

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

In the Matter of Allocation of Conserved)	PRELIMINARY DETERMINATION
Water Application CW-46,)	PROPOSING APPROVAL ON
Umatilla County)	COMPLETION AND FINALIZATION
)	ALLOCATION OF CONSERVED
)	WATER CW-46

Applicant

Walla Walla River Irrigation District
323 Evan Street
PO Box 248
Milton-Freewater, OR 97862

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

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.

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).

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, 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 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.

Findings of Fact

1. On November 8, 2006, Walla Walla River Irrigation District (WWRID), Applicant, filed an allocation of conserved water application. The Department assigned the application number CW-46. On July 23, 2015, WWRID amended the application clarifying the lands and certificates involved in the conserved water project.
2. On June 9, 2005, WWRID adopted an Allocation of Conserved Water policy pursuant to OAR 690-018-0025. On October 11, 2010, and again on February 13, 2015, WWRID reviewed and renewed the District's Conserved Water Policy. WWRID maintains the water delivery system for the benefit of the patrons in the district.
3. Conserved Water Application CW-46 was placed on administrative hold, pending the outcome of a HB-3201 petition. Following completion of a portion of the HB-3201 petition, the certificates as originally filed were changed:

Old Cert. #	New Cert. #	Old Cert. #	New Cert. #	Old Cert. #	New Cert. #	Old Cert #	New Cert #	Old Cert #	New Cert #
949	86250	12691	86262	12805	86268	12845	86296	13238	86275
949	86265	12691	86280	12809	86251	12880	86249	13264	86264
949	86278	12721	86282	12809	86258	12880	86262	13264	86266
949	86279	12764	86257	12809	86275	12880	86280	13293	86255
949	86281	12765	86285	12821	86262	12880	86284	13293	86255
6726	86269	12765	86296	12822	86253	12906	86284	13293	86264
12529	86262	12766	86257	12822	86260	13107	86279	13297	86270
12608	86274	12766	86296	12822	86296	13148	86280	49802	86294
12608	86296	12776	86264	12824	86262	13151	86259	55597	86254
12628	86250	12792	86279	12835	86273	13151	86284		
12628	86279	12801	86280	12835	86279	13151	86296		
12647	86259	12802	86261	12843	86296	13190	86296		
12647	86262	12805	86249	12844	86296	13228	86296		
12647	86283	12805	86260	12845	86249	13229	86254		

4. The conservation project involved converting the Eastside Ditch from an open ditch to a piped delivery system. The pipeline is gravity fed which has resulted in a demand system where no

additional water has to be diverted from the Walla Walla River above what is necessary to meet irrigation demand. Piping a ditch or canal is a proven technology for conserving water.

5. The rights to be modified by CW-46 are as follows:

Cert #	Landowner	Priority	Twp	Range	Sec	Qtr	Qtr	Acres	Tax Lot	CFS
86249	AARON HALL	1898	6 N	35 E	36	NW	NE	0.50	800	0.019
86249	AARON HALL	1892	6 N	35 E	36	NW	NE	0.40	800	0.015
86249	AARON HALL	1905	6 N	35 E	36	NW	NE	1.20	800	0.045
86250	BARRY & LAURIE WEIS	1892	6 N	35 E	36	SE	NW	8.70	1900	0.330
86250	BARRY & LAURIE WEIS	7/23/1912	6 N	35 E	36	SE	NW	0.05	1900	0.001
86251	BARY & STACIE CARPER	1892	6 N	35 E	36	SE	NE	1.70	1902	0.060
86253	CHARLES & ANNA JO WEBB	1898	6 N	35 E	36	SW	NE	2.30	1600	0.090
86254	CHERYL DAVIS	1891	6 N	35 E	36	NW	SE	5.60	200	0.210
86254	CHERYL DAVIS	7/23/1912	6 N	35 E	36	NE	SE	3.80	200	0.050
86255	DAVE MORRIS	1893	6 N	35 E	36	SW	NE	6.80	1400	0.255
86255	DAVE MORRIS	1893	6 N	35 E	36	SE	NW	5.00	1800	0.188
86257	DOYLE NARRY	1887	6 N	35 E	36	SE	NE	10.00	1100	0.375
86257	DOYLE NARRY	1887	6 N	35 E	36	SE	NE	4.80	1100	0.180
86257	DOYLE NARRY	1887	6 N	35 E	36	SE	NE	3.63	1101	0.136
86258	ELDIN CHINN	1892	6 N	35 E	36	SE	NE	1.90	1900	0.071
86258	ELDIN CHINN	1892	6 N	35 E	36	SE	NE	1.70	1901	0.064
86259	GREG & LISA RUSSELL	1887	6 N	35 E	25	SW	SE	2.00	902	0.075
86259	GREG & LISA RUSSELL	1905	6 N	35 E	25	SW	SE	1.00	902	0.038
86260	HERBERT & JEAN WING	1898	6 N	35 E	36	SW	NE	1.60	1700	0.060
86260	HERBERT & JEAN WING	1898	6 N	35 E	36	SW	NE	1.80	1500	0.070
86261	JAMES & LINDA FRANK	1894	6 N	35 E	36	NE	NE	4.50	300	0.170
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	NW	SE	4.95	800	0.186
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	SW	SE	4.90	800	0.184
86262	JERRY & LOUISE LARSON	1903	6 N	35 E	25	SW	SE	0.20	800	0.007
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	NW	SE	11.00	700	0.412
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	NW	SE	1.10	800	0.041
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	SW	SE	0.40	800	0.015
86262	JERRY & LOUISE LARSON	1887	6 N	35 E	25	NW	SE	4.90	800	0.184
86262	JERRY & LOUISE LARSON	1905	6 N	35 E	25	SW	SE	1.10	800	0.041
86264	JOHN & PAULINE HARSHFIELD	1892	6 N	35 E	36	NW	SE	8.72	800	0.327
86264	JOHN & PAULINE HARSHFIELD	1891	6 N	35 E	36	NW	SE	0.62	800	0.023
86264	JOHN & PAULINE HARSHFIELD	1893	6 N	35 E	36	NW	SE	0.20	800	0.008
86265	JUDY WHEELER	7/23/1912	6 N	35 E	36	SE	SW	2.60	2803	0.030
86266	KENNETH & JANICE PROPECK	1891	6 N	35 E	36	NW	SE	0.40	400	0.020
86268	MICK OLIVER	1898	6 N	35 E	36	SW	NE	2.50	1500	0.090

Cert #	Landowner	Priority	Twp	Range	Sec	Qtr	Qtr	Acres	Tax Lot	CFS
86269	MIKE & LEATRICE BRUMBACH	3/16/1926	6 N	35 E	36	SE	SW	1.20	2900	0.015
86270	MINEARD STOLTZ	1891	6 N	35 E	36	NW	SE	4.88	500	0.180
86273	ROBERT HARSHFIELD	1892	6 N	35 E	36	NE	SW	6.40	200	0.240
86274	ROGER & MARY COOPER	1893	6 N	35 E	36	SW	NE	9.60	1200	0.360
86275	MINEARD STOLTZ	1892	6 N	35 E	36	NW	NE	5.60	701	0.210
86275	MINEARD STOLTZ	1891	6 N	35 E	36	NW	SE	6.20	500	0.233
86278	SCOTT & ROBYNN NORTON	7/23/1912	6 N	35 E	36	SE	SW	2.60	2500	0.030
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N	35 E	36	NE	SW	8.80	100	0.330
86279	SCOTT & KATHERINE CAMPBELL	1879	6 N	35 E	36	SE	SW	1.82	1701	0.068
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N	35 E	36	SE	SW	1.10	1701	0.041
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N	35 E	36	NE	SW	2.00	1701	0.075
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N	35 E	36	SE	SW	1.79	1701	0.067
86279	SCOTT & KATHERINE CAMPBELL	7/23/1912	6 N	35 E	36	NE	SW	0.30	1701	0.004
86280	SHAWN & SUSAN WHITE	1903	6 N	35 E	36	NE	NE	0.13	200	0.005
86280	SHAWN & SUSAN WHITE	1894	6 N	35 E	36	NE	NE	2.85	200	0.107
86280	SHAWN & SUSAN WHITE	1905	6 N	35 E	36	NE	NE	0.30	200	0.011
86280	SHAWN & SUSAN WHITE	1905	6 N	35 E	36	NE	NE	4.00	200	0.150
86281	SHIRLEY STRASSER	7/23/1912	6 N	35 E	36	SE	SW	0.80	2600	0.010
86282	SUSAN DAVIS	1892	6 N	35 E	36	NE	NE	9.00	1000	0.340
86283	THOMAS & TERESA PIEFER	1887	6 N	35 E	25	SW	SE	3.00	900	0.110
86284	TOM & CINDY BRUMBACH	1905	6 N	35 E	36	SW	SE	0.38	1000	0.014
86284	TOM & CINDY BRUMBACH	1901	6 N	35 E	36	SW	SE	1.40	1000	0.052
86284	TOM & CINDY BRUMBACH	1905	6 N	35 E	36	SW	SE	0.40	1000	0.015
86285	VERN & GLENA KOORENNY	1892	6 N	35 E	36	NE	NE	8.90	900	0.334
86294	MINEARD STOLTZ	1879	6 N	35 E	36	NW	NE	5.50	701	0.160
86296	CHARLES & MYRLE ROBERTSON	1893	6 N	35 E	25	SW	SE	0.37	1000	0.014
86296	CHARLES & MYRLE ROBERTSON	1892	6 N	35 E	25	SW	SE	1.10	1000	0.041
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	0.57	1001	0.021
86296	CHARLES & MYRLE ROBERTSON	1898	6 N	35 E	25	SW	SE	0.40	1000	0.015
86296	CHARLES & MYRLE ROBERTSON	1898	6 N	35 E	25	SW	SE	0.10	1001	0.004
86296	CHARLES & MYRLE ROBERTSON	1894	6 N	35 E	36	NW	NE	2.75	500	0.103
86296	CHARLES & MYRLE ROBERTSON	1886	6 N	35 E	36	NW	NE	2.75	500	0.103
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	5.30	1000	0.199
86296	CHARLES & MYRLE ROBERTSON	1892	6 N	35 E	36	SW	NE	9.60	1800	0.360
86296	CHARLES & MYRLE ROBERTSON	1905	6 N	35 E	25	SW	SE	0.43	1000	0.016

Cert #	Landowner	Priority	Twp	Range	Sec	Qtr	Qtr	Acres	Tax Lot	CFS
86296	CHARLES & MYRLE ROBERTSON	1893	6 N	35 E	25	SW	SE	0.20	1001	0.008
86296	CHARLES & MYRLE ROBERTSON	1886	6 N	35 E	36	NW	NE	2.75	1001	0.103
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	6.65	1001	0.249
86296	CHARLES & MYRLE ROBERTSON	1894	6 N	35 E	25	SW	SE	2.75	1001	0.103
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	36	NW	NE	0.35	1001	0.013
TOTAL								237.59		8.583

6. Certificate 949 was the originating certificate for Certificates 86265, 86278, and 86281. Certificate 6726 was the originating certificate for Certificate 86269. Neither Certificate 949 nor 6727 listed a point of diversion. During the 3201 mapping process the points of diversion for Certificates 86265, 86269, 86278, and 86281 were incorrectly identified as being in the SENW of Section 28, Township 6 North, Range 35 East, W.M. Based on the Department's records and the original permit applications, the correct point of diversion for these certificates is in the NENW of Section 1, Township 5 North, Range 35 East, W.M. as identified in Finding of Fact #7, below.
7. Certificates 86249, 86250, 86251, 86253, 86254, 86255, 86257, 86258, 86259, 86260, 86261, 86262, 86264, 86266, 86268, 86270, 86273, 86274, 86275, 86279, 86280, 86282, 86283, 86284, 86285, 86294, and 86296 identify the same diversion point located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

8. Allocation of Conserved Water Application CW-46 proposes a total rate reduction of approximately 2.8 cubic feet per second (cfs) under the following Certificates.

Conserved Water Description						
Certificate				Needed		Conserved
Certificate	Priority	Certificate CFS	CFS/AC	New CFS	New CFS/AC	CFS
86249	1898	0.019	0.0375	0.013	0.025	0.007
86249	1892	0.015	0.0375	0.010	0.025	0.005
86249	1905	0.045	0.0375	0.030	0.025	0.015
86250	1892	0.330	0.0375	0.218	0.025	0.113
86250	7/23/1912	0.001	0.0120	0.001	0.012	0.000
86251	1892	0.060	0.0353	0.043	0.025	0.018
86253	1898	0.090	0.0375	0.058	0.025	0.033
86254	1891	0.210	0.0375	0.140	0.025	0.070
86254	7/23/1912	0.050	0.0132	0.033	0.009	0.017
86255	1893	0.255	0.0375	0.170	0.025	0.085
86255	1893	0.188	0.0375	0.125	0.025	0.063
86257	1887	0.375	0.0375	0.250	0.025	0.125
86257	1887	0.180	0.0375	0.120	0.025	0.060

Conserved Water Description						
Certificate				Needed		Conserved
Certificate	Priority	Certificate CFS	CFS/AC	New CFS	New CFS/AC	CFS
86257	1887	0.136	0.0375	0.091	0.025	0.045
86258	1892	0.071	0.0375	0.048	0.025	0.024
86258	1892	0.064	0.0375	0.043	0.025	0.022
86259	1887	0.075	0.0375	0.050	0.025	0.025
86259	1905	0.038	0.0375	0.025	0.025	0.013
86260	1898	0.060	0.0375	0.040	0.025	0.020
86260	1898	0.070	0.0375	0.045	0.025	0.025
86261	1894	0.170	0.0375	0.113	0.025	0.058
86262	1887	0.186	0.0375	0.124	0.025	0.062
86262	1887	0.184	0.0375	0.123	0.025	0.062
86262	1903	0.007	0.0375	0.005	0.025	0.002
86262	1887	0.412	0.0375	0.275	0.025	0.137
86262	1887	0.041	0.0375	0.028	0.025	0.014
86262	1887	0.015	0.0375	0.010	0.025	0.005
86262	1887	0.184	0.0375	0.123	0.025	0.062
86262	1905	0.041	0.0375	0.028	0.025	0.014
86264	1892	0.327	0.0375	0.218	0.025	0.109
86264	1891	0.023	0.0375	0.016	0.025	0.008
86264	1893	0.008	0.0375	0.005	0.025	0.003
86265	7/23/1912	0.030	0.0115	0.020	0.008	0.010
86266	1891	0.020	0.0375	0.010	0.025	0.010
86268	1898	0.090	0.0375	0.063	0.025	0.028
86269	3/16/1926	0.015	0.0125	0.010	0.008	0.005
86270	1891	0.180	0.0375	0.122	0.025	0.058
86273	1892	0.240	0.0375	0.160	0.025	0.080
86274	1893	0.360	0.0375	0.240	0.025	0.120
86275	1892	0.210	0.0375	0.140	0.025	0.070
86275	1891	0.233	0.0375	0.155	0.025	0.078
86278	7/23/1912	0.030	0.0115	0.020	0.008	0.010
86279	1892	0.330	0.0375	0.220	0.025	0.110
86279	1879	0.068	0.0375	0.046	0.025	0.023
86279	1892	0.041	0.0375	0.028	0.025	0.014
86279	1892	0.075	0.0375	0.050	0.025	0.025
86279	1892	0.067	0.0375	0.045	0.025	0.022
86279	7/23/1912	0.004	0.0133	0.003	0.010	0.001
86280	1903	0.005	0.0375	0.003	0.025	0.002
86280	1894	0.107	0.0375	0.071	0.025	0.036
86280	1905	0.011	0.0375	0.008	0.025	0.004
86280	1905	0.150	0.0375	0.100	0.025	0.050
86281	7/23/1912	0.010	0.0125	0.007	0.009	0.003
86282	1892	0.340	0.0375	0.225	0.025	0.115
86283	1887	0.110	0.0375	0.075	0.025	0.035
86284	1905	0.014	0.0375	0.010	0.025	0.005

Conserved Water Description						
Certificate				Needed		Conserved
Certificate	Priority	Certificate CFS	CFS/AC	New CFS	New CFS/AC	CFS
86284	1901	0.052	0.0371	0.035	0.025	0.017
86284	1905	0.015	0.0375	0.010	0.025	0.005
86285	1892	0.334	0.0375	0.223	0.025	0.112
86294	1879	0.160	0.0291	0.138	0.025	0.023
86296	1893	0.014	0.0375	0.009	0.025	0.005
86296	1892	0.041	0.0375	0.028	0.025	0.014
86296	1887	0.021	0.0375	0.014	0.025	0.007
86296	1898	0.015	0.0375	0.010	0.025	0.005
86296	1898	0.004	0.0375	0.003	0.025	0.001
86296	1894	0.103	0.0375	0.069	0.025	0.034
86296	1886	0.103	0.0375	0.069	0.025	0.034
86296	1887	0.199	0.0375	0.133	0.025	0.066
86296	1892	0.360	0.0375	0.240	0.025	0.120
86296	1905	0.016	0.0375	0.011	0.025	0.005
86296	1893	0.008	0.0375	0.005	0.025	0.003
86296	1886	0.103	0.0375	0.069	0.025	0.034
86296	1887	0.249	0.0375	0.166	0.025	0.083
86296	1894	0.103	0.0375	0.069	0.025	0.034
86296	1887	0.013	0.0375	0.009	0.025	0.004
Totals		8.583		5.750*		2.833*

* - Any discrepancy between the actual amount and the amount listed is due to rounding.

9. The Applicant requests that the total conserved water be allocated as follows:

State's Portion		Applicant's Portion		Conserved Water	
Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)
100%	2.833	0	0	100%	2.833

10. The Applicant requested the priority date for any conserved water be the one minute junior to the priority dates for the originating rights.
11. The Applicant received funding for 100% of the conservation project.
12. The Applicant submitted a completed Land Use Form from Umatilla County which indicated the proposed use was allowed outright or is not regulated by Umatilla County's comprehensive plan.
13. The implementation of the conservation measures began before May 2003. The Applicant provided evidence that it attempted to identify and resolve the concerns of water right holders in the area, governmental entities, and other organizations.

14. The Applicant proposes that any instream water rights created be for the purposes of conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
15. The Applicant requested the Department protect the new instream water right created from the conserved water in the Walla Walla River at the points of the authorized point of diversion identified in Findings #6 and #7 to the Oregon-Washington state line.
16. The Applicant's submitted application indicates the project is complete and requested finalization of the allocation.
17. The application meets the requirements of OAR 690-018-0040.
18. The Applicant submitted a letter from Timothy D. Bailey, ODFW Umatilla District Fish Biologist, with its application. The letter outlines ODFW's support for the conserved water project. In particular, the instream water rights will benefit summer steelhead and bull trout, both listed as threatened under the Endangered Species Act.
19. Notice of the proposed conservation project was published in the Department's weekly notice on January 1, 2008, and in the Valley Herald newspaper on January 18, 25, and February 1, 2008, 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]

20. 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 rights are subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system 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.
22. The proposed allocation of conserved water will result in a reduced diversion of water for the uses allowed under the existing rights pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #8).
23. Based upon the Walla Walla River Decree, the existing water rights described in Findings of Fact #5 have a year-round season of use without a specified duty limitation. However, the existing rights are subject to beneficial use without waste in accordance with ORS 536.310. Use of the existing rights at the full amounts allowed year-round would exceed the amount necessary to accomplish the existing beneficial uses. Consistent with recent practices by water users and irrigation districts within the basin, a maximum of 8.4 acre-feet per acre (AF/acre) can beneficially diverted for the existing use.
24. On September 21, 2015, the District #5 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined the conservation project

could harm other water rights if it was not conditioned to limit the maximum amount of water and period of use necessary to accomplish the existing beneficial uses.

25. The return flows from the lands served by the diversions return to the Walla Walla River in Oregon. The net return flow after the conservation measures will be less than when water was conveyed through leaky canals. The decreased diversion rate will result in an instantaneous increase in streamflow at the points of diversion, whereas, groundwater return flows in the past would have slowly released back to the stream over some river reach and over the course of the year or years, depending on the rate of groundwater flow. There is insufficient data to quantify the magnitude, timing and location of return flows. Therefore, the instream water rights created by the conserved water will be protected at the authorized points of diversion and no further. OAR 690-018-0050(4)(b) and (d).
26. Harm to other water rights can be mitigated by limiting the period when water is being protected instream to April 1 through October 31 of each year, and other times when agricultural diversions are being exercised. As conditioned, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(d).
27. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #12). OAR 690-018-0050(4)(c).
28. Pursuant to OAR 690-018-0050(4)(e), the new reduced rates for the existing uses under the certificates involved in Allocation of Conserved Water Application CW-46 are as follows:

Cert. #	Landowner	Priority	Twp	Range	Sec	40	160	Acres	Tax Lot	CFS
86249	AARON HALL	1898	6 N 35	E 36	NW	NE	0.50	800	0.013	
86249	AARON HALL	1892	6 N 35	E 36	NW	NE	0.40	800	0.010	
86249	AARON HALL	1905	6 N 35	E 36	NW	NE	1.20	800	0.030	
86250	BARRY & LAURIE WEIS	1892	6 N 35	E 36	SE	NW	8.70	1900	0.218	
86250	BARRY & LAURIE WEIS	7/23/1912	6 N 35	E 36	SE	NW	0.05	1900	0.001	
86251	BARY & STACIE CARPER	1892	6 N 35	E 36	SE	NE	1.70	1902	0.043	
86253	CHARLES & ANNA JO WEBB	1898	6 N 35	E 36	SW	NE	2.30	1600	0.058	
86254	CHERYL DAVIS	1891	6 N 35	E 36	NW	SE	5.60	200	0.140	
86254	CHERYL DAVIS	7/23/1912	6 N 35	E 36	NE	SE	3.80	200	0.033	
86255	DAVE MORRIS	1893	6 N 35	E 36	SW	NE	6.80	1400	0.170	
86255	DAVE MORRIS	1893	6 N 35	E 36	SE	NW	5.00	1800	0.125	
86257	DOYLE NARRY	1887	6 N 35	E 36	SE	NE	10.00	1100	0.250	
86257	DOYLE NARRY	1887	6 N 35	E 36	SE	NE	4.80	1100	0.120	
86257	DOYLE NARRY	1887	6 N 35	E 36	SE	NE	3.63	1101	0.091	
86258	ELDIN CHINN	1892	6 N 35	E 36	SE	NE	1.90	1900	0.048	
86258	ELDIN CHINN	1892	6 N 35	E 36	SE	NE	1.70	1901	0.043	
86259	GREG & LISA RUSSELL	1887	6 N 35	E 25	SW	SE	2.00	902	0.050	
86259	GREG & LISA RUSSELL	1905	6 N 35	E 25	SW	SE	1.00	902	0.025	
86260	HERBERT & JEAN WING	1898	6 N 35	E 36	SW	NE	1.60	1700	0.040	
86260	HERBERT & JEAN WING	1898	6 N 35	E 36	SW	NE	1.80	1500	0.045	

Cert. #	Landowner	Priority	Twp	Range	Sec	40	160	Acres	Tax Lot	CFS
86261	JAMES & LINDA FRANK	1894	6 N 35 E	36	NE	NE	4.50	300	0.113	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	NW	SE	4.95	800	0.124	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	SW	SE	4.90	800	0.123	
86262	JERRY & LOUISE LARSON	1903	6 N 35 E	25	SW	SE	0.20	800	0.005	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	NW	SE	11.00	700	0.275	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	NW	SE	1.10	800	0.028	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	SW	SE	0.40	800	0.010	
86262	JERRY & LOUISE LARSON	1887	6 N 35 E	25	NW	SE	4.90	800	0.123	
86262	JERRY & LOUISE LARSON	1905	6 N 35 E	25	SW	SE	1.10	800	0.028	
86264	JOHN & PAULINE HARSHFIELD	1892	6 N 35 E	36	NW	SE	8.72	800	0.218	
86264	JOHN & PAULINE HARSHFIELD	1891	6 N 35 E	36	NW	SE	0.62	800	0.016	
86264	JOHN & PAULINE HARSHFIELD	1893	6 N 35 E	36	NW	SE	0.20	800	0.005	
86265	JUDY WHEELER	7/23/1912	6 N 35 E	36	SE	SW	2.60	2803	0.020	
86266	KENNETH & JANICE PROPECK	1891	6 N 35 E	36	NW	SE	0.40	400	0.010	
86268	MICK OLIVER	1898	6 N 35 E	36	SW	NE	2.50	1500	0.063	
86269	MIKE & LEATRICE BRUMBACH	3/16/1926	6 N 35 E	36	SE	SW	1.20	2900	0.010	
86270	MINEARD STOLTZ	1891	6 N 35 E	36	NW	SE	4.88	500	0.122	
86273	ROBERT HARSHFIELD	1892	6 N 35 E	36	NE	SW	6.40	200	0.160	
86274	ROGER & MARY COOPER	1893	6 N 35 E	36	SW	NE	9.60	1200	0.240	
86275	MINEARD STOLTZ	1892	6 N 35 E	36	NW	NE	5.60	701	0.140	
86275	MINEARD STOLTZ	1891	6 N 35 E	36	NW	SE	6.20	500	0.155	
86278	SCOTT & ROBYNN NORTON	7/23/1912	6 N 35 E	36	SE	SW	2.60	2500	0.020	
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N 35 E	36	NE	SW	8.80	100	0.220	
86279	SCOTT & KATHERINE CAMPBELL	1879	6 N 35 E	36	SE	SW	1.82	1701	0.046	
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N 35 E	36	SE	SW	1.10	1701	0.028	
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N 35 E	36	NE	SW	2.00	1701	0.050	
86279	SCOTT & KATHERINE CAMPBELL	1892	6 N 35 E	36	SE	SW	1.79	1701	0.045	
86279	SCOTT & KATHERINE CAMPBELL	7/23/1912	6 N 35 E	36	NE	SW	0.30	1701	0.003	
86280	SHAWN & SUSAN WHITE	1903	6 N 35 E	36	NE	NE	0.13	200	0.003	
86280	SHAWN & SUSAN WHITE	1894	6 N 35 E	36	NE	NE	2.85	200	0.071	
86280	SHAWN & SUSAN WHITE	1905	6 N 35 E	36	NE	NE	0.30	200	0.008	
86280	SHAWN & SUSAN WHITE	1905	6 N 35 E	36	NE	NE	4.00	200	0.100	
86281	SHIRLEY STRASSER	7/23/1912	6 N 35 E	36	SE	SW	0.80	2600	0.007	
86282	SUSAN DAVIS	1892	6 N 35 E	36	NE	NE	9.00	1000	0.225	
86283	THOMAS & TERESA PIEFER	1887	6 N 35 E	25	SW	SE	3.00	900	0.075	
86284	TOM & CINDY BRUMBACH	1905	6 N 35 E	36	SW	SE	0.38	1000	0.010	
86284	TOM & CINDY BRUMBACH	1901	6 N 35 E	36	SW	SE	1.40	1000	0.035	
86284	TOM & CINDY BRUMBACH	1905	6 N 35 E	36	SW	SE	0.40	1000	0.010	
86285	VERN & GLENA KOORENNY	1892	6 N 35 E	36	NE	NE	8.90	900	0.223	
86294	MINEARD STOLTZ	1879	6 N 35 E	36	NW	NE	5.50	701	0.138	
86296	CHARLES & MYRLE ROBERTSON	1893	6 N 35 E	25	SW	SE	0.37	1000	0.009	

Cert. #	Landowner	Priority	Twp		Range		Sec	40	160	Acres	Tax Lot	CFS
86296	CHARLES & MYRLE ROBERTSON	1892	6	N	35	E	25	SW	SE	1.10	1000	0.028
86296	CHARLES & MYRLE ROBERTSON	1887	6	N	35	E	25	SW	SE	0.57	1001	0.014
86296	CHARLES & MYRLE ROBERTSON	1898	6	N	35	E	25	SW	SE	0.40	1000	0.010
86296	CHARLES & MYRLE ROBERTSON	1898	6	N	35	E	25	SW	SE	0.10	1001	0.003
86296	CHARLES & MYRLE ROBERTSON	1894	6	N	35	E	36	NW	NE	2.75	500	0.069
86296	CHARLES & MYRLE ROBERTSON	1886	6	N	35	E	36	NW	NE	2.75	500	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6	N	35	E	25	SW	SE	5.30	1000	0.133
86296	CHARLES & MYRLE ROBERTSON	1892	6	N	35	E	36	SW	NE	9.60	1800	0.240
86296	CHARLES & MYRLE ROBERTSON	1905	6	N	35	E	25	SW	SE	0.43	1000	0.011
86296	CHARLES & MYRLE ROBERTSON	1893	6	N	35	E	25	SW	SE	0.20	1001	0.005
86296	CHARLES & MYRLE ROBERTSON	1886	6	N	35	E	36	NW	NE	2.75	1001	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6	N	35	E	25	SW	SE	6.65	1001	0.166
86296	CHARLES & MYRLE ROBERTSON	1894	6	N	35	E	25	SW	SE	2.75	1001	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6	N	35	E	36	NW	NE	0.35	1001	0.009
Totals										237.59		5.750*

* - Any discrepancy between the actual amount and the amount listed is due to rounding.

29. Pursuant to OAR 690-018-0050(4)(e), the rate allocated to the State for instream use is as 2.833 cfs. (Finding of Fact #8).
30. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. The proposed instream water right will support spawning, rearing and migration of native fishes in the mainstem of the Walla Walla River. In particular, the instream water rights will benefit summer steelhead and bull trout, both listed as threatened under the Endangered Species Act. (Finding of Fact #18).
31. The applicant proposes 100% of the conserved water be allocated to the state for an instream water right. Because no quantity of conserved water is being allocated to the applicant, no adjustment is necessary to be made to the allocation based on the amount of non-reimbursable public funds. (Findings of Fact #9 and #11). OAR 690-018-0050(4)(g).
32. The new instream water right created will be protected in the Walla Walla River at the authorized points of diversion as described in Findings of Fact #6 and 7. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).
33. The amounts of water to be allocated to the State for instream water right with the respective priority dates are:

Cert #	Priority	CFS	Cert #	Priority	CFS	Cert #	Priority	CFS	Cert #	Priority	CFS
86279	1879	0.023	86262	1887	0.014	86258	1892	0.022	86274	1893	0.120
86294	1879	0.023	86262	1887	0.005	86264	1892	0.109	86296	1894	0.034
86296	1886	0.034	86262	1887	0.062	86273	1892	0.080	86296	1894	0.034
86296	1886	0.034	86283	1887	0.035	86275	1892	0.070	86261	1894	0.058
86296	1887	0.007	86254	1891	0.070	86279	1892	0.110	86280	1894	0.036

Cert #	Priority	CFS	Cert #	Priority	CFS	Cert #	Priority	CFS	Cert #	Priority	CFS
86296	1887	0.066	86264	1891	0.008	86279	1892	0.014	86249	1898	0.007
86296	1887	0.083	86266	1891	0.010	86279	1892	0.025	86296	1898	0.005
86296	1887	0.004	86270	1891	0.058	86279	1892	0.022	86296	1898	0.001
86257	1887	0.125	86275	1891	0.078	86282	1892	0.115	86253	1898	0.033
86257	1887	0.060	86249	1892	0.005	86285	1892	0.112	86260	1898	0.020
86257	1887	0.045	86250	1892	0.113	86296	1893	0.005	86260	1898	0.025
86259	1887	0.025	86251	1892	0.018	86296	1893	0.003	86268	1898	0.028
86262	1887	0.062	86296	1892	0.014	86255	1893	0.085	86284	1901	0.017
86262	1887	0.062	86296	1892	0.120	86255	1893	0.063	86262	1903	0.002
86262	1887	0.137	86258	1892	0.024	86264	1893	0.003	86280	1903	0.002
86249	1905	0.015	86280	1905	0.004	86250	7/23/1912	0.000	86279	7/23/1912	0.001
86296	1905	0.005	86280	1905	0.050	86254	7/23/1912	0.017	86281	7/23/1912	0.003
86259	1905	0.013	86284	1905	0.005	86265	7/23/1912	0.010	86269	3/16/1926	0.005
86262	1905	0.014	86284	1905	0.005	86278	7/23/1912	0.010			
Total										2.833*	

* - Any discrepancy between the actual amount and the amount listed is due to rounding.
OAR 690-018-0050(g).

34. The instream rights shall allow the use and protection of flows from the authorized point of diversion (Findings of Fact #6 and #7) for certificates 86249, 86250, 86251, 86253, 86254, 86255, 86257, 86258, 86259, 86260, 86261, 86262, 86264, 86265, 86266, 86268, 86269, 86270, 86273, 86274, 86275, 86278, 86279, 86280, 86281, 86282, 86283, 86284, 86285, 86294, and 86296 as follows:

Priority Date	Period of Use	Rate (cfs)
1879, plus one minute	4/1 through 10/31	0.045
1886, plus one minute	4/1 through 10/31	0.068
1887, plus one minute	4/1 through 10/31	0.792
1891, plus one minute	4/1 through 10/31	0.224
1892, plus one minute	4/1 through 10/31	0.970
1893, plus one minute	4/1 through 10/31	0.278
1894, plus one minute	4/1 through 10/31	0.162
1898, plus one minute	4/1 through 10/31	0.118
1901, plus one minute	4/1 through 10/31	0.017
1903, plus one minute	4/1 through 10/31	0.004
1905, plus one minute	4/1 through 10/31	0.109
7/23/1912, plus one minute	4/1 through 10/31	0.041
3/16/1926, plus one minute	4/1 through 10/31	0.005
Total		2.833*

*Any discrepancy between the actual amount and the amount listed is due to rounding.
OAR 690-018-0050(g).

35. 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).
36. The protection of flows at the authorized points of diversion are appropriate, considering:
 - a. The instream water rights begin at the recorded points of diversion;
 - b. The location of confluences with other streams downstream of the points of diversion;
 - 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 points of the instream water right.OAR 690-077-0015(8).
37. The combination of instream rights for the proposed points on the Walla Walla 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).
38. All conserved water is dedicated for instream use. Therefore, there are no proposed areas where the conserved water may be used for out-of-stream uses. (Finding of Fact #31). OAR 690-018-0050(4)(h).
39. Pursuant to OAR 690-018-0062, the applicant notified the Department that the Allocation of Conserved Water Project has been completed and requested the project be finalized upon approval. (Finding of Fact #16). OAR 690-018-0050(4)(i).
40. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #26). OAR 690-018-0050(4)(j).

Determination and Proposed Action

The project described in Allocation of Conserved Water Application CW-46, 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-46 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 rights. (Findings of Fact #8 and 22.)*
2. *By limiting the period when water is being protected instream to April 1 through October 31 of each year, the proposed allocation of conserved water will not harm existing water rights. (Finding of Fact #26.)*
3. *The application is consistent with the requirements established in OAR 690-005-0045. (Finding of Fact #12.)*
4. *The changes proposed in CW-46 are approved.*
5. *The quantities of water conserved and allocated are as follows:*

State's Portion		Applicant's Portion		Conserved Water	
Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)	Percentage	Maximum Rate (CFS)
100%	2.833	0	0	100%	2.833

(Findings of Fact #9 and #31.)

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 Certificates and 86249, 86250, 86251, 86253, 86254, 86255, 86257, 86258, 86259, 86260, 86261, 86262, 86264, 86265, 86266, 86268, 86269, 86270, 86273, 86274, 86275, 86278, 86279, 86280, 86281, 86282, 86283, 86284, 86285, 86294, 86296, and any related decree.
7. Water Right Certificates 86249, 86250, 86251, 86253, 86254, 86255, 86257, 86258, 86259, 86260, 86261, 86262, 86264, 86265, 86266, 86268, 86269, 86270, 86273, 86274, 86275, 86278, 86279, 86280, 86281, 86282, 86283, 86284, 86285, 86294, and 86296 are cancelled. New certificates will be issued for the existing uses and places of use at the reduced rates as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

Authorized Place of Use and Rate:

Cert. #	Landowner	Priority	Twp	Range	Sec	40	160	Acres	Tax Lot	CFS
86249	AARON HALL	1898	6 N	35 E	36	NW	NE	0.50	800	0.013
86249	AARON HALL	1892	6 N	35 E	36	NW	NE	0.40	800	0.010
86249	AARON HALL	1905	6 N	35 E	36	NW	NE	1.20	800	0.030
86250	BARRY & LAURIE WEIS	1892	6 N	35 E	36	SE	NW	8.70	1900	0.218
86250	BARRY & LAURIE WEIS	7/23/1912	6 N	35 E	36	SE	NW	0.05	1900	0.001
86251	BARY & STACIE CARPER	1892	6 N	35 E	36	SE	NE	1.70	1902	0.043
86296	CHARLES & MYRLE ROBERTSON	1893	6 N	35 E	25	SW	SE	0.37	1000	0.009
86296	CHARLES & MYRLE ROBERTSON	1892	6 N	35 E	25	SW	SE	1.10	1000	0.028
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	0.57	1001	0.014
86296	CHARLES & MYRLE ROBERTSON	1898	6 N	35 E	25	SW	SE	0.40	1000	0.010
86296	CHARLES & MYRLE ROBERTSON	1898	6 N	35 E	25	SW	SE	0.10	1001	0.003
86296	CHARLES & MYRLE ROBERTSON	1894	6 N	35 E	36	NW	NE	2.75	500	0.069
86296	CHARLES & MYRLE ROBERTSON	1886	6 N	35 E	36	NW	NE	2.75	500	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	5.30	1000	0.133
86296	CHARLES & MYRLE ROBERTSON	1892	6 N	35 E	36	SW	NE	9.60	1800	0.240
86296	CHARLES & MYRLE ROBERTSON	1905	6 N	35 E	25	SW	SE	0.43	1000	0.011
86296	CHARLES & MYRLE ROBERTSON	1893	6 N	35 E	25	SW	SE	0.20	1001	0.005
86296	CHARLES & MYRLE ROBERTSON	1886	6 N	35 E	36	NW	NE	2.75	1001	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	25	SW	SE	6.65	1001	0.166
86296	CHARLES & MYRLE ROBERTSON	1894	6 N	35 E	25	SW	SE	2.75	1001	0.069
86296	CHARLES & MYRLE ROBERTSON	1887	6 N	35 E	36	NW	NE	0.35	1001	0.009

Cert. #	Landowner	Priority	Twp		Range		Sec	40	160	Acres	Tax Lot	CFS
86253	CHARLES & ANNA JO WEBB	1898	6	N	35	E	36	SW	NE	2.30	1600	0.058
86254	CHERYL DAVIS	1891	6	N	35	E	36	NW	SE	5.60	200	0.140
86254	CHERYL DAVIS	7/23/1912	6	N	35	E	36	NE	SE	3.80	200	0.033
86255	DAVE MORRIS	1893	6	N	35	E	36	SW	NE	6.80	1400	0.170
86255	DAVE MORRIS	1893	6	N	35	E	36	SE	NW	5.00	1800	0.125
86257	DOYLE NARRY	1887	6	N	35	E	36	SE	NE	10.00	1100	0.250
86257	DOYLE NARRY	1887	6	N	35	E	36	SE	NE	4.80	1100	0.120
86257	DOYLE NARRY	1887	6	N	35	E	36	SE	NE	3.63	1101	0.091
86258	ELDIN CHINN	1892	6	N	35	E	36	SE	NE	1.90	1900	0.048
86258	ELDIN CHINN	1892	6	N	35	E	36	SE	NE	1.70	1901	0.043
86259	GREG & LISA RUSSELL	1887	6	N	35	E	25	SW	SE	2.00	902	0.050
86259	GREG & LISA RUSSELL	1905	6	N	35	E	25	SW	SE	1.00	902	0.025
86260	HERBERT & JEAN WING	1898	6	N	35	E	36	SW	NE	1.60	1700	0.040
86260	HERBERT & JEAN WING	1898	6	N	35	E	36	SW	NE	1.80	1500	0.045
86261	JAMES & LINDA FRANK	1894	6	N	35	E	36	NE	NE	4.50	300	0.113
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	NW	SE	4.95	800	0.124
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	SW	SE	4.90	800	0.123
86262	JERRY & LOUISE LARSON	1903	6	N	35	E	25	SW	SE	0.20	800	0.005
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	NW	SE	11.00	700	0.275
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	NW	SE	1.10	800	0.028
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	SW	SE	0.40	800	0.010
86262	JERRY & LOUISE LARSON	1887	6	N	35	E	25	NW	SE	4.90	800	0.123
86262	JERRY & LOUISE LARSON	1905	6	N	35	E	25	SW	SE	1.10	800	0.028
86264	JOHN & PAULINE HARSHFIELD	1892	6	N	35	E	36	NW	SE	8.72	800	0.218
86264	JOHN & PAULINE HARSHFIELD	1891	6	N	35	E	36	NW	SE	0.62	800	0.016
86264	JOHN & PAULINE HARSHFIELD	1893	6	N	35	E	36	NW	SE	0.20	800	0.005
86265	JUDY WHEELER	7/23/1912	6	N	35	E	36	SE	SW	2.60	2803	0.020
86266	KENNETH & JANICE PROPECK	1891	6	N	35	E	36	NW	SE	0.40	400	0.010
86268	MICK OLIVER	1898	6	N	35	E	36	SW	NE	2.50	1500	0.063
86269	MIKE & LEATRICE BRUMBACH	3/16/1926	6	N	35	E	36	SE	SW	1.20	2900	0.010
86270	MINEARD STOLTZ	1891	6	N	35	E	36	NW	SE	4.88	500	0.122
86273	ROBERT HARSHFIELD	1892	6	N	35	E	36	NE	SW	6.40	200	0.160
86274	ROGER & MARY COOPER	1893	6	N	35	E	36	SW	NE	9.60	1200	0.240
86275	MINEARD STOLTZ	1892	6	N	35	E	36	NW	NE	5.60	701	0.140
86275	MINEARD STOLTZ	1891	6	N	35	E	36	NW	SE	6.20	500	0.155
86278	SCOTT & ROBYNN NORTON	7/23/1912	6	N	35	E	36	SE	SW	2.60	2500	0.020
86279	SCOTT & KATHERINE CAMPBELL	1892	6	N	35	E	36	NE	SW	8.80	100	0.220
86279	SCOTT & KATHERINE CAMPBELL	1879	6	N	35	E	36	SE	SW	1.82	1701	0.046
86279	SCOTT & KATHERINE CAMPBELL	1892	6	N	35	E	36	SE	SW	1.10	1701	0.028
86279	SCOTT & KATHERINE CAMPBELL	1892	6	N	35	E	36	NE	SW	2.00	1701	0.050
86279	SCOTT & KATHERINE CAMPBELL	1892	6	N	35	E	36	SE	SW	1.79	1701	0.045

Cert. #	Landowner	Priority	Twp	Range	Sec	40	160	Acres	Tax Lot	CFS
86279	SCOTT & KATHERINE CAMPBELL	7/23/1912	6 N	35 E	36	NE	SW	0.30	1701	0.003
86280	SHAWN & SUSAN WHITE	1903	6 N	35 E	36	NE	NE	0.13	200	0.003
86280	SHAWN & SUSAN WHITE	1894	6 N	35 E	36	NE	NE	2.85	200	0.071
86280	SHAWN & SUSAN WHITE	1905	6 N	35 E	36	NE	NE	0.30	200	0.008
86280	SHAWN & SUSAN WHITE	1905	6 N	35 E	36	NE	NE	4.00	200	0.100
86281	SHIRLEY STRASSER	7/23/1912	6 N	35 E	36	SE	SW	0.80	2600	0.007
86282	SUSAN DAVIS	1892	6 N	35 E	36	NE	NE	9.00	1000	0.225
86283	THOMAS & TERESA PIEFER	1887	6 N	35 E	25	SW	SE	3.00	900	0.075
86284	TOM & CINDY BRUMBACH	1905	6 N	35 E	36	SW	SE	0.38	1000	0.010
86284	TOM & CINDY BRUMBACH	1901	6 N	35 E	36	SW	SE	1.40	1000	0.035
86284	TOM & CINDY BRUMBACH	1905	6 N	35 E	36	SW	SE	0.40	1000	0.010
86285	VERN & GLENA KOORENNY	1892	6 N	35 E	36	NE	NE	8.90	900	0.223
86294	MINEARD STOLTZ	1879	6 N	35 E	36	NW	NE	5.50	701	0.138
Totals								237.59		5.750*

* - Any discrepancy between the actual amount and the amount listed is due to rounding.

8. *Water use measurement conditions:*

- a. *The Applicant shall maintain the meters or measuring devices in good working order.*
- b. *The Applicant shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- c. *If the Director notifies the Applicant to install additional totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice.*

9. *The project is complete and no additional time is needed for finalization.*

10. *The Department shall issue a new instream water right certificate for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values in the Walla Walla River as follows:*


Priority date	Season of Use	Rate (cfs)
1879, plus one minute	April 1 through October 31	0.045
1886, plus one minute	April 1 through October 31	0.068
1887, plus one minute	April 1 through October 31	0.792
1891, plus one minute	April 1 through October 31	0.224
1892, plus one minute	April 1 through October 31	0.970
1893, plus one minute	April 1 through October 31	0.278
1894, plus one minute	April 1 through October 31	0.162
1898, plus one minute	April 1 through October 31	0.118
1901, plus one minute	April 1 through October 31	0.017
1903, plus one minute	April 1 through October 31	0.004
1905, plus one minute	April 1 through October 31	0.109
July 23, 1912, plus one minute	April 1 through October 31	0.041
March 16, 1926, plus one minute	April 1 through October 31	0.005

Walla Walla River: At the authorized point of diversion under Certificates 86249, 86250, 86251, 86253, 86254, 86255, 86257, 86258, 86259, 86260, 86261, 86262, 86264, 86265, 86266, 86268, 86269, 86270, 86273, 86274, 86275, 86278, 86279, 86280, 86281, 86282, 86283, 86284, 86285, 86294, 86296, located at:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>Measured Distances</i>
5 N	35 E	WM	1	NE NW	1080 FEET SOUTH AND 450 FEET WEST FROM THE NORTH ¼ CORNER OF SECTION 1

(Finding of Fact #34.)

Dated at Salem, Oregon this 13 day of October, 2015.



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

Mailing Date: OCT 15 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).

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty service members have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.