



Ms. Teri Hranac
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

February 21, 2018

Dear Ms. Hranac,

As an interested party to the allocation of conserved water transfer application CW-101, the Water Resources Program of the Confederated Tribes of the Umatilla Indian Reservation respectfully submits these comments.

Our comments center on two questions raised during a review of application CW-101. Specifically, these questions relate to: (1) the quantity of the conserved water claimed in the application; and (2) the water rights under which this conserved water is to be created.

1. Conserved Water Quantity

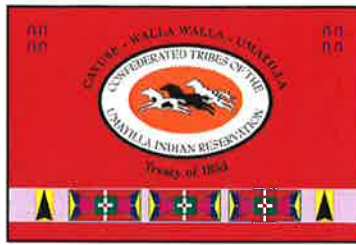
The first question is with respect to a seeming disagreement in the quantity of conserved water claimed in the Oregon Watershed Enhancement Board (OWEB) grant application submitted to fund part of this project and the amount of saved water claimed in the CW-101 application.

The OWEB grant application #216-6052, which was submitted by the Walla Walla Basin Watershed Council (WWBWC) in 2015, proposed to pipe a 0.25-mile section of White Ditch, the main irrigation canal of the Hudson Bay District Improvement Company. The grant application stated that, according to a seepage assessment completed by the WWBWC, piping this section of White Ditch will save 2.3 cfs, and that all of this water would be placed instream through the state's conserved water program.¹

In contrast, application CW-101 proposes piping 4.1 miles of White Ditch—or more than 16-times what was proposed in the OWEB grant application. However, CW-101 estimates that the savings transferred instream from the entire 4.1 miles will only be 2.08 cfs. This is less than the 2.3 cfs that the initial OWEB grant application claimed would be saved instream from piping a mere 0.25 miles.

While we recognize that seepage loss varies over different sections of a canal, our question is how piping a length of canal 16-times longer than what was originally proposed will ultimately result in less water saved instream than was claimed in the initial grant application.

¹ P. 2, White Ditch Piping and Telemetry Integration. OWEB Grant Application 216-6052, Oct. 20, 2015.



2. Water Rights

The second question is with respect to the manner in which the water saved is attributed to particular water rights in a conserved water transfer. While the largest amount of conserved water proposed under CW-101 is to be saved under Certificate 83953 (1945 priority), we note that the majority of acres irrigated under certificate 93399 (1903 priority) would appear to also receive water via White Ditch. Our question is with regard to how saved water is assigned to different water rights when a variety of rights are affected by an efficiency project.

Related to this is the question of how conserved water is assigned to different water rights given their different reliabilities and times of use. This consideration seems to have some relevance in this instance, where the junior nature of many of these rights likely means they are of limited reliability in the summer and fall, and may not be delivered at all. In such a case, it seems that no water could be conserved from a water right during the times of year the right is too junior to receive any water.

Beyond questions of reliability, the capacity of a piping system itself likely is the ultimate arbiter of actual water deliveries. While we are unfamiliar with the exact design specifications, the OWEB grant application stated that a dual-pipe delivery system would be used for this project. Given the diameters of the pipes proposed (36" and 24", respectively) and conservative pressure estimates, a rough calculation of the maximum capacity would seem to suggest that this system would be unable to deliver a great deal more than the flow rate allowable under Cert. 93399 (39.93 cfs) and a portion of Cert. 83953 (39.64 cfs). Despite this, CW-101 also proposes water savings under several other rights, including certificates 83954 (1959 priority), 83940 (1967 priority), and 87556 (1978 priority).

Given the seemingly limited capacity of the piping system proposed, and junior nature of these rights, we are left to wonder how often these junior rights could actually be delivered such that the savings occurring from the piping project would be attributable to those rights. The fairest, most accurate approach would be to attribute saved water to the rights delivered by the system proposed, and we hope to continue working together to ensure that this is indeed the case.

Thank you for your time and consideration in helping provide guidance on these questions,

Anton A. Chiono
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Confederated Tribes of the Umatilla Indian Reservation