



Oregon

Kate Brown, Governor

Water Resources Department

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March 27, 2015

Applicant

East Fork Irrigation District
PO Box 162
Odell, OR 97044
johnfid@hodriverelectric.net

Agent

Deschutes River Conservancy
Attn: Zach Tillman
700 NW Hill
Bend, OR 97701
zach@deschutesriver.org

SUBJECT: Allocation of Conserved Water Application CW-86

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Conserved Water Application CW-86.

If no protest is filed, the Department will issue a Final Order consistent with this Preliminary Determination. You should receive a copy of the Final Order shortly after the close of the protest period for the conserved water application.

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

Enclosure

cc: CW-86
Brett Golden (via e-mail at brett@deschutesriver.org)
Zach Tillman (via e-mail at zach@deschutesriver.org)
District #3 Watermaster (via e-mail)
cindyfid@hodriverelectric.net



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

In the Matter of Allocation of Conserved)
Water Application CW-86,)
Hood River County)
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF
) ALLOCATION OF CONSERVED WATER
) CW-86

Applicant

East Fork Irrigation District
PO Box 162
Odell, OR 97044

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. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the measure as implemented and the date on which the measure was implemented; (b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented; (c) The amount of water needed to supply existing rights after implementation of the conservation measure; (d) The amount of water conserved by implementing the conservation measure; (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; (h) Evidence that the measure was implemented within five years prior to the date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

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).

Pursuant to OAR 690-018-0050, any person objecting to the proposed allocation may file a protest to this Preliminary Determination with the Water Resources Commission within 60 days of the mailing of this determination.

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

ORS 537.455 to 537.500 authorize and establish the process by 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.

Findings of Fact

1. On November 3, 2014, East Fork Irrigation District filed an allocation of conserved water application under Certificate 79482. The Department assigned the application number CW-86.
2. On June 19, 2007, East Fork Irrigation District (EFID) adopted an Allocation of Conserved Water Policy pursuant to OAR 690-018-0025. On April 15, 2014, EFID reviewed and renewed the District's Allocation of Conserved Water Policy.
3. The water conservation project involves piping approximately 3,000 feet of the open, unlined Christopher Ditch, and constructing approximately 6800 feet of new pipeline to provide a pressurized delivery system for Christopher Ditch and Neal Creek Ditch patrons. Canal piping is a proven technology for conserving water.
4. The entirety of the right to be modified by CW-86 is as follows:

Certificate: 81340 in the name of East Fork Irrigation District (confirmed by Hood River Decree in Vol. 17 at page 333)

Use: IRRIGATION of 8526.52 ACRES and 20.25 ACRES EQUIVALENT INCHOATE RIGHTS

Priority Date: November 25, 1895

Rate: 106.55 CUBIC FEET PER SECOND (CFS) plus 0.25 CFS INCHOATE

Source: EAST FORK HOOD RIVER, tributary to HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	10 E	WM	4	NW SW	1	3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4

5. The rate associated with Certificate 81340 has been affected by transfers and allocations of conserved water. The changes in the transfers listed below have been confirmed. The approximate starting point for Certificate 81340 is as follows:

	ACRES EQUIVALENT	RATE (CFS)	VOLUME (AF)
Certificate 81340	8,526.52	106.550	25,579.56
Transfer T-9129	10.80	0.135	32.40
Transfer T-9609	3.50	0.041	10.50
Transfer T-9804	5.95	0.074	17.85
CW-53		-2.100	-703.93
Starting Point	8,546.77	104.700	24,936.38

6. Application CW-86 proposes a rate reduction of approximately 0.50 cubic foot per second (cfs) and proposes to reduce the annual volume by 166.6 acre-feet (AF).

Conserved Water Description							
Certificate	Certificate			Needed		Conserved Water	
	Rate	Duty		Rate	Duty	Rate	Volume
	Maximum CFS	Maximum AF	AF/AC	Maximum CFS	Maximum AF	Maximum CFS	Maximum AF
81340	104.70	24936.38	3.0	104.20	24769.78	0.50	166.6

7. Certificate 81340 does not describe the duty, per acre rate, or season of use of the right. However, information is available from the Final Decree of the Circuit Court for Hood River County dated October 24, 1921, indicating the duty allowed for the right is 3.0 acre-feet/acre (AF/ac), with a rate of 1/80 cfs/acre (Decree Finding No. 28). Under the terms and conditions of the decree, the irrigation season was fixed as beginning on the 15th day of April and ending on the 1st day of October of each year (Decree Finding No. 23).
8. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditches sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of the application.
10. EFID requested the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF
81340	100%	0.50	166.6	--	--	--	100%	0.50	166.6

11. No out-of-stream use is proposed for the conserved water.
12. EFID requested the priority date for any conserved water be the same as the originating right.
13. EFID funded 100% of the conservation project.
14. EFID requested all water conserved under this application be converted to an instream water right. The Applicant notified the City of Hood River Planning Department, the County of Hood River Planning Department, the Confederated Tribes of Warm Springs, and Mount Hood Irrigation District of the proposed application.

15. EFID proposed any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values, recreation, and pollution abatement.
16. EFID requested the Department protect the new instream water right created from the conserved water under Certificate 81340 from the authorized point of diversion at approximately River Mile 6.4 of the East Fork Hood River, through the confluence with the Middle Fork Hood River to the mouth of Hood River at River Mile 0.0.
17. Construction of the project began in November 2014. EFID provided evidence that it attempted to identify and resolve the concerns of water right holders in the area, governmental entities and other organizations.
18. EFID requested the deadline for submitting the Notice of Completion of June 30, 2016. The Application will submit a Request for Finalization on or before September 30, 2016.
19. The application meets the requirements of OAR 690-018-0040.
20. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality (DEQ), and Oregon Parks and Recreation Department (PARKS) to ascertain whether the proposed instream flows are necessary to support instream flow uses. In addition, the EFID submitted letters in support of the project from ODFW, DEQ, and PARKS.
21. Notice of the proposed conservation project was published in the Department's weekly notice on January 27, 2015, and in the *Hood River News* newspaper on January 28, and February 4, 2015, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

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

22. The proposed allocation of conserved water will result in a reduced diversion of the use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #6).
23. On January 15, 2015, the District #3 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #14). OAR 690-018-0050(4)(c).

25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-86 under Certificate 81340 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
81340	104.20	1/80	24769.78	3.0

(Finding of Fact #6).

26. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Maximum Rate	Maximum Duty (Volume)
0.50 cfs	166.6 AF

Finding of Fact #10.

27. As required by OAR 690-018-0050(4)(f), in consultation with ODFW, DEQ, and PARKS, the Department has determined that the instream right created will support public benefits. The East Fork Hood River contains critical habitat for several fish species which are currently listed as a threatened species under the Endangered Species Act. Reduced stream flow has been identified as a primary limiting factor negatively affecting fish in the stream. Low summer flows caused by irrigation diversions also reduce the recreational value of the river system.

The East Fork Hood River does not meet the state's water quality criteria for temperature. DEQ's computer modeling for the Western Hood Subbasin Temperature TMDL (2002) showed that reduced flows in the East Fork Hood River below EFID's diversion were responsible for a large portion of the heating that occurs in the system.

Restoring stream flow in the Hood River has been identified as a key recovery action in the Lower Columbia River Recovery and Conservation Plan for salmon and steelhead. (Finding of Fact #20).

28. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), EFID funded 100% of the project and requested 100% of the conserved water be allocated to the State for an instream water right. (Findings of Fact #13 and 14).
29. The new instream water right created will be protected in the East Fork Hood River from the authorized point of diversion, as described in Finding of Fact #4, at approximately river mile 6.4, to the mouth of the East Fork Hood River, described as where the East Fork and West Fork of Hood River join to form the main stem Hood River. This is further described as Hood River Mile 12.5 in the NWNE of Section 1, Township 1 North, Range 9 East, W.M., at latitude 45.605229, longitude 121.633196. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).

The Applicant had requested that the instream water right be protected from the authorized point of diversion to the mouth of Hood River. If water is to be protected from the source stream (East Fork Hood River) into a receiving stream (Hood River), the quantity must be measurable in the receiving stream. The Department has determined the 0.5 cfs is not a measurable quantity in Hood River.

30. The instream right shall allow the use and protection of flows as follows:

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
November 25, 1895	4/15 to 10/1	0.50	166.6

31. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).

32. The protection of flows within the proposed reach is appropriate, considering:

- a. The instream water use begins at the recorded point of diversion;
- b. The location of confluences with other streams downstream of the point of diversion. The reach for an instream water right is typically from the point of diversion on the source stream to the mouth of that source stream. However, water may be protected further downstream if the quantity of water is measurable in the receiving stream, in this case, Hood River. The quantity of water proposed to be protected instream is not measurable in Hood River.
- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
- d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.

OAR 690-077-0015(8).

33. The combination of instream rights for the proposed reach on the East Fork Hood River does not exceed the amount needed to provide increased public benefits, and does not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).

34. There is an existing instream water right on the East Fork Hood River established pursuant to ORS 537.341 (minimum flow conversion). By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) located within the proposed reach, any new instream water rights established by this conserved water project would provide protection for additional flows identified as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values, and pollution abatement. OAR 690-077-0015(11).

35. There are no proposed areas within which the conserved water is proposed to be used for out-of-stream uses. (Finding of Fact #11). OAR 690-018-0050(4)(h).

36. The deadline for submitting a Notice of Completion is June 30, 2016. The deadline for submitting a Request for Finalization is September 30, 2016. (Finding of Fact #18). OAR 690-018-0050(4)(i).

37. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23). OAR 690-018-0050(4)(j).

Determination and Proposed Action

The project described in Allocation of Conserved Water Application CW-86, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. *If protests are not filed pursuant to OAR 690-018-0050(b), the conserved water application will be approved.*

If Allocation of Conserved Water Application CW-86 is approved, the Order Approving will include the following:

1. *The proposed change will result in a reduced diversion for the uses allowed under the original water right. Finding of Fact #25.*
2. *The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23.*
3. *The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #24.*
4. *The changes proposed in CW-86 are approved.*

Upon filing of the Notice of Completion:

5. *The quantities of water conserved and allocated are as follows:*

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Maximum Duty (Volume) AF
81340	100%	0.50	166.6	--	--	--	100%	0.50	166.6

6. *The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificate 81340 and any related decree.*
7. *Water Right Certificate 81340 is cancelled. A new superseding certificate will be issued for the existing uses and places of use at the reduced rate and duty as follows:*

Use: *IRRIGATION of 8525.67 ACRES, 6.1 ACRES INCHOATE, 10.8 ACRES EQUIVALENT INDUSTRIAL; 4.2 ACRES EQUIVALENT INCHOATE INDUSTRIAL*

Priority Date: *NOVEMBER 25, 1895*

Rate: *104.20 CUBIC FEET PER SECOND*

Limit: *24,769.78 ACRE FEET PER YEAR*

Source: *EAST FORK HOOD RIVER, tributary to the HOOD RIVER*

Authorized Place of Use:

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
1 N	10 E	WM	1	NE	NE	1	5.65		
1 N	10 E	WM	1	NW	NE	2	18.00		
1 N	10 E	WM	1	SW	NE		16.25		
1 N	10 E	WM	1	SE	NE		27.10		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
1 N	10 E	WM	1	NE	NW	3	8.00		
1 N	10 E	WM	1	NW	NW	4	32.20		
1 N	10 E	WM	1	SW	NW		40.00		
1 N	10 E	WM	1	SE	NW		14.20		
1 N	10 E	WM	1	NE	SW		33.60		
1 N	10 E	WM	1	NW	SW		36.40		
1 N	10 E	WM	1	SW	SW		3.40		
1 N	10 E	WM	1	SE	SW		10.00		
1 N	10 E	WM	1	NW	SE		7.80		
1 N	10 E	WM	2	NE	NE	1	32.00		
1 N	10 E	WM	2	NW	NE	2	27.00		
1 N	10 E	WM	2	SW	NE		34.80		
1 N	10 E	WM	2	SE	NE		36.40		
1 N	10 E	WM	2	NE	NW	3	30.20		
1 N	10 E	WM	2	NW	NW	4	28.80		
1 N	10 E	WM	2	SW	NW		2.80		
1 N	10 E	WM	2	SE	NW		7.50		
1 N	10 E	WM	2	NE	SW		2.40		
1 N	10 E	WM	2	NE	SE		25.20		
1 N	10 E	WM	2	NW	SE		0.30		
1 N	10 E	WM	2	SE	SE		0.90		
1 N	10 E	WM	3	NE	NE	1	32.20		
1 N	10 E	WM	3	NW	NE	2	36.50		
1 N	10 E	WM	3	SW	NE	7	24.00		
1 N	10 E	WM	3	SW	NE	7	1.00		
1 N	10 E	WM	3	SE	NE	8	6.20		
1 N	10 E	WM	3	NE	NW	3	24.80		
1 N	10 E	WM	3	NW	NW	4	23.70		
1 N	10 E	WM	3	SW	NW	5	16.40		
1 N	10 E	WM	3	SE	NW	6	5.40		
1 N	10 E	WM	3	NE	SW	11	2.60		
1 N	10 E	WM	3	NE	SW	9	3.20		
1 N	10 E	WM	3	NW	SW	12	7.20		
1 N	10 E	WM	3	SW	SW		0.00		
1 N	10 E	WM	3	NW	SE	10	8.60		
1 N	10 E	WM	3	SE	SE	16	0.60		
1 N	10 E	WM	10	NE	NE	1	1.40		
1 N	10 E	WM	10	NW	NE	2	14.00		
1 N	10 E	WM	10	SE	NE	8	7.82		
1 N	10 E	WM	10	NE	NW	4	25.80		
1 N	10 E	WM	10	NW	NW	4	3.90		
1 N	10 E	WM	10	SW	NW	5	0.50		
1 N	10 E	WM	10	SE	NW	6	0.10		
1 N	10 E	WM	10	NE	SE	9	8.10		
1 N	10 E	WM	10	NW	SE	10	2.00		
1 N	10 E	WM	10	NW	SE	10	1.60		
1 N	10 E	WM	10	SW	SE	15	0.90		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
1 N	10 E	WM	10	SE	SE	16	2.60		
1 N	10 E	WM	11	SW	NE		28.40		
1 N	10 E	WM	11	SE	NE		5.20		
1 N	10 E	WM	11	SE	NW		6.40		
1 N	10 E	WM	11	NE	SW		1.00		
1 N	10 E	WM	11	NE	SW	6	0.40		
1 N	10 E	WM	11	SW	SW		3.00		
1 N	10 E	WM	11	SE	SW		13.40		
1 N	10 E	WM	11	NE	SE		6.40		
1 N	10 E	WM	11	NW	SE		38.70		
1 N	10 E	WM	15	NE	NE	1	28.80		
1 N	10 E	WM	15	NW	NE	2	6.80		
1 N	10 E	WM	15	NW	NE		0.25		
1 N	10 E	WM	15	NW	NE		0.10		
1 N	10 E	WM	15	SW	NE	7	14.75		
1 N	10 E	WM	15	SW	NE	7	1.45		
1 N	10 E	WM	15	SW	NE		0.15		
1 N	10 E	WM	15	SW	NE		0.05		
1 N	10 E	WM	15	SW	NE		0.05		
1 N	10 E	WM	15	SE	NE	8	15.50		
1 N	10 E	WM	15	SE	NW	6	6.50		
1 N	10 E	WM	15	SE	NW	6	1.50		
1 N	10 E	WM	15	SE	SW	14	32.00		
1 N	10 E	WM	15	NE	SE	9	3.70		
1 N	10 E	WM	15	NW	SE	10	8.50		
1 N	10 E	WM	15	NW	SE		0.50		
1 N	10 E	WM	15	NW	SE			1.50	T-11317
1 N	10 E	WM	15	SW	SE	15	27.20		
1 N	10 E	WM	15	SE	SE	16	2.60		
1 N	10 E	WM	22	NW	NE	2	26.20		
1 N	10 E	WM	22	SW	NE	7	1.00		
1 N	10 E	WM	22	NE	NW	3	27.65		
1 N	10 E	WM	22	SE	NW	6	27.15		
1 N	10 E	WM	22	NW	SE	10	19.20		
1 N	10 E	WM	22	SW	SE	15	10.00		
1 N	10 E	WM	27	NW	NE	2	16.60		
1 N	11 E	WM	6	NW	NW	4	2.00		
1 N	11 E	WM	6	SW	NW	5	1.10		
1 N	11 E	WM	6	SW	NW		1.00		
2 N	10 E	WM	1	SE	NE		19.70		
2 N	10 E	WM	1	NE	SE		15.80		
2 N	10 E	WM	1	SE	SE		16.60		
2 N	10 E	WM	12	NE	NE		34.20		
2 N	10 E	WM	12	NW	NE		9.00		
2 N	10 E	WM	12	SW	NE		18.60		
2 N	10 E	WM	12	SE	NE		30.40		
2 N	10 E	WM	12	SE	NW		6.20		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	10 E	WM	12	NE	SW		19.00		
2 N	10 E	WM	12	SW	SW		0.30		
2 N	10 E	WM	12	SE	SW		32.60		
2 N	10 E	WM	12	NE	SE		38.20		
2 N	10 E	WM	12	NW	SE		29.50		
2 N	10 E	WM	12	NW	SE			1.20	T-11682
2 N	10 E	WM	12	SW	SE		37.70		
2 N	10 E	WM	12	SE	SE		32.80		
2 N	10 E	WM	13	NE	NE		7.20		
2 N	10 E	WM	13	NW	NE		40.00		
2 N	10 E	WM	13	SW	NE		37.60		
2 N	10 E	WM	13	SE	NE		31.20		
2 N	10 E	WM	13	NE	NW		37.40		
2 N	10 E	WM	13	NW	NW		31.40		
2 N	10 E	WM	13	SW	NW		22.20		
2 N	10 E	WM	13	SE	NW		38.40		
2 N	10 E	WM	13	NE	SW		30.90		
2 N	10 E	WM	13	NW	SW		18.30		
2 N	10 E	WM	13	SW	SW		34.50		
2 N	10 E	WM	13	SE	SW		18.70		
2 N	10 E	WM	13	NE	SE		37.60		
2 N	10 E	WM	13	NW	SE		32.40		
2 N	10 E	WM	13	SW	SE		31.00		
2 N	10 E	WM	13	SE	SE		37.00		
2 N	10 E	WM	14	SW	NE		13.50		
2 N	10 E	WM	14	SW	NE		0.20		
2 N	10 E	WM	14	SE	NE		24.60		
2 N	10 E	WM	14	SE	NW		0.90		
2 N	10 E	WM	14	SE	NW		1.10		
2 N	10 E	WM	14	NE	SW		22.00		
2 N	10 E	WM	14	NE	SW		0.10		
2 N	10 E	WM	14	NE	SW		0.70		
2 N	10 E	WM	14	NW	SW		0.80		
2 N	10 E	WM	14	SW	SW		10.20		
2 N	10 E	WM	14	SE	SW		30.80		
2 N	10 E	WM	14	NE	SE		31.60		
2 N	10 E	WM	14	NW	SE		33.90		
2 N	10 E	WM	14	NW	SE		0.60		
2 N	10 E	WM	14	SW	SE		36.50		
2 N	10 E	WM	14	SE	SE		38.00		
2 N	10 E	WM	15	NE	SE		0.40		
2 N	10 E	WM	15	SW	SE		10.60		
2 N	10 E	WM	15	SE	SE		33.20		
2 N	10 E	WM	16	SW	SE		4.00		
2 N	10 E	WM	16	SE	SE		0.60		
2 N	10 E	WM	20	NE	SE		12.20		
2 N	10 E	WM	20	SW	SE		13.20		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	10 E	WM	20	SE	SE		25.80		
2 N	10 E	WM	21	NE	NE		15.60		
2 N	10 E	WM	21	NW	NE		20.60		
2 N	10 E	WM	21	SW	NE		39.50		
2 N	10 E	WM	21	SE	NE		38.00		
2 N	10 E	WM	21	NE	NW		3.40		
2 N	10 E	WM	21	SW	NW		12.80		
2 N	10 E	WM	21	SE	NW		22.40		
2 N	10 E	WM	21	NE	SW		18.50		
2 N	10 E	WM	21	NW	SW		37.40		
2 N	10 E	WM	21	SW	SW		12.40		
2 N	10 E	WM	21	SE	SW		22.50		
2 N	10 E	WM	21	NE	SE		39.80		
2 N	10 E	WM	21	NW	SE		38.50		
2 N	10 E	WM	21	SW	SE		34.00		
2 N	10 E	WM	21	SE	SE		39.00		
2 N	10 E	WM	22	NE	NE		26.00		
2 N	10 E	WM	22	NW	NE		38.80		
2 N	10 E	WM	22	SW	NE		36.40		
2 N	10 E	WM	22	SE	NE		29.80		
2 N	10 E	WM	22	NE	NW		33.20		
2 N	10 E	WM	22	NW	NW		30.20		
2 N	10 E	WM	22	SW	NW		39.80		
2 N	10 E	WM	22	SE	NW		38.00		
2 N	10 E	WM	22	NE	SW		36.30		
2 N	10 E	WM	22	NW	SW		39.20		
2 N	10 E	WM	22	SW	SW		38.40		
2 N	10 E	WM	22	SE	SW		38.00		
2 N	10 E	WM	22	NE	SE		38.20		
2 N	10 E	WM	22	NW	SE		33.80		
2 N	10 E	WM	22	SW	SE		38.40		
2 N	10 E	WM	22	SE	SE		38.00		
2 N	10 E	WM	23	NE	NE		41.40		
2 N	10 E	WM	23	NW	NE		41.20		
2 N	10 E	WM	23	SW	NE		40.00		
2 N	10 E	WM	23	SE	NE		40.00		
2 N	10 E	WM	23	NE	NW		38.80		
2 N	10 E	WM	23	NW	NW		31.80		
2 N	10 E	WM	23	SW	NW		33.60		
2 N	10 E	WM	23	SE	NW		38.20		
2 N	10 E	WM	23	NE	SW		40.00		
2 N	10 E	WM	23	NW	SW		14.20		
2 N	10 E	WM	23	SW	SW		25.40		
2 N	10 E	WM	23	SE	SW		40.00		
2 N	10 E	WM	23	NE	SE		38.80		
2 N	10 E	WM	23	NW	SE		39.70		
2 N	10 E	WM	23	SW	SE		36.80		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	10 E	WM	23	SE	SE		39.40		
2 N	10 E	WM	24	NE	NE		37.40		
2 N	10 E	WM	24	NW	NE		25.60		
2 N	10 E	WM	24	SW	NE		30.60		
2 N	10 E	WM	24	SE	NE		34.80		
2 N	10 E	WM	24	NE	NW		23.40		
2 N	10 E	WM	24	NW	NW		40.20		
2 N	10 E	WM	24	SW	NW		36.40		
2 N	10 E	WM	24	SE	NW		16.80		
2 N	10 E	WM	24	SE	NW			0.30	T-11682
2 N	10 E	WM	24	NE	SW		26.60		
2 N	10 E	WM	24	NW	SW		29.60		
2 N	10 E	WM	24	SW	SW		31.20		
2 N	10 E	WM	24	SE	SW		33.50		
2 N	10 E	WM	24	NE	SE		36.60		
2 N	10 E	WM	24	NW	SE		17.00		
2 N	10 E	WM	24	SW	SE		9.10		
2 N	10 E	WM	24	SE	SE		32.00		
2 N	10 E	WM	25	NE	NE		18.60		
2 N	10 E	WM	25	NW	NE		13.00		
2 N	10 E	WM	25	SE	NE		4.00		
2 N	10 E	WM	25	NE	NW		38.80		
2 N	10 E	WM	25	NW	NW		31.80		
2 N	10 E	WM	25	SW	NW		8.00		
2 N	10 E	WM	25	SW	NW			0.15	T-11165
2 N	10 E	WM	25	SE	NW		9.05		
2 N	10 E	WM	25	SE	NW	6	0.45		
2 N	10 E	WM	25	SE	NW		0.30		
2 N	10 E	WM	25	SE	NW			0.10	T-11165
2 N	10 E	WM	25	NE	SW		32.70		
2 N	10 E	WM	25	NE	SW		0.00		
2 N	10 E	WM	25	NW	SW		9.70		
2 N	10 E	WM	25	SW	SW		12.60		
2 N	10 E	WM	25	NW	SE		18.40		
2 N	10 E	WM	25	SW	SE		11.00		
2 N	10 E	WM	25	SE	SE		24.30		
2 N	10 E	WM	26	NE	NE		33.00		
2 N	10 E	WM	26	NW	NE		8.80		
2 N	10 E	WM	26	SW	NE		38.00		
2 N	10 E	WM	26	SE	NE		37.85		
2 N	10 E	WM	26	NE	NW		36.70		
2 N	10 E	WM	26	NW	NW		26.98		
2 N	10 E	WM	26	SW	NW		6.71		
2 N	10 E	WM	26	SW	NW			0.25	T-11165
2 N	10 E	WM	26	SE	NW		24.18		
2 N	10 E	WM	26	SW	SW		12.80		
2 N	10 E	WM	26	SE	SW		36.60		

IRRIGATION								
Township	Range	Mer	Sec	Q Q	GLot	Acres	Inchoate	Transfer
2 N	10 E	WM	26	NE SE		13.15		
2 N	10 E	WM	26	SW SE		31.80		
2 N	10 E	WM	26	SE SE		24.10		
2 N	10 E	WM	27	NE NE		10.60		
2 N	10 E	WM	27	NW NE		21.50		
2 N	10 E	WM	27	SW NE		6.00		
2 N	10 E	WM	27	SE NE		5.00		
2 N	10 E	WM	27	NE NW		8.00		
2 N	10 E	WM	27	NW NW		24.60		
2 N	10 E	WM	27	SW NW		26.40		
2 N	10 E	WM	27	SE NW		14.40		
2 N	10 E	WM	27	NE SW		11.80		
2 N	10 E	WM	27	NW SW		22.00		
2 N	10 E	WM	27	SW SW		7.60		
2 N	10 E	WM	27	SE SW		16.60		
2 N	10 E	WM	27	NE SE		33.10		
2 N	10 E	WM	27	NW SE		38.70		
2 N	10 E	WM	27	SW SE		30.80		
2 N	10 E	WM	27	SE SE		30.00		
2 N	10 E	WM	28	NE NE		31.50		
2 N	10 E	WM	28	NW NE		34.00		
2 N	10 E	WM	28	SW NE		29.40		
2 N	10 E	WM	28	SE NE		31.40		
2 N	10 E	WM	28	NE NW		6.40		
2 N	10 E	WM	28	NE SE		13.20		
2 N	10 E	WM	28	NW SE		24.00		
2 N	10 E	WM	28	SW SE		11.80		
2 N	10 E	WM	28	SE SE		11.20		
2 N	10 E	WM	29	NE NE		2.70		
2 N	10 E	WM	29	NW NE		28.60		
2 N	10 E	WM	29	SW NE		1.00		
2 N	10 E	WM	29	NE NW		6.80		
2 N	10 E	WM	29	SE NW		19.60		
2 N	10 E	WM	29	NW SW		7.80		
2 N	10 E	WM	29	SW SW		1.40		
2 N	10 E	WM	29	SW SW	13	0.50		
2 N	10 E	WM	30	NE SE		6.80		
2 N	10 E	WM	30	SE SE		6.00		
2 N	10 E	WM	33	NE SE		0.10		
2 N	10 E	WM	34	NE NE		25.80		
2 N	10 E	WM	34	NW NE		37.40		
2 N	10 E	WM	34	SW NE		37.50		
2 N	10 E	WM	34	SE NE		32.90		
2 N	10 E	WM	34	NE NW		13.70		
2 N	10 E	WM	34	NW NW		4.90		
2 N	10 E	WM	34	SW NW		19.00		
2 N	10 E	WM	34	SE NW		5.40		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	10 E	WM	34	NE	SW		28.20		
2 N	10 E	WM	34	NW	SW		26.10		
2 N	10 E	WM	34	SW	SW		27.00		
2 N	10 E	WM	34	SE	SW		37.70		
2 N	10 E	WM	34	NE	SE		33.80		
2 N	10 E	WM	34	NW	SE		32.40		
2 N	10 E	WM	34	SW	SE		38.80		
2 N	10 E	WM	34	SE	SE		38.30		
2 N	10 E	WM	35	NE	NE		36.60		
2 N	10 E	WM	35	NW	NE		23.90		
2 N	10 E	WM	35	SW	NE		13.40		
2 N	10 E	WM	35	SE	NE		3.70		
2 N	10 E	WM	35	NE	NW		27.50		
2 N	10 E	WM	35	NW	NW		16.40		
2 N	10 E	WM	35	SW	NW		38.60		
2 N	10 E	WM	35	SE	NW		25.20		
2 N	10 E	WM	35	NE	SW		33.00		
2 N	10 E	WM	35	NW	SW		36.70		
2 N	10 E	WM	35	SW	SW		32.20		
2 N	10 E	WM	35	SE	SW		30.00		
2 N	10 E	WM	35	NE	SE		37.80		
2 N	10 E	WM	35	NW	SE		34.30		
2 N	10 E	WM	35	SW	SE		38.00		
2 N	10 E	WM	35	SE	SE		34.40		
2 N	10 E	WM	36	NE	NE		12.80		
2 N	10 E	WM	36	NW	NE		17.40		
2 N	10 E	WM	36	SE	NE		21.00		
2 N	10 E	WM	36	NE	NW		35.20		
2 N	10 E	WM	36	NW	NW		29.20		
2 N	10 E	WM	36	SW	NW		19.20		
2 N	10 E	WM	36	SE	NW		24.20		
2 N	10 E	WM	36	NE	SW		9.80		
2 N	10 E	WM	36	NW	SW		22.20		
2 N	10 E	WM	36	SW	SW		39.20		
2 N	10 E	WM	36	SE	SW		28.00		
2 N	10 E	WM	36	NE	SE		0.80		
2 N	10 E	WM	36	NW	SE		1.60		
2 N	10 E	WM	36	SW	SE		23.80		
2 N	10 E	WM	36	SE	SE		0.70		
2 N	10 E	WM	36	SE	SE		1.40		
2 N	11 E	WM	6	NW	NE		10.80		
2 N	11 E	WM	6	SW	NE		1.80		
2 N	11 E	WM	6	NE	NW		38.40		
2 N	11 E	WM	6	NW	NW		23.60		
2 N	11 E	WM	6	SW	NW		21.30		
2 N	11 E	WM	6	SE	NW		24.48		
2 N	11 E	WM	6	NE	SW		26.50		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	11 E	WM	6	NW	SW		37.00		
2 N	11 E	WM	6	SW	SW		32.00		
2 N	11 E	WM	6	SE	SW		33.40		
2 N	11 E	WM	6	NW	SE		0.00		
2 N	11 E	WM	6	NW	SE		1.00		
2 N	11 E	WM	6	SW	SE		9.80		
2 N	11 E	WM	6	SW	SE		0.40		
2 N	11 E	WM	6	SW	SE		0.20		
2 N	11 E	WM	7	NE	NE		9.20		
2 N	11 E	WM	7	NE	NE		0.50		
2 N	11 E	WM	7	NW	NE		18.60		
2 N	11 E	WM	7	SW	NE		36.90		
2 N	11 E	WM	7	SE	NE		7.60		
2 N	11 E	WM	7	NE	NW		36.40		
2 N	11 E	WM	7	NW	NW		38.60		
2 N	11 E	WM	7	SW	NW		39.80		
2 N	11 E	WM	7	SE	NW		40.00		
2 N	11 E	WM	7	NE	SW		39.80		
2 N	11 E	WM	7	NW	SW		38.00		
2 N	11 E	WM	7	SW	SW		38.40		
2 N	11 E	WM	7	SW	SW		0.70		
2 N	11 E	WM	7	SE	SW		38.80		
2 N	11 E	WM	7	NE	SE		5.40		
2 N	11 E	WM	7	NW	SE		40.00		
2 N	11 E	WM	7	SW	SE		39.00		
2 N	11 E	WM	7	SE	SE		3.40		
2 N	11 E	WM	18	NE	NE		24.60		
2 N	11 E	WM	18	NW	NE		30.80		
2 N	11 E	WM	18	NW	NE		1.20		
2 N	11 E	WM	18	SW	NE		26.60		
2 N	11 E	WM	18	SW	NE		3.30		
2 N	11 E	WM	18	SE	NE		23.20		
2 N	11 E	WM	18	NE	NW		38.20		
2 N	11 E	WM	18	NW	NW		39.80		
2 N	11 E	WM	18	SW	NW		35.80		
2 N	11 E	WM	18	SE	NW		38.80		
2 N	11 E	WM	18	SE	NW		0.70		
2 N	11 E	WM	18	NE	SW		38.40		
2 N	11 E	WM	18	NW	SW		38.80		
2 N	11 E	WM	18	SW	SW		35.00		
2 N	11 E	WM	18	SE	SW		33.90		
2 N	11 E	WM	18	NE	SE		27.00		
2 N	11 E	WM	18	NW	SE		39.20		
2 N	11 E	WM	18	SW	SE		37.40		
2 N	11 E	WM	18	SE	SE		28.20		
2 N	11 E	WM	19	NE	NE		4.95		
2 N	11 E	WM	19	NW	NE		32.60		

IRRIGATION									
Township	Range	Mer	Sec	Q	Q	GLot	Acres	Inchoate	Transfer
2 N	11 E	WM	19	SW	NE		33.40		
2 N	11 E	WM	19	SE	NE		2.80		
2 N	11 E	WM	19	NE	NW		25.40		
2 N	11 E	WM	19	NW	NW		33.40		
2 N	11 E	WM	19	SW	NW		33.00		
2 N	11 E	WM	19	SE	NW		33.10		
2 N	11 E	WM	19	NE	SW		21.60		
2 N	11 E	WM	19	NW	SW		36.40		
2 N	11 E	WM	19	SW	SW		38.40		
2 N	11 E	WM	19	SE	SW		30.60		
2 N	11 E	WM	19	NE	SE		4.20		
2 N	11 E	WM	19	NW	SE		34.20		
2 N	11 E	WM	19	SW	SE		18.40		
2 N	11 E	WM	30	NW	NE		4.40		
2 N	11 E	WM	30	SW	NE		2.60		
2 N	11 E	WM	30	NE	NW		18.80		
2 N	11 E	WM	30	NW	NW		32.00		
2 N	11 E	WM	30	NW	NW			0.70	T-11682
2 N	11 E	WM	30	SW	NW		32.35		
2 N	11 E	WM	30	SW	NW			0.30	T-11682
2 N	11 E	WM	30	SE	NW		13.00		
2 N	11 E	WM	30	NW	SW		18.80		
3 N	10 E	WM	36	SE	NE		14.20		
3 N	10 E	WM	36	NE	SE		4.40		
3 N	11 E	WM	31	NW	NE		8.90		
3 N	11 E	WM	31	NE	NW		4.00		
3 N	11 E	WM	31	NE	NW	2	6.40		
3 N	11 E	WM	31	NE	NW		2.00		
3 N	11 E	WM	31	NE	NW			0.80	T-11317
3 N	11 E	WM	31	NE	NW			0.20	T-11317
3 N	11 E	WM	31	NW	NW	3	0.40		
3 N	11 E	WM	31	SW	NW		5.40		
3 N	11 E	WM	31	SE	NW		9.40		
3 N	11 E	WM	31	NE	SW		19.60		
3 N	11 E	WM	31	NW	SW		9.90		
3 N	11 E	WM	31	NW	SW		0.30		
3 N	11 E	WM	31	SW	SW		10.70		
3 N	11 E	WM	31	SE	SW		15.10		
3 N	11 E	WM	31	SE	SW			0.60	T-11682
<i>Totals</i>							8525.67	6.10	

INDUSTRIAL							
Township	Range	Mer	Sec	Q	Q	GLot	Acres Equivalent
1 N	10 E	WM	10	SE	NE	8	10.80
1 N	10 E	WM	10	NE	SE	9	
1 N	10 E	WM	11	NW	NW		
1 N	10 E	WM	11	SW	NW		

INCHOATE INDUSTRIAL (T-11643)							
Township	Range	Mer	Sec	Q	Q	GLot	Acres Equivalent
1 N	10 E	WM	10	SE	NE	8	4.20
1 N	10 E	WM	11	NW	NW		
1 N	10 E	WM	11	SW	NW		
1 N	10 E	WM	11	NW	SW		

The above place of use listing confirms the Department's determination of satisfactory proof for completion of the changes authorized by orders of the Director approving the following Transfer Applications:

Transfer	Special Order	
	Volume	Page
T-9129	93	1195
T-9609	82	46
T-9804	82	42
T-10254	82	44
T-10416	81	806
T-10748	85	492
T-10972	89	734

8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The deadline for filing a Notice of Completion of the conservation measures is on or before June 30, 2016. Finding of Fact #18.
10. The deadline for filing Request for Finalization of the conservation project is on or before September 30, 2016. Finding of Fact #18.
11. The entire quantity of conserved water will be dedicated instream as follows:


Priority Date	Period	Rate (cfs)	Volume (acre-feet)
November 25, 1895	4/15 to 10/1	0.50	166.6

From the authorized point of diversion located at approximately river mile 6.4 on the East Fork of Hood River:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>GLot</i>	<i>Measured Distances</i>
<i>1 S</i>	<i>10 E</i>	<i>WM</i>	<i>4</i>	<i>NW SW</i>	<i>1</i>	<i>3750 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 4</i>

To the mouth of East Fork Hood River where it joins the mainstem Hood River, in the NWNE of Section 1, Township 1 North, Range 9 East, W.M., at latitude 45.605229, longitude 121.633196.

Dated at Salem, Oregon this 25 day of March, 2015.



Dwight French, Water Rights Services Administrator for
THOMAS M. BYLER, DIRECTOR

Mailing Date: MAR 26 2015

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 to 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).