

**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-113,) ALLOCATION OF CONSERVED WATER
Hood River County) CW-113

Applicant

Dee Irrigation District
4835 O’Leary Road
Hood River, OR 97031

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.

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.

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 August 19, 2019, Dee Irrigation District (DID) filed an allocation of conserved water application under Certificate 86804. The Department assigned the application number CW-113.
2. The conservation delivery system project involved converting from old leaky piping with open water boxes to new enclosed pressurized piping. The conversion to pressurized piping is a proven technology for conserving water.
3. On December 31, 2019, a Final Order Approving Allocation of Conserved Water CW-113 (Final Order) was issued and mailed on January 3, 2020. The Final Order is recorded at Special Order Volume 114, Pages 680-692.
4. The Final Order established the deadline for submitting a Notice of Completion of February 1, 2020, which was subsequently extended to April 15, 2020. The Final Order established the deadline for submitting a Request for Finalization of November 1, 2023.
5. The Final Order allocated the conserved water 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
86804	100%	0.5	100.0	0	0	0	100%	0.5	100.0

6. The Final Order established the reduced rate and duty for the existing irrigation use under Certificate 86804 as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
86804	1.16	1/80	298.1	2.25

7. The Final Order allocated 100% of the conserved water to the State for instream use:

Certificate	Priority	Maximum Rate	Maximum Duty (Volume)
86804	February 10, 1978	0.5	100.0

8. On June 8, 2020, the Applicant filed a Notice of Completion.
9. On June 10, 2020, the Applicant electronically submitted a Request for Finalization.
10. On June 11, 2020, the Department issued a Final Order on Completion of Allocation of Conserved Water CW-113 (Completion Order), recorded at Special Order Volume 116, Pages 929-936.

Conclusions of Law

The Findings of Fact and Conclusions of Law set forth in the Final Order, recorded at Special Order Volume 114, Pages 680-692, and the Completion Order, recorded at Special Order Volume 116, Pages 929-936, are incorporated as if set forth fully herein. The project described in Allocation of Conserved Water Application CW-113, 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:

1. The project is complete and no modification of the allocation is necessary. The quantity of water conserved and allocated is 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
86804	100%	0.5	100.0	0	0	0	100%	0.5	100.0

2. 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 86804 and any related decree.
3. Water Right Certificate 86804 is cancelled. A superseding Certificate will be issued for the existing uses and places of use with the reduced rate and duty for the irrigation use as follows:

Certificate: 86804 in the name of DEE IRRIGATION DISTRICT (perfected under Permit S-43314)

Use: FROST PROTECTION of 102.0 ACRES, IRRIGATION of 132.7 ACRES, SPRAYING, AND STOCK USE

Priority Date: FEBRUARY 10, 1978

Rate: 12.5 CUBIC FEET PER SECOND (CFS), being 12.5 CFS for Frost Protection, 1.16 CFS for Irrigation, 1.0 CFS for Spraying, and 0.05 CFS for Stock Use

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH (1/80) 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 2.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and an annual volume limitation of 298.1 acre-feet.

Source: CAMP CREEK, tributary to the WEST FORK HOOD RIVER, with any deficiency in the available supply to be made up by diversions from a No Name Creek and the West Fork of Hood River

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	28	SW NW	NO NAME CREEK: 2050 FEET SOUTH AND 4280 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	29	SE NE	WEST FORK HOOD RIVER: 2100 FEET SOUTH AND 5190 FEET WEST FROM THE NE CORNER OF SECTION 28

Authorized Place of Use:

FROST PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	1	SE SE	10.0
1 N	9 E	WM	12	NE NE	10.0
1 N	9 E	WM	12	SE NE	10.0
1 N	9 E	WM	12	SE SE	36.0
1 N	9 E	WM	13	SE NW	26.0
1 N	9 E	WM	13	NE SW	10.0
Total					102.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	12	NE NE	1.0
1 N	9 E	WM	12	SE NE	7.3
1 N	9 E	WM	12	SW SW	6.0
1 N	9 E	WM	12	SE SW	4.0
1 N	9 E	WM	12	NE SE	8.9
1 N	9 E	WM	13	NE NE	11.8
1 N	9 E	WM	13	NW NE	1.9
1 N	9 E	WM	13	SE NE	10.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	13	NE NW	0.6
1 N	9 E	WM	13	NW NW	13.0
1 N	9 E	WM	13	SW NW	12.3
1 N	9 E	WM	13	NE SW	1.3
1 N	9 E	WM	13	NW SW	6.2
1 N	9 E	WM	13	SW SW	5.0
1 N	9 E	WM	13	SE SW	10.0
1 N	9 E	WM	13	NE SE	0.3
1 N	9 E	WM	13	SW SE	7.0
1 N	9 E	WM	14	NE NE	10.0
1 N	9 E	WM	14	SE NE	2.4
1 N	9 E	WM	14	NE SE	1.2
1 N	9 E	WM	14	SW SE	6.0
1 N	9 E	WM	14	SE SE	1.6
1 N	10 E	WM	7	NW NW	1.0
1 N	10 E	WM	7	NW SW	0.7
1 N	10 E	WM	7	SW SW	2.0
1 N	10 E	WM	18	NW NW	1.2
Total					132.7

SPRAYING & STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	9 E	WM	1	NW NE
1 N	9 E	WM	1	SW NE
1 N	9 E	WM	1	SE NE
1 N	9 E	WM	1	SE SW
1 N	9 E	WM	1	NE SE
1 N	9 E	WM	1	NW SE
1 N	9 E	WM	1	SW SE
1 N	9 E	WM	1	SE SE
1 N	9 E	WM	12	NE NE
1 N	9 E	WM	12	NW NE
1 N	9 E	WM	12	SW NE
1 N	9 E	WM	12	SE NE
1 N	9 E	WM	12	NE NW
1 N	9 E	WM	12	SE NW
1 N	9 E	WM	12	NE SW
1 N	9 E	WM	12	NW SW
1 N	9 E	WM	12	SW SW
1 N	9 E	WM	12	SE SW
1 N	9 E	WM	12	NE SE
1 N	9 E	WM	12	NW SE
1 N	9 E	WM	12	SW SE
1 N	9 E	WM	12	SE SE
1 N	9 E	WM	13	NE NE
1 N	9 E	WM	13	NW NE
1 N	9 E	WM	13	SW NE
1 N	9 E	WM	13	SE NE
1 N	9 E	WM	13	NE NW

SPRAYING & STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	9 E	WM	13	NW NW
1 N	9 E	WM	13	SW NW
1 N	9 E	WM	13	SE NW
1 N	9 E	WM	13	NE SW
1 N	9 E	WM	13	NW SW
1 N	9 E	WM	13	SW SW
1 N	9 E	WM	13	SE SW
1 N	9 E	WM	13	NE SE
1 N	9 E	WM	13	NW SE
1 N	9 E	WM	13	SW SE
1 N	9 E	WM	14	NE NE
1 N	9 E	WM	14	SW NE
1 N	9 E	WM	14	SE NE
1 N	9 E	WM	14	NE SE
1 N	9 E	WM	14	NW SE
1 N	9 E	WM	14	SW SE
1 N	9 E	WM	14	SE SE
1 N	10 E	WM	6	SW SW
1 N	10 E	WM	7	NW NW
1 N	10 E	WM	7	SW NW
1 N	10 E	WM	7	NW SW
1 N	10 E	WM	7	SW SW
1 N	10 E	WM	18	NW NW
1 N	10 E	WM	18	SW NW
1 N	10 E	WM	18	NW SW

4. Water use measurement conditions:

- a. The water user shall maintain the meters or measuring devices in good working order.
- b. 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.

5. 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	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

From the authorized point of diversion for Camp Creek under Certificate 86804:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28

To the mouth of Camp Creek at its confluence of the West Fork of Hood River at approximately RM 6.0.

Reach 2:

Source: Camp Creek, tributary to West Fork Hood River

From the confluence of Camp Creek and the West Fork Hood River at approximately RM 6.0, in the NWNE of Section 28, Township 1 North, Range 9 East, W.M. at approximately Latitude: 45.5487398718, Longitude: -121.7003085908:

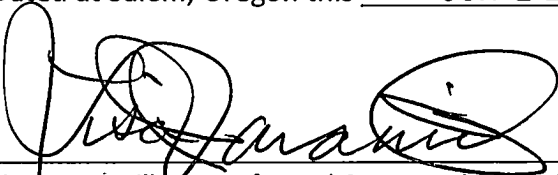
Priority Date	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

To the mouth of the West Fork of Hood River at River Mile 0.0 at its confluence with Hood River.

Within the specified stream reaches, 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 and be in addition to instream water rights established pursuant to ORS 537.346, 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.

Dated at Salem, Oregon this JUN 22 2020.



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

Mailing Date: JUN 23 2020