

CW-89



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

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

- X Part 1 – Completed Minimum Requirements Checklist. ✓
- X Part 2 – Completed Applicant Information and Signature. ✓
- X 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: 13127 and 13178. ✓
- X Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation. ✓

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Attachments:

- X Fees – Amount enclosed: \$ 1,350 (From last page of application). ✓
- X 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. *{Three maps are enclosed: original place of use, shifted place of use, proposed area of use for conserved water}* ✓
- X 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. ✓
- X Completed Evidence of Use Affidavit and Supporting Documentation. ✓
- X N/A Affidavit(s) of Consent.
- X 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.
- X N/A Irrigation or Water Control District's adopted policy on allocation of conserved water.
- X 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.
- X N/A Evidence for Fee Waiver.
- X Notice of Completion.
- X N/A Request for Finalization. (Entire project listed on the application must be complete. No partial finalization will be recognized.)

In your own words tell us what conservations measures you have made or propose to make and the reason for the change(s): I want to irrigate using a water-efficient pivot, rather than hand lines. The pivot has already been constructed, but has not been used for irrigation.



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 UMATILLA COUNTY	ADDRESS 216 SE 4 TH ST	
CITY PENDLETON	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 3a 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"/> X Certificated Right	13127	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Special Order Volume _____, Page _____
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Umatilla

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 pump is set 20 feet from the river and a flexible hose, with a fish screen, is set into the river. The pump is a 25 HP centrifugal pump, with an estimated 10 feet of lift from the river to the pump. Operating PSI is 50. During the summer of 2015, water was pumped to approximately 32 hand lines, each approximately 40 feet in length, that were used to irrigate the entire place of use. The rate of the pumped water was observed by the landowner at approximately 160 gallons per minute.

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
13127	1894	6.8	0.255 cfs	0.0375	Not stated		0.36 cfs	0.0375	N/A	
13127	1907	2.0	0.075 cfs	0.0375	Not stated		0.36 cfs	0.0375	N/A	
Totals		8.8	0.330 cfs	0.0375	Not stated		0.36 cfs	0.0375	N/A	

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:

- X On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other:

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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. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project. A 10 HP centrifugal pump, set 20 feet from the river, and flexible hose with a fish screen, set into the river, will be used. Approximately 850 feet of 4" diameter PVC connects the pump with the pivot center. The pivot arm is 720 feet long, but the length of the irrigated zone will be 760 feet. Planned rate is 145 gallons per minute.*

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."

Entire Certificate

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: **Note: Certificate 13178 is for adjoining lands & is included in this application; Certificate 32595 is for adjoining lands & is not included in this application.**

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
1894 6.8 A	0.255	0.0375	N/A	N/A	0.1251	0.0184	N/A	N/A	0.1299	N/A	N/A
1907 2.0 A	0.075	0.0375	N/A	N/A	0.0368	0.0184	N/A	N/A	0.0382	N/A	N/A
Totals	0.330	0.0375	N/A	N/A	0.1619	0.0184	N/A	N/A	0.1681	N/A	N/A

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)	Maximum Duty (Volume)
25%	0.0420	N/A	75%	0.1261	N/A	100%	0.1681	N/A	N/A

* must be at least 25%

The priority for the conserved water is requested to be:

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

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Part 3b 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"/> X Certificated Right	13178	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Special Order Volume _____, Page _____
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Umatilla

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 pump is set 20 feet from the river and a flexible hose, with a fish screen, is set into the river. The pump is a 25 HP centrifugal pump, with an estimated 10 feet of lift from the river to the pump. Operating PSI is 50. During the summer of 2015, water was pumped to approximately 32 hand lines, each approximately 40 feet in length, that were used to irrigate the entire place of use. The rate of the pumped water was observed by the landowner at approximately 160 gallons per minute.

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
13178	1902	0.8	0.03 cfs	0.0375	Not stated		0.36 cfs	0.0375	N/A	
Totals		0.8	0.03 cfs	0.0375	Not stated		0.36 cfs	0.0375	N/A	

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:

- X On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other:

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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. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.* A 10 HP centrifugal pump, set 20 feet from the river, and flexible hose with a fish screen, set into the river, will be used. Approximately 850 feet of 4" diameter PVC connects the pump with the pivot center. The pivot arm is 720 feet long, but the length of the irrigated zone will be 760 feet. Planned rate is 145 gallons per minute.

Place of Use Involved in Conservation Measures *Certificate 1317B*

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

Jad 1/8/16 **Entire Certificate** *T 5 N, R 36 E 4 W Sec 26 NW 1/4 NE 1/4 0.8 Acres Irrigation 1902 priority date*

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: **Note: Certificate 13127 is for adjoining lands & is included in this application; Certificate 32595 is for adjoining lands & is not included in this application.**

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.)

Priority	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	
Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC	
1902 0.8 A	0.03	0.0375	N/A	N/A	0.01472	0.0184	N/A	N/A	0.01528	N/A	N/A
Totals	0.03	0.0375	N/A	N/A	0.01472	0.0184	N/A	N/A	0.01528	N/A	N/A

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)	Maximum Duty (Volume)
25%	0.00382	N/A	75%	0.01146	N/A	100%	0.01528	N/A	N/A

* must be at least 25%

The priority for the conserved water is requested to be:

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

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SALEM, OREGON

**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 proposed allocation of conserved water is not expected to affect other water rights. Water that is proposed to be conserved is currently wasted due to overwatering. The excess water partially evaporates, is partially held in the shallow aquifer as storage, and the rest likely returns to the river.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. None planned.

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: Irrigation. Boundaries: Point of diversion will remain the same as that in Certificate 13127. The conserved water is expected to be used within the NE ¼ of S 26, T 5N, R 36E, WM.

X 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)**
13127	1894	S Fork Walla Walla River	Year round irrigation season	0.03248	N/A
13127	1907	S Fork Walla Walla River		0.00955	N/A
13178	1902	S Fork Walla Walla River		0.00382	N/A
TOTAL VOLUME					N/A

* 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
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 _____)

OR

X Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)) SW ¼ NE ¼ S 26, T 5N, R 36E, WM; 1,014.7 feet S67° 09' 10"W from the center of S 26.

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

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

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

- None.
- Instream Water Right Certificates: Certificate 72648; Application MF 539

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
Date: Spring 2015	Date: December 31, 2015 – with this application	*Date: Shortly after the Order Approving Allocation of Conserved Water is issued

* 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.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

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

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

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FUNDING

X 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: _____

Total cost for project engineering \$ _____
Total cost for construction \$ _____

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 \$ _____.

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

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

FEE CALCULATION

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

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
(a)	Will be converted to an instream right pursuant to ORS 537.348; or
(b)	Is necessary to complete a project funded under ORS 541.375 (OWEB); or
(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:	
(d)	Enter Percentage from Table 3, Column A = _____%
(e)	Deduct 25% from percentage in (d) above = _____%
(f)	Enter the lesser of (e) above or 50% _____
(g)	Total Fee x % waived (f) = Fee Waiver \$ _____*
Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver	
Total Fee \$ _____ - Fee Waiver (g) \$ _____ = Amount Due \$ _____	

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

Allocation of Conserved Water Notice of Completion

For
 CW 89

Applicant Information

APPLICANT/BUSINESS NAME Youth Stimulus Package, LLC, Attn: Randall Harvey		PHONE NO. (509) 546-7357	ADDITIONAL CONTACT NO.
ADDRESS 3825 W COURT ST		FAX NO. (509) 543-9564	
CITY PASCO	STATE WA	ZIP 99301	E-MAIL randy@harveyquotes.com

(If submitting with an Application, complete only the Applicant name)

Pursuant to OAR 690-018-0062(1), the above applicant hereby notifies the Director that the conservation measure(s) outlined in Allocation of Conserved Water Application CW _____ are complete.

The applicant requests the Director to issue an order:

1. Canceling the water right(s) held by the applicants that is/are modified by the allocation of conserved water;
2. Allowing the continued use of water for the purposes and at the locations described in the original water right certificate(s) at the rate and duty prescribed under OAR-690-018-0050(4)(e); and
3. Allowing the use and management of the conserved water as a dedication of water instream.

The applicant will file a request for finalization on or before December 31, 2016.
(no more than 5 years).

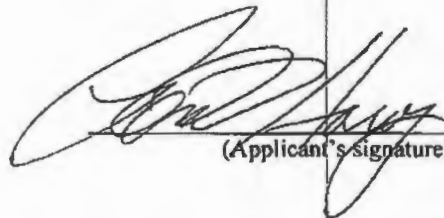
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Dated: December 31, 2015

Randy Harvey/Managing Member
 (Printed Applicant Name)


 (Applicant's signature)

 (Printed Applicant Name)

 (Applicant's signature)