

**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-51, Deschutes and Jefferson Counties) 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 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 February 28, 2007, Lower Bridge Sub-District #2 of Three Sister Irrigation District and the landowners listed below filed an allocation of conserved water application. Supplemental information was received on March 19, 2007, and on March 22, 2007. The Department assigned the application number CW-51.

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
Bolin, California 94924
(415) 868-0239

Thayne & Margaret Dutton
4306 Arrowhead Circle
Corvallis, Oregon 97330
(541) 752-8183

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.

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

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

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 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 Ferrara
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. 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 known as Three Sisters Irrigation District (TSID).
4. TSID operates and maintains the water delivery system for the benefit of the landowners in the area.
5. TSID has an allocation of conserved water policy pursuant to OAR 690-018-0025.
6. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Allocation of Conserved Water application CW-51.
8. Allocation of Conserved Water Applications CW-44, CW-49, and CW-50 affect the same lands as Allocation of Conserved Water Application CW-51. These four projects all affect water right Certificate 74135. On April 13, 2007, Allocation of Conserved Water Application CW-44 was finalized by Special Order Volume 71, Page 489, and reduced the per acre rate for the affected lands from a 1/50 cfs/ac to a 1/52 cfs/ac. Allocation of Conserved Water Application CW-49 and CW-50 were approved by Special Order Volume 72, Page 697, and Special Order Volume 72, Page 719, respectively. When CW-49 is completed and finalized the rate associated with the affected lands will change from a 1/52 cfs/ac to a 1/54.08 cfs/ac; and when CW-50 is completed and finalized the rate associated with the affected lands will be further reduced to a 1/56.38 cfs/ac. The starting point for the before project water right amounts for Conserved Water CW-50 shown in Findings of Fact #9 and #18 is based on Conserved Water CW-49 and CW-50 being completed and finalized. If the projects are completed and finalized in a different order, or if there are other intervening transfers, allocations of conserved water, or other modifications to the right, then the before project water right amounts may change.
9. The portion of Certificate 74135 involved in the allocation of conserved water is as follows:
Source: WHYCHUS 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	30.42	0.09	28.11
1899	39.00	0.00	39.00	0.75	0.00	.69
1904	359.10	19.00	378.10	6.91	0.37	6.72
<i>Total</i>	<i>1979.15</i>	<i>23.50</i>	<i>2002.65</i>	<i>38.08</i>	<i>0.46</i>	<i>35.52</i>

On-Farm Rate: ONE FIFTY-SIXTH AND 38/100 (1/56.38) 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 9,307 feet of 36-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 March 13, 2007, and in The Bulletin on March 16, 23, and 30, 2007, as required under OAR 690-018-0050. No comments were received in response to the notice.
12. Pursuant ORS 537.485, the applicants request 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>	<i>1.51</i>

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 Whychus 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 Whychus Creek, and there are no return flows to Whychus 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	28.11	26.91	1.20
	1899	.69	0.66	0.03
	1904	6.72	6.44	0.28
	<i>Subtotal</i>	<i>35.52</i>	<i>34.01</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 Whychus 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 applicants propose that 79.5 percent of the conserved water be allocated to the State for an instream water right and that 20.5 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 Whychus 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 applicants have not completed the project and have until December 31, 2010, to file a notice of completion of the conservation measures. Upon filing notice of completion of the conservation measures, the applicants 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-51 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, 2010, 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	109.54
1899	2.06
1900	1.08
1901	0.45
1903	7.21
1904	16.29

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

<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 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
	SE¼ SW¼	2100	25.00	IRR	1895	Page, Richard
Section 31						
	NW¼ NW¼	2000	1.00	IRR	1895	Kidson, Don
Section 32						
Township 13 South, Range 12 East, W.M.						
	NE¼ SW¼	101	5.00	IRR	1895	Long Hollow Ranch
	SW¼ SW¼	101	18.00	IRR	1895	Long Hollow Ranch
	SW¼ SW¼	101	4.00	IRR	1904	Long Hollow Ranch
	SE¼ SW¼	101	32.00	IRR	1895	Long Hollow Ranch
	SE¼ SW¼	101	2.00	IRR	1904	Long Hollow Ranch
	NW¼ SE¼	101	16.00	IRR	1895	Long Hollow Ranch
	SW¼ SE¼	101	36.50	IRR	1895	Long Hollow Ranch
	SE¼ SE¼	101	26.00	IRR	1895	Long Hollow Ranch
Section 1						
	SE¼ SE¼	101	11.00	IRR	1895	Long Hollow Ranch
Section 2						
	NE¼ NE¼	101	25.50	IRR	1895	Long Hollow Ranch
	NE¼ NE¼	101	1.00	IRR	1904	Long Hollow Ranch
	NW¼ NE¼	101	17.50	IRR	1895	Long Hollow Ranch
	NW¼ NE¼	101	2.50	IRR	1904	Long Hollow Ranch
	NE¼ NW¼	101	4.00	IRR	1895	Long Hollow Ranch
Section 11						
	NE¼ NE¼	103	23.50	IRR	1895	Long Hollow Ranch
	NW¼ NE¼	103	8.50	IRR	1895	Long Hollow Ranch
	NW¼ NW¼	100	6.00	IRR	1895	Long Hollow Ranch
	NW¼ NW¼	100	3.00	IRR	1904	Long Hollow Ranch
Section 12						

<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>
	NW¼ NE¼	200	5.00	IRR	1895	Simon, Jim
	SW¼ NE¼	300	0.68	IRR	1895	Friend, Chester & Pamela
	SE¼ NE¼	401	14.00	IRR	1895	Friend, Chester & Pamela
	NE¼ NW¼	200	19.50	IRR	1904	Simon, Jim
	SW¼ NW¼	500	13.50	IRR	1895	Simon, Jim
	SE¼ NW¼	500	5.50	IRR	1895	Simon, Jim
	NE¼ SW¼	500	8.00	IRR	1895	Simon, Jim
	NW¼ SW¼	500	33.00	IRR	1895	Simon, Jim
	SW¼ SW¼	700	21.50	IRR	1895	Kavanagh, Geraldine
	SW¼ SW¼	700	0.50	IRR	1904	Kavanagh, Geraldine
	SW¼ SW¼	800	4.00	IRR	1895	Kavanagh, Geraldine
	SE¼ SW¼	600	5.87	IRR	1895	Sanders, Ed & Betty
	NE¼ SE¼	401	37.00	IRR	1895	Friend, Chester & Pamela
	NW¼ SE¼	300	1.50	IRR	1895	Friend, Chester & Pamela
	SW¼ SE¼	400	22.00	IRR	1895	Sanders, Ed & Betty
	SE¼ SE¼	400	12.00	IRR	1895	Sanders, Ed & Betty
	SE¼ SE¼	401	12.00	IRR	1895	Friend, Chester & Pamela
Section 13						
	SE¼ SE¼	700	3.50	IRR	1895	Kavanagh, Geraldine
	SE¼ SE¼	700	3.10	IRR	1904	Kavanagh, Geraldine
	SE¼ SE¼	800	2.00	IRR	1895	Kavanagh, Geraldine
Section 14						
	NE¼ SW¼	600	2.10	IRR	1895	Elmore, Michael
	NE¼ SW¼	700	2.10	IRR	1895	Elmore, Michael
	SE¼ SW¼	600	2.90	IRR	1895	Elmore, Michael
	SE¼ SW¼	900	9.00	IRR	1895	Elmore, Michael
	NW¼ SE¼	700	2.90	IRR	1895	Elmore, Michael
Section 22						
	NE¼ NE¼	100	6.00	IRR	1895	Kavanagh, Geraldine
	NE¼ NE¼	100	1.50	IRR	1904	Kavanagh, Geraldine
	NE¼ NE¼	200	15.00	IRR	1895	Helikson, Paul & Sherry
	NE¼ NE¼	400	1.50	IRR	1895	Kavanagh, Geraldine
	SE¼ NE¼	300	19.80	IRR	1895	Helikson, Paul & Sherry
	SW¼ SW¼	1400	6.80	IRR	1899	Burdick, Robert R.
	SE¼ SW¼	1200	4.20	IRR	1895	Kelley, William & Mildred
	SE¼ SW¼	1300	7.50	IRR	1899	Burdick, Robert R.
	NE¼ SE¼	800	8.00	IRR	1895	Vestal, William & Victoria
	NW¼ SE¼	400	8.00	IRR	1895	Volz, Charles & Jan
	NW¼ SE¼	700	6.50	IRR	1895	Volz, Charles & Jan
	SW¼ SE¼	1000	1.80	IRR	1895	Shirazi, Mostafa & Naoko
	SW¼ SE¼	1100	5.00	IRR	1895	Burdick, Joyce G.
	SW¼ SE¼	1100	5.20	IRR	1899	Burdick, Joyce G.
Section 23						
	NE¼ NE¼	100	2.70	IRR	1895	Sanders, Ed & Betty

<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>
	NW¼ NE¼	100	1.50	IRR	1895	Sanders, Ed & Betty
	NW¼ NW¼	400	6.00	IRR	1895	Kavanagh, Geraldine
	NW¼ NW¼	500	1.50	IRR	1895	Kavanagh, Geraldine
Section 24						
	NW¼ NE¼	300	5.00	IRR	1895	Elmore, Michael
	NW¼ NE¼	400	4.00	IRR	1895	Elmore, Michael
Section 27						
Township 13 South, Range 11 East, W.M.						
1	NE¼ NE¼	800	15.50	IRR	1895	Williams, Don & Myrtle
2	NW¼ NE¼	800	27.00	IRR	1895	Williams, Don & Myrtle
	SW¼ NE¼	800	25.00	IRR	1895	Williams, Don & Myrtle
	SE¼ NE¼	800	10.00	IRR	1895	Williams, Don & Myrtle
3	NE¼ NW¼	800	10.50	IRR	1895	Williams, Don & Myrtle
	SE¼ NW¼	800	7.00	IRR	1895	Williams, Don & Myrtle
Section 5						
3	NE¼ NW¼	902	40.00	IRR	1895	Page, Richard
	SE¼ NW¼	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						

<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>
	SW¼ NW¼	1401	32.50	IRR	1895	Thalacker, Marc & Pamela
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 reduced to 1/58.88 cfs per acre are:

Transfer T-8392:

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

Section 18

Township 14 South, 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 shall be included in the superseding certificate.

- The conserved water held by Lower Bridge Sub-District #2 of Three Sister Irrigation District may be used to irrigate a maximum of 18.25 acres of new land, being 1.76 equivalent-acres with a 1899 priority date and 16.49 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:

<u>Twp</u>	<u>Rng</u>	<u>Mer</u>	<u>Sec</u>	<u>Q-Q</u>	<u>Survey Coordinates</u>
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 1/58.88 cfs per acre-equivalent.

- 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:

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

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 Whychus 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.

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.

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 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 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 its successor, is diverting water.

Dated at Salem, Oregon this 27 day of July, 2007.


Phillip C. Ward
Director

Date of Mailing: JUL 27 2007