

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

In the Matter of Allocation of Conserved)
Water Application CW-94,)
Umatilla County)

ORDER WITHDRAWING
PRELIMINARY DETERMINATION

Applicant

Hudson Bay District Improvement Co.
PO Box 110
Milton-Freewater, OR 97862

Applicable Law

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.

Findings of Fact

1. On October 3, 2016, Hudson Bay District Improvement Co. (District) filed an allocation of conserved water application under Certificate 89170. On October 13, 2016, the District submitted amended pages for the application. The Department assigned the application number CW-94.
2. The District operates and maintains the water delivery system for the benefit of the landowners in the area. The District was incorporated on September 2, 1952, under ORS 554.
3. The conservation project involves piping approximately 6.7 miles of open ditch to eliminate seepage losses. The piping of an open ditch is a proven technology for conserving water.
4. On December 16, 2016, the Department issued a Draft Preliminary Determination proposing to approve Conserved Water Application CW-94. On March 28, 2017, based on a review of the starting point for the conserved water application, the Department issued an Amended Draft Preliminary Determination proposing to deny Conserved Water Application CW-94.
5. On May 1, 2017, the District submitted an Amended Conserved Water Application CW-94 (5/1/17 amended Application). The 5/1/2017 amended Application proposed a rate reduction of approximately 6.25 cfs.

6. On May 12, 2017, the Department issued a Draft Preliminary Determination proposing to approve Conserved Water Application CW-94. On June 14, 2017, the Applicant notified the Department to proceed with issuance of a Preliminary Determination.
7. On June 20, 2017, the Department issued a Preliminary Determination proposing to approve the Application based on the 5/1/2017 amended Application. The Preliminary Determination was mailed on June 21, 2017, starting a 60-day Protest period.
8. On August 15, 2017, the Applicant submitted a request to withdraw the Preliminary Determination stating the quantity of water conserved was greater than the amount stated in the 5/21/2017 amended Application.
9. Also on August 15, 2017, the Applicant submitted amended pages 4, 5, and 7 to supersede like pages of the 5/21/2017 amended Application. In addition, the Applicant submitted a Request for Finalization.

Conclusions of Law

The Department has determined good cause exists for withdrawal of the Preliminary Determination.

Now, therefore, it is ORDERED:

The Preliminary Determination issued on June 20, 2017, is withdrawn and is of no force or effect. A revised Preliminary Determination based on the submitted amendments to the 5/21/2017 amended Application will be issued.

DATED this 17 day of August, 2017.



Dwight French, Water Right Services Administrator, *for*
THOMAS M. BYLER, DIRECTOR
OREGON WATER RESOURCES DEPARTMENT