



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

Application for  
**Allocation of Conserved Water**  
 Part 1 of 4 – Minimum Requirements Checklist

**This 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 Allocation of Conserved Water Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **C-75141, C-293, C-44043.**
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ **850** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**  
 Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- N/A Completed Evidence of Use Affidavit and Supporting Documentation.
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District, this must be provided when the transfer applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (Entire project listed on the application must be complete. No partial finalization will be recognized.)

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## Part 2 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Pine Meadow Ranch Inc. (Cris Converse)</b>			PHONE NO. 775-233-1433	ADDITIONAL CONTACT NO.
ADDRESS PO BOX # 969				FAX NO.
CITY SISTERS	STATE OR	ZIP 97759	E-MAIL CAPTAINCONVERSE@GMAIL.COM	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_.

**OR**

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located?  Yes  No

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.

LANDOWNER NAME			PHONE NO.
ADDRESS			
CITY	STATE	ZIP	E-MAIL


**Representative Information** – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME DESCHUTES RIVER CONSERVANCY (ZACHARY TILLMAN)			PHONE NO. 541-382-4077 x.21	ADDITIONAL CONTACT NO.
ADDRESS 700 NW HILL STREET				FAX NO. 541-382-4078
CITY BEND	STATE OR	ZIP 97701	E-MAIL ZACH@DESCHUTESRIVER.ORG	

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

I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: \_\_\_\_\_.

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


Cris Converse - Treasurer, PMR
12-12-13  
 Applicant signature                      Print Name (and Title if applicable)                      Date

\_\_\_\_\_  
 Applicant signature                      Print Name (and Title if applicable)                      Date



December 13<sup>th</sup>, 2013

Oregon Water Resources Department  
Attn: Dwight French  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

RE: Pine Meadow Ranch Inc. Application for the Allocation of Conserved Water

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Hello Dwight,

Please find the attached application for the allocation of conserved water for Pine Meadow Ranch Inc.'s (PMR's) surface water rights on Whychus Creek. PMR holds three, primary surface water rights, which are conveyed to the ranch via gravity feed through an unlined earthen ditch. Pine Meadow Ranch, in conjunction with the Upper Deschutes Watershed Council (UDWC), proposes to relocate its POD approximately 1.25 miles downstream. The authorized places of use under the water rights will not change, however 1.0 cfs of conserved water will be generated by the elimination of PMR's ditch. The amount of conserved water was determined by OWRD, DRC and UDWC staff on three separate seepage runs that were conducted in May, June and July of 2013. One hundred percent of the 1.0 cfs of conserved water will be allocated to permanent instream use and the resulting instream water right will carry 1885 and 1886 priority dates.

Please note this application includes a scanned copy of the Affidavit of Beneficial use that was submitted with T-11686. The T-11686 is an application for permanent transfer of the POD for a portion of C-75141 and is submitted to OWRD in conjunction with this application. The original Affidavit submitted with T-11686 is intended to apply to both applications.

There are multiple ecological benefits to the project:

- The project will eliminate the need for the 5' concrete dam at the current POD. Since the dam is a fish passage barrier, its removal will reopen 13 miles of upstream habitat that was previously unreachable, both to resident and ESA listed steelhead and Chinook salmon. This is the last remaining concrete dam on Whychus Creek.
- The section of Whychus Creek between the existing and proposed POD's is braided with multiple channels. Historically, the Creek has been leveed to direct flows towards the PMR diversion structure, resulting in limited access to flood channels and degraded downstream habitat conditions. The UDWC and USFS plan to complete a comprehensive channel restoration of the entire 1.25 mile reach between the existing and proposed POD's.

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- The existing POD is unscreened. Upon completion of the project, PMR's old POD will be decommissioned and the proposed POD will be screened to protect endangered species in the Creek.
- This project will eliminate 100% of ditch losses, generating significant water savings. Through Oregon's Conserved Water Statute (ORS 537 455), the DRC, on behalf of PMR, is applying to the State for 1.0 cfs of conserved water. 100% of the conserved water will be allocated to permanent instream use.

DRC will be PMR's agent for this application. Please send all communication to Cris Converse at PMR and copy the DRC at the address and attention below. The highest priority for PMR is to complete the conserved water administrative processes prior to the beginning of the 2014 irrigation season (i.e. April, 2014). Please don't hesitate to call me as questions arise during the application process.

Sincerely,



Zachary Tillman, DRC  
700 NW Hill Street  
Bend, OR 97701

541-382-4077 x.21  
[zach@deschutesriver.org](mailto:zach@deschutesriver.org)

**In your own words tell us what conservations measures you have made or propose to make and the reason for the change(s):** The applicant proposes to relocate the POD (currently located in Section 17) approximately 1.25 miles downstream and eliminate the existing 5 foot concrete dam , diversion structure and 1.25 miles of open ditch. Since the existing dam is a fish passage barrier, its elimination will provide fish in Whychus Creek access to 13 miles of upstream habitat. Also, the Upper Deschutes Watershed Council (UDWC) and the Forest Service plan to implement a comprehensive restoration of habitat between the existing and proposed POD's, where the channel has been significantly altered to accommodate irrigation diversions. At the proposed POD, pipe will convey diverted water to the place of use for the surface water rights associated with this diversion, eliminating 100% of the ditch losses associated with the existing ditch. The Deschutes River Conservancy (DRC), on behalf of PMR, is applying for 1 cfs of conserved water resulting from the elimination of ditch losses and the subsequent allocation 100% of the conserved water to permanent instream use in Whychus Creek.

The authorized POD is located at T.15S, R.10E, Section17 in the NE/SE on tax lot 1400. It is 600 feet South and 1170 feet West from the East Quarter Corner of Section 17 (note: C-44043 erroneously describes the POD at '1170 feet East').

The proposed POD is located at T.15S, R.10E, Section 9 in the SW/SW on tax lot 1001. The location is also shown on the attached map.

Certificate 44043 includes a 2<sup>nd</sup> POD for Fish Culture located on PMR property in Section 9. This application for the Allocation of Conserved Water does not change this 2<sup>nd</sup> POD (located in Section 9). This 2<sup>nd</sup> POD is to remain as authorized for all places of use and characters of use authorized under C-44043.



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 conservation project and/or proposed instream reach will be located.

ENTITY NAME DESCHUTES COUNTY	ADDRESS 1300 NW WALL STREET, 2 <sup>ND</sup> FLOOR	
CITY BEND	STATE OR	ZIP 97701

ENTITY NAME CITY OF SISTERS	ADDRESS 09 BOX #39	
CITY SISTERS	STATE OR	ZIP 97759

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 3 of 4 – Water Right Information and Conservation Measures

Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

### WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	C-75141 <small>Certificate Number</small>	Squaw Creek Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	<small>Name of Decree</small>	<small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	<small>Permit Number</small>	<small>Special Order Volume _____, Page _____</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<small>Previous Certificate / Transfer Number</small>	<small>Date Claim of Beneficial Use Submitted</small>

County: Deschutes

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 for the Department to determine the system capacity.* The current system is a 5 foot concrete dam, which pushes water into the private earthen irrigation ditch. The gravity fed irrigation ditch is unlined and runs approximately one mile to the place of use for the water rights. Water is applied for irrigation via wheel line sprinklers.

### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(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.)*

PRE-PROJECT DESCRIPTION											
			Column A Water Right of Record				Column B System Capacity				
			Rate		Duty		Rate		Duty		
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC	
C-75141	1885	80	1.6				5.0				
<b>Totals</b>		80	1.60				5.0				

*Note: 1 miner's inch = 1/40 cfs;      1 cfs = 448.8 gpm      1 cfs = 1.983471 ac-ft/day*

### CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: Relocate POD downstream, eliminate 100% of ditch losses

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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, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Provide sufficient detail for the Department to provide notice of the project. The applicant plans to relocate the POD 1.25 miles downstream, eliminating the existing dam and ditch and its associated ditch losses. At the new POD, the applicant will pump directly from Whychus Creek. The POD and pump will meet all ODFW fish screen and bypass requirements.

There are 22 acres of 1906 priority water rights on this certificate that could not be included in this application. It is the intention of the Applicant that these 22 acres be authorized to be withdrawn from Whychus Creek at the new POD created through this Application. Due to OWRD's determination that these 22 acres could not be included in this application, they are included in a separate POD Transfer Application.

**Place of Use Involved in Conservation Measures**

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
15	S	10	E	8	NW	SE	709		40	IRR	1885
15	S	10	E	8	SW	SE	709		40	IRR	1885
<b>Total</b>									80		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, ground water registrations, or uncertificated decreed numbers: T-7750 (supplemental irrigation) & C-44043

Is the project within the boundaries of an irrigation district or water control district?  Yes  No If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (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.)

	Conserved Water Description										
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
1885	1.60				1.11				0.49		
<b>Totals</b>	1.60				1.11				0.49		

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation		
Column A	Column B	Column C
State's Portion	Applicant's Portion	Conserved Water

Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	0.49		0%	0		100%	0.49	

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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## Part 3 of 4 – Water Right Information and Conservation Measures

Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

### WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	C-75141 <small>Certificate Number</small>	Squaw Creek Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	<small>Name of Decree</small>	<small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	<small>Permit Number</small>	<small>Special Order Volume _____, Page _____</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<small>Previous Certificate / Transfer Number</small>	<small>Date Claim of Beneficial Use Submitted</small>

County: Deschutes

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 for the Department to determine the system capacity.* The current system is a 5 foot concrete dam, which pushes water into the private earthen irrigation ditch. The gravity fed irrigation ditch is unlined and runs approximately one mile to the place of use for the water rights. Water is applied for irrigation via wheel line sprinklers.

### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(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.)*

PRE-PROJECT DESCRIPTION										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
C-75141	1885	80	1.6				5.0			
C-75141	1906	22	0.44				5.0			
<b>Totals</b>		102	2.04				5.0			

*Note: 1 miner's inch = 1/40 cfs;      1 cfs = 448.8 gpm      1 cfs = 1.983471 ac-ft/day*

### CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: Relocate POD downstream, eliminate 100% of ditch losses

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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, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Provide sufficient detail for the Department to provide notice of the project. The applicant plans to relocate the POD 1.25 miles downstream, eliminating the existing dam and ditch and its associated ditch losses. At the new POD, the applicant will pump directly from Whychus Creek. The POD and pump will meet all ODFW fish screen and bypass requirements.

**Place of Use Involved in Conservation Measures**

List only the part of the right that will be affected. If the entire right is being affected, just state “entire Certificate.”

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
15	S	10	E	8	NW	SE	709		40	IRR	1885
15	S	10	E	8	SW	SE	709		40	IRR	1885
<b>Total</b>									80		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, ground water registrations, or uncertificated decreed numbers: T-7750 (supplemental irrigation) & C-44043

Is the project within the boundaries of an irrigation district or water control district?  Yes  No If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (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.)

	Conserved Water Description										
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
1885	1.60				1.11				0.49		
<b>Totals</b>	1.60				1.11				0.49		

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State’s Portion			Applicant’s Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	0.49		0%	0		100%	0.49	

\* must be at least 25%

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The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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## Part 3 of 4 – Water Right Information and Conservation Measures

Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

### WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>C-293</u> <small>Certificate Number</small>	<u>Squaw Creek Decree</u> <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ <small>Name of Decree</small>	_____ <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	_____ <small>Permit Number</small>	_____ <small>Special Order Volume _____, Page _____</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ <small>Previous Certificate / Transfer Number</small>	_____ <small>Date Claim of Beneficial Use Submitted</small>

County: Deschutes

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 for the Department to determine the system capacity.* The current system is a 5 foot concrete dam, which pushes water into the private irrigation ditch. The gravity fed irrigation ditch is unlined and runs approximately one mile to the place of use for the water rights. Water is applied for irrigation via wheel line sprinklers.

### Table 1: Pre-Project Description

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PRE-PROJECT DESCRIPTION											
			Column A Water Right of Record				Column B System Capacity				
			Rate		Duty		Rate		Duty		
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC	
C-293	1886	57	1.14				5.0				
							5.0				
<b>Totals</b>		57	1.14				5.0				

*Note: 1 miner's inch = 1/40 cfs;      1 cfs = 448.8 gpm      1 cfs = 1.983471 ac-ft/day*

### CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: Relocate POD downstream, eliminate 100% of ditch losses

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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, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Provide sufficient detail for the Department to provide notice of the project. The applicant plans to relocate the POD 1.25 miles downstream, eliminating the existing dam and ditch and its associated ditch losses. At the new POD, the applicant will pump directly from Whychus Creek. The POD and pump will meet all ODFW fish screen and bypass requirements.

**Place of Use Involved in Conservation Measures**

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
?	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
15	S	10	E	8	NE	SE	709 & 900		26	IRR	1886
15	S	10	E	8	SE	SE	709		31	IRR	1886
<b>Total</b>									57		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, ground water registrations, or uncertificated decreed numbers: \_\_\_\_\_

Is the project within the boundaries of an irrigation district or water control district?  Yes  No If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (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.)

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	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
1886	1.14				0.79				0.35		
<b>Totals</b>	1.14				0.79				0.35		

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	0.35		0%	0		100%	0.35	

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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## Part 3 of 4 – Water Right Information and Conservation Measures

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<input checked="" type="checkbox"/> Certificated Right	C-44043 <small>Certificate Number</small>	Squaw Creek Decree <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
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<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Certificate / Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

County: Deschutes

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 for the Department to determine the system capacity.* The current system is a 5 foot concrete dam, which pushes water into the private earthen irrigation ditch. The gravity fed irrigation ditch is unlined and runs approximately one mile to the place of use for the water rights. Water is applied for irrigation via wheel line sprinklers.

### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(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.)*

PRE-PROJECT DESCRIPTION											
			Column A Water Right of Record				Column B System Capacity				
			Rate		Duty		Rate		Duty		
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC	
C-44043	1886	27	0.54				5.0				
							5.0				
<b>Totals</b>		27	0.54				5.0				

*Note: 1 miner's inch = 1/40 cfs;      1 cfs = 448.8 gpm      1 cfs = 1.983471 ac-ft/day*

### CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: Relocate POD downstream, eliminate 100% of ditch losses

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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, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Provide sufficient detail for the Department to provide notice of the project. The applicant plans to relocate the POD 1.25 miles downstream, eliminating the existing dam and ditch and its associated ditch losses. At the new POD, the applicant will pump directly from Whychus Creek. The POD and pump will meet all ODFW fish screen and bypass requirements.

The applicant intends for this conserved water project to come from only the 'Irrigation' rights associated with this certificate. The 'Fish Culture' portion of this certificate will remain unchanged at 0.02 cfs and has been omitted from this application.

The 'Fish Culture' portion of this certificate utilizes a second POD located in Section 9 (see certificate). The applicant intends to maintain this second POD (located in Section 9), and this application for the Allocation of Conserved Water will not change the second POD in any way, shape or form. This 2nd POD is to remain valid for all places of use and characters of use authorized under C-44043.

**Place of Use Involved in Conservation Measures**

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
15	S	10	E	8	NE	SE	709		14	IRR	1886
15	S	10	E	8	SE	SE	709		9	IRR	1886
15	S	10	E	9	NW	SW	900		4	IRR	1886
<b>Total</b>									27		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, ground water registrations, or uncertificated decreed numbers: C-75141

Is the project within the boundaries of an irrigation district or water control district?  Yes  No. If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (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.)

Conserved Water Description											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
1886	0.54				0.38				0.16		
<b>Totals</b>	0.54				0.38				0.16		

**Table 3: Allocation of Conserved Water**



List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	0.16		0%	0		100%	0.16	

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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**Part 4 of 4 – Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation**

**MITIGATION:**

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. The water that is proposed to be conserved is currently lost to seepage and evaporation and is not available other water rights until the point of return flows at the confluence with the Deschutes River . The instream reach requested for this allocation of conserved water terminates at the point of return flows at the confluence with the Deschutes River . As such, there will be no anticipated effects from the proposed allocation of conserved water on other water rights.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. There will be no anticipated harm to other water rights.

**PROPOSED USE:**

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant.  
Intended Use \_\_\_\_\_ Boundaries: \_\_\_\_\_

For instream uses to be created:

Originating Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C-75141	1885	Whychus Creek	4/1 - 10/31	0.49	NA
C-293	1886	Whychus Creek	4/1 - 10/31	0.35	NA
C-44043	1886	Whychus Creek	4/1 - 10/31	0.16	NA
<b>TOTAL VOLUME</b>					NA

\* 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

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 maximum rate conserved and the total volume may not exceed to maximum volume or duty conserved (Table 3, Column C)

Location of the proposed instream water right.

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM \_\_\_\_\_ to downstream location at the mouth at RM \_\_\_\_\_) From the authorized upstream POD located at RM 23.7 to the mouth of Whychus Creek at RM 0.

**OR**

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)) \_\_\_\_\_

Public Use for which conserved water right should be managed under an instream right (check at least one box):

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

List any existing instream water rights at the same point or within the same requested reach(es):

- None.
- Instream Water Right Certificates: Numerous conservation projects, instream transfers and instream leases exist within the instream reach identified above. OWRD maintains a comprehensive list of these water rights.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

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

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake 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 applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
  - The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
  - The stream is listed as water quality limited by DEQ.

**PROJECT SCHEDULE:**

- N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
<i>Date: 1/1/2014</i>	<i>Date: approximately 4/1/2014</i>	<i>*Date: 6/1/2014</i>

*\* Must be within 5 years from the date of filing the Notice of Completion.*

**Note:** If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

- N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

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Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
<i>*Date:</i>	<i>**Date:</i>

*\* Must be within 5 years prior to the date of filing this application.*

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*\*\* Must be within 5 years from the date of filing this Application and Notice of Completion.*

**FUNDING**

N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

Source of Funding:  Federal: \_\_\_\_\_  State: 202,000

Total cost for project engineering \$NA

Total cost for construction \$404,000

The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absences of the project is \$\_\_\_\_\_.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$\_\_\_\_\_.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$\_\_\_\_\_.

N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 0%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? 100%

N/A The Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project. The OWEB project number is istbd.

**FEE CALCULATION**

Fee Schedule – ORS 536.050 <a href="http://www.oregon.gov/owrd/pubs/docs/forms/fee_schedule_4_2012.pdf">http://www.oregon.gov/owrd/pubs/docs/forms/fee_schedule_4_2012.pdf</a>	
\$1,000.00 - Base (1 <sup>st</sup> Water Right)	Add \$350.00 for each additional right
$\$1,000 + (2 \times \$350) = \text{Total Fee } \$1700$	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; <b>or</b>
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); <b>or</b>
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = <u>100%</u>
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = <u>75%</u>
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% <u>50</u>
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver <u>\$850*</u>
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
<b>Total Fee <u>\$1700</u> – Fee Waiver (g) <u>\$850</u> = Amount Due <u>\$850</u></b>	

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