



Water Solutions, Inc.

June 13, 2017

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application for water right instream transfer in the name of Tumalo Irrigation District

Dear Ms. Jaramillo:

Please find enclosed an application for instream water right transfer, which is submitted on behalf of Tumalo Irrigation District. The Applicant is requesting to permanently transfer instream a portion of water right certificate 76683 as a mitigation project for mitigation credits.

Also enclosed is the required fee of \$1,350.

If you have any questions about the enclosed materials, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
GSI Water Solutions, Inc.

Enclosures

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

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS RECEIVED BY OWRD

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

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- ✓ Part 1 – Completed Minimum Requirements Checklist.
- ✓ Part 2 – Completed Map Checklist. SALEM, OR
- ✓ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- ✓ Part 4 – Completed Applicant Information and Signature.
- ✓ Part 5 – Completed Instream Use Information.
- ✓ Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 76683 See Attachment A**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

- ✓ Completed Instream Transfer Application Map. See Attachment B
- ✓ Completed Evidence of Use Affidavit and supporting documentation. See Attachment C
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district. N/A – the applicant is the irrigation district.
- ✓ Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application. See Attachment D

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Additional signature(s) required
___ Other/Explanation _____	___ Part _____ is incomplete

Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 2 of 6 – Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/.

OR

N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.

N/A If **more than three** water rights are involved, separate maps are needed for each water right.

Permanent quality printed with dark ink on good quality paper.

The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

A north arrow, a legend, and scale.

The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.

Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

** Map scale waiver/Kelley*

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Is this a Permanent Instream Transfer or Time-Limited Instream Transfer?

Applicant Information

APPLICANT/BUSINESS NAME Tumalo Irrigation District ATTN: Ken Rieck		PHONE NO. 541-382-3053	ADDITIONAL CONTACT NO.
ADDRESS 64697 Cook Avenue			FAX NO.
CITY Bend	STATE OR	ZIP 97703	E-MAIL ken@tumalo.org
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions, Inc. ATTN: Adam Sussman		PHONE NO. 541-257-9001	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Boulevard, Suite 240			FAX NO.
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@gsiwatersolutions.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why: **Tumalo Irrigation District (TID) proposes to change the character and place of use of a 1,000 acre-foot portion of certificate 76683 from multiple purpose storage to instream use from Crescent Lake Dam to Lake Billy Chinook. TID would like this instream transfer application processed as a mitigation project under OAR 690-521-0300 in order to establish mitigation credits.**

Under this water right transfer, TID proposes to forego storage of 1,000 acre-feet of water in Crescent Lake Reservoir under Certificate 76683, and protect that water for instream use. In addition to this foregone storage, TID releases stored water for instream use as a result of Conserved Water Project 37 (CW-37), including a total of 920.08 acre-feet under Certificates 84352, 87440, 88992, 91923.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

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Check one box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5) **** (see note below): OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

I understand that prior to Department approval of the transfer, I may 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 newspaper: La Pine Weekly.

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



Ken Rieck
Applicant Signature

Ken Rieck, Manager
Print Name (and Title if applicable)

6-12-2017
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No **** (see note below)** *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

**** See Attachment E (Landownership and Right of Way/Easement Information). United States of America/US Forest Service is the landowner and TID holds a right of way/easement. TID is the sole operator of Crescent Lake Dam.**

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Check the following boxes that apply:

- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Tumalo Irrigation District	ADDRESS 64697 Cook Avenue	
CITY Bend	STATE OR	ZIP 97703

- Check here if water for any of the rights is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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 proposed instream reach will be located.

ENTITY NAME City of La Pine	ADDRESS P.O. Box 2460 16345 Sixth Street	
CITY La Pine	STATE OR	ZIP 97739

ENTITY NAME Deschutes County	ADDRESS PO Box 6005	
CITY Bend	STATE OR	ZIP 97708-6005

ENTITY NAME Jefferson County Community Development	ADDRESS 85 SE D Street	
CITY Madras	STATE OR	ZIP 97741

ENTITY NAME City of Bend Planning Department	ADDRESS 710 NW Wall Street	
CITY Bend	STATE OR	ZIP 97701

ENTITY NAME Klamath County Community Development	ADDRESS 305 Main Street, #1	
CITY Klamath Falls	STATE OR	ZIP 97601

ENTITY NAME Confederated Tribes of Warm Springs	ADDRESS 1233 Veterans Street PO Box C	
CITY Warm Springs	STATE OR	ZIP 97761

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Part 5 of 6 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

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

Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
76683	3/20/1911	The drainage area draining into Crescent Lake	November 1 through March 31	***	1,000
TOTAL VOLUME					1,000

***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

****Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

*** **The volume of 1,000 acre-feet, protected over the proposed instream period of 152 days, would be, on average, 3.317 cfs. This rate is calculated by dividing 1,000 acre feet by 152 days between November 1 and March 31.**

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: Certificate 76683 authorizes the storage of up to 35,000 acre-feet in Crescent Lake, a tributary of Crescent Creek and the Little Deschutes River for Multiple Purpose Uses.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1):
_____.
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **From the authorized POD, Crescent Dam, to Lake Billy Chinook. Certificate 76683 does not describe the location of Crescent Dam. The center of the dam is located 450 feet North and 2,380 feet East from the Southwest Corner of Section 11, Township 24S, Range 6 East, WM.**

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Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels):

- To account for channel losses, an 18 percent loss factor shall be applied between the mouth of Crescent Creek on the Little Deschutes River to Benham Falls on the Deschutes River. A 7 percent loss factor shall be applied on the Deschutes River between Benham Falls and the City of Bend. Therefore, of the 1,000 AF (average 3.317 cfs) protected under this right at Crescent Creek Gage No. 14060000, 820 AF (average 2.719 cfs) would be protectable at Benham Falls and 762.6 AF (average 2.529 cfs) would be protectable at Bend.

- The volume of water protected instream, together with the volume of water stored under water right certificate 76683 shall not exceed 35,000 acre-feet.

- The volume of water protected instream, together with the volume of water stored under water right certificate 76683 and 76637 shall not exceed 86,050 acre-feet.

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?

- No
- Yes (identify other instream water rights): **Certificates 84352, 87440, 88992, 91923 are for the same reach identified above (Crescent Dam to Lake Billy Chinook). There are numerous other instream water rights within a portion of the proposed reach.**

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

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

_____.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

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Is the requested instream flow intended to exceed the estimated average natural flow or 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 application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
 - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
 - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:
_____ Begin Year to _____ End Year
- Time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____.

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Part 6 of 6 – Water Right Information

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 76683

Name on Certificate: Tumalo Irrigation District

Date(s) of Priority: March 20, 1911

Source(s) of Water to be Affected by the Transfer: The drainage area draining into Crescent Lake

Description of Water Delivery System

System capacity: **86,050 acre-feet** (maximum fill of Crescent Lake Reservoir)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The reservoir captures inflow from Summit Creek and other drainages behind Crescent Lake Dam. The primary outflow from the dam discharges to Crescent Creek.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the “from” lands? Yes No **N/A – Certificate 76683 does not identify an authorized place of use, only a reservoir location. In addition to Certificate 76683, Certificate 76637 authorizes storage of water in Crescent Lake for multiple purpose uses.**

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Crescent Lake Dam	3/20/1911	24 S	6 E	11	SW SE	100	2560 feet West and 260 feet North from the Southeast Corner of Section 11

Will the proposed instream transfer affect the entire water right?

- Yes Then Table 2 on Page 10 does not need to be completed.
 No Then complete all of Table 2 to describe the portion of the water right to be changed.

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