

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

In the Matter of the Allocation and Assignment	)	ORDER FINALIZING THE
of Conserved Water by Central Oregon	)	ALLOCATION AND ASSIGNMENT
Irrigation District under Allocation of	)	OF CONSERVED WATER
Conserved Water CW-39 for Certificate 76358,	)	
Deschutes County	)	

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 018 implements the statutes and provides the Department’s procedures and criteria for evaluating allocation of conserved water applications.

**Findings of Fact**

1. On November 21, 2005, Central Oregon Irrigation District filed an allocation of conserved water application. The Department assigned the application number CW-39.
2. On October 28, 2006, the Department issued Special Order Volume 70, Page 239 approving the allocation and assignment of conserved water.
3. Special Order Volume 70, Page 239 temporarily reserved instream the District’s portion of the allocation of conserved water until a permanent place of use was determined. The priority date, rate, and duty reserved instream were:

Time Period	Priority Date	Instream Water Right
<b>Season 1:</b> April 1 - 30 and October 1 - 31	October 31, 1900	0.15 cfs 18 AF
<b>Season 2:</b> May 1 - 14 and September 15 - 30	October 31, 1900	0.20 cfs 12 AF
<b>Season 3:</b> May 15 - September 14	October 31, 1900	0.265 cfs 64.5 AF
	December 2, 1907	0.105 cfs 25.5 AF

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

The water was protected in the Deschutes River from the authorized point of diversion for Certificate 76358 at approximately RM 165 at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

to Lake Billy Chinook at approximately RM 120.

- On March 2, 2007, Central Oregon Irrigation District submitted a request to finalize the place of use associated with the District's share of the conserved water, and requested that it be permanently placed instream.

**Now, therefore, it is ORDERED:**

- The Department shall issue a new instream certificate for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Deschutes River from the authorized point of diversion at approximately RM 165 for Certificate 76358 at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	COID NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

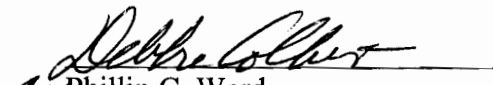
to Lake Billy Chinook at approximately RM 120.

The instream water right shall be as described below:

Time Period	Priority Date	Instream Water Right
<b>Season 1:</b> April 1 - 30 and October 1 - 31	October 31, 1900	0.15 cfs
<b>Season 2:</b> May 1 - 14 and September 15 - 30	October 31, 1900	0.20 cfs
<b>Season 3:</b> May 15 - September 14	October 31, 1900	0.265 cfs
	December 2, 1907	0.105 cfs

and shall replace a portion of 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.

Dated at Salem, Oregon this 9<sup>th</sup> day of March, 2007.

  
Phillip C. Ward  
Director

Date of Mailing: MAR 13 2007