



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

Check

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

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.

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-81340.

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

Attachments:

- Fees – Amount enclosed: \$ 500 (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 East Fork Irrigation District			PHONE NO. 541-354-1185	ADDITIONAL CONTACT NO. 	
ADDRESS P.O. Box 162			FAX NO. 541-354-5833		
CITY ODELL	STATE OR	ZIP 97044	E-MAIL JOHNEFID@HOODRIVERELECTRIC.NET		

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: 04/15/2014.

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: Hood River News.

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



John R. Buckley
Applicant signature

John R. Buckley, District Manager
Print Name (and Title if applicable)

Sept. 12, 2016
Date

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Applicant signature

Print Name (and Title if applicable)

Date

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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 type="checkbox"/> Certificated Right	81340 <small>Certificate Number</small>	 <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: Hood River

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.*

EFID diverts water from the East Fork of the Hood River from a single point-of-diversion located approximately 2 miles SSE of Parkdale, Oregon. The point-of-diversion is located at river mile (RM) 6.4 of the East Fork Hood River and is specifically described as, NW/SW, Section 4, Township 1 South, Range 10 East, Willamette Meridian, being 3,750 feet South and 430 feet East from the NW corner of Section 4. The total water right for both EFID and Mount Hood Irrigation District (MHID), which shares the same point-of-diversion, is 132.75 cfs. This right represents the system capacity. At approximately canal mile (CM) 6.5 of the Main Canal, water is directed into the Central Lateral Pipeline and the Dukes Valley Canal. The Highline Canal receives water at the terminus of the Dukes Valley Canal.

EFID's water right certificate (C-81340) has been altered since it was issued by OWRD due to an allocation of conserved water under CW-86. The starting points for water rights here is the projected post CW-86 water right following finalization as described in Special Order Volume 96, Pages 231 – 248.

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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-81340	11/25/1895	8526.52	106.05	NA	NA	NA	132.745	NA	NA	NA

Totals	8526.52	106.05	NA	NA	NA	132.745	NA	NA	NA
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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. 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.

East Fork Irrigation District (EFID) plans to replace an open, unlined irrigation ditch (Highline Canal) with a closed pipeline, eliminating seepage along the unlined ditch, overflows, and operational spills that currently occur at the terminus of the Highline Canal. The project will install 10,000 feet of new PVC gasketed pipe during the irrigation off-season, between October 2016 and March 2017. The replacement of an open canal with a piped system will conserve 0.7 cfs of water that is currently lost to seepage, overflow and/or operational spills. Currently, this water returns to the mainstem Hood River at river mile 10.5.

EFID determined the conserved water associated with this project based on their evaluations of diversions and deliveries to the 321 acres served by the Highline Canal. EFID diverts 5.62 gpm/acre and delivers 4.49 gpm per acre. The district has established a 1.13 gpm/acre loss associated with seepage and spills, and it has determined that piping this canal will eliminate 0.98 gpm/acre of those losses.

EFID proposes to allocate 0.525 cfs, 75% of the total conserved water, to permanent instream use in the East Fork Hood River to benefit both streamflow and water quality. The increased flow will benefit East Fork Hood River populations of Chinook salmon, Coho salmon and mid-Columbia River steelhead trout, which have been listed as 'Threatened' on the Endangered Species List (ESA) since 1998. The East Fork Hood River is also listed on Oregon's Department of Environmental Quality's (DEQ's) 303(d) list for impaired water quality due to temperature, turbidity, fine sediment, pesticide contamination, low flow, habitat quantity and habitat diversity.

EFID proposes to retain 0.175 cfs, 25% of the conserved water, for future allocation. This water will be temporarily managed instream, as per statute, pending future allocation by EFID.

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Place of Use Involved in Conservation Measures

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

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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
							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
11/25/1895	106.05	NA	NA	NA	105.35	NA	NA	NA	0.7	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 (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
75%	0.525	NA	25%	0.175	NA	100%	0.7	NA

* 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.

Some portion of the water that is proposed to be conserved currently seeps into the local water table and into the regional groundwater system. The remainder is discharged from the end of the Highline Canal and into the Hood River at river mile 10.5, where it causes decreases in water quality. Hood River water users are not legally entitled (i.e. do not have water rights) to East Fork Hood River water, so there is no injury as a result of this allocation of conserved water.

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: _____.
- 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-81340	11/25/1895	East Fork Hood River	4/15 – 9/30	0.5	NA
TOTAL VOLUME					

*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)

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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 POD located at river mile 6.4 of the East Fork Hood River to the mouth of the East Fork Hood River at river mile 0, where it joins the West Fork Hood River to form the mainstem Hood River at approximately river mile 12.5, in the NWNE of Section 1, Township 1 North, Range 9 East, W.M., at latitude 45.605229, longitude 121.633196 and in the mainstem Hood River from this location (RM 12.5) to the location of Highline Canal return flows (RM 10.5).

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- 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.

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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: C-68457, C-76267, C-86005

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: October 2016	Date: June 2017	*Date: December 2018

** 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

- 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: 175,000 State: 566,299
 - Total cost for project engineering \$65,484
Total cost for construction \$708,240
 - 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: This project will reduce labor costs associated with maintaining the Highline Canal by \$10,000/year. It will also provide pressurized water to 321 acres served by the canal, reducing pumping costs for irrigators.
 - 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 \$ 741,299
 - 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 \$43,400.

- N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 25%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? Not applicable%

- 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	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
X	(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 = <u>75%</u>
	(e) Deduct 25% from percentage in (d) above = <u>50%</u>
	(f) Enter the lesser of (e) above or 50% <u>50</u>
	(g) Total Fee x % waived (f) = Fee Waiver <u>\$500*</u>
Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver	

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Total Fee <u>\$1000</u> – Fee Waiver (g) <u>\$500</u> = Amount Due <u>\$500</u>

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