

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

In the Matter of Allocation of Conserved     ) FINAL ORDER APPROVING COMPLETION OF  
Water Application CW-133,                     ) ALLOCATION OF CONSERVED WATER  
Hood River County                         ) CW-133

**Applicant**

East Fork Irrigation District  
PO Box 162  
Odell, OR 97044  
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**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 January 23, 2023, East Fork Irrigation District (the District) filed an allocation of conserved water application under Certificate 92000. The Department assigned the application number CW-133.
2. On June 19, 2007, the District adopted an Allocation of Conserved Water Policy pursuant to OAR 690-018-0025. On August 11, 2020, the District reviewed and renewed the District’s Allocation of Conserved Water Policy.
3. The conservation project involves modifying the water delivery system by replacing approximately 5,217 feet of existing wood, concrete, and non-pressurized PVC pipe, with pressure rated pipe, eliminating seepage losses, overflow, and/or operational spills. The conversion to pressure rated piping is a proven technology for conserving water.
4. Application CW-133 proposes a rate reduction of approximately 1.0 cubic foot per second (cfs) and proposes to reduce the annual volume by 240.0 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
92000	100.5	1/80	23,936.78	3.0	99.5	1/80	23,696.78	2.78	1.0	240.0

5. The right to be modified by CW-133 is as follows:

**Certificate:** 92000 in the name of EAST FORK IRRIGATION DISTRICT (confirmed by Hood River Decree)

**Use:** IRRIGATION of 8498.27 ACRES, 33.5 INCHOATE, and 15.0 ACRES EQUIVALENT INDUSTRIAL

**Priority Date:** NOVEMBER 25, 1895

**Rate:** 100.50 CUBIC FEET PER SECOND (CFS), being 99.93 CFS for IRRIGATION, 0.39 CFS for INCHOATE ACRES, and 0.18 CFS for INDUSTRIAL USE

**Limit/Duty:** The amount of water used for irrigation, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and an annual volume limitation of 23,936.78 ACRE-FEET per year.

**Source:** EAST FORK HOOD RIVER, tributary to HOOD RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 N	10 E	WM	1	NE NE	1	5.65
1 N	10 E	WM	1	NW NE	2	18.00
1 N	10 E	WM	1	SW NE		16.25
1 N	10 E	WM	1	SE NE		27.10
1 N	10 E	WM	1	NE NW	3	8.00
1 N	10 E	WM	1	NW NW	4	32.20
1 N	10 E	WM	1	SW NW		40.00
1 N	10 E	WM	1	SE NW		14.20
1 N	10 E	WM	1	NE SW		33.60
1 N	10 E	WM	1	NW SW		36.40
1 N	10 E	WM	1	SW SW		3.40
1 N	10 E	WM	1	SE SW		10.00
1 N	10 E	WM	1	NW SE		7.80
1 N	10 E	WM	2	NE NE	1	29.30
1 N	10 E	WM	2	NW NE	2	26.60
1 N	10 E	WM	2	SW NE		34.80
1 N	10 E	WM	2	SE NE		36.40
1 N	10 E	WM	2	NE NW	3	30.20
1 N	10 E	WM	2	NW NW	4	28.80
1 N	10 E	WM	2	SW NW		2.80
1 N	10 E	WM	2	SE NW		7.50
1 N	10 E	WM	2	NE SW		2.40
1 N	10 E	WM	2	NW SW		3.30

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 N	10 E	WM	2	SW SW		6.55
1 N	10 E	WM	2	NE SE		29.70
1 N	10 E	WM	2	NW SE		0.30
1 N	10 E	WM	2	SE SE		2.90
1 N	10 E	WM	3	NE NE	1	32.20
1 N	10 E	WM	3	NW NE	2	36.50
1 N	10 E	WM	3	SW NE	7	25.00
1 N	10 E	WM	3	SE NE	8	6.20
1 N	10 E	WM	3	NE NW	3	24.80
1 N	10 E	WM	3	NW NW	4	23.70
1 N	10 E	WM	3	SW NW	5	16.40
1 N	10 E	WM	3	SE NW	6	8.70
1 N	10 E	WM	3	NE SW	11	5.80
1 N	10 E	WM	3	NW SW	12	7.20
1 N	10 E	WM	3	SE SW	14	2.00
1 N	10 E	WM	3	NW SE	10	8.60
1 N	10 E	WM	3	SE SE	16	0.60
1 N	10 E	WM	10	NE NE	1	1.40
1 N	10 E	WM	10	NW NE	2	14.00
1 N	10 E	WM	10	SE NE	8	7.82
1 N	10 E	WM	10	NE NW	3	25.80
1 N	10 E	WM	10	NW NW	4	3.90
1 N	10 E	WM	10	SW NW	5	0.50
1 N	10 E	WM	10	SE NW	6	0.10
1 N	10 E	WM	10	NE SE	9	8.10
1 N	10 E	WM	10	NW SE	10	3.60
1 N	10 E	WM	10	SW SE	15	0.90
1 N	10 E	WM	10	SE SE	16	2.60
1 N	10 E	WM	11	SW NE		28.40
1 N	10 E	WM	11	SE NE		5.20
1 N	10 E	WM	11	SE NW		6.40
1 N	10 E	WM	11	NE SW		1.40
1 N	10 E	WM	11	NW SW		0.25
1 N	10 E	WM	11	SW SW		4.20
1 N	10 E	WM	11	SE SW		13.40
1 N	10 E	WM	11	NE SE		6.40
1 N	10 E	WM	11	NW SE		38.70
1 N	10 E	WM	15	NE NE	1	28.80
1 N	10 E	WM	15	NW NE	2	7.15
1 N	10 E	WM	15	SW NE	7	16.45
1 N	10 E	WM	15	SE NE	8	15.50
1 N	10 E	WM	15	NE NW	3	0.25
1 N	10 E	WM	15	SE NW	6	8.25

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 N	10 E	WM	15	SE SW	14	32.00
1 N	10 E	WM	15	NE SE	9	3.70
1 N	10 E	WM	15	NW SE	10	10.70
1 N	10 E	WM	15	SW SE	15	27.20
1 N	10 E	WM	15	SE SE	16	2.60
1 N	10 E	WM	22	NW NE	2	26.20
1 N	10 E	WM	22	SW NE	7	1.00
1 N	10 E	WM	22	NE NW	3	26.20
1 N	10 E	WM	22	SE NW	6	27.15
1 N	10 E	WM	22	NW SE	10	19.20
1 N	10 E	WM	22	SW SE	15	10.00
1 N	10 E	WM	27	NW NE	2	16.60
1 N	11 E	WM	6	NW NW	4	2.00
1 N	11 E	WM	6	SW NW	5	2.10
2 N	10 E	WM	1	SE NE		19.70
2 N	10 E	WM	1	NE SE		15.80
2 N	10 E	WM	1	SE SE		16.60
2 N	10 E	WM	12	NE NE		34.20
2 N	10 E	WM	12	NW NE		9.00
2 N	10 E	WM	12	SW NE		18.60
2 N	10 E	WM	12	SE NE		30.40
2 N	10 E	WM	12	SE NW		6.20
2 N	10 E	WM	12	NE SW		19.00
2 N	10 E	WM	12	SW SW		0.30
2 N	10 E	WM	12	SE SW		32.60
2 N	10 E	WM	12	NE SE		38.20
2 N	10 E	WM	12	NW SE		30.70
2 N	10 E	WM	12	SW SE		37.70
2 N	10 E	WM	12	SE SE		32.80
2 N	10 E	WM	13	NE NE		7.20
2 N	10 E	WM	13	NW NE		40.00
2 N	10 E	WM	13	SW NE		36.05
2 N	10 E	WM	13	SE NE		31.20
2 N	10 E	WM	13	NE NW		37.40
2 N	10 E	WM	13	NW NW		30.95
2 N	10 E	WM	13	SW NW		21.95
2 N	10 E	WM	13	SE NW		37.60
2 N	10 E	WM	13	NE SW		30.90
2 N	10 E	WM	13	NW SW		18.30
2 N	10 E	WM	13	SW SW		34.50
2 N	10 E	WM	13	SE SW		18.70
2 N	10 E	WM	13	NE SE		37.60
2 N	10 E	WM	13	NW SE		30.80

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	10 E	WM	13	SW SE		31.00
2 N	10 E	WM	13	SE SE		37.00
2 N	10 E	WM	14	SW NE		13.70
2 N	10 E	WM	14	SE NE		24.60
2 N	10 E	WM	14	SE NW		2.00
2 N	10 E	WM	14	NE SW		22.80
2 N	10 E	WM	14	NW SW		0.80
2 N	10 E	WM	14	SW SW		10.20
2 N	10 E	WM	14	SE SW		30.80
2 N	10 E	WM	14	NE SE		31.05
2 N	10 E	WM	14	NW SE		34.50
2 N	10 E	WM	14	SW SE		36.50
2 N	10 E	WM	14	SE SE		38.00
2 N	10 E	WM	15	NE SE		0.40
2 N	10 E	WM	15	SW SE		10.60
2 N	10 E	WM	15	SE SE		33.20
2 N	10 E	WM	16	SW SE		4.00
2 N	10 E	WM	16	SE SE		0.60
2 N	10 E	WM	20	NE SE		12.20
2 N	10 E	WM	20	SW SE		13.30
2 N	10 E	WM	20	SE SE		25.80
2 N	10 E	WM	21	NE NE		14.95
2 N	10 E	WM	21	NW NE		20.60
2 N	10 E	WM	21	SW NE		39.50
2 N	10 E	WM	21	SE NE		38.00
2 N	10 E	WM	21	NE NW		3.40
2 N	10 E	WM	21	SW NW		12.80
2 N	10 E	WM	21	SE NW		22.40
2 N	10 E	WM	21	NE SW		18.20
2 N	10 E	WM	21	NW SW		37.40
2 N	10 E	WM	21	SW SW		12.40
2 N	10 E	WM	21	SE SW		22.50
2 N	10 E	WM	21	NE SE		38.85
2 N	10 E	WM	21	NW SE		38.50
2 N	10 E	WM	21	SW SE		34.00
2 N	10 E	WM	21	SE SE		39.00
2 N	10 E	WM	22	NE NE		26.50
2 N	10 E	WM	22	NW NE		38.30
2 N	10 E	WM	22	SW NE		35.80
2 N	10 E	WM	22	SE NE		29.80
2 N	10 E	WM	22	NE NW		33.20
2 N	10 E	WM	22	NW NW		31.50
2 N	10 E	WM	22	SW NW		37.70

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	10 E	WM	22	SE NW		38.00
2 N	10 E	WM	22	NE SW		36.30
2 N	10 E	WM	22	NW SW		39.20
2 N	10 E	WM	22	SW SW		38.40
2 N	10 E	WM	22	SE SW		32.00
2 N	10 E	WM	22	NE SE		35.85
2 N	10 E	WM	22	NW SE		33.80
2 N	10 E	WM	22	SW SE		36.00
2 N	10 E	WM	22	SE SE		36.55
2 N	10 E	WM	23	NE NE		41.40
2 N	10 E	WM	23	NW NE		41.20
2 N	10 E	WM	23	SW NE		40.00
2 N	10 E	WM	23	SE NE		40.00
2 N	10 E	WM	23	NE NW		38.80
2 N	10 E	WM	23	NW NW		31.80
2 N	10 E	WM	23	SW NW		33.60
2 N	10 E	WM	23	SE NW		38.20
2 N	10 E	WM	23	NE SW		40.00
2 N	10 E	WM	23	NW SW		16.20
2 N	10 E	WM	23	SW SW		24.35
2 N	10 E	WM	23	SE SW		40.00
2 N	10 E	WM	23	NE SE		38.80
2 N	10 E	WM	23	NW SE		39.70
2 N	10 E	WM	23	SW SE		36.80
2 N	10 E	WM	23	SE SE		39.40
2 N	10 E	WM	24	NE NE		37.40
2 N	10 E	WM	24	NW NE		25.40
2 N	10 E	WM	24	SW NE		30.60
2 N	10 E	WM	24	SE NE		34.60
2 N	10 E	WM	24	NE NW		23.40
2 N	10 E	WM	24	NW NW		40.20
2 N	10 E	WM	24	SW NW		36.40
2 N	10 E	WM	24	SE NW		17.10
2 N	10 E	WM	24	NE SW		26.60
2 N	10 E	WM	24	NW SW		29.60
2 N	10 E	WM	24	SW SW		31.20
2 N	10 E	WM	24	SE SW		33.50
2 N	10 E	WM	24	NE SE		36.60
2 N	10 E	WM	24	NW SE		17.00
2 N	10 E	WM	24	SW SE		9.10
2 N	10 E	WM	24	SE SE		30.15
2 N	10 E	WM	25	NE NE		18.60
2 N	10 E	WM	25	NW NE		13.00

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	10 E	WM	25	SE NE		4.00
2 N	10 E	WM	25	NE NW		38.80
2 N	10 E	WM	25	NW NW		31.80
2 N	10 E	WM	25	SW NW		8.15
2 N	10 E	WM	25	SE NW		9.40
2 N	10 E	WM	25	NE SW		32.70
2 N	10 E	WM	25	NW SW		9.70
2 N	10 E	WM	25	SW SW		12.60
2 N	10 E	WM	25	SE SW		1.70
2 N	10 E	WM	25	NW SE		18.40
2 N	10 E	WM	25	SW SE		23.30
2 N	10 E	WM	25	SE SE		24.30
2 N	10 E	WM	26	NE NE		33.00
2 N	10 E	WM	26	NW NE		8.80
2 N	10 E	WM	26	SW NE		33.85
2 N	10 E	WM	26	SE NE		37.85
2 N	10 E	WM	26	NE NW		33.05
2 N	10 E	WM	26	NW NW		27.03
2 N	10 E	WM	26	SW NW		6.96
2 N	10 E	WM	26	SE NW		23.98
2 N	10 E	WM	26	SW SW		12.80
2 N	10 E	WM	26	SE SW		36.60
2 N	10 E	WM	26	NE SE		13.15
2 N	10 E	WM	26	SW SE		31.80
2 N	10 E	WM	26	SE SE		23.95
2 N	10 E	WM	27	NE NE		6.30
2 N	10 E	WM	27	NW NE		23.60
2 N	10 E	WM	27	SW NE		6.00
2 N	10 E	WM	27	SE NE		5.00
2 N	10 E	WM	27	NE NW		8.00
2 N	10 E	WM	27	NW NW		24.05
2 N	10 E	WM	27	SW NW		26.40
2 N	10 E	WM	27	SE NW		14.40
2 N	10 E	WM	27	NE SW		11.80
2 N	10 E	WM	27	NW SW		21.50
2 N	10 E	WM	27	SW SW		7.60
2 N	10 E	WM	27	SE SW		16.60
2 N	10 E	WM	27	NE SE		33.10
2 N	10 E	WM	27	NW SE		38.20
2 N	10 E	WM	27	SW SE		30.80
2 N	10 E	WM	27	SE SE		30.00
2 N	10 E	WM	28	NE NE		29.45
2 N	10 E	WM	28	NW NE		35.05



IRRIGATION						
Twp	Ring	Mer	Sec	Q-Q	G-Lot	Acres
2N	10 E	WM	28	SW NE		28.50
2N	10 E	WM	28	SE NE		31.40
2N	10 E	WM	28	NE NW		10.75
2N	10 E	WM	28	NW NW		1.90
2N	10 E	WM	28	SE NW		0.40
2N	10 E	WM	28	NE SE		13.20
2N	10 E	WM	28	NW SE		24.00
2N	10 E	WM	28	SW SE		11.80
2N	10 E	WM	28	SE SE		11.20
2N	10 E	WM	29	NE NE		2.70
2N	10 E	WM	29	NW NE		28.60
2N	10 E	WM	29	SW NE		1.00
2N	10 E	WM	29	NE NW		6.80
2N	10 E	WM	29	SE NW		19.60
2N	10 E	WM	29	NW SW		7.80
2N	10 E	WM	29	SW SW		2.70
2N	10 E	WM	30	NE SE		8.90
2N	10 E	WM	30	SE SE		6.00
2N	10 E	WM	33	NE SE		0.10
2N	10 E	WM	34	NE NE		25.80
2N	10 E	WM	34	NW NE		37.40
2N	10 E	WM	34	SW NE		37.50
2N	10 E	WM	34	SE NE		32.90
2N	10 E	WM	34	NE NW		13.70
2N	10 E	WM	34	NW NW		4.90
2N	10 E	WM	34	SW NW		19.00
2N	10 E	WM	34	SE NW		9.40
2N	10 E	WM	34	NE SW		28.20
2N	10 E	WM	34	NW SW		27.90
2N	10 E	WM	34	SW SW		27.00
2N	10 E	WM	34	SE SW		37.70
2N	10 E	WM	34	NE SE		33.80
2N	10 E	WM	34	NW SE		32.40
2N	10 E	WM	34	SW SE		38.80
2N	10 E	WM	34	SE SE		38.30
2N	10 E	WM	35	NE NE		36.60
2N	10 E	WM	35	NW NE		23.75
2N	10 E	WM	35	SW NE		13.40
2N	10 E	WM	35	SE NE		3.70
2N	10 E	WM	35	NE NW		27.80
2N	10 E	WM	35	NW NW		16.40
2N	10 E	WM	35	SW NW		37.85
2N	10 E	WM	35	SE NW		24.90

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	10 E	W/M	35	NE SW		31.70
2 N	10 E	W/M	35	NW SW		36.70
2 N	10 E	W/M	35	SW SW		32.20
2 N	10 E	W/M	35	SE SW		30.00
2 N	10 E	W/M	35	NE SE		37.80
2 N	10 E	W/M	35	NW SE		34.30
2 N	10 E	W/M	35	SW SE		38.00
2 N	10 E	W/M	35	SE SE		34.40
2 N	10 E	W/M	36	NE NE		12.80
2 N	10 E	W/M	36	NW NE		17.40
2 N	10 E	W/M	36	SE NE		21.00
2 N	10 E	W/M	36	NE NW		35.35
2 N	10 E	W/M	36	NW NW		27.30
2 N	10 E	W/M	36	SW NW		19.20
2 N	10 E	W/M	36	SE NW		23.15
2 N	10 E	W/M	36	NE SW		9.80
2 N	10 E	W/M	36	NW SW		22.20
2 N	10 E	W/M	36	SW SW		37.30
2 N	10 E	W/M	36	SE SW		28.00
2 N	10 E	W/M	36	NE SE		1.60
2 N	10 E	W/M	36	NW SE		1.60
2 N	10 E	W/M	36	SW SE		23.50
2 N	10 E	W/M	36	SE SE		0.60
2 N	11 E	W/M	6	NW NE		10.80
2 N	11 E	W/M	6	SW NE		1.80
2 N	11 E	W/M	6	NE NW		38.40
2 N	11 E	W/M	6	NW NW		23.60
2 N	11 E	W/M	6	SW NW		21.30
2 N	11 E	W/M	6	SE NW		24.48
2 N	11 E	W/M	6	NE SW		26.50
2 N	11 E	W/M	6	NW SW		37.00
2 N	11 E	W/M	6	SW SW		32.00
2 N	11 E	W/M	6	SE SW		33.40
2 N	11 E	W/M	6	NW SE		1.00
2 N	11 E	W/M	6	SW SE		10.40
2 N	11 E	W/M	7	NW NE		18.60
2 N	11 E	W/M	7	SW NE		36.90
2 N	11 E	W/M	7	SE NE		7.60
2 N	11 E	W/M	7	NE NW		36.40
2 N	11 E	W/M	7	NW NW		38.60
2 N	11 E	W/M	7	SW NW		39.80
2 N	11 E	W/M	7	SE NW		40.00

IRRIGATION

Twtp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	11 E	WM	7	NE SW		39.80
2 N	11 E	WM	7	NW SW		38.00
2 N	11 E	WM	7	SW SW		39.10
2 N	11 E	WM	7	SE SW		38.80
2 N	11 E	WM	7	NE SE		5.40
2 N	11 E	WM	7	NW SE		40.00
2 N	11 E	WM	7	SW SE		39.00
2 N	11 E	WM	7	SE SE		3.40
2 N	11 E	WM	18	NE NE		24.60
2 N	11 E	WM	18	NW NE		32.00
2 N	11 E	WM	18	SW NE		29.90
2 N	11 E	WM	18	SE NE		23.20
2 N	11 E	WM	18	NE NW		37.95
2 N	11 E	WM	18	NW NW		39.80
2 N	11 E	WM	18	SW NW		35.95
2 N	11 E	WM	18	SE NW		39.50
2 N	11 E	WM	18	NE SW		38.40
2 N	11 E	WM	18	NW SW		38.80
2 N	11 E	WM	18	SW SW		35.00
2 N	11 E	WM	18	SE SW		33.90
2 N	11 E	WM	18	NE SE		27.00
2 N	11 E	WM	18	NW SE		39.20
2 N	11 E	WM	18	SW SE		37.40
2 N	11 E	WM	18	SE SE		28.20
2 N	11 E	WM	19	NE NE		4.95
2 N	11 E	WM	19	NW NE		32.60
2 N	11 E	WM	19	SW NE		33.20
2 N	11 E	WM	19	SE NE		2.80
2 N	11 E	WM	19	NE NW		25.40
2 N	11 E	WM	19	NW NW		33.40
2 N	11 E	WM	19	SW NW		33.00
2 N	11 E	WM	19	SE NW		33.10
2 N	11 E	WM	19	NE SW		22.10
2 N	11 E	WM	19	NW SW		35.90
2 N	11 E	WM	19	SW SW		38.40
2 N	11 E	WM	19	SE SW		28.50
2 N	11 E	WM	19	NE SE		4.20
2 N	11 E	WM	19	NW SE		34.20
2 N	11 E	WM	19	SW SE		18.40
2 N	11 E	WM	30	NW NE		4.40
2 N	11 E	WM	30	SW NE		2.60
2 N	11 E	WM	30	NE NW		17.95
2 N	11 E	WM	30	NW NW		32.70

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 N	11 E	WM	30	SW NW		32.65
2 N	11 E	WM	30	SE NW		13.00
2 N	11 E	WM	30	NW SW		18.80
3 N	10 E	WM	36	SE NE		14.20
3 N	10 E	WM	36	NE SE		4.40
3 N	11 E	WM	31	NW NE	2	8.90
3 N	11 E	WM	31	NE NW		13.10
3 N	11 E	WM	31	NW NW		0.40
3 N	11 E	WM	31	SW NW		5.70
3 N	11 E	WM	31	SE NW		9.60
3 N	11 E	WM	31	NE SW		18.60
3 N	11 E	WM	31	NW SW		9.70
3 N	11 E	WM	31	SW SW		10.70
3 N	11 E	WM	31	SE SW		15.70
Total						8531.77

INDUSTRIAL						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres Equivalent
1 S	10 E	WM	10	SE NE	8	15.0
1 S	10 E	WM	10	NE SE	9	
1 S	10 E	WM	11	NW NW		
1 S	10 E	WM	11	SW NW		
1 S	10 E	WM	11	NW SW		

6. Certificate 92000 does not describe the period of use of the right. Under the terms and conditions of the Final Decree of the Circuit Court for Hood River County dated October 24, 1921, the irrigation season was fixed as beginning on the 15<sup>th</sup> day of April and ending on the 1<sup>st</sup> day of October of each year (Decree Finding No. 23). However, additional information is available from the decree indicating the duty allowed for the right is 3.0 acre-feet/acre (AF/ac), with a rate of 1/80 cfs/acre (Decree Finding No. 28) for 120 days.
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 sprinkler 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
92000	100%	1.0	240.0	0	0	0	100%	1.0	240.0

10. The Applicant requests that the priority date for any conserved water be one minute junior to the originating right.
11. The Applicant received over 95% of non-reimbursable state and federal funds for the conservation project.
12. The Applicant submitted a completed Land Use Form from Hood River County that indicated the proposed use was allowed outright or is not regulated by Hood River County's comprehensive plan.
13. 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, other ecological values, and water quality.
14. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 92000 from the authorized point of diversion to the mouth of the mainstem Hood River at approximately River Mile 0.0.
15. The Applicant submitted a Notice of Completion with the application indicating the project was complete, and the implementation of the conservation measures began no earlier than November 30, 2022. The Applicant provided evidence that it attempted to identify and resolve the concerns of water right holders in the area, governmental entities and other organizations who have asked to be consulted. The Applicant will submit a Request for Finalization of the allocation on or before June 30, 2024.
16. The application meets the requirements of OAR 690-018-0040.
17. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (DEQ) to ascertain whether the proposed instream flows are necessary to support instream flow uses. The Department has determined the proposed instream flows are necessary to support instream flow uses. The East Fork Hood River, below the EFID diversion for the East Fork Main Canal, is water quality limited for iron (year round), copper (year round), thallium (year round), biological criteria (year round), and temperature (year round and spawning). Instream Water Right Certificate 94270 exists in the stream reach where the proposed instream water right is to be protected may not always be met. The public benefit or use for the proposed instream water right is for the same instream flow purposes. The priority date of Certificate 94270 is NOVEMBER 25, 1895, *plus one minute*. Replacing a portion of Certificate 94270 with an earlier priority date supports the public benefits.

18. Notice of the proposed conservation project was published in the Department’s weekly notice on March 7, 2023, and in the Columbia Gorge News newspaper on March 8 and 15, 2023, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.
19. On August 4, 2023, the Department issued a Preliminary Determination proposing to approve Allocation of Conserved Water application CW-133, and mailed a copy to the Applicant. No protests were filed within 60 days from the date of mailing the Preliminary Determination. OAR 690-018-0050(6).

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

20. 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).
21. On January 30, 2023, the District #3 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).
22. 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 #12).
23. 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-133 under Certificate 92000 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
92000	99.5	1/80	23,696.78	2.78

(Finding of Fact #4).

24. 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)
November 25, 1895, <i>plus one minute</i>	1.0	240.0

(Finding of Fact #9).

25. As required by OAR 690-018-0050(4)(f), in consultation with ODFW, the Department has determined that the instream right created will support public benefits. The East Fork Hood River contains critical habitat for several fish species, which are currently listed under the Endangered Species Act. The proposed instream water right will also provide flows for necessary for supporting aquatic life and anadromous and resident fish habitat which are not always met under the current instream water rights. (Finding of Fact #17).

26. The new instream water right created will be protected in East Fork Hood River from the authorized point of diversion as described in Finding of Fact #5, at approximately River Mile 6.4 to the mouth to the mouth of the East Fork Hood River, described as where the East Fork and West Fork Hood River join to form the mainstem Hood River. This is further described as Hood River Mile 12.5 in the NWNE of Section 1, Township 1 North, Range 9 East, W.M., at latitude 45.605229, longitude 121.633196. OAR 690-077-0015(8).
27. EFID had requested the Department protect the instream water right from the authorized point of diversion on East Fork Hood River to the mouth of Hood River. If water is to be protected from the source stream (East Fork Hood River) into a receiving stream (Hood River), the quantity must be measurable in the receiving stream. The Department has determined the 1.0 cfs is not a measurable quantity in Hood River. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).
28. The State's portion of conserved water may be protected for 120 days during the irrigation season without enlarging the right.
29. The instream right shall allow the use and protection of flows as follows:

Source: East Fork Hood River, tributary to Hood River

Priority Date	Period	Rate (cfs)	Volume (AF)
November 25, 1895, plus one minute	June 3 through September 30	1.0	240.0

From the authorized point of diversion at approximately River Mile (RM) 6.4 on the East Fork of Hood River:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

To: the mouth of the East Fork Hood River, described as where the East Fork and West Fork of Hood River join to form the mainstem Hood River. This location is further described as Hood River Mile 12.5 in the NWNE of Section 1, Township 1 North, Range 9 East, W.M., at latitude 45.605229, longitude 121.633196. (Findings of Fact #9 and #26).

30. 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).
31. The protection of flows within the proposed reach is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion.
  - b. The location of confluences with other streams downstream of the point of diversion. The reach for an instream water right is typically from the point of diversion on the source stream to the mouth of that source stream. However, water may be protected further downstream if the quantity of water is measurable in the receiving stream, in this case, Hood River. The quantity of water proposed to be protected instream is not measurable in Hood River.

- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.  
OAR 690-077-0015(8).
32. The combination of instream rights for the proposed reach on the East Fork Hood 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).
  33. The existing instream water rights established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process), within the proposed reach on the East Fork Hood River are sufficient to protect the monthly quantities of water necessary for supporting aquatic life and anadromous and resident fish habitat, but are not always met. By replacing a portion of these instream water rights, 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.
  34. By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) located within the proposed reach, any new instream water right established by this conserved water project would provide protection for additional flows identified 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).
  35. The project is complete. The deadline for submitting a Request for Finalization is June 30, 2024. (Finding of Fact #15). OAR 690-018-0050(4)(i).
  36. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #21). OAR 690-018-0050(4)(j).

### Conclusions of Law

The project described in Allocation of Conserved Water Application CW-133, 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 proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #4 and #20.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #21 and #36.



From the authorized point of diversion at approximately River Mile (RM) 6.4:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

To: the mouth of the East Fork Hood River at RM 0.0, at the confluence with Hood River

Upon Filing the Request for Finalization:

10. *The project is complete, and no additional time is needed for finalization.*
11. *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; and water quality, as follows:*

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
November 25, 1895, plus one minute	June 3 through September 30	1.0	240.0

*East Fork Hood River: From the authorized point of diversion under Certificate 92000 at approximately River Mile (RM) 6.4:*

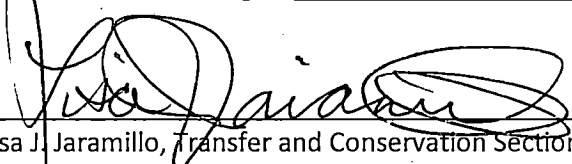
Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

*To the mouth of the East Fork Hood River at RM 0.0, at the confluence with Hood River to the mouth of the East Fork Hood River at RM 0.0, at the 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 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 OCT 11 2023

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

Mailing Date: OCT 12 2023

3. The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #22.
4. The changes proposed in CW-133 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
92000	100%	1.0	240.0	0%	0	0	100%	1.0	240.0

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 92000 and any related decree.
7. Water Right Certificate 92000 is modified as follows (the Department will cancel Certificate 92000 and issue a superseding certificate incorporating the modification when it is determined to be necessary for record keeping):

**Use:** IRRIGATION of 8531.77 ACRES, (INCLUDING INCHOATE, and 15.0 ACRES EQUIVALENT INDUSTRIAL

**Priority Date:** NOVEMBER 25, 1895

**Rate:** 99.50 CUBIC FEET PER SECOND (CFS), being 99.33 CFS for IRRIGATION (INCLUDING INCHOATE), and 0.17 CFS for INDUSTRIAL USE

**Limit/Duty:** The amount of water used for irrigation, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and an annual volume limitation of 23696.78 ACRE-FEET per year.

**Source:** EAST FORK HOOD RIVER, tributary to HOOD RIVER

8. 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.
9. All conserved water shall be managed instream until a Request for Finalization is submitted as follows:

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
November 25, 1895, plus one minute	June 3 through September 30	1.0	240.0

East Fork Hood River, tributary to Hood River