

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

IN THE MATTER OF ALLOCATION)
OF CONSERVED WATER)
APPLICATION CW-63,)
UMATILLA COUNTY)
)
)

FINAL ORDER APPROVING AND
PARTIALLY FINALIZING AN
ALLOCATION OF CONSERVED
WATER AND PARTIAL
CANCELLATION

Authority

ORS 537.455 to 537.500 as amended by 2003 HB 2456, 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.

ORS 540.621 establishes the process for the owner of land to which a water right certificate 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. OAR Chapter 690, Division 17 implements the statutes and provides the Department's procedures and criteria for evaluating a voluntarily request that a portion of a water right be cancelled.

Applicant

Mike Hawman
84917 HWY 37
Hermiston, OR 97838
hawman@eotnet.net

Agent

Bill Porfily
PO Box 643
Stanfield OR 97875
bporfily@my180.net

Findings of Fact

1. On September 21, 2009 Mike Hawman filed an Application for Allocation of Conserved Water. The Department assigned the application number CW-63.
2. The Applicant proposes an Allocation of Conserved Water project under Certificates 36803 37974 and 37975. The Applicant proposes to conserve 2,270.55 acre-feet (AF) and 12.95 cfs of water by replacing existing sprinklers on their center pivot irrigation systems, on 1,486.10 acres of farmland with state-of-the-art low pressure, low flow sprinklers. Additionally, variable speed pumps have been installed and the main delivery line has been lined with concrete.

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.

3. The first right to be modified is as follows:

Certificate: 36803 in the name of ERVIN EDMUNDS (perfected under Permit S-30000)

Use: IRRIGATION of 753.0 ACRES

Priority Date: AUGUST 28, 1964

Rate: 17.8 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, is limited to a diversion of ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	16	NW NE	21.6
5 N	30 E	WM	16	SW NE	36.4
5 N	30 E	WM	16	NE NW	22.3
5 N	30 E	WM	16	NW NW	21.4
5 N	30 E	WM	16	SW NW	35.5
5 N	30 E	WM	16	SE NW	37.4
5 N	30 E	WM	16	NE SW	37.5
5 N	30 E	WM	16	NW SW	36.0
5 N	30 E	WM	16	SW SW	32.0
5 N	30 E	WM	16	SE SW	31.2
5 N	30 E	WM	16	NE SE	32.0
5 N	30 E	WM	16	NW SE	36.8
5 N	30 E	WM	16	SW SE	32.0
5 N	30 E	WM	16	SE SE	32.0
5 N	30 E	WM	17	NE NE	18.0
5 N	30 E	WM	17	SW NE	5.0
5 N	30 E	WM	17	SE NE	35.7
5 N	30 E	WM	17	NE SW	11.7
5 N	30 E	WM	17	NW SW	7.0
5 N	30 E	WM	17	SW SW	35.5
5 N	30 E	WM	17	SE SW	39.9
5 N	30 E	WM	17	NE SE	34.8
5 N	30 E	WM	17	NW SE	38.5
5 N	30 E	WM	17	SW SE	26.9
5 N	30 E	WM	17	SE SE	19.2
5 N	30 E	WM	20	NE NW	20.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	20	NW NW	16.7
TOTAL:					753.0

4. The second right to be modified is as follows:

Certificate: 37974 in the name of ERVIN R. EDMUNDS (perfected under Permit S-33594)
Use: IRRIGATION of 162.3 ACRES
Priority Date: JANUARY 23, 1969
Rate: 4.06 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, is limited to a diversion of ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	17	SW SE	3.4
5 N	30 E	WM	17	SE SE	3.4
5 N	30 E	WM	20	NE NE	36.2
5 N	30 E	WM	20	NW NE	40.0
5 N	30 E	WM	20	SW NE	30.0
5 N	30 E	WM	20	SE NE	24.4
5 N	30 E	WM	20	NE NW	18.8
5 N	30 E	WM	20	NW NW	1.2
5 N	30 E	WM	20	SE NW	4.9
TOTAL:					162.3

5. The third right to be modified is as follows:

Certificate: 37975 in the name of ERVIN R. EDMUNDS (perfected under Permit S-34254)
Use: IRRIGATION of 580.0 ACRES
Priority Date: APRIL 14, 1969
Rate: 14.50 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, is limited to a diversion of ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	16	SW NE	1.0
5 N	30 E	WM	16	SE NE	34.8
5 N	30 E	WM	16	NE SE	2.0
5 N	30 E	WM	17	NE NE	3.2
5 N	30 E	WM	17	NW NE	23.2
5 N	30 E	WM	17	SW NE	26.6
5 N	30 E	WM	17	SE NE	2.0
5 N	30 E	WM	17	NE NW	0.4
5 N	30 E	WM	17	SW NW	11.6
5 N	30 E	WM	17	SE NW	30.4
5 N	30 E	WM	17	NE SW	10.4
5 N	30 E	WM	17	NW SW	14.8
5 N	30 E	WM	17	NW SE	0.4
5 N	30 E	WM	18	SW SE	3.2
5 N	30 E	WM	18	SE SE	2.2
5 N	30 E	WM	19	NE NE	13.4
5 N	30 E	WM	19	NW NE	30.7
5 N	30 E	WM	19	SW NE	29.2
5 N	30 E	WM	19	SE NE	32.6
5 N	30 E	WM	19	NE NW	16.2
5 N	30 E	WM	19	SW NW	20.8
5 N	30 E	WM	19	SE NW	31.6
5 N	30 E	WM	19	NE SW	31.6
5 N	30 E	WM	19	NW SW	34.0
5 N	30 E	WM	19	SE SW	31.4
5 N	30 E	WM	19	NE SE	33.8
5 N	30 E	WM	19	NW SE	38.3
5 N	30 E	WM	19	SW SE	32.6
5 N	30 E	WM	19	SE SE	37.6
TOTAL:					580.0

6. Water has been used within the last five years according to the terms and conditions of the right. Except as noted in Findings of Fact #25 and #26, the record does not contain information that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

7. A diversion structure and delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submission of Application CW-63.
8. The proposed Allocation of Conserved Water project will result in the following amount of conserved water under Certificates 36803, 37974 and 37975:

Certificate	Priority	Existing Acres	Before Project			After Project			Conserved Water		
			AF/AC	AF	CFS	AF/AC	AF	CFS	AF/AC	AF	CFS
36803	8/28/1964	753.00	4.5	3,388.50	17.80	3.0	2,259.00	11.74	1.5	1,129.50	6.06
37974	1/23/1969	160.80*		723.60	4.02		482.40	2.51		247.95	1.51
37975	1/23/1969	572.30**		2,575.35	14.30		1,716.90	8.93		893.10	5.37
Total:		1,486.10		6,687.45	36.36		4,458.30	23.18		2,270.55	12.95

Accounts for *1.5 AC and **7.7 AC to be abandoned. See Findings of Fact #25 and 26.

9. The Applicant funded 100 percent of the project. Therefore, pursuant to OAR 690-018-0012(1), 75 percent of the conserved water may go to the applicant and 25 percent to the state in the quantities described below:

Certificate #	Priority Date	Applicant's Share of Conserved Water		State's Share of Conserved Water		Total Amount of Conserved Water	
		AF	CFS	AF	CFS	AF	CFS
36803	8/28/1964	847.12	4.54	282.38	1.51	1,129.50	6.05
37974	1/23/1969	185.96	1.13	61.98	0.37	247.94	1.50
37975	1/23/1969	669.82	4.03	223.27	1.34	893.09	5.37
Total:		1,702.90	9.71	567.64	3.23	2,270.55	12.95

10. In consultation with the Oregon Department of Fish and Wildlife, the Department has determined that conserved water is needed to support instream uses in the Columbia River to provide for the conservation, maintenance and enhancement of aquatic and fish life and fish habitat. Neither the Department of Environmental Quality, nor the Oregon Parks and Recreation Department provided comments on this conservation project.
11. The Department published notice of CW-63 in the Department's weekly bulletin on December 22, 2009 and the Applicant published notice of the proposed project in the *East Oregonian* on December 1, 8 and 15, 2009 as required under OAR 690-018-0050.
12. On December 23, 2009 Todd Crosby submitted comments in response to the notice published in the *East Oregonian* on December 15, 2009. However, the comments submitted by Mr. Crosby were generally aimed at the Allocation of Conserved Water Program and did not specifically address Allocation of Conserved Water Application CW-63 or any other specific conservation project.

13. Pursuant to ORS 537.485, the Applicant requests that the priority dates of the conserved water be one-minute junior to the originating right.

14. The proposed allocation of conserved water will not harm existing rights.

15. Since no harm will occur to other water rights, no reduction in the quantity of conserved water to be allocated is required to mitigate for effects on other water rights.

16. The application includes land use information forms completed and signed by a representative of the Umatilla County planning department, demonstrating that the application is compatible with the local comprehensive land use plan. Additionally, the Department notified the following downstream local and tribal governments:

Cities: Arlington, Astoria, Boardman, Clatskanie, Columbia City, The Dalles, Fairview, Hermiston, Mosier, Portland, Prescott, Rufus, Scappoose, St. Helens, and Troutdale;

Counties: Clatsop, Columbia, Gilliam, Morrow, Multnomah, Sherman, Wasco, and Washington;

Tribal governments: Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs.

17. After completion of the conservation project, the water rights held by the applicant will allow use of the following quantities of water on the existing acres:

Certificate	Priority	Existing	After Project		
			AF/AC	AF	CFS
36803	8/28/1964	753.00	3.0	2,259.00	11.74
37974	1/23/1969	160.80	3.0	482.40	4.02
37897	1/23/1969	572.30	3.0	1,716.90	8.93

18. After the allocation of conserved water, the water rights held by the applicant will allow use of the following quantities of water on new lands:

Originating Certificate	Priority	Existing AC	After Project Maximum New Irrigation			
			AF/AC	AF	CFS	Max New Acres*
36803	8/28/1964	753.00	3.0	847.12	4.54	282.37 (1/62)
37974	1/23/1969	160.80	3.0	185.96	1.13	61.98 (1/55)
37897	1/23/1969	572.30	3.0	669.82	4.03	223.27 (1/55)
TOTAL:				1,702.90	9.71	567.20

*At specified rates.

19. A portion of the Applicant's share of conserved water with a August 28, 1964, plus one minute, priority may be used for irrigation of 185.8 acres of new lands located within:

NEW LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	15	NW NW	TL 100	8.7
5 N	30 E	WM	15	SW NW	TL 100	25.8
5 N	30 E	WM	15	NWW	TL 1303	1.8
5 N	30 E	WM	16	NE NE	TL 106	14.0
5 N	30 E	WM	16	SE NE	TL 106	5.6
5 N	30 E	WM	16	NE NW	TL 106	8.4
5 N	30 E	WM	16	NW NW	TL 106	9.7
5 N	30 E	WM	16	SW SW	TL 106	2.4
5 N	30 E	WM	16	SE SW	TL 106	5.4
5 N	30 E	WM	16	NE SE	TL 106	2.6
5 N	30 E	WM	16	SW SE	TL 106	5.4
5 N	30 E	WM	17	NE NE	TL 106	9.6
5 N	30 E	WM	17	NW NE	TL 106	0.5
5 N	30 E	WM	17	SW NE	TL 106	6.1
5 N	30 E	WM	17	SE NE	TL 106	1.9
5 N	30 E	WM	17	SW NW	TL 106	2.4
5 N	30 E	WM	17	SE NW	TL 106	2.4
5 N	30 E	WM	17	NE SW	TL 106	15.7
5 N	30 E	WM	17	NW SW	TL 106	14.2
5 N	30 E	WM	17	SW SW	TL 106	1.8
5 N	30 E	WM	17	SW SE	TL 106	0.6
5 N	30 E	WM	17	SE SE	TL 106	11.9
5 N	30 E	WM	19	NE NE	TL 1102	3.1
5 N	30 E	WM	19	NW NE	TL 101	0.8
5 N	30 E	WM	19	SW NE	TL 1001	1.5
5 N	30 E	WM	19	SE NE	TL 1102	3.8
5 N	30 E	WM	20	NE NE	TL 1201	3.4
5 N	30 E	WM	20	SW NE	TL 1201	0.6
5 N	30 E	WM	20	NW NW	TL 1201	1.0
5 N	30 E	WM	21	NW NE	TL 1302	5.4
5 N	30 E	WM	21	NE NW	TL 1302	5.4
5 N	30 E	WM	21	NW NW	TL 1201	3.0
5 N	30 E	WM	30	NW NE	TL 1100	0.1
5 N	30 E	WM	30	NE NW	TL 1100	0.8
TOTAL:						185.8

The rate, duty and priority dates for the above listed acres is shown below:

Priority	Acres	New Irrigation		
		AF/AC	AF	CFS
8/28/1964*	185.8	3.0	557.40	2.97
<i>*Plus One Minute</i>				

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 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 3.00 acre-feet per acre for each acre irrigated. The irrigation season is March 1 through October 31, as determined by OAR 690-250-0070(1).

20. The remaining portion of the Applicant's share of the conserved water (*described below*) will be reserved instream until a permanent place of use is determined.

Originating Certificate	Priority	Applicant's Conserved Water Reserved Instream		
		AF	CFS	Max New Acres Available*
36803	8/28/1964	289.72	1.57	96.57 (1/62)
37974	1/23/1969	185.96	1.13	61.98 (1/55)
37897	1/23/1969	669.82	4.03	223.27 (1/55)
TOTAL:		1145.5	6.73	381.82

*At specified rates.

21. The State's share of the conserved water is:

Originating Right	Priority Date	Rate (CFS)	Duty (AF)
36803	8/28/1964*	1.515	282.380
37974	1/23/1969*	0.378	61.988
37975	1/23/1969*	1.344	223.275
Total:		3.237	567.643

*Plus One Minute.

22. The instream water right created from the conserved water under Certificates 36803, 37974 and 37975 is from the point of diversion on the Columbia River, being:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

To the Pacific Ocean (Columbia River Mile 0.0).

To avoid enlargement, the instream rate has been modified and will be protected instream from March 1 through October 31 at the rates and priority dates shown below:

Priority	Rate	Duty (AF)
8/28/1964*	0.581	282.380
1/23/1969*	0.128	61.988
1/23/1969*	0.168	223.275
Total:	1.168	567.643

*Plus One Minute.

23. The applicants have completed the project and request that the project be finalized pursuant to OAR 690-018-0062.

24. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights.

Partial Cancellation of Water Rights

25. The Applicants submitted evidence that the following portions of Water Right Certificates 37974 and 37975 have not been used and request that the unused portions of the water rights be cancelled as part of the Allocation of Conserved Water project:

Certificate	Twp	Rng	Mer	Sec	Q-Q	Acres
37974	5 N	30 E	WM	20	SW NE	1.5
37975	5 N	30 E	WM	19	SW NE	2.2
37975	5 N	30 E	WM	19	NE SW	2.4
37975	5 N	30 E	WM	19	NW SE	3.1
TOTAL:						9.2

26. The rates and duties associated with the portions of the water rights being cancelled are:

CERTIFICATE	RATE	DUTY
37974	0.035 cfs	6.75 AF
37975	0.193 cfs	34.65 AF
TOTAL:	0.228 cfs	41.40 AF

27. On August 6, 2010 the Department issued a Proposed Final Order, which recommended that Allocation of Conserved Water Application CW-66 be approved. No comments were received in response to that order.

Review Criteria

Pursuant to OAR 690-018-0050, in reviewing Allocation of Conserved Water Application CW-63, the Department has determined the following:

- A. Allocation of Conserved Water Application CW-63 contains all the information required by OAR 690-018-0040.
- B. The proposed conservation project will result in a 12.95 CFS reduction in the quantity of water diverted for the uses allowed under the original rights as established in Findings of Fact #8, #9 and #17.
- C. Consistent with Findings of Fact #11 and #14, the proposed Allocation of Conserved Water will not harm other water rights. Therefore, no reduction in the quantity of conserved water to be allocated is required to mitigate for the affects on other water rights. (Finding of Fact #15).
- D. As established by Finding of Fact #16, the conservation project is consistent with the local comprehensive land use plan requirements as established in OAR 690-005-0045.

- E. The new rates and duties for the Applicant's water rights are described in Findings of Fact #8 and #17-20.
- F. The Applicant requests that 25% of the conserved water be allocated to the State for an instream water right to be held in trust by the Water Resources Department for the people of Oregon and that the priority date of the conserved water right is the same as the originating rights, plus one minute. (Findings of Fact #9 and #13).
- G. Consistent with Finding of Fact #10, the State's portion of the conserved water is needed for enhancement, conservation and maintenance of aquatic habitat and to improve water quality in the Columbia River between the authorized POD and the Pacific Ocean.
- H. The State's portion of the conserved water shall be allocated to an instream water right for enhancement, conservation and maintenance of aquatic habitat and to improve water quality and shall provide for the protection of flows in the Columbia River from the authorized point of diversion at:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	NE NW	9360 FEET NORTH AND 3530 FEET WEST FROM THE SE CORNER OF SECTION 17

to the mouth of the Columbia River. The rates, duties and priorities for instream water right are described in Finding of Fact #22. The new instream right shall replace a portion of any instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to any 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. The rights shall allow for the use and protection of flows from March 1 through October 31.

- I. The Applicant has completed the conservation project and requests that the project be finalized pursuant to OAR 690-018-0062. (Finding of Fact #23).
- J. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #24).

Conclusions of Law

The conservation project described in Allocation of Conserved Water Application CW-63 is consistent with the criteria in ORS 537.455 to 537.500, as amended by 2003 HB 2456, and OAR Chapter 690, Division 18. Water has been conserved and can be allocated without harming other water rights.

Pursuant to the requirements of ORS 540.621 and OAR 690-017-0100, the portions of Certificates 37974 and 37975 as described in Findings of Fact #25-#27, have been abandoned and are cancelled.

Now, therefore, it is ORDERED:

1. The changes in Conserved Water Application CW-63 are approved and the partial cancellations of Certificates 37974 and 37975 are approved
2. Water Right Certificates 36803, 37974 and 37975 are cancelled.
3. Approval of this Allocation of Conserved Water reduces the amount of water lawfully available to the lands previously described under Certificates 36803, 37974 and 37975 by the following amounts:

CERTIFICATE	RATE (CFS)	DUTY (AF)
36803	6.06	1,129.50
37974	1.51	247.95
37975	5.37	893.10
TOTAL:	12.95	2,270.55

New Allocation of Conserved Water Remaining Right Certificates will be issued describing the lands involved in the conservation project, being the entirety of Certificates 36803, 37974 and 37975. The new rates and duties for the lands previously described under Certificates 36803, 37974 and 37975 are:

CERTIFICATE	Acres	Duty		Rate	
		AF/ac	AF	CFS/ac	CFS
36803	753.00	3.00	2,259.00	1/64	11.74
37974	160.80		482.40		2.51
37975	572.30		1,716.90		8.93
	Total:		4,458.30		23.18

The acreage, rate, duty, and priority dates are subject to modification by any previously approved transfers, cancellations, corrections, allocations of conserved water, or other prior modification to the certificates. All other conditions and limitations of the existing water right shall be included in the superseding certificates.

4. A permanent place of use has been determined for a portion of the Applicant's share of the conserved water and is as follows:

NEW LANDS RECEIVING CONSERVED WATER FOR IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
5 N	30 E	WM	15	NW NW	TL 100	8.7
5 N	30 E	WM	15	SW NW	TL 100	25.8
5 N	30 E	WM	15	NWW	TL 1303	1.8
5 N	30 E	WM	16	NE NE	TL 106	14.0
5 N	30 E	WM	16	SE NE	TL 106	5.6
5 N	30 E	WM	16	NE NW	TL 106	8.4
5 N	30 E	WM	16	NW NW	TL 106	9.7
5 N	30 E	WM	16	SW SW	TL 106	2.4
5 N	30 E	WM	16	SE SW	TL 106	5.4
5 N	30 E	WM	16	NE SE	TL 106	2.6
5 N	30 E	WM	16	SW SE	TL 106	5.4
5 N	30 E	WM	17	NE NE	TL 106	9.6
5 N	30 E	WM	17	NW NE	TL 106	0.5
5 N	30 E	WM	17	SW NE	TL 106	6.1
5 N	30 E	WM	17	SE NE	TL 106	1.9
5 N	30 E	WM	17	SW NW	TL 106	2.4
5 N	30 E	WM	17	SE NW	TL 106	2.4
5 N	30 E	WM	17	NE SW	TL 106	15.7
5 N	30 E	WM	17	NW SW	TL 106	14.2
5 N	30 E	WM	17	SW SW	TL 106	1.8
5 N	30 E	WM	17	SW SE	TL 106	0.6
5 N	30 E	WM	17	SE SE	TL 106	11.9
5 N	30 E	WM	19	NE NE	TL 1102	3.1
5 N	30 E	WM	19	NW NE	TL 101	0.8
5 N	30 E	WM	19	SW NE	TL 1001	1.5
5 N	30 E	WM	19	SE NE	TL 1102	3.8
5 N	30 E	WM	20	NE NE	TL 1201	3.4
5 N	30 E	WM	20	SW NE	TL 1201	0.6
5 N	30 E	WM	20	NW NW	TL 1201	1.0
5 N	30 E	WM	21	NW NE	TL 1302	5.4
5 N	30 E	WM	21	NE NW	TL 1302	5.4
5 N	30 E	WM	21	NW NW	TL 1201	3.0
5 N	30 E	WM	30	NW NE	TL 1100	0.1
5 N	30 E	WM	30	NE NW	TL 1100	0.8
TOTAL:						185.8

The rate, duty and priority for the above listed acres is as follows:

Priority	Acres	New Irrigation		
		AF/AC	AF	CFS
8/28/1964*	185.8	3.0	557.40	2.973
*Plus One Minute				

- The authorized point of diversion for the new lands described above is the existing point of diversion, being:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 8

All other conditions and limitations of the existing water rights and any related decree shall be required under the new certificates.

- Additionally the Applicant's portion of the conserved water may be used to irrigate a maximum of 381.82 acres of new land. The rate, duty and priority dates for the additional new lands are as follows:

Originating Certificate	Priority	Applicant's Conserved Water Reserved Instream		
		AF	CFS	Max New Acres Available
36803	8/28/1964	289.72	1.57	96.57 (1/62*)
37974	1/23/1969	185.96	1.13	61.98 (1/55*)
37897	1/23/1969	669.82	4.03	223.27 (1/55*)
TOTAL:		1145.5	6.73	381.82 AC

*Maximum rate in CFS per Acre.

However, this portion of the Applicant's share of the conserved water shall be reserved instream until the Applicant provides the information required under OAR 690-018-0062(3) and the Department approves the new use.

- The applicant has completed the conservation project and will not be requesting additional time to finalize the project.
- Before water use may be applied to the new lands the applicant shall install totalizing flow meters to the Department's satisfaction at the authorized point of diversion from the Columbia River. Additionally, the meters must be maintained in good working order according to manufacturer's specifications. A different plan for measurement of diverted water at each point of diversion or appropriation that is acceptable to, and approved by the Director, may be allowed.
- The applicant shall allow the Watermaster access to the meters or measuring devices. Where a meter is located within a private structure, the Watermaster shall be granted access upon reasonable notice.
- Additional measurement and reporting conditions, including, but not limited to, additional measuring sites, general water-use information, the place and nature of use of water, and telemetry may be required at the discretion of the Department.
- The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011. A claim of Beneficial Use prepared by a certified Water Rights Examiner shall be submitted by the Applicant, on or before October 1, 2012.

12. When satisfactory proof of the completed changes is received, new certificates confirming the use of the conserved water on the new lands will be issued.
13. A new instream certificate shall be issued for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Columbia River as described in Findings of Fact #21 and #22.
14. The instream water rights shall be in addition to any 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.

PARTIAL CANCELLATION

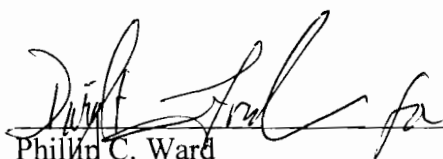
15. The partial cancellations of Certificate 37974 and 37975 are approved as follows:

Certificate	Twp	Rng	Mer	Sec	Q-Q	Acres
37974	5 N	30 E	WM	20	SW NE	1.5
37975	5 N	30 E	WM	19	SW NE	2.2
37975	5 N	30 E	WM	19	NE SW	2.4
37975	5 N	30 E	WM	19	NW SE	3.1
TOTAL:						9.2

16. The rates and duties associated with the portions of the water rights being cancelled are:

CERTIFICATE	RATE	DUTY
37974	0.035 cfs	6.75 AF
37975	0.193 cfs	34.65 AF
TOTAL:	0.228 cfs	41.40 AF

Dated at Salem, Oregon this 17 day of December, 2010.


 Phillip C. Ward
 Director

Date of Mailing: JAN 04 2011