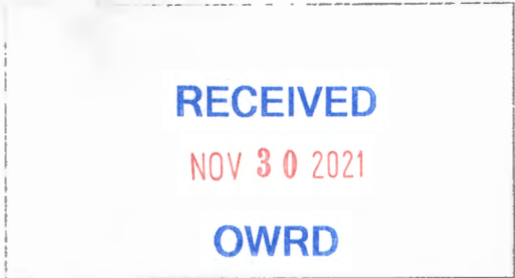
Checked by Joan Date 11/20/21

(If OK, check box to left; if not, fill in the blank)

- 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- 2. Are fees included? 1360.96
- 3. Page 2 of application: Have all the applicants listed at the top of the page signed?  
If no, whose signature is missing? \_\_\_\_\_
- 4. Are all sections on the form completed? If no, what section(s) are not completed? \_\_\_\_\_
- 5. Are all listed certificates or permits shown by WRIS as non-cancelled (page 1 of application, Part 3;  
*note there may be more than 1 Part 3*)? If no, which are cancelled? \_\_\_\_\_
- 6. If any certificate is in the name of a "district", and the District is not the applicant, is a letter of approval  
from the District attached?  
 N/A  No, approval letter needed from \_\_\_\_\_ (district)
- 7. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the  
application.

**Pink Slip will be completed and File number shall be assigned by ACW Staff**

If you have any questions, please contact staff in the Allocations of Conserved Water Section (Teri).



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: GRIMMWAY ENTERPRISES INC  
PO BOX 81498, BAKERSFIELD CA 93380

Transaction Type: ALLOCATION OF CONSERVED WATER

Fees Received: \$ 1360<sup>00</sup>

Cash  Check: Check No. 1003

Name(s) on Check: ILLUME DESERT INVESTMENTS

Address on Check: PO BOX 22020, BAKERSFIELD CA 93390

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Kim FRENCH  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.





RECEIVED  
NOV 30 2021  
OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: GRIMMONWAY ENTERPRISES INC  
RD BOX 81498, BAKERSFIELD CA 93380

Transaction Type: APPLICATION OF CONSERVED WATER

Fees Received: \$ 1360<sup>00</sup>

Cash     Check:    Check No. 1003

Name(s) on Check: ILLUME DESERT INVESTMENTS

Address on Check: PO BOX 22020, BAKERSFIELD CA 93390

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: KIM FRENCH  
(Name of OWRD staff)

**Instructions for OWRD staff:**

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

April 12 2023

### VIA E-MAIL

### Applicant

Grimmway Enterprises, Inc.  
Attn: Matt Vickery  
PO Box 81498  
Bakersfield, CA 93380

SUBJECT: Allocation of Conserved Water Application CW-126

Please find enclosed a copy of the Final Order on Finalization of Allocation of Conserved Water CW-126. Also enclosed are copies of the certificates issued as a result of application CW-126.

Please do not hesitate to contact me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov), if I may be of assistance.

Sincerely,

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

Enclosure

cc: CW-126  
Ted Ressler, Agent (*via email at tressler@summitwr.com*)  
Greg Silbernagel, District #5 Watermaster (*via e-mail*)



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

In the Matter of Allocation of Conserved ) FINAL ORDER ON FINALIZATION OF  
Water Application CW-126, ) ALLOCATION OF CONSERVED WATER  
Umatilla County ) CW-126

**Applicant:**

Grimmway Enterprises, Inc.  
Attn: Matt Vickery  
PO Box 81498  
Bakersfield, CA 93380

**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.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is 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 November 30, 2021, Grimmway Enterprises, Inc., Attn: Matt Vickery filed an allocation of conserved water application under Certificate 53731. The Department assigned the application number CW-126.
2. The conservation project involved conversion to low pressure low flow spray nozzles on the center pivots.
3. On April 19, 2022, Grimmway Enterprises, Inc., Attn: Matt Vickery submitted a Notice of Completion.
4. On January 20, 2023, the Department issued a Final Order on Completion of Allocation of Conserved Water CW-126 (Completion Order), recorded at Special Order Volume 127, Pages 253-268. The Completion Order confirmed the following quantities of conserved water:

Originating Certificate	State’s Portion			Applicant’s Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5



- The Completion Order established the reduced rates and duties for the existing uses under Certificate 53731 as follows:

Originating Certificate	Priority	Rate		Duty		Acres
		Maximum CFS	CFS/AC	Maximum AF	AF/AC	
53731	April 2, 1973	38.04	0.0178	8,310.75	3.5	2,374.5

- The Approval Order established the priority dates for the conserved water to be one minute junior to the originating right.
- 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	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin

- The Completion Order established a deadline of March 1, 2023, for the Request for Finalization form to be submitted.
- On February 28, 2023, the Applicant submitted a Request for Finalization.

### Conclusions of Law

The Findings of Fact and Conclusions of Law set forth in the Final Order on Completion of Allocation of Conserved Water CW-126, recorded at Special Order Volume 127, Pages 253 to 268, are incorporated as if set forth fully herein. The project described in Allocation of Conserved Water Application CW-126, 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:

- The project is complete, and no additional time is needed for finalization.
- The Applicant's portion of conserved water shall be used and managed instream until a Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.

The water shall be managed instream in the Columbia River, at the authorized point of diversion located at approximately River Mile 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

The rate and period of the Applicant's portion of conserved water to be managed instream is being adjusted to be consistent with the Division 33 mitigation requirements:

Priority Date	Originating Certificate	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	53731	April 15 through September 30	5.313	1780.88

2. Water Right Certificate 53731 is cancelled. A new certificate will be issued for that portion of Certificate 53731 not affected by CW-126. 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 2374.5 ACRES  
**Priority Date:** APRIL 2, 1973  
**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

3. 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.

4. The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Columbia River. The instream right shall allow the use and protection of flows as follows:

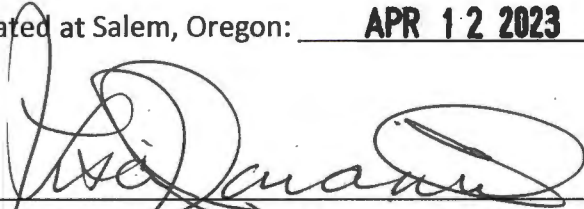
Priority Date	Originating Certificate	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	53731	March 1 through October 31	1.217	593.62

Columbia River: At the authorized point of diversion under Certificate 53731, located at approximately River Mile 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

The instream right 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: APR 12 2023



\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
OREGON WATER RESOURCES DEPARTMENT

Mailing date: APR 13 2023

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C & B LIVESTOCK, INC.  
 PO BOX 109  
 HERMISTON, OR 97838

confirms the right to use the waters of the COLUMBIA RIVER, a tributary PACIFIC OCEAN, for IRRIGATION of 596.8 ACRES.

This right was perfected under Permit S-37108. The date of priority is APRIL 2, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 12.61 CUBIC FEET PER SECOND

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NW NE	4.7
5 N	27 E	WM	25	NE NW	6.3
5 N	27 E	WM	27	NW NE	10.1
5 N	27 E	WM	27	NE NW	23.2
5 N	27 E	WM	27	NW NW	32.8
5 N	27 E	WM	27	SW NW	1.2
5 N	27 E	WM	27	SW SW	28.2
5 N	27 E	WM	27	SE SW	28.1
5 N	27 E	WM	27	NE SE	19.1
5 N	27 E	WM	27	SE SE	26.7
5 N	27 E	WM	35	NW NE	5.8
5 N	27 E	WM	35	NE NW	6.2
5 N	27 E	WM	36	NE NE	31.2



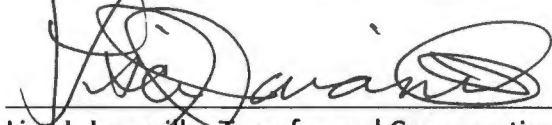
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	36	NW NE	28.0
5 N	27 E	WM	36	SW NE	37.2
5 N	27 E	WM	36	SE NE	28.4
5 N	27 E	WM	36	NE NW	15.2
5 N	27 E	WM	36	SE NW	8.7
5 N	28 E	WM	19	SW NE	4.1
5 N	28 E	WM	19	SE NW	13.4
5 N	28 E	WM	19	NE SW	1.4
5 N	28 E	WM	19	SE SW	6.4
5 N	28 E	WM	19	NW SE	0.6
5 N	28 E	WM	19	SW SE	27.5
5 N	28 E	WM	19	SE SE	1.5
5 N	28 E	WM	29	NW NW	31.2
5 N	28 E	WM	29	SW NW	32.8
5 N	28 E	WM	30	NE NE	8.7
5 N	28 E	WM	30	SE NE	20.0
5 N	28 E	WM	30	NW SW	19.4
5 N	28 E	WM	30	SW SW	1.2
5 N	28 E	WM	31	NE NW	4.3
5 N	28 E	WM	31	NW NW	39.3
5 N	28 E	WM	31	SW NW	40.0
5 N	28 E	WM	31	SE NW	3.9
				Total	596.8

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use herein described.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This certificate describes that portion of water right Certificate 53731, State Record of Water Right Certificates, NOT MODIFIED by the provisions of an order of the Water Resources Director entered **APR 12 2023**, approving Allocation of Conserved Water Application CW-126. This Certificate together with Certificates 96914 and 96915, and the conserved water under CW-126, supersedes Certificate 53731, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed **APR 12 2023**.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GRIMMWAY ENTERPRISES, INC.  
ATTN: MATT VICKERY  
PO BOX 81498  
BAKERSFIELD, CA 93380

confirms the right to use the waters of the COLUMBIA RIVER, a tributary PACIFIC OCEAN, for IRRIGATION of 2374.5 ACRES.

This right was perfected under Permit S-37108. The date of priority is APRIL 2, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 38.04 CUBIC FEET PER SECOND

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5



Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
				Total	2374.5

**Water use measurement conditions:**

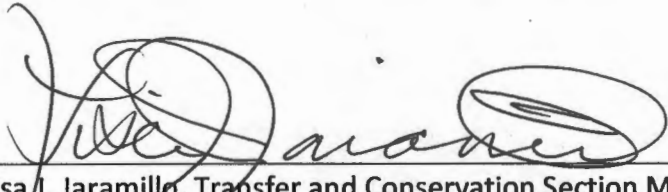
- a. Before the use of the Applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
- b. The water user shall maintain the meters or measuring devices in good working 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This certificate describes that portion of water right Certificate 53731, State Record of Water Right Certificates, REDUCED IN RATE by the provisions of an order of the Water Resources Director entered APR 12 2023, approving Conserved Water Application CW-126. This certificate together with Certificates 96913 and 96915, and the conserved water under CW-126, supersedes Certificate 53731.

WITNESS the signature of the Water Resources Director, affixed APR 12 2023.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the COLUMBIA RIVER, tributary to the PACIFIC OCEAN, for INSTREAM USE for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was perfected under Permit S-37108. The date of priority is APRIL 2, 1973, *plus one minute*. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.217 CUBIC FEET PER SECOND, and is further limited to 593.62 ACRE FEET per year measured at the point of diversion, from MARCH 1 through OCTOBER 31.

The description of the point in which flows are to be maintained is as follows:

At the location of the diversion previously authorized under Certificate 53731 located at approximately RM 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantity to which this instream water right is entitled at the original point of diversion.

The instream right established by this transfer 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.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

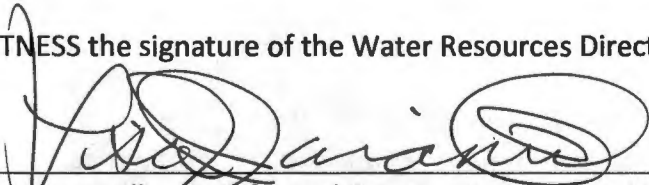
This is final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director 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.



The right is subject to all other terms and conditions of Certificate 53731 and any related decree.

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director recorded in Special Order Volume 128, Page 122, approving Conserved Water Application CW-126. This Certificate together with Certificates 96913 and 96914, and the conserved water under CW-126, supersedes Certificate 53731, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed **APR 12 2023**

A handwritten signature in black ink, appearing to read "Lisa Jaramillo", written over a horizontal line.

Lisa Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

January 20, 2023

### Applicant

Grimmway Enterprises, Inc.  
Attn: Matt Vickery  
PO Box 81498  
Bakersfield, CA 93380

SUBJECT: Allocation of Conserved Water Application CW-126

Please find enclosed a copy of the Final Order of Approval on Completion and Finalization of Allocation of Conserved Water CW-126. Also enclosed are copies of the certificates issued as a result of application CW-126. Please pay special attention to the deadline for submitting the Request for Finalization of March 1, 2023.

Please do not hesitate to contact me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov), if I may be of assistance.

Sincerely,

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

Enclosure

cc: CW-126  
Ted Ressler, Agent (*via email at [tressler@summitwr.com](mailto:tressler@summitwr.com)*)  
Greg Silbernagel, District #5 Watermaster (*via e-mail*)

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

In the Matter of Allocation of Conserved ) FINAL ORDER OF APPROVAL ON  
Water Application CW-126, ) COMPLETION OF ALLOCATION OF  
Umatilla County ) CONSERVED WATER CW-126

**Applicant**

Grimmway Enterprises, Inc.

Attn: Matt Vickery

PO Box 81498

Bakersfield, CA 93380

**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

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.



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.

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 November 30, 2021, Grimmway Enterprises, Inc., Attn: Matt Vickery filed an allocation of conserved water application under Certificate 53731. The Department assigned the application number CW-126.
2. On August 12, 2022, the applicant submitted a revised page 7 of the application, updating the location of the proposed place of use for the applicant’s portion of conserved water.
3. The conservation project involves conversion to low pressure low flow spray nozzles on the center pivots. The conversion to low flow spray nozzles is a proven technology for conserving water.
4. Application CW-126 proposes a rate reduction of approximately 12.15 cubic feet per second (cfs) and proposes to reduce the annual volume by 2,374.5 acre-feet (AF).

Conserved Water Description										
Certificate	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
53731	50.19	0.025	10,685.25	4.5	38.04	0.0178	8,310.75	3.5	12.15	2,374.5

5. The portion of the right to be modified by CW-126 is as follows:

**Certificate:** 53731 in the name of C & B LIVESTOCK, INC. (perfected under Permit S-37108)

**Use:** IRRIGATION of 2,374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 50.19 CUBIC FEET 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

- Certificate 53731 does not list a period of use; therefore, pursuant to OAR 690-250-0070, the irrigation season of use is March 1 through October 31.
- Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and pivot system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of the application.
- The Applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

- The Applicant proposes that its portion of the conserved water be allocated for an out-of-stream use within the following areas:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin

11. The applicant also proposes additional points of diversion for the applicant's portion of conserved water to be used out of stream, as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates or Measured Distances	Approximate distance from original point of diversion in miles (mi.)
CRPS	4 N	25 E	WM	2	NE NW	7	SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2	15.5 mi. downstream
EID	5 N	30 E	WM	8	SW NW		2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8	14.4 mi. upstream

12. The Applicant requests that the priority date for any conserved water be one minute junior to the originating right.
13. The Applicant funded 100% of the conservation project.
14. The Applicant submitted a completed Land Use Form from Umatilla County that indicated the proposed use was allowed outright or is not regulated by Umatilla County's comprehensive plan.
15. The implementation of the conservation measures began no earlier than December 2021. The Applicant verified no water right holders in the area, governmental entities or other organizations have requested to be consulted about the allocation of conserved water.
16. The Applicant proposes that any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
17. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 53731 at the authorized point of diversion on the Columbia River.
18. On April 19, 2022, the applicant submitted a Notice of Completion indicating the project is complete. The Applicant indicated they would submit a Request for Finalization of the allocation on or before March 1, 2023.
19. The application meets the requirements of OAR 690-018-0040.

20. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) to ascertain whether the proposed instream flows are necessary to support instream flow uses. ODFW has identified a need for additional flow in the Columbia Basin above Bonneville Dam, particularly during the period April 15 through September 30. The Federal Columbia River Power System Biological Opinion identified target flows. Water protected as an instream water right will help meet the target flows identified to increase survival of ESA-listed chum salmon migration, spawning, incubation, and emergence.
21. Notice of the proposed conservation project was published in the Department's weekly notice on January 11, 2021, and in the East Oregonian newspaper on December 31, 2021, and January 7, 2022, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

***Allocation of Conserved Water Review Criteria [OAR 690-018-0050]***

22. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #4).
23. On August 3, 2022, the District #5 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. OAR 690-018-0050(4)(c). (Finding of Fact #14).
25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-126 under Certificate 53731 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
53731	38.04	0.0178	8,310.75	3.5

(Finding of Fact #4).

26. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of water allocated to the Applicant does not need to be adjusted because the Applicant funded 100% of the project. (Finding of Fact #13). The rate and volume allocated to the Applicant is as follows:

Priority Date	Maximum Rate	Maximum Duty (Volume)
April 2, 1973, <i>plus one minute</i>	9.11 cfs	1,780.88 AF

(Findings of Fact #9 and #13).



27. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
April 2, 1973, plus one minute	3.04	593.62

(Finding of Fact #9).

28. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. (Finding of Fact #20).

29. The new instream water right created will be protected in the Columbia River at the authorized point of diversion as described in Finding of Fact #5, at approximately River Mile 287.4. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).

30. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.

31. The instream right shall allow the use and protection of flows as follows:

Source: Columbia River, a tributary of Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (AF)
April 2, 1973, plus one minute	3/1 through 10/31	1.217	593.62

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

32. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).

33. The protection of flows at the authorized point of diversion is appropriate, considering:

- The instream water use is at the recorded point of diversion;
- The location of confluences with other streams downstream of the point of diversion.
- There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
- Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.

OAR 690-077-0015(8).

34. The combination of instream rights for the proposed point on the Columbia River does not exceed the amount needed to provide increased public benefits and does not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).

35. There are no other instream water rights established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process), at the proposed point on the Columbia River. Any instream water right created as a result of this allocation will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under an earlier priority date.
36. Any new instream water right established by this conserved water project would provide protection for flows identified as identified by ODFW (Finding of Fact #20) as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).
37. The areas within which the conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin (Finding of Fact #10). OAR 690-018-0050(4)(h).

38. The project was completed in February 2022. The deadline for submitting a Request for Finalization of the allocation is on or before March 1, 2023. (Finding of Fact #18). OAR 690-018-0050(4)(i).
39. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23). OAR 690-018-0050(4)(j).

### Conclusions of Law

The project described in Allocation of Conserved Water Application CW-126, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077.

1. The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #4 and #22.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23 and #39.
3. The application is consistent with the requirements established in OAR 690-005-0045. Findings of Fact #14 and #24.



**Now, therefore, it is ORDERED:**

4. The changes proposed in CW-126 are approved.
5. The quantities of water conserved and allocated are as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

6. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificate 53731 and any related decree.
7. Water Right Certificate 53731 is cancelled. After finalization, a new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application. The Applicant may continue to use water on the place of use for Certificate 53731, as identified in Finding of Fact #5 at the reduced rate and duty as follows, until a Request for Finalization is submitted and approved.

**Use:** IRRIGATION of 2374.5 ACRES  
**Priority Date:** APRIL 2, 1973  
**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.  
**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4
5 N	27 E	WM	25	SW NW	33.6



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

8. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

9. The proposed areas within which the Applicant's portion of conserved water is to be used for future out-of-stream irrigation uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin

10. Water use measurement conditions:

- a. Before water use may begin under this order, 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 existing 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.

11. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.

12. All conserved water, both the Applicant's portion and the State's portion shall be managed instream until a Request for Finalization is submitted as follows:

Columbia River, tributary to the Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	4.866	2,374.5

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

13. The deadline for filing a Request for Finalization is on or before March 1, 2023.



Upon Filing the Request for Finalization:

14. The project is complete, and no additional time is needed for finalization.
15. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
16. The Applicant's portion of conserved water shall be used and managed instream as described below, until a subsequent Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.

*Columbia River, tributary to the Pacific Ocean*

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	3.650	1,780.88

*At the authorized point of diversion at approximately River Mile (RM) 287.4:*

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

17. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

18. The proposed areas within which the Applicant's portion of conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

*\*Only the portion located within the Columbia Umatilla Plateau sub-basin*

19. Water use measurement conditions for the Applicant's portion of conserved water:

- a. Before water use may begin under this order, 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 existing 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.

20. A superseding Certificate will be issued for the existing use and place of use (described in Finding of Fact #5) at the reduced rate and duty (described in Finding of Fact #25) as follows:

**Use:** IRRIGATION of 2374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

21. Water use measurement conditions for superseding certificate:

- a. Before water use may begin under this order, 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 existing 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.



22. The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values as follows:

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	1.217	593.62

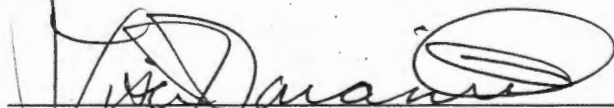
Columbia River: At the authorized point of diversion under Certificate 53731 located at approximately RM 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

The instream right established by this allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 OR 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.

Dated at Salem, Oregon JAN 20 2023



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



IN THE CIRCUIT COURT OF  
THE STATE OF OREGON FOR  
UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, eastoregonian.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

**EO-11719 Notice of Application for A**

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:  
**12/31/2021, 01/07/2022**

Subscribed and sworn to before me on this **23rd day of February, A.D. 2022**

Dayle Stinson

Kathryn Bedford Brown  
Notary Public of Oregon



EO-11719  
NOTICE OF APPLICATION  
FOR ALLOCATION OF C  
ONSERVED WATER  
CW-126

On November 28, 2021, Grim-mway Enterprises, Inc., Attn: Matt Vickery, PO Box 81498, Bakersfield, CA 93380, submitted an application for Allocation of Conserved Water under ORS 537.470. Certificate 53731 is for a total of 62.8 cubic feet per second (cfs) from the Columbia River, tributary to the Pacific Ocean, for irrigation of 2971.3 acres, with a priority date of April 2, 1973. The conservation project involves converting from center pivot nozzles to high efficiency (low pressure, low flow) spray nozzles on the center pivots. The project proposes to conserve approx. 12.15 cfs/2374.5 AF. The applicant proposes to protect 25% (3.04 CFS, 593.62 AF) of the conserved water instream with 9.11 CFS to be applied to new lands.

The project appears to be consistent with the requirements under ORS 537.470. Any party may provide written comments directly related to CW-126 within 20 days of the last date of publication of this notice, by 5:00 pm on January 7, 2022. Comments should be sent to ACW Program, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266. WRD will review all comments received when determining whether to approve the proposed conservation project. Publish December 31, 2021, January 7, 2022

RECEIVED

MAR 01 2022

OWRD

IN THE CIRCUIT COURT OF  
THE STATE OF OREGON FOR  
UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON  
County of Umatilla } ss

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, eastoregonian.com, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

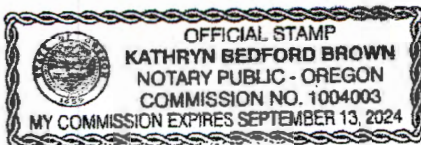
**EO-11719 Notice of Application for A**

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Subscribed and sworn to before me on this 23rd day of February, A.D. 2022

Dayle Stinson

Kathryn Bedford Brown  
Notary Public of Oregon



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NOTICE OF APPLICATION  
FOR ALLOCATION OF C  
ONSERVED WATER  
CW-126**

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Received by OWRD

FEB 23 2022

Salem, OR



**Fish and Wildlife (ODFW)  
Oregon Department of Environmental Quality (DEQ)  
Oregon Parks and Recreation (OPR)**

**Allocation of Conserved Water Review Form**

*(The agencies provide to WRD so that WRD can make findings according to statutory requirements.)*

Reference #: CW-126

Date of review: 3/24/22

The Department is directed to make a determination in consultation with the Departments of Fish and Wildlife, Environmental Quality and Parks and Recreation, if conserved water is needed to support instream uses. OAR 690-018-0050(4). If the Water Resources Department Commission determines that the water allocated to the state is necessary to support in-stream flow purposes in accordance with ORS 537.332 to 537.360, the water shall be converted to an instream water right. ORS 537.470(3).

Conserved water means that amount of water that results from conservation measures. After determining the quantity of conserved water, the commission shall allocate 25 percent of the conserved water to the state and 75 percent to the applicant, unless it is determined a higher allocation to the state is appropriate. This review is to assist the Department in determining whether the State's portion (25%+) of the conserved water is necessary to support instream flow purposes.

**A. Agency and instream use**

- ODFW:** public uses relating to the conservation, maintenance and enhancement of aquatic and fish life, wildlife and fish and wildlife habitat.
- DEQ:** protect and maintain water quality standards established by the Environmental Quality Commission under ORS 468B.048 (pollution abatement.).
- OPR:** public uses relating to recreation and scenic attraction.

**B. Instream Water Rights**

- Yes  No There are existing state agency requested instream water rights on the same reach or reaches of the proposed instream water right. Certificate(s): \_\_\_\_\_
- Yes  No Are the existing instream flow protections met during the requested period of instream protection?

**C. Necessity**

Instream flow means the *minimum* quantity of water necessary to support the public use requested by an agency. An instream water right is for the benefit of the people of the state of Oregon to maintain water instream for public use.

The proposed instream water right is necessary because: *(i.e., is in an ODFW flow restoration priority watershed; stream is listed as water quality limited, etc.) Although there are no agency-requested instream water rights in the Columbia River, ODFW has identified a need for additional flow in the Columbia Basin above Bonneville Dam, particularly during the period April 15 through September 30. In addition, ongoing surveys indicate the importance of maintaining water levels in the Ives/Pierce Island complex below Bonneville Dam to provide for ESA-listed chum salmon migration, spawning, incubation, and emergence. As tailwater elevations below Bonneville Dam are directly correlated with the amount of chum spawning habitat available, the Federal Columbia River Power System Biological Opinion set targets for chum salmon spawning, incubation, and emergence (typically from November, or when chum arrive, through early April). The volume of unregulated flow into the Columbia River*

Please send completed form to: Allocation and Conserved Water, Water Resources Department,  
725 Summer Street NE, Suite A, Salem, OR 97301; or [acw-questions@wrdd.state.or.us](mailto:acw-questions@wrdd.state.or.us).



upstream of Bonneville Dam aides in meeting recommended water elevations for chum salmon migration, spawning, incubation, and emergence.

Danette Faucera

Digitally signed by Danette  
Faucera  
Date: 2022.03.24 14:07:22 -07'00'

Signature

503-947-6092

Phone

Danette Faucera

Printed Name

Water Policy Coordinator

Title



Please send completed form to: Allocation and Conserved Water, Water Resources Department,  
725 Summer Street NE, Suite A, Salem, OR 97301; or [acw-questions@wrd.state.or.us](mailto:acw-questions@wrd.state.or.us).



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite "A"  
 Salem, Oregon 97301-1271  
 (503) 986-0900

## Watermaster Review Form: Allocation of Conserved Water Application

Conserved Water Application #: CW-126

Review Date: 8/3/2022 - amended

Involving Certificate(s) #: 53731

Reviewer: Greg Silbernagel

***For purposes of this analysis, please consider that 100% of the Applicant's portion of conserved water is consumptive.***

### Pre-Project Water Right(s)

- In my opinion, the water right(s) is/are valid and not subject to forfeiture.  
 Yes    No   Explain if needed: \_\_\_\_\_
- Is there evidence to suggest that the applicant is NOT ready, willing, and able to use the full rate associated with the water right(s)?  
 Yes    No   Explain, if needed: \_\_\_\_\_

Is the current system capacity as described in the application reasonable and accurate?

Yes    No   Explain, if needed: \_\_\_\_\_

### Issues Associated with Injury/Harm and Mitigation *See ORS 537.470 and OAR 690-018-0012(1)*

- In my opinion, this water right could be beneficially used at maximum rate and duty without having return flows. (Note: The question is not asking whether historically there have been return flows).  
 Yes    No   Explain, if needed: \_\_\_\_\_
- In my opinion, the proposed project:  
 MAY BE MADE WITHOUT HARM    WOULD RESULT IN HARM  
 Please explain: \_\_\_\_\_

The project could be modified to avoid harm by (suggestions may include possible mitigation measures) \_\_\_\_\_.

### Instream Water Right to be Created by the Project

- In my opinion, the proposed instream reach(es), instream rate and volume, and time-period to be protected instream are appropriate.  
 Yes    No   Explain, if needed: \_\_\_\_\_
- Is/Are the instream reach(es) proposed to be protected beyond the mouth of the stream and into a receiving stream?    Yes    No  
 If yes, is it a measurable quantity?    Yes    No

7. Are there any stream channel losses in the proposed instream reach(es)?  Yes  No  
If yes, please identify the percentage of loss, and the associated reach(es): \_\_\_\_\_.
8. ENAF is available on the Department's website.  Yes  No  
If estimated natural flow (ENAF) is not available, what is the estimated natural flow of the stream for the period the instream right is to be protected? \_\_\_\_\_.

### Measuring Devices

In my opinion, the order approving the allocation of conserved water application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works and/or at a lateral.

#### Post-Project Water Right (Existing lands)

8. Specify when and where (POD or lateral) the measuring devices should be required and explain if needed. \_\_\_\_\_
- EXISTING and maintain
- PRIOR to using the conserved water
- WHEN IN the judgment of the watermaster it becomes necessary

#### New Out-of-Stream Water Right to be Created by the Project (New lands)

9. Specify when and where (POD or lateral) the measuring devices should be required and explain, if needed. \_\_\_\_\_.
- EXISTING and maintain
- PRIOR to using the conserved water
- WHEN IN the judgment of the Watermaster it becomes necessary

### Other Comments

8. \_\_\_\_\_

Please call the caseworker to discuss any additional concerns you may have.

Greg Silbernagel  
Printed Name

Date: 8/3/2022

\_\_\_\_\_  
Signature (not needed if review sheet is returned via e-mail)





# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 9, 2022

**VIA CERTIFIED MAIL AND E-MAIL**

**Applicant**

Grimmway Enterprises, Inc.

Attn: Matt Vickery

PO Box 81498

Bakersfield, CA 93380

SUBJECT: Allocation of Conserved Water Application CW-126

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Conserved Water Application CW-126. Issuance of this Preliminary Determination starts a 60-day protest period.

If no protest is filed, the Department will issue a Final Order consistent with this Preliminary Determination. You should receive a copy of the Final Order shortly after the close of the protest period for the conserved water application.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position to the Water Resources Commission.

Please do not hesitate to contact me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov), if I may be of assistance.

Sincerely,

Corey Courchane

Allocation of Conserved Water

Transfer and Conservation Section

Enclosure

cc: Allocation of Conserved Water Application CW-126  
District #5 Watermaster (via e-mail)  
Ted Ressler, Agent (via email at [tressler@summitwr.com](mailto:tressler@summitwr.com))

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

In the Matter of Allocation of Conserved ) PRELIMINARY DETERMINATION  
Water Application CW-126, ) PROPOSING APPROVAL ON COMPLETION  
Umatilla County ) OF ALLOCATION OF CONSERVED WATER  
) CW-126

**Applicant**

Grimmway Enterprises, Inc.  
Attn: Matt Vickery  
PO Box 81498  
Bakersfield, CA 93380

**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

Pursuant to OAR 690-018-0050, any person objecting to the proposed allocation may file a protest to this Preliminary Determination with the Water Resources Commission within 60 days of the mailing of this determination.

(i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

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 November 30, 2021, Grimmway Enterprises, Inc., Attn: Matt Vickery filed an allocation of conserved water application under Certificate 53731. The Department assigned the application number CW-126.
2. On August 12, 2022, the applicant submitted a revised page 7 of the application, updating the location of the proposed place of use for the applicant’s portion of conserved water.
3. The conservation project involves conversion to low pressure low flow spray nozzles on the center pivots. The conversion to low flow spray nozzles is a proven technology for conserving water.
4. Application CW-126 proposes a rate reduction of approximately 12.15 cubic feet per second (cfs) and proposes to reduce the annual volume by 2,374.5 acre-feet (AF).

Conserved Water Description										
Certificate	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
53731	50.19	0.025	10,685.25	4.5	38.04	0.0178	8,310.75	3.5	12.15	2,374.5



5. The portion of the right to be modified by CW-126 is as follows:

**Certificate:** 53731 in the name of C & B LIVESTOCK, INC. (perfected under Permit S-37108)  
**Use:** IRRIGATION of 2,374.5 ACRES  
**Priority Date:** APRIL 2, 1973  
**Rate:** 50.19 CUBIC FEET 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

6. Certificate 53731 does not list a period of use; therefore, pursuant to OAR 690-250-0070, the irrigation season of use is March 1 through October 31.
7. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and pivot system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of the application.
9. The Applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

10. The Applicant proposes that its portion of the conserved water be allocated for an out-of-stream use within the following areas:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin



11. The applicant also proposes additional points of diversion for the applicant's portion of conserved water to be used out of stream, as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates or Measured Distances	Approximate distance from original point of diversion in miles (mi.)
CRPS	4 N	25 E	WM	2	NE NW	7	SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2	15.5 mi. downstream
EID	5 N	30 E	WM	8	SW NW		2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8	14.4 mi. upstream

12. The Applicant requests that the priority date for any conserved water be one minute junior to the originating right.
13. The Applicant funded 100% of the conservation project.
14. The Applicant submitted a completed Land Use Form from Umatilla County that indicated the proposed use was allowed outright or is not regulated by Umatilla County's comprehensive plan.
15. The implementation of the conservation measures began no earlier than December 2021. The Applicant verified no water right holders in the area, governmental entities or other organizations have requested to be consulted about the allocation of conserved water.
16. The Applicant proposes that any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
17. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 53731 at the authorized point of diversion on the Columbia River.
18. On April 19, 2022, the applicant submitted a Notice of Completion indicating the project is complete. The Applicant indicated they would submit a Request for Finalization of the allocation on or before March 1, 2023.
19. The application meets the requirements of OAR 690-018-0040.

20. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) to ascertain whether the proposed instream flows are necessary to support instream flow uses. ODFW has identified a need for additional flow in the Columbia Basin above Bonneville Dam, particularly during the period April 15 through September 30. The Federal Columbia River Power System Biological Opinion identified target flows. Water protected as an instream water right will help meet the target flows identified to increase survival of ESA-listed chum salmon migration, spawning, incubation, and emergence.
21. Notice of the proposed conservation project was published in the Department's weekly notice on January 11, 2021, and in the East Oregonian newspaper on December 31, 2021, and January 7, 2022, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

***Allocation of Conserved Water Review Criteria [OAR 690-018-0050]***

22. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #4).
23. On August 3, 2022, the District #5 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. OAR 690-018-0050(4)(c). (Finding of Fact #14).
25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-126 under Certificate 53731 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
53731	38.04	0.0178	8,310.75	3.5

(Finding of Fact #4).

26. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of water allocated to the Applicant does not need to be adjusted because the Applicant funded 100% of the project. (Finding of Fact #13). The rate and volume allocated to the Applicant is as follows:

Priority Date	Maximum Rate	Maximum Duty (Volume)
April 2, 1973, plus one minute	9.11 cfs	1,780.88 AF

(Findings of Fact #9 and #13).

27. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
April 2, 1973, <i>plus one minute</i>	3.04	593.62

(Finding of Fact #9).

28. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. (Finding of Fact #20).
29. The new instream water right created will be protected in the Columbia River at the authorized point of diversion as described in Finding of Fact #5, at approximately River Mile 287. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).
30. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
31. The instream right shall allow the use and protection of flows as follows:

Source: Columbia River, a tributary of Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (AF)
April 2, 1973, <i>plus one minute</i>	3/1 through 10/31	1.217	593.62

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

32. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).
33. The protection of flows at the authorized point of diversion is appropriate, considering:
- The instream water use is at the recorded point of diversion;
  - The location of confluences with other streams downstream of the point of diversion.
  - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
- OAR 690-077-0015(8).
34. The combination of instream rights for the proposed point on the Columbia River does not exceed the amount needed to provide increased public benefits and does not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).



35. There are no other instream water rights established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process), at the proposed point on the Columbia River. Any instream water right created as a result of this allocation will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under an earlier priority date.
36. Any new instream water right established by this conserved water project would provide protection for flows identified as identified by ODFW (FOF 20) as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).
37. The areas within which the conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin (Finding of Fact #10). OAR 690-018-0050(4)(h).

38. The project was completed in February 2022. The deadline for submitting a Request for Finalization of the allocation is on or before March 1, 2023. (Finding of Fact #18). OAR 690-018-0050(4)(i).
39. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23). OAR 690-018-0050(4)(j).

**Determination and Proposed Action**

The project described in Allocation of Conserved Water Application CW-126, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. If protests are not filed pursuant to OAR 690-018-0050(6), the conserved water application will be approved.

*If Allocation of Conserved Water Application CW-126 is approved, the Order Approving will include the following:*

- 1. The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #4 and #22.*
- 2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23 and #39.*

3. The application is consistent with the requirements established in OAR 690-005-0045. Findings of Fact #14 and #24.
4. The changes proposed in CW-126 are approved.
5. The quantities of water conserved and allocated are as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

6. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificate 53731 and any related decree.
7. Water Right Certificate 53731 is cancelled. After finalization, a new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application. The Applicant may continue to use water on the place of use for Certificate 53731, as identified in Finding of Fact #5 at the reduced rate and duty as follows, until a Request for Finalization is submitted and approved.

**Use:** IRRIGATION of 2374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

8. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

9. The proposed areas within which the Applicant's portion of conserved water is to be used for future out-of-stream irrigation uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin

10. Water use measurement conditions:

- Before water use may begin under this order, 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.
- The water user shall maintain the existing meters or measuring devices in good working order.
- 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.

11. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.

12. All conserved water, both the Applicant's portion and the State's portion shall be managed instream until a Request for Finalization is submitted as follows:

Columbia River, tributary to the Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	4.866	2,374.5

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

13. The deadline for filing a Request for Finalization is on or before March 1, 2023.



Upon Filing the Request for Finalization:

14. The project is complete, and no additional time is needed for finalization.
15. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
16. The Applicant's portion of conserved water shall be used and managed instream as described below, until a subsequent Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.

*Columbia River, tributary to the Pacific Ocean*

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	3.650	1,780.88

*At the authorized point of diversion at approximately River Mile (RM) 287.4:*

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

17. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

18. The proposed areas within which the Applicant's portion of conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

*\*Only the portion located within the Columbia Umatilla Plateau sub-basin*



19. *Water use measurement conditions for the Applicant's portion of conserved water:*

- a. *Before water use may begin under this order, 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 existing 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.*

20. *A superseding Certificate will be issued for the existing use and place of use (described in Finding of Fact #5) at the reduced rate and duty (described in Finding of Fact #25) as follows:*

**Use:** IRRIGATION of 2374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.*

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

21. *Water use measurement conditions for superseding certificate:*

- a. *Before water use may begin under this order, 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 existing 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.*

22. The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values as follows:

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	1.217	593.62


Columbia River: At the authorized point of diversion under Certificate 53731 located at approximately RM 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

The instream right established by this allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 OR 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.

Dated at Salem, Oregon NOV 09 2022.

  
 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
 Oregon Water Resources Department

#### NOTICE OF RIGHTS

The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to those actions. ORS 183.415. The Commission shall notify the applicant and any other person requesting notice, of the action the Commission intends to take under ORS 537.470(3). Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the Commission. ORS 537.470(4).

If a protest to the proposed allocation of conserved water is received by the Department within 60 days of the mailing of the preliminary determination pursuant to ORS 537.470(4) and OAR 690-018-0050(4), the Director may work with the applicant and any protestant to determine whether the issues can be resolved through mutually agreeable conditions, or by modifying the application. OAR 690-018-0050(6).

If protests are received raising issues that cannot be resolved pursuant to OAR 690-018-0050(6), the Director shall present the application, all protests and a recommendation for action to the Commission for review and action. OAR 690-018-0050(8).

The Commission shall examine the application, the protests and the Director's recommendation. If the Commission finds the allocation of conserved water is likely to injure existing water rights or is otherwise inconsistent with these rules, the Commission may direct the Department to hold a contested case hearing on the application pursuant to ORS 183.413 and OAR 690, Divisions 1 and 2 or to resume attempts to resolve the disputed issues. If the Commission finds the allocation of conserved water is not likely to injure existing rights and is otherwise consistent with OAR 690-018-0050, the Commission may authorize the Director to issue an order approving the application. OAR 690-018-0050(9).

In the event of a land use dispute, as defined in OAR 690-005-0015, the Director shall follow resolution procedures provided in 690-005-0040 (Resolution of Land Use Disputes). OAR 690-018-0050(10).

If a protest is withdrawn, or any party to a hearing notifies the Department or the administrative law judge that the party will not appear, or if the party fails to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that parties have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

Any party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.





# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 31, 2022

VIA E-MAIL

**Applicant:**

Grimmway Enterprises, Inc.

Attn: Matt Vickery

PO Box 81498

Bakersfield, CA 93380

[MVickery@grimmway.com](mailto:MVickery@grimmway.com)

SUBJECT: Allocation of Conserved Water Application CW-126

Enclosed is a draft of our Preliminary Determination regarding Allocation of Conserved Water Application CW-126. The document reflects the Department's conclusion that, based on the information currently available, the conservation project will be approved.

Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. Please respond in writing (e-mail is acceptable) on or before **OCTOBER 3, 2022**, whether you agree with the proposed action and conditions. Also, we would appreciate you letting us know if there are typographical errors that need to be corrected.

As soon as we have received your comments, we will issue the Preliminary Determination. The issuance of the Preliminary Determination will initiate a 60-day protest period. If no protests are filed, the Department can then proceed with issuance of an Order Approving the conserved water application.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane

Allocation of Conserved Water

Transfer and Conservation Section

Enclosure

cc: CW-126

Ted Ressler, GSI Water Solutions, Agent (via email at [tressler@summitwr.com](mailto:tressler@summitwr.com))

Greg Silbernagel, District #5 Watermaster (via e-mail)

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

In the Matter of Allocation of Conserved Water Application CW-126,  
Umatilla County ) **DRAFT** PRELIMINARY DETERMINATION  
 ) PROPOSING APPROVAL ON COMPLETION  
 ) OF ALLOCATION OF CONSERVED WATER  
 CW-126

**Applicant**

Grimmway Enterprises, Inc.  
Attn: Matt Vickery  
PO Box 81498  
Bakersfield, CA 93380

**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.

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 November 30, 2021, Grimmway Enterprises, Inc., Attn: Matt Vickery filed an allocation of conserved water application under Certificate 53731. The Department assigned the application number CW-126.
2. On August 12, 2022, the applicant submitted a revised page 7 of the application, updating the location of the proposed place of use for the applicant’s portion of conserved water.
3. The conservation project involves conversion to low pressure low flow spray nozzles on the center pivots. The conversion to low flow spray nozzles is a proven technology for conserving water.
4. Application CW-126 proposes a rate reduction of approximately 12.15 cubic feet per second (cfs) and proposes to reduce the annual volume by 2,374.5 acre-feet (AF).

Conserved Water Description										
Certificate	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
53731	50.19	0.025	10,685.25	4.5	38.04	0.0178	8,310.75	3.5	12.15	2,374.5



5. The portion of the right to be modified by CW-126 is as follows:

**Certificate:** 53731 in the name of C & B LIVESTOCK, INC. (perfected under Permit S-37108)  
**Use:** IRRIGATION of 2,374.5 ACRES  
**Priority Date:** APRIL 2, 1973  
**Rate:** 50.19 CUBIC FEET 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Glot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW NW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

6. Certificate 53731 does not list a period of use; therefore, pursuant to OAR 690-250-0070, the irrigation season of use is March 1 through October 31.
7. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and pivot system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of the application.
9. The Applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

10. The Applicant proposes that its portion of the conserved water be allocated for an out-of-stream use within the following areas:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin



11. The applicant also proposes additional points of diversion for the applicant's portion of conserved water to be used out of stream, as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates or Measured Distances	Approximate distance from original point of diversion in miles (mi.)
CRPS	4 N	25 E	WM	2	NE NW	7	SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2	15.5 mi. downstream
EID	5 N	30 E	WM	8	SW NW		2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8	14.4 mi. upstream

12. The Applicant requests that the priority date for any conserved water be one minute junior to the originating right.
13. The Applicant funded 100% of the conservation project.
14. The Applicant submitted a completed Land Use Form from Umatilla County that indicated the proposed use was allowed outright or is not regulated by Umatilla County's comprehensive plan.
15. The implementation of the conservation measures began no earlier than December 2021. The Applicant verified no water right holders in the area, governmental entities or other organizations have requested to be consulted about the allocation of conserved water.
16. The Applicant proposes that any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
17. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 53731 at the authorized point of diversion on the Columbia River.
18. On April 19, 2022, the applicant submitted a Notice of Completion indicating the project is complete. The Applicant indicated they would submit a Request for Finalization of the allocation on or before March 1, 2023.
19. The application meets the requirements of OAR 690-018-0040.

20. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) to ascertain whether the proposed instream flows are necessary to support instream flow uses. ODFW has identified a need for additional flow in the Columbia Basin above Bonneville Dam, particularly during the period April 15 through September 30. The Federal Columbia River Power System Biological Opinion identified target flows. Water protected as an instream water right will help meet the target flows identified to increase survival of ESA-listed chum salmon migration, spawning, incubation, and emergence.
21. Notice of the proposed conservation project was published in the Department's weekly notice on January 11, 2021, and in the East Oregonian newspaper on December 31, 2021, and January 7, 2022, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

**Allocation of Conserved Water Review Criteria [OAR 690-018-0050]**

22. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #4).
23. On August 3, 2022, the District #5 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. OAR 690-018-0050(4)(c). (Finding of Fact #14).
25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-126 under Certificate 53731 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
53731	38.04	0.0178	8,310.75	3.5

(Finding of Fact #4).

26. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of water allocated to the Applicant does not need to be adjusted because the Applicant funded 100% of the project. (Finding of Fact #13). The rate and volume allocated to the Applicant is as follows:

Priority Date	Maximum Rate	Maximum Duty (Volume)
April 2, 1973, plus one minute	9.11 cfs	1,780.88 AF

(Findings of Fact #9 and #13).

27. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
April 2, 1973, <i>plus one minute</i>	3.04	593.62

(Finding of Fact #9).

28. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. (Finding of Fact #20).
29. The new instream water right created will be protected in the Columbia River at the authorized point of diversion as described in Finding of Fact #5, at approximately River Mile 287. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).
30. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
31. The instream right shall allow the use and protection of flows as follows:

Source: Columbia River, a tributary of Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (AF)
April 2, 1973, <i>plus one minute</i>	3/1 through 10/31	1.217	593.62

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

32. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).
33. The protection of flows at the authorized point of diversion is appropriate, considering:
- The instream water use is at the recorded point of diversion;
  - The location of confluences with other streams downstream of the point of diversion.
  - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
- OAR 690-077-0015(8).
34. The combination of instream rights for the proposed point on the Columbia River does not exceed the amount needed to provide increased public benefits and does not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).



35. There are no other instream water rights established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process), at the proposed point on the Columbia River. Any instream water right created as a result of this allocation will provide protection of stream flows identified as necessary for supporting aquatic life and anadromous and resident fish habitat under an earlier priority date.
36. Any new instream water right established by this conserved water project would provide protection for flows identified as identified by ODFW (FOF 20) as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).
37. The areas within which the conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin (Finding of Fact #10). OAR 690-018-0050(4)(h).

38. The project was completed in February 2022. The deadline for submitting a Request for Finalization of the allocation is on or before March 1, 2023. (Finding of Fact #18). OAR 690-018-0050(4)(i).
39. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23). OAR 690-018-0050(4)(j).

### Determination and Proposed Action

The project described in Allocation of Conserved Water Application CW-126, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. If protests are not filed pursuant to OAR 690-018-0050(6), the conserved water application will be approved.

*If Allocation of Conserved Water Application CW-126 is approved, the Order Approving will include the following:*

1. *The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #4 and #22.*
2. *The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23 and #39.*

3. The application is consistent with the requirements established in OAR 690-005-0045. Findings of Fact #14 and #24.
4. The changes proposed in CW-126 are approved.
5. The quantities of water conserved and allocated are as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
53731	25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

6. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificate 53731 and any related decree.
7. Water Right Certificate 53731 is cancelled. After finalization, a new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application. The Applicant may continue to use water on the place of use for Certificate 53731, as identified in Finding of Fact #5 at the reduced rate and duty as follows, until a Request for Finalization is submitted and approved.

**Use:** IRRIGATION of 2374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Glott	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	NE NE	30.0
5 N	27 E	WM	25	NW NE	34.0
5 N	27 E	WM	25	SW NE	39.2
5 N	27 E	WM	25	SE NE	32.4
5 N	27 E	WM	25	NE NW	30.7
5 N	27 E	WM	25	NW NW	32.4

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	27 E	WM	25	SW NW	33.6
5 N	27 E	WM	25	SE NW	38.4
5 N	27 E	WM	25	NE SW	38.2
5 N	27 E	WM	25	NW SW	32.8
5 N	27 E	WM	25	SW SW	32.4
5 N	27 E	WM	25	SE SW	30.8
5 N	27 E	WM	25	NE SE	22.8
5 N	27 E	WM	25	NW SE	39.5
5 N	27 E	WM	25	SW SE	27.2
5 N	27 E	WM	25	SE SE	17.6
5 N	27 E	WM	27	NE NE	14.0
5 N	27 E	WM	27	NW NE	11.5
5 N	27 E	WM	27	SW NE	37.6
5 N	27 E	WM	27	SE NE	39.8
5 N	27 E	WM	27	SW NW	28.3
5 N	27 E	WM	27	SE NW	33.2
5 N	27 E	WM	27	NE SW	37.4
5 N	27 E	WM	27	NW SW	33.6
5 N	27 E	WM	27	SW SW	1.8
5 N	27 E	WM	27	SE SW	6.7
5 N	27 E	WM	27	NE SE	16.7
5 N	27 E	WM	27	NW SE	34.2
5 N	27 E	WM	27	SW SE	38.0
5 N	27 E	WM	27	SE SE	8.9
5 N	27 E	WM	35	NE NE	32.8
5 N	27 E	WM	35	NW NE	32.5
5 N	27 E	WM	35	SW NE	32.0
5 N	27 E	WM	35	SE NE	32.8
5 N	27 E	WM	35	NE NW	31.7
5 N	27 E	WM	35	NW NW	32.0
5 N	27 E	WM	35	SW NW	32.0
5 N	27 E	WM	35	SE NW	32.0
5 N	27 E	WM	36	NE NW	16.4
5 N	27 E	WM	36	NW NW	35.6
5 N	27 E	WM	36	SW NW	20.0
5 N	27 E	WM	36	SE NW	9.1
5 N	28 E	WM	19	NW NE	30.0
5 N	28 E	WM	19	SW NE	25.5
5 N	28 E	WM	19	SE NE	19.6
5 N	28 E	WM	19	NE NW	32.0
5 N	28 E	WM	19	NW NW	32.4
5 N	28 E	WM	19	SW SW	21.4
5 N	28 E	WM	19	SE NW	17.3
5 N	28 E	WM	19	NE SW	38.4
5 N	28 E	WM	19	NW SW	33.2
5 N	28 E	WM	19	SW SW	24.8
5 N	28 E	WM	19	SE SW	28.8
5 N	28 E	WM	19	NE SE	37.3
5 N	28 E	WM	19	NW SE	38.9



IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	19	SW SE	8.5
5 N	28 E	WM	19	SE SE	7.9
5 N	28 E	WM	29	NW SW	32.0
5 N	28 E	WM	29	SW SW	32.0
5 N	28 E	WM	30	NE NE	16.5
5 N	28 E	WM	30	NW NE	31.6
5 N	28 E	WM	30	SW NE	14.4
5 N	28 E	WM	30	SE NE	4.2
5 N	28 E	WM	30	NE NW	38.0
5 N	28 E	WM	30	NW NW	36.4
5 N	28 E	WM	30	SW NW	39.5
5 N	28 E	WM	30	SE NW	39.9
5 N	28 E	WM	30	NE SW	31.6
5 N	28 E	WM	30	NW SW	9.0
5 N	28 E	WM	30	SW SW	36.0
5 N	28 E	WM	30	SE SW	34.8
5 N	28 E	WM	30	NE SE	32.4
5 N	28 E	WM	30	NW SE	35.6
5 N	28 E	WM	30	SW SE	37.6
5 N	28 E	WM	30	SE SE	32.4
5 N	28 E	WM	31	NE NE	26.8
5 N	28 E	WM	31	NW NE	37.8
5 N	28 E	WM	31	SW NE	38.4
5 N	28 E	WM	31	SE NE	31.6
5 N	28 E	WM	31	NE NW	28.5
5 N	28 E	WM	31	SE NW	30.9
5 N	28 E	WM	32	NW NW	26.4
5 N	28 E	WM	32	SW NW	31.6
Total					2374.5

8. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

9. The proposed areas within which the Applicant's portion of conserved water is to be used for future out-of-stream irrigation uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

\*Only the portion located within the Columbia Umatilla Plateau sub-basin

10. Water use measurement conditions:

- a. Before water use may begin under this order, 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 existing 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.
11. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
12. All conserved water, both the Applicant's portion and the State's portion shall be managed instream until a Request for Finalization is submitted as follows:

Columbia River, tributary to the Pacific Ocean

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	4.866	2,374.5

At the authorized point of diversion at approximately River Mile (RM) 287.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

13. The deadline for filing a Request for Finalization is on or before March 1, 2023.

Upon Filing the Request for Finalization:

14. The project is complete, and no additional time is needed for finalization.
15. To prevent enlargement, the rate for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By reducing the rate, the conserved water may be protected throughout the entire irrigation season without enlarging the right.
16. The Applicant's portion of conserved water shall be used and managed instream as described below, until a subsequent Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090.

*Columbia River, tributary to the Pacific Ocean*

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
April 2, 1973, plus one minute	3/1 through 10/31	3.650	1,780.88

*At the authorized point of diversion at approximately River Mile (RM) 287.4:*

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

17. The proposed points of diversion for use of the Applicant's portion of conserved water proposed to be used for out-of-stream purposes are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 N	25 E	WM	2	NE NW	7	CRPS - SOUTH 86° 22' 46" WEST, 289 FEET FROM THE NE CORNER OF SECTION 2
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E
5 N	30 E	WM	8	SW NW		EID - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

18. The proposed areas within which the Applicant's portion of conserved water is proposed to be used for out-of-stream uses are as follows:

Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range	Twp	Range
1N*	23E*	2N*	23E*	3N*	23E*	4N*	23E*	5N	25E	6N	30E
1N	24E	2N	24E	3N	24E	4N	24E	5N	26E	6N	31E
1N	25E	2N	26E	3N	26E	4N	25E	5N	27E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	28E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	29E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	30E		
1N	29E	2N	30E	3N	30E	4N	29E	5N	31E		
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

*\*Only the portion located within the Columbia Umatilla Plateau sub-basin*



19. *Water use measurement conditions:*

- a. *Before water use may begin under this order, 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 existing 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.*

20. *A superseding Certificate will be issued for the existing use and place of use (described in Finding of Fact #5) at the reduced rate and duty (described in Finding of Fact #25) as follows:*

**Use:** IRRIGATION of 2374.5 ACRES

**Priority Date:** APRIL 2, 1973

**Rate:** 38.04 CUBIC FEET 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-SIXTY-SECOND (1/62) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 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 8310.75 acre-feet per year.*

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	27 E	WM	13	NW SW	4	AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E

21. *Water use measurement conditions:*

- a. *Before water use may begin under this order, 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 existing 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.*

22. *The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values as follows:*

<i>Priority Date</i>	<i>Period</i>	<i>Rate (cfs)</i>	<i>Volume (acre-feet)</i>
<i>April 2, 1973, plus one minute</i>	<i>3/1 through 10/31</i>	<i>1.217</i>	<i>593.62</i>

*Columbia River: At the authorized point of diversion under Certificate 53731 located at approximately RM 287.4:*

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>GLot</i>	<i>Measured Distances</i>
<i>5 N</i>	<i>27 E</i>	<i>WM</i>	<i>13</i>	<i>NW SW</i>	<i>4</i>	<i>AMSTAD PUMP STATION - 2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13, T5N, R27E</i>

*Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.*

*The instream right established by this allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 OR 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.*

Dated at Salem, Oregon \_\_\_\_\_.

**DRAFT**

\_\_\_\_\_  
 Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
 THOMAS M. BYLER, DIRECTOR  
 Oregon Water Resources Department

**NOTICE OF RIGHTS**

The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to those actions. ORS 183.415. The Commission shall notify the applicant and any other person requesting notice, of the action the Commission intends to take under ORS 537.470(3). Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the Commission. ORS 537.470(4).

If a protest to the proposed allocation of conserved water is received by the Department within 60 days of the mailing of the preliminary determination pursuant to ORS 537.470(4) and OAR 690-018-0050(4), the Director may work with the applicant and any protestant to determine whether the issues can be resolved through mutually agreeable conditions, or by modifying the application. OAR 690-018-0050(6).

If protests are received raising issues that cannot be resolved pursuant to OAR 690-018-0050(6), the Director shall present the application, all protests and a recommendation for action to the Commission for review and action. OAR 690-018-0050(8).

The Commission shall examine the application, the protests and the Director's recommendation. If the Commission finds the allocation of conserved water is likely to injure existing water rights or is otherwise inconsistent with these rules, the Commission may direct the Department to hold a contested case hearing on the application pursuant to ORS 183.413 and OAR 690, Divisions 1 and 2 or to resume attempts to resolve the disputed issues. If the Commission finds the allocation of conserved water is not likely to injure existing rights and is otherwise consistent with OAR 690-018-0050, the Commission may authorize the Director to issue an order approving the application. OAR 690-018-0050(9).

In the event of a land use dispute, as defined in OAR 690-005-0015, the Director shall follow resolution procedures provided in 690-005-0040 (Resolution of Land Use Disputes). OAR 690-018-0050(10).

If a protest is withdrawn, or any party to a hearing notifies the Department or the administrative law judge that the party will not appear, or if the party fails to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that parties have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

Any party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.



*Protests should be addressed to the attention of Allocation of Conserved Water Program, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*



**Water Solutions, Inc.**

November 24, 2021

Ms. Teri Hranac  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for Surface Water Allocation of Conserved Water  
Certificate 53731, Grimmway Enterprises, Inc.

Dear Teri:

On behalf of the applicant, Grimmway Enterprises, Inc., please find enclosed an Application for Surface Water Allocation of Conserved Water involving a portion of Certificate 53731. Please also find enclosed a check in the amount of \$1,360 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE  
GSI Water Solutions, Inc.

Enclosures: Application for Surface Water Allocation of Conserved Water  
Check #1003 in the amount of \$1,360

CC: Matt Vickery  
Tracy Saiki

WARNING! THIS DOCUMENT HAS A VOID PATTERN. DO NOT ACCEPT THIS CHECK UNLESS YOU CAN

A PINK LOCK ICON THAT FADES WITH HEAT.

ILLUME DESERT INVESTMENTS, LLC  
TRUST ACCOUNT FOR ONYX LAND COMPANY, LLC  
PO BOX 22020  
BAKERSFIELD, CA 93390

VALLEY REF 3 BANK  
5000 CALIFORNIA AVE, STE 110  
BAKERSFIELD, CA 93309

001003

90-4504/1222

PAY

TO THE  
ORDER OF

One Thousand Three Hundred Sixty Dollars and 00  
Cents USD

DATE

Nov 23, 2021

AMOUNT

1,360.00

OREGON WATER RESOURCES  
DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM OREGON 97301-1266

VOID AFTER 30 DAYS  




ILLUME DESERT INVESTMENTS, LLC • PO BOX 22020 • BAKERSFIELD, CA 93390

001003

Vendor OREGON WATER RESOURCES DEPARTMENT ID: OWRD

Invoice No.	Invoice Date	Description	P.O. No.	Voucher Amt	Discount Amt	Pay Amount
211123	Nov 23, 2021	WATER RIGHT APPLICATION-AMSTAD RANCH		1,360.00	.00	1,360.00

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

ILLUME DESERT INVESTMENTS, LLC » PO BOX 22020 • BAKERSFIELD, CA 93390

001003

Check No.: 1003      Check Date: Nov 23, 2021      Currency: USD      Totals:      1,360.00      .00      1,360.00



Application for  
**Surface Water**  
**Allocation of Conserved Water**  
 Part 1 of 4 – Minimum Requirements Checklist



**This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **53731.**
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ **1,360** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing. **[Attachment A]**
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **[Attachment B]** or  
 Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- Completed Evidence of Use Affidavit and Supporting Documentation. **[Attachment C]**
- N/A  Affidavit(s) of Consent. **[Attachment D]**
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water. **No water right holders or other entities have asked to be consulted regarding this ACW.**
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

*Recvd by email 11/28/21*



## Part 2 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Grimmway Enterprises, Inc.; Attn: Matt Vickery</b>			PHONE NO. 661-845-5761	ADDITIONAL CONTACT NO.
ADDRESS PO Box 81498				FAX NO.
CITY Bakersfield	STATE CA	ZIP 93380	E-MAIL MVickery@grimmway.com	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_.

OR

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located?  Yes  No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

LANDOWNER NAME <b>Onyx Land Company, LLC</b>			PHONE NO. 661-587-5198
ADDRESS 9100 Ming Avenue, Suite 120			
CITY Bakersfield	STATE CA	ZIP 93311	E-MAIL tsaiki@illumag.com

**Representative Information** – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME <b>GSI Water Solutions, Inc.; Attn: Theodore Ressler</b>			PHONE NO. 503-239-8799 x106	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill Street, Suite 300				FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.com	

I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: **East Oregonian.**

I (we) affirm that the information contained in this application is true and accurate.

  
Landowner and Water Right Holder Signature

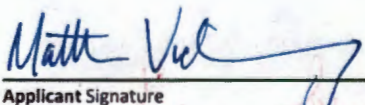
**Onyx Land Company, LLC (a Delaware limited liability company)**

**By Legacy Farm Management LLC, its Manager**

**Tracy Saiki, Property Manager**

Print Name (and Title if applicable)

11-23-21  
Date

  
Applicant Signature

**Grimmway Enterprises, Inc.**

**Matt Vickery, Director of Land & Water Resources**

Print Name (and Title if applicable)

11-24-21  
Date


In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s):

**Physical Conservation Measures:**

The physical conservation measure that will be completed is an on-farm efficiency project involving installation of high efficiency (low pressure, low flow) spray nozzles on the center pivots used for irrigation of a portion of the acreage associated with the subject water right. This on-farm efficiency project will result in a 12.15 cfs reduction in the required maximum rate of irrigation and a 2,374.5 AF reduction in the volume of water applied during the irrigation season.

**Reason for the Change:**

Advances in irrigation application technology has allowed for the application of less water to crops without sacrificing crop yields. The application of less water per acre of land will enable the applicant to efficiently use the water authorized under Certificate 53731, and through the Allocation of Conserved Water program, the applicant would be able to apply their portion of the conserved water on additional lands not currently authorized for irrigation under the water right. This will enable the applicant to further increase crop yields.

 To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the conservation project and/or proposed instream reach will be located.

ENTITY NAME Umatilla County	ADDRESS 216 SE Fourth St.	
CITY Pendleton	STATE OR	ZIP 97801



**Part 3 of 4 – Water Right Information and Conservation Measures**

Please use a separate Part 3 for each water right involved in the proposed allocation of conserved water.

**WATER RIGHT INFORMATION:**

Water Right Subject to Transfer (check and complete ONE of the following):

<input checked="" type="checkbox"/> <b>Certificated Right</b>	<u>53731</u> Certificate Number	<u>S-37108</u> Permit Number or Decree Name
<input type="checkbox"/> <b>Adjudicated, Un-certificated Right</b>	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> <b>Permit for which Proof has been Approved</b>	_____ Permit Number	_____ Special Order Volume _____, Page _____
<input type="checkbox"/> <b>Transferred Right for which Proper Proof of the change has been filed</b>	_____ Previous Certificate / Transfer Number	_____ Date Claim of Beneficial Use Submitted

County: Umatilla

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* Water used for irrigation pre-project was diverted from the Columbia River at the Amstad Pump Station, which is located on the south bank of the Columbia River in Section 13, Township 5 North, Range 27 East (WM). The Amstad Pump Station consists of eight line shaft turbine pumps (total of 6,000 Hp) with a total pumping capacity of 33,700 gpm\* (Attachment C). The pump station draws water from the Columbia River through a 72-inch fish screen equipped intake pipe. Water is conveyed from the pump station to the farm through 8,250 feet of 42-inch concrete-lined steel pipe. At the farm, the water is then conveyed through a network of approximately 96,000 feet of smaller distribution mainlines to 37 pivots used to apply water for irrigation on the place of use (Attachment A). The pivots were nozzled to apply up to 11 gpm per acre and utilized the entire permit authorized rate of 62.8 cfs on the 2,971.3 acres.

\*Note that the Amstad Pump Station is used to supply water for additional lands under separate water rights besides the single water right involved in this allocation of conserved water application; therefore the diversion and conveyance system has a capacity that exceeds that required to serve the acreage related to this specific application.



**Table 1: Pre-Project Description**

List: A) the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record; and B) the maximum amount of water that can be diverted using the pre-project facilities ("system capacity"). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. (If the water right is only limited by rate, do not list a duty. Conversely, if the water is only limited by duty, do not list a rate).

PRE-PROJECT DESCRIPTION								
			Column A Water Right of Record				Column B System Capacity	
			Rate		Duty		Rate	Duty
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
53731*	4/2/1973	2,374.5	50.19	0.025	10,685.25	4.5	75.08	4.5
<b>Totals</b>		2,374.5	50.19		10,685.25		75.08	4.5

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm 1 cfs = 1.983471 ac-ft/day

\* This allocation of conserved water involves only a portion of Certificate 53731, being 2,374.5 acres (50.19 cfs) of the total 2,971.3 acres (62.8 cfs) authorized for irrigation under the certificate.

**CONSERVATION MEASURES:**

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: \_\_\_\_\_

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.

The conservation project will involve a physical change to the on-farm irrigation system. Specifically, the center pivot nozzles used for irrigation for a portion of the farm will be replaced with high efficiency (low pressure, low flow) spray nozzles designed to apply up to 8.0 gpm of water per acre (0.0178 cfs/ac) with up to 3.5 acre-feet of volume applied per acre per season. The applicant's post project need will be equal to 90 percent of the maximum rate required to irrigate all of the acreage involved in the conservation project (2,374.5 acres) simultaneously: 90 percent \* 0.0178 cfs/acre \* 2,374.5 acres = 38.04 cfs.

Certificate 53731 authorizes the use of up to 1/40 cfs per acre (0.025 cfs/ac) and 4.5 AF per acre during the irrigation season. The pre-project irrigation system utilized the full rate and seasonal volume authorized by the water right. The proposed on-farm efficiency project will result in the following:

- A reduction in the instantaneous irrigation rate from 50.19 cfs (rate authorized by portion of Certificate 53731 involved in the project) to 38.04 cfs, resulting in conservation of 12.15 cfs
- A reduction in the seasonal volume of use from up to 4.5 AF per acre to 3.5 AF per acre, resulting in conservation of 2,374.5 AF (1.0 AF/ac \* 2,374.5 acres).

**Note:** the proposed changes will not result in a change in the point of diversion.



**Existing Point(s) of Diversion:**

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
5	N	27	E	13	NW	SW			2270 feet North and 940 feet East from SW Corner of Section 13

**Place of Use Involved in Conservation Measures:**

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
See Attachment E									2,374.5	Irrigation	4/2/1973
<b>Total</b>									<b>2,374.5</b>		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: \_\_\_\_\_

Is the project within the boundaries of an irrigation district or water control district?  Yes  No. If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

	Conserved Water Description									
	Column A				Column B				Column C	
	Table 1 – Smaller of A or B				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
4/2/1973	50.19	0.025	10,685.25	4.5	38.04	0.0178	8,310.75	3.5	12.15	2,374.5
<b>Totals</b>	<b>50.19</b>		<b>10,685.25</b>		<b>38.04</b>		<b>8,310.75</b>		<b>12.15</b>	<b>2,374.5</b>

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.



**Part 4 of 4 – Mitigation, Proposed Use,  
Project Schedule, Funding, and  
Fee Calculation**

**MITIGATION:**

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. The water proposed to be conserved is currently diverted from the Columbia River by the applicant and used for irrigation by the pre-project irrigation system. The proposed conservation measures will reduce the rate and volume of withdrawal from the Columbia River under the water right involved in this application. The state's portion of the conserved water will be left in stream.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. This project is not expected to result in any harm to other water rights.

**PROPOSED USE:**

**New Out-of-Stream Uses:**

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Primary irrigation;

Boundaries: The lands on where the applicant anticipates that it may use its share of conserved water is located within the following area:

TwN	Range	TwN	Range	TwN	Range	TwN	Range	TwN	Range	TwN	Range
1N	22E	2N	22E	3N	22E	4N	22E	5N	25E	6N	30E
1N	23E	2N	23E	3N	23E	4N	23E	5N	26E	6N	31E
1N	24E	2N	24E	3N	24E	4N	24E	5N	27E		
1N	25E	2N	26E	3N	26E	4N	25E	5N	28E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	29E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	30E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	31E		
1N	29E	2N	30E	3N	30E	4N	29E				
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

**Will the new use require a change or additional point of diversion/appropriation?**

Yes       No       Unknown at this time

**New Additional Point of Diversion: (NOTE: the original POD will continue to be used)**

POD	Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
CRPS	4	N	25	E	2	NE	NW		7	South 86 degrees 22 minutes 46 seconds west, 289 feet from the NE corner of Section 2
EID	5	N	30	E	8	SW	NW	200		2910 feet North and 120 feet East from SW corner of Section 8

15.5 mi. downstream  
14.4 mi. upstream

**New Instream Uses to be Created (State's Portion):**

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
53731	4/2/1973 plus one minute	Columbia River	Irrigation Season	3.04	593.62
<b>TOTAL VOLUME</b>					593.62

\* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

\*\* To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

**Note:** The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

**Location of the proposed instream water right.**

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM \_\_\_ to downstream location at the mouth at RM \_\_\_)

OR

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): Located in Lot 4 (NW SW), Section 13, T5N, R27E WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

**Public Use for which conserved water right should be managed under an instream right (check at least one box):**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation and scenic attraction.
- Water Quality (e.g. pollution abatement).

**List any existing instream water rights at the same point or within the same requested reach(es):**

- None.
- Instream Water Right Certificates: 76086, 86126, 89859, 88064, 89235, 89303, 89660, 89741, 89739, 89737, 89659, 89658, 89302, 90152, 94867, 95658, 95661



N/A Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

Yes  No. If no, please explain your intent below:

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake level occurring from the drainage system?

No; **OR**

Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**

Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**

The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**

The stream is listed as water quality limited by DEQ.



**PROJECT SCHEDULE:**

N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date: December 2021	Date: February 2022	*Date: February 2022

\* Must be within 5 years from the date of filing the Notice of Completion.

**Note:** If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

\* Must be within 5 years prior to the date of filing this application.

\*\* Must be within 5 years from the date of filing this Application and Notice of Completion.

**FUNDING**

N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

- Source of Funding:  Federal: \_\_\_\_\_  State: \_\_\_\_\_
- Total cost for project engineering \$ \_\_\_\_\_  
Total cost for construction \$ \_\_\_\_\_
- The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$ \_\_\_\_\_.
- The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$ \_\_\_\_\_.
- The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$ \_\_\_\_\_.

N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) \_\_\_\_%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? \_\_\_\_%

N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is \_\_\_\_\_.

**FEE CALCULATION**

Fee Schedule – ORS 536.050 <a href="https://www.oregon.gov/OWRD/Forms/Pages/default.aspx">https://www.oregon.gov/OWRD/Forms/Pages/default.aspx</a>	
\$1,360.00 - Base (1 <sup>st</sup> Water Right)	Add \$480.00 for each additional right
$\$1,360 + (0 \times \$480) = \text{Total Fee } \$ 1,360$	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; or
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = _____%
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = _____%
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% _____
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver \$ _____
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
<b>Total Fee \$1,360 – Fee Waiver (g) \$0 = Amount Due \$1,360</b>	



## **Attachment A**

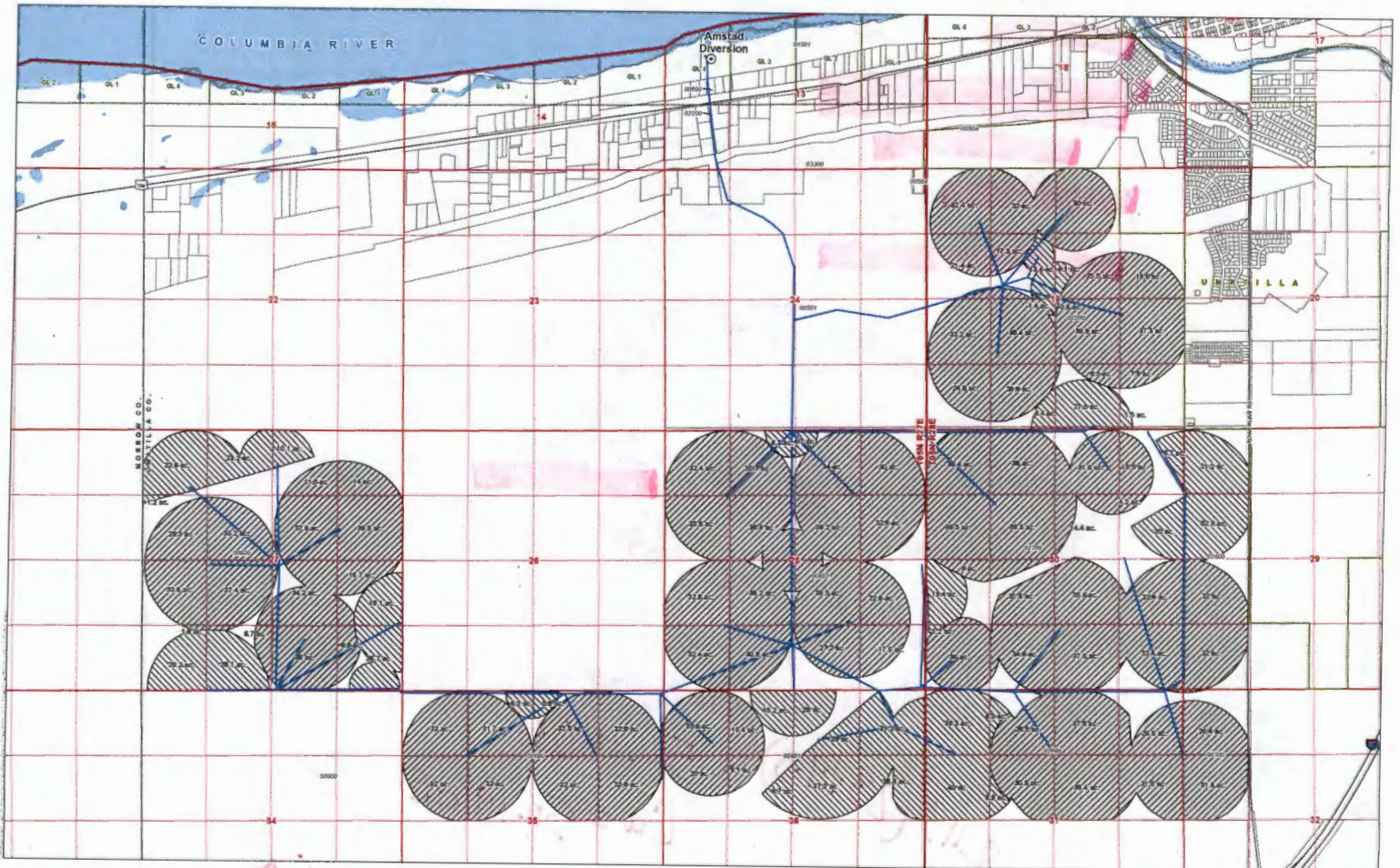
### **Map and Water Right Information**

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**Application for a Surface Water Allocation of Conserved Water**

**Grimmway Enterprises, Inc – Certificate 53731**





- LEGEND**
- ⊙ Authorized Point of Diversion (POD)
  - Waterline
  - ▨ Portion of Authorized Place of Use Involved in the Allocation of Conserved Water (2,324.5 ac)
  - ▩ Remaining Portion of Authorized Place of Use (588.8 ac.)
  - Major Road
  - City Boundary
  - County Boundary
  - Government Lot (GL)
  - Watercourse
  - Waterbody

**LOCATION DESCRIPTION**  
 Amsted Diversion  
 Located 2.270 feet North and 940 feet East from SW corner,  
 Section 13, Township 5 North, Range 27 East (988)

Allocation of Conserved Water  
 Certificate 53731 (Permit S-37108)  
 A Water Right held by Onyx Land Company, LLC  
 Township 5 North, Range 27, 28 East (WJM)  
 Univesille County

**DISCLAIMER**  
 This map was prepared by the Applicant at  
 its own expense and is not a warranty of  
 accuracy. The Applicant is responsible for  
 verifying the location of a water right only and  
 is not responsible for providing legal descriptions  
 or location of property ownership lines.



STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C & B LIVESTOCK, INC.

of PO Box 109, Hermiston, State of Oregon 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Columbia River

a tributary of Pacific Ocean for the purpose of irrigation of 2971.3 acres

under Permit No. 37108 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 2, 1973

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 62.8 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (NW 1/4 SW 1/4), Section 13, T5N, R27E, WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

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-fortieth 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 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Handwritten calculations:  $\frac{62.8}{2971.3} = 0.02113 (2374.5) = 50.1863$  and  $CW = 50.19 cfs$

SEE NEXT PAGE

Handwritten calculations circled in red:  $CW = 2374.5 a$  and  $AW = 596.8 \text{ acres}$  and  $12.61 cfs$



14

R

30	30.0 acres	NE 1/4	NE 1/4	0
34	38.7 acres	NW 1/4	NE 1/4	4.7
39.2	39.2 acres	SW 1/4	NE 1/4	0
32.4	32.4 acres	SE 1/4	NE 1/4	0
30.7	37.0 acres	NE 1/4	NW 1/4	6.3
32.4	32.4 acres	NW 1/4	NW 1/4	0
31.6	33.6 acres	SW 1/4	NW 1/4	0
38.4	38.4 acres	SE 1/4	NW 1/4	0
38.2	38.2 acres	NE 1/4	SW 1/4	0
32.8	32.8 acres	NW 1/4	SW 1/4	0
32.4	32.4 acres	SW 1/4	SW 1/4	0
30.8	30.8 acres	SE 1/4	SW 1/4	0
22.8	22.8 acres	NE 1/4	SE 1/4	0
39.5	39.5 acres	NW 1/4	SE 1/4	0
27.2	27.2 acres	SW 1/4	SE 1/4	0
17.6	17.6 acres	SE 1/4	SE 1/4	0

Section 25

14.0	14.0 acres	NE 1/4	NE 1/4	0
11.5	21.6 acres	NW 1/4	NE 1/4	10.1
37.6	37.6 acres	SW 1/4	NE 1/4	0
39.8	39.8 acres	SE 1/4	NE 1/4	0
23.2	23.2 acres	NE 1/4	NW 1/4	23.2
32.8	32.8 acres	NW 1/4	NW 1/4	32.8
29.5	29.5 acres	SW 1/4	NW 1/4	1.2
33.2	33.2 acres	SE 1/4	NW 1/4	0
37.4	37.4 acres	NE 1/4	SW 1/4	0
33.6	33.6 acres	NW 1/4	SW 1/4	0
30.0	30.0 acres	SW 1/4	SW 1/4	28.2
34.8	34.8 acres	SE 1/4	SW 1/4	28.1
35.8	35.8 acres	NE 1/4	SE 1/4	19.1
34.2	34.2 acres	NW 1/4	SE 1/4	0
38.0	38.0 acres	SW 1/4	SE 1/4	0
35.6	35.6 acres	SE 1/4	SE 1/4	26.7

Section 27

32.8	32.8 acres	NE 1/4	NE 1/4	0
38.3	38.3 acres	NW 1/4	NE 1/4	5.8
32.0	32.0 acres	SW 1/4	NE 1/4	0
32.8	32.8 acres	SE 1/4	NE 1/4	0
37.9	37.9 acres	NE 1/4	NW 1/4	6.2
32.0	32.0 acres	NW 1/4	NW 1/4	0
32.0	32.0 acres	SW 1/4	NW 1/4	0
32.0	32.0 acres	SE 1/4	NW 1/4	0

Section 35

31.2	31.2 acres	NE 1/4	NE 1/4	31.2
28.0	28.0 acres	NW 1/4	NE 1/4	2.8
37.2	37.2 acres	SW 1/4	NE 1/4	27.2
28.4	28.4 acres	SE 1/4	NE 1/4	28.4
31.6	31.6 acres	NE 1/4	NW 1/4	15.2
35.6	35.6 acres	NW 1/4	NW 1/4	0
20.0	20.0 acres	SW 1/4	NW 1/4	0
17.8	17.8 acres	SE 1/4	NW 1/4	8.7

Section 36

Township 5 North, Range 27 East, WM

30	30.0 acres	NW 1/4	NE 1/4	0
25.5	29.6 acres	SW 1/4	NE 1/4	11.1
19.6	19.6 acres	SE 1/4	NE 1/4	0
32	32.0 acres	NE 1/4	NW 1/4	0
32.4	32.4 acres	NW 1/4	NW 1/4	0
21.4	21.4 acres	SW 1/4	NW 1/4	0
17.3	30.7 acres	SE 1/4	NW 1/4	13.4
39.8	39.8 acres	NE 1/4	SW 1/4	15.1.4
33.2	33.2 acres	NW 1/4	SW 1/4	0
24.8	24.8 acres	SW 1/4	SW 1/4	0
35.2	35.2 acres	SE 1/4	SW 1/4	6.4
37.3	37.3 acres	NE 1/4	SE 1/4	0
39.5	39.5 acres	NW 1/4	SE 1/4	0.6
36.0	36.0 acres	SW 1/4	SE 1/4	27.5
9.4	9.4 acres	SE 1/4	SE 1/4	1.5

Section 19



*CW* *22*  
 31.2 acres NW 1/4 NW 1/4 *31.2*  
 32.8 acres SW 1/4 NW 1/4 *32.8*  
 32.0 acres NW 1/4 SW 1/4 *0*  
 32.0 acres SW 1/4 SW 1/4 *0*  
 Section 29

*16.5* 25.2 acres NE 1/4 NE 1/4 *25.2*  
*31.6* 31.6 acres NW 1/4 NE 1/4 *0*  
*14.4* 14.4 acres SW 1/4 NE 1/4 *0*  
*4.2* 24.2 acres SE 1/4 NE 1/4 *24.2*  
*38* 38.0 acres NE 1/4 NW 1/4 *0*  
*36.4* 36.4 acres NW 1/4 NW 1/4 *0*  
*39.5* 39.5 acres SW 1/4 NW 1/4 *0*  
*39.9* 39.9 acres SE 1/4 NW 1/4 *0*  
*31.6* 31.6 acres NE 1/4 SW 1/4 *0*  
*28.4* 28.4 acres NW 1/4 SW 1/4 *28.4*  
*37.2* 37.2 acres SW 1/4 SW 1/4 *1.2*  
*34.8* 34.8 acres SE 1/4 SW 1/4 *0*  
*32.4* 32.4 acres NE 1/4 SE 1/4 *0*  
*35.6* 35.6 acres NW 1/4 SE 1/4 *0*  
*37.6* 37.6 acres SW 1/4 SE 1/4 *0*  
*32.4* 32.4 acres SE 1/4 SE 1/4 *0*  
 Section 30

*26.8* 26.8 acres NE 1/4 NE 1/4 *0*  
*37.8* 37.8 acres NW 1/4 NE 1/4 *0*  
*38.4* 38.4 acres SW 1/4 NE 1/4 *0*  
*31.6* 31.6 acres SE 1/4 NE 1/4 *0*  
*28.5* 32.8 acres NE 1/4 NW 1/4 *4.3*  
*0* 39.3 acres NW 1/4 NW 1/4 *39.3*  
*0* 40.0 acres SW 1/4 NW 1/4 *40*  
*30.9* 34.8 acres SE 1/4 NW 1/4 *3.9*  
 Section 31

*26.4* 26.4 acres NW 1/4 NW 1/4 *0*  
*31.6* 31.6 acres SW 1/4 NW 1/4 *0*  
 Section 32  
 Township 5 North, Range 28 East, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. February 14, 1986

/s/ WILLIAM H. YOUNG  
 Water Resources Director



## **Attachment E**

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**Place of Use Involved in Conservation Measures**  
**Application for a Surface Water Allocation of Conserved Water**  
**Grimmway Enterprises, Inc - Certificate 53731**



Place of Use Involved in Conservation Measures

Township		Range		Section	QQ	Q	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed on Certificate	Priority Date
5	N	27	E	25	NW	NW	602	--	✓ 32.4	Irrigation	4/2/1973
5	N	27	E	25	NE	NW	602	--	✓ 30.7	Irrigation	4/2/1973
5	N	27	E	25	SE	NW	602	--	✓ 38.4	Irrigation	4/2/1973
5	N	27	E	25	SW	NW	602	--	✓ 33.6	Irrigation	4/2/1973
5	N	27	E	25	NW	NE	602	--	✓ 34	Irrigation	4/2/1973
5	N	27	E	25	NE	NE	602	--	✓ 30	Irrigation	4/2/1973
5	N	27	E	25	SE	NE	602	--	✓ 32.4	Irrigation	4/2/1973
5	N	27	E	25	SW	NE	602	--	✓ 39.2	Irrigation	4/2/1973
5	N	27	E	25	NW	SE	602	--	✓ 39.5	Irrigation	4/2/1973
5	N	27	E	25	NE	SE	602	--	✓ 22.8	Irrigation	4/2/1973
5	N	27	E	25	SE	SE	602	--	✓ 17.6	Irrigation	4/2/1973
5	N	27	E	25	SW	SE	602	--	✓ 27.2	Irrigation	4/2/1973
5	N	27	E	25	NW	SW	602	--	✓ 32.8	Irrigation	4/2/1973
5	N	27	E	25	NE	SW	602	--	✓ 38.2	Irrigation	4/2/1973
5	N	27	E	25	SE	SW	602	--	✓ 30.8	Irrigation	4/2/1973
5	N	27	E	25	SW	SW	602	--	✓ 32.4	Irrigation	4/2/1973
5	N	27	E	27	SE	NW	800	--	✓ 33.2	Irrigation	4/2/1973
5	N	27	E	27	SW	NW	800	--	✓ 28.3	Irrigation	4/2/1973
5	N	27	E	27	NW	NE	800	--	✓ 11.5	Irrigation	4/2/1973
5	N	27	E	27	NE	NE	800	--	✓ 14	Irrigation	4/2/1973
5	N	27	E	27	SE	NE	800	--	✓ 39.8	Irrigation	4/2/1973
5	N	27	E	27	SW	NE	800	--	✓ 37.6	Irrigation	4/2/1973
5	N	27	E	27	NW	SE	800	--	✓ 34.2	Irrigation	4/2/1973
5	N	27	E	27	NE	SE	800	--	✓ 16.7	Irrigation	4/2/1973
5	N	27	E	27	SE	SE	800	--	✓ 8.9	Irrigation	4/2/1973
5	N	27	E	27	SW	SE	800	--	✓ 38	Irrigation	4/2/1973
5	N	27	E	27	NW	SW	800	--	✓ 33.6	Irrigation	4/2/1973
5	N	27	E	27	NE	SW	800	--	✓ 37.4	Irrigation	4/2/1973
5	N	27	E	27	SE	SW	800	--	✓ 6.7	Irrigation	4/2/1973
5	N	27	E	27	SW	SW	800	--	✓ 1.8	Irrigation	4/2/1973
5	N	27	E	35	NW	NW	690	--	✓ 32	Irrigation	4/2/1973
5	N	27	E	35	NE	NW	690	--	✓ 31.7	Irrigation	4/2/1973
5	N	27	E	35	SE	NW	690	--	✓ 32	Irrigation	4/2/1973
5	N	27	E	35	SW	NW	690	--	✓ 32	Irrigation	4/2/1973
5	N	27	E	35	NW	NE	690	--	✓ 32.5	Irrigation	4/2/1973
5	N	27	E	35	NE	NE	690	--	✓ 32.8	Irrigation	4/2/1973
5	N	27	E	35	SE	NE	690	--	✓ 32.8	Irrigation	4/2/1973
5	N	27	E	35	SW	NE	690	--	✓ 32	Irrigation	4/2/1973
5	N	27	E	36	NW	NW	601	--	✓ 35.6	Irrigation	4/2/1973
5	N	27	E	36	NE	NW	601	--	✓ 16.4	Irrigation	4/2/1973
5	N	27	E	36	SE	NW	601	--	✓ 9.1	Irrigation	4/2/1973
5	N	27	E	36	SW	NW	601	--	✓ 20	Irrigation	4/2/1973
5	N	28	E	19	NW	NW	2200	--	✓ 32.4	Irrigation	4/2/1973
5	N	28	E	19	NE	NW	2200	--	✓ 32	Irrigation	4/2/1973
5	N	28	E	19	SE	NW	2200	--	✓ 17.3	Irrigation	4/2/1973
5	N	28	E	19	SW	NW	2200	--	✓ 21.4	Irrigation	4/2/1973
5	N	28	E	19	NW	NE	2200	--	✓ 30	Irrigation	4/2/1973
5	N	28	E	19	SE	NE	2200	--	✓ 19.6	Irrigation	4/2/1973
5	N	28	E	19	SW	NE	2200	--	✓ 25.5	Irrigation	4/2/1973
5	N	28	E	19	NW	SE	2200	--	✓ 38.9	Irrigation	4/2/1973
5	N	28	E	19	NE	SE	2200	--	✓ 37.3	Irrigation	4/2/1973

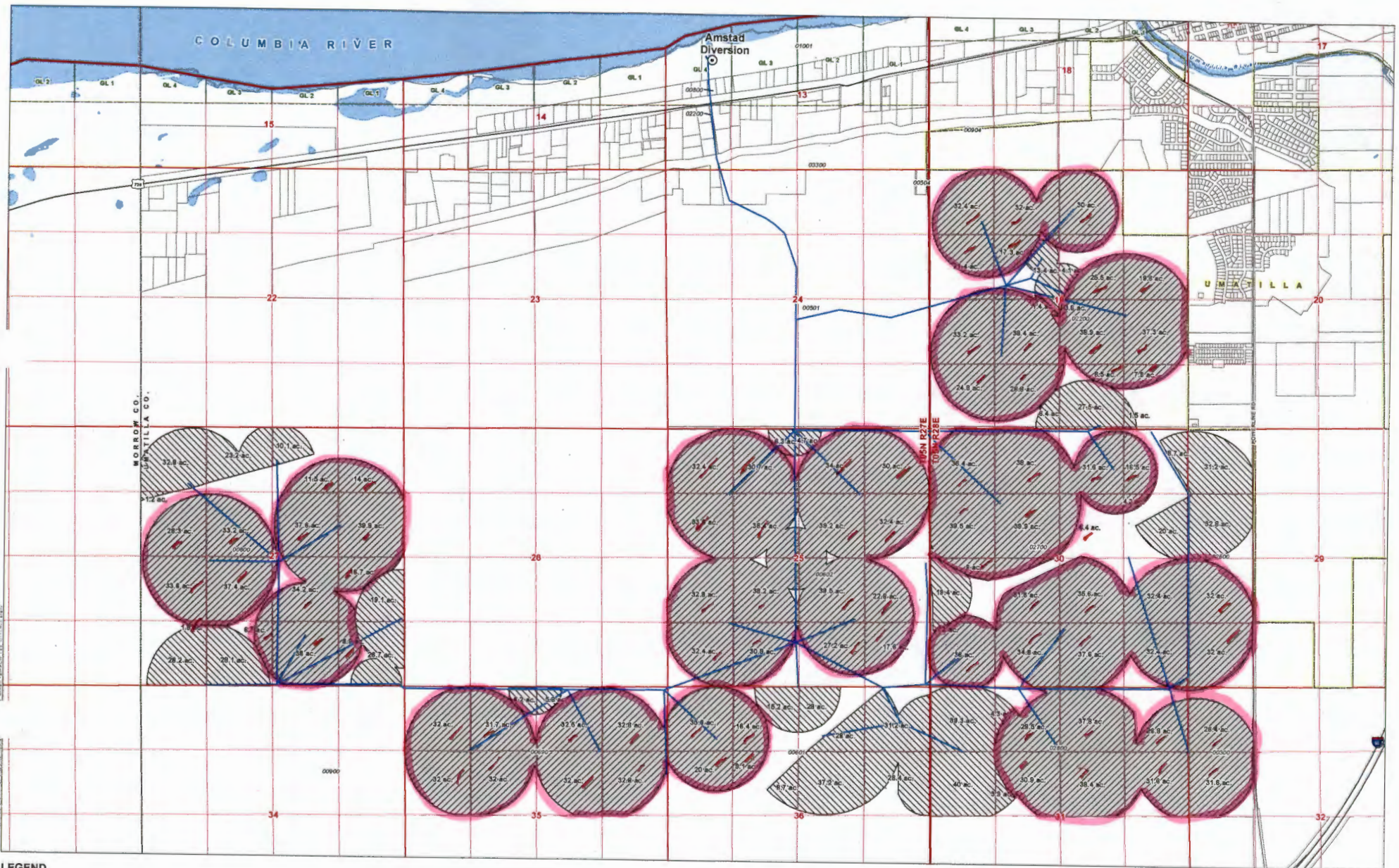


Place of Use Involved in Conservation Measures

Township		Range		Section	QQ	Q	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed on Certificate	Priority Date
5	N	28	E	19	SE	SE	2200	--	7.9 ✓	Irrigation	4/2/1973
5	N	28	E	19	SW	SE	2200	--	8.5 ✓	Irrigation	4/2/1973
5	N	28	E	19	NW	SW	2200	--	33.2 ✓	Irrigation	4/2/1973
5	N	28	E	19	NE	SW	2200	--	38.4 ✓	Irrigation	4/2/1973
5	N	28	E	19	SE	SW	2200	--	28.8 ✓	Irrigation	4/2/1973
5	N	28	E	19	SW	SW	2200	--	24.8 ✓	Irrigation	4/2/1973
5	N	28	E	29	NW	SW	2600	--	32 ✓	Irrigation	4/2/1973
5	N	28	E	29	SW	SW	2600	--	32 ✓	Irrigation	4/2/1973
5	N	28	E	30	NW	NW	2700	--	36.4 ✓	Irrigation	4/2/1973
5	N	28	E	30	NE	NW	2700	--	38 ✓	Irrigation	4/2/1973
5	N	28	E	30	SE	NW	2700	--	39.9 ✓	Irrigation	4/2/1973
5	N	28	E	30	SW	NW	2700	--	39.5 ✓	Irrigation	4/2/1973
5	N	28	E	30	NW	NE	2700	--	31.6 ✓	Irrigation	4/2/1973
5	N	28	E	30	NE	NE	2700	--	16.5 ✓	Irrigation	4/2/1973
5	N	28	E	30	SE	NE	2700	--	4.2 ✓	Irrigation	4/2/1973
5	N	28	E	30	SW	NE	2700	--	14.4 ✓	Irrigation	4/2/1973
5	N	28	E	30	NW	SE	2700	--	35.6 ✓	Irrigation	4/2/1973
5	N	28	E	30	NE	SE	2700	--	32.4 ✓	Irrigation	4/2/1973
5	N	28	E	30	SE	SE	2700	--	32.4 ✓	Irrigation	4/2/1973
5	N	28	E	30	SW	SE	2700	--	37.6 ✓	Irrigation	4/2/1973
5	N	28	E	30	NW	SW	2700	--	9 ✓	Irrigation	4/2/1973
5	N	28	E	30	NE	SW	2700	--	31.6 ✓	Irrigation	4/2/1973
5	N	28	E	30	SE	SW	2700	--	34.8 ✓	Irrigation	4/2/1973
5	N	28	E	30	SW	SW	2700	--	36 ✓	Irrigation	4/2/1973
5	N	28	E	31	NE	NW	2800	--	28.5 ✓	Irrigation	4/2/1973
5	N	28	E	31	SE	NW	2800	--	30.9 ✓	Irrigation	4/2/1973
5	N	28	E	31	NW	NE	2800	--	37.8 ✓	Irrigation	4/2/1973
5	N	28	E	31	NE	NE	2800	--	26.8 ✓	Irrigation	4/2/1973
5	N	28	E	31	SE	NE	2800	--	31.6 ✓	Irrigation	4/2/1973
5	N	28	E	31	SW	NE	2800	--	38.4 ✓	Irrigation	4/2/1973
5	N	28	E	32	NW	NW	300	--	26.4 ✓	Irrigation	4/2/1973
5	N	28	E	32	SW	NW	300	--	31.6 ✓	Irrigation	4/2/1973

2374.5 ✓





**LEGEND**

- ⊙ Authorized Point of Diversion (POD)
- ~ Waterline
- ▭ Portion of Authorized Place of Use involved in the Allocation of Conserved Water (2,314.5 ac.)
- ▨ Remaining Portion of Authorized Place of Use (596.8 ac.)
- Major Road
- ▭ City Boundary
- ▭ County Boundary
- ⊡ Government Lot (GL)
- ~ Watercourse
- Waterbody

**LOCATION DESCRIPTION**

Amstad Diversion  
 Located 2,270 feet North and 940 feet East from SW corner,  
 Section 13, Township 5 North, Range 27 East (W.M.)

**Allocation of Conserved Water  
 Certificate 63731 (Permit S-37108)**  
 A Water Right held by Onyx Land Company, LLC  
 Township 5 North, Range 27, 28 East (W.M.)  
 Umatilla County

**DISCLAIMER**  
 This map was prepared for the purpose of  
 identifying the location of a water right only and  
 it is not intended to provide legal dimensions  
 or location of property corner/line/area.

Date: November 23, 2021  
 Data Source: BLM, EPR, ONYX, USGS,  
 Umatilla Co., City/County Geographies





**Attachment B**

Land Use Form

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Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731



# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Applicant(s): Grimmway Enterprises, Inc.; Attn: Matt Vickery

Mailing Address: PO BOX 81498

City: Bakersfield

State: CA

Zip Code: 93380

Daytime Phone: 661-845-5761

## A. Land and Location\*

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>5N</u>	<u>27E</u>	<u>25</u>	<u>All</u>	<u>602</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>27</u>	<u>SE NW</u> <u>S NW</u> <u>All NE</u> <u>All SE</u> <u>All SW</u>	<u>800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>35</u>	<u>All NW</u> <u>All NE</u>	<u>690</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>36</u>	<u>All NW</u>	<u>601</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>19</u>	<u>All</u>	<u>2200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>29</u>	<u>NWSW</u> <u>SWSW</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>30</u>	<u>All</u>	<u>2700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>31</u>	<u>NENW</u> <u>SE NW</u> <u>All NE</u>	<u>2800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>32</u>	<u>NWNW</u> <u>SWNW</u>	<u>300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Umatilla County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0\*\*     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

\*The lands described under Item A include the lands where the water conservation project was completed. There will be no change in the diversion or conveyance of water; the only change is in the rate at which water is applied for irrigation.

\*\*No 'new' water is needed for the project.

Through the completion of an on-farm efficiency project, the applicant has conserved 12.15 cfs of water. Twenty-five percent of this conserved water, 3.04 cfs, will be retained by the State of Oregon for conversion to an instream water right. The remaining 9.11 cfs of the conserved water will be used by the applicant for irrigation; however, initially, the applicant will be leasing their portion of the conserved water instream.

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**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 4. →



# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.050(A) - Farm Use
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: CAROL JOHNSON Title: Planner  
 Signature: *Carol Johnson* Phone: 541-278-6552 Date: 11/23/2021  
 Government Entity: Umatilla County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 23<sup>rd</sup>  
day of November, 2021, by Tracy Saiki

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature

Sarah Fields



Application for Allocation of Conserved Water Consent by Deeded Landowner

State of Oregon )
) ss.
County of Umatilla )

I/We, Onyx Land Company LLC, in our capacity as Landowner, mailing address, 9100 Ming Avenue, Suite 120, telephone number 661-587-5198, duly sworn depose and say, I/We consent to the proposed change(s) to water right Certificate number(s) 53731, in the conserved water application submitted by Grimmway Enterprises, Inc., for the property located in tax lot number(s): 5N27000000800, 5N27000000690, 5N27000000601, 5N27000000602, Section 25, 27, 35, 36, Township 5 N/S, Range 27 E/W, W.M., and tax lot number(s) 5N28C00006701, 5N28C00006603, 5N28C00001300, 5N28C00001401, 5N28C00001200, Section 19, 30, 31, Township 5 N/S, Range 28 E/W, W.M., located at: 28325 Potato Lane, Umatilla, Oregon 97882 (site address). The change(s) is/are for: [X] rate reduction, [ ] point of diversion, [ ] place of use.

Onyx Land Company, LLC (a Delaware limited liability company)
By: Legacy Farm Management LLC, its Manager
By: Tracy Saiki, Property Manager

[Handwritten Signature]
Signature of Affiant

11-23-21
Date

Subscribed and Sworn to before me this \_\_\_ day of \_\_\_\_\_, 2020.

See attached

Notary Public for Oregon

My commission expires: \_\_\_\_\_

# **Attachment D**

Affidavit of Consent by Landowner

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Application for a Surface Water Allocation of Conserved Water

Grimmway Enterprises, Inc - Certificate 53731



## Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 6000  
Efficiency = 7.04  
Lift = 15  
PSI = 210

#### Notes

*Total horsepower of pumps*

*All pumps are line shaft turbines*

*Estimated lift from water surface to pump discharge*

*Pressure in combined discharge pipe immediately downstream  
of pump (all downstream lift is reflected in this pressure)*

### Results Calculated

---

(hp)(efficiency) = 42240  
Head based on psi = 533.5  
Total dynamic head = 548.5  
(head + lift)

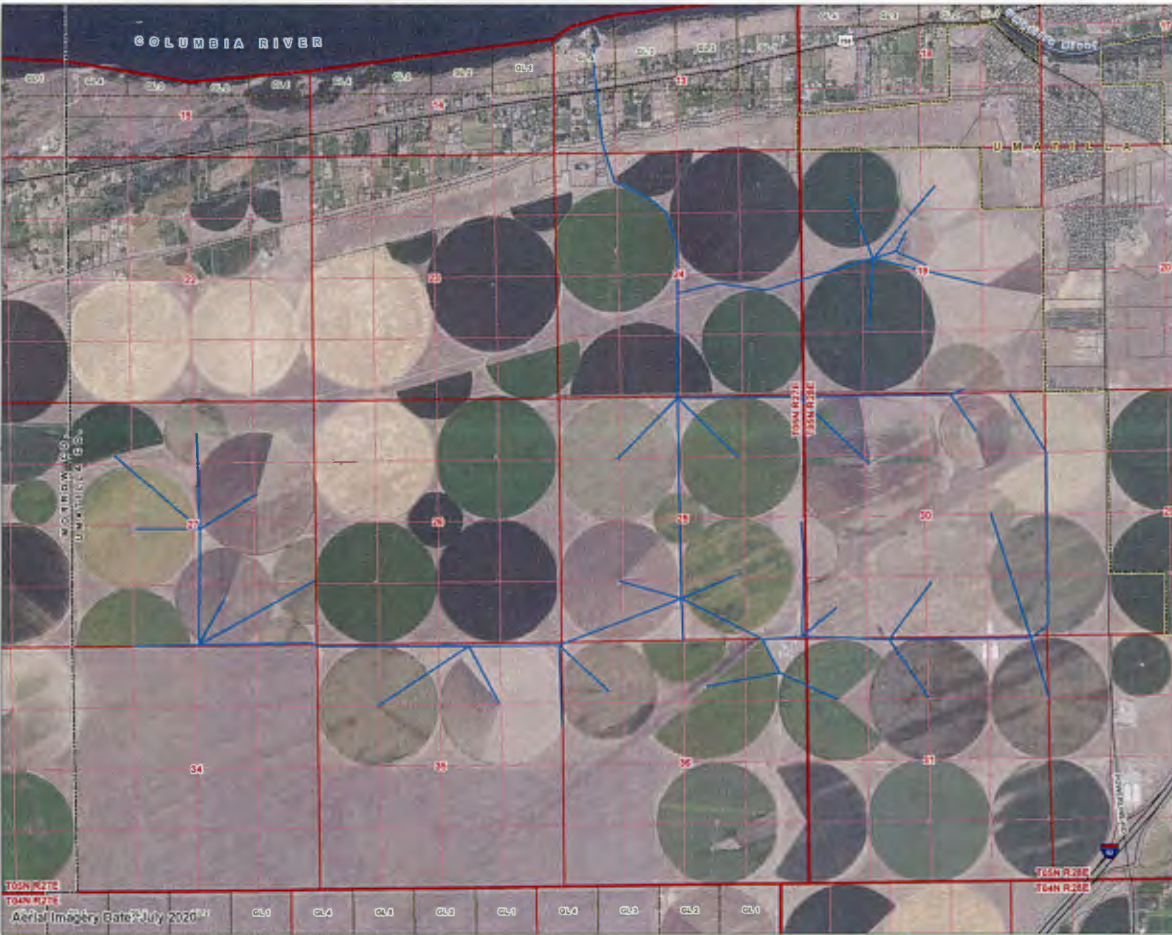
**Pump Capacity = 77.01 feet per second**  
34,565 gallons per minute

River Station Inventory 2020

**Inventory of pumps at the Amstad River Pump Station**

Pump #	Unit #	Motor Make	Volts	Motor Serial	HP	Pump Make	Stage	Bowl	GPM	TDH	Pump Serial	Type
1	PE1514	GE	2300	BKJ213027	800	National	5	E18LC	4400	596	NA	Turbine
2	PE1515	US Motors	2300	J54-00108-293	800	IDP	7	16 NKH	4400	596	W2000107	Turbine
3	PE1516	US Motors	2300	J54-00103-283	200	Vertiline	8	12RH	1300	500	W2017050	Turbine
4	PE1517	Tatung	2300	99100019	1000	Flow Serve	3	20 EKH	5700	596	NA	Turbine
5	PE1518	US Motors	2300	J54-00107-293	800	Flow Serve	7	16 ENH	4500	585	NA	Turbine
6	PE1519	US Motors	2300	J54-00106-293	800	National	7	16 NKH	4400	596	NA	Turbine
7	PE1520	WEG	460	125922 03 04	1000	Fairbanks	7	17-H	5700	596	NA	Turbine
8	PE1521	US Motors	2300	J54-00104-290	600	Johnston	5	18	3300	596	W2002079	Turbine

<b>TOTALS</b>	<b>6000 HP</b>	<b>Design Pumping Rate</b>	<b>33,700 gpm</b>
			<b>75.08 cfs</b>



**Allocation of Conserved Water  
Certificate 53731 (Permit S-37108)  
A Water Right held by Onyx Land  
Company, LLC  
Township 5 North, Range 27, 28  
East (W.M.)  
Umatilla County**

- LEGEND**
- Waterline
  - Major Road
  - City Boundary
  - County Boundary
  - Government Lot (GL)
  - Watercourse

**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: October 7, 2021  
 Data Sources: SCS, ESRI, COOT, USDA,  
 USDA Imagery (July 2020)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 24<sup>th</sup>  
day of November, 2021, by Matthew Vickery

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Sarah Fields

3. The water right was used for: (e.g., crops, pasture, etc.): Row crops
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Matthew Vick  
 Signature of Affiant

11/24/21  
 Date

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*See attached*

\_\_\_\_\_  
 Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.            If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:            OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>            OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>            Google Earth – <a href="http://earth.google.com">earth.google.com</a>            TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



# Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
County of UMATILLA)

I, MATTHEW VICKERY, in my capacity as DIRECTOR OF LAND & WATER RESOURCES FOR GRIMMWAY ENTERPRISES, INC, mailing address PO BOX 81498, BAKERSFIELD, CA 93380 telephone number (661)845-5761, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 53731

OR

- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



# **Attachment C**

Documentation of Use

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**Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731**

# Water Availability Analysis

UMATILLA R > COLUMBIA R - AT MOUTH  
UMATILLA BASIN

Water Availability as of 12/6/2021

Watershed ID #: 221 ([Map](#))

Date: 12/6/2021

Exceedance Level:

Time: 8:41 AM

[Download Data](#)

## Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	221	UMATILLA R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes

## Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	221	UMATILLA R > COLUMBIA R - AT MOUTH	Yes	13.90
FEB	221	UMATILLA R > COLUMBIA R - AT MOUTH	Yes	397.00
MAR	221	UMATILLA R > COLUMBIA R - AT MOUTH	Yes	518.00
APR	221	UMATILLA R > COLUMBIA R - AT MOUTH	Yes	430.00
MAY	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-364.00
JUN	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-720.00
JUL	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-435.00
AUG	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-334.00
SEP	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-414.00
OCT	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-350.00
NOV	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-315.00
DEC	221	UMATILLA R > COLUMBIA R - AT MOUTH	No	-86.30
ANN	221	UMATILLA R > COLUMBIA R - AT MOUTH	Yes	80,600.00

## Detailed Reports for Watershed ID #221

UMATILLA R > COLUMBIA R - AT MOUTH  
UMATILLA BASIN

Water Availability as of 12/6/2021

Watershed ID #: 221 ([Map](#))

Date: 12/6/2021

Exceedance Level:

Time: 8:41 AM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
-------	---------------------	-------------------------------	----------------------	----------------------	---------------------------	---------------------

## Water Availability Analysis

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	648.00	138.00	52.80	0.29	0.00	0.18	0.08	0.01	384.00
FEB	1,120.00	203.00	71.30	0.29	0.00	0.18	0.08	0.01	473.00
MAR	1,380.00	354.00	82.40	0.29	0.00	0.18	0.08	0.01	612.00
APR	1,540.00	616.00	127.00	0.29	0.00	0.18	0.08	0.01	860.00
MAY	1,020.00	979.00	133.00	0.29	0.00	0.18	0.08	0.01	1,130.00
JUN	323.00	720.00	72.90	0.29	0.00	0.18	0.08	0.01	793.00
JUL	106.00	377.00	43.40	0.29	0.00	0.18	0.08	0.01	421.00
AUG	65.70	274.00	39.60	0.29	0.00	0.18	0.08	0.01	314.00
SEP	74.00	197.00	40.40	0.29	0.00	0.18	0.08	0.01	238.00
OCT	87.80	104.00	30.20	0.29	0.00	0.18	0.08	0.01	138.00
NOV	173.00	108.00	38.60	0.29	0.00	0.18	0.08	0.01	188.00
DEC	521.00	163.00	51.80	0.29	0.00	0.18	0.08	0.01	357.00
ANN	424,000.00	357,000.00	150,000.00	0.00	0.00	169,000.00	80,600.00		

## Detailed Report of Consumptive Uses and Storage

### Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	193.00	138.00	52.80	0.29	0.00	0.18	0.08	0.01	384.00
FEB	198.00	203.00	71.30	0.29	0.00	0.18	0.08	0.01	473.00
MAR	175.00	354.00	82.40	0.29	0.00	0.18	0.08	0.01	612.00
APR	116.00	616.00	127.00	0.29	0.00	0.18	0.08	0.01	860.00
MAY	21.20	979.00	133.00	0.29	0.00	0.18	0.08	0.01	1,130.00
JUN	0.28	720.00	72.90	0.29	0.00	0.18	0.08	0.01	793.00
JUL	0.09	377.00	43.40	0.29	0.00	0.18	0.08	0.01	421.00
AUG	0.06	274.00	39.60	0.29	0.00	0.18	0.08	0.01	314.00
SEP	0.06	197.00	40.40	0.29	0.00	0.18	0.08	0.01	238.00
OCT	2.88	104.00	30.20	0.29	0.00	0.18	0.08	0.01	138.00
NOV	40.20	108.00	38.60	0.29	0.00	0.18	0.08	0.01	188.00
DEC	142.00	163.00	51.80	0.29	0.00	0.18	0.08	0.01	357.00

## Detailed Report of Reservations for Storage and Consumptive Uses

### Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

## Detailed Report of Instream Flow Requirements

### Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF221A	CERTIFICATE	250.00	250.00	250.00	250.00	250.00	250.00	120.00	85.00	250.00	300.00	300.00	250.00
	Maximum	250.00	250.00	250.00	250.00	250.00	250.00	120.00	85.00	250.00	300.00	300.00	250.00



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** C & B LIVESTOCK, INC.

of PO Box 109, Hermiston, State of Oregon 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Columbia River

a tributary of Pacific Ocean for the purpose of irrigation of 2971.3 acres

under Permit No. 37108 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 2, 1973 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 62.8 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (NW 1/4 SW 1/4), Section 13, T5N, R27E, WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

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-fortieth 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 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

30.0 acres NE 1/4 NE 1/4  
 38.7 acres NW 1/4 NE 1/4  
 39.2 acres SW 1/4 NE 1/4  
 32.4 acres SE 1/4 NE 1/4  
 37.0 acres NE 1/4 NW 1/4  
 32.4 acres NW 1/4 NW 1/4  
 33.6 acres SW 1/4 NW 1/4  
 38.4 acres SE 1/4 NW 1/4  
 38.2 acres NE 1/4 SW 1/4  
 32.8 acres NW 1/4 SW 1/4  
 32.4 acres SW 1/4 SW 1/4  
 30.8 acres SE 1/4 SW 1/4  
 22.8 acres NE 1/4 SE 1/4  
 39.5 acres NW 1/4 SE 1/4  
 27.2 acres SW 1/4 SE 1/4  
 17.6 acres SE 1/4 SE 1/4

## Section 25

14.0 acres NE 1/4 NE 1/4  
 21.6 acres NW 1/4 NE 1/4  
 37.6 acres SW 1/4 NE 1/4  
 39.8 acres SE 1/4 NE 1/4  
 23.2 acres NE 1/4 NW 1/4  
 32.8 acres NW 1/4 NW 1/4  
 29.5 acres SW 1/4 NW 1/4  
 33.2 acres SE 1/4 NW 1/4  
 37.4 acres NE 1/4 SW 1/4  
 33.6 acres NW 1/4 SW 1/4  
 30.0 acres SW 1/4 SW 1/4  
 34.8 acres SE 1/4 SW 1/4  
 35.8 acres NE 1/4 SE 1/4  
 34.2 acres NW 1/4 SE 1/4  
 38.0 acres SW 1/4 SE 1/4  
 35.6 acres SE 1/4 SE 1/4

## Section 27

32.8 acres NE 1/4 NE 1/4  
 38.3 acres NW 1/4 NE 1/4  
 32.0 acres SW 1/4 NE 1/4  
 32.8 acres SE 1/4 NE 1/4  
 37.9 acres NE 1/4 NW 1/4  
 32.0 acres NW 1/4 NW 1/4  
 32.0 acres SW 1/4 NW 1/4  
 32.0 acres SE 1/4 NW 1/4

## Section 35

31.2 acres NE 1/4 NE 1/4  
 28.0 acres NW 1/4 NE 1/4  
 37.2 acres SW 1/4 NE 1/4  
 28.4 acres SE 1/4 NE 1/4  
 31.6 acres NE 1/4 NW 1/4  
 35.6 acres NW 1/4 NW 1/4  
 20.0 acres SW 1/4 NW 1/4  
 17.8 acres SE 1/4 NW 1/4

## Section 36

Township 5 North, Range 27 East, WM

30.0 acres NW 1/4 NE 1/4  
 29.6 acres SW 1/4 NE 1/4  
 19.6 acres SE 1/4 NE 1/4  
 32.0 acres NE 1/4 NW 1/4  
 32.4 acres NW 1/4 NW 1/4  
 21.4 acres SW 1/4 NW 1/4  
 30.7 acres SE 1/4 NW 1/4  
 39.8 acres NE 1/4 SW 1/4  
 33.2 acres NW 1/4 SW 1/4  
 24.8 acres SW 1/4 SW 1/4  
 35.2 acres SE 1/4 SW 1/4  
 37.3 acres NE 1/4 SE 1/4  
 39.5 acres NW 1/4 SE 1/4  
 36.0 acres SW 1/4 SE 1/4  
 9.4 acres SE 1/4 SE 1/4

## Section 19

31.2 acres NW 1/4 NW 1/4  
32.8 acres SW 1/4 NW 1/4  
32.0 acres NW 1/4 SW 1/4  
32.0 acres SW 1/4 SW 1/4  
Section 29

25.2 acres NE 1/4 NE 1/4  
31.6 acres NW 1/4 NE 1/4  
14.4 acres SW 1/4 NE 1/4  
24.2 acres SE 1/4 NE 1/4  
38.0 acres NE 1/4 NW 1/4  
36.4 acres NW 1/4 NW 1/4  
39.5 acres SW 1/4 NW 1/4  
39.9 acres SE 1/4 NW 1/4  
31.6 acres NE 1/4 SW 1/4  
28.4 acres NW 1/4 SW 1/4  
37.2 acres SW 1/4 SW 1/4  
34.8 acres SE 1/4 SW 1/4  
32.4 acres NE 1/4 SE 1/4  
35.6 acres NW 1/4 SE 1/4  
37.6 acres SW 1/4 SE 1/4  
32.4 acres SE 1/4 SE 1/4  
Section 30

26.8 acres NE 1/4 NE 1/4  
37.8 acres NW 1/4 NE 1/4  
38.4 acres SW 1/4 NE 1/4  
31.6 acres SE 1/4 NE 1/4  
32.8 acres NE 1/4 NW 1/4  
39.3 acres NW 1/4 NW 1/4  
40.0 acres SW 1/4 NW 1/4  
34.8 acres SE 1/4 NW 1/4  
Section 31

26.4 acres NW 1/4 NW 1/4  
31.6 acres SW 1/4 NW 1/4  
Section 32

Township 5 North, Range 28 East, WM

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.*

*WITNESS the signature of the Water Resources Director, affixed*

*this date. February 14, 1986*

*/s/ WILLIAM H. YOUNG*

*Water Resources Director*



Application for  
**Surface Water**  
**Allocation of Conserved Water**  
 Part 1 of 4 – Minimum Requirements Checklist



**This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

RECEIVED

NOV 30 2021

OWRD

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: [53731](#).
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ 1,360 (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing. [\[Attachment A\]](#)
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) [\[Attachment B\]](#) or  
  
Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- Completed Evidence of Use Affidavit and Supporting Documentation. [\[Attachment C\]](#)
- N/A Affidavit(s) of Consent. [\[Attachment D\]](#)
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water. **No water right holders or other entities have asked to be consulted regarding this ACW.**
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

RECEIVED

NOV 30 2021

Part 2 of 4 – Applicant Information and Signature

Applicant Information

OWRD

APPLICANT/BUSINESS NAME <b>Grimmway Enterprises, Inc.; Attn: Matt Vickery</b>		PHONE NO. <b>661-845-5761</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 81498</b>			FAX NO.
CITY <b>Bakersfield</b>	STATE <b>CA</b>	ZIP <b>93380</b>	E-MAIL <b>MVickery@grimmway.com</b>

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_.

OR

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located?  Yes  No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

LANDOWNER NAME <b>Onyx Land Company, LLC</b>		PHONE NO. <b>661-587-5198</b>
ADDRESS <b>9100 Ming Avenue, Sutie 120</b>		
CITY <b>Bakersfield</b>	STATE <b>CA</b>	ZIP <b>93311</b>
E-MAIL <b>tsaiki@illumag.com</b>		

**Representative Information** – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME <b>GSI Water Solutions, Inc.; Attn: Theodore Ressler</b>		PHONE NO. <b>503-239-8799 x106</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>55 SW Yamhill Street, Suite 300</b>			FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>tressler@gsiws.com</b>

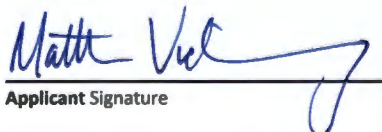
I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: East Oregonian.

I (we) affirm that the information contained in this application is true and accurate.

  
Landowner and Water Right Holder Signature

Onyx Land Company, LLC (a Delaware limited liability company)  
By Legacy Farm Management LLC, its Manager  
Tracy Saiki, Property Manager  
Print Name (and Title if applicable)

11-23-21  
Date

  
Applicant Signature

Grimmway Enterprises, Inc.  
Matt Vickery, Director of Land & Water Resources  
Print Name (and Title if applicable)

11-24-21  
Date



In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s):

**Physical Conservation Measures:**

The physical conservation measure that will be completed is an on-farm efficiency project involving installation of high efficiency (low pressure, low flow) spray nozzles on the center pivots used for irrigation of a portion of the acreage associated with the subject water right. This on-farm efficiency project will result in a 12.15 cfs reduction in the required maximum rate of irrigation and a 2,374.5 AF reduction in the volume of water applied during the irrigation season.

**Reason for the Change:**

Advances in irrigation application technology has allowed for the application of less water to crops without sacrificing crop yields. The application of less water per acre of land will enable the applicant to efficiently use the water authorized under Certificate 53731, and through the Allocation of Conserved Water program, the applicant would be able to apply their portion of the conserved water on additional lands not currently authorized for irrigation under the water right. This will enable the applicant to further increase crop yields.



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the conservation project and/or proposed instream reach will be located.

ENTITY NAME Umatilla County	ADDRESS 216 SE Fourth St.	
CITY Pendleton	STATE OR	ZIP 97801

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**Part 3 of 4 – Water Right Information and Conservation Measures**

Please use a separate Part 3 for each water right involved in the proposed allocation of conserved water.

**WATER RIGHT INFORMATION:**

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>53731</u> <small>Certificate Number</small>	<u>S-37108</u> <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ <small>Name of Decree</small>	_____ <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	_____ <small>Permit Number</small>	_____ <small>Special Order Volume _____, Page _____</small>
<input type="checkbox"/> Transferred Right for which Proper Proof of the change has been filed	_____ <small>Previous Certificate / Transfer Number</small>	_____ <small>Date Claim of Beneficial Use Submitted</small>

County: Umatilla

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* Water used for irrigation pre-project was diverted from the Columbia River at the Amstad Pump Station, which is located on the south bank of the Columbia River in Section 13, Township 5 North, Range 27 East (WM). The Amstad Pump Station consists of eight line shaft turbine pumps (total of 6,000 Hp) with a total pumping capacity of 33,700 gpm\* (Attachment C). The pump station draws water from the Columbia River through a 72-inch fish screen equipped intake pipe. Water is conveyed from the pump station to the farm through 8,250 feet of 42-inch concrete-lined steel pipe. At the farm, the water is then conveyed through a network of approximately 96,000 feet of smaller distribution mainlines to 37 pivots used to apply water for irrigation on the place of use (Attachment A). The pivots were nozzled to apply up to 11 gpm per acre and utilized the entire permit authorized rate of 62.8 cfs on the 2,971.3 acres.

\*Note that the Amstad Pump Station is used to supply water for additional lands under separate water rights besides the single water right involved in this allocation of conserved water application; therefore the diversion and conveyance system has a capacity that exceeds that required to serve the acreage related to this specific application.

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**Table 1: Pre-Project Description**

List: A) the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record; and B) the maximum amount of water that can be diverted using the pre-project facilities (“system capacity”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. (If the water right is only limited by rate, do not list a duty. Conversely, if the water is only limited by duty, do not list a rate).

PRE-PROJECT DESCRIPTION								
			Column A Water Right of Record				Column B System Capacity	
			Rate		Duty		Rate	Duty
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
53731*	4/2/1973	2,374.5	50.19	0.025	10,685.25	4.5	75.08	4.5
<b>Totals</b>		2,374.5	50.19		10,685.25		75.08	4.5

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm 1 cfs = 1.983471 ac-ft/day

\* This allocation of conserved water involves only a portion of Certificate 53731, being 2,374.5 acres (50.19 cfs) of the total 2,971.3 acres (62.8 cfs) authorized for irrigation under the certificate.

**CONSERVATION MEASURES:**

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: \_\_\_\_\_

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Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.

The conservation project will involve a physical change to the on-farm irrigation system. Specifically, the center pivot nozzles used for irrigation for a portion of the farm will be replaced with high efficiency (low pressure, low flow) spray nozzles designed to apply up to 8.0 gpm of water per acre (0.0178 cfs/ac) with up to 3.5 acre-feet of volume applied per acre per season. The applicant’s post project need will be equal to 90 percent of the maximum rate required to irrigate all of the acreage involved in the conservation project (2,374.5 acres) simultaneously: 90 percent \* 0.0178 cfs/acre \* 2,374.5 acres = 38.04 cfs.

Certificate 53731 authorizes the use of up to 1/40 cfs per acre (0.025 cfs/ac) and 4.5 AF per acre during the irrigation season. The pre-project irrigation system utilized the full rate and seasonal volume authorized by the water right. The proposed on-farm efficiency project will result in the following:

- A reduction in the instantaneous irrigation rate from 50.19 cfs (rate authorized by portion of Certificate 53731 involved in the project) to 38.04 cfs, resulting in conservation of 12.15 cfs
- A reduction in the seasonal volume of use from up to 4.5 AF per acre to 3.5 AF per acre, resulting in conservation of 2,374.5 AF (1.0 AF/ac \* 2,374.5 acres).

Note: the proposed changes will not result in a change in the point of diversion.



**Existing Point(s) of Diversion:**

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
5	N	27	E	13	NW	SW			2270 feet North and 940 feet East from SW Corner of Section 13

**Place of Use Involved in Conservation Measures:**

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
See Attachment E							2,374.5	Irrigation	4/2/1973
<b>Total</b>							2,374.5		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: \_\_\_\_\_

Is the project within the boundaries of an irrigation district or water control district?  Yes  No If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

	Conserved Water Description									
	Column A				Column B				Column C	
	Table 1 – Smaller of A or B				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
4/2/1973	50.19	0.025	10,685.25	4.5	38.04	0.0178	8,310.75	3.5	12.15	2,374.5
<b>Totals</b>	50.19		10,685.25		38.04		8,310.75		12.15	2,374.5

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
25%	3.04	593.62	75%	9.11	1,780.88	100%	12.15	2,374.5

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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**Part 4 of 4 – Mitigation, Proposed Use,  
Project Schedule, Funding, and  
Fee Calculation**

**MITIGATION:**

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. The water proposed to be conserved is currently diverted from the Columbia River by the applicant and used for irrigation by the pre-project irrigation system. The proposed conservation measures will reduce the rate and volume of withdrawal from the Columbia River under the water right involved in this application. The state's portion of the conserved water will be left in stream.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. This project is not expected to result in any harm to other water rights.

**PROPOSED USE:**

**New Out-of Stream Uses:**

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Primary irrigation;

Boundaries: The lands on where the applicant anticipates that it may use its share of conserved water is located within the following area:

TwN	Range	TwN	Range	TwN	Range	TwN	Range	TwN	Range	TwN	Range
1N	22E	2N	22E	3N	22E	4N	22E	5N	25E	6N	30E
1N	23E	2N	23E	3N	23E	4N	23E	5N	26E	6N	31E
1N	24E	2N	24E	3N	24E	4N	24E	5N	27E		
1N	25E	2N	26E	3N	26E	4N	25E	5N	28E		
1N	26E	2N	27E	3N	27E	4N	26E	5N	29E		
1N	27E	2N	28E	3N	28E	4N	27E	5N	30E		
1N	28E	2N	29E	3N	29E	4N	28E	5N	31E		
1N	29E	2N	30E	3N	30E	4N	29E				
1N	30E	2N	31E	3N	31E	4N	30E				
1N	31E					4N	31E				

Will the new use require a change or additional point of diversion/appropriation?

Yes       No       Unknown at this time

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**New Additional Point of Diversion: (NOTE: the original POD will continue to be used)**

POD	Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
CRPS	4	N	25	E	2	NE	NW		7	South 86 degrees 22 minutes 46 seconds west, 289 feet from the NE corner of Section 2
EID	5	N	30	E	8	SW	NW	200		2910 feet North and 120 feet East from SW corner of Section 8

**New Instream Uses to be Created (State's Portion):**

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
53731	4/2/1973 plus one minute	Columbia River	Irrigation Season	3.04	593.62
<b>TOTAL VOLUME</b>					593.62

\* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

\*\* To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

**Note:** The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

**Location of the proposed instream water right.**

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM \_\_\_ to downstream location at the mouth at RM \_\_\_)

**OR**

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): Located in Lot 4 (NW SW), Section 13, T5N, R27E WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

**Public Use for which conserved water right should be managed under an instream right (check at least one box):**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation and scenic attraction.
- Water Quality (e.g. pollution abatement).

**List any existing instream water rights at the same p**

- None.
- Instream Water Right Certificates: 76086, 86126, 89737, 89659, 89658, 89302, 90152, 94867, 95658, 95

**Requested reach(es):**

9660, 89741, 89739,

Let me know if  
When ODFW  
Review is  
needed.  
(to add workflow)  
-Stacy ☺

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**New Additional Point of Diversion: (NOTE: the original POD will continue to be used)**

POD	Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
CRPS	4	N	25	E	2	NE	NW		7	South 86 degrees 22 minutes 46 seconds west, 289 feet from the NE corner of Section 2
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**New Instream Uses to be Created (State's Portion):**

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
<b>53731</b>	<i>4/2/1973 plus one minute</i>	Columbia River	Irrigation Season	3.04	593.62
<b>TOTAL VOLUME</b>					<b>593.62</b>

- \* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or
- \*\* To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

**Note:** The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

**Location of the proposed instream water right.**

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM \_\_\_ to downstream location at the mouth at RM \_\_\_)

**OR**

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): Located in Lot 4 (NW SW), Section 13, T5N, R27E WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

**Public Use for which conserved water right should be managed under an instream right (check at least one box):**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation and scenic attraction.
- Water Quality (e.g. pollution abatement).

**List any existing instream water rights at the same point or within the same requested reach(es):**

- None.
- Instream Water Right Certificates: 76086, 86126, 89859, 88064, 89235, 89303, 89660, 89741, 89739, 89737, 89659, 89658, 89302, 90152, 94867, 95658, 95661

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N/A Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

Yes       No. If no, please explain your intent below:

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake level occurring from the drainage system?

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
  - The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
  - The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
  - The stream is listed as water quality limited by DEQ.

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**PROJECT SCHEDULE:**

N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date: <i>December 2021</i>	Date: <i>February 2022</i>	<i>*Date: February 2022</i>

*\* Must be within 5 years from the date of filing the Notice of Completion.*

**Note:** If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
<i>*Date:</i>	<i>**Date:</i>

*\* Must be within 5 years prior to the date of filing this application.*

*\*\* Must be within 5 years from the date of filing this Application and Notice of Completion.*

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**FUNDING**

N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

- Source of Funding:  Federal: \_\_\_\_\_  State: \_\_\_\_\_
- Total cost for project engineering \$ \_\_\_\_\_  
Total cost for construction \$ \_\_\_\_\_
- The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$ \_\_\_\_\_.
- The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$ \_\_\_\_\_.
- The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$ \_\_\_\_\_.

N/A Enter the percentage from Table 3, Column B (Applicant’s Portion of Conserved Water) \_\_\_\_%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? \_\_\_\_%

N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is \_\_\_\_\_.

**FEE CALCULATION**

Fee Schedule – ORS 536.050 <a href="https://www.oregon.gov/OWRD/Forms/Pages/default.aspx">https://www.oregon.gov/OWRD/Forms/Pages/default.aspx</a>	
\$1,360.00 - Base (1 <sup>st</sup> Water Right)	Add \$480.00 for each additional right
$\$1,360 + (0 \times \$480) = \text{Total Fee } \$ 1,360$	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; <b>or</b>
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); <b>or</b>
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = _____ %
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = _____ %
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% _____
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver \$ _____
Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver	
<b>Total Fee \$1,360 – Fee Waiver (g) \$0 = Amount Due \$1,360</b>	

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## **Attachment A**

Map and Water Right Information  
Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731

## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That C & B LIVESTOCK, INC.

of PO Box 109, Hermiston, State of Oregon 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Columbia River

a tributary of Pacific Ocean for the purpose of irrigation of 2971.3 acres

under Permit No. 37108 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 2, 1973 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 62.8 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 4 (NW 1/4 SW 1/4), Section 13, T5N, R27E, WM; 2270 feet North and 940 feet East from SW Corner, Section 13, T5N, R27E.

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-fortieth 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 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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30.0 acres NE 1/4 NE 1/4  
 38.7 acres NW 1/4 NE 1/4  
 39.2 acres SW 1/4 NE 1/4  
 32.4 acres SE 1/4 NE 1/4  
 37.0 acres NE 1/4 NW 1/4  
 32.4 acres NW 1/4 NW 1/4  
 33.6 acres SW 1/4 NW 1/4  
 38.4 acres SE 1/4 NW 1/4  
 38.2 acres NE 1/4 SW 1/4  
 32.8 acres NW 1/4 SW 1/4  
 32.4 acres SW 1/4 SW 1/4  
 30.8 acres SE 1/4 SW 1/4  
 22.8 acres NE 1/4 SE 1/4  
 39.5 acres NW 1/4 SE 1/4  
 27.2 acres SW 1/4 SE 1/4  
 17.6 acres SE 1/4 SE 1/4  
 Section 25

14.0 acres NE 1/4 NE 1/4  
 21.6 acres NW 1/4 NE 1/4  
 37.6 acres SW 1/4 NE 1/4  
 39.8 acres SE 1/4 NE 1/4  
 23.2 acres NE 1/4 NW 1/4  
 32.8 acres NW 1/4 NW 1/4  
 29.5 acres SW 1/4 NW 1/4  
 33.2 acres SE 1/4 NW 1/4  
 37.4 acres NE 1/4 SW 1/4  
 33.6 acres NW 1/4 SW 1/4  
 30.0 acres SW 1/4 SW 1/4  
 34.8 acres SE 1/4 SW 1/4  
 35.8 acres NE 1/4 SE 1/4  
 34.2 acres NW 1/4 SE 1/4  
 38.0 acres SW 1/4 SE 1/4  
 35.6 acres SE 1/4 SE 1/4  
 Section 27

32.8 acres NE 1/4 NE 1/4  
 38.3 acres NW 1/4 NE 1/4  
 32.0 acres SW 1/4 NE 1/4  
 32.8 acres SE 1/4 NE 1/4  
 37.9 acres NE 1/4 NW 1/4  
 32.0 acres NW 1/4 NW 1/4  
 32.0 acres SW 1/4 NW 1/4  
 32.0 acres SE 1/4 NW 1/4  
 Section 35

31.2 acres NE 1/4 NE 1/4  
 28.0 acres NW 1/4 NE 1/4  
 37.2 acres SW 1/4 NE 1/4  
 28.4 acres SE 1/4 NE 1/4  
 31.6 acres NE 1/4 NW 1/4  
 35.6 acres NW 1/4 NW 1/4  
 20.0 acres SW 1/4 NW 1/4  
 17.8 acres SE 1/4 NW 1/4  
 Section 36

Township 5 North, Range 27 East, WM

30.0 acres NW 1/4 NE 1/4  
 29.6 acres SW 1/4 NE 1/4  
 19.6 acres SE 1/4 NE 1/4  
 32.0 acres NE 1/4 NW 1/4  
 32.4 acres NW 1/4 NW 1/4  
 21.4 acres SW 1/4 NW 1/4  
 30.7 acres SE 1/4 NW 1/4  
 39.8 acres NE 1/4 SW 1/4  
 33.2 acres NW 1/4 SW 1/4  
 24.8 acres SW 1/4 SW 1/4  
 35.2 acres SE 1/4 SW 1/4  
 37.3 acres NE 1/4 SE 1/4  
 39.5 acres NW 1/4 SE 1/4  
 36.0 acres SW 1/4 SE 1/4  
 9.4 acres SE 1/4 SE 1/4  
 Section 19

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31.2 acres NW 1/4 NW 1/4  
32.8 acres SW 1/4 NW 1/4  
32.0 acres NW 1/4 SW 1/4  
32.0 acres SW 1/4 SW 1/4  
Section 29

25.2 acres NE 1/4 NE 1/4  
31.6 acres NW 1/4 NE 1/4  
14.4 acres SW 1/4 NE 1/4  
24.2 acres SE 1/4 NE 1/4  
38.0 acres NE 1/4 NW 1/4  
36.4 acres NW 1/4 NW 1/4  
39.5 acres SW 1/4 NW 1/4  
39.9 acres SE 1/4 NW 1/4  
31.6 acres NE 1/4 SW 1/4  
28.4 acres NW 1/4 SW 1/4  
37.2 acres SW 1/4 SW 1/4  
34.8 acres SE 1/4 SW 1/4  
32.4 acres NE 1/4 SE 1/4  
35.6 acres NW 1/4 SE 1/4  
37.6 acres SW 1/4 SE 1/4  
32.4 acres SE 1/4 SE 1/4  
Section 30

26.8 acres NE 1/4 NE 1/4  
37.8 acres NW 1/4 NE 1/4  
38.4 acres SW 1/4 NE 1/4  
31.6 acres SE 1/4 NE 1/4  
32.8 acres NE 1/4 NW 1/4  
39.3 acres NW 1/4 NW 1/4  
40.0 acres SW 1/4 NW 1/4  
34.8 acres SE 1/4 NW 1/4  
Section 31

26.4 acres NW 1/4 NW 1/4  
31.6 acres SW 1/4 NW 1/4  
Section 32

Township 5 North, Range 28 East, WM

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*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.*

*WITNESS the signature of the Water Resources Director, affixed*

*this date. February 14, 1986*

*/s/ WILLIAM H. YOUNG*

*Water Resources Director*

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## Attachment B

Land Use Form

Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731

# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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Applicant(s): Grimmway Enterprises, Inc.; Attn: Matt Vickery

Mailing Address: PO BOX 81498

City: Bakersfield

State: CA

Zip Code: 93380

Daytime Phone: 661-845-5761

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## A. Land and Location\*

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>5N</u>	<u>27E</u>	<u>25</u>	<u>All</u>	<u>602</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>27</u>	<u>SENW</u> <u>SWNW</u> <u>All NE</u> <u>All SE</u> <u>All SW</u>	<u>800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>35</u>	<u>All NW</u> <u>All NE</u>	<u>690</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>27E</u>	<u>36</u>	<u>All NW</u>	<u>601</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>19</u>	<u>All</u>	<u>2200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>29</u>	<u>NWSW</u> <u>SWSW</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>30</u>	<u>All</u>	<u>2700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>31</u>	<u>NENW</u> <u>SENW</u> <u>All NE</u>	<u>2800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>5N</u>	<u>28E</u>	<u>32</u>	<u>NWNW</u> <u>SWNW</u>	<u>300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Umatilla County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0\*\*     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_



**Briefly describe:**

\*The lands described under Item A include the lands where the water conservation project was completed. There will be no change in the diversion or conveyance of water; the only change is in the rate at which water is applied for irrigation.

\*\*No 'new' water is needed for the project.

Through the completion of an on-farm efficiency project, the applicant has conserved 12.15 cfs of water. Twenty-five percent of this conserved water, 3.04 cfs, will be retained by the State of Oregon for conversion to an instream water right. The remaining 9.11 cfs of the conserved water will be used by the applicant for irrigation; however, initially, the applicant will be leasing their portion of the conserved water instream.

---

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

**See bottom of Page 4. →**

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# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.0510(A) - Farm Use
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	NOV 30 2021	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: CAROL JOHNSON Title: Planner  
 Signature: *Carol Johnson* Phone: 541-278-6250 Date: 11/23/2021  
 Government Entity: Umatilla County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Attachment C**

Documentation of Use

Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731



# Application for Water Right Transfer

## Evidence of Use Affidavit



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of UMATILLA)

I, MATTHEW VICKERY, in my capacity as DIRECTOR OF LAND & WATER RESOURCES FOR GRIMMWAY

ENTERPRISES, INC, mailing address PO BOX 81498, BAKERSFIELD, CA 93380

telephone number (661)845-5761, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 53731

OR

- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): Row crops

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Matthew Vieke  
Signature of Affiant

11/24/21  
Date

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*See attached*

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 24<sup>th</sup>  
day of November, 2021, by Matthew Vickery

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Sarah Fields

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**Inventory of pumps at the Amstad River Pump Station**

Pump #	Unit #	Motor Make	Volts	Motor Serial	HP	Pump Make	Stage	Bowl	GPM	TDH	Pump Serial	Type
1	PE1514	GE	2300	BKJ213027	800	National	5	E18LC	4400	596	NA	Turbine
2	PE1515	US Motors	2300	J54-00108-293	800	IDP	7	16 NKH	4400	596	W2000107	Turbine
3	PE1516	US Motors	2300	J54-00103-283	200	Vertiline	8	12RH	1300	500	W2017050	Turbine
4	PE1517	Tatung	2300	99100019	1000	Flow Serve	3	20 EKH	5700	596	NA	Turbine
5	PE1518	US Motors	2300	J54-00107-293	800	Flow Serve	7	16 ENH	4500	585	NA	Turbine
6	PE1519	US Motors	2300	J54-00106-293	800	National	7	16 NKH	4400	596	NA	Turbine
7	PE1520	WEG	460	125922 03 04	1000	Fairbanks	7	17-H	5700	596	NA	Turbine
8	PE1521	US Motors	2300	J54-00104-290	600	Johnston	5	18	3300	596	W2002079	Turbine

<b>TOTALS</b>	<b>6000 HP</b>	<b>Design Pumping</b>	<b>33,700 gpm</b>
		<b>Rate</b>	<b>75.08 cfs</b>

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## Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 6000  
Efficiency = 7.04  
Lift = 15  
PSI = 210

#### Notes

*Total horsepower of pumps*

*All pumps are line shaft turbines*

*Estimated lift from water surface to pump discharge*

*Pressure in combined discharge pipe immediately downstream  
of pump (all downstream lift is reflected in this pressure)*

### Results Calculated

---

(hp)(efficiency) = 42240  
Head based on psi = 533.5  
Total dynamic head = 548.5  
(head + lift)

**Pump Capacity = 77.01 feet per second**  
34,565 gallons per minute

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## **Attachment D**

Affidavit of Consent by Landowner  
Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731





Application for Allocation of Conserved Water Consent by Deeded Landowner

State of Oregon )
) ss.
County of Umatilla )

I/We, Onyx Land Company LLC, in our capacity as Landowner, mailing address, 9100 Ming Avenue, Suite 120, telephone number 661-587-5198, duly sworn depose and say, I/We consent to the proposed change(s) to water right Certificate number(s) 53731, in the conserved water application submitted by Grimmway Enterprises, Inc., for the property located in tax lot number(s): 5N27000000800, 5N27000000690, 5N27000000601, 5N27000000602, Section 25, 27, 35, 36, Township 5 N/S, Range 27 E/W, W.M., and tax lot number(s) 5N28C00006701, 5N28C00006603, 5N28C00001300, 5N28C00001401, 5N28C00001200, Section 19, 30, 31, Township 5 N/S, Range 28 E/W, W.M., located at: 28325 Potato Lane, Umatilla, Oregon 97882 (site address). The change(s)

is/are for: [X] rate reduction, [ ] point of diversion, [ ] place of use.

Onyx Land Company, LLC (a Delaware limited liability company)
By: Legacy Farm Management LLC, its Manager
By: Tracy Saiki, Property Manager

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[Signature]
Signature of Affiant

11-23-21
Date

Subscribed and Sworn to before me this \_\_\_ day of \_\_\_\_\_, 2020.

See attached

Notary Public for Oregon

My commission expires: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 23<sup>rd</sup>  
day of November, 2021, by Tracy Saiiki

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature

Sarah Fields

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## **Attachment E**

Place of Use Involved in Conservation Measures  
Application for a Surface Water Allocation of Conserved Water  
Grimmway Enterprises, Inc - Certificate 53731



Place of Use Involved in Conservation Measures

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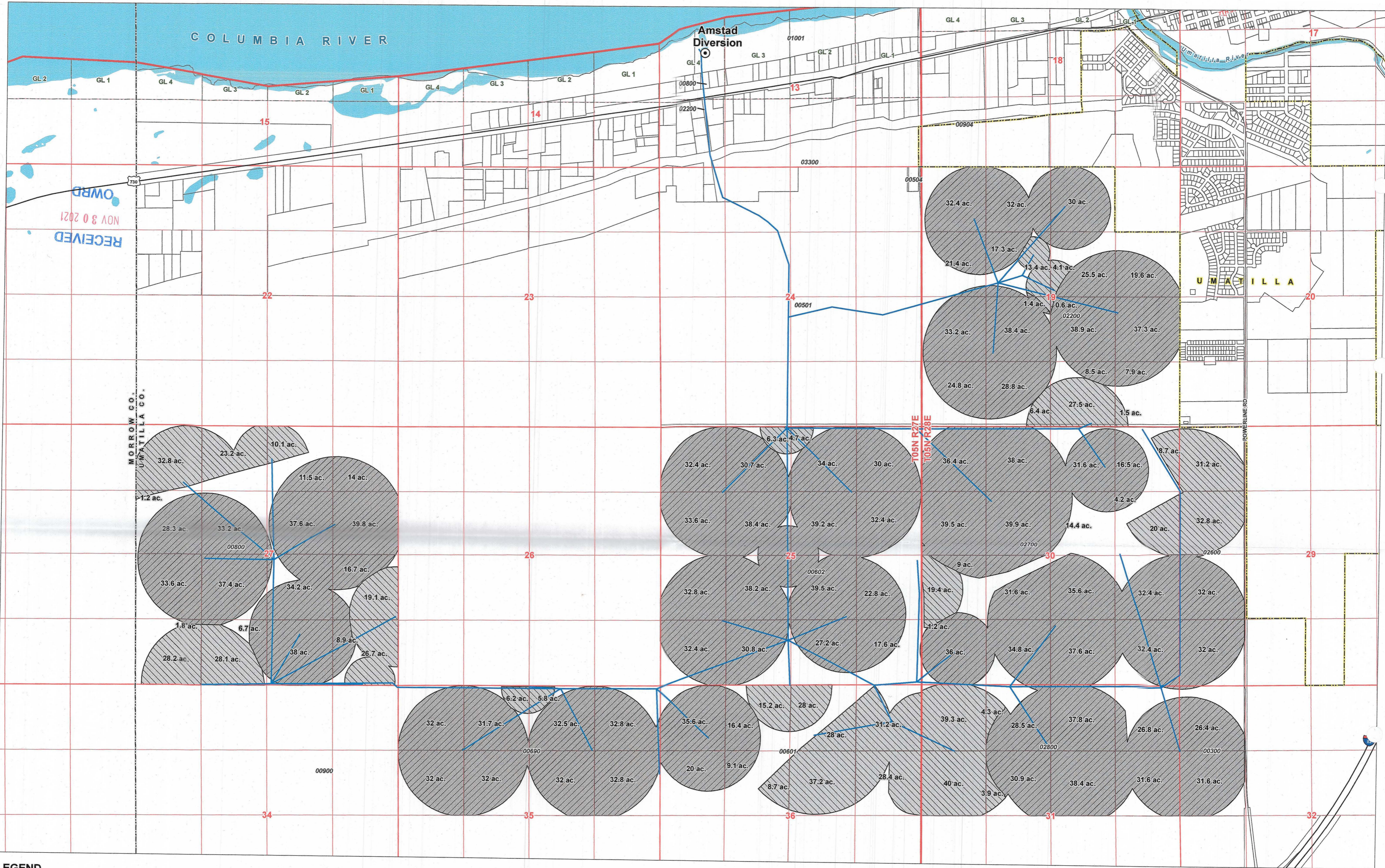
Township		Range		Section	QQ	Q	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed on Certificate	Priority Date
5	N	27	E	25	NW	NW	602	--	32.4	Irrigation	4/2/1973
5	N	27	E	25	NE	NW	602	--	30.7	Irrigation	4/2/1973
5	N	27	E	25	SE	NW	602	--	38.4	Irrigation	4/2/1973
5	N	27	E	25	SW	NW	602	--	33.6	Irrigation	4/2/1973
5	N	27	E	25	NW	NE	602	--	34	Irrigation	4/2/1973
5	N	27	E	25	NE	NE	602	--	30	Irrigation	4/2/1973
5	N	27	E	25	SE	NE	602	--	32.4	Irrigation	4/2/1973
5	N	27	E	25	SW	NE	602	--	39.2	Irrigation	4/2/1973
5	N	27	E	25	NW	SE	602	--	39.5	Irrigation	4/2/1973
5	N	27	E	25	NE	SE	602	--	22.8	Irrigation	4/2/1973
5	N	27	E	25	SE	SE	602	--	17.6	Irrigation	4/2/1973
5	N	27	E	25	SW	SE	602	--	27.2	Irrigation	4/2/1973
5	N	27	E	25	NW	SW	602	--	32.8	Irrigation	4/2/1973
5	N	27	E	25	NE	SW	602	--	38.2	Irrigation	4/2/1973
5	N	27	E	25	SE	SW	602	--	30.8	Irrigation	4/2/1973
5	N	27	E	25	SW	SW	602	--	32.4	Irrigation	4/2/1973
5	N	27	E	27	SE	NW	800	--	33.2	Irrigation	4/2/1973
5	N	27	E	27	SW	NW	800	--	28.3	Irrigation	4/2/1973
5	N	27	E	27	NW	NE	800	--	11.5	Irrigation	4/2/1973
5	N	27	E	27	NE	NE	800	--	14	Irrigation	4/2/1973
5	N	27	E	27	SE	NE	800	--	39.8	Irrigation	4/2/1973
5	N	27	E	27	SW	NE	800	--	37.6	Irrigation	4/2/1973
5	N	27	E	27	NW	SE	800	--	34.2	Irrigation	4/2/1973
5	N	27	E	27	NE	SE	800	--	16.7	Irrigation	4/2/1973
5	N	27	E	27	SE	SE	800	--	8.9	Irrigation	4/2/1973
5	N	27	E	27	SW	SE	800	--	38	Irrigation	4/2/1973
5	N	27	E	27	NW	SW	800	--	33.6	Irrigation	4/2/1973
5	N	27	E	27	NE	SW	800	--	37.4	Irrigation	4/2/1973
5	N	27	E	27	SE	SW	800	--	6.7	Irrigation	4/2/1973
5	N	27	E	27	SW	SW	800	--	1.8	Irrigation	4/2/1973
5	N	27	E	35	NW	NW	690	--	32	Irrigation	4/2/1973
5	N	27	E	35	NE	NW	690	--	31.7	Irrigation	4/2/1973
5	N	27	E	35	SE	NW	690	--	32	Irrigation	4/2/1973
5	N	27	E	35	SW	NW	690	--	32	Irrigation	4/2/1973
5	N	27	E	35	NW	NE	690	--	32.5	Irrigation	4/2/1973
5	N	27	E	35	NE	NE	690	--	32.8	Irrigation	4/2/1973
5	N	27	E	35	SE	NE	690	--	32.8	Irrigation	4/2/1973
5	N	27	E	35	SW	NE	690	--	32	Irrigation	4/2/1973
5	N	27	E	36	NW	NW	601	--	35.6	Irrigation	4/2/1973
5	N	27	E	36	NE	NW	601	--	16.4	Irrigation	4/2/1973
5	N	27	E	36	SE	NW	601	--	9.1	Irrigation	4/2/1973
5	N	27	E	36	SW	NW	601	--	20	Irrigation	4/2/1973
5	N	28	E	19	NW	NW	2200	--	32.4	Irrigation	4/2/1973
5	N	28	E	19	NE	NW	2200	--	32	Irrigation	4/2/1973
5	N	28	E	19	SE	NW	2200	--	17.3	Irrigation	4/2/1973
5	N	28	E	19	SW	NW	2200	--	21.4	Irrigation	4/2/1973
5	N	28	E	19	NW	NE	2200	--	30	Irrigation	4/2/1973
5	N	28	E	19	SE	NE	2200	--	19.6	Irrigation	4/2/1973
5	N	28	E	19	SW	NE	2200	--	25.5	Irrigation	4/2/1973
5	N	28	E	19	NW	SE	2200	--	38.9	Irrigation	4/2/1973
5	N	28	E	19	NE	SE	2200	--	37.3	Irrigation	4/2/1973

Place of Use Involved in Conservation Measures

Township		Range		Section	QQ	Q	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed on Certificate	Priority Date
5	N	28	E	19	SE	SE	2200	--	7.9	Irrigation	4/2/1973
5	N	28	E	19	SW	SE	2200	--	8.5	Irrigation	4/2/1973
5	N	28	E	19	NW	SW	2200	--	33.2	Irrigation	4/2/1973
5	N	28	E	19	NE	SW	2200	--	38.4	Irrigation	4/2/1973
5	N	28	E	19	SE	SW	2200	--	28.8	Irrigation	4/2/1973
5	N	28	E	19	SW	SW	2200	--	24.8	Irrigation	4/2/1973
5	N	28	E	29	NW	SW	2600	--	32	Irrigation	4/2/1973
5	N	28	E	29	SW	SW	2600	--	32	Irrigation	4/2/1973
5	N	28	E	30	NW	NW	2700	--	36.4	Irrigation	4/2/1973
5	N	28	E	30	NE	NW	2700	--	38	Irrigation	4/2/1973
5	N	28	E	30	SE	NW	2700	--	39.9	Irrigation	4/2/1973
5	N	28	E	30	SW	NW	2700	--	39.5	Irrigation	4/2/1973
5	N	28	E	30	NW	NE	2700	--	31.6	Irrigation	4/2/1973
5	N	28	E	30	NE	NE	2700	--	16.5	Irrigation	4/2/1973
5	N	28	E	30	SE	NE	2700	--	4.2	Irrigation	4/2/1973
5	N	28	E	30	SW	NE	2700	--	14.4	Irrigation	4/2/1973
5	N	28	E	30	NW	SE	2700	--	35.6	Irrigation	4/2/1973
5	N	28	E	30	NE	SE	2700	--	32.4	Irrigation	4/2/1973
5	N	28	E	30	SE	SE	2700	--	32.4	Irrigation	4/2/1973
5	N	28	E	30	SW	SE	2700	--	37.6	Irrigation	4/2/1973
5	N	28	E	30	NW	SW	2700	--	9	Irrigation	4/2/1973
5	N	28	E	30	NE	SW	2700	--	31.6	Irrigation	4/2/1973
5	N	28	E	30	SE	SW	2700	--	34.8	Irrigation	4/2/1973
5	N	28	E	30	SW	SW	2700	--	36	Irrigation	4/2/1973
5	N	28	E	31	NE	NW	2800	--	28.5	Irrigation	4/2/1973
5	N	28	E	31	SE	NW	2800	--	30.9	Irrigation	4/2/1973
5	N	28	E	31	NW	NE	2800	--	37.8	Irrigation	4/2/1973
5	N	28	E	31	NE	NE	2800	--	26.8	Irrigation	4/2/1973
5	N	28	E	31	SE	NE	2800	--	31.6	Irrigation	4/2/1973
5	N	28	E	31	SW	NE	2800	--	38.4	Irrigation	4/2/1973
5	N	28	E	32	NW	NW	300	--	26.4	Irrigation	4/2/1973
5	N	28	E	32	SW	NW	300	--	31.6	Irrigation	4/2/1973

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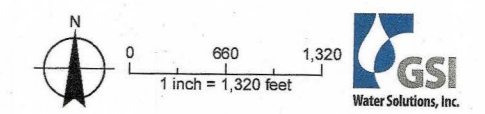
- LEGEND**
- ⊙ Authorized Point of Diversion (POD)
  - Waterline
  - ▨ Portion of Authorized Place of Use Involved in the Allocation of Conserved Water (2,374.5 ac)
  - Remaining Portion of Authorized Place of Use (596.8 ac.)
  - Major Road
  - ▭ City Boundary
  - ▭ County Boundary
  - Government Lot (GL)
  - ~ Watercourse
  - Waterbody

**LOCATION DESCRIPTION**  
**Amstad Diversion**  
 Located 2,270 feet North and 940 feet East from SW corner,  
 Section 13, Township 5 North, Range 27 East (WM)

**Allocation of Conserved Water**  
**Certificate 53731 (Permit S-37108)**  
**A Water Right held by Onyx Land Company, LL**  
 Township 5 North, Range 27, 28 East (W.M.)  
 Umatilla County

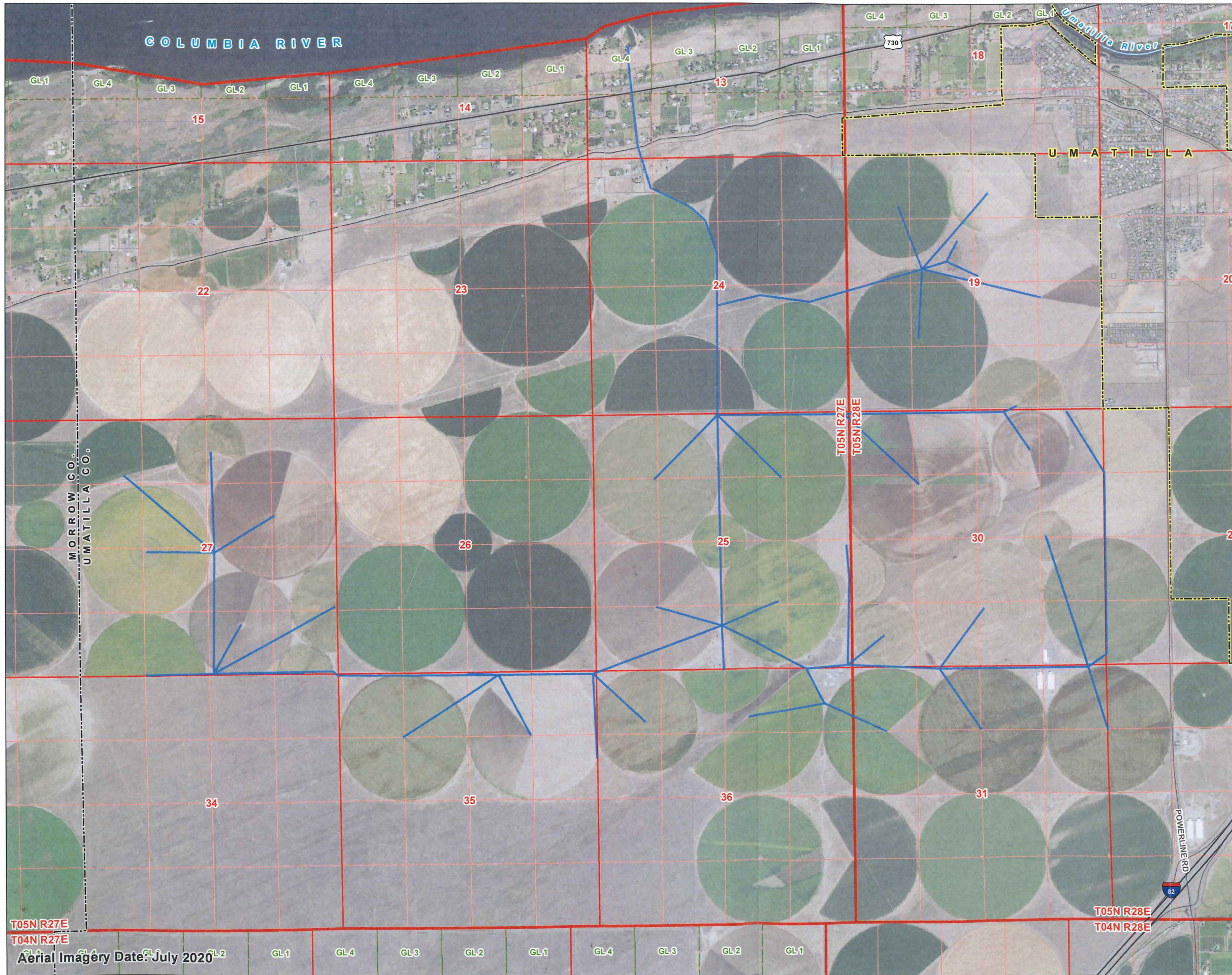
**DISCLAIMER**  
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: November 23, 2021  
 Data Sources: BLM, ESRI, OWRD, USGS, Umatilla Co., Gimmway Enterprises



CW-126



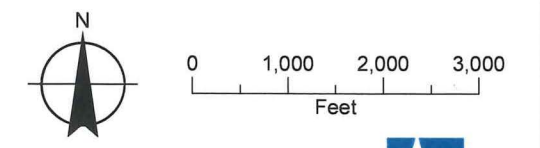


**Allocation of Conserved Water  
 Certificate 53731 (Permit S-37108)  
 A Water Right held by Onyx Land  
 Company, LLC  
 Township 5 North, Range 27, 28  
 East (W.M.)  
 Umatilla County**

- LEGEND**
- Waterline
  - Major Road
  - City Boundary
  - County Boundary
  - Government Lot (GL)
  - Watercourse

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**DISCLAIMER**  
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



Date: October 7, 2021  
 Data Sources: BLM, ESRI, ODOT, USGS,  
 USDA imagery (July 2020)

T05N R27E  
 T04N R27E

T05N R28E  
 T04N R28E

Aerial Imagery Date: July 2020