



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)

- 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: 65680
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- Fees – Amount enclosed: \$ _____ (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.)

Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <i>Scott Birky</i>		PHONE NO. <i>541-913-9110</i>	ADDITIONAL CONTACT NO.	
ADDRESS <i>39880 Crawfordville Dr</i>			FAX NO.	
CITY <i>Sweet Home</i>	STATE <i>OR</i>	ZIP <i>97386</i>	E-MAIL <i>sbbirky@gmail.com</i>	

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		PHONE NO.	ADDITIONAL CONTACT NO.	
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	

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: *Springfield Times*

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



[Signature]
Applicant signature

Scott Birky - owner
Print Name (and Title if applicable)

6-2-16
Date

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Applicant signature


Print Name (and Title if applicable)

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): *Converting 11.07 acres from handlines to drip irrigation for hazel nut trees*

 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 <i>Linn County Planning</i>	ADDRESS	
CITY	STATE	ZIP

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 3 of 4 – Water Right Information and Conservation Measures



WATER RIGHT INFORMATION:

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

<input checked="" type="checkbox"/> Certified Right	<u>65680</u>	<u>569312</u>
	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: Linn

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.*

15hp pump to hand lines running 40-50 sprinklers at a time

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
<u>65680</u>	<u>9-22-1987</u>	<u>11.07</u>	<u>0.14</u>	<u>1/80</u>	<u>27.68</u>	<u>2.5</u>	<u>0.35</u>	<u>1/80</u>	<u>70.3</u>	<u>2.5</u>
Totals										

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: _____

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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.* **2 hp pump to 1/2" poly tubing w/ 24" emitter spacing for .26 gph emitter**

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	1/4	1/4	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	
14	S	1	W	15	NE	NW			10.50	irr	9-22-1987
14	S	1	W	15	SE	NW			10.57	irr	9-22-1987
Total								11.07			

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	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
9-22-1987	0.14	1/80	27.68	2.5	0.05	.005	8.3	0.75	0.09	19.38	
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 (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
25 %	0.022	4.84	75 %	0.068	14.54	100%	.09	19.38

* 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. *Used on lands, separate runoff*

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

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: *T 14S RAW Sec 15+16*

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)**
<i>65680</i>	<i>9-22-1987</i>	<i>Calapooia</i>	<i>3/1 - 10/31</i>	<i>0.025</i>	<i>4.15</i>
TOTAL VOLUME					<i>4.15</i>

*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

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)) *T 14S, RAW, Sec 15, SWNW, 1420'S 90'E from NW corner of Sec. 15*

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.

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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: unknown

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: <u>5/2016</u>	Date: <u>6/2016</u>	*Date: <u>6/2021</u> <u>6/30/16 per email</u> <u>6-10-16</u>

** 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 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

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 absence 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) _____%. 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 _____.

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
$\$1,000 + (0 \times \$350) = \text{Total Fee } \$1000 \frac{0\%}{3\%}$	

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; or
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
<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 fee:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = _____ %
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = _____ %
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% _____
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver \$ _____ *
Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver	
Total Fee \$1000 3% Fee Waiver (g) \$ 0 = Amount Due \$ 1000 3%	

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

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. ***If for multiple rights, a separate form for each right will be required.***

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): David Gillingham
First Last
 Mailing Address: 39880 Crawfordsville Dr
Sweet Home OR 97386
City State Zip
 Phone: 541-248-1313
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Scott Birky
First Last
 Mailing Address: 605 Robe St
Brownsville OR 97327
City State Zip
 Phone: 541-913-9110
Home Work Other

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PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Linn Township: 14 Range: 1 west Section: 15
 Tax Lot Number(s): 14s01w1500 00400
 Street address of water right property: 39880 Crawfordsville Dr.
 Water Right Information (attach copy of water right permit or certificate & final proof map):
 Application #: 69312 Permit #: 50103 Certificate or Page #: 65680
 Will all the lands associated with this water right be owned by the buyer? Yes No
 Name of individual completing this form: Scott Birky Phone: 541-913-9110
 Signature: [Signature] Date: 7-3-14

Please be sure to attach a copy of your property deed or legal description of the property.



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 91

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Applicant Information

SALEM, OR

APPLICANT/BUSINESS NAME <u>Scott Birky</u>		PHONE NO. <u>541-913-9110</u>	ADDITIONAL CONTACT NO.	
ADDRESS <u>39880 Crawfordville Dr</u>			FAX NO.	
CITY <u>Sweet Home</u>	STATE <u>OR</u>	ZIP <u>97386</u>	E-MAIL	

(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 91 are complete.

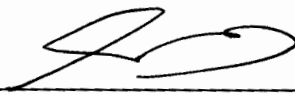
The applicant requests the Director to issue an order:

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 June 30, 2016
 (no more than 5 years).

Dated: 6-10

Scott Birky
 (Printed Applicant Name)


 (Applicant's signature)

 (Printed Applicant Name)

 (Applicant's signature)



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

Allocation of Conserved Water

Request for Finalization

For
 CW _____

Applicant Information

APPLICANT/BUSINESS NAME Scott Birky		PHONE NO. 541-913-9110	ADDITIONAL CONTACT NO.
ADDRESS 39880 Crawfordsville Dr			FAX NO.
CITY Sweet Home	STATE OR	ZIP 97386	E-MAIL sbbirky@gmail.com

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

The above applicant requests that the allocation of conserved water be finalized. The construction of the conservation measure(s) has been completed that resulted in conserved water.

List the portions of the conserved water allocated to applicant as listed in the Order Approving Allocation of Conserved Water or an Order issued pursuant to OAR 690-018-0062(2).

Applicant's Portion of Conserved Water	
Maximum Rate (CFS)	Maximum Duty (Volume)/AF
0.068	14.54

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All or part of the Applicant's portion of the conserved water is to be:

Leased (If water is to be temporarily leased instream, a separate Instream Lease Application must be submitted.); _____ CFS; _____ AF

Dedicated instream (permanent); _____ CFS; _____ AF

Temporarily reserved instream for future out-of-stream use; **.018** CFS; **1.04** AF

Used out-of-stream as described below.



N/A

Out-of-Stream Use. Describe the Applicant's portion of the conserved water to be used for an out-of-stream use at the location below.

Applicant's Conserved Water					Applicant's Conserved Water Remaining	
65680	9-22-1987	irr	.05	13.5	.018	1.04
Totals						

Describe the point of diversion that will be used to deliver water to the new place of use:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14S	1W	WM	15	SW NW	1420'S and 900' E from NW of Sec 15

Name and address of the person using the water: myself

Description of the type of beneficial use of the water: irr

Description of the place of use:

Applicant's Conserved Water Out-of-Stream Use Location										
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Priority Date
2	S	9	E	15	NE	NW	100	Example	153.0	1/1/1865
14	S	1	W	15	SE	NW			3.0	9-22-1987
14	S	1	W	15	NE	NW			15.0	9-22-1987
Totals									18.0	

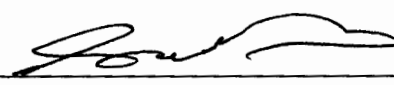
N/A A map depicting the lands identified above that meets the standards in OAR 690-310-0050 (required if out-of-stream use table completed).

The above applicant requests that the allocation of conserved water be finalized. The applicant further requests that the Director issue:

1. A superseding certificate as provided for in the order approving the allocation of conserved water;
2. A certificate for an instream water right for the state's portion of the conserved water; and
3. An order allowing:
 - a. The use of any portion of the conserved water allocated to the applicant, at the location and for the type of use identified in the tables above; and
 - b. The use and management as an instream water right of any conserved water being leased, dedicated, or temporarily reserved instream.

Dated: 6-2-2016

(Printed Applicant Name)



(Applicant's signature)

(Printed Applicant Name)

(Applicant's signature)