

March 24, 2011

Mr. Kody Thurgood Water Resources Department 725 Summer Street NE, Suite "A" Salem, OR 97301-1271

Dear Kody,

Enclosed please find an application for an Allocation and Use of Conserved Water for a project known as the "TSID Hurtley Lateral Piping." The Deschutes River Conservancy (DRC) is the agent for the Three Sisters Irrigation District (TSID) and the landowners on this application and is acting as the primary point of contact for comments and questions that you may have. In addition to the complete application, I have enclosed the following Exhibits for your information.

- Exhibit A: Evidence of Use Affidavits
- Exhibit B: Map of the Piping Project
- Exhibit F: TSID Conserved Water Policy
- Exhibit G: Land-Use Notification
- Exhibit I: Letters of Support (please note that ODEQ has a standing letter of support)

The DRC has submitted a funding application to the CBWTP for this project. We do not anticipate that the associated conserved water application will be processed before the end of their current fiscal year (Sept. 1). We do anticipate invoicing the CBWTP as soon as a final order is issued for the project. Please deduct the \$425 fee from our account with OWRD. If you find you have any questions about the application please feel free to contact me (until April 30th) or Aaron Maxwell at the DRC.

Thank You,

Andy Fischer'

Conservation Program Manager

Phone: 541.382.4077x13

Email: andy@deschutesriver.org



Application for Allocation and Use of Conserved Water

Please type or print in dark ink. If your application is found to be incomplete, inaccurate or does not include the required fees, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

	1, API	PLICANT INFORMATION			
Name:	Landowners of the Hurtle	y Lateral and Three Sisters Irrig	gation District		
Address:					
Phone(s):	ione(s): 541.549.8815				
*Fax: <u>541</u>	*Fax: <u>541.549.8070</u> *E-Mail address: <u>manager@tsidonline.com</u>				
*Òptional information					
	2	AGENT INFORMATION			
		thorized to represent the applicant in	all matters		
		allocation of conserved water applica			
Name:	Deschutes River Conserva				
Address:	700 NW Hill, Bend, OR 9	<u> 27701</u>			
Phone(s): 541.382.4077x11					
*Fax: 541.382.4078 *E-Mail address: aaron@deschutesriver.org					
*Optional information					
3 IRRIGATION & WATER CONTROL DISTRICTS					
3. IRRIGATION & WATER CONTROL DISTRICTS Is the project within the boundaries of an irrigation district or water control district?					
Yes No					
If yes, include Exhibit E and list the name and mailing address of the district:					
Three Sisters Irrigation District					
P.O. Box 2230					
Sisters, OR 97759					
<u>,510</u>	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>				
Did an irri	gation district organized ur	nder ORS Chapter 545 or a wate	r control district organized		
	S Chapter 553 file this allo				
\boxtimes	Yes 🔲 No				
$\overline{\text{If }}$	es, when was the District':	s OAR 690-018-0025 allocation	of conserved water policy		
		wed and re-adopted 7/6/2010	F ,		
4. CURRENT WATER RIGHT INFORMATION					
A separate page providing the information in Section 4 must be completed for each					
certificate, permit, decree, or other right involved in the proposed allocation of conserved water.					
Water Right Subject to Transfer (check and complete one of the following):					
Certi	ficated Right	74135	Squaw Creek Decree		
A J:	linetal II	Certificate Number	Permit Number or Decree Name		
	dicated, Un-certificated	N. CD			
□ Right		Name of Decree	Page Number		
i I	it for which Proof has				
been	Approved	Permit Number	Date Claim of Beneficial Use Submitted		

Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitte
Name on Permit, Certificate, or Dec County: <u>Deschutes and Jefferson</u>	ree: <u>Squaw Creek Irrigatio</u>	on District
Provide the following information at 1. Priority Date: 1895 2. Source of Water: Whychus 1. Type of Use: Irrigation,		
Does the application have a water right hole of the property o	ders applying for this alloc	·
conversely, if the water is only li	the water right is only lim mited by duty, do not list of 6 acres * 1/50 cfs/acre) 40 cfs; 1 cfs = 448.8 gpm Assigned to Right c-ft/day	ited by rate, do not list a duty, and a rate.)
B) What is the maximum amount of (If the water right is only limited only limited by duty, do not list at 1. Rate (cfs): 1.712 (for 2. Duty (acre feet): No Duty A	by rate, do not list a duty, rate.) 85.6 acres of the total 102	and conversely, if the water is
C) Describe the pre-project water de	elivery system. Include in	formation on the diversion

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.

The Three Sisters Irrigation District (TSID) delivers surface water from Whychus Creek. The Hurtley Lateral is served directly from the Cloverdale canal, which is served from their Main canal. Irrigation water delivered from the Cloverdale canal is diverted from a headgate structure into a large pond and then conveyed into the Hurtley Lateral. The Hurtley Lateral has the ability to divert the full water right associated with the 102.1 acres of irrigated land to 26 landowners. Only 85.6 acres and 21 landowners of the total acres and landowners served by the Hurtley system are part of this conserved water application, all of which have attested to the beneficial use of their water (see attached affidavits of beneficial use statements). The project will pipe the existing Hurtley Lateral conveyance system with approximately 6,450 feet of 4", 8" and 10" high density polyethelyne pipe to eliminate water losses. Individual turnouts supply a variety of pressurized irrigation applications such as sprinklers, pop-ups, hand lines and wheel lines. Please refer to the Affadavit of Water Use in Exhibit A attesting to the beneficial use of the full water right for the patrons of the TSID Hurtley Lateral.

	5. CONSERVATION MEASURES
A)	Describe the type of project, check all that apply:
	On-Farm efficiency project
	Distribution project, such as a ditch piping or lining project
	Other,
B)	Describe the proposed changes to the physical system, operations and application methods
	that will result in the conservation of water. If these proposed changes will change the point
	of diversion, see point of diversion requirement for Exhibit B. Provide sufficient detail for
	public noticing the project.
	Approximately 6,450 feet of the TSID Hurtley water conveyance system will be replaced
	th 4", 8" and 10" high density polyethelyne pipe to eliminate water losses. Water losses
<u>thr</u>	ough this irrigation system will be completely eliminated. The project is expected to yield
0.4	19 cfs of conserved water across 85.6 irrigated acres, 100% of which will be dedicated to
ins	tream use.
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C)	Place of Use*: See attached list of participating Hurtley Lateral water rights. Township Range Section Quarter/Quarter Total No. Acres
	* Not required for a distribution project that does not propose to affect the on-farm rate or duty.
	If the entire water right is being affected, just state "entire right affected."
	6. CONSERVED WATER
A)	What amount of water will be needed for the existing, authorized use after implementing
	conservation measures? (If the water right is only limited by rate, do not list a duty, and
	conversely, if the water is only limited by duty, do not list a rate.)
	1. Rate* (cfs): 1.293
	2. Duty* (acre feet):
	* If there are multiple Priority Dates on the water right, list the rate and duty by priority date.
R۱	What amount of water will be conserved as a result of the implementation of the
D)	conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system"
	above.
	1. Rate* (cfs): .419 cfs1895 priority date, 100% protected instream from April 1st
	November 1 st and any other time TSID is diverting.
	2. Duty* (acre feet):
	* If there are multiple Priority Dates on the water right, list the rate and duty by priority date.
	y and and any of priority date.
C)	What portions of the conserved water will be allocated to the state and applicant?
	1. Portion going to the state (list by percent, rate and duty):
	100 Percent .419 cfs1895 priority date, protected from April 1-November 1
	and any other time TSID is diverting Rate (cfs) N/A Duty (AF)
	2. Portion going to the applicant (list by percent, rate and duty):
	<u>0</u> Percent Rate (cfs) Duty (AF)
D)	The priority for the conserved water is requested to be:
	The same as the original right, or
	One minute junior to the original right.
	If all or part of the applicants' portion of the conserved water is to be used for an out-of-
	stream use at an identified location:
	1. Name and address of the person using the water:

	2. Description of the type of beneficial use of the water: 3. Legal description of the place of use:
F)	If all or part of the applicants' portion of the conserved water is to be leased*, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right: The applicants intend to permanently place 100% of the conserved water instream. * Water can be temporarily protected instream without filing an OAR 690-077 Instream Lease application.
A)	For new out-of-stream uses, describe the boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right would be located. This is land other than that to which this water right is appurtenant. See Exhibit B.
	For instream uses, to the extent possible, identify the stream reach(es) for which the state's portion of the conserved water should be managed under an instream water right. Be as explicit as possible, by giving river miles, or other identifying information that might be included in the instream certificate. From the Three Sisters Irrigation District diversion on Whychus Creek (approx. RM 23.5) to the mouth of Whychus Creek (RM 0) and to Lake Billy Chinook (RM 120) on the middle Deschutes River.
•	Describe the proposed benefit to instream uses. If for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values. If other, please describe:
	8. MITIGATION
	Describe any expected effects on other water rights from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved.
- :	No effects to other appropriators are expected from the proposed allocation of conserved water. The water to be conserved is lost from the system through seepage and is not available to other appropriators on Whychus Creek.
]	Describe any mitigation or other measures that are planned to avoid harm to other water rights. No harm to other water rights will occur from this project.
	9. FUNDING
Exh	ore than 25% of the conserved water is proposed to be allocated to the applicant then provide ibit C and identify what portion of project funds (expressed as a percentage) come from tral or state public sources that are not subject to repayment. N/A
	s the Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this
proj	ect? Yes No If yes, what is the OWEB project number?

10. PROJECT SCH	IEDULE	
If project is not yet complete: Proposed date construction has/will begin: Ma Proposed date construction will be completed filed: July 1, 2011 Proposed date the project will be finalized: Se	and notice of project completion will be	
If project is already complete: Date it was implemented: (Provide Extended The applicant requests: That the allocation be finalized, or Additional time be granted to prove that satisfaction before finalizing the allocation of time desired 5 years (up to five years allocated).	the project worked to the applicant's on of conserved water. Indicate the amount	
11. ACKNOWLEDGMEN Complete this if the Certified Water Right		
has been irrigated over the past five yea		
I am aware that acre(s) have not been irri abandoning that portion of the water right and n this acre(s) portion of the right be perman	nake no further claim for the water. I ask that	
12. EXHIBITS Check each of the following attachments included with this application. All attachments are required unless otherwise noted. The application will be returned if all required attachments are not included.		
Exhibit (Form) A – Evidence of Use Affidavits ☐ Provide if 1) it is an on-farm efficiency project, or 2) specific acreage is being affected by the project. Consult with Department staff regarding the evidence needed for distribution projects. At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. The form is available at http://www1.wrd.state.or.us/pdfs/Supplemental_Form_B.pdf .	Exhibit H - Ownership & Lien Information □ Provide if application involves: • on-farm efficiency project, and/or • distribution project affecting specified lands. Provide a report of ownership and lien information or a current recorded deed to the subject lands. Exhibit I - Support Letters from ODFW, DEQ and OPRD □ Letters from ODFW, DEQ, and OPRD indicating that they have been separated and	
Exhibit B – Map	indicating that they have been consulted and	
Provide if the entire water right is not part of the conservation project and/or new lands shall receive water. Consult with Department staff if there is any question regarding the need for submittal. See OAR 690-018-0040(17) and 690-018-0062(3)(a).	indicating that at least one of the agencies attests that conserved water is needed to support instream uses. See OAR 690-018-0050(4)(f). Exhibit J-Water Right Clarification &	
Exhibit C - Project Funding Description	Notification of Affected Persons	
Provide if more than 25% of water goes to applicant.	Provide if the application involves water rights for	
See OAR 690-018-0040(18). Exhibit D – Identification and Resolution of	lands under multiple ownerships and not all	
Water Right Conflicts	of the water right holders are applicants,	
Provide if construction has begun or been completed	and the project is not being submitted by a	
and if more than 25% of the project costs have been	District as a distribution project and/or which the current final proof survey maps	
expended prior to filing this application. See OAR 690-	for lands involved in the application do not	

O18-0040(19). Exhibit E — Letter of Approval from the Irrigation District ☐ Provide if project is located within boundaries of an irrigation district and the district is not the applicant. See OAR 690-018-0040(20). Exhibit F — District Conserved Water Policy ☐ Provide if applicant is an Irrigation District or Water Control District. See OAR 690-018-0040(21) & 690-018-0025. Exhibit G - Land Use Information Form ☐ See OAR 690-018-0040(22). The land use form is available at: http://www1.wrd.state.or.us/pdfs/landuseform.pdf	adequately describe the location of the place of use or the associated priority dates of the associated water rights Consult with Department staff if there is any question regarding the need for submittal. Exhibit K – Evidence that the Project was Implemented Within 5 Years. Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a). Fees: Amount enclosed: \$ 425 See OAR 690-018-0040(25) and the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees or call (503) 986-0900.
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13. SIGNATURE

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

	See attached District and Land	owner Signatures
applicant signature	name (print)	date
agent signature	Andy Fischer (DRC)	3/24/2011 date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

(SIGNATURE) TSIP Manager	_3/23/l (DATE)
(PRINT NAME)	(DATE)
(SIGNATURE)	(DATE)
(PRINT NAME)	(DATE)

Last Name	First Name(s)	Address	City	State	Zipcode Phone	Alt. Phone
Affatati	Ralph	Po Box 598	Sisters	악	- 1	541 390 5787
Carollo	Ed and Barbara	Po Box 297	Sisters	Q	97759 541 923 6322	
Conner	Brian	69278 Lake Dr	Sisters	Q.	97759 541 549 1032	
Conner	Susan	17270 Plainview Rd	Bend	Q	97701 541 312 4752	541 771 7730
Duey	Doug	1101 W Marine Dr	Astoria	Q	97103 503 791 6518	
Falco	Kristine	69320 Sisters View	Sisters	Q	97759 541 549 8826	
Gloeckner	John	17280 Emerald Valley Rd	Sisters	Q	97759 541 771 1405	
Hakes	Jerry and Sharon	69340 Hinkle Butte Dr	Sisters	Q	97759 541 549 9383	
Harris	Donna	69373 Sisters View Dr	Sisters	Q	97759 541 549 0877	***************************************
Hurtley `	David	Po Box 1511	Sisters	ð	97759 541 548 7807	
Johnson	Carl and Shelly	69372 Lake Dr	Sisters	Or	97759 503 658 3739	503 849 8551
Kelley	Mark and Sheila	479 Laurel Ave	San Anselmo	ଘ	94960	
Kennedy	Sandy	17235 Emerid Valley Rd	Sisters	Or	97759 541 549 6234	
Krohn	Phillip	935 Grace Ave	Oakland	Ca	94608 541 231 0795	
Larson	Gary and Angie	Po Box 1624	Sisters	Or	97759 541 815 1208	
Mickaelson	Kara Lin	69294 Lariat	Sisters	Or	97759 541 549 2070	
Nelson	David and Christine	2467 SW Sherwood Dr	Portland	Or	97201 541 667 3518	
Small	Peter	69270 Enewetail	Sisters	Or	97759 541 549 1432	
Swearingen	Ken and Rae	69375 Sisters View Dr	Sisters	Or	97759 541 549 1852	
emple	Barbara	69240 Enewetake Ln	Sisters	or	97759 541 549 8772	
Ward	Melissa	69333 Lake Dr/ Po Box 1998	Sisters	악	97759 541 549 8181	

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TSID

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Hurtley Lateral Piping Project Application for Allocation and Use of Conserved Water

Signature Page

All statisments made and information provided in this application is true and correct to the best of my knowledge.

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Hurtley Lateral Water User

(SIGNATURE) (DATE)

(SIGNATURE) (DATE)

(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

(SIGNATURE) Carollo 2-3-11 (DATE)

EOWARD N. CAROLO 2-3-11
(PRINT NAME) (DATE)

X Sactors & Carollo
(STGNATURE) (DATE)

Y Barbara J. Carol/o (DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water U	ser:	
	(SIGNATURE)	02/24/1/ (DATE)
	Brian Conner (PRINT NAME)	(DATE)
	(SIGNATURE)	(DATE)
	(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

(SIGNATURE)	3- /6- '/ (DATE)
Susan Conner (PRINT NAME)	(DATE)
(SIGNATURE)	(DATE)
(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

SIGNATURE)

SIGNATURE

(SIGNATURE)

(DATE)

(DATE)

(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Kristine L. Fulco (SIGNATURE)	DE Jebruary (DATE) 2011
KRISTINE L FALCO (PRINT NAME)	(DATE)
(SIGNATURE)	(DATE)
KRIST (PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:	11111	and constitution than the principle and a second of the se
	(SIGNATURE)	(DATE)
	JOHN GLOECKNER (PRINT NAME)	2-1-201((DATE)
	(SIGNATURE)	(DATE)
	(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

GNATURE) 2/7/2011 (DATE)

JETZRY W. HAKES 2/7/201 (PRINT NAME) (DATE)

Sharon I. Hakes 2-7-2011 (SIGNATURE) (DATE)

Sharon J. Hakes 2-7-2011 (PRINT NAME) (DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

	•	
Hurtley Lateral Water User:	(SIGNATURE)	(DATE)
	Donna Havris (PRINT NAME)	(DATE)
	(SIGNATURE)	(DATE)
	(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

(SIGNATURE)	3/15/2011 (DATE)
(PRINT NAME)	3/15/2011 (DATE)
Shelly R. Jhram (SIGNATURE)	ハ 3/15/2011 (DATE)
Shelly R. Johns (PRINT NAME)	an 3/5/201

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

(SIGNATURE)	2/2 4/1 (DATE)
Mark Kelley (PRINT NAME)	(DATE)
(SIGNATURE)	(DATE)
(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

SANDRA. G. KENNEDY 2/2/2011
(PRINT NAME)

(SIGNATURE)

(DATE)

(SIGNATURE)

(DATE)

(PRINT NAME)

State of Oregon County of Deschutes
Signed or attested
before me on FES. 3, 2011
by SANDRA G KELLINGER
Notary
Commission expires Oct. 171, 2013



(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:	MM MM (SIGNATURE)	2-24.1/ (DATE)
	Philip Krohn (PRINT NAME)	(DATE)
	(SIGNATURE)	(DATE)
	(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

SIGNATURE) J/10/11
(DATE)

GARY C LARSON 2/10/11
PRINT NAME) (PATE)

Angil Lawson 2/8/11 (SIGNATURE) (DATE)

PRINT NAME) Z 7 (DATE)

Signature Page

All statements made and information	provided in	n this application	is true and	correct t	o the
best of my knowledge.		• •			

Karalin Mickaelson (SIGNATURE)	(DATE) 1,2017
Kava Lin Muckaels (PRINT NAME)	ON 01-02-11 (DATE)
(SIGNATURE)	(DATE)
(PRINT NAME)	(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

(SIGNATURE) Z/ZI/II
(DATE)

DAVID NESON 2/21/11 (PRINT NAME) (DATE)

(SIGNATURE) 2/21/11 (DATE)

CHRISTINE B NOSON 2/21/1, (PRINT NAME) (DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Hurtley Lateral Water User:

(SIGNATURE)

(DATE)

(DATE)

(SIGNATURE)

(DATE)

(PRINT NAME)

(DATE)

Signature Page

All statements made and informatio best of my knowledge.	n provided in this application is true a	and correct to the
Hurtley Lateral Water User:		
	Kinneth, H. Swearing (SIGNATURE)	(DATE)
	(PRINT NAME)	(DATE)
	(SIGNATURE)	(DATE)

(PRINT NAME)

(DATE)

Signature Page

All statements made and information provided in this application is true and correct to the best of my knowledge.

Signature Page

All statements made and inform best of my knowledge.	ation provided in this application is true	and correct to the
Hurtley Lateral Water User:		
	LIELISSA C MAND (SIGNATURE)	<u>3/23/2011</u> (DATE)
	(PRINT NAME)	(DATE)
	(SIGNATURE)	(DATE)

(PRINT NAME)

(DATE)