

Application for Water Right Exchange

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

This Exchange Application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for the Transfer Section.

FOR ALL EXCHANGE APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Exchange Application Map Checklist.
- Part 3 – Completed Exchange Application – Applicant Information and Signature.
- Part 4 – Completed Exchange Application – Water Right Information.
 Please list all water rights involved in the Exchange here: **24625 and 41302.**

Attachments:

- Completed Exchange Application Map.
- Completed Evidence of Use Affidavit and supporting documentation for **each** water right involved in the Exchange.
- Fees – Amount enclosed: \$ **1,600.00.**
 See the Department’s Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete this form if the exchange applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For Exchanges involving ground water – Water Well Report(s)/Well Log(s) are included.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

? Application fee not enclosed/insufficient	? Map not included or incomplete
? Land Use Form not enclosed or incomplete	
? Additional signature(s) required	? Part _____ is incomplete
? Other/Explanation _____	
Staff: _____	Date: ____ / ____ / ____

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Your Exchange Application will be returned if any of the map requirements listed below are not met.

Please be sure that the exchange application map you submit includes all the required items and matches the existing water right map(s). Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs see: http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as pipelines, canals, ditches, and pumps.
- Existing place of use for both the water right to be exchanged and the water right(s) to supply the replacement water that includes separate hachuring for each water right, priority date, and use including number of acres per each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner for both the water right to be exchanged and the water right(s) to supply the replacement water. This information can be found in your water right certificate or permit.

NOTE: If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Oregon Department of Fish and Wildlife		PHONE NO. 503.947.6217	ADDITIONAL CONTACT NO.
ADDRESS 3406 Cherry Avenue, NE		FAX NO. 503.947.6202	
CITY Salem	STATE OR	ZIP 97303	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME William K. Otto, Oregon Department of Fish and Wildlife		PHONE NO. 971.673.6006	ADDITIONAL CONTACT NO.
ADDRESS 17330 SE Evelyn Street		FAX NO.	
CITY Clackamas	STATE OR	ZIP 97015	E-MAIL bill.k.otto@state.or.us

If an agent is listed above, please check **one** of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

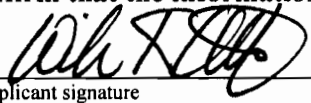
Is the applicant the sole owner of the land on which the water rights, or portion thereof, proposed for exchange are located? Yes No (see attached letter from City of Cascade Locks)

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Check the appropriate box below:

- By signing this application, I understand that, prior to Department approval of the exchange, I will be required to provide landownership information and evidence that I am authorized to pursue the exchange as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water rights proposed to be exchanged are appurtenant and have supporting documentation.

 I (we) affirm that the information contained in this application is true and accurate.


Applicant signature

William K. Otto, Hatchery Coordinator
Name (and title if applicable) (print)

8/26/10
Date

Applicant signature

Name (and title if applicable) (print)

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Check the following box that applies:

- The applicant is responsible for completion of the Exchange. Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed Exchange after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of Exchange. Copies of notices and correspondence should be sent to this landowner and the applicant.

Are the lands in this Exchange Application currently in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a "Request for Assignment" form will have to be submitted at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: http://www.wrd.state.or.us/OWRD/mgmt_transfers.shtml)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

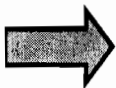
Describe any special ownership circumstances here: _____.

- Check here if any of the water rights proposed for exchange are or will be located within or served by an irrigation or other water district before or after the exchange. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME N/A	ADDRESS		
CITY	STATE	ZIP	

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME N/A	ADDRESS		
CITY	STATE	ZIP	



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME City of Cascade Locks	ADDRESS P.O. Box 574		
CITY Cascade Locks	STATE OR	ZIP 97014	

ENTITY NAME Hood River County	ADDRESS 601 State Street		
CITY Hood River	STATE OR	ZIP 97031	

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(PO-332594v1) FS

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Part 4 of 4 – Water Right Information


Please add rows, as needed, to any of the following Tables in Part 4.
See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

Purpose of the Proposed Exchange of Water:

In your own words, please describe why this exchange of water is proposed: Oregon Department of Fish and Wildlife is pursuing a water exchange for spring water from Oxbow Hatchery in exchange for well water from the City of Cascade Locks. This exchange would result in a benefit to the hatchery, the environment, and the people of the State of Oregon because the exchange as envisioned will allow better utilization of the hatchery facilities while enhancing stream flows.

The intent of the exchange is to provide a year around volume of water to the City in exchange for the same volume of water provided during the critical low flow period for the hatchery and receiving streams.

Currently, the hatchery capacity is limited by the amount of water available at the driest months of the year. The water exchange will be measured on an annual basis. The amount transferred to the hatchery per month will be determined by ODFW according to hatchery needs, with the water expected to be delivered in the months of April, May, June, July, August, September, October and November. This exchange will provide an increase in water amounts during those months, allowing for increased production and healthier fish being raised. An additional benefit would be that the well water is better protected from pathogens than the spring water that becomes surface water before it can be collected and used by the hatchery, resulting in decreased pathogen exposure, resulting in healthier fish. Additionally, the exchange will result in higher flows in Little Herman Creek downstream from the hatchery during the driest months, resulting in a net benefit to the stream.

 In order to use water from another source in exchange for supplying replacement water in an equal amount to satisfy prior appropriations from the other (originating) source, at least one of the following criteria must be met (ORS 540.533).

Check the box(es) that applies:

- The source of the applicant's appropriation under the originating water right to be exchanged is at times insufficient to fully satisfy the appropriation;
- Better conservation and use of the waters of the state can be accomplished; **OR**
- The applicant can develop water for appropriation under a permit for use of water for an instream purpose, but cannot economically convey the water to its point of use.

Originating Water Right to be Exchanged:

Table 1. Identification of the Originating Water Right to be Exchanged

Certificate No.	Permit No.	Authorized Water Source under Water Right to be Exchanged	Quantity of Water to be Exchanged
24625	S-20629	Oxbow Spring/formerly Little Herman Creek	0.5 cfs

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Description of Water Delivery System –

System capacity of the originating water right to be exchanged:

Ten (10.0) cubic feet per second (cfs) **OR** _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Spring boxes and gravity pipelines. Gravity diversion behind small dam and pipeline to hatchery.**

Table 2. Location of the Originating Point(s) of Diversion (POD) or Appropriation (POA/Well)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Middle Spring		2 N	8 E	7	NE NE		740 ft. S and 125 ft. W of the NW corner of Section 8
East Spring		2 N	8 E	8	NW NW		590 ft. S and 50 ft. E of the NW Corner of Section 8

Originating Water Right to be Exchanged: Certificate # 24625 (Permit # _____)

Will the entire originating water right be exchanged?

- Yes – Table 3 does NOT need to be completed.
 No – Complete Table 3 to describe the portion of the originating water right to be exchanged.

Table 3. Description of the Originating Water Right

Water Right to be Exchanged – Originating Water											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres (if applicable)	Type of USE listed on Water Right to be Exchanged	POD(s) or POA(s) (name or number from Table 1)
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2
..	..	..	..	..	..	..	..	..	EXAMPLE	..	..
2	N	8	E	8	NW	NW	--	--	--	Operation of salmon hatchery	East Spring
2	N	8	E	7	NE	NE	--	--	--	Operation of salmon hatchery	Middle Spring

List only the part of the right that will be exchanged. If more than one POD/POA, specify the acreage associated with each POD/POA.

Additional remarks: _____.

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Water Right(s) to Supply Replacement Water:

NOTE: In order to allow an exchange, replacement water **in an equal amount** must be supplied to satisfy prior appropriations (ORS 540.533).

Table 4. Identification of Water Right(s) to Supply Replacement Water

Certificate No.	Permit No.	Authorized Water Source to supply Replacement Water	Quantity of Replacement Water to be supplied under this water right
41302	G-4528	Well	0.5 cfs

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Description of Water Delivery System –

System capacity of the water right(s) to supply replacement water:

Replacement right: Certificate # 41302 (Permit #) - **0.5** cfs **OR** gpm

Replacement right: Certificate # (Permit #) - cfs **OR** gpm

For **each** replacement water right, separately describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Provide the description(s) here: **The well is Well #2 with a 50 horsepower in-line turbine pump. Capacity of the pump is 495 gpm. The water is piped in to the municipal system.**

Table 5. Location of the Replacement Point(s) of Diversion (POD) or Appropriation (POA/Well)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L- <u> </u>)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	MULT 002057	2 N	8 E	6	NE SE		1815 ft. N and 670 ft. W of the SE corner of Section 6

Point of Release of the Replacement Water –

Is the point of release of the replacement water **different** than the location(s) described in Table 5 above?

Yes – Complete Table 6 to describe the point of release location(s).

No – Table 6 does NOT need to be completed.

Table 6. Description of the Point of Release of the Replacement Water

POD/POA Name or Number	Water Source in which Replacement Water is Released	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	Little Herman Creek @ fish hatchery	2 N	8 E	7	NE NE	--	450 ft. S and 5 ft. W of the NE corner of Section 7

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Provide a **separate** Table 7 for **each** water right that is proposed to supply replacement water for the Exchange. Include additional rows, as needed.
 See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

Will the entire water right be used to supply replacement water?

- Yes – Table 7 does NOT need to be completed.
 No – Complete Table 7 to describe the portion of the water right that is to supply replacement water.

Table 7. Description of Water Right to Supply Replacement Water

List only the part of the water right that will supply replacement water for the Exchange. If more than one POD/POA, specify the acreage associated with each POD/POA.

Water Right to Supply Replacement Water: Certificate # _____ (Permit # _____)											
Twp	Rng		Sec		¼ ¼		Tax Lot	Gov't Lot or DLC	Acre (if applicable)	Type of USE listed on Replacement Water Right(s)	POD(s) or POA(s) to supply Replacement Water (from Table 1)
2	S	9	E	1	NW	NW	500	1	10.0	Irrigation	POD #5
2	S	9	E	2	SW	NW	500		5.0	"	POD #6

Will the Exchange of water benefit an instream reach?

- Yes – Complete Table 8 below to describe the instream reach that will be benefitted.
 No – Table 8 does NOT need to be completed.

Table 8. Description of instream reach that will be benefitted

The reach of the stream that will be benefitted is located between the following points:

	Twp	Rng		Sec		¼ ¼		Name of Stream or River	River Mile
	2	S	9	E	1	NW	NW	Big River	25.5
Upstream Point:	2	N	8	E	7	NE	NE	Little Herman Creek – approx. River Mile 0.25 @ 450 ft. S and 5 ft. W of NE corner of Sec. 7	0.25 River Mile of Little Herman Creek
Downstream Point:	2	N	8	E	6	NE	SE	Confluence of Herman Creek and Columbia River @ River Mile 151.0	151.0

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For an Exchange that Involves Ground Water Source(s):

- Well log(s) are attached for each originating and/or replacement well(s) that are clearly labeled and associated with the corresponding well(s) in Tables 2 and 5 above and on the accompanying application map.

(Tip: You may search for well logs on the Department's web page at:
http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

- Describe the construction of the originating and/or replacement well(s) in Table 8 (below) for any wells that do not have a well log.

Table 9. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Tables 2 and 5 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your Exchange Application.

Originating or Replacement POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth (feet)	Casing Diameter (inches)	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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"The Heart of the Columbia River Gorge"



City of Cascade Locks
PO Box 308 140 SW WaNaPa St.
Cascade Locks, OR 97014

(541) 374-8484 Fax: (541) 374-8752
TTY 711

June 10, 2010

Oregon Water Resources Department, OWRD
Attn: Lisa Jaramillo
725 Summer Street NE, Suite A
Salem, OR 97301

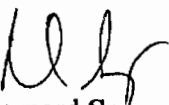
Re: Water Rights Exchange Between the City of Cascade Locks and Oregon Department of Fish and Wildlife (ODFW)

Dear Ms. Jaramillo:

The purpose of this letter is to express approval and support of the proposed water rights exchange between the City of Cascade Locks (the "City") and ODFW for .5 CFS. As noted in the Intergovernmental Agreement (IGA) between the City and ODFW signed 6-22-09, this exchange sets the conditions to greatly enhance the operations of Oxbow Hatchery located in Cascade Locks to the benefit of both fish and people, through the perpetuation of a healthy natural environment for all. If successful, this exchange would allow for the establishment of a new non-seasonal supply of pathogen free water to the hatchery. Oxbow Hatchery has been a long term mainstay of our community and we only wish it success for its future plans. This exchange is a key step along this road. In addition, the acquisition of a small amount of ODFW's spring water right would allow the City to potentially attract a new large commercial customer with a significant economic benefit to our town. For these reasons, the City sees benefits to both parties involved in this exchange.

Thank you very much for your attention. If you have any questions or comments, please don't hesitate to contact me at (541) 374-8484 or bseeger@cascade-locks.or.us.

Sincerely,


Bernard Seeger
City Administrator

cc: Dave Palais
Barbara Jacobson

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The City of Cascade Locks is an Equal Opportunity Employer & Provider