



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

## Application for Allocation of Conserved Water Part 1 of 4 – Minimum Requirements Checklist

**This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **3153, 94327, 94163.**
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ **990 Please deduct from The Freshwater Trust’s Account** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**  
 Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- N/A Completed Evidence of Use Affidavit and Supporting Documentation.
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District, this must be provided when the transfer applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (Entire project listed on the application must be complete. No partial finalization will be recognized.)

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## Part 2 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Ken and Bobbie Baker</b>			PHONE NO. 541.263.0342	ADDITIONAL CONTACT NO.
ADDRESS 81705 Hwy 82				FAX NO.
CITY WALLOWA	STATE OR	ZIP 97885	E-MAIL KBBAKER@EONI.COM	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_.

**OR**

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located?  Yes  No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

LANDOWNER NAME <b>Ken and Bobbie Baker</b>			PHONE NO. 541.263.0342
ADDRESS 81705 Hwy 82			
CITY WALLOWA	STATE OR	ZIP 97885	E-MAIL KBBAKER@EONI.COM

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

REPRESENTATIVE/BUSINESS NAME JESSICA HUMPHREYS/THE FRESHWATER TRUST			PHONE NO. 541.913.3750	ADDITIONAL CONTACT NO.
ADDRESS 401 NE 1 <sup>ST</sup> STREET BOX #6				FAX NO.
CITY ENTERPRISE	STATE OR	ZIP 97828	E-MAIL JESSICA@THEFRESHWATERTRUST.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.**

Kenneth M. Baker  
Applicant signature

Bobbie L. Baker  
Applicant signature

Kenneth M. Baker  
Print Name (and Title if applicable)

Bobbie L. Baker  
Print Name (and Title if applicable)

4-17-19  
Date

4/17/2019  
Date

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**Part 2 of 4 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>Perry Johnston</b>			PHONE NO. 541.263.0386	ADDITIONAL CONTACT NO.
ADDRESS 81703 HWY 82			FAX NO.	
CITY WALLOWA	STATE OR	ZIP 97885	E-MAIL	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_.

**OR**

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located?  Yes  No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

LANDOWNER NAME <b>Perry Johnston</b>			PHONE NO. 541.263.0386
ADDRESS 81703 HWY 82			
CITY WALLOWA	STATE OR	ZIP 97885	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 JESSICA HUMPHREYS/THE FRESHWATER TRUST			PHONE NO. 541.913.3750	ADDITIONAL CONTACT NO.
ADDRESS 401 NE 1 <sup>ST</sup> STREET BOX #6			FAX NO.	
CITY ENTERPRISE	STATE OR	ZIP 97828	E-MAIL JESSICA@THEFRESHWATERTRUST.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: Wallowa County Chieftain.

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

 Perry Johnston  
Applicant signature

Perry Johnston  
Print Name (and Title if applicable)


4/17/19  
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 project will convert 276.9 acres from flood irrigation to center pivot in an effort to increase efficiency and production and decrease water use. As part of this project we will pipe supply ditches and bypass a portion of open earthen ditch that is being severely undercut by the Lostine river.*

 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 WALLOWA COUNTY	ADDRESS 101 SOUTH RIVER STREET	
CITY ENTERPRISE	STATE OREGON	ZIP 97828

ENTITY NAME CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION	ADDRESS 46411 TIMINE WAY	
CITY PENDLETON	STATE OR	ZIP 97801

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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	3153 <small>Certificate Number</small>	Wallowa River <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: Wallowa

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.* Water is diverted from the Lostine river and conveyed via the Clearwater ditch, an open earthen ditch, for approximately 1.2 miles to a series of lateral ditches that are used to flood irrigated acres under cert. 3153.

### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

PRE-PROJECT DESCRIPTION										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
3153	12/31/1883	75.1			413.05	5.5			413.05	5.5
<b>Totals</b>		75.1			413.05	5.5			413.05	5.5

*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.* Water will continue to be diverted from the Lostine river and conveyed through the Clearwater ditch for approximately 1.2 miles at that point it will be diverted into a pipe that will feed a 25 HP pump to apply irrigation water to a ½ circle pivot and endgun system that will irrigate 75.1 acres. Under the current irrigation system all of these acres are flood irrigated and the maximum legal duty utilized (water right limits irrigation to 1.5 AF/acre for every 30 day period from May-July and 1AF/acre for all of August thru September for a total of 5.5 af/ac). The NRCS tool Oregon Water Savings Estimator was used to roughly estimate the amount of water that will be conserved on these acres. The tool estimated ~2.8 af/ac conserved water. Based on the limitations of the NRCS tool, uncertainty regarding future needs in the face of climate change and monitoring data from The Lostine River Conservation Project, the landowner believes that 0.5 AF/acre for every 30 day period from May-July (or 1.5 af/ac) will be conserved.

**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
1	N	43	E	29	SW SW	7000		irrigation	12/31/1883
1	N	43	E	29	SE SW	7000		irrigation	12/31/1883
1	N	43	E	32	NW NW	7000		irrigation	12/31/1883
1	N	43	E	32	NE NW	7000		irrigation	12/31/1883
1	N	43	E	32	NW NE	7000		irrigation	12/31/1883
<b>Total</b>							75.1		

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: supplemental rights 94160 and 94161

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
12/31/1883			413.05	5.5			300.4	4		112.65	1.5
<b>Totals</b>			413.05	5.5			300.4	4		112.65	1.5

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**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%		112.65	%			100%		112.65

\* 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 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	94327 <small>Certificate Number</small>	Wallowa River Decree <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: Wallowa

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.* Water is diverted from the Lostine river and conveyed via the Foster ditch, an open earthen ditch, for approximately .4 miles to the old Kuehl ditch that carries it .5 miles to a series of laterals that are used to flood irrigated acres under cert. 94327.

### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

PRE-PROJECT DESCRIPTION										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
3077	12/31/1883	89.7			493.35	5.5			493.35	5.5
<b>Totals</b>					493.35	5.5			493.35	5.5

*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

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Distribution project, such as a ditch piping or lining project

Other: \_\_\_\_\_

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.* Water will continue to be diverted from the Lostine river and conveyed via the Foster ditch for .7 miles until right before it intersects Hwy 82 where it will be diverted in to pipe for .8 miles to a 50 HP pump that will supply a full circle pivot and end gun system that will irrigate 89.7 acres under cert 94327. Under the current irrigation system all of these acres are flood irrigated and the maximum legal duty utilized (water right limits irrigation to 1.5 AF/acre for every 30 day period from May-July and 1AF/acre for all of August thru September for a total of 5.5 af/ac). The NRCS tool Oregon Water Savings Estimator was used to roughly estimate the amount of water that will be conserved on these acres. The tool estimated a maximum of ~2.8af/ac may be conserved. Based on the limitations of the NRCS, uncertainty regarding future needs in the face of climate change and monitoring data from The Lostine River Conservation Project, the landowner believes that 0.5 AF/acre for every 30 day period from May-July (or 1.5 af/ac) will be conserved.

**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
1	N	43	E	32	SW	NE	8600		39.7	IR, LV, DM	12/31/1883
1	N	43	E	32	SE	NE	8600		16.0	IR, LV, DM	12/31/1883
1	N	43	E	32	NE	SE	8600		34.0	IR, LV, DM	12/31/1883
<b>Total</b>									89.7		

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: supplemental rights 94160 and 94161

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
12/31/1883			493.35	5.5			358.8	4		134.55	1.5
<b>Totals</b>			493.35	5.5			358.8	4		134.55	1.5



**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%		134.55	0%		0	100%		134.55

\* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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**Part 3 of 4 – Water Right Information and Conservation Measures**

## 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	94163 <small>Certificate Number</small>	Wallowa River <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: Wallowa

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.* Water is diverted from the Lostine river and conveyed via the Foster ditch, an open earthen ditch, for approximately .4 miles to the old Kuehl ditch that carries it 1 miles to a series of laterals that are used to flood irrigate acres in the NWSE of section 32 under cert. 94163. Water is diverted from the Lostine river and conveyed via the Foster ditch, an open earthen ditch, for approximately .7 miles where it is diverted in to a lateral ditch the runs along and then under Hwy 82 to a series of laterals used to flood irrigate acres in the SWSE of section 32 under cert. 94163.

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### Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

PRE-PROJECT DESCRIPTION										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
94163	12/31/1882	70.8			389.4	5.5			389.4	5.5
<b>Totals</b>		70.8			389.4	5.5			389.4	5.5

**Note:** 1 miner's inch = 1/40 cfs;      1 cfs = 448.8 gpm      1 cfs = 1.983471 ac-ft/day

**CONSERVATION MEASURES:**

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: \_\_\_\_\_

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.* Water will be diverted from the Lostine river and conveyed via the Foster ditch for .7 miles until right before it intersects Hwy 82 where it will be diverted in to pipe for .3 miles where it will then split in to two pipes. One will go .5 miles to a 50 HP pump that will supply a full circle pivot and end gun system that will irrigate 36 acres under cert 94163 and the other will go .2 miles to a 20 HP pump that will supply two half circle pivots on either side of the Hwy to irrigate 34.8 acres in the SWSE of section 32. Under the current irrigation system all of these acres are flood irrigated and the maximum legal duty utilized (water right limits irrigation to 1.5 AF/acre for every 30 day period from May-July and 1AF/acre for all of August thru September for a total of 5.5 af/ac). The NRCS tool Oregon Water Savings Estimator was used to roughly estimate the amount of water that will be conserved on these acres. The tool estimated ~2.8af/ac conserved water. Based on the limitations of the NRCS tool, the uncertainty regarding future needs in the face of climate change and monitoring data from The Lostine River Conservation Project, the landowner believes that 0.5 AF/acre for every 30-day period from May-July (or 1.5 af/ac) will be conserved. The Foster POD, an existing, screened POD downstream of the Miles POD, will be added as an additional POD to serve these acres for Primary Irrigation under 94163. A map illustrating the addition of the Foster POD is attached to this application.

**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
1	N	43	E	32	NW	SE	8600		36	IR, LV, DM	12/31/1882
1	N	43	E	32	SW	SE	8800		34.8	IR, LV, DM	12/31/1882
<b>Total</b>									70.8		

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: supplemental rights 94160 and 94161

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.

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**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
			389.4	5.5			283.2	4		106.2	1.5
<b>Totals</b>			389.4	5.5			283.2	4		106.2	1.5

**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%		106.20	0%		0	100%		106.2

\* 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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**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. No impacts to other water rights are expected. The water we are proposing to conserve is currently used for flood irrigation.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. Water use will be measured by flowmeters at each pivot to ensure water right compliance.

**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)**
3153	12/31/1883	Lostine River	5.1-7.31		112.65
3077	12/31/1883	Lostine River	5.1-7.31		134.55
* 93525	12/31/1882	Lostine River	5.1-7.31		106.2
<b>TOTAL VOLUME</b>					353.4

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 4 to downstream location at the mouth at RM 0) From the Foster POD located 320' South and 625' West of the center of section 4 1S 43E (approximately RM 4) to the confluence of the Wallowa River and Grande Ronde River (RM 0)

**OR**

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)) \_\_\_\_\_

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Public Use for which conserved water right should be managed under an instream right (check at least one box):

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

List any existing instream water rights at the same point or within the same requested reach(es):

- None.
- Instream Water Right Certificates: 93535, 87709, 59814

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.

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**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: 5.15.19	Date: 11/31/19	*Date: 12/1/19

*\* 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: \_\_\_\_\_  State: OWRD

Total cost for project engineering \$ \_\_\_\_\_  
Total cost for construction \$808,458

The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$ \_\_\_\_\_.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$ \_\_\_\_\_.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$ \_\_\_\_\_.

N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 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 \_\_\_\_\_.

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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 + (2x \$410) = Total Fee \$ <u>1980</u>	

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Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; <b>or</b>
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); <b>or</b>
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = <u>100%</u>
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = <u>75%</u>
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% <u>50%</u>
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver \$ <u>990</u> *
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
<b>Total Fee \$<u>1980</u> – Fee Waiver (g) \$<u>990</u> = Amount Due \$<u>990</u></b>	

Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 3153** List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)													
The listing that appears on the certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES													
List only that part or portion of the water right that will be changed.										are made.													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acreage	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acreage	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																							
2	S	9	E	15	NW	100	15.0	Irrigation	POD #1 POD #2	1901	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901	
1	N	43	E	29	SW	7000	1	IR	Clearwater	1883	1	N	43	E	29	SW	SW	7000		1	IR	Clearwater	1883
1	N	43	E	32	NW	7000	0.1	IR	Clearwater	1883	1	N	43	E	32	NE	NW	7000		.1	IR	Clearwater	1883
1	N	43	E	32	NE	7000	.6	IR	Clearwater	1883	1	N	43	E	32	NE	NW	7000		.6	IR	Clearwater	1883
1	N	43	E	29	SE	7000	.8	IR	Clearwater	1883	1	N	43	E	32	NE	NW	7000		.8	IR	Clearwater	1883
1	N	43	E	32	NW	7000	.6	IR	Clearwater	1883	1	N	43	E	32	NE	NW	7000		.6	IR	Clearwater	1883
1	N	43	E	32	NW	7000	.2	IR	Clearwater	1883	1	N	43	E	32	NW	NE	7000		.2	IR	Clearwater	1883
TOTAL ACRES:											TOTAL ACRES:										3.3		

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 94327** List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, AUTHORIZED (the "from" or "off" lands) PROPOSED (the "to" or "on" lands)

The listing that appears on the certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES													
List only that part or portion of the water right that will be changed.										are made.													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s) to be used (from Table 1)	Priority Date		
<b>EXAMPLE</b>																							
2	S	9	E	15	NE	NW	100	15.0	Irrigation	POD #1 POD #2	1901	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901
1	N	43	E	32	NE	SE	8600	2.6	IR	Foster	12/31/1883	1	N	43	E	32	NE	SE	8600	IR	2.6	Foster	12/31/1883
1	N	43	E	32	NE	SE	8600	2.3	IR	Foster	12/31/1883	1	N	43	E	32	SE	NE	8600	IR	2.3	Foster	12/31/1883
1	N	43	E	32	SW	NE	8600	2.3	IR	Foster	12/31/1883	1	N	43	E	32	SE	NE	8600	IR	2.3	Foster	12/31/1883
TOTAL ACRES:										TOTAL ACRES:													
7.2										7.2													

specify the acreage associated with each POD/POA.

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