

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

In the Matter of the Allocation of Conserved )  
Water Application CW-56, Certificate 74135, )  
Deschutes and Jefferson Counties ) ORDER FINALIZING THE  
ALLOCATION OF CONSERVED  
WATER

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

**Findings of Fact**

1. On February 28, 2008 Lower Bridge Sub-District #2 of Three Sister Irrigation District (TSID) and the landowners listed below filed an allocation of conserved water application. The Department assigned the application number CW-56.

LAND OWNERS		
William & Pamela Brandon 2219 Day Island Blvd W. University Place, WA 98466 (503) 260-7931	Randy & Mary Burdick P.O. Box 944 Sisters, Oregon 97759 (541) 923-1371	Steve Calavan 70345 McKenzie Canyon Rd. Terrebonne, Oregon 97760 (541) 383-1733
Glenn Cooper 15000 Lower Bridge Rd. Terrebonne, Oregon 97760 (541) 548-4681	Tim DiPaolo P.O. Box 724 Bolinas, California 94924 (415) 868-0239	Thayne & Margaret Dutson 4306 Arrowhead Circle Corvallis, Oregon 97330 (541) 752-8183
Dana & Evelyn Dykes 70520 McKenzie Canyon Terrebonne, Oregon 97760 (541) 548-6360	Ken & Jacqueline Gibbs 70177 McKenzie Canyon Terrebonne, Oregon 97760 (541) 923-6247	Joseph & Dana Giegerich P.O. Box 341 Silverton, Oregon 97381 (503) 931-7824
William Kelley P.O. Box 545 Sisters, Oregon 97759 (541) 923-0509	Don Kidson 1457 12 <sup>th</sup> Street Santa Monica, CA 90401 (310) 395-6337	David Ludi 19595 SE Martin Road Sandy, Oregon 97055 (503) 668-5280

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.

David & Chris Lawrence Route 1, Box 246 Terrebonne, Oregon 97760 (541) 548-6870	Long Hollow Ranch Attn: Richard Bloomfeldt 71105 Holmes Road Sisters, Oregon 97759 (541) 923-5540	McKenzie Canyon Group Attn: John Ferara 70105 Holmes Road Sisters, Oregon 97759 (541) 548-5470
Darwin McKibbin P.O. Box 81 Terrebonne, Oregon 97760 (541) 548-2116	Steven and Linda Mohr 9479 SW Meadow Road Terrebonne, Oregon 97760 (541) 514-0177	David & Phyllis Mulkey 501 Delay Drive Eugene, Oregon 97404 (541) 688-1447
David & Ruth Parks 70425 McKenzie Canyon Terrebonne, Oregon 97760 (541) 420-4637	Sherode & Susan Powers 70466 McKenzie Canyon Terrebonne, Oregon 97760 (541) 548-5204	Mostafa & Naoko Shirazi 2125 NW Jackson Creek Corvallis, Oregon 97330 (541) 754-4656
Steve & Kathy Simpson 71300 NW Lower Bridge Terrebonne, Oregon 97760 (541) 548-5800	Stephen & Elizabeth Sparks 12021 Wetherfield Lane Potomac, Maryland 20854 (301) 869-1842	Stephen Spear 70915 Lower Bridge Terrebonne, Oregon 97760 (541) 548-7612
Kenneth Taylor 70290 McKenzie Canyon Rd. Sisters, Oregon 97759 (541) 548-1981	Marc & Pamela Thalacker 70625 Lower Bridge Terrebonne, Oregon 97760 (541) 419-5850	Kenneth R. Tisher 2044 NW Trenton Bend, Oregon 97701
Jacqueline A. Thomas DeeAnn R. McCoy 911 SW 57 <sup>th</sup> Avenue Portland, Oregon 97221 (503) 973-7700	William F. Vejrostek 70481 McKenzie Canyon Rd. Terrebonne, Oregon 97760 (360) 894-2165	

2. The McKenzie Canyon Group is composed of land owned by the following individuals:

John Ferara 70105 Holmes Road Sisters, Oregon 97759 (541) 548-5470	John Barry 70104 Running Horse Ct. Sisters, Oregon 97759 (541) 923-8792	Clive Bigelow 18630 McSwain Drive Sisters, Oregon 97759 (541) 504-1672
Monte L. Kline Family Limited Partnership 70090 Holmes Road Sisters, Oregon 97759	R. Hunter Leigh 18623 McSwain Drive Sisters, Oregon 97759	

3. On August 12, 2009 the Department issued Special Order Volume 78, Page 625, approving Allocation of Conserved Water Application CW-56.
4. On April 12, 2010 Three Sisters Irrigation District (TSID) notified the Department that the conservation project has been completed and requested that the project be finalized.

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

Consistent with Special Order Volume 78, Page 625, the Department takes the following actions:

1. Certificate 74135 shall be modified. A new superseding certificate shall be issued to Three Sisters Irrigation District for the remaining portion of Certificate 74135 upon a determination that it is necessary to produce a certificate to confirm that remaining portion of the water right. Approval of this allocation of conserved water reduces the amount of water lawfully available under the remaining portion of Certificate 74135 as described below:

Priority Date	Rate (cfs)
1895	1.20
1899	0.03
1904	0.28
<b>Total:</b>	<b>1.51</b>

The acreage, rate, duty, and priority dates are subject to modification by any previously approved transfers, cancellations, corrections, allocation of conserved water, or other prior modification to Certificate 74135. The associated priority date and rate of the remaining right shall be approximately:

Priority	Maximum CFS
1869	0.96
1885	1.30
1887	3.00
1889	4.03
1893	0.79
1895	104.83
1899	2.03
1900	0.75
1901	0.45
1903	6.88
1904	12.66
<b>Total:</b>	<b>137.68</b>

The maximum per acre rate of the acres affected by this allocation of conserved water, described below, is reduced from 1/58.88 cfs per acre to 1/61.61 cfs per acre.

TWP	RNG	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
13S	12E	19	SE¼ SE¼	1300	34.00	IRR	1904	Cooper, Glenn
13S	12E	20	SW¼ NE¼	1401	17.50	IRR	1895	Cooper, Glenn
13S	12E	20	SW¼ NE¼	1401	23.50	IRR	1904	Cooper, Glenn

TWP	RNG	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
13S	12E	20	SE¼ NE¼	1401	8.50	IRR	1904	Cooper, Glenn
13S	12E	20	NE¼ NW¼	1401	22.00	IRR	1904	Cooper, Glenn
13S	12E	20	SW¼ NW¼	1401	8.50	IRR	1904	Cooper, Glenn
13S	12E	20	SE¼ NW¼	1401	17.00	IRR	1895	Cooper, Glenn
13S	12E	20	SE¼ NW¼	1401	23.00	IRR	1904	Cooper, Glenn
13S	12E	20	NW¼ SW¼	1401	18.00	IRR	1904	Cooper, Glenn
13S	12E	20	NW¼ SW¼	1401	4.00	POND	1904	Cooper, Glenn
13S	12E	20	SW¼ SW¼	1401	30.00	IRR	1904	Cooper, Glenn
13S	12E	20	NE¼ SE¼	1401	4.00	IRR	1904	Cooper, Glenn
13S	12E	20	NW¼ SE¼	1401	6.00	IRR	1904	Cooper, Glenn
13S	12E	29	NW¼ NW¼	1401	39.00	IRR	1895	Cooper, Glenn
13S	12E	29	SW¼ NW¼	1900	37.00	IRR	1895	Mulkey, David & Phyllis
13S	12E	29	NW¼ SW¼	1900	21.00	IRR	1895	Mulkey, David & Phyllis
13S	12E	29	NW¼ SW¼	1900	8.00	IRR	1899	Mulkey, David & Phyllis
13S	12E	29	NW¼ SW¼	1900	11.00	IRR	1904	Mulkey, David & Phyllis
13S	12E	29	SW¼ SW¼	2000	16.00	IRR	1895	Kidson, Don
13S	12E	30	NE¼ NE¼	1401	11.00	IRR	1895	Cooper, Glenn
13S	12E	30	NE¼ NE¼	1401	30.00	IRR	1904	Cooper, Glenn
13S	12E	30	SW¼ NE¼	1900	2.00	IRR	1895	Mulkey, David & Phyllis
13S	12E	30	SW¼ NE¼	1900	14.00	IRR	1904	Mulkey, David & Phyllis
13S	12E	30	SE¼ NE¼	1900	38.00	IRR	1895	Mulkey, David & Phyllis
13S	12E	30	SE¼ NE¼	1900	1.00	POND	1895	Mulkey, David & Phyllis
13S	12E	30	NE¼ SE¼	1900	40.00	IRR	1904	Mulkey, David & Phyllis
13S	12E	30	NW¼ SE¼	1900	20.00	IRR	1904	Mulkey, David & Phyllis
13S	12E	30	SW¼ SE¼	2000	6.00	IRR	1895	Kidson, Don
13S	12E	30	SW¼ SE¼	2000	0.50	POND	1895	Kidson, Don
13S	12E	30	SE¼ SE¼	2000	9.00	IRR	1895	Kidson, Don
13S	12E	30	SE¼ SE¼	2000	5.00	IRR	1904	Kidson, Don
13S	12E	31	NE¼ NE¼	2000	9.00	IRR	1895	Kidson, Don
13S	12E	31	NW¼ NE¼	2000	6.00	IRR	1895	Kidson, Don
13S	12E	31	SW¼ NE¼	2000	8.00	IRR	1895	Kidson, Don
13S	12E	31	SE¼ NE¼	2000	13.50	IRR	1895	Kidson, Don
13S	12E	31	NE¼ SW¼	2100	3.50	IRR	1895	Page, Richard

TWP	RNG	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
13S	12E	31	SE¼ SW¼	2100	25.00	IRR	1895	Page, Richard
13S	12E	32	NW¼ NW¼	2000	1.00	IRR	1895	Kidson, Don
13S	11E	1	NE¼ SW¼	101	5.00	IRR	1895	Long Hollow Ranch
13S	11E	1	SW¼ SW¼	101	18.00	IRR	1895	Long Hollow Ranch
13S	11E	1	SW¼ SW¼	101	4.00	IRR	1904	Long Hollow Ranch
13S	11E	1	SE¼ SW¼	101	32.00	IRR	1895	Long Hollow Ranch
13S	11E	1	SE¼ SW¼	101	2.00	IRR	1904	Long Hollow Ranch
13S	11E	1	NW¼ SE¼	101	16.00	IRR	1895	Long Hollow Ranch
13S	11E	1	SW¼ SE¼	101	36.50	IRR	1895	Long Hollow Ranch
13S	11E	1	SE¼ SE¼	101	26.00	IRR	1895	Long Hollow Ranch
13S	11E	2	SE¼ SE¼	101	11.00	IRR	1895	Long Hollow Ranch
13S	11E	11	NE¼ NE¼	101	25.50	IRR	1895	Long Hollow Ranch
13S	11E	11	NE¼ NE¼	101	1.00	IRR	1904	Long Hollow Ranch
13S	11E	11	NW¼ NE¼	101	17.50	IRR	1895	Long Hollow Ranch
13S	11E	11	NW¼ NE¼	101	2.50	IRR	1904	Long Hollow Ranch
13S	11E	11	NE¼ NW¼	101	4.00	IRR	1895	Long Hollow Ranch
13S	11E	12	NE¼ NE¼	103	23.50	IRR	1895	Long Hollow Ranch
13S	11E	12	NW¼ NE¼	103	8.50	IRR	1895	Long Hollow Ranch
13S	11E	12	NW¼ NW¼	100	6.00	IRR	1895	Long Hollow Ranch
13S	11E	12	NW¼ NW¼	100	3.00	IRR	1904	Long Hollow Ranch
13S	11E	13	NW¼ NE¼	200	5.00	IRR	1895	Simon, Jim
13S	11E	13	SW¼ NE¼	300	0.68	IRR	1895	Friend, Chester & Pamela
13S	11E	13	SE¼ NE¼	401	14.00	IRR	1895	Friend, Chester & Pamela
13S	11E	13	NE¼ NW¼	200	19.50	IRR	1904	Simon, Jim
13S	11E	13	SW¼ NW¼	500	13.50	IRR	1895	Simon, Jim
13S	11E	13	SE¼ NW¼	500	5.50	IRR	1895	Simon, Jim
13S	11E	13	NE¼ SW¼	500	8.00	IRR	1895	Simon, Jim
13S	11E	13	NW¼ SW¼	500	33.00	IRR	1895	Simon, Jim
13S	11E	13	SW¼ SW¼	700	21.50	IRR	1895	Kavanagh, Geraldine
13S	11E	13	SW¼ SW¼	700	0.50	IRR	1904	Kavanagh, Geraldine
13S	11E	13	SW¼ SW¼	800	4.00	IRR	1895	Kavanagh, Geraldine
13S	11E	13	SE¼ SW¼	600	5.87	IRR	1895	Sanders, Ed & Betty
13S	11E	13	NE¼ SE¼	401	37.00	IRR	1895	Friend, Chester & Pamela
13S	11E	13	NW¼ SE¼	300	1.50	IRR	1895	Friend, Chester & Pamela
13S	11E	13	SW¼ SE¼	400	22.00	IRR	1895	Sanders, Ed & Betty
13S	11E	13	SE¼ SE¼	400	12.00	IRR	1895	Sanders, Ed & Betty

TWP	RNG	SEC	Q-Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
13S	11E	13	SE¼ SE¼	401	12.00	IRR	1895	Friend, Chester & Pamela
13S	11E	14	SE¼ SE¼	700	3.50	IRR	1895	Kavanagh, Geraldine
13S	11E	14	SE¼ SE¼	700	3.10	IRR	1904	Kavanagh, Geraldine
13S	11E	14	SE¼ SE¼	800	2.00	IRR	1895	Kavanagh, Geraldine
13S	11E	22	NE¼ SW¼	600	2.10	IRR	1895	Elmore, Michael
13S	11E	22	NE¼ SW¼	700	2.10	IRR	1895	Elmore, Michael
13S	11E	22	SE¼ SW¼	600	2.90	IRR	1895	Elmore, Michael
13S	11E	22	SE¼ SW¼	900	9.00	IRR	1895	Elmore, Michael
13S	11E	22	NW¼ SE¼	700	2.90	IRR	1895	Elmore, Michael
13S	11E	23	NE¼ NE¼	100	6.00	IRR	1895	Kavanagh, Geraldine
13S	11E	23	NE¼ NE¼	100	1.50	IRR	1904	Kavanagh, Geraldine
13S	11E	23	NE¼ NE¼	200	15.00	IRR	1895	Helikson, Paul & Sherry
13S	11E	23	NE¼ NE¼	400	1.50	IRR	1895	Kavanagh, Geraldine
13S	11E	23	SE¼ NE¼	300	19.80	IRR	1895	Helikson, Paul & Sherry
13S	11E	23	SW¼ SW¼	1400	6.80	IRR	1899	Burdick, Robert R.
13S	11E	23	SE¼ SW¼	1200	4.20	IRR	1895	Kelley, William & Mildred
13S	11E	23	SE¼ SW¼	1300	7.50	IRR	1899	Burdick, Robert R.
13S	11E	23	NE¼ SE¼	800	8.00	IRR	1895	Vestal, William & Victoria
13S	11E	23	NW¼ SE¼	400	8.00	IRR	1895	Volz, Charles & Jan
13S	11E	23	NW¼ SE¼	700	6.50	IRR	1895	Volz, Charles & Jan
13S	11E	23	SW¼ SE¼	1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
13S	11E	23	SW¼ SE¼	1100	5.00	IRR	1895	Burdick, Joyce G.
13S	11E	23	SW¼ SE¼	1100	5.20	IRR	1899	Burdick, Joyce G.
13S	11E	24	NE¼ NE¼	100	2.70	IRR	1895	Sanders, Ed & Betty
13S	11E	24	NW¼ NE¼	100	1.50	IRR	1895	Sanders, Ed & Betty
13S	11E	24	NW¼ NW¼	400	6.00	IRR	1895	Kavanagh, Geraldine
13S	11E	24	NW¼ NW¼	500	1.50	IRR	1895	Kavanagh, Geraldine
13S	11E	27	NW¼ NE¼	300	5.00	IRR	1895	Elmore, Michael
13S	11E	27	NW¼ NE¼	400	4.00	IRR	1895	Elmore, Michael
14S	12E	5	NE¼ NE¼	800	15.50	IRR	1895	Williams, Don & Myrtle
14S	12E	5	NW¼ NE¼	800	27.00	IRR	1895	Williams, Don & Myrtle
14S	12E	5	SW¼ NE¼	800	25.00	IRR	1895	Williams, Don & Myrtle
14S	12E	5	SE¼ NE¼	800	10.00	IRR	1895	Williams, Don & Myrtle
14S	12E	5	NE¼ NW¼	800	10.50	IRR	1895	Williams, Don & Myrtle

TWP	RNG	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
14S	12E	5	SE¼ NW¼	800	7.00	IRR	1895	Williams, Don & Myrtle
14S	12E	6	NE¼ NW¼	902	40.00	IRR	1895	Page, Richard
14S	12E	6	SE¼ NW¼	902	1.50	IRR	1895	Page, Richard
14S	12E	6	SE¼ NW¼	902	6.00	IRR	1904	Page, Richard
14S	12E	6	NE¼ SW¼	900	5.00	IRR	1895	Wallace, Al
14S	12E	6	NW¼ SW¼	1000	2.50	IRR	1895	Wallace, Al
14S	12E	6	NW¼ SW¼	1000	6.00	IRR	1904	Wallace, Al
14S	12E	6	SW¼ SW¼	1000	35.00	IRR	1895	Wallace, Al
14S	12E	6	SW¼ SW¼	1000	5.00	IRR	1904	Wallace, Al
14S	12E	6	SE¼ SW¼	900	25.50	IRR	1895	Wallace, Al
14S	12E	6	SE¼ SW¼	900	6.00	IRR	1904	Wallace, Al
14S	12E	6	SW¼ SE¼	800	18.00	IRR	1895	Williams, Don & Myrtle
14S	12E	7	NW¼ NE¼	800	11.00	IRR	1895	Williams, Don & Myrtle
14S	12E	7	NW¼ NE¼	800	11.50	IRR	1899	Williams, Don & Myrtle
14S	12E	7	NE¼ NW¼	999	17.50	IRR	1895	Wallace, Al
14S	12E	7	NW¼ NW¼	1000	31.00	IRR	1895	Wallace, Al
14S	12E	7	NW¼ NW¼	1000	0.50	POND	1895	Wallace, Al
14S	12E	7	SE¼ NW¼	1199	27.00	IRR	1895	Lawrence, David & Chris
14S	12E	7	SW¼ SW¼	1102	6.00	IRR	1895	Powers, Sherode & Susan
14S	12E	7	SE¼ SW¼	1102	2.50	IRR	1895	Powers, Sherode & Susan
14S	12E	7	SE¼ SW¼	1102	2.50	POND	1895	Powers, Sherode & Susan
14S	12E	7	SE¼ SW¼	1401	1.00	POND	1904	Thalacker, Marc & Pamela
14S	12E	7	SW¼ SE¼	1401	4.00	IRR	1895	Thalacker, Marc & Pamela
14S	12E	7	SW¼ SE¼	1401	8.00	POND	1904	Thalacker, Marc & Pamela
14S	12E	7	SE¼ SE¼	1401	11.50	IRR	1895	Thalacker, Marc & Pamela
14S	12E	7	SE¼ SE¼	1401	6.00	POND	1904	Thalacker, Marc & Pamela
14S	12E	17	SW¼ NW¼	1401	32.50	IRR	1895	Thalacker, Marc & Pamela
14S	12E	18	NE¼ NE¼	1401	40.50	IRR	1895	Thalacker, Marc & Pamela
14S	12E	18	NW¼ NE¼	1401	29.50	IRR	1895	Thalacker, Marc & Pamela
14S	12E	18	SW¼ NE¼	1401	37.00	IRR	1895	Thalacker, Marc & Pamela

TWP	RNG	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135	
14S	12E	18	SE¼ NE¼	1401	32.50	IRR	1895	Thalacker, Marc & Pamela	
14S	12E	18	NE¼ NW¼	1102	27.50	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	NW¼ NW¼	1102	32.00	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	SW¼ NW¼	1102	38.50	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	SE¼ NW¼	1102	38.00	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	NE¼ SW¼	1102	23.00	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	NE¼ SW¼	2200	5.50	IRR	1895	Peterson, Robert & Paula	
14S	12E	18	NW¼ SW¼	1102	34.00	IRR	1895	Powers, Sherode & Susan	
14S	12E	18	NW¼ SW¼	2100	5.00	IRR	1895	Peterson, Robert & Paula	
14S	12E	18	SW¼ SW¼	2100	19.50	IRR	1895	Peterson, Robert & Paula	
14S	12E	18	NW¼ SE¼	1401	15.00	IRR	1895	Thalacker, Marc & Pamela	
14S	12E	18	NW¼ SE¼	1401	1.50	IRR	1904	Thalacker, Marc & Pamela	
<b>TOTAL:</b>					<b>1990.15 ACRES</b>				

Additionally, lands involved in transfer applications T-8392, T-8994, T-9621 are part of this allocation of conserved water project. The authorized place of use ("FROM" lands) as described in these transfer applications and as listed on Certificate 74135 are:

**Transfer T-8392:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
15S	11E	W.M.	5	SW¼ NE¼	100	4.50	IRR	1895	Simon, Cheryle
15S	11E	W.M.	5	SE¼ NW¼	101	1.00	IRR	1895	Simon, Cheryle
<b>TOTAL:</b>						<b>5.50</b>			

**Transfer T-8994:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
15S	11E	W.M.	8	SE¼ SE¼	700	5.00	IRR	1895	Tumalo Farms



**Transfer T-9621:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority	Owner as listed on Certificate 74135
15S	11E	W.M.	8	NE¼ SE¼	100	2.00	IRR	1895	Tumalo Farms

The proposed place of use ("TO" lands) which shall have the maximum per acre rate of 1/54.08 cfs reduced to 1/58.88 cfs per acre are:

**Transfer T-8392:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority
14S	11E	W.M.	24	NE¼ SE¼	406	5.50	IRR	1895

**Transfer T-8994:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority	
14S	11E	W.M.	12	NE¼ SE¼	3000	2.10	IRR	1895	
14S	11E	W.M.	12	SE¼ SE¼	3000	2.90	IRR	1895	
TOTAL:						5.00			

**Transfer T-9621:**

TWP	RNG	MER	SEC	Q--Q	Tax lot	Acres	Type	Priority
14S	12E	W.M.	18	NE¼ SW¼	2200	2.00	IRR	1895

The place of use shall be those lands described under Certificate 74135, as modified by any transfers completed pursuant to ORS 540.580 or other prior modifications.

All other conditions and limitations of the existing water right and any related decree shall be included in the superseding certificate.

2. The conserved water held by Lower Bridge Sub-District #2 of Three Sister Irrigation District may be used to irrigate a maximum of 19.1 acres of new land, being 1.85 equivalent-acres with a 1899 priority date and 17.25 equivalent-acres with a 1904 priority date, within Lower Bridge Sub-District #2 of Three Sister Irrigation District that are served by the Three Sisters Irrigation District point of diversion for Certificate 74135, being:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

The maximum rate for the lands shall be 1/61.61 cfs per acre-equivalent.

3. The conserved water held by Lower Bridge Sub-District #2 of Three Sister Irrigation District shall be reserved instream until a permanent place of use is determined. The priority date and rate that shall be reserved instream are:

Priority Date	Rate (cfs)
1899	0.03
1904	0.28
<b>Total</b>	<b>0.31</b>

This water will be protected in Whychus Creek from the authorized point of diversion (approximately River Mile 23.5) for Certificate 74135 at:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

to the mouth of the Whychus Creek, at River Mile 0.0.

4. Once a permanent place of use is determined for the applicant's share of the conserved water, Lower Bridge Sub-District #2 of Three Sister Irrigation District shall submit a statement consistent with OAR 690-018-0062 (3)(a) that identifies:
  - a. The name and address of the person using the water;
  - b. A description of the type of beneficial use of the water;
  - c. A legal description of the place of use; and
  - d. A map that meets the standards in OAR 690-310-0050.

Prior to water being used at the new location, approval must be obtained from the Department. Once water has been used at the new location, if the applicant notifies the Department that the respective right has become appurtenant to the specified lands and provides satisfactory proof, the Department shall issue a certificate for the use of water at the identified location.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

All other conditions and limitations of the existing water right, Certificate 74135, and any related decree shall be included in the new certificate.

If the permanent place of use is to be the same location as to where the water is being temporarily reserved instream, then the Lower Bridge Sub-District #2 of Three Sister Irrigation District need only submit a statement requesting that the instream place of use be made permanent.

- 5. A Instream Water Right Certificate 86169 shall be issued for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in Whychus Creek from the authorized point of diversion (approximately River Mile 23.5) for Certificate 74135 at:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	998 FEET NORTH AND 1211 FEET EAST FROM THE SW CORNER OF SECTION 21

to the mouth of the Whychus Creek, at River Mile 0.0.

The instream water right shall be for a total of 1.20 cfs, with a 1895 priority date, 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. The rights shall allow for the use and protection of flows from April 1 through October 31 and at other times when Three Sisters Irrigation District, or it successor, is diverting water.

Dated at Salem, Oregon this 15<sup>th</sup> day of April, 2010.

*William E. Ferber*  
for Phillip C. Ward  
Director

Date of Mailing: APR 19 2010