



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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July 23, 2013

Applicant

North Unit Irrigation District
2024 NW Beech Street
Madras, OR 97741
mbritton@norunitid.com

Agent

Deschutes River Conservancy
700 NW Hill Street
Bend, OR 97701
zach@deschutesriver.org
brett@deschutesriver.org

SUBJECT: Allocation of Conserved Water Application CW-75

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Conserved Water Application CW-75.

If no protest is filed within 60 days of the mailing, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order shortly after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position to the Water Resources Commission.

Please do not hesitate to contact me at 503-986-0881 or teri.k.hranac@wrds.state.or.us, if I may be of assistance.

Sincerely,

Teri Hranac
Allocation of Conserved Water
Transfer and Conservation Section

cc: CW-75

David Filippi, *Stoel Rives LLP, 900 SW Fifth Ave., Suite 2600, Portland, OR 97204 (e-mail: defilippi@stoel.com)*

Waterwatch, 213 SW Ash, Suite 208, Portland, OR 97204 (e-mail: kjp@waterwatch.org)

Jeremy Giffin, District #11 Watermaster (via e-mail)

Kyle Gorman, Regional Manager (via e-mail)



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

In the Matter of Allocation of Conserved)	PRELIMINARY DETERMINATION
Water Application CW-75,)	PROPOSING APPROVAL OF
Deschutes and Jefferson Counties)	ALLOCATION OF CONSERVED
)	WATER CW-75

Applicant

North Unit Irrigation District
2024 NW Beech Street
Madras, OR 97741

Representative

Deschutes River Conservancy
700 NW Hill St.
Bend, OR 97701

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.

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. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the proposed measures; (b) A description of the existing diversion facilities and an estimate of the amount of water that can be diverted at the facilities; (c) The amount of water that will be needed for the original, authorized use after implementation of the conservation measures; (d) The amount of conserved water expected from implementation of the conservation measures; (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; (g) The applicant's choice of priority date for the conserved water; and (h) Any other information the commission considers necessary to evaluate the effectiveness of the proposal. ORS 537.465.

Pursuant to OAR 690-018-0050, any person objecting to the proposed allocation may file protest this Preliminary Determination to the Water Resources Commission within 60 days of the mailing of this determination.
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If a person proposes conservation measures within the boundaries of an irrigation district organized under ORS chapter 545 or a water control district organized under ORS chapter 553, at the time the person submits the application, the person also must submit evidence that the district has approved the conservation application. ORS 537.465.

If an application for the allocation of conserved water is approved, the Department shall issue orders covering the changes in the original water rights and once the conservation project is finalized new certificates preserving the previously established priority of rights shall be issued to cover the unaffected portion of the water rights and separate new certificates describing the rights created by the allocation of conserved water. ORS 537.470(6).

ORS 537.455 to 537.500 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. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights. The statutes and rules outlined above require the Department to review the application and any comments received to make its findings and determinations.

Findings of Fact

1. On April 17, 2012, North Unit Irrigation District (NUID) filed an Allocation of Conserved Water Application. The Department designated the application number CW-75.
2. The Applicant requests an Allocation of Conserved Water under Certificates 79279, 79280, 72283, and 72284 issued in the name of North Unit Irrigation District. Supplemental water right Certificates 72280 and 72281 are listed in the application, but will not be modified by Allocation of Conserved Water Application CW-75.
3. The Applicant proposes to conserve approximately 12,505 acre-feet (AF) of water by lining a canal and improving the overall efficiency of the delivery system.

The first step in the conservation project involves lining the sides of the NUID main canal from canal mile 6.9 to canal mile 11.8. Lining approximately five miles of the NUID main canal is expected to eliminate 7,880 acre-feet of seepage loss from the Deschutes River.

The second step in the conservation project will likely result in the conservation of 12,504.55 acre-feet of Crooked River water. Conservation of the Crooked River water will be achieved by using the more efficient, gravity fed NUID main canal to deliver the 7,880 acre-feet of Deschutes River water saved by canal lining to 3,152 acres, which currently receive 4.0 acre-feet per acre of Crooked River water. The Applicant proposes to dedicate 100% of the conserved Crooked River water to the state as a new instream water right.

Application of Crooked River water to NUID lands can only be achieved by the use of costly electric pumps. The use of electric pumps requires the District to purchase electricity from a local, coal-fueled power plant. Deschutes River water can be applied to NUID lands via the gravity fed NUID main canal system. Limiting the District's reliance on electric pumps in

favor of the gravity fed delivery system will greatly improve the efficiency of the NUID delivery system.

Canal lining and improving the overall efficiency of a delivery system are both proven water conservation techniques.

4. The entirety of the first right to be modified is as follows:

- Certificate:** 72279 in the name of NORTH UNIT IRRIGATION DISTRICT, perfected under Permit S-23196
- Use:** IRRIGATION of 49,916 Acres
- Priority Date:** FEBRUARY 28, 1913
- Rate:** 1101.00 CUBIC FEET PER SECOND, together with all other rights perfected under Permit 23196 shall not exceed 1,101.0 cfs, measured at the points of diversion from the sources.
- Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 5.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated January 20, 1955 and February 4, 1955.
- Source:** DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677), and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries of the COLUMBIA RIVER

Authorized Points of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Name/Measured Distances
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR
17 S	12 E	WM	29	SE NE	DESCHUTES RIVER: 1,700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	WICKIUP RESERVOIR

5. The entirety of the second right to be modified is as follows:

- Certificate:** 72280 in the name of NORTH UNIT IRRIGATION DISTRICT, perfected under Permit 23196
- Use:** IRRIGATION of 133.9 Acres
- Priority Date:** FEBRUARY 28, 1913
- Rate:** 3.35 CUBIC FEET PER SECOND, together with all other rights perfected under Permit 23196 shall not exceed 1,101.0 cfs, measured at the points of diversion from the sources.
- Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 5.25 acre-feet per acre for each acre irrigated during the irrigation

season of each year, and is further subject to the terms and conditions of the State Engineer's Orders dated January 20, 1955 and February 4, 1955.

Source: DESCHUTES RIVER, WICKIUP RESERVOIR (constructed under Permit R-1677), and HAYSTACK RESERVOIR (constructed under Permit R-1754), tributaries of the COLUMBIA RIVER

Authorized Points of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Name/Measured Distances
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR
17 S	12 E	WM	29	SE NE	DESCHUTES RIVER: 1,700 FEET SOUTH AND 730 FEET WEST FROM THE NE CORNER OF SECTION 29
22 S	9 E	WM	7	SW NE	WICKIUP RESERVOIR

6. The portion of the third right to be modified is as follows:

Certificate: 72283 in the name of NORTH UNIT IRRIGATION DISTRICT, perfected under Permit S-33954

Use: IRRIGATION of 2957.4 ACRES

Priority Date: SEPTEMBER 18, 1968

Rate: 68.73 CUBIC FEET PER SECOND, together with all other rights perfected under Permit S-33954 shall not exceed 200.0 cfs.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further subject to the terms and conditions of a stipulation between North Unit Irrigation District and the Oregon State Game Commission which has been recorded in the Miscellaneous Records of the Water Resources Director.

Source: CROOKED RIVER, tributary of the DESCHUTES RIVER

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
9 S	13 E	WM	15	NE SW	15.6	913150000400	Seth & Sally Klann
9 S	13 E	WM	15	SE SW	16.6	913150000400	Seth & Sally Klann
9 S	13 E	WM	16	SE SW	3.0	913160000400	Scott Samsel
9 S	13 E	WM	24	NE NE	29.1	913240000100	Weigand Ranches, Inc.

IRRIGATION							Supplemental Information		
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name		
9	S	13	E	WM	24	SE NE	40.0	913240000101	Weigand Ranches, Inc.
9	S	13	E	WM	24	NE SE	39.8	913240000101	Weigand Ranches, Inc.
9	S	13	E	WM	24	SE SE	36.4	913240000101	Weigand Ranches, Inc.
9	S	13	E	WM	25	NE NE	29.5	913250000100	Vibbert & Potampa
9	S	13	E	WM	25	NW NE	20.1	913250000100	Vibbert & Potampa
9	S	13	E	WM	25	NE SW	22.7	913250000600	William Durette
9	S	13	E	WM	25	SE SW	16.6	913250000600	William Durette
9	S	13	E	WM	32	SE NE	17.7	913320000100	Ryan & Heidimarie Boyle
9	S	13	E	WM	32	NW SW	20.2	913320000401	Harris, Gary & Camille
9	S	14	E	WM	18	NW SE	35.1	914000001100	Joy, H Bryce & Linda Vibbert
9	S	14	E	WM	18	SW SE	34.4	914000001100	Joy, H Bryce & Linda Vibbert
9	S	14	E	WM	18	NE SW	34.6	914000001100	Joy, H Bryce & Linda Vibbert
9	S	14	E	WM	18	SE SW	35.0	914000001100	Joy, H Bryce & Linda Vibbert
9	S	14	E	WM	19	NW NE	29.1	914000004100	James Vibbert & Althea Nielson
9	S	14	E	WM	19	SW NE	29.3	914000004100	James Vibbert & Althea Nielson
9	S	14	E	WM	19	SW NW	42.3	914000003901	Weigand Ranches, Inc.
9	S	14	E	WM	19	NW SW	42.3	914000003901	Weigand Ranches, Inc.
9	S	14	E	WM	19	SW SW	41.8	914000003901	Weigand Ranches, Inc.
9	S	14	E	WM	21	NE NW	12.7	914000004601	Columbia Empire Farms & Paplin
9	S	14	E	WM	21	SE NW	19.6	914000004601	Columbia Empire Farms & Paplin
9	S	14	E	WM	21	SE SE	12.1	914000004601	Columbia Empire Farms & Paplin
9	S	14	E	WM	21	SW SE	11.7	914000004601	Columbia Empire Farms & Paplin
9	S	14	E	WM	28	SE SE	0.3	914280000301	R2 Land LLC
9	S	14	E	WM	28	SW SE	4.9	914280000301	R2 Land LLC
9	S	14	E	WM	29	SE NE	4.8	914290000501	Robert Williams, et al
9	S	14	E	WM	29	SE NW	4.6	914290000401	Michael Mazour
9	S	14	E	WM	29	SW NW	7.6	914290000300	Michael Mazour
9	S	14	E	WM	29	SW NW	7.0	914290000300	Michael Mazour
9	S	14	E	WM	29	NE SW	2.5	914290000300	Michael Mazour
9	S	14	E	WM	29	NE SE	5.2	914290000501	Robert Williams, et al
9	S	14	E	WM	29	SE SE	5.6	914290000501	Robert Williams, et al
9	S	14	E	WM	33	SE SW	2.0	914330000500	R2 Land LLC
9	S	14	E	WM	34	NW NW	2.9	914340000300	Martin Revocable Trust
10	S	13	E	WM	12	NE NE	1.2	1013120000200	Harris Living Trust
10	S	13	E	WM	12	SE SE	0.7	1013120000800	Jan Foster & Helen Bicart
10	S	13	E	WM	13	SW NW	0.5	1013140000500	Carol Kari
10	S	13	E	WM	16	NE NW	0.3	1013160000200	Gwendolyn Leutwiler
10	S	13	E	WM	16	NW NW	3.0	1013160000200	Gwendolyn Leutwiler
10	S	13	E	WM	16	SE NW	0.8	1013160000200	Gwendolyn Leutwiler
10	S	13	E	WM	16	SW NW	5.2	1013160000200	Gwendolyn Leutwiler
10	S	13	E	WM	20	NE NW	28.1	1013200000200	Jacobus & Deanna Poland
10	S	13	E	WM	20	NW NW	0.5	1013190000200	Jacobus & Deanna Poland
10	S	13	E	WM	20	SE NW	2.5	1013200000200	Jacobus & Deanna Poland
10	S	13	E	WM	20	NE SW	0.7	1013200000500	Chris and Jamie Colton
10	S	13	E	WM	20	SE SW	0.9	1013200000200	Jacobus & Deanna Poland

IRRIGATION						Supplemental Information			
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name		
10	S	13	E	WM	20	SE SW	2.4	1013200000500	Chris & Jamie Colton
10	S	13	E	WM	20	SE SW	2.3	1013200000400	Stanley & Katheryn Sullivan
10	S	13	E	WM	20	SW SW	0.3	1013200000400	Stanley & Katheryn Sullivan
10	S	13	E	WM	21	NE NW	11.6	1013210000200	Orbringer Farm LLC
10	S	13	E	WM	21	NE NW	1.5	1013210000300	Macy Family Ranch LLC
10	S	13	E	WM	21	NW NW	0.8	1013210000300	Macy Family Ranch LLC
10	S	13	E	WM	21	SW NW	2.3	1013210000300	Macy Family Ranch LLC
10	S	13	E	WM	21	NE SE	2.8	1013210000400	Rick & Cindy Peterson
10	S	13	E	WM	21	NW SE	6.1	1013210000400	Rick & Cindy Peterson
10	S	13	E	WM	21	SW SE	13.5	1013210000400	Rick & Cindy Peterson
10	S	13	E	WM	21	NE SW	8.5	1013210000500	Michael & Michelle Varley
10	S	13	E	WM	24	SE NE	9.0	1013210000101	Nancy Siegenhagen Trust
10	S	13	E	WM	24	SW NE	8.8	1013210000101	Nancy Siegenhagen Trust
10	S	13	E	WM	28	NE NE	25.4	1013280000100	Geraldine Desouza
10	S	13	E	WM	28	NW NE	12.7	1013280000100	Geraldine Desouza
10	S	13	E	WM	28	NW SW	12.8	1013280000501	David & Frances Olson Sr.
10	S	13	E	WM	28	SW SW	8.0	1013280000501	David & Frances Olson Sr.
10	S	13	E	WM	29	NW NW	25.9	1013290000200	Clowers Trusts
10	S	13	E	WM	29	SW NW	16.2	1013300000200	Clowers Trusts
10	S	13	E	WM	35	SE SE	0.3	101335DD00602	Franklyn Wall
10	S	14	E	WM	4	NW SE	2.8	1014040000400	Columbia Empire Farms Inc
10	S	14	E	WM	4	NE SW	6.4	1014040000500	Columbia Empire Farms Inc
10	S	14	E	WM	6	SW NW	9.5	1014040000200	Almond Hemenway
10	S	14	E	WM	6	NW SW	4.3	1014060000200	Almond Hemenway
10	S	14	E	WM	6	SW SE	18.3	1014060000400	Jesus & Lupe Rodriguez
10	S	14	E	WM	7	SE SE	1.6	1014070000800	Eloise Barry
10	S	14	E	WM	17	NE SE	10.4	1014170000700	Volbeda LLC
10	S	14	E	WM	17	SE SE	1.9	1014170000700	Volbeda LLC
10	S	14	E	WM	17	SE SE	20.4	1014170000800	Adam & Cheryl Peterson
10	S	14	E	WM	17	NW SW	5.3	1014170000500	Volbeda LLC
10	S	14	E	WM	17	SW SW	5.3	1014170000500	Volbeda LLC
10	S	14	E	WM	18	SE NE	0.7	1014180000900	Emmett Gaddis
10	S	14	E	WM	20	NE NE	18.4	1014200000101	Vern & Dena Foristall
10	S	14	E	WM	20	NE NE	6.6	1014210000101	Vern & Dena Foristall
10	S	14	E	WM	20	NW SE	4.8	1014200000500	David L Kaiser
10	S	14	E	WM	21	SW NW	6.7	1014210000500	Richard & Linda Smith
10	S	14	E	WM	21	NW SW	2.8	1014210000600	Feturah Miller Rev Trust
10	S	14	E	WM	21	SW SW	5.0	1014210000600	Feturah Miller Rev Trust
10	S	14	E	WM	28	NW NE	0.1	1014280000200	Richard & Virginia Porter
10	S	14	E	WM	28	NE NW	16.8	1014280000200	Richard & Virginia Porter
10	S	14	E	WM	28	NE NW	3.0	1014280000201	Richard & Virginia Porter
10	S	14	E	WM	28	NW NW	5.4	1014280000200	Richard & Virginia Porter
10	S	14	E	WM	29	NE NE	1.1	1014290000100	Ronald Oliver
10	S	14	E	WM	29	SW SE	2.8	1014290001001	Gregory & Heather Williams
10	S	14	E	WM	29	NE SW	1.6	101429C000200	Gomes Family Trust

IRRIGATION							Supplemental Information		
Twp	Rng	Mer	Sec	Q-Q		Acres	Tax Map ID	Name	
10	S	14	E	WM	29	NW SW	13.3	101429C000200	Gomes Family Trust
10	S	14	E	WM	29	NW SW	0.8	101429C000400	Gary & Mary Gomes
10	S	14	E	WM	29	SW SW	6.0	101429C000200	Gomes Family Trust
10	S	14	E	WM	29	SW SW	2.8	101429C000400	Gary & Mary Gomes
10	S	14	E	WM	30	NW NE	6.6	1014300000200	Charles & Darlene Maben
10	S	14	E	WM	30	SE NE	1.6	1014300000200	Charles & Darlene Maben
10	S	14	E	WM	30	SW NE	2.3	1014300000200	Charles & Darlene Maben
10	S	14	E	WM	30	SE NW	8.5	1014300000300	Simmons Trust
10	S	14	E	WM	30	SW NW	0.4	1014300000300	Simmons Trust
10	S	14	E	WM	30	NW SE	2.5	1014300000300	Simmons Trust
10	S	14	E	WM	30	NE SW	34.0	1014300000300	Simmons Trust
10	S	14	E	WM	30	NW SW	3.5	1014300000300	Simmons Trust
10	S	14	E	WM	31	NE NE	0.4	1014310000101	Gregory & Heather Williams
10	S	14	E	WM	31	NE NE	18.8	1014310000301	Siegenhagen, et al
10	S	14	E	WM	31	NW NE	3.4	1014310000301	Siegenhagen, et al
10	S	14	E	WM	31	SE NE	5.8	1014310000301	Siegenhagen, et al
10	S	14	E	WM	31	SW NE	0.7	1014310000301	Siegenhagen, et al
10	S	14	E	WM	31	SE NW	0.5	101431BD00800	Beverly Schonneker
10	S	14	E	WM	31	SW NW	1.1	101431BC00800	Jay and Alexis McCabe
10	S	14	E	WM	31	SW NW	1.6	101431BC00900	Steven & Jacky Barker
10	S	14	E	WM	31	NE SW	0.6	101431C000100	Roy & Tena Jackson
10	S	14	E	WM	31	NE SW	1.8	101431C002000	Jim & Rebecca Turner
10	S	14	E	WM	31	NE SW	2.0	101431C002100	H Brad & Gretchen Halvorson
10	S	14	E	WM	31	NW SW	0.1	101431C002000	Jim & Rebecca Turner
10	S	14	E	WM	31	NW SW	0.1	101431C002400	Steven & Jacky Barker
10	S	14	E	WM	31	NW SW	0.5	101431C002400	Jonathon & Marian Grandby
10	S	14	E	WM	31	SW SW	0.1	101431C002000	Jim & Rebecca Turner
10	S	14	E	WM	31	SE SW	0.4	101431C002600	Jim & Rebecca Turner
10	S	14	E	WM	32	NE NW	2.7	1014320000300	Nancy Collins
11	S	12	E	WM	35	NE SE	32.7	1112350000600	Richard & Linda Hoke
11	S	12	E	WM	35	SE SE	8.5	1112350000600	Richard & Linda Hoke
11	S	12	E	WM	36	NE NE	4.4	1112360000100	Sandners Ranch Partnership
11	S	12	E	WM	36	SE NE	22.9	1112360000100	Sandners Ranch Partnership
11	S	12	E	WM	36	SW NE	29.0	1112360000100	Sandners Ranch Partnership
11	S	12	E	WM	36	SE NW	35.2	1112360000100	Sandners Ranch Partnership
11	S	12	E	WM	36	NE SW	40.0	1112360000100	Sandners Ranch Partnership
11	S	12	E	WM	36	SE SW	2.2	1112360000100	Sandners Ranch Partnership
11	S	13	E	WM	2	NE SE	5.4	111302DA01700	Gisler Family Trust
11	S	13	E	WM	2	NW SE	18.4	1113020000800	Glabraith, Iseri, Spencer
11	S	13	E	WM	3	SW NE	1.8	1113030000124	2R Equipment LLC
11	S	13	E	WM	3	NE NW	5.2	1113030000300	James & Joan Petty
11	S	13	E	WM	4	NW NW	3.6	1113040000200	Richard & Melinda Hoefler
11	S	13	E	WM	4	SE NW	0.8	1113040000300	Madras Farms
11	S	13	E	WM	4	SW NW	0.2	1113040000301	Ron & Sandra Hahn
11	S	13	E	WM	5	SW SE	20.0	113050000600	Ingalsbe Testamentary Trust

IRRIGATION						Supplemental Information			
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name		
11	S	13	E	WM	5	SE SW	38.3	1113050000600	Ingalsbe Testamentary Trust
11	S	13	E	WM	9	SE NW	6.0	1113090000300	Melvin & Minda Morton
11	S	13	E	WM	9	SW NW	10.8	1113080000300	Melvin & Minda Morton
11	S	13	E	WM	10	NE SE	3.4	1113100000702	John & Penny Martson
11	S	13	E	WM	10	NW SE	2.2	1113100000702	John & Penny Martson
11	S	13	E	WM	10	SE SE	1.2	1113100000702	John & Penny Martson
11	S	13	E	WM	10	SW SE	33.2	1113100000702	John & Penny Martson
11	S	13	E	WM	10	SE SW	23.8	1113100000600	Ralph Bollenbaugh, Jr.
11	S	13	E	WM	10	SW SW	2.7	1113100000600	Ralph Bollenbaugh, Jr.
11	S	13	E	WM	13	SE NW	16.6	1113130000402	Frederick & Kathryn Beebee
11	S	13	E	WM	14	NW NE	0.2	111314AB00300	Mary Ann Hart
11	S	13	E	WM	14	SW NW	0.2	111314BC02100	Christopher & Joan McDonald
11	S	13	E	WM	14	SW NW	0.2	111314BC02200	Encore Estates, LLC
11	S	13	E	WM	14	NE SE	0.4	111314D001500	HDD, Inc.
11	S	13	E	WM	14	NW SW	1.8	111314CB00701	Jasa Trust
11	S	13	E	WM	14	SE SW	0.3	111314CD01000	Dwayne Booze Estate
11	S	13	E	WM	15	NE NE	23.6	1113150000100	Marilyn Hamilton Norton
11	S	13	E	WM	15	NW NE	12.7	1113150000100	Marilyn Hamilton Norton
11	S	13	E	WM	15	SW NE	38.7	1113150001000	Marilyn Hamilton Norton
11	S	13	E	WM	15	SE NE	1.6	1113150001000	Marilyn Hamilton Norton
11	S	13	E	WM	15	SE NE	0.2	1113150001000	Marilyn Hamilton Norton
11	S	13	E	WM	15	NE NW	20.2	1113150000201	Wise Trust
11	S	13	E	WM	15	NW NW	9.6	1113150000201	Wise Trust
11	S	13	E	WM	15	SE NW	10.4	1113150000201	Wise Trust
11	S	13	E	WM	15	SE SE	3.8	111315DD00100	Richard & Christine Comstock
11	S	13	E	WM	15	SE SE	0.1	111315DD00100	Gerald & Lois Barker
11	S	13	E	WM	15	SE SE	1.8	111315DD00400	Roberta McConkey
11	S	13	E	WM	15	SE SE	3.1	111315DD00600	Lela Mae Mundy
11	S	13	E	WM	16	NW SW	18.5	1113160000300	ALMBW Farm & Ranch
11	S	13	E	WM	16	SE SW	16.8	1113160000300	ALMBW Farm & Ranch
11	S	13	E	WM	16	SW SW	15.1	1113160000300	ALMBW Farm & Ranch
11	S	13	E	WM	17	NE SE	6.3	1113170000100	Dry Canyon Farms LLC
11	S	13	E	WM	17	SE SE	1.1	1113200000100	Dry Canyon Farms LLC
11	S	13	E	WM	22	NE NE	1.0	1113220002002	Malcom & Kay Meredith
11	S	13	E	WM	22	NE SE	13.8	1113220001101	Mark & Pamela Morlan
11	S	13	E	WM	22	NW SE	5.8	1113220001101	Mark & Pamela Morlan
11	S	13	E	WM	22	SW SE	11.0	1113220001600	6T Living Trust
11	S	13	E	WM	22	SE SE	2.8	1113220001700	Chad & Amy Smith
11	S	13	E	WM	23	SW NW	0.5	111323B002000	Joan Ellen Shaw
11	S	13	E	WM	23	NW SW	0.3	1113220001101	Mark & Pamela Morlan
11	S	13	E	WM	23	NW SW	5.0	111323CB00200	Peter & Robin McCabe
11	S	13	E	WM	24	SE SE	8.6	1113240000507	Kenneth & Sharon Klock
11	S	13	E	WM	24	SW SE	5.6	1113240000505	Richard & Karen Schjoll
11	S	13	E	WM	25	SW SE	12.2	1113360000100	Martin P Richards
11	S	13	E	WM	26	SE SW	2.7	1113260000800	William B Hoffman Sr Fam Trust

IRRIGATION							Supplemental Information		
Twp	Rng	Mer	Sec	Q-Q		Acres	Tax Map ID	Name	
11	S	13	E	WM	26	SW SW	2.3	1113260000800	William B Hoffman Sr Fam Trust
11	S	13	E	WM	27	NE SE	6.8	1113270000100	6T Living Trust
11	S	13	E	WM	27	NE SE	0.6	1113270001200	Pearl Besand
11	S	13	E	WM	27	NW SE	32.0	1113270000100	6T Living Trust
11	S	13	E	WM	27	SW SE	0.5	1113270001401	Johnni & Cheryl Towery
11	S	13	E	WM	27	NE SW	1.5	1113270000900	Robert C Lundy
11	S	13	E	WM	28	NW NE	0.9	111328AC00300	Roy Nance
11	S	13	E	WM	28	NW SW	22.1	1113290000600	Robert & Roberta Vanek
11	S	13	E	WM	28	SW SW	11.2	1113280000600	Robert & Roberta Vanek
11	S	13	E	WM	30	SE SW	11.1	1113300000300	Roy & Jody Holland
11	S	13	E	WM	31	NW SE	31.3	1113310000800	Michael Alley & JD Alley et al
11	S	13	E	WM	31	SE SE	34.8	1113310000800	Michael Alley & JD Alley et al
11	S	13	E	WM	31	SW SE	8.8	1113310000800	Michael Alley & JD Alley et al
11	S	13	E	WM	33	SE NW	1.3	1113330000601	Avila Trust
11	S	13	E	WM	35	NE NW	5.4	1113260000800	William B Hoffman Sr Fam Trust
11	S	14	E	WM	6	NE NW	0.3	111406BA00501	Mark & Tammie Schongalla
11	S	14	E	WM	6	NE NW	0.4	111406BA01800	Michael & Carla Lee Bridges
11	S	14	E	WM	6	SE NW	0.1	1114060001102	Mark & Cheryl Simmons
11	S	14	E	WM	6	SW SE	34.4	1114060001401	Jefferson County
11	S	14	E	WM	6	NW SW	0.6	111406C000500	Loretta & Robert Morrison
11	S	14	E	WM	18	SW NW	1.4	1114180000300	City of Madras
11	S	14	E	WM	18	NW SW	4.1	1114180000300	City of Madras
11	S	14	E	WM	30	NW NE	1.0	1114300000200	Martin & Nancy Richards
11	S	14	E	WM	30	SW NE	36.5	1114300000200	Martin & Nancy Richards
11	S	14	E	WM	30	NE NW	7.5	1114300000200	Martin & Nancy Richards
11	S	14	E	WM	30	SE NW	11.8	1114300000200	Martin & Nancy Richards
11	S	14	E	WM	30	SW SE	22.7	1114310000200	Martin & Nancy Richards
11	S	14	E	WM	30	NE SW	11.4	1114300000200	Martin & Nancy Richards
12	S	12	E	WM	12	SE NE	6.5	1212120000601	E Robert Schoepper II, Tr
12	S	12	E	WM	12	SE NE	0.9	1212120000902	E Robert Schoepper II, TR
12	S	12	E	WM	12	SE NE	8.2	1212120000902	E Robert Schoepper II, TR
12	S	12	E	WM	12	SE NE	0.1	1212120000902	E Robert Schoepper II, TR
12	S	12	E	WM	12	SW NW	0.9	121212BC00103	Roy & Terri Radcliff
12	S	12	E	WM	12	SW NW	0.9	121212BC00105	Larry & Carol Edwards
12	S	12	E	WM	12	NE SE	8.5	1212120000100	Lehman Family LLC
12	S	12	E	WM	12	NE SE	17.2	1212120001000	Lehman Family LLC
12	S	12	E	WM	12	NW SE	6.3	1212120001302	Melvin & Marilyn Fiscus
12	S	12	E	WM	13	NE NE	2.1	1212130000100	Karen Macy
12	S	12	E	WM	13	NW NE	2.9	1212130000100	Karen Macy
12	S	12	E	WM	23	SE NE	8.2	1212230000200	Edgar & Marline Alley
12	S	12	E	WM	24	SW NW	1.6	1212240000400	Stephen & Deborah Pewonka
12	S	12	E	WM	25	NE NE	3.7	1212250000101	Rob & Rachelle Jones
12	S	12	E	WM	26	NW SE	40.0	1212260000100	Jack Ally Rev Living Trust
12	S	12	E	WM	26	SE SE	12.4	1212260000100	Jack Ally Rev Living Trust
12	S	12	E	WM	26	SW SE	38.8	1212260000100	Jack Ally Rev Living Trust

IRRIGATION						Supplemental Information			
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name		
12	S	12	E	WM	26	NE SW	19.7	1212260000100	Jack Ally Rev Living Trust
12	S	12	E	WM	27	SE SE	29.6	1212270001100	Robert & Janice Roth
12	S	12	E	WM	34	SE SE	14.9	1212340000500	Opal Springs Farms, LLC
12	S	12	E	WM	35	NW NW	35.0	1212350000200	Robert & Janice Roth
12	S	13	E	WM	2	NE NW	40.5	1213020000200	Betty Jo Williams
12	S	13	E	WM	5	NE SE	7.2	1213050000900	John Kaiser
12	S	13	E	WM	5	NW SW	5.3	1213050000600	Karleen I Contreras Nava LLC
12	S	13	E	WM	6	NE NE	6.4	1213060000100	Hagman, Thomas, Hagman
12	S	13	E	WM	7	SW NW	9.6	1213070000500	Charlotte Cloud
12	S	13	E	WM	7	NW SW	9.0	1213070000500	Charlotte Cloud
12	S	13	E	WM	8	NE NW	5.9	1213080000200	Norma Jean Harada
12	S	13	E	WM	9	NW SE	1.6	1213090001300	James & Jane Kaiser
12	S	13	E	WM	9	SW SE	1.5	1213090001400	James & Jane Kaiser
12	S	13	E	WM	9	SW SE	9.7	1213090001400	James & Jane Kaiser
12	S	13	E	WM	10	SW NE	1.7	1213100000300	Jeff & Triesa Whitaker
12	S	13	E	WM	11	SW NW	9.4	1213100000301	Rosalind Reynolds
12	S	13	E	WM	15	SE SE	0.3	1213150000800	Collins & Susan Gilbertson
12	S	13	E	WM	16	NE NE	0.8	1213160000100	Juniper Rebekah Lodge #229
12	S	13	E	WM	18	SW NE	4.6	1213160000398	Helena Chemical Company
12	S	13	E	WM	19	NE NE	0.6	1213190000202	Thomas Gates
12	S	13	E	WM	19	NW NE	1.0	1213190000203	Macy Farms, LLC
12	S	13	E	WM	19	SW NE	1.0	1213190000203	Macy Farms, LLC
12	S	13	E	WM	19	NW SE	0.6	1213190000203	Macy Farms, LLC
12	S	13	E	WM	19	SW SE	0.6	1213190000203	Macy Farms, LLC
12	S	13	E	WM	22	SE SE	16.7	1213220001400	Kenneth & H Diane Reed
12	S	13	E	WM	27	NE NE	0.9	1213270000290	Kenneth & H Diane Reed
12	S	13	E	WM	27	NW NE	21.7	1213270000290	Kenneth & H Diane Reed
12	S	13	E	WM	29	NE SW	4.4	1213290000600	Elsie M Tate Trust
12	S	13	E	WM	30	NE NE	0.3	1213300000500	George & Angelique Rohweder
12	S	13	E	WM	30	NW NE	0.6	1213300000600	Michael & Milne Macy
12	S	13	E	WM	30	NW NE	5.4	1213300000600	Michael & Milne Macy
12	S	13	E	WM	30	SW NE	12.8	1213300001400	Annette Wilson
12	S	13	E	WM	30	SE NW	5.0	1213300001101	Kurtis & Katy Schonneker
12	S	13	E	WM	30	SW NW	5.1	1213300001000	Barbara Calloway
12	S	13	E	WM	30	SW NW	2.4	1213300001101	Kurtis & Katy Schonneker
13	S	12	E	WM	2	NE SW	39.0	1312020000600	Jack Ally Rev Living Trust
13	S	12	E	WM	2	NW SW	0.8	1312020000800	Opal Springs Farms LLC
13	S	12	E	WM	2	SE SW	31.0	1312020000600	Jack Ally Rev Living Trust
13	S	12	E	WM	2	SW SW	23.1	1312020000800	Opal Springs Farms LLC
13	S	12	E	WM	3	NE NW	7.9	1312030000200	Vern & Karen Bare
13	S	12	E	WM	3	NW NW	10.7	1312030000200	Vern & Karen Bare
13	S	12	E	WM	3	SE NW	8.5	1312030000200	Vern & Karen Bare
13	S	12	E	WM	3	SW NW	9.0	1312030000200	Vern & Karen Bare
13	S	12	E	WM	3	NE SW	40.0	1312030000200	Vern & Karen Bare
13	S	12	E	WM	11	NE NW	11.3	1312110000200	Schmitz Family Rev Trust

IRRIGATION							Supplemental Information		
Twp	Rng	Mer	Sec	Q-Q		Acres	Tax Map ID	Name	
13	S	12	E	WM	11	NW NW	40.6	1312110000200	Schmitz Family Rev Trust
13	S	12	E	WM	11	SE NW	11.4	1312110000200	Schmitz Family Rev Trust
13	S	12	E	WM	11	SW NW	38.8	1312110000200	Schmitz Family Rev Trust
13	S	12	E	WM	11	NE SW	11.7	1312110000200	Schmitz Family Rev Trust
13	S	12	E	WM	11	NW SW	22.2	1312110000200	Schmitz Family Rev Trust
13	S	13	E	WM	7	SE SW	1.5	1313070000500	Cunningham Trust
13	S	13	E	WM	17	SE NW	9.8	1313170000600	Cunningham Trust
13	S	13	E	WM	17	SW NW	7.7	131317B000600	Cunningham Trust
13	S	13	E	WM	17	NE SW	2.6	1313170000600	Cunningham Trust
13	S	13	E	WM	17	SE SW	2.7	1313170001000	Cunningham Trust
13	S	13	E	WM	20	NW NE	2.5	1313200000200	Jerry & Nancy Klatt
13	S	13	E	WM	20	SW SE	2.9	1313200000601	Janell Powell & Dennis Bjelland
13	S	13	E	WM	21	NE SE	1.6	1313210000600	Larry Thompson
13	S	13	E	WM	29	SW SW	6.6	1313290001100	Keith & Marilee Olson Trust
Total							2,957.4		

7. The portion of the fourth right to be modified is as follows:

Certificate: 72284 in the name of NORTH UNIT IRRIGATION DISTRICT, perfected under Permit 33954

Use: IRRIGATION of 194.6 ACRES

Priority Date: SEPTEMBER 18, 1968

Rate: 4.86 CUBIC FEET PER SECOND, together with all other rights perfected under Permit 33954 shall not exceed 200.0 cfs.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further subject to the terms and conditions of a stipulation between North Unit Irrigation District and the Oregon State Game Commission which has been recorded in the Miscellaneous Records of the Water Resources Director.

Source: CROOKED RIVER, tributary of the DESCHUTES RIVER

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION						SUPPLEMENTAL INFORMATION			
Twp	Rng	Mer	Sec	Q - Q	Acres	Tax Map ID	Name		
11	S	13	E	WM	8	SW NE	37.6	1113080000300	Ingalsbe Trust
11	S	13	E	WM	8	SE NE	14.6	1113080000300	Ingalsbe Trust

11	S	13	E	WM	8	SW	NW	39.4	1113080000300	Ingalsbe Trust
11	S	13	E	WM	8	NW	SW	39.4	1113080000300	Ingalsbe Trust
11	S	13	E	WM	8	NE	SE	33.6	1113080000300	Ingalsbe Trust
11	S	13	E	WM	8	NW	SE	14.6	1113080000300	Ingalsbe Trust
11	S	13	E	WM	8	SE	SE	13.9	1113080000300	Ingalsbe Trust
11	S	13	E	WM	22	SE	NW	1.5	1113220001000	Gregory Horn
Total								194.6		

8. Water right Certificates 72279, 72280, 72283, and 72284 have been modified by multiple transactions, which may have reduced the rates and duties of the rights. The Application does not describe how the affected rights have been modified by cancellations, transfers, or other allocation of conserved water projects.
9. On February 4, 2004, the Department issued a Final Order Approving Allocation of Conserved Water Application CW-24, recorded at Special Order Volume 59, Pages 184-194. CW-24 resulted in conservation of the following quantities of water:

Source	Certificate	Total Water Conserved		Applicant's Portion		State's Portion	
		CFS	AF	CFS	AF	CFS	AF
Deschutes R.	72279	1.70	724.00	0.85	362.00	0.85	362.00
Crooked R.	72283	1.74	298.40	0.87	149.20	0.87	149.20

10. Deschutes River water right Certificate 72279 is limited to a diversion of 1,101.00 cfs. The quantity of water available for diversion under Certificate 72279 must be reduced to account for the conservation under CW-24, being 1.70 cfs. The new diversion rate for Certificate 72279 will be 1,099.30 cfs.
11. Deschutes River Water Right Certificates 72279, 72280, and all other rights perfected under Permit S-23196 are limited to a combined maximum diversion of 1,101.00 cfs. To avoid enlargement, the maximum quantity of water available for diversion under Water Right Certificates 72279 and 72280, and any other rights perfected under Permit 23196 must be reduced to account for the conservation under CW-24, being 0.85 cfs. The new maximum combined rate of diversion for all rights perfected under Permit 23196 will be 1,100.15 cfs.
12. On May 7, 2010, the Department issued Special Order Volume 80, Pages 901-902, approving a Partial Cancellation of Certificate 72283. The Final Order reduced Crooked River water right Certificate 72283 by 0.5 acres, 0.01 cfs, and 2.0 acre-feet.
13. Crooked River Water Right Certificate 72283 is limited to a diversion of 200.0 cfs. The quantity of water available for diversion under Certificate 72283 must be reduced to account for the conservation under CW-24, being 1.74 cfs. In addition, the rate must be reduced 0.01 cfs for the partial cancellation described above. The new diversion rate for Certificate 72283 will be 198.25 cfs.
14. Crooked River water right Certificates 72283, 72284, and all other rights perfected under Permit S-33954 are limited to a combined maximum diversion of 200.00 cfs. To avoid

enlargement, the maximum quantity of water available for diversion under water right Certificates 72283 and 72284 and any other rights perfected under Permit S-33954 must be reduced to account for the State’s portion of conserved water under CW-24 being 0.87 cfs and the quantity of water abandoned under Special Order Volume 80 at Pages 901-902, being 0.01 cfs. The new maximum combined rate of diversion for all rights perfected under Permit 33954 will be 199.12 cfs.

15. Based on Findings of Fact #10 through #14, the starting points and the rates associated with Allocation of Conserved Water Application CW-75 are as follows:

DESCHUTES RIVER RIGHTS					
Certificate	Priority Date	Acres	Max Rate (CFS)	Volume (AF/AC)	Max Volume (AF)
72279	2/28/1913	49,916.00	1,099.30	5.24	261,335.00
72280	2/28/1913	133.90	3.35	5.25	702.98
Totals:		50,049.90	*	--	262,037.98

*Maximum combined diversion rate for all rights perfected under Permit S-23196 is 1,100.15 CFS.

CROOKED RIVER RIGHTS					
Certificate	Priority Date	Acres Equivalent	Max Rate (CFS)	Volume (AF/AC)	Max Volume (AF)
72283	2/28/1913	8,530.30	198.25	3.97	33,822.80
72284	2/28/1913	286.90	7.17	4.00	1,147.60
Totals:		8,817.20	*	--	34,970.40

*Maximum combined diversion rate for all rights perfected under Permit S-33954 is 199.12 cfs.

16. Any previously approved or pending transfers, cancellations, allocations of conserved water, or other modifications to Certificates 72279, 72280, 72283, and 72284, not listed above will cause a corresponding change to the rate, duty and total number of acres served by these rights.
17. On October 7, 2008, NUID adopted an Allocation of Conserved Water Policy that conforms to the requirements of OAR 690-018-0025.
18. Diversion structures, canals and ditches sufficient to deliver the full quantity of water allowed under the existing rights were present within the five-year period prior to submission of Allocation of Conserved Water application CW-75.
19. On March 28, 2012, the Applicant provided notice of the proposed conservation project to the Land Use and Planning Departments of Crook, Deschutes, and Jefferson Counties as required by OAR 690-018-0040(22).
20. Notice of the proposed conservation project was published in the Department’s weekly notice on May 8, 2012, and in *The Bulletin* newspaper on June 3 and 10, 2012, as required under OAR 690-018-0050.
21. On May 29, 2012, WaterWatch of Oregon filed comments expressing concerns about NUID’s ability to divert the quantity of water from the Crooked River and the potential

impacts the proposed canal lining project may have on instream rights in the lower Deschutes River.

22. On June 13, 2012, the Applicant provided additional evidence sufficient to establish that the District has the ability to pump the full 200.0 cfs from the Crooked River as allowed by water right Certificates 72283 and 72284. Specifically, the District has ten, 450 horsepower pumps, each pump has a 22 cfs capacity (10 pumps x 22 cfs per pump = 220 cfs maximum capacity).
23. The Applicant has the capacity to divert the full quantity of water available under the subject rights. Department staff has also determined the subject rights could be applied to the authorized beneficial uses at the maximum rates and volumes allowed without return flows.
24. The canal lining portion of the project will eliminate the following quantities of seepage loss from the Deschutes River:

Deschutes River Rights							
Certificate	Existing Acres	Before Project		After Project		Conserved Water	
		Rate (CFS)	Volume (AF)	Rate (CFS)	Volume (AF)	Rate (CFS)	Volume (AF)
72279	49,916.00	1,099.30	261,335.00	1,080.80	253,476.14	18.50	7,858.86
72280	133.90	3.35	702.98	3.29	681.84	0.06	21.14
Totals:	50,049.90		262,037.98	*	254,157.98	18.56	7,880.00

* - Post-project, the maximum combined diversion rate for all water rights perfected under Permit S-23196 is 1100.15 cfs.

25. Pursuant OAR 690-018-0020(4), application of the Deschutes River water to lands currently served by Crooked River water will reduce demand on the Crooked River and result in the following quantities of conserved water:

Crooked River Rights							
Certificate	Existing Acres	Before Project		After Project		Conserved Water	
		Rate (CFS)	Volume (AF)	Rate (CFS)	Volume (AF)	Rate (CFS)	Volume (AF)
72283	8,530.30	198.25	33,822.80	129.52	22,096.65	68.73	11,726.15
72284	286.90	7.17	1,147.60	2.31	369.2	4.86	778.40
Totals:	8,817.20	*	34,970.40	**	22,465.85	68.73*	12,504.55

*Pre-project, the maximum combined diversion rate for all water rights perfected under Permit 33954 is 199.12 cfs.

**Post-project, the maximum combined diversion rate for all water rights perfected under Permit 33954 is 130.39 cfs.

26. The Deschutes River water saved by canal lining will be applied to 3,152.0 acres of land, which currently receive Crooked River water. The rate and quantity of water shall be as follows:

Originating Certificate	Priority	After Project Maximums			
		Rate	AF/AC	AF	Maximum New Acres
72279	2/28/1913	18.50	2.5	7,858.86	3,143.54
72280	2/28/1913	0.06	2.5	21.14	8.46
TOTAL:		18.56		7,880.00	3,152.00

27. Allocation of Conserved Water Project CW-75 is complete and resulted in 12,504.55 acre-feet of conserved water under Certificates 72283 and 72284. Pursuant to OAR 690-018-0012(1), the Applicant requests that 100% of the conserved water be dedicated to the state as a new instream water right.

28. Pursuant ORS 537.485, the Applicant requests that the priority dates of the conserved water be the same as the originating rights.

29. On June 14, 2012, the District 11 Watermaster reviewed Allocation of Conserved Water Application CW-75 and determined that the conservation project would result in conserved water which could be allocated without harm to other rights. However, consumptive use of the seepage water conserved could result in a potential reduction to wintertime flows in the Lower Deschutes River.

- a. The proposed allocation of conserved water will not harm existing out-of-stream or instream water rights in the Upper Deschutes (above Bend) or Middle Deschutes River (above Lake Billy Chinook) because the downstream return flows do not re-enter the Deschutes River above Lake Billy Chinook.
- b. Out-of-stream rights in the Lower Deschutes (below Lake Billy Chinook) are not harmed since there is always sufficient flow for these rights. Instream flows in the Lower Deschutes are not harmed because the project will not result in any increase to consumptive use of water and because the new instream right created on the Crooked River by this project will result in greater instream flows from the authorized point of diversion to the mouth of the Deschutes River.
- c. Some of the water which was previously diverted, and which will no longer be diverted, could have returned to the Lower Deschutes River outside of the irrigation season and could have slightly increased wintertime flows in the Lower Deschutes River. However, the diversion of water is not required and, therefore, the return flows are not required. Moreover, any potential reduction to wintertime return flows is more than offset by the new instream water right created by CW-75.
- d. The Oregon Departments of Environmental Quality, Fish and Wildlife, and Parks and Recreation, in conjunction with the United States Bureau of Reclamation, have determined that the water quality in the Lower Crooked River during the mid- to late summer months is severely degraded due to low flows and corresponding high

temperatures. The new instream right created by this project will enhance streamflows in Lower Crooked River. Increasing mid- to late summer flows in the Crooked River will increase water quality in the Lower Crooked River and in the Lower Deschutes system. The increased water quality in the Deschutes River system as a whole will more than offset any potential reduction in attenuated return flows in the Lower Deschutes River.

30. The Applicant proposed the following conditions or limitations to mitigate for potential harm to existing water rights:
 - a. The North Unit Irrigation District (NUID) Water Accounting agreement dated July 12, 1996, requires NUID to pump 16.475% of the total irrigation demand from the Crooked River. The Agreement shall be amended and pro-rated according to the quantities of water used after completion of this project. Upon approval and finalization of this project, NUID shall be required to pump 10.585% of the total irrigation demand from the Crooked River.
 - b. North Unit Irrigation District and the Deschutes River Conservancy have agreed that the new instream right created by this Allocation of Conserved Water project will be in addition to historic minimum stream flows in the Crooked River as defined in the “Dry Year” “Non-Dry Year” agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75. The quantity of water that must be by-passed will be determined by the Department’s District 11 Watermaster office. Prior to March 31 of each year, the District 11 Watermaster shall determine the quantity of water that must be by-passed in accordance with the “Dry Year” “Non-Dry Year” agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75.
31. The proposed allocation of conserved water project, as described above, will not harm existing water rights; therefore, no reduction in the quantity of conserved water to be allocated is required to mitigate effects on other water rights.
32. In consultation with the Oregon Department of Fish and Wildlife (ODFW), Department of Environmental Quality (DEQ), and Oregon Parks and Recreation Department (OPRD), the Department has determined that the greatest benefit to the Deschutes River system as a whole will be achieved by protecting the new instream right from the NUID point of diversion to the mouth of the Crooked River at its confluence with the Deschutes River. The new instream right will improve water quality, reduce water temperature, and provide additional benefits for fish, wildlife and other aquatic resources.
33. The DEQ indicated that temperatures in the Crooked River are elevated above state water quality standards during summer months due to low flows below the NUID point of diversion and that additional flows would improve temperature related water quality problems.
34. The combination of instream rights for the proposed reach on Crooked River does not exceed the amount needed to provide increased public benefits and is consistent with Sections (4), (5) and (6) of OAR 690-077-0015.

35. The proposed instream right is not a measurable portion of the Deschutes River as required by OAR 690-077-0015(8). Therefore, the proposed instream right cannot be extended from the Crooked River into the Deschutes River.
36. Pursuant OAR 690-077-0015(8) the stream reach for the instream right on the Crooked River shall be from the authorized point of diversion located at approximately River Mile 27.5:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

to the mouth of Crooked River at River Mile 0.0, and shall be measured at OWRD Gauging Station #14087300.

37. The right will be protected instream from April 1 through October 31. To avoid enlargement, the rates to be protected instream have been determined by the following calculation: (volume ÷ 1.983471 (cfs equivalent) ÷ 214 days (irrigation season) = new rate). The rate for the instream water right shall be as follows:

Originating Certificate	Priority Date	Rate (CFS)	Volume (AF)
72283	9/18/1968	27.63	11,726.15
72284	9/18/1968	1.83	778.40
TOTAL:		29.46	12,504.55

38. Pursuant to OAR 690-018-0062, the Applicant indicated that the project is complete and requested that the project be finalized.

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

Pursuant to ORS 537.465 and OAR 690-018-0050, the Department has reviewed the application and considered any comments received and has determined:

39. Allocation of Conserved Water Application CW-75 contains all the information required by OAR 690-018-0040.
40. As established in Findings of Fact #24 and #25, the proposed Allocation of Conserved Water project will result in a reduced diversion for the uses allowed under the original rights. OAR 690-018-0050(4)(a)
41. Consistent with Finding of Fact #29, the proposed Allocation of Conserved Water will not harm existing water rights. Therefore, no reduction in the quantity of conserved water to be allocated is required to mitigate for the effects on other water rights. OAR 690-018-0050(4)(b) and (d).
42. As established in Finding of Fact #19, CW-75 is consistent with the requirements established in OAR 690-005-0045 (Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans). OAR 690-018-0050(4)(c).

43. Because the conserved water was developed from delivery system efficiencies, the rate and volume for Certificates 72279 and 72280 must be modified. The new rate and volume are as follows:

Deschutes River Rights			
Originating Certificate	Acres	Rate (CFS)	Volume (AF)
72279	49,916.00	1,080.80	253,476.14
72280	133.90	3.29	681.84
Totals:	50,049.90	*	254,157.98

*Maximum combined diversion rate for all rights perfected under Permit 23196 is 1100.15 cfs.

(Finding of Fact #24), OAR 690-018-0050(4)(e).

44. The new rate and duty of conserved Deschutes River water for out-of-stream use to be applied to 3,152.0 acres of land is as follows:

Originating Certificate	Priority	After Project Maximum New Irrigation			
		Rate	AF/AC	Volume	Maximum New Acres
72279	2/28/1913	18.50	2.5	7,858.86	3,143.57
72280	2/28/1913	0.06	2.5	21.14	8.43
TOTAL:		18.56		7,880.00	3,152.00

(Finding of Fact #26) OAR 690-018-0050(4)(e).

45. In consultation with ODFW, DEQ and OPRD, the Department has determined that the conserved water is needed to support instream uses. (Findings of Fact #32 and #33). OAR 690-018-0050(4)(f).
46. Consistent with ORS 537.470(3), the Applicant requests that 100% of the conserved water be allocated for an instream water right to be held in trust by the Water Resources Department for the people of Oregon and that the priority date of the instream right will be the same as the originating rights. (Findings of Fact #27 and #28). OAR 690-018-0050(4)(g).
47. Consistent with OAR 690-077-0015(8) and (10), the State's portion of the conserved water shall have a priority date of September 18, 1968, and shall be allocated as an instream water right for maintenance and enhancement of aquatic habitat, fish, wildlife, wildlife habitat and other ecological values, and pollution abatement. The instream water right shall provide for the protection of flows in the Crooked River from the authorized point of diversion at:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

to the mouth of Crooked River at River Mile 0.0 and shall be measured at OWRD Gauging Station #14087300. The instream right created shall replace a portion of any 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. The right shall allow

for instream use and protection of flows from April 1 through October 31. (Findings of Fact #36 and #37). OAR 690-018-0050(4)(h).

48. The instream right to be created by Allocation of Conserved Water Project CW-75 is consistent with the criteria for establishment of an instream right as outlined in OAR 690-077-0015. (Findings of Fact #32 through #37).
49. Pursuant OAR 690-018-0062 the Applicant notified the Department that the Allocation of Conserved Water Project is complete and requested finalization of the project. (Finding of Fact #38). OAR 690-018-0050(4)(i).
50. The following conditions and limitations proposed by the Applicant, mitigate for potential harm to existing rights, and are acceptable to the Department:

The North Unit Irrigation District (NUID) Water Accounting agreement dated July 12, 1996, requires NUID to pump 16.475% of the total irrigation demand from the Crooked River. The Agreement shall be amended and pro-rated according to the quantities of water used after completion of this project. Upon approval and finalization of this project, NUID shall be required to pump 10.585% of the total irrigation demand from the Crooked River.

North Unit Irrigation District and the Deschutes River Conservancy have agreed that the new instream right created by this Allocation of Conserved Water project will be in addition to historic minimum stream flows in the Crooked River as defined in the "Dry Year" "Non-Dry Year" agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75. The quantity of water that must be by-passed will be determined by the Department's District 11 Watermaster office. Prior to March 31 of each year, the District 11 Watermaster shall determine the quantity of water that must be by-passed in accordance with the "Dry Year" "Non-Dry Year" agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75.

(Finding of Fact #30) OAR 690-018-0050(4)(j).

Determination and Proposed Action

1. The project described in Allocation of Conserved Water Application CW-75, is consistent with the criteria in ORS 537.455 to 537.500 and OAR Chapter 690, Division 018.
2. Pursuant OAR 690-018-0050(4), the conservation project will conserve water and, as described in Findings of Fact #29, and as conditioned in Finding of Fact #50, can be allocated without harming existing water rights.
3. Consistent with ORS 537.470(3), the State's portion of the conserved water is necessary to support instream flow purposes in accordance with ORS 537.332 to 537.360.

If approved, the change and subsequent use of water shall be subject to the following:

1. *The changes proposed in Allocation of Conserved Water CW-75 are approved.*

2. *The project is complete and is finalized.*
3. *The right to the use of water is restricted to beneficial use at the unmodified place of use described in Certificates 72283 and 72284, and is subject to all other conditions and limitations contained in Certificates 72283 and 72284, and any related decree.*
4. *Water Right Certificates 72283 and 72284 are cancelled. New Certificates will be issued for those portions of the rights not affected by Allocation of Conserved Water CW-75 at the following rates and duties:*

Originating Certificate	Acres Equivalent	Rate (CFS)	Volume (AF)
72283	5,572.90	129.52	22,096.65
72284	92.30	2.31	369.20
Totals:	5,665.20	*	22,465.85

*Maximum combined diversion rate for all rights perfected under Permit S-33954 is 130.39 cfs.

The acreage, rate, duty, and priority dates are subject to modification by any previously approved transfers, cancellations, corrections, allocations of conserved water, or other prior modification to the certificates. All other conditions and limitations of the existing water right shall be included in the superseding certificates.

5. *Water Right Certificates 72279 and 72280 are modified. The reduced rate and duty are as follows:*

Deschutes River Rights					
Originating Certificate	Existing Acres	After Project			
		Rate /Acre	Rate (CFS)	Duty (AF)	Volume (AF)
72279	49,916.00	1/46	1,080.80	5.08	253,476.14
72280	133.90	1/42	3.29	5.09	681.84
Totals:	50,049.90		*		254,157.98

* - Maximum combined diversion rate for all rights perfected under Permit S-23196 is 1,100.15 cfs.

6. *Water right Certificates 72281, 72282, 72283, and 72284, shall be subject to the following conditions and limitations:*

The North Unit Irrigation District (NUID) Water Accounting agreement dated July 12, 1996, requires NUID to pump 16.475% of the total irrigation demand from the Crooked River. The Agreement shall be amended and pro-rated according to the quantities of water used after completion of this project. Upon approval and finalization of this project, NUID shall be required to pump 10.585% of the total irrigation demand from the Crooked River.

North Unit Irrigation District and the Deschutes River Conservancy have agreed that the new instream right created by this Allocation of Conserved Water project will be in addition to historic minimum stream flows in the Crooked River as defined in the "Dry Year" "Non-Dry Year" agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75. The quantity of water that must be by-passed will be determined by the Department's District 11 Watermaster office. Prior to March 31 of

each year, the District 11 Watermaster shall determine the quantity of water that must be by-passed in accordance with the “Dry Year” “Non-Dry Year” agreement described in Attachment 3, to Allocation of Conserved Water Application CW-75.

7. *Approval and finalization of this Allocation of Conserved Water will allow the Applicant to apply a combined diversion rate of 18.56 cfs to 3,152.0 acres of land previously served by Crooked River Certificates 72283 and 72284, limited to an annual volume of 7,880.00 acre-feet, and is further limited to a maximum combined diversion rate for all other rights perfected under Permit S-23196 of 1,100.15 cfs, at the following locations:*

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
9 S	13 E	WM	15	NE SW	15.60	913150000400	Seth & Sally Klann
9 S	13 E	WM	15	SE SW	16.60	913150000400	Seth & Sally Klann
9 S	13 E	WM	16	SE SW	3.00	913160000400	Scott Samsel
9 S	13 E	WM	24	NE NE	29.10	913240000100	Weigand Ranches, Inc.
9 S	13 E	WM	24	SE NE	40.00	913240000101	Weigand Ranches, Inc.
9 S	13 E	WM	24	NE SE	39.80	913240000101	Weigand Ranches, Inc.
9 S	13 E	WM	24	SE SE	36.40	913240000101	Weigand Ranches, Inc.
9 S	13 E	WM	25	NE NE	29.50	913250000100	Vibbert & Potampa
9 S	13 E	WM	25	NW NE	20.10	913250000100	Vibbert & Potampa
9 S	13 E	WM	25	NE SW	22.70	913250000600	William DuRette
9 S	13 E	WM	25	SE SW	16.60	913250000600	William DuRette
9 S	13 E	WM	32	SE NE	17.70	913320000100	Ryan & Heidimarie Boyle
9 S	13 E	WM	32	NW SW	20.20	913320000401	Harris, Gary & Camille
9 S	14 E	WM	18	NW SE	35.10	914000001100	Joy, H Bryce & Linda Vibbert
9 S	14 E	WM	18	SW SE	34.40	914000001100	Joy, H Bryce & Linda Vibbert
9 S	14 E	WM	18	NE SW	34.60	914000001100	Joy, H Bryce & Linda Vibbert
9 S	14 E	WM	18	SE SW	35.00	914000001100	Joy, H Bryce & Linda Vibbert
9 S	14 E	WM	19	NW NE	29.10	914000004100	James Vibbert & Althea Nielson
9 S	14 E	WM	19	SW NE	29.30	914000004100	James Vibbert & Althea Nielson
9 S	14 E	WM	19	SW NW	42.30	913240000101	Weigand Ranches, Inc.
9 S	14 E	WM	19	NW SW	42.30	913240000101	Weigand Ranches, Inc.
9 S	14 E	WM	19	SW SW	41.80	913240000101	Weigand Ranches, Inc.
9 S	14 E	WM	21	NE NW	12.70	914000004601	Columbia Empire Farms & Paplin
9 S	14 E	WM	21	SE NW	19.60	914000004601	Columbia Empire Farms & Paplin
9 S	14 E	WM	21	SE SE	12.10	914000004601	Columbia Empire Farms & Paplin
9 S	14 E	WM	21	SW SE	11.70	914000004601	Columbia Empire Farms & Paplin
9 S	14 E	WM	28	SE SE	0.30	914280000301	R2 Land LLC
9 S	14 E	WM	28	SW SE	4.90	914280000301	R2 Land LLC
9 S	14 E	WM	29	SE NE	4.80	914290000501	Robert Williams, et al
9 S	14 E	WM	29	SE NW	4.60	914290000300	Michael Mazour
9 S	14 E	WM	29	SW NW	14.60	914290000300	Michael Mazour
9 S	14 E	WM	29	NE SE	5.20	914290000501	Robert Williams, et al
9 S	14 E	WM	29	SE SE	5.60	914290000501	Robert Williams, et al
9 S	14 E	WM	29	NE SW	2.50	914290000300	Michael Mazour

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
9 S	14 E	WM	33	SE SW	2.00	914330000800	R2 Land LLC
9 S	14 E	WM	34	NW NW	2.90	914340000300	Martin Revocable Trust
10 S	13 E	WM	12	NE NE	1.20	1013120000200	Harris Living Trust
10 S	13 E	WM	12	SE SE	0.70	1013120000800	Jan Foster & Helen Bicart
10 S	13 E	WM	13	SW NW	0.50	1013130000500	Carol Kari
10 S	13 E	WM	16	NE NW	0.30	1013160000200	Gwendolyn Leutwiler
10 S	13 E	WM	16	NW NW	3.00	1013160000200	Gwendolyn Leutwiler
10 S	13 E	WM	16	SE NW	0.80	1013160000200	Gwendolyn Leutwiler
10 S	13 E	WM	16	SW NW	5.20	1013160000200	Gwendolyn Leutwiler
10 S	13 E	WM	20	NE NW	28.10	1013200000200	Jacobus & Deanna Poland
10 S	13 E	WM	20	NW NW	0.50	1013190000200	Jacobus & Deanna Poland
10 S	13 E	WM	20	SE NW	2.50	1013200000200	Jacobus & Deanna Poland
10 S	13 E	WM	20	NE SW	0.70	1013200000500	Chris and Jamie Colton
10 S	13 E	WM	20	SE SW	2.30	1013200000400	Stanley & Kathryn Sullivan
10 S	13 E	WM	20	SE SW	2.40	1013200000500	Chris & Jamie Colton
10 S	13 E	WM	20	SE SW	0.90	1113200000200	Jacobus & Deanna Poland
10 S	13 E	WM	20	SW SW	0.30	1013200000400	Stanley & Kathryn Sullivan
10 S	13 E	WM	21	NE NW	11.60	1013210000200	Orbringer Farm LLC
10 S	13 E	WM	21	NE NW	1.50	1013210000300	Macy Family Ranch LLC
10 S	13 E	WM	21	NW NW	0.80	1013210000300	Macy Family Ranch LLC
10 S	13 E	WM	21	SW NW	2.30	1013210000300	Macy Family Ranch LLC
10 S	13 E	WM	21	NE SE	3.70	1013210000400	Rick & Cindy Peterson
10 S	13 E	WM	21	NW SE	6.10	1013210000400	Rick & Cindy Peterson
10 S	13 E	WM	21	SW SE	12.60	1013210000400	Rick & Cindy Peterson
10 S	13 E	WM	21	NE SW	8.50	1013210000500	Michael & Michelle Varley
10 S	13 E	WM	24	SE NE	9.00	1013240000101	Nancy Siegenhagen Trust
10 S	13 E	WM	24	SW NE	8.80	1013240000101	Nancy Siegenhagen Trust
10 S	13 E	WM	28	NE NE	25.40	1013280000100	Geraldine Desouza
10 S	13 E	WM	28	NW NE	12.70	1013280000100	Geraldine Desouza
10 S	13 E	WM	28	NW SW	12.80	1013280000501	David & Frances Olson Sr.
10 S	13 E	WM	28	SW SW	8.00	1013280000501	David & Frances Olson Sr.
10 S	13 E	WM	29	NW NW	25.90	1013290000200	Clowers Trusts
10 S	13 E	WM	29	SW NW	16.20	1013290000200	Clowers Trusts
10 S	13 E	WM	35	SE SE	0.30	101335DD00602	Franklyn Wall
10 S	14 E	WM	4	NW SE	2.80	1014040000400	Columbia Empire Farms Inc
10 S	14 E	WM	4	NE SW	6.40	1014040000500	Columbia Empire Farms Inc
10 S	14 E	WM	6	SW NW	9.50	1014060000200	Almond Hemenway
10 S	14 E	WM	6	SW SE	18.30	1014060000400	Jesus & Lupe Rodriguez
10 S	14 E	WM	6	NW SW	4.30	1014060000200	Almond Hemenway
10 S	14 E	WM	7	SE SE	1.60	1014070000800	Eloise Barry
10 S	14 E	WM	17	NE SE	10.40	1014170000700	Volbeda LLC
10 S	14 E	WM	17	SE SE	1.90	1014170000700	Volbeda LLC
10 S	14 E	WM	17	SE SE	20.40	1014170000800	Adam & Cheryl Peterson
10 S	14 E	WM	17	NW SW	5.30	1014170000500	Volbeda LLC

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
10 S	14 E	WM	17	SW SW	5.30	1014170000500	Volbeda LLC
10 S	14 E	WM	18	SE NE	0.70	1014180000900	Emmett Gaddis
10 S	14 E	WM	20	NE NE	25.00	1014200000101	Vern & Dena Foristall
10 S	14 E	WM	20	NW SE	4.80	1014200000500	David L. Kaiser
10 S	14 E	WM	21	SW NW	6.70	1014210000500	Richard & Linda Smith
10 S	14 E	WM	21	NW SW	2.80	1014210000600	Feturah Miller Rev Trust
10 S	14 E	WM	21	SW SW	5.00	1014210000600	Feturah Miller Rev Trust
10 S	14 E	WM	28	NW NE	0.10	1014280000200	Richard & Virginia Porter
10 S	14 E	WM	28	NE NW	16.80	1014280000200	Richard & Virginia Porter
10 S	14 E	WM	28	NE NW	3.00	1014280000201	Richard & Virginia Porter
10 S	14 E	WM	28	NW NW	5.40	1014280000200	Richard & Virginia Porter
10 S	14 E	WM	29	NE NE	1.10	1014290000101	Ronald Oliver
10 S	14 E	WM	29	SW SE	2.80	1014290001001	Gregory & Heather Williams
10 S	14 E	WM	29	NE SW	1.60	101429C000200	Gomes Family Trust
10 S	14 E	WM	29	NW SW	13.30	101429C000200	Gomes Family Trust
10 S	14 E	WM	29	NW SW	0.80	101429C000400	Gary & Mary Gomes
10 S	14 E	WM	29	SW SW	6.00	101429C000200	Gomes Family Trust
10 S	14 E	WM	29	SW SW	2.80	101429C000400	Gary & Mary Gomes
10 S	14 E	WM	30	NW NE	6.60	1014300000200	Charles & Darlene Maben
10 S	14 E	WM	30	SE NE	1.60	1014300000200	Charles & Darlene Maben
10 S	14 E	WM	30	SW NE	2.30	1014300000200	Charles & Darlene Maben
10 S	14 E	WM	30	SE NW	8.60	1014300000300	Simmons Trust
10 S	14 E	WM	30	SW NW	0.60	1014300000300	Simmons Trust
10 S	14 E	WM	30	NW SE	3.40	1014300000300	Simmons Trust
10 S	14 E	WM	30	NE SW	32.90	1014300000300	Simmons Trust
10 S	14 E	WM	30	NW SW	3.40	1014300000300	Simmons Trust
10 S	14 E	WM	31	NE NE	0.40	1014310000101	Gregory & Heather Williams
10 S	14 E	WM	31	NE NE	18.80	1014310000301	Siegenhagen, et al
10 S	14 E	WM	31	NW NE	3.40	1014310000301	Siegenhagen, et al
10 S	14 E	WM	31	SE NE	5.80	1014310000301	Siegenhagen, et al
10 S	14 E	WM	31	SW NE	0.70	1014310000301	Siegenhagen, et al
10 S	14 E	WM	31	SE NW	0.50	101431BD00800	Beverly Schonneker
10 S	14 E	WM	31	SW NW	1.10	101431BC00800	Jay and Alexis McCabe
10 S	14 E	WM	31	SW NW	1.60	101431BC00900	Steven & Jacky Barker
10 S	14 E	WM	31	NE SW	0.60	101431C000100	Roy & Tena Jackson
10 S	14 E	WM	31	NE SW	1.80	101431C002004	Jim & Rebecca Turner
10 S	14 E	WM	31	NE SW	2.00	101431C002100	H Brad & Gretchen Halvorson
10 S	14 E	WM	31	NW SW	0.10	101431BC00900	Steven & Jacky Barker
10 S	14 E	WM	31	NW SW	0.10	101431C002004	Jim & Rebecca Turner
10 S	14 E	WM	31	NW SW	0.50	101431C002400	Jonathon & Marian Grandby
10 S	14 E	WM	31	SE SW	0.40	101431C002004	Jim & Rebecca Turner
10 S	14 E	WM	31	SW SW	0.10	101431C002004	Jim & Rebecca Turner
10 S	14 E	WM	32	NE NW	2.70	1014320000300	Nancy Collins
11 S	12 E	WM	35	NE SE	32.70	1112350000600	Richard & Linda Hoke

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
11 S	12 E	WM	35	SE SE	8.50	1112350000600	Richard & Linda Hoke
11 S	12 E	WM	36	SE NE	28.80	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	SW NE	27.90	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	NE NW	7.80	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	NW NW	1.80	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	SE NW	29.40	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	NE SW	36.20	1112360000100	Sandners Ranch Partnership
11 S	12 E	WM	36	SE SW	1.80	1112360000100	Sandners Ranch Partnership
11 S	13 E	WM	2	NE SE	5.40	111302DA01700	Gisler Family Trust
11 S	13 E	WM	2	NW SE	18.40	1113020000800	Glabraith, Iseri, Spencer
11 S	13 E	WM	3	SW NE	1.80	1113030000124	2R Equipment LLC
11 S	13 E	WM	3	NE NW	5.20	1113030000300	James & Joan Petty
11 S	13 E	WM	4	NW NW	3.60	1113040000200	Richard & Melinda Hoefer
11 S	13 E	WM	4	SE NW	0.80	1113040000300	Madras Farms
11 S	13 E	WM	4	SW NW	0.20	1113040000302	Ron & Sandra Hahn
11 S	13 E	WM	5	SW SE	20.00	1113050000600	Ingalsbe Testamentary Trust
11 S	13 E	WM	5	SE SW	38.30	1113050000600	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	SW NE	37.60	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	SE NE	14.60	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	SW NW	39.40	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	NW SW	39.40	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	NE SE	33.60	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	NW SE	14.60	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	8	SE SE	13.90	1113080000300	Ingalsbe Testamentary Trust
11 S	13 E	WM	9	SE NW	6.00	1113090000300	Melvin & Minda Morton
11 S	13 E	WM	9	SW NW	10.80	1113090000300	Melvin & Minda Morton
11 S	13 E	WM	10	NE SE	3.00	1113100000702	John & Penny Martson
11 S	13 E	WM	10	NW SE	2.50	1113100000702	John & Penny Martson
11 S	13 E	WM	10	SE SE	0.90	1113100000702	John & Penny Martson
11 S	13 E	WM	10	SW SE	33.60	1113100000702	John & Penny Martson
11 S	13 E	WM	10	SE SW	23.80	1113100000600	Ralph Bollenbaugh, Jr.
11 S	13 E	WM	10	SW SW	2.70	1113100000600	Ralph Bollenbaugh, Jr.
11 S	13 E	WM	13	SE NW	16.60	111313B000500	Frederick & Kathryn Beebee
11 S	13 E	WM	14	NW NE	0.17	111314AB00300	Mary Ann Hart
11 S	13 E	WM	14	NW NE	0.03	111314AB00302	Mary Ann Hart
11 S	13 E	WM	14	SW NW	0.20	111314BC02100	Christopher & Joan McDonald
11 S	13 E	WM	14	SW NW	0.20	111314BC02200	Encore Estates, LLC
11 S	13 E	WM	14	NE SE	0.40	111314D001500	HDD, Inc.
11 S	13 E	WM	14	NW SW	1.80	111314CB00701	Jasa Trust
11 S	13 E	WM	14	SE SW	0.30	111314CD01000	Dwayne Booze Estate
11 S	13 E	WM	15	NE NE	23.60	1113150000100	Marilyn Hamilton Norton
11 S	13 E	WM	15	NW NE	12.70	1113150000100	Marilyn Hamilton Norton
11 S	13 E	WM	15	SE NE	1.80	1113150001000	Marilyn Hamilton Norton
11 S	13 E	WM	15	SW NE	38.70	1113150001000	Marilyn Hamilton Norton

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
11 S	13 E	WM	15	NE NW	20.20	1113150000201	Wise Trust
11 S	13 E	WM	15	NW NW	9.60	1113150000201	Wise Trust
11 S	13 E	WM	15	SE NW	10.40	1113150000201	Wise Trust
11 S	13 E	WM	15	SE SE	3.80	111315DD00100	Richard & Christine Comstock
11 S	13 E	WM	15	SE SE	0.10	111315DD00200	Gerald & Lois Barker
11 S	13 E	WM	15	SE SE	1.80	111315DD00400	Roberta McConkey
11 S	13 E	WM	15	SE SE	3.10	111315DD00600	Lela Mae Mundy
11 S	13 E	WM	16	NW SW	28.00	1113160000300	ALMBW Farm & Ranch
11 S	13 E	WM	16	SE SW	15.70	1113160000300	ALMBW Farm & Ranch
11 S	13 E	WM	16	SW SW	6.70	1113160000300	ALMBW Farm & Ranch
11 S	13 E	WM	17	NE SE	6.70	1113170000100	Dry Canyon Farms LLC
11 S	13 E	WM	17	SE SE	0.70	1113170000100	Dry Canyon Farms LLC
11 S	13 E	WM	22	NE NE	1.00	1113220002002	Malcom & Kay Meredith
11 S	13 E	WM	22	SE NW	1.50	1113220001000	Gregory Horn
11 S	13 E	WM	22	NE SE	13.80	1113220001101	Mark & Pamela Morlan
11 S	13 E	WM	22	NW SE	5.80	1113220001101	Mark & Pamela Morlan
11 S	13 E	WM	22	SW SE	11.00	1113220001600	6T Living Trust
11 S	13 E	WM	22	SE SE	2.80	1113220001803	Chad & Amy Smith
11 S	13 E	WM	23	SW NW	0.50	111323B002000	Joan Ellen Shaw
11 S	13 E	WM	23	NW SW	0.30	1113220001101	Mark & Pamela Morlan
11 S	13 E	WM	23	NW SW	5.00	111323CB00200	Peter & Robin McCabe
11 S	13 E	WM	24	SE SE	8.60	1113240000507	Kenneth & Sharon Klock
11 S	13 E	WM	24	SW SE	5.60	1113240000505	Richard & Karen Schjoll
11 S	13 E	WM	25	SW SE	12.20	1112560000100	Martin P Richards
11 S	13 E	WM	26	SE SW	2.70	1113260000800	William B Hoffman Sr Fam Trust
11 S	13 E	WM	26	SW SW	2.30	1113260000800	William B Hoffman Sr Fam Trust
11 S	13 E	WM	27	NE SE	6.80	1113270000100	6T Living Trust
11 S	13 E	WM	27	NE SE	0.60	1113270001200	Pearl Besand
11 S	13 E	WM	27	NW SE	32.00	1113270000100	6T Living Trust
11 S	13 E	WM	27	SW SE	0.50	1113270001401	Johmi & Cheryl Towery
11 S	13 E	WM	27	NE SW	1.50	1113270000900	Robert C Lundy
11 S	13 E	WM	28	NW NE	0.90	111328AA00300	Roy Nance
11 S	13 E	WM	28	NW SW	22.10	1113280000600	Robert & Roberta Vanek
11 S	13 E	WM	28	SW SW	11.20	1113280000600	Robert & Roberta Vanek
11 S	13 E	WM	30	SE SW	11.10	1113300000300	Roy & Jody Holland
11 S	13 E	WM	31	NW SE	31.30	1113310000800	Michael Alley & JD Alley et al
11 S	13 E	WM	31	SE SE	34.80	1113310000800	Michael Alley & JD Alley et al
11 S	13 E	WM	31	SW SE	8.80	1113310000800	Michael Alley & JD Alley et al
11 S	13 E	WM	33	SE NW	1.30	1113330000601	Avila Trust
11 S	13 E	WM	35	NE NW	5.40	1113260000800	William B Hoffman Sr Fam Trust
11 S	14 E	WM	6	NE NW	0.30	111406BA00501	Mark & Tammie Schongalla
11 S	14 E	WM	6	NE NW	0.40	111406BA01800	Michael & Carla Lee Bridges
11 S	14 E	WM	6	SE NW	0.10	1114060001102	Mark & Cheryl Simmons
11 S	14 E	WM	6	SE SE	2.10	1114060001401	Jefferson County

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
11 S	14 E	WM	6	SW SE	32.30	1114060001401	Jefferson County
11 S	14 E	WM	6	NW SW	0.60	111406C000500	Loretta & Robert Morrison
11 S	14 E	WM	18	SW NW	1.40	1114180000300	City of Madras
11 S	14 E	WM	18	NW SW	4.10	1114180000300	City of Madras
11 S	14 E	WM	30	NW NE	1.00	1114300000200	Martin & Nancy Richards
11 S	14 E	WM	30	SW NE	36.50	1114300000200	Martin & Nancy Richards
11 S	14 E	WM	30	NE NW	7.50	1114300000200	Martin & Nancy Richards
11 S	14 E	WM	30	SE NW	11.80	1114300000200	Martin & Nancy Richards
11 S	14 E	WM	30	SW SE	22.70	1114300000200	Martin & Nancy Richards
11 S	14 E	WM	30	NE SW	11.40	1114300000200	Martin & Nancy Richards
12 S	12 E	WM	12	SE NE	6.50	1212120000601	E Robert Schoepper II, Tr
12 S	12 E	WM	12	SE NE	9.20	1212120000901	E Robert Schoepper II, TR
12 S	12 E	WM	12	SW NW	0.90	121212BC00103	Roy & Terri Radcliff
12 S	12 E	WM	12	SW NW	0.90	121212BC00105	Larry & Carol Edwards
12 S	12 E	WM	12	NE SE	17.20	1212120001000	Lehman Family LLC
12 S	12 E	WM	12	NE SE	8.50	1212120001001	Lehman Family LLC
12 S	12 E	WM	12	NW SE	6.30	1212120001302	Melvin & Marilyn Fiscus
12 S	12 E	WM	13	NE NE	2.10	1212130000100	Karen Macy
12 S	12 E	WM	13	NW NE	2.90	1212130000100	Karen Macy
12 S	12 E	WM	23	SE NE	8.20	1212230000200	Edgar & Marlene Alley
12 S	12 E	WM	24	SW NW	1.60	1212240000400	Stephen & Deborah Pewonka
12 S	12 E	WM	25	NE NE	3.70	1212250000101	Rob & Rachelle Jones
12 S	12 E	WM	26	NW SE	40.00	1212260000100	Jack Alley Rev Living Trust
12 S	12 E	WM	26	SE SE	12.40	1212260000100	Jack Alley Rev Living Trust
12 S	12 E	WM	26	SW SE	38.80	1212260000100	Jack Alley Rev Living Trust
12 S	12 E	WM	26	NE SW	19.70	1212260000100	Jack Alley Rev Living Trust
12 S	12 E	WM	27	SE SE	29.60	1212270001100	Robert & Janice Roth
12 S	12 E	WM	34	SE SE	14.90	1212340000500	Opal Springs Farms, LLC
12 S	12 E	WM	35	NW NW	35.00	1212350000200	Robert & Janice Roth
12 S	13 E	WM	2	NE NW	40.50	1213020000200	Betty Jo Williams
12 S	13 E	WM	5	NE SE	7.20	1213050000900	John Kaiser
12 S	13 E	WM	5	NW SW	5.30	1213050000600	Karleen I Contreras Nava LLC
12 S	13 E	WM	6	NE NE	6.40	1213060000100	Hagman, Thomas, Hagman
12 S	13 E	WM	7	SW NW	9.90	1213070000500	Charlotte Cloud
12 S	13 E	WM	7	NW SW	8.70	1213070000500	Charlotte Cloud
12 S	13 E	WM	8	NE NW	5.90	1213080000200	Norma Jean Harada
12 S	13 E	WM	9	NW SE	1.60	1213090001300	James & Jane Kaiser
12 S	13 E	WM	9	SW SE	11.20	1213090001300	James & Jane Kaiser
12 S	13 E	WM	10	SW NE	1.70	1213100000300	Jeff & Triesa Whitaker
12 S	13 E	WM	11	SW NW	9.40	1213110000300	Rosalind Reynolds
12 S	13 E	WM	15	SE SE	0.30	1213150000800	Collins & Susan Gilbertson
12 S	13 E	WM	16	NE NE	0.80	1213160000100	Juniper Rebekah Lodge #229
12 S	13 E	WM	18	SW NE	4.60	1213180000398	Helena Chemical Company
12 S	13 E	WM	19	NE NE	0.60	1213190000204	Thomas Gates

IRRIGATION						Supplemental Information	
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Map ID	Name
12 S	13 E	WM	19	NW NE	1.00	1213190000203	Macy Farms, LLC
12 S	13 E	WM	19	SW NE	1.00	1213190000203	Macy Farms, LLC
12 S	13 E	WM	19	NW SE	0.60	1213190000203	Macy Farms, LLC
12 S	13 E	WM	19	SW SE	0.60	1213190000203	Macy Farms, LLC
12 S	13 E	WM	22	SE SE	16.70	1213220001400	Kenneth & H Dianne Reed
12 S	13 E	WM	27	NE NE	0.90	1213270000290	Kenneth & H Dianne Reed
12 S	13 E	WM	27	NW NE	21.70	1213270000290	Kenneth & H Dianne Reed
12 S	13 E	WM	29	NE SW	4.40	1213290000600	Elsie M Tate Trust
12 S	13 E	WM	30	NE NE	0.30	1213300000500	George & Angelique Rohweder
12 S	13 E	WM	30	NW NE	6.00	1213300000600	Michael & Milne Macy
12 S	13 E	WM	30	SW NE	12.80	1213300001400	Annette Wilson
12 S	13 E	WM	30	SE NW	5.00	1213300001101	Kurtis & Katy Schonneker
12 S	13 E	WM	30	SW NW	5.10	1213300001000	Barbara Calloway
12 S	13 E	WM	30	SW NW	2.40	1213300001101	Kurtis & Katy Schonneker
13 S	12 E	WM	2	NE SW	39.00	1312020000600	Jack Alley Rev Living Trust
13 S	12 E	WM	2	NW SW	1.20	1312020000800	Opal Springs Farms LLC
13 S	12 E	WM	2	SE SW	31.00	1312020000600	Jack Alley Rev Living Trust
13 S	12 E	WM	2	SW SW	22.70	1312020000800	Opal Springs Farms LLC
13 S	12 E	WM	3	NE NW	7.30	1312030000200	Vern & Karen Bare
13 S	12 E	WM	3	NW NW	11.30	1312030000200	Vern & Karen Bare
13 S	12 E	WM	3	SE NW	8.50	1312030000200	Vern & Karen Bare
13 S	12 E	WM	3	SW NW	9.00	1312030000200	Vern & Karen Bare
13 S	12 E	WM	3	NE SW	40.00	1312030000200	Vern & Karen Bare
13 S	12 E	WM	11	NE NW	11.30	1312110000200	Schmitz Family Rev Trust
13 S	12 E	WM	11	NW NW	39.50	1312110000200	Schmitz Family Rev Trust
13 S	12 E	WM	11	SE NW	11.40	1312110000200	Schmitz Family Rev Trust
13 S	12 E	WM	11	SW NW	40.80	1312110000200	Schmitz Family Rev Trust
13 S	12 E	WM	11	NE SW	9.50	1312110000200	Schmitz Family Rev Trust
13 S	12 E	WM	11	NW SW	23.50	1312110000200	Schmitz Family Rev Trust
13 S	13 E	WM	7	SE SW	1.50	1313070000500	Cunningham Trust, et al
13 S	13 E	WM	17	SE NW	9.80	1313170000600	Cunningham Trust, et al
13 S	13 E	WM	17	SW NW	7.70	131317B000600	Cunningham Trust, et al
13 S	13 E	WM	17	NE SW	2.60	1313170000600	Cunningham Trust, et al
13 S	13 E	WM	17	SE SW	2.70	1313170001000	Cunningham Trust, et al
13 S	13 E	WM	20	NW NE	2.50	1313200000200	Jerry & Nancy Klatt
13 S	13 E	WM	20	SW SE	2.90	1313200000601	Janell Powell & Dennis Bjelland
13 S	13 E	WM	21	NE SE	1.60	1313210000600	Larry Thompson
13 S	13 E	WM	29	SW SW	6.60	1313290001100	Keith & Marilee Olson Trust
Total					3152.00		

8. The right shall be subject to all other conditions and limitations of the originating water right Certificates 72279 and 72280, and any related decree.

9. *The water user shall maintain and operate the existing measurement device at the point of diversion on the Deschutes River and shall make such improvements as may be required by the Department.*
10. *The applicant shall allow the Watermaster access to the meters or measuring devices. Where a meter is located within a private structure, the Watermaster shall be granted access upon reasonable notice.*
11. *At the Applicant's request, upon receipt of satisfactory proof of use which contains the criteria of OAR 690-018-0062(3)(a), a new certificate confirming the use of the conserved water on the new lands will be issued.*
12. *An instream water right certificate shall be issued for the Crooked River to provide for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values, and pollution abatement from the authorized point of diversion at approximately River Mile 27.5:*

Authorized Point of Diversion:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Survey Coordinates</i>
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

to the mouth of Crooked River at River Mile 0.0 and shall be measured at OWRD Gauging Station #14087300.

<i>Priority Date</i>	<i>Instream Period</i>	<i>Rate Instream</i>	<i>Volume Instream</i>
9/18/1968	April 1 through October 1	29.71 cfs	12,608.00

The instream right created shall replace a portion of any 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.

Dated at Salem, Oregon this 23 day of July, 2013.



 Dwight French, Water Rights Services Administrator for
 PHILLIP C. WARD, DIRECTOR

Date of Mailing: July 23, 2013

This Preliminary Determination was prepared by Teri Hranac. If you have any questions about the information in this document you may reach her at 503-986-0881 or teri.k.hranac@wrds.state.or.us.

NOTICE OF RIGHTS

The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to those actions. ORS 183.415.

The commission shall notify the applicant and any other person requesting notice, of the action the commission intends to take under ORS 537.470(3). Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the commission. ORS 537.470(4).

If a protest to the proposed allocation of conserved water is received by the Department within 60 days of the mailing of the preliminary determination pursuant to ORS 537.470(4) and OAR 690-018-0050(4), the Director may work with the applicant and any protestant to determine whether the issues can be resolved through mutually agreeable conditions, or by modifying the application. OAR 690-018-0050(6).

If protests are received raising issues that cannot be resolved pursuant OAR 690-018-0050(6), the Director shall present the application, all protests and a recommendation for action to the Commission for review and action. OAR 690-018-0050(8).

The Commission shall examine the application, the protests and the Director's recommendation. If the Commission finds the allocation of conserved water is likely to injure existing water rights or is otherwise inconsistent with these rules, the Commission may direct the Department to hold a contested case hearing on the application pursuant to ORS 183.413 and OAR 690, Divisions 1 and 2 or to resume attempts to resolve the disputed issues. If the Commission finds the allocation of conserved water is not likely to injure existing rights and is otherwise consistent with OAR 690-018-0050, the Commission may authorize the Director to issue an order approving the application. OAR 690-018-0050(9).

In the event of a land use dispute, as defined in OAR 690-005-0015, the Director shall follow resolution procedures provided in 690-005-0040 (Resolution of Land Use Disputes). OAR 690-018-0050(10).