

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

In the Matter of Allocation of Conserved Water Application CW-95, Wallowa County) FINAL ORDER ON COMPLETION AND) FINALIZATION OF ALLOCATION OF) CONSERVED WATER CW-95; AND) APPROVING A CHANGE IN POINT OF) DIVERSION FOR CERTIFICATE 81644

Applicants

Woody and Megan Wolfe
81544 Hwy 82
Wallowa, OR 97885

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).

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

If an application for the allocation of conserved water is approved, the Department shall issue orders describing the changes in the original water rights. Once the conservation project is finalized, the Department shall issue new certificates preserving the previously established-priority date of the rights to reflect 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 18, 2016, Woody and Megan Wolfe filed an allocation of conserved water application under Certificates 3012, 3182, 3192, 11899, 49087, 53407, 79891, 81644, 82198, 91010, 91011, and 91012. On December 15, 2016, the Applicants amended their application. On January 3, 2017, the Applicants submitted amended maps. The Department assigned the application number CW-95.
2. The conservation project involves converting approximately 872 acres from flood irrigation to high efficiency center pivots. The conservation measures apply to the period of use of May 1 through July 31 (92 days). The conversion from flood to sprinkler irrigation is a proven method for conserving water.
3. An Order Approving Allocation of Conserved Water CW-95 (Approval Order) was signed on April 11, 2017, and was mailed on April 13, 2017. The order is recorded at Special Order Volume 104, Pages 431- 463.
4. The Approval Order established the quantities of water conserved and allocated as follows:

Certificate	Priority	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
3012	1883	100%	1.20	214.95	0%	0.00	0.00	100%	1.20	214.95
79891	May 1897	100%	0.23	40.20	0%	0.00	0.00	100%	0.23	40.20
3182	1883	100%	0.58	102.90	0%	0.00	0.00	100%	0.58	102.90
3192	1889	100%	0.65	115.35	0%	0.00	0.00	100%	0.65	115.35
3192	1883	100%	0.01	2.55	0%	0.00	0.00	100%	0.01	2.55
11899	7/12/1937	100%	0.01	1.62	0%	0.00	0.00	100%	0.01	1.62
49087	1900	100%	0.39	69.90	0%	0.00	0.00	100%	0.39	69.90
53407	1882	73%	1.82	325.32	27%	0.68	120.33	100%	2.50	445.65
53407	1896	73%	0.07	10.84	27%	0.02	4.01	100%	0.09	14.85
82198	1889	100%	0.01	1.35	0%	0.00	0.00	100%	0.01	1.35
91010	1879	100%	0.08	14.10	0%	0.00	0.00	100%	0.08	14.10
91011	1881	100%	0.23	39.30	0%	0.00	0.00	100%	0.23	39.30
91012	3/27/1901	100%	0.29	50.40	0%	0.00	0.00	100%	0.29	50.40
81644	3/27/1901	100%	1.04	178.20	0%	0.00	0.00	100%	1.04	178.20
Totals			6.61	1166.98	0.70	124.34		7.31	1291.32	

5. The Approval Order established the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-95 as follows:

Reduced Rate for Season of Use of May 1 through September 30			
Certificate	Priority	Rate	Duty
		Maximum CFS	Maximum AF
3012	1883	3.57	573.2
79891	May 1897	0.67	107.2
3182	1883	1.71	274.4
3192	1889	1.92	307.6
3192	1883	0.04	6.8
11899	7/12/1937	0.19	42.0
49087	1900	1.16	186.4
53407	1882	7.41	1188.4
53407	1896	0.24	39.6
82198	1889	0.02	3.6
91010	1879	0.23	37.6
91011	1881	0.64	104.8
91012	3/27/1901	0.83	134.4
81644	3/27/1901	2.92	475.2
		21.55	3481.2

The amount of water to which each of these rights are entitled for irrigation shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.

6. The Approval Order established the areas within which the conserved water is proposed to be used for out-of-stream uses are within Sections 20 and 29, Township 1 North, Range 43 East, W.M. as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	20	SW SW	13.3
1 N	43 E	WM	20	SE SW	39.1
1 N	43 E	WM	29	NW NW	1.4
1 N	43 E	WM	29	NE NW	8.3
					62.1

7. The Approval Order established the priority date for any conserved water to be the same as the originating rights.
8. The Approval Order established a deadline of December 31, 2017, for the Notice of Completion and Request for Finalization forms to be submitted.
9. On December 18, 2017, the Applicants timely submitted a Notice of Completion form and a Request for Finalization form.

Conclusions of Law

The Findings of Fact and Conclusions of Law set forth in the Final Order Approving Allocation of Conserved Water CW-95; and Approving a Change in Point of Diversion for Certificate 81644, recorded at Special Order Volume 104, Pages 431-463, are incorporated as if set forth

fully herein. The project described in Allocation of Conserved Water Application CW-95, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. The change in point of diversion for Certificate 81644 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The project is complete and no additional time is needed for finalization.
2. 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 3012, 3182, 3192, 11899, 49087, 53407, 79891, 81644, 82198, 91010, 91011, 91012, and any related decree.
3. Water Right Certificate 3012 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 143.3 ACRES, DOMESTIC and LIVESTOCK
Priority Date: 1883
Rate: 3.57 CUBIC FOOT PER SECOND
Limit/Duty: Annual Volume Limitation of 573.2 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	30	NE SE	8001	36.5
1 N	43 E	WM	30	NW SE	7100	37.7
1 N	43 E	WM	30	SE SE	8001	31.6
1 N	43 E	WM	30	SW SE	8001	37.5
Total						143.3

4. Water Right Certificate 79891 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 26.8 ACRES, DOMESTIC and LIVESTOCK
Priority Date: May 1897

Rate: 0.67 CUBIC FOOT PER SECOND
Limit/Duty: Annual Volume Limitation of 107.2 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	31	NE NE	8000	13.6
1 N	43 E	WM	31	NW NE	8000	13.2
Total						26.8

5. Water Right Certificate 3182 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 68.6 ACRES, DOMESTIC and LIVESTOCK
Priority Date: 1883
Rate: 1.71 CUBIC FEET PER SECOND
Limit/Duty: Annual Volume Limitation of 274.4 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	30	NW NE	7100	27.7
1 N	43 E	WM	30	SE NE	7100	15.1
1 N	43 E	WM	30	SW NE	7100	25.8
Total						68.6

6. Water Right Certificate 3192 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 78.6 ACRES and LIVESTOCK
Priority Date: 1883 for 1.7 Acres and 1889 for 76.9 Acres
Rate: 1.96 CUBIC FEET PER SECOND (cfs), being 0.04 cfs under 1883 priority and 1.92 cfs under 1889 priority
Limit/Duty: Annual Volume Limitation of 314.4 Acre Feet (AF), being 6.8 AF under 1883 priority and 307.6 AF under 1889 priority. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH (aka MIDDLE VALLEY DITCH): 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; Latitude: 45.50716; Longitude: -117.45096

Authorized Place of Use:

Priority	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1883	1 N	43 E	WM	31	NE NE	8000	1.7
1889	1 N	43 E	WM	31	NE NE	8000	14.6
1889	1 N	43 E	WM	31	NW NE	8000	22.3
1889	1 N	43 E	WM	31	SE NE	8000	40.0
						Total	78.6

7. Water Right Certificate 11899 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 10.5 ACRES
Priority Date: JUNE 12, 1937
Rate: 0.18 CUBIC FOOT PER SECOND
Limit/Duty: Annual Volume Limitation of 42.0 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER, tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	NW SW	1815 FEET NORTH AND 875 FEET EAST FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	29	SW NW	4700	10.5

8. Water Right Certificate 49087 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 46.6 ACRES, DOMESTIC and LIVESTOCK

Priority Date: 1900

Rate: 1.16 CUBIC FEET PER SECOND

Limit/Duty: Annual Volume Limitation of 186.4 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.

Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	19	SE NE	4300	2.0
1 N	43 E	WM	19	NE SE	4300	30.0
1 N	43 E	WM	19	NWSE	4300	4.7
1 N	43 E	WM	19	SE SE	4300	9.9
Total						46.6

9. Water Right Certificate 53407 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 307.0 ACRES, DOMESTIC and LIVESTOCK

Priority Date: 1882 (Tract 1) for 297.1 Acres and 1896 (Tract 3) for 9.9 Acres

Rate: 7.65 CUBIC FEET PER SECOND (cfs), being 7.41 cfs under 1882 priority and 0.24 cfs under 1896 priority.

Limit/Duty: Annual Volume Limitation of 1228.0 Acre Feet (AF), being 1188.4 AF under 1882 priority and 39.6 AF under 1896 priority. The amount of water

to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.

Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Points of Diversion:

Tract #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	1 S	43 E	WM	9	SE NE	MILES DITCH: (Latitude: 45.494134; Longitude: -117.438922)
3	1 S	43 E	WM	9	NE SE	MILES – MAGILL DITCH: (Latitude: 45.494134; Longitude: -117.4380355698)

Authorized Place of Use:

Priority	Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1882	1 N	43 E	WM	32	SE SE	8900	35.0
1882	1 N	43 E	WM	33	SW SW	8900	9.0
1882	1 S	43 E	WN	4	NW NW	900	21.3
1882	1 S	43 E	WN	4	SW NW	900	32.8
1882	1 S	43 E	WN	4	SE NW	900	0.7
1882	1 S	43 E	WN	4	NE SW	900	10.7
1882	1 S	43 E	WN	4	NW SW	900, 1400	37.1
1882	1 S	43 E	WN	4	SW SW	900	6.6
1882	1 S	43 E	WN	4	SE SW	900	20.0
1882	1 S	43 E	WM	5	NE NE	900, 1400	37.7
1882	1 S	43 E	WM	5	SE NE	900, 1400	29.3
1882	1 S	43 E	WM	5	NE SE	1400	38.4
1882	1 S	43 E	WM	9	NW NE	3400	3.5
1882	1 S	43 E	WM	9	NE NW	3400	15.0
1896	1 S	43 E	WM	9	NE NW	3400	9.9
Total							307.0

10. Water Right Certificate 82198 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 0.9 ACRE, DOMESTIC and LIVESTOCK

Priority Date: 1889

Rate: 0.02 CUBIC FOOT PER SECOND

Limit/Duty: Annual Volume Limitation of 3.6 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.

Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Tract #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3	1 S	43 E	WM	4	NE SW	FOSTER DITCH (AKA MIDDLE VALLEY DITCH: Latitude: 45.50716; Longitude: -117.45096

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 S	43 E	WM	5	NW NE	900	0.9

11. Water Right Certificate 91010 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 9.4 ACRES and LIVESTOCK
Priority Date: 1879
Rate: 0.23 CUBIC FEET PER SECOND
Limit/Duty: Annual Volume Limitation of 37.6 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	29	SE NW	6700	8.8
1 N	43 E	WM	29	NE SW	6700	0.3
1 N	43 E	WM	29	NW SW	6700	0.3
Total						9.4

12. Water Right Certificate 91011 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 26.2 ACRES
Priority Date: 1881
Rate: 0.64 CUBIC FOOT PER SECOND
Limit/Duty: Annual Volume Limitation of 104.8 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of

30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.

Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	29	NW NW	6700	23.2
1 N	43 E	WM	29	NW SW	6700	3.0
Total						26.2

13. Water Right Certificate 91012 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use at the reduced rate and duty as follows:

Use: IRRIGATION of 33.6 ACRES, DOMESTIC and LIVESTOCK
Priority Date: MARCH 27, 1901
Rate: 0.83 CUBIC FOOT PER SECOND
Limit/Duty: Annual Volume Limitation of 134.4 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	20	SW SW	6700	5.8
1 N	43 E	WM	29	SW NW	6700	27.3
1 N	43 E	WM	29	NW SW	6700	0.5
Total						33.6

14. Water Right Certificate 81644 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application.

15. Full beneficial use of water for the portion of Certificate 81644 from the new point of diversion shall be made, consistent with the terms of this order, on or before October 1, 2018. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the Applicants to the Department within one year after the deadline for completion of the change and full beneficial use of water. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred at the reduced rate and duty will be issued as follows:

Use: IRRIGATION of 118.8, DOMESTIC and LIVESTOCK
Priority Date: MARCH 27, 1901
Rate: 2.92 CUBIC FOOT PER SECOND (CFS), being 1.95 CFS for the period of May 1 through July 31, and 0.97 CFS for the period of August 1 through September 30
Limit/Duty: Annual Volume Limitation of 475.2 Acre Feet. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days prior to July 31 of each year, and thereafter not to exceed 1.0 acre-foot per acre during the entire remainder of the irrigation season.
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH: 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
1 N	43 E	WM	31	SW NE	8000	40.0
1 N	43 E	WM	31	NE SE	8000	40.0
1 N	43 E	WM	31	NW SE	8000	38.8
Total						118.8

The quantity of water diverted at the new point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion at the Westside Ditch.

16. Water use measurement conditions:
- Before the use of the Applicants' portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - The water user shall maintain the meters or measuring devices in good working order.
 - The water user 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.
17. The Applicants' portion of conserved water (0.70 cfs, 124.34 AF) shall be used on the following lands until a Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-019-0090, as follows:

Use: IRRIGATION of 62.1 ACRES
Priority Date: 1882 and 1896
Rate: 0.70 CFS, being 0.68 CFS under 1882 priority, and 1896 for 0.02 CFS under 1896 priority
Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 1.0 acre-foot per acre during any period of 30 days from May 1 through July 31 of each year
Source: LOSTINE RIVER (aka SO. FORK WALLOWA RIVER), tributary to the Wallowa River

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	43 E	WM	20	SW SW	13.3
1 N	43 E	WM	20	SE SW	39.1
1 N	43 E	WM	29	NW NW	1.4
1 N	43 E	WM	29	NE NW	8.3
					62.1

18. 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 Lostine River as follows:

LOSTINE RIVER, tributary to the Wallowa River

Instream Reach No. 1:

At the Westside Ditch Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	27	NW SE	WESTSIDE DITCH: 152 FEET SOUTH AND 200 FEET EAST FROM THE CENTER OF SECTION 27

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.04	178.2	May 1 through July 31

Instream Reach No. 2:

From: Immediately below the Westside Ditch POD (described in Reach 1 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31

To: Miles-Magill Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	9	NE SE	MILES – MAGILL DITCH: (Latitude: 45.494134; Longitude: -117.4380355698)

Instream Reach No. 3:

At the Miles-Magill Ditch POD (described in Reach 2 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.84	
Total		1.09	185.48	

Instream Reach No. 4:

From: Immediately below the Miles-Magill Ditch POD (described in Reach 2 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
Total		1.09	185.26	

To: The Miles Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	9	SE NE	MILES DITCH: (Latitude: 45.494134; Longitude: -117438922)

Instream Reach No. 5:

At the Miles Ditch POD (described in Reach 4 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
53407	1882	1.82	325.32	
Total		2.91	510.58	

Instream Reach No. 6:

From: Immediately below the Miles Ditch POD (described in Reach 4 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
53407	1882	1.78	318.81	
Total		2.87	504.07	

To: The Foster/Mid-Valley POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	4	NE SW	FOSTER DITCH (aka MIDDLE VALLEY DITCH): 320 FEET SOUTH AND 625 FEET WEST OF THE CENTER OF SECTION 4; Latitude: 45.50716; Longitude: -117.45096

Instream Reach No. 7:

At Foster/Mid-Valley Ditch POD (described in Reach 6 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
53407	1882	1.78	318.81	
3192	1889	0.65	115.35	
3192	1883	0.01	2.55	
82198	1889	0.01	1.35	
	Total	3.54	623.32	

Instream Reach No. 8:

From: Immediately below the Foster/Mid-Valley Ditch POD (described in Reach 6 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
53407	1882	1.78	318.81	
3192	1889	0.64	113.04	
3192	1883	0.01	2.50	
82198	1889	0.01	1.32	
	Total	3.53	620.93	

To: The Clearwater Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	33	SW SW	CLEARWATER DITCH: 1283 FEET NORTH AND 313 FEET EAST FROM THE SW CORNER OF SECTION 33

Instream Reach No. 9:

At the Clearwater Ditch POD (described in Reach 8 above)

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	1.02	174.64	May 1 through July 31
53407	1896	0.07	10.62	
53407	1882	1.78	318.81	
3192	1889	0.64	113.04	
3192	1883	0.01	2.50	
82198	1889	0.01	1.32	
3012	1883	1.2	214.95	
79891	May 1897	0.23	40.2	
3182	1883	0.58	102.9	
	Total	5.54	978.98	

Instream Reach No. 10:

From: Immediately below the Clearwater Ditch POD (described in Reach 8 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.94	160.38	May 1 through July 31
53407	1896	0.06	9.76	
53407	1882	1.64	292.79	
3192	1889	0.59	103.82	
3192	1883	0.01	2.30	
82198	1889	0.01	1.22	
3012	1883	1.08	193.46	
79891	May 1897	0.21	36.18	
3182	1883	0.52	92.61	
	Total	5.06	892.52	

To: The Tulley-Hill Ditch POD:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	SE SW	TULLEY-HILL DITCH: 1080 FEET NORTH AND 2259 FEET EAST FROM THE SW CORNER OF SECTION 29 (Latitude: 45.533175; Longitude: -117.469878)

Instream Reach No. 11:

At the Tulley-Hill POD (described in Reach 10 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.94	160.38	May 1 through July 31
53407	1896	0.06	9.76	
53407	1882	1.64	292.79	
3192	1889	0.59	103.82	
3192	1883	0.01	2.30	
82198	1889	0.01	1.22	
3012	1883	1.08	193.46	
79891	May 1897	0.21	36.18	
3182	1883	0.52	92.61	
49087	1900	0.39	69.90	
91010	1879	0.08	14.10	
91011	1881	0.23	39.30	
91012	3/27/1901	0.29	50.40	
	Total	6.05	1066.22	

Instream Reach No. 12:

From: Immediately below the Tulley-Hill POD (described in Reach 10 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.94	160.38	May 1 through July 31
53407	1896	0.06	9.76	
53407	1882	1.64	292.79	
3192	1889	0.59	103.82	
3192	1883	0.01	2.30	
82198	1889	0.01	1.22	
3012	1883	1.08	193.46	
79891	May 1897	0.21	36.18	
3182	1883	0.52	92.61	
49087	1900	0.35	62.91	
91010	1879	0.07	12.69	
91011	1881	0.21	35.37	
91012	3/27/1901	0.26	45.36	
Total		5.95	1048.85	

To: The authorized POD for Certificate 11899:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	43 E	WM	29	NW SW	1815 FEET NORTH AND 875 FEET EAST FROM THE SW CORNER OF SECTION 29

Instream Reach No. 13:

From the authorized POD for Certificate 11899 (described in Reach 12 above):

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.94	160.38	May 1 through July 31
53407	1896	0.06	9.76	
53407	1882	1.64	292.79	
3192	1889	0.59	103.82	
3192	1883	0.01	2.30	
82198	1889	0.01	1.22	
3012	1883	1.08	193.46	
79891	May 1897	0.21	36.18	
3182	1883	0.52	92.61	
49087	1900	0.35	62.91	
91010	1879	0.07	12.69	
91011	1881	0.21	35.37	
91012	3/27/1901	0.26	45.36	
11899	7/12/1937	0.01	1.46	
Total		5.96	1050.31	

To: The mouth of the Lostine River at RM 0.0 at the Confluence with the Wallowa River (approx. RM 26), located within the NWSE of Sec. 19, T1N, R43E, W.M.

WALLOWA RIVER, tributary to Grande Ronde River

Instream Reach No. 14:

From the mouth of the Lostine River (as described in Reach 13) into the Wallowa River

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.62	106.92	May 1 through July 31
53407	1896	0.04	6.50	
53407	1882	1.09	195.19	
3192	1889	0.39	69.21	
3012	1883	0.72	128.97	
79891	May 1897	0.14	24.12	
3182	1883	0.35	61.74	
49087	1900	0.23	41.94	
91010	1879	0.05	8.46	
91011	1881	0.14	23.58	
91012	3/27/1901	0.17	30.24	
	Total	3.94	696.87	

To: The NWNW of Sec. 19, T1N, R43E, W.M. (approx. RM 26) at Latitude 45.55639, Longitude -117.48803

Instream Reach No. 15:

From: The location in the Wallowa River (approx. RM 26) in the NWNW of Sec. 19, T1N, R43E, W.M. at Latitude 45.55639, Longitude -117.48803

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.42	71.28	May 1 through July 31
53407	1896	0.03	4.34	
53407	1882	0.73	130.13	
3192	1889	0.26	46.14	
3012	1883	0.48	85.98	
79891	May 1897	0.09	16.08	
3182	1883	0.23	41.16	
49087	1900	0.16	27.96	
91010	1879	0.03	5.64	
91011	1881	0.09	15.72	
91012	3/27/1901	0.12	20.16	
	Total	2.64	464.59	

To: The location in the SESE of Sec. 11, T1N, R42E, WM (approx. RM 23.75) at Latitude 45.57406, Longitude -117.52571

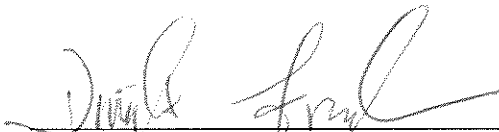
Instream Reach No. 16:

From a location in the SESE of Sec. 11, T1N, R42E, WM (at approx. RM 23.75) at Latitude 45.57406, Longitude -117.52571

Certificate	Priority	Instream Rate (CFS)	Instream Volume (AF)	Period Protected
81644	3/27/1901	0.31	53.46	May 1 through July 31
53407	1896	0.02	3.25	
53407	1882	0.55	97.60	
3192	1889	0.20	34.61	
3012	1883	0.36	64.49	
79891	May 1897	0.07	12.06	
3182	1883	0.17	30.87	
49087	1900	0.12	20.97	
91010	1879	0.02	4.23	
91011	1881	0.07	11.79	
91012	3/27/1901	0.09	15.12	
	Total	1.98	348.45	

To: The mouth of the Wallowa River (RM 0.0) at the confluence with the Grande Ronde River (approx. RM 100), located within the SWNW of Sec. 23, T3N, R40E, W.M.

Dated at Salem, Oregon this 8th day of January, 2018.



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

Mailing Date: January 8, 2018.