

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

In the Matter of Allocation of Conserved) FINAL ORDER OF APPROVAL ON
Water Application CW-32,) COMPLETION AND FINALIZATION
Umatilla County) ALLOCATION OF CONSERVED WATER CW-32

Applicant

Sam Lefore, Jr. and Donna Lefore
Sam Lefore Fruit Farms, Inc.
54103 Lefore Road
Milton Freewater, OR 97862

Other Landowner:

Cayuse Vineyards
Attn: Christophe Baron
PO Box 1602
Walla Walla, WA 99362

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 date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

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.

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. 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 October 17, 2003, Sam Lefore filed an application for an allocation of conserved water under Certificates 896, 12539, 12659, 12660, 12705, 12848, 12906, 12916, 13163, 13305, and 55598. Department assigned the application number CW-32.
2. Allocation of Conserved Water Application CW-32 was placed on hold pending the completion of the HB-3201 District mapping process. The HB-3201 process was completed in May 2017.
3. On May 5, 2017, the following confirming Certificates were issued to replace portions of or the entirety (as indicated) of the following Certificates:

Orig. Cert.	Portion	Entirety	Priority	New Cert.	Name on Certificate
896	X		12/27/1910	92667	Sam Lefore Fruit Farms, Inc.
12539		X	1879	86277	Sam Lefore Fruit Farms, Inc.
12539		X	1908	86277	Sam Lefore Fruit Farms, Inc.
12659	X		1880	92429	Dennis Burks
12659	X		1893	92429	Dennis Burks
12660		X	1880	92429	Dennis Burks
12705		X	1903	92430	Dennis M. & Lisa D. Burks
12705		X	1908	92430	Dennis M. & Lisa D. Burks
12848		X	1883	92528	Sam Lefore Fruit Farms, Inc.
12848		X	1891	92528	Sam Lefore Fruit Farms, Inc.
12848		X	1899	92528	Sam Lefore Fruit Farms, Inc.
12906	X		1901	86297	Sam Lefore Jr. & Donna Lefore
12911		X	1889	86297	Sam Lefore Jr. & Donna Lefore
T-9437		X (12916)	1875	86297	Sam Lefore Jr. & Donna Lefore
13163	X		1880	92528	Sam Lefore Fruit Farms, Inc.

Orig. Cert.	Portion	Entirety	Priority	New Cert.	Name on Certificate
13163	X		1893	92528	Sam Lefore Fruit Farms, Inc.
13163	X		1902	92528	Sam Lefore Fruit Farms, Inc.
13163	X		1903	92528	Sam Lefore Fruit Farms, Inc.
13163	X		1903	92430	Dennis M. & Lisa D. Burks
13305		X	1888	92486	Lefore Fruit Farms, Inc.
55598		X	1879	86297	Sam Lefore Jr. & Donna Lefore

4. On September 14, 2018, Sam Lefore, Jr. and Donna Lefore, and Sam Lefore Fruit Farms, Inc. (Applicants) filed an amended application under Certificates 86277, 86297, 92429, 92430, 92486, 92528, and 92667. The application included the signature of Christophe Baron as Agent for Cayuse Vineyards, the landowner of tax lot 701 in the NWNW of Sec. 35, T6N, R35E, W.M.
5. The conservation project involved replacing handlines and impact sprinklers with 4-8 inch PVC mainline (underground) with micro-sprinklers. The conversion to micro-sprinkler irrigation is a proven technology for conserving water.
6. On September 25, 2018, the Applicant's withdrew Certificate 92667 from the application.
7. Application CW-32 proposes rate reductions of approximately 0.91 cfs under various priority dates as follows:

Conserved Water Description						
		Certificate		Needed		Conserved Water
Originating/New Certificate	Priority	Maximum CFS	CFS/AC	Maximum CFS	CFS/AC	Maximum CFS
12539/86277	1879	0.068	0.0375	0.045	0.025	0.023
12539/86277	1908	0.129	0.0375	0.087	0.025	0.042
T-9437/86297	1875	0.338	0.0375	0.225	0.025	0.113
55598/86297	1879	0.281	0.0375	0.187	0.025	0.094
12911/86297	1889	0.150	0.0375	0.100	0.025	0.050
12906/86297	1901	0.150	0.0375	0.100	0.025	0.050
13163/92528	1880	0.113	0.0375	0.075	0.025	0.038
13163/92528	1893	0.225	0.0375	0.150	0.025	0.075
13163/92528	1902	0.300	0.0375	0.200	0.025	0.100
13163/92528	1903	0.030	0.0375	0.020	0.025	0.010
12848/92528	1883	0.338	0.0375	0.225	0.025	0.113
12848/92528	1891	0.113	0.0375	0.075	0.025	0.038
12848/92528	1899	0.038	0.0375	0.025	0.025	0.013
13305/92486	1888	0.075	0.0375	0.050	0.025	0.025
13163/92430	1903	0.045	0.0375	0.030	0.025	0.015
12705/92430	1903	0.075	0.0375	0.050	0.025	0.025
12705/92430	1908	0.113	0.0375	0.075	0.025	0.038

Conserved Water Description						
		Certificate		Needed		Conserved Water
Originating/New Certificate	Priority	Maximum CFS	CFS/AC	Maximum CFS	CFS/AC	Maximum CFS
12659/92429	1893	0.030	0.0375	0.020	0.025	0.010
12660/92429	1880	0.113	0.0375	0.075	0.025	0.038
Totals		2.724		1.814		0.910

8. The portion of the first right to be modified by CW-32 is as follows:

Certificate: 86277 in the name of Sam Lefore Fruit Farms, Inc. (confirmed, in part, by the Walla Walla River Decree)
Use: IRRIGATION of 5.26 ACRES
Priority Dates: 1879 and 1908
Rate: 0.20 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: WALLA WALLA RIVER, tributary of the COLUMBIA RIVER
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority Dates
5N	35E	WM	1	NW NE	0.25	100	1908
5N	35E	WM	1	NW NE	0.90	1400	1908
6N	35E	WM	36	SW SE	1.82	1400	1879
6N	35E	WM	36	SW SE	0.10	100	1908
6N	35E	WM	36	SW SE	2.19	1400	1908
Total					5.26		

9. The portion of the second right to be modified by CW-32 is as follows:

Certificate: 86297 in the name of Sam Lefore, Jr. and Donna Lefore (confirmed in part by the Walla Walla River Decree)
Use: IRRIGATION of 24.5 ACRES
Priority Dates: 1875, 1879, 1889, and 1901
Rate: 0.92 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: WALLA WALLA RIVER, tributary of the COLUMBIA RIVER
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority Date	Prior Right
6N	35E	WM	36	SW SE	4.0	1002	1901	12906
6N	35E	WM	36	NE SE	4.0*	100	1889	12911
6N	35E	WM	36	NE SE	7.5	100	1879	55598
6N	35E	WM	36	SE SE	9.0	100	1875	T-9437
Total					24.5			

* - includes stock use

10. Certificate 86297 contains a scrivener's error in the total quantity of water under the right. Certificate 86297 states the use of water under the right shall not exceed a total of 2.60 cubic feet per second; however, when all quantities of water are added under the decree, permit, and transfer, the total quantity should not exceed 1.48 cubic feet per second (0.58 cfs 0.45 cfs, 0.34 cfs, and 0.11 cfs = 1.48 cfs).

11. The portion of the third right to be modified by CW-32 is as follows:

Certificate: 92528 in the name of Sam Lefore Fruit Farms, Inc. (confirmed by the Walla Walla Decree)
Use: IRRIGATION of 30.8 ACRES
Priority Dates: 1880, 1883, 1891, 1893, 1899, 1902, 1903
Rate: 1.157 CUBIC FEET PER SECOND (CFS)
Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA RIVER
Authorized Point of Diversion, as corrected by Special Order Volume 104, Page 890:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	26	SE SW	1900	9.0	1883	12848
6N	35E	WM	26	SE SW	1900	3.0	1891	12848
6N	35E	WM	26	SE SW	1900	1.0	1899	12848
6N	35E	WM	35	NW NW	600	6.0	1893	13163
6N	35E	WM	35	NW NW	600	3.0	1880	13163
6N	35E	WM	35	NW NW	600	8.0	1902	13163
6N	35E	WM	35	NW NW	600	0.8	1903	13163
Total						30.8		

12. The entirety of the fourth right to be modified by CW-32 is as follows:

Certificate: 92486 in the name of Lefore Fruit Farms, Inc. (confirmed by the Walla Walla Decree)
Use: IRRIGATION of 2.0 ACRES
Priority Date: 1888
Rate: 0.075 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA RIVER

Authorized Point of Diversion, as corrected by Special Order Volume 104, Page 890:

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

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Prior Cert.
6 N	35 E	WM	27	SE SE	1300	2.0	13305

13. The entirety of the fifth right to be modified by CW-32 is as follows:

Certificate: 92430 in the names of Dennis M. and Lisa D. Burks (confirmed by the Walla Walla Decree)

Use: IRRIGATION of 6.2 ACRES

Priority Dates: 1903 and 1908

Rate: 0.233 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA RIVER

Authorized Point of Diversion, as corrected by Special Order Volume 104, Page 890:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	35	NW NW	701	2.0	1903	12705
6N	35E	WM	35	NW NW	701	3.0	1908	12705
6N	35E	WM	35	NW NW	701	1.2	1903	13163
Total						6.2		

14. The entirety of the sixth right to be modified by CW-32 is as follows:

Certificate: 92429 in the name of Dennis Burks (confirmed by the Walla Walla Decree)

Use: IRRIGATION of 3.8 ACRES

Priority Dates: 1880 and 1893

Rate: 0.143 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to 1.5 MINER'S INCHES PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA RIVER

Authorized Point of Diversion, as corrected by Special Order Volume 104, Page 890:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	35	NW NW	701	1.0	1880	12659
6N	35E	WM	35	NW NW	701	0.8	1893	12659
6N	35E	WM	35	NW NW	701	2.0	1880	12660
Total						3.8		

15. Certificates 86277, 86297, 92528, 92486, 92430 and 92429 do not list a period of use. Based on the Walla Walla River Decree, the existing water right has 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 rights at the full amounts allowed year-round would exceed the amount 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 per acre (AF/acre) can beneficially be diverted for the existing use.
16. For purposes of this allocation of conserved water application the season of use is April 1 through October 31, and such other times when agricultural diversion are being exercised.
17. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of the application.
19. The Applicant requested the conserved water be allocated as follows:

Certificate	Priority	State's Portion		Applicant's Portion		Conserved Water	
		Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)
86277	1879	40%	0.009	60%	0.014	100%	0.023
86277	1908	40%	0.017	60%	0.025	100%	0.042
86297	1875	40%	0.045	60%	0.068	100%	0.113
86297	1879	40%	0.038	60%	0.056	100%	0.094
86297	1889	40%	0.020	60%	0.030	100%	0.050
86297	1901	40%	0.020	60%	0.030	100%	0.050
92528	1880	40%	0.015	60%	0.023	100%	0.038
92528	1893	40%	0.030	60%	0.045	100%	0.075
92528	1902	40%	0.040	60%	0.060	100%	0.100
92528	1903	40%	0.004	60%	0.006	100%	0.010
92528	1883	40%	0.045	60%	0.068	100%	0.113

Certificate	Priority	State's Portion		Applicant's Portion		Conserved Water	
		Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)
92528	1891	40%	0.015	60%	0.023	100%	0.038
92528	1899	40%	0.005	60%	0.008	100%	0.013
92486	1888	40%	0.010	60%	0.015	100%	0.025
92430	1903	40%	0.006	60%	0.009	100%	0.015
92430	1903	40%	0.010	60%	0.015	100%	0.025
92430	1908	40%	0.015	60%	0.023	100%	0.038
92429	1893	40%	0.004	60%	0.006	100%	0.010
92429	1880	40%	0.015	60%	0.023	100%	0.038
		Totals	0.363		0.547		0.910

20. The Applicant proposed its portion of the conserved water be allocated for an out-of-stream uses within Section 31, Township 6 North, Range 36 East, W.M. and Section 26, Township 6 North, Range 35 East, W.M.
21. The Applicant requested the priority date for any conserved water be one minute junior to the originating right.
22. The Applicant funded 100% of the conservation project.
23. The Applicant submitted a completed Land Use Form from Umatilla County with the original application, which indicated the proposed use was allowed outright or is not regulated by Umatilla County's comprehensive plan.
24. The implementation of the conservation measures began no earlier than 2002. The original application was filed within 5 years of implementation of the conservation measures. The Applicant requested finalization of the allocation upon approval of this application.
25. The Applicant proposed 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.
26. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificates 92528, 92486, 92430, and 92429 from the authorized point of diversion where water is diverted for the Little Walla Walla River from the Walla Walla River at approximately River Mile (RM) 45.4 to the Oregon-Washington state line at approximately RM 40.0. For Certificates 86277 and 86297, instream flow protection is requested from the authorized point of diversion located at approximately RM 44.1 to the Oregon-Washington state line at approximately RM 40.0.
27. The project is complete and no additional time is needed for finalization.
28. The application meets the requirements of OAR 690-018-0040.

29. The original application included a letter from the Oregon Department of Fish and Wildlife (ODFW) supporting the application stating the water allocated to instream use will benefit sensitive fish species in the Walla Walla basin. In addition, on September 19, 2018, ODFW submitted an Allocation of Conserved Water Review Form. The biologist indicated this section of the Walla Walla River is flow limited and current flows being left instream are unprotected as there are no water rights associated. This proposed instream water right will allow the instream flow to be protected by priority date.
30. Notice of the proposed conservation project was published in the Department's weekly notice on November 18, 2003, and in the Valley Herald newspaper on November 7, 14, and 21, 2003, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

On December 7, 2018, the Department issued a Preliminary Determination proposing to approve Allocation of Conserved Water application CW-32, and mailed a copy to the Applicant and Walla Walla Irrigation District. No protests were filed within 60 days from the date of mailing the Preliminary Determination. OAR 690-018-0050(6).

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

31. The proposed allocation of conserved water will result in a reduced diversion of the uses allowed under the existing rights pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #7).
32. On November 8, 2018, the District #5 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster's review indicated the existence of seepage losses from the authorized PODs for Certificates 92528, 92486, 92430, and 92429, commonly referred to as the Little Walla Walla River diversion headgate, at approximately RM 45.4 to the Oregon-Washington state line at approximately RM 40.0. In addition, seepage losses occur from the authorized point of diversion for Certificates 86277 and 86297 at approximately RM 44.1 to the Oregon-Washington state line at approximately RM 40.0. Enlargement could occur unless the instream water right allows for this seepage loss. In addition, 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.

Harm to other water rights can be mitigated by not protecting more water in the Walla Walla River than is legally available at the point of diversion. 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).

33. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #23). OAR 690-018-0050(4)(c).

34. Pursuant to OAR 690-018-0050(4)(e), the new reduced rates for the existing uses involved in Allocation of Conserved Water Application CW-32 under Certificates 86277, 86297, 92528, 92486, 92430, and 92429 are as follows:

Originating Certificate	Priority	Rate	
		Maximum CFS	CFS/AC
12539/86277	1879	0.045	0.025
12539/86277	1908	0.087	0.025
T-9437/86297	1875	0.225	0.025
55598/86297	1879	0.187	0.025
12911/86297	1889	0.100	0.025
12906/86297	1901	0.100	0.025
13163/92528	1880	0.075	0.025
13163/92528	1893	0.150	0.025
13163/92528	1902	0.200	0.025
13163/92528	1903	0.020	0.025
12848/92528	1883	0.225	0.025
12848/92528	1891	0.075	0.025
12848/92528	1899	0.025	0.025
13305/92486	1888	0.050	0.025
13163/92430	1903	0.030	0.025
12705/92430	1903	0.050	0.025
12705/92430	1908	0.075	0.025
12659/92429	1893	0.020	0.025
12660/92429	1880	0.075	0.025
Total		1.814	

(Finding of Fact #7).

35. Pursuant to OAR 690-018-0050(4)(e), the rates allocated to the State for instream use is as follows:

Originating Certificate	Priority	Rate Maximum CFS
12539/86277	1879, <i>plus one minute</i>	0.009
12539/86277	1908, <i>plus one minute</i>	0.017
T-9437/86297	1875, <i>plus one minute</i>	0.045
55598/86297	1879, <i>plus one minute</i>	0.038
12911/86297	1889, <i>plus one minute</i>	0.020
12906/86297	1901, <i>plus one minute</i>	0.020
13163/92528	1880, <i>plus one minute</i>	0.015
13163/92528	1893, <i>plus one minute</i>	0.030
13163/92528	1902, <i>plus one minute</i>	0.040
13163/92528	1903, <i>plus one minute</i>	0.004
12848/92528	1883, <i>plus one minute</i>	0.045
12848/92528	1891, <i>plus one minute</i>	0.015

Originating Certificate	Priority	Rate Maximum CFS
12848/92528	1899, <i>plus one minute</i>	0.005
13305/92486	1888, <i>plus one minute</i>	0.010
13163/92430	1903, <i>plus one minute</i>	0.006
12705/92430	1903, <i>plus one minute</i>	0.010
12705/92430	1908, <i>plus one minute</i>	0.015
12659/92429	1893, <i>plus one minute</i>	0.004
12660/92429	1880	0.015
Total		0.363

Or, the combined conserved water rates allocated to the State by priority dates are listed as follows:

Priority	Rate Maximum CFS
1875, <i>plus one minute</i>	0.045
1879, <i>plus one minute</i>	0.047
1880, <i>plus one minute</i>	0.030
1883, <i>plus one minute</i>	0.045
1888, <i>plus one minute</i>	0.010
1889, <i>plus one minute</i>	0.020
1891, <i>plus one minute</i>	0.015
1893, <i>plus one minute</i>	0.034
1899, <i>plus one minute</i>	0.005
1901, <i>plus one minute</i>	0.020
1902, <i>plus one minute</i>	0.040
1903, <i>plus one minute</i>	0.020
1908, <i>plus one minute</i>	0.032
Total	0.363

(Finding of Fact #19).

36. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. The proposed flows are necessary as they will benefit sensitive fish species. (Finding of Fact #29).
37. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of water allocated to the Applicant does not need to be adjusted because the Applicant funded 100% of the project. (Finding of Fact #22).
38. The conserved water rates allocated to the Applicant are as follows:

Originating Certificate	Priority	Rate Maximum CFS
12539/86277	1879, <i>plus one minute</i>	0.014
12539/86277	1908, <i>plus one minute</i>	0.025
T-9437/86297	1875, <i>plus one minute</i>	0.068

Originating Certificate	Priority	Rate Maximum CFS
55598/86297	1879, <i>plus one minute</i>	0.056
12911/86297	1889, <i>plus one minute</i>	0.030
12906/86297	1901, <i>plus one minute</i>	0.030
13163/92528	1880, <i>plus one minute</i>	0.023
13163/92528	1893, <i>plus one minute</i>	0.045
13163/92528	1902, <i>plus one minute</i>	0.060
13163/92528	1903, <i>plus one minute</i>	0.006
12848/92528	1883, <i>plus one minute</i>	0.068
12848/92528	1891, <i>plus one minute</i>	0.023
12848/92528	1899, <i>plus one minute</i>	0.008
13305/92486	1888, <i>plus one minute</i>	0.015
13163/92430	1903, <i>plus one minute</i>	0.009
12705/92430	1903, <i>plus one minute</i>	0.015
12705/92430	1908, <i>plus one minute</i>	0.023
12659/92429	1893, <i>plus one minute</i>	0.006
12660/92429	1880, <i>plus one minute</i>	0.023
Total		0.547

Or, the combined conserved water rates allocated to the Applicant by priority dates are listed as follows:

Priority	Rate Maximum CFS
1875, <i>plus one minute</i>	0.068
1879, <i>plus one minute</i>	0.070
1880, <i>plus one minute</i>	0.046
1883, <i>plus one minute</i>	0.068
1888, <i>plus one minute</i>	0.015
1889, <i>plus one minute</i>	0.030
1891, <i>plus one minute</i>	0.023
1893, <i>plus one minute</i>	0.051
1899, <i>plus one minute</i>	0.008
1901, <i>plus one minute</i>	0.030
1902, <i>plus one minute</i>	0.060
1903, <i>plus one minute</i>	0.030
1908, <i>plus one minute</i>	0.048
Total	0.547

(Finding of Fact #19)

39. The new instream water right created will be protected in the Walla Walla River from the authorized POD as described in Findings of Fact #11, #12, #13, and #14, where water is diverted into the Little Walla Walla, at approximately RM 45.4 to the authorized POD as described in Findings of Fact #8 and #9 at approximately RM 44.1, then to the Oregon-

Washington state line at approximately RM 40. OAR 690-018-0050(4)(h); OAR 690-077-0015(8). The instream right shall allow the use and protection of flows as follows:

Instream Reach 1:

Walla Walla River, tributary to the Columbia River

From the authorized POD, as described below, where water is diverted into the Little Walla Walla, at approximately River Mile (RM) 45.4.

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

Originating Certificate	Priority	Rate Maximum CFS	Period of Use
13163/92528	1880, <i>plus one minute</i>	0.015	April 1 through October 31
13163/92528	1893, <i>plus one minute</i>	0.030	
13163/92528	1902, <i>plus one minute</i>	0.040	
13163/92528	1903, <i>plus one minute</i>	0.004	
12848/92528	1883, <i>plus one minute</i>	0.045	
12848/92528	1891, <i>plus one minute</i>	0.015	
12848/92528	1899, <i>plus one minute</i>	0.005	
13305/92486	1888, <i>plus one minute</i>	0.010	
13163/92430	1903, <i>plus one minute</i>	0.006	
12705/92430	1903, <i>plus one minute</i>	0.010	
12705/92430	1908, <i>plus one minute</i>	0.015	
12659/92429	1893, <i>plus one minute</i>	0.004	
12660/92429	1880, <i>plus one minute</i>	0.015	
Total		0.214	

To the authorized POD described below at approximately RM 44.1:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Instream Reach 2:

From the authorized POD, described below at approximately RM 44.1:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Originating Certificate	Priority	Rate Maximum CFS	Period of Use
12539/86277	1879, <i>plus one minute</i>	0.009	April 1 through October 31
12539/86277	1908, <i>plus one minute</i>	0.017	
T-9437/86297	1875, <i>plus one minute</i>	0.045	
55598/86297	1879, <i>plus one minute</i>	0.038	
12911/86297	1889, <i>plus one minute</i>	0.020	
12906/86297	1901, <i>plus one minute</i>	0.020	
13163/92528	1880, <i>plus one minute</i>	0.015	April 1 through October 31
13163/92528	1893, <i>plus one minute</i>	0.030	
13163/92528	1902, <i>plus one minute</i>	0.040	
13163/92528	1903, <i>plus one minute</i>	0.004	
12848/92528	1883, <i>plus one minute</i>	0.045	
12848/92528	1891, <i>plus one minute</i>	0.015	
12848/92528	1899, <i>plus one minute</i>	0.005	
13305/92486	1888, <i>plus one minute</i>	0.010	
13163/92430	1903, <i>plus one minute</i>	0.006	
12705/92430	1903, <i>plus one minute</i>	0.010	
12705/92430	1908, <i>plus one minute</i>	0.015	
12659/92429	1893, <i>plus one minute</i>	0.004	
12660/92429	1880, <i>plus one minute</i>	0.015	
Total		0.363	

To the Oregon-Washington state line at approximately RM 40.0 in the SWNE of Section 13, Township 6 North, Range 35 East, W.M.

40. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water rights. OAR 690-077-0015(10).
41. The protection of flows within the proposed reach is appropriate, considering:
 - a. The instream water use begins at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion.
 - c. There are areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right.
OAR 690-077-0015(8).
42. 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 do not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).
43. There are no existing instream water rights on the Walla Walla River established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process) within the proposed reaches to be protected. 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 project would provide protection for additional flows identified as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).

44. The proposed areas within which the conserved water is proposed to be used for out-of-stream uses are within the Section 26, Township 6 North, Range 35 East, W.M. and Section 31, Township 6 North, Range 36 East, W.M. (Finding of Fact #20). OAR 690-018-0050(4)(h).
45. The Applicant proposes to utilize its portion of conserved water for irrigation on the following lands:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Rate	Priority
6 N	35 E	WM	26	SE SW	1900	6.5	0.068	1875, plus one minute
							0.014	1879, plus one minute
							0.056	1879, plus one minute
							0.023	1880, plus one minute
Total for TL 1900							0.161	
6 N	36 E	WM	31	SW SW	1200	15.44	0.023	1880, plus one minute
							0.068	1883, plus one minute
							0.015	1888, plus one minute
							0.030	1889, plus one minute
							0.023	1891, plus one minute
							0.051	1893, plus one minute
							0.008	1899, plus one minute
							0.030	1901, plus one minute
							0.060	1902, plus one minute
							0.030	1903, plus one minute
							0.048	1908, plus one minute
Total for TL 1200							0.386	

46. The project is complete. No additional time is required for finalization. (Finding of Fact #27). OAR 690-018-0050(4)(i).
47. Other than as conditioned in Finding of Fact #32, no other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. OAR 690-018-0050(4)(j).

Conclusions of Law

The project described in Allocation of Conserved Water Application CW-32, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077.

1. The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #7 and #34.

2. The proposed allocation of conserved water, as conditioned, will not harm existing water rights. Findings of Fact #32 and #47.
3. The application is consistent with the requirements established in OAR 690-005-0045. Findings of Fact #23 and #33.

Now, therefore, it is ORDERED:

1. The changes proposed in CW-32 are approved.
2. The quantities of water conserved and allocated are as follows:

Certificate	Priority	State's Portion		Applicant's Portion		Conserved Water	
		Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)
86277	1879	40%	0.009	60%	0.014	100%	0.023
86277	1908	40%	0.017	60%	0.025	100%	0.042
86297	1875	40%	0.045	60%	0.068	100%	0.113
86297	1879	40%	0.038	60%	0.056	100%	0.094
86297	1889	40%	0.020	60%	0.030	100%	0.050
86297	1901	40%	0.020	60%	0.030	100%	0.050
92528	1880	40%	0.015	60%	0.023	100%	0.038
92528	1893	40%	0.030	60%	0.045	100%	0.075
92528	1902	40%	0.040	60%	0.060	100%	0.100
92528	1903	40%	0.004	60%	0.006	100%	0.010
92528	1883	40%	0.045	60%	0.068	100%	0.113
92528	1891	40%	0.015	60%	0.023	100%	0.038
92528	1899	40%	0.005	60%	0.008	100%	0.013
92486	1888	40%	0.010	60%	0.015	100%	0.025
92430	1903	40%	0.006	60%	0.009	100%	0.015
92430	1903	40%	0.010	60%	0.015	100%	0.025
92430	1908	40%	0.015	60%	0.023	100%	0.038
92429	1893	40%	0.004	60%	0.006	100%	0.010
92429	1880	40%	0.015	60%	0.023	100%	0.038
		Totals	0.363		0.547		0.910

3. The rights 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 86277, 86297, 92429, 92430, 92486, 92528, and any related decree.
4. Water Right Certificate 86277 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 as follows:

Use: IRRIGATION of 5.26 ACRES
Priority Dates: 1879 and 1908
Rate: 0.132 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: WALLA WALLA RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority Dates
5N	35E	WM	1	NW NE	0.25	100	1908
5N	35E	WM	1	NW NE	0.90	1400	1908
6N	35E	WM	36	SW SE	1.82	1400	1879
6N	35E	WM	36	SW SE	0.10	100	1908
6N	35E	WM	36	SW SE	2.19	1400	1908
Total					5.26		

5. Water Right Certificate 86297 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 as follows:

Use: IRRIGATION of 24.5 ACRES

Priority Dates: 1875, 1879, 1889, and 1901

Rate: 0.612 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: WALLA WALLA RIVER, tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Priority Date	Prior Right
6N	35E	WM	36	SW SE	4.0	1002	1901	12906
6N	35E	WM	36	NE SE	4.0*	100	1889	12911
6N	35E	WM	36	NE SE	7.5	100	1879	55598
6N	35E	WM	36	SE SE	9.0	100	1875	T-9437
Total					24.5			

* - includes stock use

6. Water Right Certificate 92528 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 as follows:

Use: IRRIGATION of 30.8 ACRES

Priority Dates: 1880, 1883, 1891, 1893, 1899, 1902, 1903
Rate: 0.77 CUBIC FEET PER SECOND (CFS)
Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA 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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	26	SE SW	1900	9.0	1883	12848
6N	35E	WM	26	SE SW	1900	3.0	1891	12848
6N	35E	WM	26	SE SW	1900	1.0	1899	12848
6N	35E	WM	35	NW NW	600	6.0	1893	13163
6N	35E	WM	35	NW NW	600	3.0	1880	13163
6N	35E	WM	35	NW NW	600	8.0	1902	13163
6N	35E	WM	35	NW NW	600	0.8	1903	13163
Total						30.8		

7. Water Right Certificate 92486 is cancelled. A new certificate will be issued for the existing use and place of use at the reduced rate as follows:

Use: IRRIGATION of 2.0 ACRES
Priority Date: 1888
Rate: 0.05 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA 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

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Prior Cert.	
6 N	35 E	WM	27	SE SE	1300	2.0	13305	

8. Water Right Certificate 92430 is cancelled. A new certificate will be issued for the existing use and place of use at the reduced rate as follows:

Use: IRRIGATION of 6.2 ACRES
Priority Dates: 1903 and 1908
Rate: 0.155 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA RIVER

Authorized Point of Diversion, as corrected by Special Order Volume 104, Page 890:

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	35	NW NW	701	2.0	1903	12705
6N	35E	WM	35	NW NW	701	3.0	1908	12705
6N	35E	WM	35	NW NW	701	1.2	1903	13163
Total						6.2		

9. Water Right Certificate 92429 is cancelled. A new certificate will be issued for the existing use and place of use at the reduced rate as follows:

Use: IRRIGATION of 3.8 ACRES

Priority Dates: 1880 and 1893

Rate: 0.095 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The use is limited to ONE MINER'S INCH PER ACRE, or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: LITTLE WALLA WALLA RIVER, tributary of the WALLA WALLA 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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Priority	Prior Cert.
6N	35E	WM	35	NW NW	701	1.0	1880	12659
6N	35E	WM	35	NW NW	701	0.8	1893	12659
6N	35E	WM	35	NW NW	701	2.0	1880	12660
Total						3.8		

10. Water use measurement conditions:

- a. Before the use of the Applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion and where water is diverted into the bulge.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user 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.

11. The project is complete and no additional time is needed for finalization.

12. The proposed areas within which the Applicant's portion of conserved water is to be used for out-of-stream uses are within Section 26, Township 6 North, Range 35 East, W.M. and Section 31, Township; 6 North, Range 36 East, W.M.
13. The Applicant's portion of conserved water may be utilized at the following locations and quantity until such time as a subsequent Notice of Use and Disposition form is filed, as follows:

Use: Irrigation of 9.2 acres

Priority, Rates,

and Places of Use: 0.386 CFS measured at the point of diversion from the source, being:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Rate	Priority
6 N	35 E	WM	26	SE SW	1900	6.5	0.068	1875, plus one minute
							0.014	1879, plus one minute
							0.056	1879, plus one minute
							0.023	1880, plus one minute
Total for TL 1900							0.161	
6 N	36 E	WM	31	SW SW	1200	15.44	0.023	1880, plus one minute
							0.068	1883, plus one minute
							0.015	1888, plus one minute
							0.030	1889, plus one minute
							0.023	1891, plus one minute
							0.051	1893, plus one minute
							0.008	1899, plus one minute
							0.030	1901, plus one minute
							0.060	1902, plus one minute
							0.030	1903, plus one minute
							0.048	1908, plus one minute
Total for TL 1200							0.386	

Limit: Use of water is limited to ONE MINER'S INCH or ONE-FORTIETH (1/40) of one cubic foot per second per acre, or its equivalent in case of rotation measured at the point of diversion from the source.

Source: Little Walla Walla River, Tributary of the Walla Walla River

Authorized Point of Diversion:

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

14. 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 in the Walla Walla River from the authorized POD as described in Findings of Fact #11, #12, #13, and #14, where water is diverted into the Little Walla Walla, at approximately RM 45.4 to the authorized POD as described in Findings of Fact #8 and #9

at approximately RM 44.1, then to the Oregon-Washington state line at approximately RM 40.

Instream Reach 1:

Walla Walla River, tributary to the Columbia River

From the authorized POD, as described below, where water is diverted into the Little Walla Walla, at approximately River Mile (RM) 45.4.

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

Originating Certificate	Priority	Rate Maximum CFS	Period of Use
13163/92528	1880, <i>plus one minute</i>	0.015	April 1 through October 31
12660/92429	1880, <i>plus one minute</i>	0.015	
12848/92528	1883, <i>plus one minute</i>	0.045	
13305/92486	1888, <i>plus one minute</i>	0.010	
12848/92528	1891, <i>plus one minute</i>	0.015	
13163/92528	1893, <i>plus one minute</i>	0.030	
12659/92429	1893, <i>plus one minute</i>	0.004	
12848/92528	1899, <i>plus one minute</i>	0.005	
13163/92528	1902, <i>plus one minute</i>	0.040	
13163/92528	1903, <i>plus one minute</i>	0.004	
13163/92430	1903, <i>plus one minute</i>	0.006	
12705/92430	1903, <i>plus one minute</i>	0.010	
12705/92430	1908, <i>plus one minute</i>	0.015	
Total		0.214	

To the authorized POD as described below, at approximately RM 44.1:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Instream Reach 2:

From the authorized POD, described below at approximately RM 44.1:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Originating Certificate	Priority	Rate Maximum CFS	Period of Use
T-9437/86297	1875, <i>plus one minute</i>	0.045	April 1 through October 31
12539/86277	1879, <i>plus one minute</i>	0.009	

Originating Certificate	Priority	Rate Maximum CFS	Period of Use
55598/86297	1879, <i>plus one minute</i>	0.038	April 1 through October 31
13163/92528	1880, <i>plus one minute</i>	0.015	
12660/92429	1880, <i>plus one minute</i>	0.015	
12848/92528	1883, <i>plus one minute</i>	0.045	
13305/92486	1888, <i>plus one minute</i>	0.010	
12911/86297	1889, <i>plus one minute</i>	0.020	
12848/92528	1891, <i>plus one minute</i>	0.015	
13163/92528	1893, <i>plus one minute</i>	0.030	
12659/92429	1893, <i>plus one minute</i>	0.004	
12848/92528	1899, <i>plus one minute</i>	0.005	
12906/86297	1901, <i>plus one minute</i>	0.020	
13163/92528	1902, <i>plus one minute</i>	0.040	
13163/92528	1903, <i>plus one minute</i>	0.004	
13163/92430	1903, <i>plus one minute</i>	0.006	
12705/92430	1903, <i>plus one minute</i>	0.010	
12705/92430	1908, <i>plus one minute</i>	0.015	
12539/86277	1908, <i>plus one minute</i>	0.017	
Total		0.363	

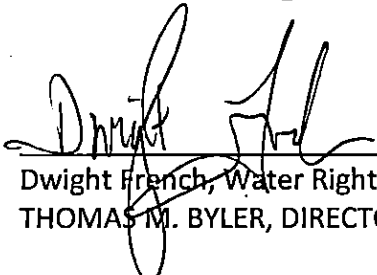
To the Oregon-Washington state line at approximately RM 40.0, located in the SWNE of Section 13, Township 6 North, Range 35 East, W.M.

Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point 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 reach.

The instream right established by this conserved water application shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to 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 11th day of February, 2019.


 Dwight French, Water Rights Services Administrator for
 THOMAS M. BYLER, DIRECTOR

Mailing Date: FEB 12 2019