

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

In the Matter of Allocation of Conserved Water Application CW-111, Wallowa County)
) FINAL ORDER ON COMPLETION AND
) FINALIZATION OF ALLOCATION OF
) CONSERVED WATER CW-111; and
) APPROVING AN ADDITIONAL POINT OF
) DIVERSION AND CHANGES IN PLACES OF
) USE

Applicants
 Ken and Bobbie Baker
 81705 Hwy 82
 Wallowa, OR 97885

Applicant
 Perry Johnston
 81703 Hwy 82
 Wallowa, OR 97885

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 that the measure was implemented within five years prior to the

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.

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 April 25, 2019, Ken and Bobbie Baker and Perry Johnston filed an allocation of conserved water application under Certificates 3153, 94327, and 94163. In addition, the Applicants requested an additional point of diversion under Certificate 94163, and to change the place of use for a portion of Certificates 3153 and 94327. The Department assigned the application number CW-111.
2. The conservation project involves converting from flood irrigation to high efficiency pivot irrigation and piping the supply ditches bypassing a portion of open earthen ditches. The conversion of flood irrigation to sprinkler irrigation and piping ditches are proven technologies for conserving water.
3. A Final Order of Approval of Allocation of Conserved Water CW-111 (Approval Order) was signed on September 3, 2019, and mailed on September 4, 2019. The Order is recorded at Special Order Volume 113, Pages 1035 – 1053.
4. On November 26, 2019, the Applicants submitted a Notice of Completion form and a Request for Finalization.

5. The Approval Order established the quantities of water conserved and allocated for the season of May 1 through July 31 as follows:

Conserved Water Description										
		State's Portion			Applicant's Portion			Conserved Water		
Certificate	Priority	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Maximum Volume (AF)
3153	1883	100%	0.62	112.65	0%	0.00	0.00	100%	0.62	112.65
94327	1883	100%	0.74	134.55	0%	0.00	0.00	100%	0.74	134.55
94163	1882	100%	0.58	106.20	0%	0.00	0.00	100%	0.58	106.20
			1.94	353.40		0.00	0.00		1.94	353.40

6. The Approval Order authorized the change in place of use of a portion of the lands under Certificate 3153 to accommodate pivot irrigation as follows:

Use: IRRIGATION of 75.1 ACRES, DOMESTIC and STOCK

Priority: 1883

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Modified Acres	Acres
1 N	43 E	WM	29	SW SW	7000	1.0	13.4
1 N	43 E	WM	29	SE SW	7000	---	2.2
1 N	43 E	WM	32	NW NW	7000	---	21.4
1 N	43 E	WM	32	NE NW	7000	2.1	34.4
1 N	43 E	WM	32	NW NE	7000	0.2	0.4
Total						3.3	71.8

7. The Approval Order authorized the change in place of use for a portion of the lands under Certificate 94327 to accommodate pivot irrigation as follows:

Use: IRRIGATION of 89.7 ACRES and STOCK

Priority: 1883

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Modified Acres	Acres
1 N	43 E	WM	32	SE NE	8600	4.6	16.0
1 N	43 E	WM	32	SW NE	8600	--	37.4
1 N	43 E	WM	32	NE SE	8600	2.6	29.1
Total						7.2	82.5

8. The Approval Order authorized an additional point of diversion for Certificate 94163 as follows:

Use: IRRIGATION of 70.8 ACRES, DOMESTIC AND LIVESTOCK

Priority Date: 1882 (Tract 1)

Additional Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	32	NW SE	8600	36.0
1 N	43 E	WM	32	SW SE	8600	34.8
Total						70.8

9. The Approval Order established the reduced rates and duties for the existing uses as modified by CW-111 (identified in Findings of Fact #5 through #8 above) under Certificates 3153, 94327, and 94163 as follows:

Certificate	Rate	Duty		Acreage	
	Maximum CFS	Maximum AF	AF/AC	Inchoate Acres	Acres
3153	1.23	225.3	3.0	3.3	71.8
94327	1.47	269.1	3.0	7.2	82.5
94163	1.16	212.4	3.0	70.8	--
	3.86	706.8			

The amount of water to which each of the above rights is entitled shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

10. The Approval Order established the following rate and volume allocated to the State for instream use is as follows:

Certificate	Priority	Max. Rate (cfs)	Max. Duty (Volume) AF
94163	1883	0.62	112.65
94327	1883	0.74	134.55
3153	1882	0.58	106.20
		1.94	353.40

11. The Approval Order established the priority date for all conserved water to be the same as the originating rights
12. The Approval Order established the Department's determination that the instream right created will support public benefits for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values. The proposed instream water right will help to meet the flows necessary for spring Chinook and bull trout populations.
13. In establishing the parameters of the instream water use, the Department determined that portions of the water diverted at the points of diversion return to the Lostine and Wallowa Rivers and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification and return flows should be accounted for immediately below each point of diversion. The reduction to the instream water right from the original quantities identified in Finding of Fact #10 is as follows:

Reach	Percent
From immediately below the point of diversion on the Foster Ditch to the Clearwater Ditch point of diversion located in the SWSW Section 33, T1N, R43E, W.M.	2%
From the Clearwater Ditch point of diversion to the mouth of the Lostine River at the confluence with the Wallowa River	10%
From the mouth of the Lostine River to the Wallowa River at the coordinates: Latitude: 45.55639, Longitude: -117.49803	40%
From the Wallowa River at Latitude: 45.55639, Longitude: -117.49803 to Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa	60%
From the Wallowa River at Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa to the mouth of the Wallowa River at the confluence with the Grande Ronde River	70%

14. The instream right shall allow the use and protection of flows as follows:

LOSTINE RIVER, tributary to Wallowa River

Instream Point No. 1:

At the Foster Ditch at approximately River Mile (RM) 4:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.62	112.65	May 1 through July 31
94327	1883	0.74	134.55	May 1 through July 31
Totals		1.36	247.20	

Instream Reach No. 1:

From immediately below the Foster Ditch (as described as Instream Point No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
Totals		1.34	242.26	

To the Clearwater Ditch at approximately RM 3.2:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Instream Point No. 2:

At the Clearwater Ditch (as described in Instream Reach No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
3153	1883	0.58	106.20	May 1 through July 31
Totals		1.92	348.46	

Instream Reach No. 2:

From immediately below the Clearwater Ditch (as described in Instream Reach 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.56	101.39	May 1 through July 31
94327	1883	0.67	121.10	May 1 through July 31
3153	1882	0.52	95.58	May 1 through July 31
Totals		1.75	318.07	

To the mouth of the Lostine River at RM 0.0, at the confluence of the Wallowa River:

WALLOWA RIVER, tributary to Grande Ronde River**Instream Reach No. 3:**

From the mouth of the Lostine River to the Wallowa River at the coordinates: Latitude: 45.55639, Longitude: -117.49803

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.37	67.59	May 1 through July 31
94327	1883	0.44	80.73	May 1 through July 31
3153	1882	0.35	63.72	May 1 through July 31
Totals		1.16	212.04	

Instream Reach No. 4:

From the Wallowa River at Latitude: 45.55639, Longitude: -117.49803 to Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.25	45.06	May 1 through July 31
94327	1883	0.30	53.82	May 1 through July 31
3153	1882	0.23	42.48	May 1 through July 31
Totals		0.78	141.36	

Instream Reach No. 5:

From the Wallowa River at Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa to the mouth of the Wallowa River at the confluence with the Grande Ronde River

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.19	33.80	May 1 through July 31
94327	1883	0.22	40.37	May 1 through July 31
3153	1882	0.17	31.86	May 1 through July 31
Totals		0.58	106.03	

- The Approval Order established there are no proposed areas within which the conserved water is proposed to be used for out-of-stream uses.

Conclusions of Law

The project described in Allocation of Conserved Water Application CW-111, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. The additional point of diversion and changes in places of use are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

- The proposed changes resulted in reduced diversions for the uses allowed under the original water rights.
- The allocation of conserved water will not harm existing water rights.
- The application is consistent with the requirements established in OAR 690-005-0045.

Now, therefore, it is ORDERED:

- The changes proposed in CW-111, including the additional point of diversion and the changes in places of use are approved.
- The quantities of water conserved and allocated are as follows:

		Conserved Water Description								
		State's Portion			Applicant's Portion			Conserved Water		
Certificate	Priority	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Max. Duty (Volume) AF	Percentage	Max. Rate (CFS)	Maximum Volume (AF)
3153	1883	100%	0.62	112.65	0%	0.00	0.00	100%	0.62	112.65
94327	1883	100%	0.74	134.55	0%	0.00	0.00	100%	0.74	134.55
94163	1882	100%	0.58	106.20	0%	0.00	0.00	100%	0.58	106.20
			1.94	353.40		0.00	0.00		1.94	353.40

- 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 3153, 94327, 94163, and any related decree.
- Water Right Certificate 3153 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 71.8 ACRES
Priority Date: 1883
Rate: 1.17 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water to which this right is entitled shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each

year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

Source: South Fork of Wallowa River (aka Lostine River), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	29	SW SW	7000	13.4
1 N	43 E	WM	29	SE SW	7000	2.2
1 N	43 E	WM	32	NW NE	7000	0.4
1 N	43 E	WM	32	NE NW	7000	34.4
1 N	43 E	WM	32	NW NW	7000	21.4
Total						71.8

After satisfactory proof of beneficial use is received, a new certificate confirming the change in place of use will be issued at the reduced rate for the following lands:

Use: IRRIGATION of 3.3 ACRES

Priority Date: 1883

Rate: 0.06 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water to which this right is entitled for irrigation shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

Source: South Fork of Wallowa River (aka Lostine River), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	29	SW SW	7000	1.0
1 N	43 E	WM	32	NW NE	7000	0.2
1 N	43 E	WM	32	NE NW	7000	2.1
Total						3.3

- Water Right Certificate 94327 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a

superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 82.5 ACRES and STOCK
Priority Date: 1883
Rate: 1.35 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water to which this right is entitled for irrigation shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.
Source: Lostine River, tributary to the Wallowa River
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	32	SW NE	8600	37.4
1 N	43 E	WM	32	SE NE	8600	16.0
1 N	43 E	WM	32	NE SE	8600	29.1
Total						82.5

After satisfactory proof of beneficial use is received, a new certificate confirming the change in place of use will be issued at the reduced rate for the following lands:

Use: IRRIGATION of 7.2 ACRES and STOCK
Priority Date: 1883
Rate: 0.12 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water to which this right is entitled for irrigation shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.
Source: South Fork of Wallowa River (aka Lostine River), tributary to the Wallowa River
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	32	SE NE	8600	4.6
1 N	43 E	WM	32	NE SE	8600	2.6
Total						7.2

6. Water Right Certificate 94163 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application. After satisfactory proof of beneficial use is received, a new certificate confirming the change in point of diversion will be issued at the reduced rate as follows:

Use: IRRIGATION of 70.8 ACRES, DOMESTIC AND LIVESTOCK

Priority Date: 1882 (Tract 1)

Rate: 1.16 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water to which this right is entitled for irrigation shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

Source: Lostine River, tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	9	SE NE	MILES DITCH: (Latitude: 45.494134; Longitude: -117.438922)
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	32	NW SE	8600	36.0
1 N	43 E	WM	32	SW SE	8600	34.8
Total						70.8

7. Water use measurement conditions:

- a. Before water use may begin under this order, the Director may require the water users to install a totalizing flow meter or other suitable measuring devices at each point of re-diversion from the ditch to the pivots. If the Director notifies the water users to install totalizing flow meters or other measuring devices, the water users shall install such devices specified by the Director within the period allowed in the notice.
- b. The water users shall maintain the meters or measuring devices in good working order.
- c. The water users 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.

8. 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 as follows:

LOSTINE RIVER, tributary to Wallowa River

Instream Point No. 1:

At the Foster Ditch at approximately River Mile (RM) 4:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; LATITUDE: 45.50716, LONGITUDE: -117.45096

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.62	112.65	May 1 through July 31
94327	1883	0.74	134.55	May 1 through July 31
Totals		1.36	247.20	

Instream Reach No. 1:

From immediately below the Foster Ditch (as described as Instream Point No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
Totals		1.34	242.26	

To the Clearwater Ditch at approximately RM 3.2:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Instream Point No. 2:

At the Clearwater Ditch (as described in Instream Reach No. 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.61	110.40	May 1 through July 31
94327	1883	0.73	131.86	May 1 through July 31
3153	1883	0.58	106.20	May 1 through July 31
Totals		1.92	348.46	

Instream Reach No. 2:

From immediately below the Clearwater Ditch (as described in Instream Reach 1):

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.56	101.39	May 1 through July 31
94327	1883	0.67	121.10	May 1 through July 31
3153	1882	0.52	95.58	May 1 through July 31
Totals		1.75	318.07	

To the mouth of the Lostine River at RM 0.0, at the confluence of the Wallowa River:

WALLOWA RIVER, tributary to Grande Ronde River

Instream Reach No. 3:

From the mouth of the Lostine River to the Wallowa River at the coordinates: Latitude: 45.55639, Longitude: -117.49803

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.37	67.59	May 1 through July 31
94327	1883	0.44	80.73	May 1 through July 31
3153	1882	0.35	63.72	May 1 through July 31
Totals		1.16	212.04	

Instream Reach No. 4:

From the Wallowa River at Latitude: 45.55639, Longitude: -117.49803 to Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.25	45.06	May 1 through July 31
94327	1883	0.30	53.82	May 1 through July 31
3153	1882	0.23	42.48	May 1 through July 31
Totals		0.78	141.36	

Instream Reach No. 5:

From the Wallowa River at Latitude: 45.47406, Longitude: -117.52571 near the town of Wallowa to the mouth of the Wallowa River at the confluence with the Grande Ronde River

Certificate	Priority	Instream Rate (CFS)	Instream (Volume) AF	Period Protected
94163	1883	0.19	33.80	May 1 through July 31
94327	1883	0.22	40.37	May 1 through July 31
3153	1882	0.17	31.86	May 1 through July 31
Totals		0.58	106.03	

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.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the Applicants to the Department within one year after the deadline for completion of the changes in place of use and point of diversion described in Order items #4, #5, and #6 and full beneficial use of the water.

Dated at Salem, Oregon this DEC 02 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: DEC 03 2019