

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of the Proposed Allocation     )     DETERMINATION and ORDER  
of Conserved Water, Certificate 50401 and    )     ON PROPOSED ALLOCATION  
Certificate 26001, Umatilla County, Oregon )     OF CONSERVED WATER

Pursuant to ORS 537.470 and OAR Chapter 690, Division 18, this determination and ORDER is issued on the application for allocation of conserved water submitted by:

Marvin Sams  
53012 County Road  
Milton-Freewater OR 97862

**Background**

The application for the allocation of conserved water involves a reduction in the maximum rate of diversion under the portions of Certificates 50401 and 32348 appurtenant to the applicant's property, being 8.71 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T6 N, R 35 E, WM. The application further proposes an allocation of the water conserved in the manner described below.

The portion of Certificate 50401 appurtenant to the applicant's property is limited to 48.86 gallons per minute (gpm), or 0.1089 cubic feet per second (cfs) from the Little Walla Walla River, with a priority date of March 25, 1912. The appurtenant portion of Certificate 26001 is limited to 97.7 gallons per minute (gpm), or 0.2177 cubic feet per second (cfs) from the Little Walla Walla River, with a priority date of January 16, 1959. Both Certificates are for irrigation use on lands within the Walla Walla Irrigation District, including the 8.71 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T6 N, R 35 E, WM, which are the subject of this application for the allocation of conserved water.

The applicant converted first from ditch to high pressure sprinklers pumping from a covered concrete system bulge in 1972. In 1996 the applicant increased the capacity of the system bulge from 30,000 gallons to 82,340 gallons, and converted to low pressure sprinklers on electric valves. As a result, the applicant has reduced the amount of water necessary for irrigation of the subject lands from 146.3 gpm to 82.75 gpm / 0.185 cfs, and has conserved 63.55 gpm / 0.14 cfs.

The applicant requests an allocation of the amount of water conserved as follows:

75% of the water conserved, or 47.52 gpm / 0.106 cfs, being 15.71 gpm/ 0.035 cfs under a priority of 1912 and 31.86 gpm/ 0.071 cfs under a priority of 1959, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE $\frac{1}{4}$  Sec. 33, T6 N, R 35 E., WM.; and

25% of the water conserved, or 15.71 gpm / 0.035 cfs, being 0.0116 cfs under a priority of 1912 and 0.0233 cfs under a priority of 1959, to an instream right in the Walla Walla River. The reach for the instream right is from the Little Walla Walla headgate-diversion from the Walla Walla River at approximately rivermile 46 in the SW¼ NE¼ Sec. 12, T 5 N, R 35 E, to the next senior water right diversion.

Notice of the application for allocation of conserved water was provided as required by OAR 690-18-050(a). The Walla Walla Irrigation District having provided a letter of support for this project, it was determined that no other parties required notification under OAR 690-18-050(b). No comments were received in response to the published notice.

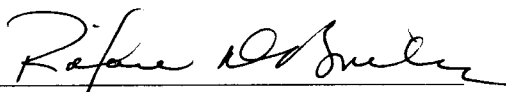
### **Determination and ORDER**

1. The proposed allocation of conserved water will result in a reduced diversion for the use allowed under the original water rights.
2. The proposed allocation of conserved water will not harm existing water rights.
3. The application is consistent with the requirements established in OAR 690-05-045, Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans.
4. No quantity of conserved water is needed to mitigate for harm to existing water rights. One hundred percent of the conserved water may be allocated to the uses as proposed.
5. The applicant is allocated 75% of the conserved water, being 47.52 gpm / 0.106 cfs, being 15.71 gpm/ 0.035 cfs under a priority of 1912 and 31.86 gpm/ 0.071 cfs under a priority of 1959, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE¼ Sec. 33, T6 N, R 35 E., WM.
6. The remaining 25% of the conserved water, being or 15.71 gpm / 0.035 cfs, being 0.0116 cfs under a priority of 1912 and 0.0233 cfs under a priority of 1959, is allocated to an instream right in the Walla Walla River. The reach for the instream right is from the Little Walla Walla headgate-diversion from the Walla Walla River at approximately rivermile 46 in the SW¼ NE¼ Sec. 12, T 5 N, R 35 E, to the next senior water right diversion.
7. The conserved water proposed for allocation to an instream right is needed for and will benefit the existing instream water right in the Walla Walla river.
8. The authorized period of use of the allocated conserved water is year-round, whenever beneficial use may be made.

NOW, THEREFORE, it is ORDERED:

1. Certificates 50401 and 32348 be and the same are hereby cancelled.
2. The Department shall issue a confirming right Certificate for use of water from the Little Walla Walla River in the amount of 27.583 gpm / 0.0617 cfs for irrigation of 8.71 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T6 N, R 35 E, WM, with a priority date of March 25, 1912; and a confirming right Certificate for use of water from the Little Walla Walla River in the amount of 55.166 gpm / 0.123 cfs for irrigation of 8.71 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T6 N, R 35 E, WM, with a priority date of January 16, 1959
3. The Department shall issue remaining rights certificates for those portions of Certificates 50401 and 32348 NOT involved in this conserved water project.
4. The Department shall issue a new Certificate to the applicant for use of water from the Little Walla Walla River in the amount of 15.71 gpm/ 0.035 cfs under a priority of March 25, 1912, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE $\frac{1}{4}$  Sec. 33, T6 N, R 35 E., WM, and a new Certificate to the applicant for use of water from the Little Walla Walla River in the amount of 31.86 gpm/ 0.071 cfs under a priority of January 16, 1959, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE $\frac{1}{4}$  Sec. 33, T6 N, R 35 E., WM. \*
5. The Department shall issue a Certificate for an in-stream water right in the Walla Walla River for 0.0116 cfs under a priority of March 25, 1912 plus one minute, and a Certificate for an in-stream right in the Walla Walla River for 0.0233 cfs under a priority of January 16, 1959 plus one minute. The reach for both instream rights is from the Little Walla Walla headgate-diversion from the Walla Walla River at approximately rivermile 46 in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 12, T 5 N, R 35 E, to the next senior water right diversion.

Witness the signature on behalf of the Department Director, affixed 9-1-99

  
Richard D. Bailey, Division Administrator

Issued this 1st day of September, 1999.

\* See Spec. Order Vol. 54, Page 835  
modifying this paragraph.