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-74135**.

☒ Part 4 –Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

☒ Fees – Amount enclosed: $ **425** (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			PHONE NO.	ADDITIONAL CONTACT NO.
Three Sisters Irrigation District			541-549-8815	
ADDRESS				FAX NO.
PO Box # 2230				
CITY	STATE	ZIP	E-MAIL	
Sisters	OR	97759	MANAGER@TSIDWEB.ORG	

☒ 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: 9/1 / 2015.

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			PHONE NO.	ADDITIONAL CONTACT NO.
Deschutes River Conservancy			541-382-4077 x.21	
ADDRESS				FAX NO.
700 NW Hill St				541-382-4078
CITY	STATE	ZIP	E-MAIL	
Bend	OR	97701	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: Bend Bulletin.

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

Applicant signature — Marc Thalacker, TSID Manager (Print Name (and Title if applicable)) — 3/16/2016 (Date)

pp Applicant signature — Zachary Tillman, DRC Program Manager (Print Name (and Title if applicable)) — 3/16/2016 (Date)

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In your own words tell us what conservations measures you have made or propose to make and the reason for the change(s): This application describes Phase 7 of the TSID Main Canal Piping Program. TSID proposes to replace approximately 5,000 feet of open ditch on the Main Canal with a combination of dual 42", 36" and/or 32" buried HDPE pipelines, conserving approximately 563.55 acre-feet of water per year from seepage or evaporation (TSID Main Canal Piping Phase 7). The amount of conserved water is based on a seepage loss study completed by Black Rock Consulting on April 20th, 2012. 100% of the conserved water will be allocated to the state (i.e. instream) and will carry a single priority date of 1895. The conserved water will be permanently protected instream any time TSID is diverting water from Whychus Creek. Construction of the project is anticipated to be completed by September, 2016.

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	ADDRESS	
DESCHUTES COUNTY PLANNING DEPARTMENT	117 NW LAFAYETTE AVE	
CITY	STATE	ZIP
BEND	OR	97701

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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):

☒	Certificated Right	74135 Certificate Number	see Vol.96, Pg.545 Permit Number or Decree Name
☐	Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
☐	Permit for which Proof has been Approved	_____ Permit Number	_____ Special Order Volume ____, Page ____
☐	Transferred Right for which Proof has been Filed	_____ Previous Certificate / Transfer Number	_____ Date Claim of Beneficial Use Submitted

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 TSID Main Canal diversion structure is located south of the town of Sisters on Whychus Creek at river mile 23.5 at T.15S, R10E, Sec.21, SW/SW. Diverted water passes through a horizontal dual bay fish screen and into dual 54" buried pipelines. After approximately 3.8 miles, the water flows into Watson Reservoir at the TSID main office about 4 miles East of Sisters. From Watson Reservoir it runs through the Main Canal and Cloverdale Canal to the McKenzie Reservoir. Along the way, a series of private ditches is fed, each with their own head gates and measuring devices. From the McKenzie Reservoir, water runs down the Association and Black Butte Pipelines where it serves the needs of McKenzie Canyon and Lower Bridge members. Of the 60 miles of canals and ditches over 50 miles are piped. Over 4000 of the 8000 irrigated acres are now delivered pressurized water from the installed pipelines.

TSID's water right certificate (C-74135) has been altered since it was issued by OWRD due to an instream transfer and multiple allocations of conserved water. The starting point for C-74135 described in this application is the current water right as described in the Special Order Volume 96, Page 542-546 (the final order for the most recent allocation of conserved water, CW-79).

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	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC

Water Right #										
C-74135	1869	48	.96	.02	na	na	na	na	na	na
	1885	79.05	1.3	.02	Na	Na	Na	Na	Na	Na
	1887	150	3.0	.02	Na	Na	Na	Na	Na	Na
	1889	201.5	3.94	.02	Na	Na	Na	Na	Na	Na
	1893	39.5	0.79	.02	Na	Na	Na	Na	Na	Na
	1895	5716.75	92.04	.02	Na	Na	Na	Na	Na	Na
	1899	108.8	2.03	.02	Na	Na	Na	Na	Na	Na
	1900	54	0.75	.02	Na	Na	Na	Na	Na	Na
	1901	22.3	0.45	.02	Na	Na	Na	Na	Na	Na
	1903	344.0	6.37	.02	Na	Na	Na	Na	Na	Na
	1904	703.2	12.66	.02	Na	Na	Na	Na	Na	Na
Totals		7467.10	124.29	.02			153.02			

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: _____

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.* TSID proposes to replace approximately 5,000 feet of open ditch on the Main Canal with a combination of dual 42", 36" and 32" buried HDPE pipelines, conserving approximately 563.55 acre-feet of water from seepage or evaporation (TSID Main Canal Piping Phase 7). The amount of conserved water is based on a seepage loss study completed by Black Rock Consulting on April 20th, 2012. 100% of the conserved water will be allocated to the state (i.e. instream) and will carry a single priority date of 1895. The conserved water will be permanently protected instream any time TSID is diverting water from Whychus Creek. The project is anticipated to constructed by September, 2016.

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
Entire Certificate											
								Total			

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.)*

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
1895	92.04	.02	na	na	90.71	.02	na	na	1.33	na	na
Totals											

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	Percentage	Maximum Rate	Maximum Duty	Percentage	Maximum Rate	Maximum Duty

		(Volume)			(Volume)			(Volume)
100%	1.33	563.55	0%	0	0	100%	1.33	563.55

** 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.

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 to be conserved is currently lost from the system, primarily through seepage. The water that is lost from the system through seepage is not available to other appropriators on Whychus Creek. It eventually enters the Deschutes River or its tributaries around Lake Billy Chinook. Conservation projects that apply this conserved water to a new consumptive use have the potential to reduce stream flows entering the lower Deschutes River, potentially injuring instream water rights. This project expressly intends to produce no net change in consumptive use. As a whole, this project ensures that no harm to lower Deschutes River water rights will occur.

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.

PROPOSED USE:

☐ ☒ N/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 will be located. This is land other than that to which this water right is appurtenant. _____

☒ 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-74135	1895	Whychus Creek	4/1 - 11/1	1.33	563.55
				TOTAL VOLUME	563.55

*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 _____)* The proposed permanent instream water right will be for 1.33 cfs and 563.55 acre-feet. This quantity of water will be protected instream from the POD south of the town of Sisters on Whychus Creek at river mile 23.5 at T.15S, R10E, Sec.21, SW/SW and permanently protected instream to the confluence of Whychus Creek and then mainstem Deschutes River to Lake Billy Chinook. The season of use will be from April 1st through November 1st and any other time (such as during stock runs) that TSID is diverting water from Whychus Creek.

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: There are multiple temporary (i.e. annual) and permanent instream water rights within the requested reach. They are managed by OWRD.

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: 1/1/2016	*Date: 12/31/2016*	*12/31/2016*

** 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.*

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: 500,000 State: 250,000

☒ Total cost for project engineering $10,000
Total cost for construction $1,804,133

☒ 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 Pressurized deliveries will eliminate the need for TSID patrons to use 2-3 million kwh of electricity. Additionally, when future phases are complete, TSID will have the ability to install a 0.3 MW in line hydroelectric turbine, generating 1 million kwh annually.

☐ 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 $1,469,117.

☒ 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 $1,054,133.

☐ ☒ 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? _____%

☒ ☐ N/A The Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project. The OWEB project number is 241-4999-12291.

FEE CALCULATION

Fee Schedule – ORS 536.050 http://www.oregon.gov/owrd/pubs/docs/forms/fee_schedule_4_2012.pdf	
$850 - Base (1st Water Right)	Add $300.00 for each additional right
$850 + (____ x $300) = Total Fee $____	

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 = 100%
	(e) Deduct 25% from percentage in (d) above = 75 %
	(f) Enter the lesser of (e) above or 50% 50
	(g) Total Fee x % waived (f) = Fee Waiver $425*
	Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver
	Total Fee $850 – Fee Waiver (g) $425 = Amount Due $425

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