



# Allocation of Conserved Water Program

*BENEFITS FOR OREGON AGRICULTURE AND INSTREAM FLOWS*

## What is it?

The Allocation of Conserved Water Program (ACW) is a voluntary program that provides benefits to both water right holders and instream flows. ACW allows a water user who conserves water to use a portion of that water on additional lands, lease or sell the water, or dedicate the water to instream use.

## Why should I take advantage of the Conserved Water Program?

Without this law, the water user would not be entitled to use conserved water to meet new needs; instead, the water would return to the stream where it would be available for the next downstream appropriator. This program provides economic return on conservation investments by allowing water for use on additional lands and allowing for new uses of water. In exchange for granting the user the right to allocate a portion of the conserved water, the law dedicates a portion to instream use.

## How much water will I be able to use?

Unless water is needed to mitigate against injury, the standard allocation for the remainder of the conserved water is 75% to the applicant and 25% to the state (typically in the form of an instream water right). These percentages will change if public funding was used to complete the project. The 25% allocated to the state may go as high as 75% depending on the amount of non-repayable public funds used. The applicant may also choose to dedicate all of the conserved water, minus any water needed for mitigation, to an instream right.



### OUR MISSION

To serve the public by practicing and promoting responsible water management through two key goals:

(1) to directly address Oregon's water supply needs, and

(2) to restore and protect streamflows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life.



**BASIC CONSERVED WATER SCENARIO** In this example, a Central Oregon grower has a water right for 10 acres that authorizes up to 30 acre-feet of water during the irrigation season. By installing a more efficient system (a drip irrigation system, for example), the grower saves 10 acre-feet of water, reducing his water usage by up to 33 percent. A portion of the water saved (2.5 acre-feet) will return to the stream, directly benefiting fish habitat and water quality. The grower can use the 7.5 acre feet of conserved water to expand irrigated crop production to an additional 3.75 acres of land. An efficient irrigation system can often result in significant energy savings, and may even qualify for Energy Trust cash incentives (visit [energytrust.org](http://energytrust.org) for more information about energy savings).

### Does the priority date change?

A new water right certificate is issued with the original priority date reflecting the reduced quantity of water being used with the improved technology. A certificate is issued for the state's instream water right. The priority dates for these certificates are either the same as the original right, or one minute junior. It is up to the applicant to decide which priority date they want to establish for the conserved water. The instream right and the right for the applicant's portion of conserved water must have the same priority date.

### Who can apply?

The holder of a water right subject to transfer as defined in ORS 540.505 may submit an application. If the proposed conservation measures are within the boundaries of an Irrigation District, the person must also submit evidence that the District has approved the application. It is best to submit an application before the start of a conservation project, but the application may be submitted up to five years after the implementation of conservation measures.

### Examples of Efficiency Improvements

- Piping or lining earthen canals and ditches
  - Converting to a pressurized system
  - Metering water deliveries
- Variable frequency drive pump systems
  - Low pressure low flow spray nozzles

### Potential Agricultural Benefits

- Provides water for previously dry lands
  - Improves crop yields and quality by giving plants the correct amount of water
  - Reduces field erosion
- Cuts down on energy, labor, and other costs

### Potential Community Benefits

- Local economic opportunities and creation of jobs
- Conservation of a scarce resource for future generations
  - Improvement in water quality by reducing runoff
    - Wildlife: more water = more fish
    - Recreational benefits

### References in Statute & Rule

ORS 537.455 and OAR 690-18

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