



May 15, 2017

Teri Hranac  
Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301 - 1266

Dear Ms. Hranac,

I am pleased to submit an application for the Allocation of Conserved Water for Phase 9 of the Three Sisters Irrigation District Main Canal Piping Project.

Please find the following documents enclosed with this letter:

- Application for Allocation of Conserved Water
- Exhibit A: Application Map
- Exhibit B: Notice of Intent: Confederated Tribes of Warm Springs
- Exhibit C: Notice of Intent: Deschutes County Planning Department
- Exhibit D: Notice of Intent: Jefferson County Planning Department
- Exhibit E: Notice of Intent: City of Sisters Planning Department
- Exhibit F: Evidence of Use Affidavit
- Exhibit G: TSID Conserved Water Policy
- Exhibit H: TSID Board Minutes
- Exhibit I: Letter of Support: Oregon Department of Environmental Quality
- Exhibit J: Letter of Support: Oregon Parks and Recreation Department
- Exhibit K: Letter of Support: Oregon Department of Fish and Wildlife

Please deduct the \$580 application fee from the Deschutes River Conservancy account.

I look forward to working with you to process this application. Please contact me at the email or phone number listed below with any questions.

Sincerely,

Natasha Bellis  
Program Manager  
[natasha@deschutesriver.org](mailto:natasha@deschutesriver.org)  
541-382-4077 x 14

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SALEM, OREGON



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: **C-74135**.
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ **580** (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 <b>Three Sisters Irrigation District</b>			PHONE NO. 541-549-8815	ADDITIONAL CONTACT NO.
ADDRESS PO Box #2230			FAX NO.	
CITY SISTERS	STATE OR	ZIP 97759	E-MAIL 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

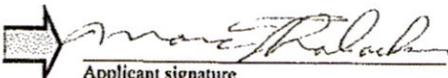
**Representative Information** – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME DESCHUTES RIVER CONSERVANCY			PHONE NO. 541-382-4077 x14	ADDITIONAL CONTACT NO.
ADDRESS 700 NW HILL STREET, SUITE 1			FAX NO.	
CITY BEND	STATE OR	ZIP 97703	E-MAIL NATASHA@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: \_\_\_\_\_.

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

  
Applicant signature

  
Applicant signature

**Marc Thalacker, TSID Manager**  
Print Name (and Title if applicable)

5/7/2018  
Date

**Natasha Bellis, DRC Program Manager**  
Print Name (and Title if applicable)

5/8/2018  
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 9, the final phase, of the Three Sisters Irrigation District (TSID) Main Canal Piping Program. TSID proposes to replace approximately 4,000 feet of open ditch on the Main Canal with a combination of dual pipes. TSID will install 42", 22" and 12" buried HDPE pipelines, conserving approximately 636.7 acre-feet of water per year from seepage and evaporation. The amount of conserved water is based on a seepage loss study completed by Black Rock Consulting on April 20th, 2012. TSID will dedicate 100% of the conserved water, carrying an 1895 priority date, to the state for instream purposes. The conserved water will be permanently protected instream any time TSID is diverting water from Whychus Creek. TSID began construction of the project in winter 2017 and expects to complete construction by August 2018.

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

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

ENTITY NAME CONF. TRIBES OF WARM SPRINGS	ADDRESS PO BOX 1299	
CITY WARM SPRINGS	STATE OR	ZIP 97761

ENTITY NAME JEFFERSON COUNTY PLANNING DEPARTMENT	ADDRESS 85 SE D STREET	
CITY MADRAS	STATE OR	ZIP 97741

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 checked="" type="checkbox"/> Certificated Right	74135 <small>Certificate Number</small>	See Vol.96, PG. 545 <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: 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 24.5 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, water runs through the Main Canal and Cloverdale Canal to the McKenzie Reservoir. Along the way, the canals feed a series of private ditches, 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 patrons. With the completion of the final phase of the main canal piping, a total of 60 miles of canals and ditches will be piped, and 7,572 irrigated acres will have pressurized water from the installed pipelines.

TSID's water right certificate (C-74135) has been altered since it was issued by OWRD to reflect an instream transfer and multiple allocations of conserved water. OWRD recently issued a final order for Phase 8 of TSID's Main Canal Piping Program (CW-99). The starting point for water rights in this application reflects the water right as described in the CW-99 final order.

**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.)*

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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-74135	1869	48.00	0.96	.02	NA	NA	NA	NA	NA	NA
	1885	27.05	0.54	.02	NA	NA	NA	NA	NA	NA
	1887	150.00	3.00	.02	NA	NA	NA	NA	NA	NA
	1889	201.50	3.94	.02	NA	NA	NA	NA	NA	NA
	1893	39.50	0.79	.02	NA	NA	NA	NA	NA	NA
	1895	5716.75	89.71	.02	NA	NA	NA	NA	NA	NA
	1899	108.80	2.03	.02	NA	NA	NA	NA	NA	NA
	1900	0.00	0.00	.02	NA	NA	NA	NA	NA	NA
	1901	22.30	0.45	.02	NA	NA	NA	NA	NA	NA
	1903	344.00	6.37	.02	NA	NA	NA	NA	NA	NA
	1904	703.20	12.66	.02	NA	NA	NA	NA	NA	NA
<b>Totals</b>		7361.10	120.45	.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: \_\_\_\_\_

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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.* TSID proposes to replace approximately 4,000 feet of open ditch on the Main Canal with a combination of dual, buried HDPE pipelines (one 42", one 22" and one 12"), conserving approximately 636.7 acre-feet (at a rate of 1.5 cfs) of water per year from seepage or evaporation. The Deschutes River Conservancy (DRC) and TSID estimated the amount of conserved water for Phase 9 using a seepage loss study completed by Black Rock Consulting on April 20th, 2012. TSID will allocate all (100%) of the water conserved from this project to the state for instream purposes, with a single priority date of 1895. OWRD will permanently protect the conserved water from this project any time TSID is diverting water from Whychus Creek. TSID began construction of Phase 9 in fall of 2017 and is expected to complete construction by the end of August 2018.

**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											
<b>Total</b>											

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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	89.71	.02	NA	NA	88.54	.02	NA	NA	1.5	NA	NA
<b>Totals</b>											

**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)
100%	1.5	636.7	%			100%	1.5	636.7

\* 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. The water conserved from this project is currently lost from the system, primarily through seepage into the porous, volcanic soil underlying the canal. 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.

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**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-74135	1895	Whychus Creek	4/1 – 11/1	1.5	636.7
<b>TOTAL VOLUME</b>					636.7

\*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 1.5 cfs and 636.7 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 24.5 at T.15S, R10E, Sec.21, SW/SW and permanently protected instream to the confluence of Whychus Creek and then into the mainstem Deschutes River to Lake Billy Chinook at river mile 120. The season of use will be from April 1st through October

31st 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.

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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: There are multiple instream leases and permanent instream water rights within all or a portion of the requested reach. They are managed and tracked 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: 11/2/2017	Date: 8/31/2018	*Date: 10/1/2018

\* 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: \$96,000  State: \$421,399

Total cost for project engineering N/A  
 Total cost for construction \$1,823,731.56

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 1-2 million kwh of electricity. With completion of this final phase of main canal piping, 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 \$0.

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 \$570,951.

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 218-4021-15467

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**FEE CALCULATION**

Fee Schedule – ORS 536.050	
\$1,160.00 - Base (1 <sup>st</sup> Water Right)	Add \$410.00 for each additional right
\$1,160 + (0x \$410) = Total Fee \$ <u>1,160</u>	

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; <b>or</b>
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); <b>or</b>
	(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>100</u> %
	(e) Deduct 25% from percentage in (d) above = <u>75</u> %
	(f) Enter the lesser of (e) above or 50% <u>50</u>
	(g) Total Fee x % waived (f) = Fee Waiver \$ <u>      </u> *

	<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>
	<b>Total Fee <u>\$1,160</u> – Fee Waiver (g) <u>\$580</u> = Amount Due <u>\$580</u></b>

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Exhibit List  
TSID Conserved Water Application  
TSID Main Canal Piping Phase 9

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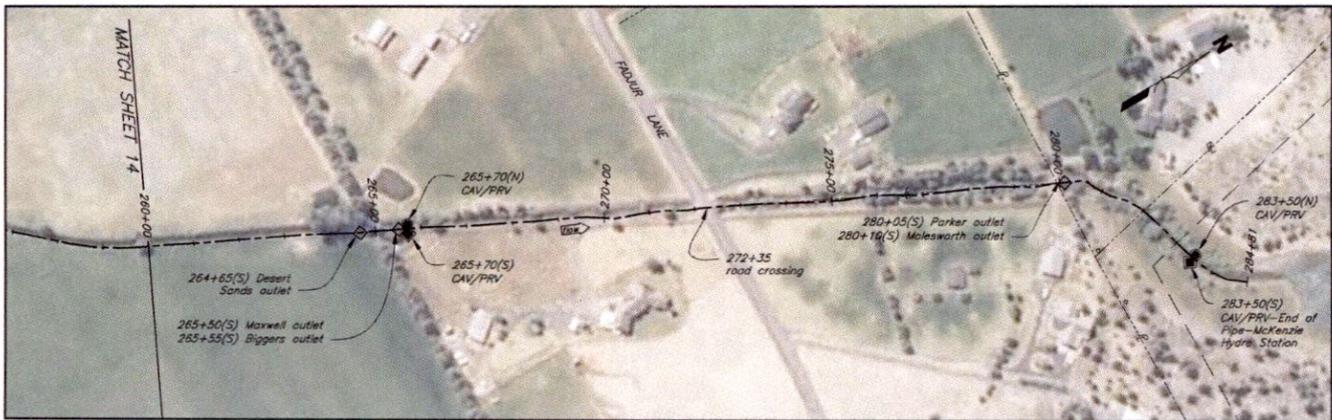
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**EXHIBIT A**

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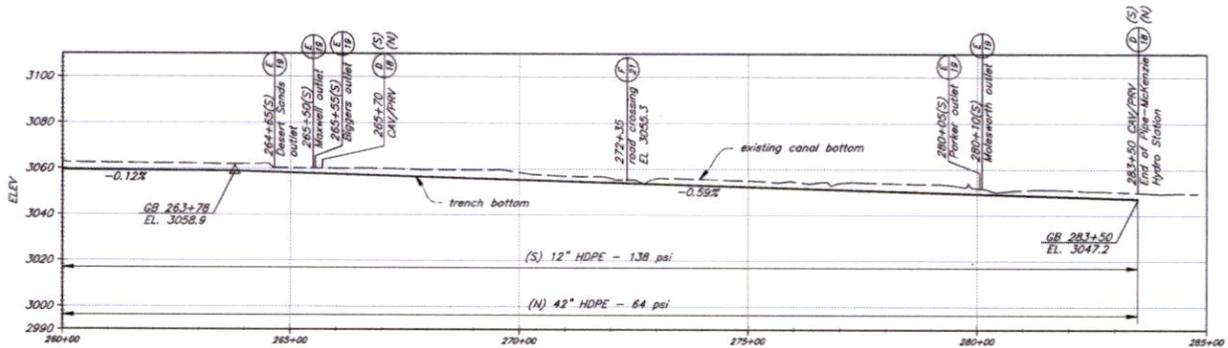
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**LEGEND**

- Air Vent/Pressure Relief Valve (North Pipeline)
- ◆ Air Vent/Pressure Relief Valve (South Pipeline)
- ◇ Outlet Structure (South Pipeline)

**PLAN VIEW**



**PROFILE ALONG CENTERLINE**

Author	_____
Checked	_____
Drawn	_____
Design	_____
Reviewed	_____
Scale	_____
<p><b>PLAN &amp; PROFILE 260+00-284+81(N&amp;S)</b>  <b>WATSON-MCKENZIE PIPELINES (TSID)</b>          PRACTICE STANDARD - 430          DESCHUTES COUNTY, OREGON</p>	
<p><b>NRCS</b>          National Resources Conservation Service          United States Department of Agriculture</p>	
File Name	_____
Date	2013.dwg
Drawing No.	_____
Sheet	15 of 21

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**EXHIBIT B**

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700 NW Hill St, Suite 1  
Bend, OR 97703

February 26, 2018

Conf. Tribes of Warm Springs  
Attn: Fish & Wildlife Committee  
PO Box 1299  
Warm Springs, OR 97761

RE: PROPOSED INSTREAM WATER TRANSFER(S) IN YOUR JURISDICTION

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We are notifying you of our intent to transfer a portion of a water right to instream use. Three Sisters Irrigation District will submit an application to the Oregon Water Resources Department changing the place of use and type of use of a portion of its Whychus Creek water right from an out-of-stream use to permanent instream use. This will create an instream water right from the Three Sisters Irrigation District's diversion structure upstream of Sisters to Lake Billy Chinook.

Three Sisters Irrigation District started piping approximately 4,000 feet of its main canal for phase 9 in 2017 and will continue through summer 2018. The project will generate 636.7 acre-feet of conserved water that will be allocated permanently instream, restoring stream flows by 1.5 cfs. If you have any questions regarding the proposed application(s), or are interested in receiving additional information, please contact me at the number or email listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Bellis", is written over a light blue horizontal line.

Natasha Bellis, Program Manager  
(541) 382 - 4077, x14 (office)  
[natasha@deschutesriver.org](mailto:natasha@deschutesriver.org)

**RECEIVED**  
MAY - 8 2018  
WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT C**

**RECEIVED**

MAY - 8 2018

WATER RESOURCES DEPT  
SALEM, OREGON



700 NW Hill St, Suite 1  
Bend, OR 97703

February 26, 2018

Deschutes County Planning Dept.  
117 NW Lafayette Ave.  
Bend, OR 97701

RE: PROPOSED INSTREAM WATER TRANSFER(S) IN YOUR JURISDICTION

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[natasha@deschutesriver.org](mailto:natasha@deschutesriver.org)

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WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT D**

**RECEIVED**

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WATER RESOURCES DEPT  
SALEM, OREGON



700 NW Hill St, Suite 1  
Bend, OR 97703

February 26, 2018

Jefferson County Planning Department  
85 SE D St  
Madras, OR 97741

RE: PROPOSED INSTREAM WATER TRANSFER(S) IN YOUR JURISDICTION

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[natasha@deschutesriver.org](mailto:natasha@deschutesriver.org)

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WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT E**

**RECEIVED**

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WATER RESOURCES DEPT  
SALEM, OREGON



700 NW Hill St, Suite 1  
Bend, OR 97703

February 26, 2018

City of Sisters Planning Dept.  
PO Box 39  
Sisters, OR 97759

RE: PROPOSED INSTREAM WATER TRANSFER(S) IN YOUR JURISDICTION

---

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(541) 382 - 4077, x14 (office)  
[natasha@deschutesriver.org](mailto:natasha@deschutesriver.org)

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**EXHIBIT F**

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WATER RESOURCES DEPT  
SALEM, OREGON

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of DESCHUTES)

I, MARC THALACKER, in my capacity as TSID MANAGER,  
 mailing address PO BOX 2230, SISTERS, OR 97759

telephone number (541)549-8815, being first duly sworn depose and say:

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 SALEM, OREGON

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 74135; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION INCLUDING CROPS, PASTURE, INDUSTRIAL STOCK WATER, POND MAINTENANCE, AND SOME ACRES LEASED INSTREAM

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

*Marc Thaler*  
Signature of Affiant

4/13/2018  
Date

Signed and sworn to (or affirmed) before me this 13<sup>th</sup> day of April, 2018.



*Patrick Chambers*  
Notary Public for Oregon

My Commission Expires: 11-16-18

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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FS  
WATER RESOURCES DEPT  
SALEM, OREGON

METER BILLING 2017

Acct	Meter	Ac ft del	Prior/1895	Junior	Additional AC FT Del	Ac Del Charge	Minimum Ac ft	Minimum Ac ft ch	TOTAL	Last
1195	ASm001	0.00	0.50	0.00	0.00	\$0.00	1.00	\$8.50	\$8.50	Mohr
1070	ASm002	46.28	49.57	0.00	0.00	\$393.38	99.14	\$842.69	\$842.69	Smith
1022	ASm003	205.94	65.18	0.00	75.58	\$1,750.49	130.36	\$1,108.06	\$1,750.49	Vejrostek
1059	ASm004	193.67	24.50	0.00	144.67	\$1,646.20	49.00	\$416.50	\$1,646.20	Way
1129	ASm005	16.20	7.50	0.00	1.20	\$137.70	15.00	\$127.50	\$137.70	Dykes
1124	AS09	0.00	1.60	0.00	0.00	\$0.00	3.20	\$27.20	\$27.20	Barber
1097	AS02	536.57	182.50	16.50	155.07	\$4,560.85	381.50	\$3,242.75	\$4,560.85	Thalacker
1097	BBm001	56.00	28.00	0.00	0.00	\$476.00	56.00	\$476.00	\$476.00	McKenzie Canyon
1045	BBm002	6.37	0.00	6.80	0.00	\$54.15	6.80	\$57.80	\$57.80	St. Clair
1041	BBm003	24.01	0.00	7.50	16.51	\$204.09	7.50	\$63.75	\$204.09	Brandon
1036	BBm004	19.15	4.20	0.00	10.75	\$162.78	8.40	\$71.40	\$162.78	Kelley
1012	BBm005	27.06	5.00	5.20	11.86	\$230.01	15.20	\$129.20	\$330.82	Burdick
1091	BBm006	21.91	16.70	0.00	0.00	\$186.24	33.40	\$283.90	\$283.90	Gibbs
1072	BBm007	0.00	1.80	0.00	0.00	\$0.00	3.60	\$30.60	\$30.60	Shirazi
1102	BBm008	0.00	5.80	0.00	0.00	\$0.00	11.60	\$98.60	\$98.60	Green
1168	BBm008	94.54	19.80	0.00	54.94	\$803.59	39.60	\$336.60	\$803.59	Taylor
1027	BBm010	41.58	15.00	0.00	11.58	\$353.43	30.00	\$255.00	\$353.43	Foster
1188	BBm011	37.49	8.00	0.00	21.49	\$318.67	16.00	\$136.00	\$318.67	Ludi
1185	BBm012	62.88	14.50	0.00	33.88	\$534.48	29.00	\$246.50	\$534.48	DiPaolo
1194	BBm013	68.98	23.00	0.50	22.48	\$586.33	46.50	\$395.25	\$586.33	Tisher
1073	BBm014	334.19	65.00	19.50	184.69	\$2,840.62	149.50	\$1,270.75	\$2,840.62	Parks
1060	BBm015	396.53	204.00	0.00	0.00	\$3,370.51	408.00	\$3,468.00	\$3,468.00	Netter
1189	BBm017	16.27	5.00	0.00	6.27	\$138.30	10.00	\$85.00	\$138.30	Kibak
1203		11.95	0.00	4.60	7.35	\$101.58	4.60	\$39.10	\$101.58	Sheperd
1044	BBm018	64.29	27.00	0.00	10.29	\$546.47	54.00	\$459.00	\$546.47	Lawrence
1093	BBm019	1076.90	124.00	11.50	817.40	\$9,153.65	259.50	\$2,205.75	\$9,153.65	Wilson
1003	BBm020	480.59	117.00	17.00	229.59	\$4,085.02	251.00	\$2,133.50	\$4,085.02	Dutson
1108	BBm021	947.32	229.50	12.50	475.82	\$8,052.22	471.50	\$4,007.75	\$8,052.22	Long Hollow
1006		186.00	41.50	6.00	97.00	\$1,581.00	89.00	\$756.50	\$1,581.00	Frost
1056	BBm022	111.60	28.50	0.00	54.60	\$948.60	57.00	\$484.50	\$948.60	Kronsberg
1056	BBm022	116.36		0.00	116.36	\$989.06	0.00	\$0.00	\$989.06	Kronsberg
1039	BBm023	206.57	69.00	5.00	63.57	\$1,755.85	143.00	\$1,215.50	\$1,755.85	Kidson 1
										Kidson 2
1053	BBm025	866.88	99.00	93.00	575.88	\$7,368.48	291.00	\$2,473.50	\$7,368.48	Mulkey
1016	BBm026	1187.50	84.50	211.50	807.00	\$10,093.75	380.50	\$3,234.25	\$10,093.75	Cooper 1
1016	BBm027							\$0.00	\$0.00	Cooper 2

WATER RESOURCES DEPT  
SALEM, OREGON

MAY - 8 2018

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METER BILLING 2017

Acct	Meter	Ac ft del	Prior/1895	Junior	Additional	Ac Del	Minimum	Minimum	TOTAL	Last
1005	CDm001	16.00	11.60	0.00	0.00	\$136.00	23.20	\$197.20	\$197.20	Mansker
1137	CDm002	23.00	17.40	0.00	0.00	\$195.50	34.80	\$295.80	\$295.80	Miller
1138	CDm003	2.00	7.10	0.00	0.00	\$17.00	14.20	\$120.70	\$120.70	Cornick
1076	CDm004	0.00	10.70	0.00	0.00	\$0.00	21.40	\$181.90	\$181.90	Stengel
1020	CDm005	42.50	15.30	0.00	11.90	\$361.25	30.60	\$260.10	\$361.25	Evered
1050	CDm006	169.47	40.00	0.00	89.47	\$1,440.50	80.00	\$680.00	\$1,440.50	Christensen
1147	HSSm02	47.23	8.50	0.00	30.23	\$401.46	17.00	\$144.50	\$401.46	Affatati
1148	HSSm03	36.55	8.00	0.00	20.55	\$310.68	16.00	\$136.00	\$310.68	Barker
1181	HSSm04	34.43	8.50	0.00	17.43	\$292.66	17.00	\$144.50	\$292.66	Sitz
1146	HSSm05	40.24	8.50	0.00	23.24	\$342.04	17.00	\$144.50	\$342.04	Durham
1206	11-04015-04	2.55	3.00	0.00	0.00	\$21.68	6.00	\$51.00	\$51.00	Wentzel
1024	11-04016-04	11.72	3.40	0.00	4.92	\$99.62	6.80	\$57.80	\$99.62	Hamlin
1083	11-04017-04	5.30	4.10	0.00	0.00	\$45.05	8.20	\$69.70	\$69.70	CHurtley
1144	HSMm01	9.52	3.70	0.00	2.12	\$80.92	7.40	\$62.90	\$80.92	DHurtley
1031	02-01726-4	14.40	4.80	0.00	4.80	\$122.40	9.60	\$81.60	\$122.40	Weber
1166	11-01418-04	34.75	9.00	0.00	16.75	\$295.38	18.00	\$153.00	\$295.38	Owens
1144	11-0414-04	42.08	8.50	0.00	25.08	\$357.68	17.00	\$144.50	\$357.68	Huffman
1163	HSNm02	9.52	2.00	0.00	5.52	\$80.92	4.00	\$34.00	\$80.92	Salisbury
1143	HSNm03	7.80	2.00	0.00	3.80	\$66.30	4.00	\$34.00	\$66.30	Soliz
1109	HSNm04	8.60	5.00	0.00	0.00	\$73.10	10.00	\$85.00	\$85.00	Carollo
1190	HSNm05	11.28	7.30	0.00	0.00	\$95.88	14.60	\$124.10	\$124.10	Gloeckner
1193	HSNm06	21.56	6.00	0.00	9.56	\$183.26	12.00	\$102.00	\$183.26	Kelley, Mark
1177	HSNm07	28.21	8.00	0.00	12.21	\$239.79	16.00	\$136.00	\$239.79	Kennedy
1182	HSNm08	33.78	7.80	0.00	18.18	\$287.13	15.60	\$132.60	\$287.13	Affatati
1156	HSNm09	16.72	4.00	0.00	8.72	\$142.12	8.00	\$68.00	\$142.12	Smith
1176	HSNm10	5.00	2.50	0.00	0.00	\$42.50	5.00	\$42.50	\$42.50	Temple
1155	HSNm11	6.50	4.00	0.00	0.00	\$55.25	8.00	\$68.00	\$68.00	Small
1164	HSNm12	12.55	5.00	0.00	2.55	\$106.68	10.00	\$85.00	\$106.68	SusanConner
1192	HSNm13	6.45	2.00	0.00	2.45	\$54.83	4.00	\$34.00	\$54.83	Larson
1144	HSNm14	5.90	2.00	0.00	1.90	\$50.15	4.00	\$34.00	\$50.15	George
1162	HSNm15	4.25	2.00	0.00	0.25	\$36.13	4.00	\$34.00	\$36.13	BrianConner
1143	HSNm16	6.00	2.00	0.00	2.00	\$51.00	4.00	\$34.00	\$51.00	Ward
1154	HSNm17	11.56	4.00	0.00	3.56	\$98.26	8.00	\$68.00	\$98.26	Baynes
1149	HSNm18	0.00	4.00	0.00	0.00	\$0.00	8.00	\$68.00	\$68.00	Krohn
1150	HSNm19	0.00	2.00	0.00	0.00	\$0.00	4.00	\$34.00	\$34.00	Johnson

WATER RESOURCES DEPT  
SALEM, OREGON

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Acct	Meter	Ac ft del	Prior/1895	Junior	Additional	Ac Del	Minimum	Minimum	TOTAL	Last
1145	HSNm20	6.25	3.50	0.00	0.00	\$53.13	7.00	\$59.50	\$59.50	Mitchell
1151	HSNm21	7.08	4.00	0.00	0.00	\$60.18	8.00	\$68.00	\$68.00	Hale
1160	HSNm22	4.56	4.00	0.00	0.00	\$38.76	8.00	\$68.00	\$68.00	Harris
1159	HSNm22	7.82	2.00	0.00	3.82	\$66.47	4.00	\$34.00	\$66.47	Swearingen
1158	HSNm23	12.46	3.00	0.00	6.46	\$105.91	6.00	\$51.00	\$105.91	Duey
1157	HSNm24	11.70	4.00	0.00	3.70	\$99.45	8.00	\$68.00	\$99.45	Falco
1161	HSNm25	14.80	6.00	0.00	2.80	\$125.80	12.00	\$102.00	\$125.80	Nelson
1165	HSNm26	9.50	4.00	0.00	1.50	\$80.75	8.00	\$68.00	\$80.75	Goodwin
1134	CDm007	64.09	17.50	0.00	29.09	\$544.77	35.00	\$297.50	\$544.77	Fackler
1173	CDm008	2.00	4.00	0.00	0.00	\$17.00	8.00	\$68.00	\$68.00	Bieber
1075	CDm009	223.64	56.00	5.50	106.14	\$1,900.94	117.50	\$998.75	\$1,900.94	Faris
1097	CDm010	688.79	328.40	36.80	0.00	\$5,854.72	693.60	\$5,895.60	\$5,895.60	Pine Ridge Ranch
1172	CDm011	87.30	0.00	33.00	54.30	\$742.05	33.00	\$280.50	\$742.05	Drake
1174	CDm012	3.00	3.00	0.00	0.00	\$25.50	6.00	\$51.00	\$51.00	Hougham
1056	CDm015	403.93	90.00	0.00	223.93	\$3,433.41	180.00	\$1,530.00	\$3,433.41	Gillespie
1178	UJm002	0.00	0.00	5.00	0.00	\$0.00	5.00	\$42.50	\$42.50	Willitts
1176	UJm003	396.09	83.00	0.00	230.09	\$3,366.77	166.00	\$1,411.00	\$3,366.77	Rognlien
1103	UJm004	144.23	0.00	59.10	85.13	\$1,225.96	59.10	\$502.35	\$1,225.96	Poulous (Lazy Z Hou
1196	UJm005	23.99	0.00	63.00	0.00	\$203.92	63.00	\$535.50	\$535.50	Amestoy
1189	UJm006	289.02	80.70	113.90	0.00	\$2,456.67	275.30	\$2,340.05	\$2,456.67	Morrow
1199	UJm007	377.32	155.50	0.00	66.32	\$3,207.22	311.00	\$2,643.50	\$3,207.22	City of Sisters
1084	FR01	44.44	53.90	15.10	15.10	\$377.74	122.90	\$1,044.65	\$1,044.65	Tephra Real Estate
1186	FR01	144.01	51.10	17.00	24.81	\$1,224.09	119.20	\$1,013.20	\$1,224.09	Apregan
1042	FRm003	67.79	10.00	0.00	47.79	\$576.22	20.00	\$170.00	\$576.22	Bend/Sisters
1179	FRm004	19.81	20.00	0.00	0.00	\$168.39	40.00	\$340.00	\$340.00	Rodeo Assoc.1
1179	FRm005								\$0.00	Rodeo Assoc.2
1110	FRm005	57.50	25.00	0.00	7.50	\$488.75	50.00	\$425.00	\$488.75	Rubbert
		0.47	4.00	0.00	0.00	\$4.00	8.00	\$68.00	\$68.00	Sewall
1085	FRm006	116.00	0.00	40.00	76.00	\$986.00	40.00	\$340.00	\$986.00	Herring
1184	FRm007	135.63	23.00	2.00	87.63	\$1,152.86	48.00	\$408.00	\$1,152.86	Koos
1090	FRm008	652.14	170.60	0.00	310.94	\$5,543.19	341.20	\$2,900.20	\$5,543.19	Vetterlein's
1132	FRm009	25.32	11.00	8.50	0.00	\$215.22	30.50	\$259.25	\$259.25	Wattenburg
1131	FRm010	23.96	11.50	9.00	9.00	\$203.66	32.00	\$272.00	\$272.00	Bartolotta
1100	MC31	52.07	14.50	0.00	23.07	\$442.60	29.00	\$246.50	\$442.60	(Slagle) Halousek
1098	MCm017	202.81	49.50	0.00	103.81	\$1,723.89	99.00	\$841.50	\$1,723.89	Halousek
1115	MC	11.00	5.50	0.00	0.00	\$93.50	11.00	\$93.50	\$93.50	Halousek (Falls)
1118	MCm018	43.86	14.00	0.00	15.86	\$372.81	28.00	\$238.00	\$372.81	Prete
1007	MCm004	59.45	47.60	0.00	0.00	\$505.33	95.20	\$809.20	\$809.20	Grisham
1128	MCm014	33.76	16.00	0.00	1.76	\$286.96	32.00	\$272.00	\$286.96	Hoff

WATER RESOURCES DEPT  
SALEM, OREGON

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METER BILLING 2017

Acct	Meter	Ac ft del	Prior/1895	Junior	Additional	Ac Del	Minimum	Minimum	TOTAL	Last
1080	MCm016	22.68	10.00	0.00	2.68	\$192.78	20.00	\$170.00	\$192.78	Taylor, J
1204		36.00	12.00	0.00	12.00	\$306.00	24.00	\$204.00	\$306.00	Foote
1087	MC02	117.50	33.57	0.00	50.36	\$998.75	67.14	\$570.69	\$998.75	Simpson
1170	MC01	73.75	21.07	0.00	31.61	\$626.88	42.14	\$358.19	\$626.88	Pendleton (Trone)
1116	MC34	87.84	14.00	0.00	59.84	\$746.64	28.00	\$238.00	\$746.64	Sheldon
1089	MC12	0.00	32.00	0.00	0.00	\$0.00	64.00	\$544.00	\$544.00	Trachsel
1061	MC04	22.48	12.50	1.00	0.00	\$191.08	26.00	\$221.00	\$221.00	Elsbeth
1117	MCm	24.69	0.00	8.00	16.69	\$209.87	8.00	\$68.00	\$209.87	Nulton
1071	MCm003	5.27	4.00	0.00	0.00	\$44.80	8.00	\$68.00	\$68.00	Wilder
1201		2.03	0.00	2.00	0.03	\$17.26	2.00	\$17.00	\$17.26	Smith
1041	MC08	28.00	14.00	0.00	0.00	\$238.00	28.00	\$238.00	\$238.00	Drinkward
1049	MC03									OlsonEast
1049	MC04	381.69	98.90	0.00	183.89	\$3,244.37	197.80	\$1,681.30	\$3,244.37	Olson
1015	MC35	48.28	14.00	0.00	20.28	\$410.38	28.00	\$238.00	\$410.38	Cochran
1001	MCm026	174.68	75.00	0.00	24.68	\$1,484.78	150.00	\$1,275.00	\$1,484.78	Friend
1063	MCm	177.00	47.00	0.00	83.00	\$1,504.50	94.00	\$799.00	\$1,504.50	O'Neill
1078	MC06	10.14	16.00	0.00	0.00	\$86.19	32.00	\$272.00	\$272.00	Stotts
1021	MC07	10.14	15.00	0.00	0.00	\$86.19	30.00	\$255.00	\$255.00	Fetrow
1088	MC13	102.02	30.50	0.00	41.02	\$867.17	61.00	\$518.50	\$867.17	Hull-Koops
1017	SDm001	445.50	148.50	0.00	148.50	\$3,786.75	297.00	\$2,524.50	\$3,786.75	Schaad
1136	SDm004	40.43	34.50	0.00	0.00	\$343.66	69.00	\$586.50	\$586.50	Wiltse
1048	SDm002	75.69	28.00	0.00	19.69	\$643.37	56.00	\$476.00	\$643.37	Herold
1009	SDm003	94.54	42.00	0.00	10.54	\$803.59	84.00	\$714.00	\$803.59	Brockway
1086	MC18	921.49	330.30	0.00	260.89	\$7,832.67	660.60	\$5,615.10	\$7,832.67	Jones, Becky
1086	MC19									Jones, Becky
1057	ZD04	59.84	16.00	0.00	27.84	\$508.64	32.00	\$272.00	\$508.64	Horton
1096	ZD03	84.60	20.00	0.00	44.60	\$719.10	40.00	\$340.00	\$719.10	Poole
1004	ZD05	13.38	17.00	0.00	0.00	\$113.73	34.00	\$289.00	\$289.00	Barclay
1081	ZD01	25.22	16.00	0.00	0.00	\$214.37	32.00	\$272.00	\$272.00	Tewalt
1040	ZD02	0.57	16.00	0.00	0.00	\$4.85	32.00	\$272.00	\$272.00	King
1104	MCm012	144.82	61.00	0.00	22.82	\$1,230.97	122.00	\$1,037.00	\$1,230.97	Dorsey
1103		70.09		105.60	0.00	\$595.77	105.60	\$897.60	\$897.60	Lazy Z Partners
1046										CyrusK1
1046										CyrusK2
1046										CyrusK3
1046	MC05 BP									MC05 BP Weir
1046	MC05 BP	738.47	84.47	295.40	274.13	\$6,277.00	464.34	\$3,946.89	\$6,277.00	Cyrus, K&C
1046	Cinder Pit	116.46	49.51	10.40	7.04	\$989.91	109.42	\$930.07	\$989.91	Cyrus, K&C
1046	Cyrus Well									Cyrus Well

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SALEM, OREGON

# Three Sisters Irrigation District

## Conserved Water Policy

Adopted July 5<sup>th</sup>, 2005

Reviewed & Adopted July 6, 2010

Reviewed & Adopted September 1, 2015

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SALEM, OREGON

**A. Authority & Purpose.** The Board of Directors (the "**Board**") of the Three Sisters Irrigation District (the "**District**") is required to adopt this Conserved Water Policy (this "**Policy**") pursuant to Oregon Administrative Rule ("**OAR**") 690-018-0025 if the district wants to allocate conserved water. The rule requires that if the District seeks allocations of conserved water pursuant to ORS 537.455 to 537.500, then it must adopt a policy that, at a minimum:

- Describes how water saved by conservation measures will be allocated by the District
- Describes how the District will address the allocation of conserved water percentages under ORS 537.470
- Provides District patrons the opportunity to fund a share of the conservation project that is proportionate to the patron's share of the water rights involved in the allocation of conserved water and to receive a corresponding share of the conserved water
- Provides District patrons an opportunity to petition for a vote by all District patrons on this Policy
- Provides District patrons an opportunity to appeal a proposed District conservation project to the Board for failure to follow this Policy

The purpose of this Policy is to provide District patrons with the information required by OAR 690-018-0025 and to set the procedures by which this Policy will be implemented.

**B. Definitions.** The following definitions shall apply in this Policy.

1. "**Commission**" means the Water Resources Commission.
2. "**Conservation**" means the reduction of the amount of water diverted to satisfy an existing beneficial use achieved either by improving the technology or method for diverting, transporting, applying or recovering the water or by implementing other approved conservation measures.
3. "**Conserved Water**" means that amount of water that results from conservation measures, measured as the difference between:

- a. The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and
  - b. The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.
4. **“District Allocation”** means the amount of Conserved Water allocated to the District by the Commission.
  5. **“Funding Patron”** means a patron or patrons of the District that funds all or a portion of a water conservation project as provided in paragraph C of this Policy.
  6. **“Funding Partner”** means a granting agency including Federal, State or local agencies as well as non-profits that fund a portion of the water conservation project. Examples include but not limited to DRC- Deschutes River Conservancy, OWEB- Oregon Watershed Enhancement Board, NFWF- National Fish and Wildlife Foundation, BOR- Bureau of Reclamation, NRCS- National Resources Conservation Service, USFS – United States Forest Service, Soil & Water Conservation Districts, Watershed Councils, PGE, Tribes of Warm Springs, Bonneville Environmental Foundation, Northwest Power Conservation Council, Oregon Water Trust, etc.
- C. **Applicability.** This Policy applies only to applications for allocations of conserved water filed with the Oregon Water Resources Department by the District after November 5, 2004. This Policy does not apply to applications for allocations of conserved water filed by individuals, including District patrons.
- D. **Conservation Projects with Funding Partners.** For funding partners, conserved water will be divided into 2 portions. Saved water portion and conserved water application portion. The saved water will be used to firm up supply of the deliveries to existing water rights in the district. The conserved water application portion will be used to secure grant funding from funding partners to pay for the materials needed for the conservation project.

**For a Funding Partner:**

Total project cost	\$600,000.00
Total conserved water	1,000 acre feet
Funding partners contribution	\$300,000.00
Conserved water portion	500 acre feet
(covers 25% in stream required by statute)	
District in-kind Contribution	\$300,000.00
Saved water portion	500 acre feet
(shared by all patrons)	
For funding partners cost per acre ft	\$600.00

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**E. Patrons May Fund Part of Water Conservation Project.** Patrons may fund a water conservation project in an amount that is proportionate to the patron's share of the water rights involved in the allocation of Conserved Water. Patrons that provide funding to the District for a water conservation project in advance, or within one year of, the District first making expenditures for the conservation project shall be a Funding Patron and receive the portion of the District Allocation to which Funding Patron is entitled under this Policy. Proportionate costs will include all costs associated not only with the completion of the project, but those costs associated with the planning and design of the project, all accompanying and necessary application and processing fees, including but not limited to legal and consulting fees to secure the Final Order from the Oregon Water Resources Department, and/or to respond to any legal challenges subsequent to receipt of the Final Order until conclusively resolved as determined by the Board of Directors.

**For a Patron Funding 100% of Project:**

Total project costs	\$600,000.00
Total conserved water	1,000 acre feet
Minimum in-stream contribution (required by statute)	250 acre feet – 25%
Net available acre feet to funding patron	750 acre feet
For funding patrons cost per acre ft	\$800.00

**F. Allocation of Conserved Water.** Except for a Funding Patron, no patron shall be entitled to any of the District Allocation other than the amount necessary to maintain the patron's full delivery rate at its regular turn out(s). A Funding Patron shall be entitled to a portion of the District Allocation equal to the percentage of the funding for the water conservation project paid to the District by the Funding Patron.

**G. Petitions to Vote on Policy.** District patrons may petition the Board to hold a vote of all District patrons on the approval of this Policy. The petition must be signed by fifty or more qualified electors within the District pursuant to ORS 545.199(1)(b) to be valid and to cause the District to hold a vote. Upon receiving a valid petition, the District shall hold a vote of all District patrons. The vote shall be whether to approve or reject this Policy. The vote shall be conducted according to the laws and procedures that govern District elections.

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- H. **Approval of Project by Board.** Proposed water conservation projects shall be discussed and approved by the Board at any one of its regularly scheduled Board meetings. The Board shall limit its consideration to whether the proposed water conservation project complies with this Policy. Patrons may comment on the compliance of the proposed water conservation project with the conservation policy during the Board meeting at which it is discussed.
- I. **Appeal of Water Conservation Projects.** If the Board approves the proposed water conservation project, any patron in good standing may appeal the Board's decision in writing within two weeks from the date of the Board's decision. The appeal shall include the name, address, and telephone number of the patron appealing the Board's decision, a concise statement of the reasons the patron believes the proposed water conservation project does not comply with this Policy, and a concise statement of how the water conservation project should be modified to comply with this Policy. The Board shall consider a properly filed appeal at its next regularly scheduled meeting. The patron appealing the Board's decision shall have an opportunity to address the Board concerning the patron's appeal. The Board may take any of the following actions: (1) grant the appeal and reject the proposed water conservation project, (2) modify the proposed water conservation project as proposed by the appealing patron to comply with this Policy, (3) direct the District Manager to modify the proposed water conservation project so as to comply with this Policy, or (4) reject the appeal and approve the proposed water conservation project as proposed.
- J. **Policy Review and Updates.** The Board shall review and update this Policy at the first regularly scheduled Board meeting following every fifth anniversary of the Board either adopting or reviewing and updating this Policy. The Board may, in its sole discretion, review and update this Policy at any other Board meeting. The Board shall follow the process and provisions of this Policy, as required by OAR 690-018-0025(2), whenever reviewing and updating this Policy.

**THREE SISTERS IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING**

**MINUTES  
July 6, 2010**

**E. Review Conserved Water Policy**

The District has a Conserved Water Policy and every 5 years the Board is to review the policy. Marc is not looking to make any changes to the policy, we did spend about 6 months writing this policy and feels no changes are needed at this time. Marc will make copies for the audience and we will come back to this at the end of the meeting when everyone has had a chance to review it.

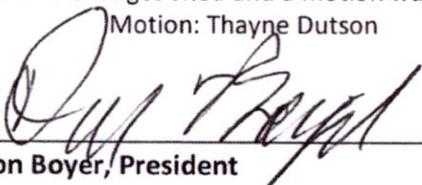
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Marc answered questions the audience members had. Don Boyer moved to accept the policy as written with review again in 5 years or sooner. Thayne Dutson seconded the motion. Motion carried unanimously.

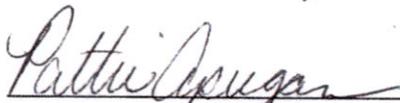
**THREE SISTERS IRRIGATION DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
SEPTEMBER 1, 2015**

- C Conserved Water Policy Update:** The Conserved Water Policy must be updated every five years. The last update was July 2010. After reviewing the policy the board asked for public comment. There were no changes sited and a motion was made to accept the policy as written.

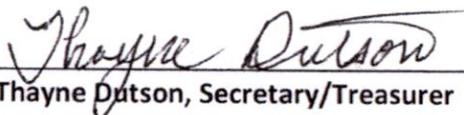
Motion: Thayne Dutson      Second: Pattie Apregan      Vote: Unanimous

  
\_\_\_\_\_  
Don Boyer, President

October 6, 2015

  
\_\_\_\_\_  
Pattie Apregan, Vice President

October 6, 2015

  
\_\_\_\_\_  
Thayne Dutson, Secretary/Treasurer

October 6, 2015

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**EXHIBIT H**

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THREE SISTERS IRRIGATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
MINUTES  
JANUARY 12, 2018

CALL TO ORDER: 3:00 PM BY DON BOYER

IN ATTENDANCE:

Don Boyer, President; Pattie Apregan, Vice President; Thayne Dutson, Secretary/ Treasurer (by telephone); Marc Thalacker; District Manager;

**A Approve application letter for interim financing for the 200 kW Micro Hydro**

Discussion: Oregon Clean Water State Revolving Loan Fund was unable to approve a short-term construction loan. A potential resource has been identified for a short-term 2% loan, with fees of \$2,500. Board members asked questions pertaining to risks and long-term applications.

A motion was made to approve the agreement allowing David Albright to represent us in procuring a 2% loan through Special District Association of Oregon.

Motion: Pattie Apregan      Second: Thayne Dutson      Vote: Unanimous

**B Approve funding agreement with Energy Trust of Oregon**

Discussion: The Energy Trust of Oregon grant is for \$400,000 for the 200 kW Micro Hydro: \$300,000 when we go commercial, \$100,000 will be disbursed annually as a supplement for low energy rate payments.

A motion was made to approve the Energy Trust of Oregon Project Agreement for the Watson Micro-Hydroelectric Demonstration Project and instruct Marc Thalacker, Manager, to sign for TSID.

Motion: Pattie Apregan      Second: Thayne Dutson      Vote: Unanimous

**C Approve PacifiCorp Power Purchase Agreement – Tabled**

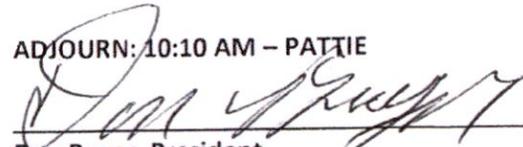
**D Approve Deschutes River Conservancy Phase 9 Agreement**

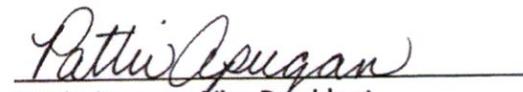
Discussion: This agreement is for the last 4,000 feet of the Main Canal Pipeline Project. TSID will conserve 1.5 cfs of water in Whychus Creek and DRC will provide grant funding from Pelton Fund and Oregon Water Resource Board, up to \$1,244,162.

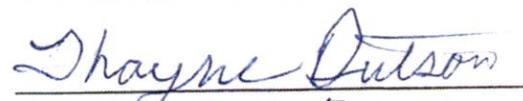
A motion was made to approve the 2017 Conserved Water Purchase Agreement with Deschutes River Conservancy.

Motion: Don Boyer      Second: Pattie Apregan      Vote: Unanimous

ADJOURN: 10:10 AM – PATTIE

  
Don Boyer, President

  
Pattie Apregan, Vice President

  
Thayne Dutson, Secretary/Treasurer

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**EXHIBIT I**

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# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Eastern Region Bend Office  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701-7415  
(541) 388-6146  
Fax (541) 388-8283  
TTY 711

August 11, 2015

Zachary Tillman  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, Oregon 97701

Re: Three Sisters Irrigation District Pipeline

Dear Zachary;

The Oregon Department of Environmental Quality (DEQ) is writing in support of the conserved water application for the Three Sisters Irrigation District (TSID) Main Canal Pipeline Project.

It is DEQ's understanding that the piping project will result in piping of 14,000 feet (2.65 miles) of TSID's Main Canal between Watson Reservoir and McKenzie Reservoir and eliminate 3.0 cfs of seepage losses (Phases 7, 8 & 9). The applicant and agent propose to transfer and permanently protect 3.0 cfs (100%) of the conserved water instream from the point of diversion (RM 23.5) downstream to the mouth of Whychus Creek for the benefit of fish, wildlife, and other aquatic resources. Flows would be protected from April 1 through November 1 during the normal irrigation season and retain a single priority date of 1895. DEQ further understands that adequate monitoring will be in place to ensure the conserved 3.0 cfs remains instream.

Whychus Creek is included on the state's list of impaired water bodies ("303d list") for not meeting state water quality criteria for temperature. Temperature modeling done by DEQ and Watershed Sciences, Inc indicates that reduced stream flows resulting from diversions are responsible for a large portion of the anthropogenic heating that occurs in the creek. Water quality monitoring and analysis done by the Upper Deschutes Watershed Council also supports this; the Watershed Council found a direct relationship between increased stream flow and decreased stream temperature.

DEQ understands that this project will be constructed and finalized in three phases, with the final phase reaching completion by April 1<sup>st</sup>, 2018

Thank you for the opportunity to provide comments,

Sincerely,

Bonnie Lamb  
Deschutes Basin Coordinator

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SALEM, OREGON



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SALEM, OREGON



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

1645 NE Forbes Rd., Suite 112

Bend, OR 97701

(541) 388-6236

Fax (541) 388-6391

[www.oregonstateparks.org](http://www.oregonstateparks.org)



August 10, 2015

Zachary Tillman  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, Oregon 97701

Re: Three Sisters Irrigation District Main Canal Pipeline

Dear Zachary;

The Oregon Parks and Recreation Department (OPRD) is writing in support of the conserved water application for the Three Sisters Irrigation District (TSID) Main Canal Pipeline Project.

It is OPRD's understanding that the piping project will result in piping of 14,000 feet (2.65 miles) of TSID's Main Canal between Watson Reservoir and McKenzie Reservoir and eliminate 3.0 cfs of seepage losses (Phases 7, 8 & 9). The applicant and agent propose to transfer and permanently protect 3.0 (100%) of the conserved water instream from the point of diversion (RM 23.5) downstream to the mouth of Whychus Creek for the benefit of fish, wildlife, and other aquatic resources. Flows would be protected from April 1 through November 1 during the normal irrigation season and retain a single priority date of 1895. OPRD further understands that adequate monitoring will be in place to ensure the conserved 3.0 cfs remains instream. This instream transfer will result in improved habitat and productivity for redband trout, bull trout, summer steelhead and spring Chinook in Whychus Creek.

OPRD understands that this project will be constructed and finalized in three phases, with the final phase reaching completion by April 1<sup>st</sup>, 2018

Thank you for the opportunity to provide comments,

Sincerely,

Greg Ciannella, Natural Resource Specialist  
Central & Eastern Oregon  
Oregon Parks and Recreation Department  
1645 NE Forbes Rd. Ste. 112  
Bend OR 97702

Ph: 541.388.6236, Cell: 503.580.2434  
[greg.ciannella@oregon.gov](mailto:greg.ciannella@oregon.gov)

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SALEM, OREGON

**EXHIBIT K**

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SALEM, OREGON



# Oregon

John Kitzhaber, M.D., Governor

Department of Fish and Wildlife  
Deschutes Watershed District  
East Region  
61374 Parrell Road  
Bend, OR 97702  
(541) 388-6363  
FAX (541) 388-6281

July 2, 2014

Genevieve Hubert, Program Manager  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, OR 97701

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SALEM, OREGON

The purpose of this letter is to support continued efforts to implement conserved water projects in the Whychus Creek subbasin to meet the needs of resident and recently reintroduced anadromous fish. Conserved water projects undertaken by the Deschutes River Conservancy (DRC) and partners have resulted in water rights being transferred or leased for instream use up to the State's instream water right. To maintain adequate habitat for a successful reintroduction effort Oregon Department of Fish and Wildlife (Department) supports additional conserved water projects in excess of the established ISWRs because:

1. Flow targets at the time of establishing the instream water rights were based on the needs of resident redband trout and did not account for flows necessary to support reintroduced Mid-Columbia summer steelhead trout and spring Chinook salmon (see details below);
2. Transferred or leased water rights have varying priority dates and on paper add up to the State's instream water rights (ISWR). However, because of varying priority dates, water flows at the state's instream water right do not always occur;
3. OAR 690-077-0015 (5)(b) allows for flow above the Estimated Average Natural Flow if the basin is a Department flow restoration priority basin ((5)(c)). Whychus Creek (appears in the flow restoration figures as Squaw Creek) is ranked as a 3 for high restoration need.

Whychus Creek was historically inhabited by resident redband trout, bull trout, mountain whitefish, several species of sculpin and anadromous runs of Mid-Columbia summer steelhead trout and spring Chinook salmon. Summer steelhead trout are listed as Threatened under the federal Endangered Species Act.

Anadromous stocks of salmon and steelhead trout were extirpated with the construction of the Pelton-Round Butte Hydroelectric complex (dams) at the confluence of the Deschutes, Crooked and Metolius Rivers. As a condition of their new hydroelectric license, Portland General Electric and the Confederated Tribes of the Warm Springs proposed to reintroduce steelhead trout, Chinook salmon and sockeye salmon into their historic habitat above the dams, including Whychus Creek. This effort was initiated with the release of steelhead trout fry into Whychus Creek in 2007. Anadromous fish reintroduction is a collaborative venture among multiple State and Federal agencies, non-governmental organizations and varied central Oregon stakeholders. Success depends upon implementation of comprehensive habitat and flow restoration projects.

The State of Oregon was granted instream water rights for Whychus Creek with a 1991 priority date. ISWR 70753 identifies flow from the mouth upstream to Indian Ford Creek while ISWR 70754 addresses flow from Indian Ford Creek to the South Fork. Instream water rights are junior to many consumptive water rights and until recently, significant reaches of Whychus Creek dried up during the irrigation season. DRC in concert with Three Sisters Irrigation District and private landowners has implemented a comprehensive suite of flow restoration and conserved water projects.

There is a need to implement additional conserved water projects beyond the ISWR flows. Current flow targets established in the Department's Basin Investigation Report were established based on life history requirements of redband trout. Flows required for successful migration, spawning and rearing of steelhead trout and Chinook salmon are significantly higher than the 20 to 50 cubic feet per second identified in IS-70753 and IS-70754. Establishing self-sustaining, harvestable steelhead trout and Chinook salmon runs is a statewide Department priority. The Mid-Columbia Steelhead Trout Recovery Plan identifies successful reintroduction into Whychus Creek as critical to meeting recovery goals for the Deschutes Westside subpopulation and delisting of the species.

Details for flow needs for life stages of anadromous species (see Table 1)

1) Adult upstream migration. For steelhead (September-January), and for Chinook (May-August), flows need to be higher than IWR for a) physical passage of large fish upstream over riffles and shallow bars, and b) migration cues: relatively high flows to stimulate upstream movement to spawning grounds. The Department recommends flows above the existing IWR, and up to the 50% exceedance natural flows, for September-January and for May-August.

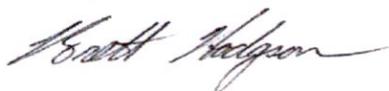
2) Spawning. Habitat Suitability Criteria (HSC) for Steelhead trout and Chinook salmon spawning indicate that these anadromous fish prefer water about 0.5 ft. deeper and 0.8 ft./sec faster than resident rainbow trout. This would equate to much higher recommended flows for anadromous vs. resident spawning. The Department would therefore recommend flows up to the natural 50% exceedance for February-May and September.

3) Outmigration. Outmigrating juvenile steelhead trout (March-June) and Chinook salmon (February-March) will benefit greatly from higher flows to facilitate emigration of juveniles downstream to the mainstem Deschutes. The Department recommends flows up to and beyond the natural 50% exceedance for February-June.

**Summary**

Adult migration and/or spawning occur during all 12 months of the year. The Department supports instream leases beyond the IWR levels, and up to the natural 50% exceedance flows, for the entire year. For the juvenile outmigration months of February-June, The Department supports flows above the natural 50% exceedance flows.

Sincerely,



Brett Hodgson  
District Fish Biologist

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Table 1. Life stage periodicity, instream water rights, and WRD flow estimates for Whychus Creek.

<b>Steelhead</b>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
adult migr												
spawn												
outmigr												

<b>Chinook</b>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
adult migr												
spawn												
outmigr												

Whychus Creek below Indian Ford												
IS70753	33	33	50	50	50	33	33	33	33	33	33	33
WRD50%	74	71.9	70.3	75.6	133	222	173	108	80.8	66.6	72	75.5
WRD80%	51	49.8	45.9	53	80.4	151	118	82.4	62.4	51.5	53.7	52.2

Whychus Creek above Indian Ford												
IS70754	30	20	20	20	20	20	20	20	30	50	30	30
WRD50%	64.9	61.8	61	65.7	121	213	167	103	75.6	61.2	65.6	67.2
WRD80%	51	49.8	45.9	53	80.4	151	118	82.4	62.4	51.5	53.7	52.2

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