

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

In the Matter of the Proposed Allocation of)	DETERMINATION and
Conserved Water for irrigation and for)	FINAL ORDER ON
Instream Use under Certificates 44544 and)	TRANSFER AND
44546 Multnomah County, Oregon)	ALLOCATION OF
		CONSERVED WATER
		FOR IRRIGATION AND
		FOR INSTREAM USE

Pursuant to ORS 537.470 and OAR Chapter 690, Division 18, after notice was given and no comments were filed, this order approves, as conditioned or limited herein, an application for allocation on conserved water submitted by: the Reed Institute of 3203 S.E. Woodstock Blvd., Portland, Oregon 97202.
Background

The Reed Institute had originally applied for an irrigation right to cover all of the project lands involved in this order. Through errors, the certificate was issued for less than the developed system. The errors in the certificate area and the actual project acreage were not reported to the Department. The time allowed for correction of these errors passed. This conservation project has been developed cooperatively between the Reed Institute and the Department to rectify these errors.

Reed College is located on the headwaters of Crystal Springs Creek tributary to Johnson Creek in the lower Willamette River. The College campus is divided by the creek and has an established landscape consisting mostly of lawns. The College has a reservoir on the creek, which the irrigation water stored and drawn. The College has also operated a cooling water facility. The College leased the water right authorizing the use of water for cooling to instream. The College is undertaking improvements on the irrigation system; these improvements will conserve water and the College is willing to dedicate the minimum 25% of this conserved water to instream purposes. Further the College has identified a building and sidewalks that have been constructed on lands with water rights and seeks to move this irrigation to a new location.

There are several actions taking place under this order. An allocation of conserved water, a change of use, a change of place, a change of point of diversion and creation of an instream water right. Upon the completion of the conservation project all existing certificates shall be cancelled and new certificates shall be issued. For the lands that are covered by the conserved water project, a certificate for the remaining rights will be issued. This certificate shall be limited to the rate and duty for the conserved water project. For the lands covered by the request for transfer a certificate shall be issued for these lands upon proof of completion. A certificate shall be issued for the lands beneficially upon proof of completion. A water right certificate for instream 25% of the conserved water shall be issued upon proof of completion.

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The application for the allocation of conserved water proposes a reduction in the maximum rate and duty of diversion allowed under Certificates 44544. The source of this water is from live stream flow from Crystal Springs Creek and from stored water from Reed Lake Certificate 44545.

The storage right under 44545 remain unchanged by this proposed project. In 1994, the applicant started a conservation project involving a change in their irrigation system, The applicant converted the method of application of water from hand line manual irrigation to automated underground sprinkler irrigation system.

In addition to the conserved water project the College has also filed Water Right Transfer Application (T-8412). The transfer is for a change of use under Certificate 44546 from year round reactor cooling water to irrigation. The transfer also requests a change of place of use under Certificate 44544. This change in place relates to the construction of a building and walks since 1996.

If approved, stream flows in Crystal Springs Creek would be protected from the point of diversion to the mouth, with a date of priority of February 9, 1966.

The amount of water, which may be used under this right is limited to an amount actually beneficially used and shall not exceed 0.39 cubic foot per second or its equivalent in case of rotation, if available, measured at the authorized point of diversion from Crystal Springs Creek. No public funds contributed to the construction costs so the applicants are allowed the minimum instream component under ORS 537.470. This will comprise 25 percent of the conserved water be allocated to an instream water right in Crystal Springs Creek for the purpose of supporting aquatic life. No increase in out-of-stream use is allowed.

Findings

1. The conservation projects yield a 24 percent reduction in the duty required to meet the beneficial uses under the original water rights. The reduction is a result of eliminating losses in the distribution system and changing irrigation practices from above ground hand-line irrigation to under ground sprinklers. Additionally, the Conserved Water Plan has proposed practices to reduce irrigation during periods of rain.
2. It appears that the proposed allocation of conserved water to an instream water right will not cause harm to existing water rights, if limited to the reach of Crystal Springs Creek between the points of diversion and the mouth.
3. The proposed allocation is consistent with the requirements of OAR 690-05-045.
4. No conserved water is needed to mitigate harm to existing water rights.
5. The duty described on Certificate 44544 allows the College to use a maximum of $2\frac{1}{2}$ acre-feet per acre on 31.5 acres of the campus. This amount (2.5 acre-feet/acre \times 31.5 acres) totals 78.75 acre-feet per year.
6. Under the proposed conservation plan, the duty will be 1.9 acre-feet/acre for the 31.5 acres (total of 59.85 acre-feet). Based on this rate, the amount of water conserved under Certificate 44544 is 18.9 acre-feet (78.75 acre-feet - 59.85 acre-feet = 18.9 acre-feet).
7. The applicant will retain 75 percent of the 18.9 acre-feet of conserved water and return the remaining 25 percent to Crystal Springs Creek. These percentages correspond to 14.17 acre-feet for the applicant's use and 4.72 acre-feet for the state's use instream. The College will use the 14.17 acre-feet of conserved water to irrigate 7.5 acres of additional land at a duty of 1.9 acre-feet/acre.
8. Transfer 8421 to change the character of use under Certificate 44546 from year round cooling of the campus nuclear reactor to irrigation will cause no injury to any other water right. The rate will be for 0.16 cfs with a duty of $2\frac{1}{2}$ acre feet/acre on 12.8 acres. The season of use for this irrigation is March 1 to October 31.
9. Transfer 8421 also to change the point of division is to the existing northern diversion

point of Certificate 44544, which is 215 feet North and 1,770 feet of the NE corner, Llewellyn DLC 49.

10. Transfer 8421 also proposes to change the place of use under Certificate 44544 of 0.7 acres of irrigation lost to a building and a walking path.

The proposed place of use will be

NESW 0.5 acres
NWSW 0.2 acres.

11. The proposed transfer is an integral part of the conservation proposal and delivered through the same system. One of the provisions of the Allocation of Proposed Water Statues is ORS 537.470 (5) which allow s that modification of water rights under a conservation proposal does not require a separate request transfer under ORS 540.520. Therefore this application for conserved water applies to all lands and water uses.

THEREFORE IT IS ORDERED

1. Upon notice of completion of the project, Certificates 44544 and 44546 will be cancelled.
2. A new certificate confirming the remaining portion of the existing water right evidenced by Certificate 44544 shall be issued reflecting the reduced rate and duty in the name of the Reed Institute. The water right shall allow for the use of Crystal Springs Creek, a tributary of the Johnson Creek, for irrigation of 31.5 acres.

The amount of water which may be used under the right shall be limited to an amount actually beneficially used, the maximum flow rate allowed from live flow, on lands currently covered by Certificate 44544 will be .3 cfs. at a duty of 1.9 acre-feet/acre, or its equivalent in case of rotation, if available, measured at the authorized point of diversion from the source. The date of priority is August 13, 1965. The authorized point of diversion from Crystal Springs Creek, 200 feet North & 1480 feet West from NE Corner LLEWELLYN DLC 49, WM;

The authorized place of use is

SE SW - 5.1 acres
NE SW - 15.2 acres
SW SE - 2.3 acres
NW SE - 8.9 acres

ALL AS PROJECTED WITHIN LLEWELLYN DLC 49
SECTION 13
T 1 S R 1 E WM

3. A new certificate describing the water right evidenced by the conserved water from Certificate 44544 shall be issued in the name of the Reed Institue. The amount of water which may be used under the right shall be limited to an amount actually beneficially used, the maximum flow rate allowed from live flow, on lands currently covered by Certificate 44544 will be .3 cfs. at a duty of 1.9 acre-feet/acre, or its equivalent in case of rotation, if available, measured at the authorized point of diversion from the source. The date of priority is August 13, 1965. The authorized point of diversion from Crystal Springs Creek, 200 FT N & 1480 FT W FM NE COR, LLEWELLYN DLC 49, WM;

The authorized place of use is

NE SW - 3.9 acres
NW SE - 2.5 acres
SW SE - 1.1 acres

ALL AS PROJECTED WITHIN LLEWELLYN DLC 49
SECTION 13
T 1 S R 1 E WM

4. A new certificate for an instream water right shall be issued in the name of the Water Resources Department to be held in trust for the benefit of the people of the State of Oregon. The instream water right shall be for 0.0936 cfs up

to 4.72 acre-feet to be maintained for the purposes of supporting aquatic life and minimizing pollution during the period from March 1 to October 31 of each year with a priority date of August 13, 1965.

5. This new certificate shall include the uses as proposed by Transfer 8421 to change the character of use under Certificate 44546 from year round cooling of the campus nuclear reactor to irrigation. The rate will be for 0.16 cfs with a duty of 2 ½ acre feet/acre on 12.8 acres. The season of use for this irrigation is March 1 to October 31.

The proposed place of use will be:

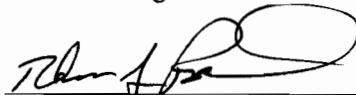
NE SW 1.4 acres
NW SE 0.2 acres
SW NE 1.2 acres
SE NW 10 acres
ALL AS PROJECTED WITHIN LLEWELLYN DLC 49
SECTION 13
T 1 S R 1 E WM

6. Transfer 8421 is superfluous this file shall be closed.

7. In addition to the conditions and limitations provided under this order and any subsequent modifications in the rights, the following conditions shall be included on this right:

- A. Each point of diversion shall be metered to with a minimum as attached or to the satisfaction of the Watermaster.
- B. Each point of diversion shall be screened to the as specified by the Oregon Fish and Wildlife specifications
- C. The applicant shall install an approved device to measure outflow.
- D. Provide reservoir elevation data correlating reservoir elevation to storage capacity form full pool to dead pool.
- E. Keep a record of the amount of water used each month and submit the report to the Department Annually as specified in OAR 690 Division 85.
- F. These rights may be used in rotation with stored water under certificate 44545. The rotation shall be in accordance with an agreement filed with and acceptable to the Watermaster. This condition shall not limit the ability of the water right holder to enter into any other rotation allowed by law.

Witness the signature on behalf of the Water Resources Director, affixed



Thomas J. Paul, Field Services Administrator

Issued _____, 2000. If no protest is filed within 60 days of the date of this order, the order becomes final