

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

In the Matter of Allocation of Conserved	)	FINAL ORDER APPROVING
Water Application CW-57,	)	ALLOCATION OF CONSERVED
Umatilla County	)	WATER CW-57 ON COMPLETION AND
	)	FINALIZATION; AND PARTIAL
	)	CANCELLATION OF CERTIFICATE
	)	13037

**Applicant**

City of Milton-Freewater  
PO Box 6  
Milton-Freewater, OR 97862  
[dave.bradshaw@milton-freewater-or.gov](mailto:dave.bradshaw@milton-freewater-or.gov)

**Agent**

The Freshwater Trust  
Attn: Natasha Bellis  
65 SW Yamhill Street, Suite 200  
Portland, OR 97204  
[natasha@thefreshwatertrust.org](mailto:natasha@thefreshwatertrust.org)

**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 proposed measures; (b) A description of the existing diversion facilities and an estimate of the amount of water that can be diverted at the facilities; (c) The amount of water that will be needed for the original, authorized use after implementation of the conservation measures; (d) The amount of conserved water expected from implementation of the conservation measures; (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; (g) The applicant's choice of priority date for the conserved water; and (h) Any other information the commission considers necessary to evaluate the effectiveness of the proposal. ORS 537.465.

<p>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.</p>
---

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. ORS 537.470(3).

If an application for the allocation of conserved water is approved, the Department shall issue orders covering the changes in the original water right(s) and once the conservation project is finalized new certificates preserving the previously established priority of right(s) shall be issued to cover the unaffected portion of the water right(s) and separate new certificates describing the instream rights created by the allocation of conserved water. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process in which a water right holder may submit a request for an allocation of conserved water. OAR Chapter 690, Division 18, implements the statutes and provides the Department's procedures and criteria for evaluating allocation of conserved water applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

### **Findings of Fact**

1. On May 19, 2008, the City of Milton-Freewater filed an application for an Allocation of Conserved Water. The Department assigned the application number CW-57.
2. The application was placed on administrative hold pending completion of the Milton Powell ditch portion of the petition of Walla Walla River Irrigation District under ORS 541.329.
3. The application as originally submitted affected Certificates 13037, 13022, 12984, 13046, and 13077, and completed Transfer Application T-8626/Certificate 13041. Certificates 13046 and 13077 were superseded by Certificate 86916; and Certificate 12984 and completed Transfer Application T-8696/Certificate 13041 were superseded by Certificate 86950, as a result of a petition by Walla Walla Irrigation District under ORS 541.329. The Final Order approving the petition is recorded at Special Order Volume 88, Pages 379-394.
4. On July 15, 2013, October 23 and 24, 2013, and November 27, 2013, the City of Milton-Freewater amended its application to accurately reflect the acreage and certificate numbers (13037, 86916, and 86950) involved in this application.
5. Allocation of Conserved Water application CW-57 proposes to conserve approximately 0.42 cfs from the Walla Walla River. This project involves upgrading the golf course to a more accurate and efficient sprinkler system. Each of the 560 sprinkler heads are individually electronically controlled so that only the areas that need water are irrigated at any given time. The necessary time to irrigate the entire golf course has been reduced

approximately 30%. The new system is fed from a 1 acre-foot holding pond supplied with water from the Walla Walla River Irrigation District's Milton pipeline.

6. The portion of the first right to be modified by CW-57 is as follows:

**Certificate:** 13037 in the name of J.W. SALING (confirmed by Walla Walla River Decree)  
**Use:** IRRIGATION of 2.73 ACRES  
**Priority Date:** 1885  
**Rate:** ONE and ONE-HALF MINER'S INCHES PER ACRE measured at the point of diversion (0.10 CUBIC FOOT PER SECOND)  
**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:** Not listed on Certificate

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	2	SE SE	2.73

7. Certificate 13037 does not indicate the location of the point of diversion. However, information is available from the decree and Watermaster which indicates that the point of diversion is located at the Milton Ditch Diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	36 E	WM	18	NW SW	15 FEET SOUTH AND 385 FEET EAST OF THE WEST ¼ CORNER OF SECTION 18

8. Conserved Water Application CW-57 proposes to move the authorized point of diversion for Certificate 13037 approximately 1.3 miles downstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12
5 N	35 E	WM	2	NE NE	REDIVERSION: PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

9. The portion of the second right to be modified is as follows:

**Certificate:** 86916 in the name of CITY OF MILTON-FREEWATER (confirmed by Walla Walla River Decree)  
**Use:** IRRIGATION of 6.17 ACRES  
**Priority Dates:** 1885 for 2.0 Acres, and 1887 for 4.17 Acres  
**Rate:** ONE and ONE-HALF MINER'S INCHES PER ACRE measured at the point of diversion (0.23 CUBIC FOOT PER SECOND, being 0.07 cfs under the 1885 priority date, and 0.16 under the 1887 priority date)  
**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12
5 N	35 E	WM	2	NE NE	REDIVERSION: PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION						
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres
1885	5 N	35 E	WM	2	SE SE	2.00
1887	5 N	35 E	WM	2	SE SE	4.17
<i>Total</i>						<i>6.17</i>

10. Certificate 86916 describes the authorized place of use under former certificate 13046 as 2.0 acres (1885 priority date) in the SESE of Section 2, Township 5 North, Range 35 East, Willamette Meridian, County, Oregon.
- Conserved Water Application CW-57 depicts the place of use under former Certificate 13046 as being 0.70 acres within the SWSE (tax lot 1800) and 1.3 acres within the SESE (tax lot 1800), Section 2, Township 5 North, Range 35 East, W.M.
  - Based on how the Public Land Survey subdivisions overlay the surveyed area, this area is located as follows: 0.70 acres within the SWSE and 1.3 acres within the SESE of Sec. 2, T 5 N, R 35 E, W.M. The Umatilla County tax lot map also lists the same distance coordinates that are listed on the Walla Walla River Decree and Certificate 13046. This location is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: 0.70 acres within the SWSE and 1.3 acres within the SESE, Sec. 2, T 5N, R 35E, W.M.
  - The following table lists the place of use as described in existing certificate 86916 and a proposed re-description based on the above findings:

Priority	Twp	Rng	Sec	Original Description of Place of Use		Proposed Re-Description of Place of Use		
				Q-Q	Acres	Q-Q	Acres	Tax Lot
1885	5 N	35 E	2	---	---	SW SE	0.70	1800
1885	5 N	35 E	2	SE SE	2.0	SE SE	1.30	1800

11. The entirety of the third right to be modified by CW-57 is as follows:

**Certificate:** 86950 in the name of MILTON FREEWATER UNIFIED SCHOOL DISTRICT #7 (confirmed by Walla Walla River Decree)

**Use:** IRRIGATION of 25.71 ACRES

**Priority Dates:** 1875 for 8.5 Acres, and 1893 for 17.21 Acres

**Rate:** ONE and ONE-HALF MINER'S INCHES PER ACRE measured at the point of diversion (0.96 CUBIC FOOT PER SECOND (cfs), being

0.32 cfs under the 1875 priority date, and 0.64 under the 1893 priority date)

**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12
5 N	35 E	WM	2	NE NE	REDIVERSION: PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION						
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres
1875	5 N	35 E	WM	2	SW SE	8.50
1893	5 N	35 E	WM	2	SW SE	6.21
1893	5 N	35 E	WM	2	SE SE	11.00
<i>Total</i>						25.71

12. The conserved water description is as follows:

Certificate	Priority	Acres	Before Project Rate		After Project Maximum Rate		Total Conserved Water Rate (CFS)
			Maximum CFS	CFS/AC	Maximum CFS	CFS/ AC	
13037	1885	2.73	0.10	0.0375	0.07	0.025	0.03
86916	1885	2.00	0.07	0.0375	0.05	0.025	0.02
86916	1887	4.17	0.16	0.0375	0.11	0.025	0.05
86950	1875	8.50	0.32	0.0375	0.21	0.025	0.11
86950	1893	17.21	0.64	0.0375	0.43	0.025	0.21
<i>Totals</i>		<i>34.61</i>	<i>1.29</i>		<i>0.87</i>		<i>0.42</i>

13. The applicant requested that the conserved water be allocated 100% to the State as follows:

Certificate	Priority	State's Portion	
		Maximum Rate (CFS)	Percentage
13037	1885	0.03	100 %
86916	1885	0.02	100 %
86916	1887	0.05	100 %
86950	1875	0.11	100 %
86950	1893	0.21	100 %
<i>Total</i>		<i>0.42</i>	

14. The applicant requests the priority date for any conserved water be one minute junior to the priority dates for Certificates 13037, 86916, and 86950.

15. The Applicant proposes 100% of the conserved water to be allocated to the State for an instream water right.

16. The applicant proposes 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, and pollution abatement.
17. On May 19, 2008, a letter from the Oregon Department of Environmental Quality (DEQ) was submitted with the application. The DEQ letter stated the total maximum daily load (TMDL) studies indicate that increased instream flow will decrease the effect of solar heating substantially. OAR 690-018-0050(4)(f).
18. The applicant indicated in the amended application the project is complete and requested that the project be finalized.
19. The application included a land use information form completed and signed by a representative of Umatilla County demonstrating the application is compatible with local comprehensive land use plans.
19. The application as amended meets the requirements of OAR 690-018-0040.
20. Notice of the proposed conservation project was published in the Department's weekly notice on December 17, 2013, and in the Valley Herald newspaper on December 13 and 20, 2013, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.
21. On December 17, 2013, the Department notified the following agencies of the Conserved Water Application: Umatilla County Department of Land Use Planning, and the Confederated Tribes of the Umatilla Indian Reservation, meeting the requirements of OAR 690-0180050(1)(b).
22. On January 28, 2014, the Department issued a Preliminary Determination proposing to approve Allocation of Conserved Water Application CW-57, and mailed a copy to the applicant and to Walla Walla Irrigation District. No protests were filed.

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

23. Water has been used within the last five years according to the terms and conditions of the rights prior to submission of the application, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
24. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application CW-57.
25. As evidenced by Finding of Fact #12, the proposed allocation of conserved water will result in a reduced diversion for the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a).

26. Based upon the Walla Walla River Decree, the existing water rights, described in Findings of Fact #6, #9, and #11, have a year-round season of use without a specified duty limitation. However, the existing rights are subject to beneficial use without waste in accordance with ORS 536.310. Use of the existing right at the full amount allowed year-round would exceed amounts necessary to accomplish the existing beneficial uses. Consistent with recent practices by water users and irrigation districts within the basin, a maximum of 8.4 acre-feet (AF/acre) can be beneficially diverted for the existing use.
27. On August 2, 2013, the Watermaster for District #5 performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined the conservation project could harm other water rights if it was not conditioned to limit the maximum amount of water necessary to accomplish the existing beneficial uses.
28. The return flows from the lands served by the diversions do not return to the Walla Walla River in Oregon. Therefore, the proposed allocation of conserved water will not harm existing rights so long as the instream use created by the allocation of conserved water project has the following conditions: a) The quantity of water protected in the stream reach does not exceed the quantity of water legally available at the original point of diversion; and b) The stream channel losses and gains are calculated based on available data and the use of water by senior appropriators will determine the amount of water to which the right is entitled downstream from the original point of diversion within the specified stream reach. OAR 690-018-0050(4)(b) and (d).
29. Harm to other water rights can be mitigated by not protecting more water in the Walla Walla River than is legally available at the points of diversion and by accounting for stream channel losses and gains. Harm can also be mitigated by limiting the period when water is being protected instream to April 1 through October 31 of each year, and other times when agricultural diversion are being exercised. Therefore, as conditioned, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(d).
30. The application is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. OAR 690-018-0050(4)(c).
31. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate for the existing use under Certificate 13037 is:  
Priority: 1885  
Acres: 2.73  
Rate: 0.07 cfs limited to 1/40 cfs per acre  
(Finding of Fact #12)

32. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate for the existing use under Certificate 86916 is:

Priority: 1885 and 1887 (2.0 acres under 1885 priority; 4.17 acres under 1887 priority)

Acres: 6.17

Rate: 0.16 cfs limited to 1/40 cfs per acre, being 0.05 cfs under 1885 priority and 0.11 cfs under 1887 priority.

(Finding of Fact #12)

33. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate for the existing use under Certificate 86950 is:

Priority: 1875 and 1893

Acres: 25.71 (8.5 acres under 1875 priority; 17.21 acres under 1893 priority)

Rate: 0.64 cfs limited to 1/40 cfs per acre, being 0.21 cfs under 1875 priority and 0.43 cfs under 1893 priority.

(Finding of Fact #12)

34. As required by OAR 690-018-0050(4)(f), the Department has determined that conserved water is needed to support instream uses in the Walla Walla River to provide for the conservation, maintenance and enhancement of aquatic habitat, fish, wildlife, wildlife habitat and other ecological values, and pollution abatement. The Walla Walla River is listed as a high priority stream flow restoration by the Oregon Department of Fish and Wildlife. In addition, as evidenced by Finding of Fact #17, DEQ has determined the conserved water is necessary for decreasing the effect of solar heating. Finding of Fact #17. OAR 690-018-0050(4)(f).
35. The applicant proposes 100% of the conserved water be allocated to the state for an instream water right. Because no quantity of conserved water is being allocated to the applicant, no adjustment is necessary to be made to the allocation based on the amount of non-reimbursable public funds. Finding of Fact #15. OAR 690-018-0050(4)(g).
36. The amounts of water to be allocated to the State for instream water rights, with the respective priority dates are:

Certificate	Priority	Maximum CFS
13037	1885 + 1 minute	0.03
86916	1885 + 1 minute	0.02
86916	1887 + 1 minute	0.05
86950	1875 + 1 minute	0.11
86950	1893 + 1 minute	0.21
Totals		0.42

OAR 690-018-0050(g).

37. The conserved water dedicated for instream use under Certificate 13037 is 0.03 cfs. The stream reach for the State's instream water right is from the previously authorized point of diversion under Certificate 13037, commonly referred to Milton Ditch Diversion, located at approximately RM 48:



Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	36 E	WM	18	NW SW	15 FEET SOUTH AND 385 FEET EAST OF THE WEST ¼ CORNER OF SECTION 18

To the Oregon-Washington state line. ORS 537.470(3); OAR 690-077-0015(8).

38. The conserved water dedicated for instream use under Certificates 86916 and 86950 is 0.39 cfs. The stream reach for the State's instream water right is from the previously authorized point of diversion under Certificates 86916 and 86950, commonly referred to as the Little Walla Walla Diversion, located at approximately RM 46.5:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

To the Oregon-Washington state line. ORS 537.470(3); OAR 690-077-0015(8).

39. To prevent enlargement, the quantity of water protected in the stream reaches cannot exceed the quantity of water legally available at the original points of diversion. The stream channel losses and gains will be calculated based on available data and the use of water by senior appropriators will determine the amount of water to which the right is entitled downstream from the original point of diversion within the specified stream reaches.
40. To mitigate for harm to other water rights, the period when water is being protected instream is limited to April 1 through October 31 of each year, and other times when agricultural diversions are being exercised.
41. The instream right shall allow the use and protection of flows from April 1 to October 31 each year, and other times when agricultural diversions are being exercised. The amount and timing of the proposed instream flow are allowable within the limits and use of the original water right. OAR 690-077-0015(10).
42. The protection of flows within the proposed reach are appropriate, considering:
- The instream water rights begin at the recorded points of diversion; and
  - Stream channel losses and gains will be calculated on available data and the use of water by senior appropriation; and
  - There are no known return flows from Certificates 13037, 86916, and 86950 within the proposed reaches.
- OAR 690-077-0015(8) and (10).
43. The combination of instream rights for the proposed reaches on the Walla Walla 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(11).
44. The new instream rights shall replace a portion of any future instream water rights established pursuant to ORS 537.341 or ORS 537.346 unless otherwise specified by a subsequent order establishing a new instream water right.

45. 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 rights established by this conserved water allocation would provide protection for additional flows identified as necessary for the conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values, and pollution abatement. OAR 690-077-0015(11).
46. The total monthly quantities of water to be protected under the proposed instream rights will provide for a beneficial purpose and do not exceed the estimated average natural flow. OAR 690-077-0015(4).
47. All conserved water is dedicated for instream use. Therefore, there are no areas where the conserved water may be used for out-of-stream uses. Finding of Fact #15. OAR 690-018-0050(4)(h).
48. Pursuant to OAR 690-018-0062, the applicant notified the Department that the Allocation of Conserved Water Project has been completed and requested the project be finalized upon approval. Finding of Fact #18. OAR 690-018-0050(4)(i).
49. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. Findings of Fact #40 and #41. OAR 690-018-0050(4)(j).

***Partial Cancellation of a Water Right Certificate***

50. On November 27, 2013, an affidavit was received from City of Milton-Freewater, signed by David Bradshaw, Public Works Superintendent, certifying that a portion of Certificate 13037 has been abandoned. The right to be cancelled is as follows:

**Certificate:** 13037 in the name of J.W. SALING (confirmed by Walla Walla River Decree)  
**Use:** IRRIGATION of 0.50 ACRES  
**Priority Date:** 1885  
**Rate:** ONE and ONE-HALF MINER'S INCHES PER ACRE measured at the point of diversion (0.02 CUBIC FOOT PER SECOND)  
**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	2	SE SE	0.50

## Conclusions of Law

The project described in Allocation of Conserved Water Application CW-57, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077.

1. The proposed changes will result in a reduced diversion for the uses allowed under the original water rights. Findings of Fact #12.
2. The proposed allocation of conserved water will not harm existing water rights. Findings of Fact #27, #28, and #29.
3. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. Finding of Fact #29.
4. The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #30.

### Now, therefore, it is ORDERED:

1. The changes proposed in CW-57 are approved. The portion of Certificate 13037 that has been abandoned is cancelled.
2. The quantity of water conserved and allocated to the State for an instream water right is as follows:

Certificate	Priority	Maximum CFS
13037	1885 + 1 minute	0.03
86916	1885 + 1 minute	0.02
86916	1887 + 1 minute	0.05
86950	1875 + 1 minute	0.11
86950	1893 + 1 minute	0.21
Totals		0.42

Findings of Fact #13 and #15.

3. 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 Certificates 13037, 86916, and 86950, and any related decree.
4. Water Right Certificate 86916 is cancelled. A new certificate will be issued for that portion of the Certificate 86916 not modified by the allocation of conserved water. A new Certificate will be issued at the reduced rate and duty for the existing use under Certificate 86916 as follows:

**Use:** IRRIGATION of 6.17 ACRES

**Priority Dates:** 1885 and 1887

**Rate:** 0.16 CUBIC FOOT PER SECOND, being 0.05 cfs under the 1885 priority date and 0.11 cfs under the 1887 priority date, measured at the point of diversion from the source

**Limit:** The use of water under this right is limited to ONE-FORTIETH (1/40) of one cubic foot per second for each acre irrigated each year.

**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12
5 N	35 E	WM	2	NE NE	REDIVERSION: PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION						
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres
1885	5 N	35 E	WM	2	SW SE	0.70
1885	5 N	35 E	WM	2	SE SE	1.30
1887	5 N	35 E	WM	2	SE SE	4.17
Total						6.17

Findings of Fact #10 and #32.

5. Water Right Certificate 86950 is cancelled. A new certificate will be issued at the reduced rate and duty for the existing use under Certificate 86950 as follows:

**Use:** IRRIGATION of 25.71 ACRES

**Priority Dates:** 1875 and 1893

**Rate:** 0.64 CUBIC FOOT PER SECOND, being 0.21 cfs under the 1885 priority date, and 0.43 under the 1893 priority date

**Limit:** This use of water under this right is limited to ONE-FORTIETH (1/40) of one cubic foot per second for each acre irrigated each year.

**Source:** WALLA WALLA RIVER, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12
5 N	35 E	WM	2	NE NE	REDIVERSION: PLEASANT VIEW DITCH – 650 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION						
Priority	Twp	Rng	Mer	Sec	Q-Q	Acres
1875	5 N	35 E	WM	2	SW SE	8.50
1893	5 N	35 E	WM	2	SW SE	6.21
1893	5 N	35 E	WM	2	SE SE	11.00
Total						25.71

Finding of Fact # 33.

6. Water right Certificate 13037 is cancelled. The new reduced rate for the existing use under Certificate 13037 is:

Priority: 1885

Acres: 2.73

Rate: 0.07 cfs limited to 1/40 cfs per acre

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	2	SE SE	2.73

Finding of Fact #31.

7. Full beneficial use of the water (as identified in #6 above) at the new point of diversion shall be made under Certificate 13037 on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received for the change in point of diversion under Certificate 13037, a new certificate confirming the right transferred at the reduced rate will be issued.
9. The project is complete. No additional time is requested for finalization. Finding of Fact #48.
10. The Department shall issue new instream water right certificates for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values, and pollution abatement in the Walla Walla River. To prevent enlargement, the quantity of water protected in the stream reaches cannot exceed the quantity of water legally available at the original points of diversion. The stream channel losses and gains will be calculated based on available data and the use of water by senior appropriators will determine the amount of water to which the right is entitled downstream from the original point of diversion within the specified stream reaches.
- a. The conserved water dedicated for instream use under Certificate 13037 is:

Priority Date	Period of Use	Rate (cfs)
1885 + one minute	April 1 through October 31	0.03

The stream reach for the State's instream water right is from the previously authorized point of diversion under Certificate 13037, commonly referred to as the Milton Ditch Diversion, located at approximately RM 48:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	36 E	WM	18	NW SW	15 FEET SOUTH AND 385 FEET EAST OF THE WEST ¼ CORNER OF SECTION 18

To the Oregon-Washington state line. ORS 537.470(3); OAR 690-077-0015(8).

- b. The conserved water dedicated for instream use under Certificates 86916 and 86950 is:

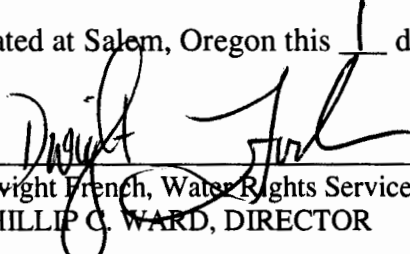
Certificate	Priority	Period of Use	Rate (cfs)
86916	1885 + 1 minute	April 1 through October 31	0.02
86916	1887 + 1 minute	April 1 through October 31	0.05
86950	1875 + 1 minute	April 1 through October 31	0.11
86950	1893 + 1 minute	April 1 through October 31	0.21
Totals			0.39

The stream reach for the State's instream water right is from the previously authorized point of diversion under Certificates 86916 and 86950, commonly referred to as the Little Walla Walla Diversion, located at approximately RM 46.5.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	12	SW NE	1030 FEET NORTH AND 900 FEET EAST FROM THE CENTER OF SECTION 12

To the Oregon-Washington state line. ORS 537.470(3); OAR 690-077-0015(8).

Dated at Salem, Oregon this 1 day of April, 2014.

  
Dwight French, Water Rights Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 09 2014