BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Allocation of Conserved Water)	ORDER FINALIZING THE
Application CW-61, Certificate 83571,)	ALLOCATION OF CONSERVED
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 018 implements the statutes and provides the Department's procedures and criteria for evaluating Allocation of Conserved Water applications.

Applicant

CENTRAL OREGON IRRIGATION DISTRICT 1055 SW LAKE COURT REDMOND OR 97756 stevej@coid.org

Agent

DESCHUTES RIVER CONSERVANCY 700 NW HILL ST BEND, OR 97701 andy@deschutesriver.org

Findings of Fact

- 1. On June 15, 2009 the Deschutes River Conservancy (DRC) and Central Oregon Irrigation District (COID) filed an application for an Allocation of Conserved Water under Water Right Certificate 83571. The Department assigned the application number CW-61.
- 2. On February 26, 2010 the Department issued Special Order Volume 80, Page 394, approving Allocation of Conserved Water Application CW-61.
- 3. On April 15, 2010 the DRC and COID 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 80, Page 394, the Department takes the following actions:

 Certificate 83571 shall be modified. A new superseding certificate shall be issued to Central Oregon Irrigation District for the remaining portion of Certificate 83571 upon a determination that it is necessary to produce a certificate to confirm that remaining portion of

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.

the water right. Approval of this allocation of conserved water reduces the amount of water lawfully available under the remaining portion of Certificate 83571 as described below:

Time Period	Priority Date	Conserved Water
Season 1: April 1 - 30 and October 1 - 31	October 31, 1900	19.600 CFS 2,371.440 AF
Season 2: May 1 - 14 and September 15 - 30	October 31, 1900	19.600 CFS 1,166.280 AF
Season 3: May 15 -	October 31, 1900	13.992 CFS 3,413.580 AF
September 14	December 2, 1907	5.608 CFS 1,368.110 AF
Duty Summary:	October 31, 1900	6,951.300 AF
	December 2, 1907	1,368.110 AF
	Total Duty:	8,319.410 AF

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 83571. The associated priority date and rate of the remaining right shall be approximately:

Time Period	Rate and Duty Per acre	Priority Date	After Project
Season 1: April 1 - 30 and October 1 - 31	1/80 cfs 9.91 AF for irrigation season*	October 31, 1900	211.688 CFS 23,318.730 AF
Season 2: May 1 - 14 and September 15 - 30	1/60 cfs 9.91 AF for irrigation season*	October 31, 1900	288.700 CFS 17,178.843 AF
Season 3: May 15 -	1/32.4 cfs 9.91 AF for	October 31, 1900	393.702 CFS 96,050.275 AF
September 14	irrigation season*	December 2, 1907	157.786 CFS 38,494.623 AF
Duty Summary:		October 31, 1900	136,547.848 AF
		December 2, 1907	38,494.623 AF
Total Duty (POD #11): 175,042.471 AF			

^{*} includes a 45% transmission loss allowed for diversions through the district's main canal system.

The place of use shall be those lands described under Certificate 83571, 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. Department shall issue a new instream certificate for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Deschutes River from the authorized point of diversion at approximately RM 165 for Certificate 83571 at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	NORTH CANAL POD #11*: 850 FEET NORTH
					AND 630 FEET WEST FROM THE EAST 1/4
					CORNER OF SECTION 29.

^{*}Located approximately at River Mile 165.

to the Madras Gauge at approximately RM 120 (near Lake Billy Chinook).

The instream water right shall be as described below:

Time Period	Priority Date	Conserved Water
Season 1: April 1 - 30 and October 1 - 31	October 31, 1900	19.600 CFS 2,371.440 AF
Season 2: May 1 - 14 and September 15 - 30	October 31, 1900	19.600 CFS 1,166.280 AF
Season 3: May 15 -	October 31, 1900	13.992 CFS 3,413.580 AF
September 14	December 2, 1907	5.608 CFS 1,368.110 AF
Duty Summary:	October 31, 1900	6,951.300 AF
	December 2, 1907	1,368.110 AF

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.

Dated at Salem, Oregon this <u>27</u> day of April, 2010.

Philliple. Ward

Director

APR 2 9 2010

Date of Mailing: