

# Application for Water Right Instream Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

### FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Completed Instream Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Instream Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **Certificate 67706.**
- N/A Part 5 – Completed Instream Transfer Application - Proposed Instream Use Information.

**Attachments:**

- N/A Completed Instream Transfer Application Map.  
**This application qualifies for a map waiver (Attachment A).**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment B)**
- Fees – Amount enclosed: **\$ 925 (\$900 Basic Fee for Change in Character of Use + \$700 Fee for a Change in Place of Use + \$250 Rate Fee for Change in Type of Use, multiplied by 50% --Instream transfer fee waiver).**

See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0883.

Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.

- 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 when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application. **(Attachment C)**

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Land use notice not included or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part ____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Map Checklist

**Your transfer application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.**

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see [http://www1.wrd.state.or.us/pdfs/cwre\\_listing.pdf](http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf).
- OR**
- Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- 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, quarter-quarter, 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 main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in 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 diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

**Part 3 of 5 – Applicant Information and Signature**

<b>Type of Instream Transfer</b>	
<input checked="" type="checkbox"/> <b>Permanent Instream Transfer</b>	or <input type="checkbox"/> <b>Time-Limited Instream Transfer</b>

**Applicant Information**

APPLICANT/BUSINESS NAME <b>City of Sisters</b>		PHONE NO. <b>541-323-5205</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 39</b>			FAX NO. <b>541-549-0561</b>
CITY <b>Sisters</b>	STATE <b>OR</b>	ZIP <b>97759</b>	E-MAIL <b>estein@ci.sisters.or.us</b>

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

APPLICANT/BUSINESS NAME <b>GSI Water Solutions, Inc.</b>		PHONE NO. <b>541-753-0745</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1600 Western Blvd., Suite 240</b>			FAX NO. <b>541-754-4211</b>
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL <b>asussman@gsiws.com</b>

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.

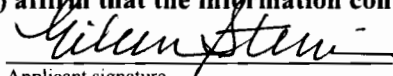
Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No  **N/A. This is a municipal water right.**

Check one box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer 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 right proposed for transfer is appurtenant and have supporting documentation.

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

  
Applicant signature

**Eileen Stein, City Manager**  
Name (and title if applicable) (print)

**9-9-11**  
Date

Applicant signature

Name (and title if applicable) (print)

Date

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In your own words tell us what change(s) you want made and the reason for the change(s): **The City of Sisters is requesting to change the character of use from municipal use to instream use and the place of use from that specified in the certificate to instream from the "new" POD to the mouth of Whychus Creek. Concurrent with this application, the City is requesting a POD change due to government action (Attachment D). This requested instream transfer is for permanent mitigation credits.**

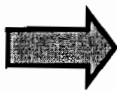
**Check the following boxes that apply:**

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	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 the proposed instream reach will be located.

ENTITY NAME <b>City of Sisters</b>	ADDRESS <b>P.O. Box 39</b>	
CITY <b>Sisters</b>	STATE <b>OR</b>	CITY <b>Sisters</b>

ENTITY NAME <b>Deschutes County, Department of Community Development</b>	ADDRESS <b>117 NW Lafayette Avenue</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	CITY <b>Bend</b>

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# Part 4 of 5 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

## CERTIFICATE # 67706

Name on Certificate: City of Sisters

Date(s) of Priority: 1885

Source(s) of Water to be Affected by the Transfer: Pole Creek, tributary of Whychus Creek (formerly Squaw Creek)

### Description of Water Delivery System

System capacity: See Below 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.

**Certificate 67706 is a municipal use water right held by a municipality. The water right is currently leased instream under IL-1079. Historically, Certificate 67706 was the primary year-round source of water for the City. Water was conveyed at the full rate from the source to the City via two transmission mains, one upgraded to 12" in the 1960s.**

### Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands?  Yes  No **N/A. This is a municipal water right.**

**Table 1. Location of Authorized Point(s) of Diversion (POD)**

POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Certificated POD on Pole Creek Ditch	N/A	15 S	10 E	19	NE NE	N/A	1540 feet South 36 degrees West from the NE corner of Section 19
New POD at the intersection of Pole Creek and Pole Creek Ditch (Based on Government Action)	N/A	15 S	9 E	35	NW SE	N/A	3825 feet South and 2170 feet West from the NE corner of Section 35

**Will the proposed instream transfer affect the entire water right?**

- Yes Then Table 2 does not need to be completed.  
 No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed

**Table 2. Description of Change to Water Right Certificate # 67706 N/A.**

**Part 5 of 5 – Proposed Instream Use Information**

**Identify the Public Use for which the instream right is requested (check at least one box):**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

**Instream use proposed to be created by the instream transfer:**

Originating Water Right Number (as identified in Part 4)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
Certificate 67706	1885	Pole Creek, Tributary of Whychus Creek (formerly Squaw Creek)	Year-round (Jan 1-Dec 31)	0.2	144.79
<b>TOTAL VOLUME</b>					<b>144.79</b>

**\*Tip:** To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

**\*\*Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: \_\_\_\_\_.

**Identify the location of the proposed instream water right.**

- Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1):  
\_\_\_\_\_.
- Water is requested to be protected within a reach:  
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **From the new POD on Pole Creek (NW1/4 SE1/4, Section 35, T 15S, R9E, W.M., 3825 feet South and 2170 feet West from the NE corner of Section 35)(Attachment D) through Pole Creek and to the mouth of Whychus Creek.**

**Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.**

- None

- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_.

**Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof:**

- No  Yes (identify other instream water rights): IL-1079 (Owner: City of Sisters).

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

- Yes OWRD maintains a record of applicable instream water rights.

- No. If no, please explain your intent below:

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

**Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?**

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
  - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; or
  - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

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