

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

In the Matter of Allocation of Conserved     )   PRELIMINARY DETERMINATION  
Water Application CW-113,                         )   PROPOSING APPROVAL OF CONSERVED  
Hood River County                                 )   WATER CW-113

**Applicant**

Dee Irrigation District  
4835 O'Leary Road  
Hood River, OR 97031

**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 and the proposed location of use; (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.

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.

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 not subject to repayment. ORS 537.470(3).

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 and new certificates reflecting the changes for the portions of the water rights involved in the conserved water application. 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 August 19, 2019, Dee Irrigation District (DID) filed an allocation of conserved water application under Certificate 86804. The Department assigned the application number CW-113.
2. The conservation delivery system project involves converting from old leaky piping with open water boxes to new enclosed pressurized piping. The conversion to pressurized piping is a proven technology for conserving water.
3. On September 13, 2019, DID amended the application to reflect a change in the total number of acre feet to be conserved.
4. Application CW-113, as amended, proposes a rate reduction of approximately 0.5 cubic foot per second (cfs) and proposes to reduce the annual volume by approximately 100 acre-feet (AF) for the irrigation use under the right.

Conserved Water Description										
Certificate	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
86804	1.66	1/80	398.1	3.0	1.16	1/80	298.1	2.25	0.50	100.0

5. The right to be modified by CW-113 is as follows:

**Certificate:** 86804 in the name of DEE IRRIGATION DISTRICT (perfected under Permit S-43314)

**Use:** FROST PROTECTION of 102.0 ACRES, IRRIGATION of 132.7 ACRES, SPRAYING, and STOCK USE

**Priority Date:** FEBRUARY 10, 1978

**Rate:** 12.5 CUBIC FEET PER SECOND (CFS), being 12.5 CFS for Frost Protection, 1.66 CFS for Irrigation, 1.0 CFS for Spraying, and 0.05 CFS for Stock Use

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** CAMP CREEK, tributary to the WEST FORK HOOD RIVER, with any deficiency in the available supply to be made up by diversions from a No Name Creek and the West Fork of Hood River.

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	28	SW NW	NO NAME CREEK: 2050 FEET SOUTH AND 4280 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	29	SE NE	WEST FORK HOOD RIVER: 2100 FEET SOUTH AND 5190 FEET WEST FROM THE NE CORNER OF SECTION 28

**Authorized Place of Use:**

FROST PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	1	SE SE	10.0
1 N	9 E	WM	12	NE NE	10.0
1 N	9 E	WM	12	SE NE	10.0
1 N	9 E	WM	12	SE SE	36.0
1 N	9 E	WM	13	SE NW	26.0
1 N	9 E	WM	13	NE SW	10.0
Total					102.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	12	NE NE	1.0
1 N	9 E	WM	12	SE NE	7.3
1 N	9 E	WM	12	SW SW	6.0
1 N	9 E	WM	12	SE SW	4.0
1 N	9 E	WM	12	NE SE	8.9
1 N	9 E	WM	13	NE NE	11.8
1 N	9 E	WM	13	NW NE	1.9
1 N	9 E	WM	13	SE NE	10.0
1 N	9 E	WM	13	NE NW	0.6
1 N	9 E	WM	13	NW NW	13.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	9 E	WM	13	SW NW	12.3
1 N	9 E	WM	13	NE SW	1.3
1 N	9 E	WM	13	NW SW	6.2
1 N	9 E	WM	13	SW SW	5.0
1 N	9 E	WM	13	SE SW	10.0
1 N	9 E	WM	13	NE SE	0.3
1 N	9 E	WM	13	SW SE	7.0
1 N	9 E	WM	14	NE NE	10.0
1 N	9 E	WM	14	SE NE	2.4
1 N	9 E	WM	14	NE SE	1.2
1 N	9 E	WM	14	SW SE	6.0
1 N	9 E	WM	14	SE SE	1.6
1 N	10 E	WM	7	NW NW	1.0
1 N	10 E	WM	7	NW SW	0.7
1 N	10 E	WM	7	SW SW	2.0
1 N	10 E	WM	18	NW NW	1.2
Total					132.7

SPRAYING & STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	9 E	WM	1	NW NE
1 N	9 E	WM	1	SW NE
1 N	9 E	WM	1	SE NE
1 N	9 E	WM	1	SE SW
1 N	9 E	WM	1	NE SE
1 N	9 E	WM	1	NW SE
1 N	9 E	WM	1	SW SE
1 N	9 E	WM	1	SE SE
1 N	9 E	WM	12	NE NE
1 N	9 E	WM	12	NW NE
1 N	9 E	WM	12	SW NE
1 N	9 E	WM	12	SE NE
1 N	9 E	WM	12	NE NW
1 N	9 E	WM	12	SE NW
1 N	9 E	WM	12	NE SW
1 N	9 E	WM	12	NW SW
1 N	9 E	WM	12	SW SW
1 N	9 E	WM	12	SE SW
1 N	9 E	WM	12	NE SE
1 N	9 E	WM	12	NW SE
1 N	9 E	WM	12	SW SE
1 N	9 E	WM	12	SE SE
1 N	9 E	WM	13	NE NE
1 N	9 E	WM	13	NW NE
1 N	9 E	WM	13	SW NE
1 N	9 E	WM	13	SE NE
1 N	9 E	WM	13	NE NW
1 N	9 E	WM	13	NW NW
1 N	9 E	WM	13	SW NW

SPRAYING & STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	9 E	WM	13	SE NW
1 N	9 E	WM	13	NE SW
1 N	9 E	WM	13	NW SW
1 N	9 E	WM	13	SW SW
1 N	9 E	WM	13	SE SW
1 N	9 E	WM	13	NE SE
1 N	9 E	WM	13	NW SE
1 N	9 E	WM	13	SW SE
1 N	9 E	WM	14	NE NE
1 N	9 E	WM	14	SW NE
1 N	9 E	WM	14	SE NE
1 N	9 E	WM	14	NE SE
1 N	9 E	WM	14	NW SE
1 N	9 E	WM	14	SW SE
1 N	9 E	WM	14	SE SE
1 N	10 E	WM	6	SW SW
1 N	10 E	WM	7	NW NW
1 N	10 E	WM	7	SW NW
1 N	10 E	WM	7	NW SW
1 N	10 E	WM	7	SW SW
1 N	10 E	WM	18	NW NW
1 N	10 E	WM	18	SW NW
1 N	10 E	WM	18	NW SW

6. Certificate 86804 does not describe the period of use of the right. Under the terms and conditions of the Final Decree of the Circuit Court for Hood River County dated October 24, 1921, the irrigation season was fixed as beginning on the 15<sup>th</sup> day of April and ending on the 1<sup>st</sup> day of October of each year (Decree Finding No. 23). However, additional information is available from the decree 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) for 120 days.
7. 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.
8. 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.
9. The Applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
86804	100%	0.5	100.0	0	0	0	100%	0.5	100.0

10. The Applicant proposes 100% of the conserved water to be dedicated to instream use. Therefore, no conserved water should be allocated for an out-of-stream uses.
11. The Applicant requests that the priority date for any conserved water be the same as the originating right.
12. The Applicant received non-reimbursable state funds for the project. The Applicant proposes 100% of the conserved water be allocated to the state for instream purposes. ORS 537.470(3)
13. The Applicant submitted a completed Land Use Form from Hood River County which indicated the proposed use was allowed under Section 3.02 – Use Table of the Hood River County Zoning Ordinance.
14. The implementation of the conservation measures were set to begin September 1, 2019. This is after the August 19, 2019 filing date of the conserved water application.
15. The Applicant proposes that 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.
16. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 86804 from the authorized point of diversion on Camp Creek to the mouth and into West Fork Hood River to its mouth.
17. The Applicant requested the deadline for submitting the Notice of Completion of February 1, 2020. The Applicant will submit a Request for Finalization on or before November 1, 2023.
18. The application meets the requirements of OAR 690-018-0040.
19. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) to ascertain whether the proposed instream flows are necessary to support instream flow purposes. The West Fork Hood River is home to summer and winter steelhead, spring Chinook and coho, as well as other native fish species. Biologically necessary flows are currently not met much of the summer and fall, so additional instream flow during June – September will benefit these species.
20. Notice of the proposed conservation project was published in the Department's weekly notice on September 24, 2019, and in the Hood River News newspaper on September 21 and 28, 2019, 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]**

- 21. The proposed allocation of conserved water will result in a reduced diversion of the irrigation use allowed under the existing right pursuant to OAR 690-0018-0050(4)(a). (Finding of Fact #4).
- 22. On September 13, 2019, 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).
- 23. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. (Finding of Fact #13). OAR 690-018-0050(4)(c).
- 24. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing irrigation use involved in Allocation of Conserved Water Application CW-113 under Certificate 86804 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
86804	1.16	1/80	298.1	2.25

(Finding of Fact #4).

- 25. 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)
0.5 cfs	100.0 AF

(Finding of Fact #9).

- 26. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits. The biologically necessary flows are currently not met much of the summer and fall; therefore, additional instream flow during June – September will benefit summer and winter steelhead, spring Chinook and coho, as well as other native fish species. (Finding of Fact #19).
- 27. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), no quantity of conserved water is allocated to the Applicant. The Applicant proposed 100% of the conserved water to be allocated to the State for an instream water right. (Findings of Fact #9 and #12).
- 28. The new instream water right created will be protected in Camp Creek from the authorized point of diversion as described in Finding of Fact #5, into West Fork Hood River at approximately River Mile 6.0 to the mouth. An instream reach is generally from the point of diversion to the mouth of the source stream (Camp Creek), but may be protected further if measureable into the receiving stream (West Fork Hood River). The quantity of water that

may be protected from Camp Creek is not measurable as an instantaneous rate in the West Fork Hood River; however, the annual volume is measurable over the course of the instream season. OAR 690-018-0050(4)(h); OAR 690-077-0015(8).

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

Source: Camp Creek, tributary to West Fork Hood River

Priority Date	Period	Rate (cfs)	Volume (acre-feet)
February 10, 1978	June 22 through September 30	0.5	100.0

From: the authorized point of diversion for Certificate 86804:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28

To: the mouth of Camp Creek at the confluence with West Fork Hood River, and into the West Fork Hood River at approximately RM 6.0 to the mouth of West Fork Hood River.

30. 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).
31. The protection of flows within the proposed reaches are appropriate, considering:
- The instream water use begins at the recorded point of diversion;
  - The location of confluences with other streams downstream of the point of diversion.
  - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - 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).
32. The combination of instream rights for the proposed reaches on Camp Creek and the West Fork Hood River do not exceed the amount needed to provide increased public benefits, and do not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).
33. Instream water right Certificate 75619 established pursuant to ORS 537.336 (state agency process), with a priority date of December 6, 1991, exists for a portion of the stream reach where the new instream water right is proposed. Certificate 75619 provides for a stream reach from Lake Branch at approximately River Mile 5.6 to the mouth of West Fork of Hood River at River Mile 0.0, to provide the required stream flow for migration, spawning, egg incubation, fry emergency, and juvenile rearing. By replacing a portion of Certificate 75619, the instream rights will provide protection for streamflows previously identified as necessary for conservation, maintenance and enhancement of aquatic habitat, fish, wildlife, wildlife habitat and other ecological values under earlier priority dates.



Instream water right Certificate 59749 established pursuant to ORS 537.346 (minimum flow conversion) with a priority date of March 30, 1966, exists for a portion of the stream reach where the new instream water right is proposed. Certificate 59749 provides for a stream reach on the West Fork Hood River from USGS/OWRD Gage 1185 one-half mile above the mouth and maintained to the mouth of West Fork Hood River, for the purposes of supporting aquatic life.

There are no existing instream water rights on Camp Creek established pursuant to ORS 537.341 (minimum flow conversion) or ORS 537.336 (state agency process), within the proposed reaches.

34. The existing instream water right, established under ORS 537.341 (state agency application process), within the proposed reach on West Fork Hood River is sufficient to protect the monthly quantities of water necessary for migration, spawning, egg incubation, fry emergence, and juvenile rearing, but is not always met. By replacing a portion of this instream water right, any instream water right created as a result of this allocation of conserved water will provide protection of stream flows identified as necessary for migration, spawning, egg incubation, fry emergence, and juvenile rearing under earlier priority dates.
35. By adding to Certificate 59749 established pursuant to ORS 537.346 (minimum flow conversion), and other instream water rights, established pursuant to ORS 537.348 (instream transfer process and instream lease) and ORS 537.470 (allocation of conserved water process), located within the proposed reach, any new instream water right established by this allocation of conserved water 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. OAR 690-077-0015(11).
36. There are no areas within which the conserved water is proposed to be used for out-of-stream uses. (Finding of Fact #10). OAR 690-018-0050(4)(h).
37. The deadline for submitting a Notice of Completion is February 1, 2020. The deadline for submitting a Request for Finalization is November 1, 2023. (Finding of Fact #17). OAR 690-018-0050(4)(i).
38. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #22). OAR 690-018-0050(4)(j).

#### **Determination and Proposed Action**

The project described in Allocation of Conserved Water Application CW-105, 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(6), the conserved water application will be approved.*

*If Allocation of Conserved Water Application CW-113 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. Findings of Fact #4 and #24.*
2. *The proposed allocation of conserved water will not harm existing water rights. Findings of Fact #22 and #38.*
3. *The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #13 and #23.*
4. *The changes proposed in CW-113 are approved.*
5. *The proposed quantities of water conserved and allocated are as follows:*

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
86804	100%	0.5	100.0	0	0	0	100%	0.5	100.0

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 86804 and any related decree.*
7. *The deadline for filing a Notice of Completion of the conservation measures is on or before February 1, 2020. Findings of Fact #17 and #37.*

Upon filing the Notice of Completion:

8. *Water Right Certificate 86804 is cancelled. Upon finalization of the project, a superseding Certificate will be issued for the existing uses and places of use (described in Finding of Fact #5) with the reduced rate and duty for the irrigation use as follows:*

**Certificate:** 86804 in the name of DEE IRRIGATION DISTRICT (perfected under Permit S-43314)

**Use:** FROST PROTECTION of 102.0 ACRES, IRRIGATION of 132.7 ACRES, SPRAYING, AND STOCK USE

**Priority Date:** FEBRUARY 10, 1978

**Rate:** 12.5 CUBIC FEET PER SECOND (CFS), being 12.5 CFS for Frost Protection, 1.16 CFS for Irrigation, 1.0 CFS for Spraying, and 0.05 CFS for Stock Use

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH (1/80) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and an annual volume limitation of 298.1 acre-feet.

**Source:** CAMP CREEK, tributary to the WEST FORK HOOD RIVER, with any deficiency in the available supply to be made up by diversions from a No Name Creek and the West Fork of Hood River

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	28	SW NW	NO NAME CREEK: 2050 FEET SOUTH AND 4280 FEET WEST FROM THE NE CORNER OF SECTION 28
1 N	9 E	WM	29	SE NE	WEST FORK HOOD RIVER: 2100 FEET SOUTH AND 5190 FEET WEST FROM THE NE CORNER OF SECTION 28

9. *Water use measurement conditions:*

- a. *The water user shall maintain the meters or measuring devices in good working order.*
- b. *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.*

10. *All conserved water, shall be managed instream until a Request for Finalization is submitted as follows:*

**Reach 1:**

*Source: Camp Creek, tributary to West Fork Hood River*

*From the authorized point of diversion for Camp Creek under Certificate 86804:*

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28

Priority Date	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

*To the mouth of Camp Creek at its confluence of the West Fork of Hood River at approximately RM 6.0.*

**Reach 2:**

*Source: Camp Creek, tributary to West Fork Hood River*

*From the confluence of Camp Creek and the West Fork Hood River at approximately RM 6.0, in the NWNE of Section 28, Township 1 North, Range 9 East, W.M. at approximately Latitude: 45.5487398718, Longitude: -121.7003085908*

Priority Date	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

*To the mouth of the West Fork of Hood River at River Mile 0.0 at its confluence with Hood River.*

11. *The deadline for submitting a Request for Finalization is November 1, 2023.*

Upon Filing the Request for Finalization:

12. The project is complete and no modification of the allocation is necessary. The quantity of water conserved and allocated is as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
86804	100%	0.5	100.0	0	0	0	100%	0.5	100.0

13. 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 as follows:

Priority Date	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

From the authorized point of diversion for Camp Creek under Certificate 86804:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	9 E	WM	28	NW NE	CAMP CREEK: 160 FEET SOUTH AND 2180 FEET WEST FROM THE NE CORNER OF SECTION 28

To the mouth of Camp Creek at its confluence of the West Fork of Hood River at approximately RM 6.0.

**Reach 2:**

Source: Camp Creek, tributary to West Fork Hood River

From the confluence of Camp Creek and the West Fork Hood River at approximately RM 6.0, in the NWN of Section 28, Township 1 North, Range 9 East, W.M. at approximately Latitude: 45.5487398718, Longitude: -121.7003085908:

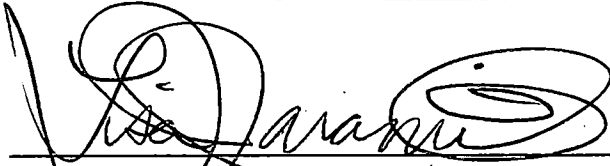
Priority Date	Instream Period	Rate (cfs)	Volume (AF)
February 10, 1978	June 22 through September 30	0.5	100.0

To the mouth of the West Fork of Hood River at River Mile 0.0 at its confluence with Hood River.

Within the specified stream reaches, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original points of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.

The instream right established by this allocation shall replace a portion of instream water rights established pursuant to ORS 537.341 and be in addition to instream water rights established pursuant to ORS 537.346, 537.348 or 537.470 unless otherwise specified in an order approving a new instream water right under these statutes.

Dated at Salem, Oregon this October 22, 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: October 23, 2019

#### 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 REGARDING SERVICEMEMBERS:** Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act 50 U.S.C. App. §§ 501-597b. You may contact the Oregon State Bar at 800-452-8260, the Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.