

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

In the Matter of Proposed Allocation of) FINAL ORDER APPROVING
Conserved Water Application) ALLOCATION OF CONSERVED
CW-44, Deschutes and Jefferson Counties) WATER

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

Applicant

LOWER BRIDGE SUB-DISTRICT #2
OF THREE SISTER IRRIGATION DISTRICT and LANDOWNERS
PO BOX 2230
SISTERS OR 97759

Findings of Fact

1. On April 13, 2006, Lower Bridge Sub-District #2 of Three Sister Irrigation District and the landowners listed below filed an allocation of conserved water application. Supplemental information needed to complete the application was received on September 28, 2006. The Department assigned the application number CW-44.

Randy & Mary Burdick
P.O. Box 944
Sisters, Oregon 97759
(541) 923-1371

William & Pamela Brandon
31323 NE 111th Place
Carnation, Washington 98014
(253) 564-9371

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

Emmett Ranch, LLC
Attn: John Short
P.O. Box 1830
Bend, Oregon 97709
(541) 322-9528

Ken & Jacqueline Gibbs
70177 McKenzie Canyon
Terrebonne, Oregon 97760
(541) 923-6247

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR RECONSIDERATION

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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 12th Street
Santa Monica, CA 90401
(310) 395-6337

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 & Josephine
McKibbin
P.O. Box 81
Terrebonne, Oregon 97760
(541) 548-2116

David & Phyllis Mulkey
501 Delay Drive
Eugene, Oregon 97404
(541) 688-1447

David & Ruth Parks
70425 McKenzie Canyon
Terrebonne, Oregon 97760
(541) 420-4637

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 Spears
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

Jaqueline A. Thomas
DeeAnn R. McCoy
911 SW 57th 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

Monte L. Kline Family
Limited Partnership
70090 Holmes Road
Sisters, Oregon 97759

John Barry
70104 Running Horse Ct.
Sisters, Oregon 97759
(541) 923-8792

Clive Bigelow
 18630 McSwain Drive
 Sisters, Oregon 97759
 (541) 504-1672

R. Hunter Leigh
 515 S McLoughlin Blvd.
 Oregon City, Oregon 97045
 (503) 803-1222

3. The land owned by Emmett Ranch, LLC involved in this allocation of conserved water application has been sold to the following individuals:

David Ludi
 19595 SE Martin Road
 Sandy, Oregon 97055
 (503) 668-5280

Steven and Linda Mohr
 3133 Belle River Drive
 Hacienda Heights, CA 91745
 (626) 961-0115

Sherode & Susan Powers
 70466 McKenzie Canyon
 Terrebonne, Oregon 97760
 (541) 548-5204

Kenneth R. Tisher
 2044 NW Trenton
 Bend, Oregon 97701

4. The application requests an allocation of conserved water under Certificate 74135, in the name of Squaw Creek Irrigation District. Squaw Creek Irrigation District has changed its name, and is now know as Three Sisters Irrigation District (TSID).

5. TSID operates and maintains the water delivery system for the benefit of the landowners in the area.

6. TSID has an allocation of conserved water policy pursuant to OAR 690-018-0025.

7. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A diversion structure and ditch or a pump, pipeline and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

9. The portion of Certificate 74135 involved in the allocation of conserved water is as follows:
 Source: WYCHUS CREEK (formerly known as Squaw Creek)

Priority Date	Irrigation Acres	Pond Equivalent Acres	Total Equivalent Acres	Irrigation Maximum Rate (cfs)	Pond Maximum Rate (cfs)	Total Maximum Rate (cfs)
1895	1581.05	4.50	1585.55	31.62	0.09	31.71
1899	39.00	0.00	39.00	0.78	0.00	0.78
1904	359.10	19.00	378.10	7.18	0.38	7.56
<i>Total</i>	<i>1979.15</i>	<i>23.50</i>	<i>2002.65</i>	<i>39.58</i>	<i>0.47</i>	<i>40.05</i>

On-Farm Rate: ONE-FIFTIETH cfs per acre
 Type of Use: IRRIGATION and POND MAINTENANCE

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

10. The conservation project involves replacing a portion of the Black Butte Canal by burying 7,166 feet of 18-inch HDPE pipe and 6,244 feet of 24-inch HDPE pipe. The replacement of open, unlined ditches with pipelines is a proven technology for conserving water.
11. Public notice was published in the Department’s weekly notice on May 16, 2006, and in the Bend Bulletin on May 12, 19 and 26, 2006, as required under OAR 690-018-0050. No comments were received in response to the notice.
12. Pursuant ORS 537.485, the applicant requests that the priority dates of the conserved water be the same as the originating right.
13. The proposed allocation of conserved water, once complete, will result in the conservation of 1.51 cfs. The quantity of water allowed for diversion under Certificate 74135 will be reduced by this quantity, as described below:

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

14. Pursuant to OAR 690-077-0015, the proposed instream right is not a measurable portion of the Deschutes River and therefore cannot be extended from Wychus Creek, the source stream, into the receiving stream, the Deschutes River.
15. The proposed allocation of conserved water will not harm existing rights because the instream reach is limited to Wychus Creek, and there are no return flows to Wychus Creek. The return flows begin to enter the Deschutes River at approximately River Mile 130.8.
16. The application includes land use information forms completed and signed by representatives of Deschutes and Jefferson Counties planning departments demonstrating that the application is compatible with the local comprehensive land use plan.
17. Since no harm will occur to other water rights, no reduction in the quantity of conserved water to be allocated is required to mitigate for effects on other water rights.
18. After the allocation of conserved water, the water right held by the applicant will allow use of the following quantities of water:

Certificate	Originating Right Priority Date	Before Project Maximum Rate (cfs)	After Project Maximum Rate (cfs)	Conserved Water Rate (cfs)
74135	1895	31.71	30.51	1.20
	1899	0.78	0.75	0.03
	1904	7.56	7.28	0.28
	<i>Subtotal</i>	<i>40.05</i>	<i>38.54</i>	<i>1.51</i>

19. In consultation with the Oregon Department of Fish and Wildlife, Department of Environmental Quality, and Oregon Parks and Recreation Department, the Department has determined that conserved water is needed to support instream uses in Wychus Creek to provide for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
20. Pursuant to OAR 690-018-0012(1), the applicant's propose that 80 percent of the conserved water be allocated to the State for an instream water right and that 20 percent be reserved for use by the Lower Bridge Sub-District #2 of Three Sister Irrigation District. The applicant further requests that 100 percent of the 1895 conserved water be allocated to the State for an instream water right and that 100 percent of the 1899 and 1904 conserved water be allocated to the Lower Bridge Sub-District #2 of Three Sister Irrigation District.

21. The amounts of water to be allocated to the applicant for new out-of-stream use, and the amount of water to be allocated to the State for an instream water right are:

Certificate	Priority Date	Conserved Water Rate (cfs)	New Lands Out-of-Stream Rate (cfs)	Instream Water Right Rate (cfs)
74135	1895	1.20	0.00	1.20
	1899	0.03	0.03	0.00
	1904	0.28	0.28	0.00
	<i>Subtotal</i>	<i>1.51</i>	<i>0.31</i>	<i>1.20</i>

22. The applicant's conserved water may be used for irrigation, pond maintenance, industrial use, and stock water within the Lower Bridge Sub-District #2 of Three Sister Irrigation District.
23. The stream reach for state's instream water right is from the previously authorized point of diversion, 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

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

24. The instream use shall allow the use and protection of flows from April 1 through October 31, and at other times when TSID is diverting water.
25. The applicant has not completed the project. Upon filing notice of completion of the conservation measures, the applicant request that the project be finalized pursuant to OAR 690-018-0062.

26. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights.

Conclusion of Law

The project described in the application CW-44 for allocation of conserved water is consistent with the criteria in ORS 537.455 to 537.500, as amended by 2003 HB 2456, and OAR Chapter 690, Division 18. Water will be conserved that can be allocated without harming other water rights.

Now, therefore, it is ORDERED:

1. The applicant has until December 31, 2009, to file a notice of completion of the conservation measures, unless the Director grants an extension of time.
2. When the applicant files the notice of completion, the project will be finalized, unless the applicant requests additional time to finalize the project and the Director grants an extension of time for the purposes of finalization.

On submittal of notice of completion the conservation project described in the application for allocation of conserved water, the Department shall:

3. Modify Certificate 74135. 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
<i>Total</i>	1.51

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	1.58
1887	3.00
1889	4.03
1893	0.79
1895	113.14
1899	2.15
1900	1.08
1901	0.45
1903	7.21
1904	17.13

The maximum per acre rate of the acres affected by this allocation of conserved water, described below, is reduced from 1/50 cfs per acre to 1/52 cfs per acre.

<u>Lot</u>	<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>	<u>Owner as listed on Certificate 74135</u>
	SE¼ SE¼	1300	34.00	IRR	1904	Cooper, Glenn
				Section 19		
	SW¼ NE¼	1401	17.50	IRR	1895	Cooper, Glenn
	SW¼ NE¼	1401	23.50	IRR	1904	Cooper, Glenn
	SE¼ NE¼	1401	8.50	IRR	1904	Cooper, Glenn
	NE¼ NW¼	1401	22.00	IRR	1904	Cooper, Glenn
	SW¼ NW¼	1401	8.50	IRR	1904	Cooper, Glenn
	SE¼ NW¼	1401	17.00	IRR	1895	Cooper, Glenn
	SE¼ NW¼	1401	23.00	IRR	1904	Cooper, Glenn
	NW¼ SW¼	1401	18.00	IRR	1904	Cooper, Glenn
	NW¼ SW¼	1401	4.00	POND	1904	Cooper, Glenn
	SW¼ SW¼	1401	30.00	IRR	1904	Cooper, Glenn
	NE¼ SE¼	1401	4.00	IRR	1904	Cooper, Glenn
	NW¼ SE¼	1401	6.00	IRR	1904	Cooper, Glenn
				Section 20		
	NW¼ NW¼	1401	39.00	IRR	1895	Cooper, Glenn
	SW¼ NW¼	1900	37.00	IRR	1895	Mulkey, David & Phyllis
	NW¼ SW¼	1900	21.00	IRR	1895	Mulkey, David & Phyllis
	NW¼ SW¼	1900	8.00	IRR	1899	Mulkey, David & Phyllis
	NW¼ SW¼	1900	11.00	IRR	1904	Mulkey, David & Phyllis
	SW¼ SW¼	2000	16.00	IRR	1895	Kidson, Don
				Section 29		
	NE¼ NE¼	1401	11.00	IRR	1895	Cooper, Glenn
	NE¼ NE¼	1401	30.00	IRR	1904	Cooper, Glenn
	SW¼ NE¼	1900	2.00	IRR	1895	Mulkey, David & Phyllis
	SW¼ NE¼	1900	14.00	IRR	1904	Mulkey, David & Phyllis
	SE¼ NE¼	1900	38.00	IRR	1895	Mulkey, David & Phyllis
	SE¼ NE¼	1900	1.00	POND	1895	Mulkey, David & Phyllis
	NE¼ SE¼	1900	40.00	IRR	1904	Mulkey, David & Phyllis
	NW¼ SE¼	1900	20.00	IRR	1904	Mulkey, David & Phyllis
	SW¼ SE¼	2000	6.00	IRR	1895	Kidson, Don
	SW¼ SE¼	2000	0.50	POND	1895	Kidson, Don
	SE¼ SE¼	2000	9.00	IRR	1895	Kidson, Don
	SE¼ SE¼	2000	5.00	IRR	1904	Kidson, Don
				Section 30		
	NE¼ NE¼	2000	9.00	IRR	1895	Kidson, Don
	NW¼ NE¼	2000	6.00	IRR	1895	Kidson, Don
	SW¼ NE¼	2000	8.00	IRR	1895	Kidson, Don
	SE¼ NE¼	2000	13.50	IRR	1895	Kidson, Don
	NE¼ SW¼	2100	3.50	IRR	1895	Page, Richard

SE $\frac{1}{4}$ SW $\frac{1}{4}$	2100	25.00	IRR	1895	Page, Richard
Section 31					
NW $\frac{1}{4}$ NW $\frac{1}{4}$	2000	1.00	IRR	1895	Kidson, Don
Section 32					
Township 13 South, Range 12 East, W.M.					
NE $\frac{1}{4}$ SW $\frac{1}{4}$	101	5.00	IRR	1895	Long Hollow Ranch
SW $\frac{1}{4}$ SW $\frac{1}{4}$	101	18.00	IRR	1895	Long Hollow Ranch
SW $\frac{1}{4}$ SW $\frac{1}{4}$	101	4.00	IRR	1904	Long Hollow Ranch
SE $\frac{1}{4}$ SW $\frac{1}{4}$	101	32.00	IRR	1895	Long Hollow Ranch
SE $\frac{1}{4}$ SW $\frac{1}{4}$	101	2.00	IRR	1904	Long Hollow Ranch
NW $\frac{1}{4}$ SE $\frac{1}{4}$	101	16.00	IRR	1895	Long Hollow Ranch
SW $\frac{1}{4}$ SE $\frac{1}{4}$	101	36.50	IRR	1895	Long Hollow Ranch
SE $\frac{1}{4}$ SE $\frac{1}{4}$	101	26.00	IRR	1895	Long Hollow Ranch
Section 1					
SE $\frac{1}{4}$ SE $\frac{1}{4}$	101	11.00	IRR	1895	Long Hollow Ranch
Section 2					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	25.50	IRR	1895	Long Hollow Ranch
NE $\frac{1}{4}$ NE $\frac{1}{4}$	101	1.00	IRR	1904	Long Hollow Ranch
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	17.50	IRR	1895	Long Hollow Ranch
NW $\frac{1}{4}$ NE $\frac{1}{4}$	101	2.50	IRR	1904	Long Hollow Ranch
NE $\frac{1}{4}$ NW $\frac{1}{4}$	101	4.00	IRR	1895	Long Hollow Ranch
Section 11					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	23.50	IRR	1895	Long Hollow Ranch
NW $\frac{1}{4}$ NE $\frac{1}{4}$	103	8.50	IRR	1895	Long Hollow Ranch
NW $\frac{1}{4}$ NW $\frac{1}{4}$	100	6.00	IRR	1895	Long Hollow Ranch
NW $\frac{1}{4}$ NW $\frac{1}{4}$	100	3.00	IRR	1904	Long Hollow Ranch
Section 12					
NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	5.00	IRR	1895	Simon, Jim
SW $\frac{1}{4}$ NE $\frac{1}{4}$	300	0.68	IRR	1895	Friend, Chester & Pamela
SE $\frac{1}{4}$ NE $\frac{1}{4}$	401	14.00	IRR	1895	Friend, Chester & Pamela
NE $\frac{1}{4}$ NW $\frac{1}{4}$	200	19.50	IRR	1904	Simon, Jim
SW $\frac{1}{4}$ NW $\frac{1}{4}$	500	13.50	IRR	1895	Simon, Jim
SE $\frac{1}{4}$ NW $\frac{1}{4}$	500	5.50	IRR	1895	Simon, Jim
NE $\frac{1}{4}$ SW $\frac{1}{4}$	500	8.00	IRR	1895	Simon, Jim
NW $\frac{1}{4}$ SW $\frac{1}{4}$	500	33.00	IRR	1895	Simon, Jim
SW $\frac{1}{4}$ SW $\frac{1}{4}$	700	21.50	IRR	1895	Kavanagh, Geraldine
SW $\frac{1}{4}$ SW $\frac{1}{4}$	700	0.50	IRR	1904	Kavanagh, Geraldine
SW $\frac{1}{4}$ SW $\frac{1}{4}$	800	4.00	IRR	1895	Kavanagh, Geraldine
SE $\frac{1}{4}$ SW $\frac{1}{4}$	600	5.87	IRR	1895	Sanders, Ed & Betty
NE $\frac{1}{4}$ SE $\frac{1}{4}$	401	37.00	IRR	1895	Friend, Chester & Pamela
NW $\frac{1}{4}$ SE $\frac{1}{4}$	300	1.50	IRR	1895	Friend, Chester & Pamela
SW $\frac{1}{4}$ SE $\frac{1}{4}$	400	22.00	IRR	1895	Sanders, Ed & Betty
SE $\frac{1}{4}$ SE $\frac{1}{4}$	400	12.00	IRR	1895	Sanders, Ed & Betty
SE $\frac{1}{4}$ SE $\frac{1}{4}$	401	12.00	IRR	1895	Friend, Chester & Pamela
Section 13					

SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	3.50	IRR	1895	Kavanagh, Geraldine
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	3.10	IRR	1904	Kavanagh, Geraldine
SE $\frac{1}{4}$ SE $\frac{1}{4}$	800	2.00	IRR	1895	Kavanagh, Geraldine

Section 14

NE $\frac{1}{4}$ SW $\frac{1}{4}$	600	2.10	IRR	1895	Elmore, Michael
NE $\frac{1}{4}$ SW $\frac{1}{4}$	700	2.10	IRR	1895	Elmore, Michael
SE $\frac{1}{4}$ SW $\frac{1}{4}$	600	2.90	IRR	1895	Elmore, Michael
SE $\frac{1}{4}$ SW $\frac{1}{4}$	900	9.00	IRR	1895	Elmore, Michael
NW $\frac{1}{4}$ SE $\frac{1}{4}$	700	2.90	IRR	1895	Elmore, Michael

Section 22

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	6.00	IRR	1895	Kavanagh, Geraldine
NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	1.50	IRR	1904	Kavanagh, Geraldine
NE $\frac{1}{4}$ NE $\frac{1}{4}$	200	15.00	IRR	1895	Helikson, Paul & Sherry
NE $\frac{1}{4}$ NE $\frac{1}{4}$	400	1.50	IRR	1895	Kavanagh, Geraldine
SE $\frac{1}{4}$ NE $\frac{1}{4}$	300	19.80	IRR	1895	Helikson, Paul & Sherry
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1400	6.80	IRR	1899	Burdick, Robert R.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1200	4.20	IRR	1895	Kelley, William & Mildred
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1300	7.50	IRR	1899	Burdick, Robert R.
NE $\frac{1}{4}$ SE $\frac{1}{4}$	800	8.00	IRR	1895	Vestal, William & Victoria
NW $\frac{1}{4}$ SE $\frac{1}{4}$	400	8.00	IRR	1895	Volz, Charles & Jan
NW $\frac{1}{4}$ SE $\frac{1}{4}$	700	6.50	IRR	1895	Volz, Charles & Jan
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	5.00	IRR	1895	Burdick, Joyce G.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	5.20	IRR	1899	Burdick, Joyce G.

Section 23

NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	2.70	IRR	1895	Sanders, Ed & Betty
NW $\frac{1}{4}$ NE $\frac{1}{4}$	100	1.50	IRR	1895	Sanders, Ed & Betty
NW $\frac{1}{4}$ NW $\frac{1}{4}$	400	6.00	IRR	1895	Kavanagh, Geraldine
NW $\frac{1}{4}$ NW $\frac{1}{4}$	500	1.50	IRR	1895	Kavanagh, Geraldine

Section 24

NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	5.00	IRR	1895	Elmore, Michael
NW $\frac{1}{4}$ NE $\frac{1}{4}$	400	4.00	IRR	1895	Elmore, Michael

Section 27

Township 13 South, Range 11 East, W.M.

1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	800	15.50	IRR	1895	Williams, Don & Myrtle
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	27.00	IRR	1895	Williams, Don & Myrtle
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	800	25.00	IRR	1895	Williams, Don & Myrtle
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	800	10.00	IRR	1895	Williams, Don & Myrtle
3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	800	10.50	IRR	1895	Williams, Don & Myrtle
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	800	7.00	IRR	1895	Williams, Don & Myrtle

Section 5

3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	902	40.00	IRR	1895	Page, Richard
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	902	1.50	IRR	1895	Page, Richard

	SE¼ NW¼	902	6.00	IRR	1904	Page, Richard
	NE¼ SW¼	900	5.00	IRR	1895	Wallace, Al
6	NW¼ SW¼	1000	2.50	IRR	1895	Wallace, Al
6	NW¼ SW¼	1000	6.00	IRR	1904	Wallace, Al
7	SW¼ SW¼	1000	35.00	IRR	1895	Wallace, Al
7	SW¼ SW¼	1000	5.00	IRR	1904	Wallace, Al
	SE¼ SW¼	900	25.50	IRR	1895	Wallace, Al
	SE¼ SW¼	900	6.00	IRR	1904	Wallace, Al
	SW¼ SE¼	800	18.00	IRR	1895	Williams, Don & Myrtle

Section 6

	NW¼ NE¼	800	11.00	IRR	1895	Williams, Don & Myrtle
	NW¼ NE¼	800	11.50	IRR	1899	Williams, Don & Myrtle
	NE¼ NW¼	999	17.50	IRR	1895	Wallace, Al
1	NW¼ NW¼	1000	31.00	IRR	1895	Wallace, Al
1	NW¼ NW¼	1000	0.50	POND	1895	Wallace, Al
	SE¼ NW¼	1199	27.00	IRR	1895	Lawrence, David & Chris
4	SW¼ SW¼	1102	6.00	IRR	1895	Powers, Sherode & Susan
	SE¼ SW¼	1102	2.50	IRR	1895	Powers, Sherode & Susan
	SE¼ SW¼	1102	2.50	POND	1895	Powers, Sherode & Susan
	SE¼ SW¼	1401	1.00	POND	1904	Thalacker, Marc & Pamela
	SW¼ SE¼	1401	4.00	IRR	1895	Thalacker, Marc & Pamela
	SW¼ SE¼	1401	8.00	POND	1904	Thalacker, Marc & Pamela
	SE¼ SE¼	1401	11.50	IRR	1895	Thalacker, Marc & Pamela
	SE¼ SE¼	1401	6.00	POND	1904	Thalacker, Marc & Pamela

Section 7

	SW¼ NW¼	1401	32.50	IRR	1895	Thalacker, Marc & Pamela
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Section 17

	NE¼ NE¼	1401	40.50	IRR	1895	Thalacker, Marc & Pamela
	NW¼ NE¼	1401	29.50	IRR	1895	Thalacker, Marc & Pamela
	SW¼ NE¼	1401	37.00	IRR	1895	Thalacker, Marc & Pamela
	SE¼ NE¼	1401	32.50	IRR	1895	Thalacker, Marc & Pamela
	NE¼ NW¼	1102	27.50	IRR	1895	Powers, Sherode & Susan
1	NW¼ NW¼	1102	32.00	IRR	1895	Powers, Sherode & Susan
2	SW¼ NW¼	1102	38.50	IRR	1895	Powers, Sherode & Susan
	SE¼ NW¼	1102	38.00	IRR	1895	Powers, Sherode & Susan
	NE¼ SW¼	1102	23.00	IRR	1895	Powers, Sherode & Susan
	NE¼ SW¼	2200	5.50	IRR	1895	Peterson, Robert & Paula
3	NW¼ SW¼	1102	34.00	IRR	1895	Powers, Sherode & Susan
3	NW¼ SW¼	2100	5.00	IRR	1895	Peterson, Robert & Paula
4	SW¼ SW¼	2100	19.50	IRR	1895	Peterson, Robert & Paula
	NW¼ SE¼	1401	15.00	IRR	1895	Thalacker, Marc & Pamela
	NW¼ SE¼	1401	1.50	IRR	1904	Thalacker, Marc & Pamela

Section 18

Township 14 South, Range 12 East, W.M.

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:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>	<u>Owner as listed on Certificate 74135</u>
SW¼ NE¼	100	4.50	IRR	1895	Simon, Cheryle
SE¼ NW¼	101	1.00	IRR	1895	Simon, Cheryle

Section 5

Township 15 South, Range 11 East, W.M.

Transfer T-8994:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>	<u>Owner as listed on Certificate 74135</u>
SE¼ SE¼	700	5.00	IRR	1895	Tumalo Farms

Section 8

Township 15 South, Range 11 East, W.M.

Transfer T-9621:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>	<u>Owner as listed on Certificate 74135</u>
NE¼ SE¼	100	2.00	IRR	1895	Tumalo Farms

Section 8

Township 15 South, Range 11 East, W.M.

The proposed place of use ("TO" lands) which shall have the maximum per acre rate of 1/50 cfs reduced to 1/52 cfs per acre are:

Transfer T-8392:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>
NE¼ NE¼	406	5.50	IRR	1895

Section 24

Township 14 South, Range 11 East, W.M.

Transfer T-8994:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>
NE¼ SE¼	3000	2.10	IRR	1895
SE¼ SE¼	3000	2.90	IRR	1895

Section 12

Township 14 South, Range 11 East, W.M.

Transfer T-9621:

<u>qQ</u>	<u>Tax lot</u>	<u>Acres</u>	<u>Type</u>	<u>Priority</u>
NE¼ SW¼	2200	2.00	IRR	1895

Section 18

Township 14South, Range 12 East, W.M.

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.

4. The conserved water held by Lower Bridge Sub-District #2 of Three Sister Irrigation District may be used to irrigate a maximum of 16.11 acres of new land, being 1.56 equivalent-acres with a 1899 priority date and 14.55 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 1/52 cfs per acre-equivalent.

5. 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
<i>Total</i>	0.31

This water will be protected in Wychus 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 Wychus Creek, at River Mile 0.0.

6. 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. If the water is to be permanently protected instream at the location described in #5 above, then the applicant does not need to submit proof that the water right has become appurtenant to the "specified lands." Instead, the applicant must notify the Department in writing of their desire to permanently have the water protected instream.

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.

7. A new instream certificate shall be issued for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in Wychus Creek from the authorized point of diversion (approximately River Mile 23.5) for Certificate 74135 at:

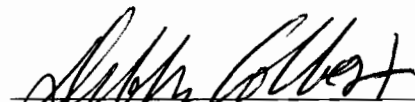
Authorized Point of Diversion:

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 Wychus 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 its successor, is diverting water.

Dated at Salem, Oregon this 15th day of December, 2006.


 Phillip C. Ward
 Director

Date of Mailing: DEC 19 2006