



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

Application for Water Right Instream Transfer

Part 1 of 6 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL INSTREAM TRANSFER APPLICATIONS

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
 Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 94956 (Attachment A)**
 Please include a separate Part 6 for each water right. (See instructions on page 8)

Attachments:

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

(For Staff Use Only)

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

Application fee not enclosed/insufficient Map not included or incomplete

Land Use Form not enclosed or incomplete

Additional signature(s) required Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____ / ____ / ____

Part 2 of 6 – Map Checklist

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

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

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

OR

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

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

Permanent quality printed with dark ink on good quality paper.

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

A north arrow, a legend, and scale.

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

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

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

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

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

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

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

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Part 4 of 6 – Applicant Information and Signature

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

Applicant Information

APPLICANT/BUSINESS NAME City of Bend, ATTN: Patrick Griffiths		PHONE NO. 541-317-3008	ADDITIONAL CONTACT NO.
ADDRESS 62975 Boyd Acres Road			FAX NO.
CITY Bend	STATE OR	ZIP 97701	E-MAIL pgriffiths@bendoregon.gov
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:

The Applicant is requesting to permanently transfer a 15 municipal acre/equivalent portion of Certificate 94956, which authorizes direct diversion of the following rates for municipal use:

0.103 cfs April 1 - April 30 and October 1 - October 31;

0.138 cfs May 1 - May 14 and September 16 - September 30;

0.255 cfs May 15 - Sept 15

In accordance with the methods described in the additional remarks section, the estimated consumptive use of the portion of Certificate 94956 propose for transfer is 41.97 acre-feet. The City is requesting to protect this volume instream and create 41.97 mitigation credits.

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

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

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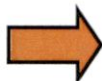
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Check one box

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

I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Bend Bulletin.

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



Patrick Griffiths
Applicant Signature

Patrick Griffiths, Water Resources Manager
Print Name (and Title if applicable)

5/1/20
Date

Applicant Signature

Print Name (and Title if applicable)

Date

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

Check the following boxes that apply:

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

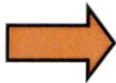
IRRIGATION DISTRICT NAME Central Oregon Irrigation District	ADDRESS 1055 SW Lake Court	
CITY Redmond	STATE OR	ZIP 97756

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

Water under Certificate 76714 is supplied by stored water from Crane Prairie storage, a U.S. Bureau of Reclamation storage facility. The U.S. Bureau of Reclamation should be copied on all correspondence for this application.

ENTITY NAME U.S. Bureau of Reclamation, Pacific NW Region	ADDRESS 1150 N Curtis Road, Suite 100	
CITY Boise	STATE ID	ZIP 83706-1234

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To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

ENTITY NAME City of Bend	ADDRESS 710 NW Wall St.	
CITY Bend	STATE OR	ZIP 97703
ENTITY NAME Deschutes County Planning	ADDRESS 117 NW Lafayette Avenue	
CITY Bend	STATE OR	ZIP 97701
ENTITY NAME Jefferson County Planning Division	ADDRESS 85 Southeast D St.	
CITY Madras	STATE OR	ZIP 97741
ENTITY NAME Wasco County Planning Department	ADDRESS 2705 East 2nd Street	
CITY The Dalles	STATE OR	ZIP 97058
ENTITY NAME Sherman County Planning Department	ADDRESS 66365 Lonerock Rd.	
CITY Moro	STATE OR	ZIP 97039
ENTITY NAME Confederated Tribes of Warm Springs	ADDRESS 1233 Veterans Street PO Box C	
CITY Warm Springs	STATE OR	ZIP 97761

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Part 5 of 6 – Proposed Instream Use Information

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

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

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Instream use proposed to be created by the instream transfer:

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Originating Water Right Number (as identified in Part 5)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
94956	10/31/1900	Deschutes River	“Season 1” April 1-April 30; October 1-October 26	0.103	Not to exceed 81.76
94956	10/31/1900	Deschutes River	“Season 2” May 1-May 14; September 16-September 30	0.138	
94956	10/31/1900	Deschutes River	“Season 3” May 15-Sept 15	0.255	
TOTAL VOLUME					81.76

***Tip:** To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

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

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

Additional Information: **The Applicant is proposing to permanently transfer a 15 municipal acre/equivalent portion of Certificate 94956 instream in order to obtain 41.97 mitigation credits.**

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): _____.
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach):
Instream Reach 1: From the location of POD 4 under Certificate 94956 located in Drake Park approximately 700 feet north and 120 feet west from the southeast corner of the NE¼ SE¼ of Section 31 to the Madras Gage at at River Mile (RM) 100.1.
Instream Reach 2: From the Madras Gage at RM 100.1 to the mouth of the Deschutes River.

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

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

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

- No Yes (identify other instream water rights): 59778, 73188, 73237, 76687, 80400, 80856, 81313, 81314, 81612, 83519, 81553, 82657, 83143, 83587, 83522, 83559, 83523, 81333, 82830, 83293, 83244, 85373, 84909, 85282, 85447, 82822, 82635, 85692, 85785, 85745, 84204, 82731, 82725, 88033, 85792, 87107, 88991, 86006, 87853, 90628, 90238, 90008, 88999, 87410, 90880, 91490, 91696, 92353, 93304, 93373, 91922, 93237, 91517, 91212, 86365, 94058.

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

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

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

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

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
 - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**

- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

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

- The time-limited instream transfer is for a specific number of years:

_____ Begin Year to _____ End Year

- Time-limited instream transfer is to terminate based upon other conditions: Conditions:

_____.

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Part 6 of 6 – Water Right Information

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

CERTIFICATE # 94956

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Name on Certificate: Central Oregon Irrigation District

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Date(s) of Priority: 10/31/1900 and 12/2/1907

Source(s) of Water to be Affected by the Transfer: Deschutes River

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Description of Water Delivery System

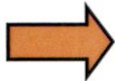
System capacity: **POD 4 = 0.255** cubic feet per second (cfs) **OR**

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The Drake Park South diversion is located in the City of Bend on the Deschutes River. Water was historically diverted directly from the diversion, transmitted a short distance, and used for reasonable and usual municipal purposes. The 15 municipal acres/equivalent allowed from the Drake Park Diversion are currently leased instream.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the “from” lands? Yes No **The acres/equivalent being transferred instream are for municipal use so “layering” does not apply. However, the applicant recognizes that the applicable portion of Certificate 76714 authorizing municipal use for the same acres-equivalent as Certificate 94956 will be cancelled as a result of this transfer. The applicant understands that this will not affect the right to store water in Crane Prairie Reservoir.**

If YES, list the certificate, water use permit, or ground water registration numbers: **76714.**



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

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

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

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 4, Drake Park South	10/31/1900 & 12/2/1907	17	S	12	E	31	NE	SE		700 feet North and 120 feet West from SE Corner of NESE of Section 31

Will the proposed instream transfer affect the entire water right?

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

Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Change to Water Right Certificate # 94956

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acreage if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
17	S	12	E	32	SW	NW			15 (Acres/Equivalent)	Municipal	10/31/1900; 12/2/1907	POD 4, Drake Park South
TOTAL ACRES									15 (Acres/Equivalent)			

Additional remarks:

Water right certificate 94956 is held by Central Oregon Irrigation District. Certificate 94956 authorizes direct diversion of 15 acres equivalent for municipal use at the following rates:

- 0.103 cfs in Season 1 (April 1 - April 30 and October 1 - October 31)
- 0.138 cfs in Season 2 (May 1 - May 14 and September 16 - September 30)
- 0.255 cfs in Season 3 (May 15 - September 15).

The City of Bend is requesting to permanently transfer instream the entire rate allowed from POD 4 in exchange for 41.97 mitigation credits. Mitigation credits were calculated as follows:

15 acres x 5.45 AF acre duty for direct diversions = 81.75 AF

81.75 AF times 51.3% municipal consumptive use coefficient during the season of use authorized by Certificate 94956 = 41.97 credits

The municipal consumptive use coefficient during the irrigation season was calculated as shown in Table 1, below, which takes into account both the consumptive use of municipal water rights in the Deschutes basin at different times of year and the seasonal rates authorized by Certificate 94956.

The instream water right created by the proposed transfer would account for seasonal differences in the consumptive use coefficient and rates authorized by Certificate 94956 as shown in Table 2.

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Additional Remarks (continued):

Table 1: Estimated consumptive use of water for municipal use under Certificate 94956.

Date Begin	Date End	Authorized		Consumptive Use Coefficient ¹	Estimated Consumptive Use
		Authorized Rate (cfs)	Volume (AF)		
1-Apr	30-Apr	0.103	6.14	0.30	1.84
1-May	14-May	0.138	3.82	0.30	1.15
15-May	31-May	0.255	8.59	0.30	2.58
1-Jun	30-Jun	0.255	15.15	0.60	9.09
1-Jul	31-Jul	0.255	15.66	0.60	9.39
1-Aug	31-Aug	0.255	15.66	0.60	9.39
1-Sep	15-Sep	0.255	7.58	0.60	4.55
16-Sep	30-Sep	0.138	4.09	0.60	2.45
1-Oct	25-Oct ²	0.103	5.09	0.30	1.53
		Total	81.76		41.97

Notes

¹ Monthly consumptive use estimates follow open file report "Determining Surface Water Availability in Oregon (Cooper 2002).

² Certificate 94956 is deficient, so it would not be protected instream for the full irrigation season.

Table 2: Proposed instream water right rates by reach and season. All rates are in cfs.

Instream Reach	Season 1	Season 2a	Season 2b	Season 3a	Season 3b
	April 1 through April 30 and October 1 through October 25	May 1 through May 14	September 16 through September 30	May 15 through May 31	June 1 through September 15
1: POD 4 to Madras Gage	0.103	0.138	0.138	0.138	0.255
2: Madras Gage to the Mouth	0.031	0.041	0.083	0.076	0.153

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Attachment A
Water Right Certificate 94956 (Excerpted)
Application for a Water Right Instream Transfer – City of Bend

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STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CENTRAL OREGON IRRIGATION DISTRICT
1055 SW LAKE COURT
REDMOND, OR 97756

confirms the right to use the waters of the DESCHUTES RIVER, a tributary to the COLUMBIA RIVER for
41993.17 ACRES FOR IRRIGATION (IR),
122.15 ACRES FOR INCHOATE IRRIGATION (IR),
2.80 ACRES/EQUIVALENT FOR DUST ABATEMENT (DA),
87.10 ACRES/EQUIVALENT FOR INDUSTRIAL USE (IM),
16.00 ACRES/EQUIVALENT FOR MINING (MI),
125.96 ACRES/EQUIVALENT FOR MUNICIPAL USE (MU),
218.66 ACRES/EQUIVALENT FOR POND MAINTENANCE (PM),
93.16 ACRES/EQUIVALENT FOR QUASI-MUNICIPAL USE (QM),
DOMESTIC USE (DO), AND
LIVESTOCK WATERING (LV).

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This right was confirmed by decree of the Circuit Court of the State of Oregon, Deschutes County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 12 at Page 282, and in Volume 16 at Pages 1 and 390. The dates of priority are OCTOBER 31, 1900, for 918.340 CUBIC FEET PER SECOND (cfs), including inchoate acres, and DECEMBER 2, 1907 for the balance allowed by the decree (367.851 cfs) including inchoate acres.

The total quantity of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed a total of 1,286.191 cfs or the equivalents in the case of rotation, being 1,282.618 cfs (including 3.690 cfs inchoate) from Canal Diversions and 3.573 cfs from Direct Diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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The points of diversion (POD) are located as follows:

AUTHORIZED POINTS OF DIVERSION						
POD #	TWP	RNG	MER	SEC	Q-Q	POD NAME / MEASURED DISTANCES
1	18S	11E	WM	13	SW¼ NE¼	CENTRAL OREGON CANAL: 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
3	17S	12E	WM	31	SE¼ SE¼	COLUMBIA PARK: 740 FEET NORTH AND 490 FEET WEST FROM THE SE CORNER OF SECTION 31
4	17S	12E	WM	31	NE¼ SE¼	DRAKE PARK SOUTH: 700 FEET NORTH AND 120 FEET WEST FROM THE SE CORNER OF THE NE¼ SE¼ OF SECTION 31
5	17S	12E	WM	32	SW¼ NW¼	DRAKE PARK NORTH: 2150 FEET SOUTH AND 750 FEET EAST FROM THE NW CORNER OF SECTION 32
6	17S	12E	WM	32	SW¼ NW¼	HARMON PARK: 700 FEET SOUTH AND 680 FEET WEST FROM THE NE CORNER OF THE SW¼ NW¼ OF SECTION 32
7	17S	12E	WM	32	NW¼ NE¼	PIONEER PARK SOUTH: 600 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF THE NW¼ NE¼ OF SECTION 32
8	17S	12E	WM	32	NW¼ NE¼	PIONEER PARK NORTH: 560 FEET WEST FROM THE NE CORNER OF THE NW¼ NE¼ OF SECTION 32
9	17S	12E	WM	32	NW¼ NE¼	T.I.D. BEND FEED CANAL: 2050 FEET WEST FROM THE NE CORNER OF SECTION 32.
10	17S	12E	WM	29	SW¼ NE¼	RIVERS EDGE GOLF CLUB: 1980 FEET SOUTH AND 1160 FEET EAST FROM THE N¼ CORNER OF SECTION 29
11	17S	12E	WM	29	SE¼ NE¼	C.O.I.D. NORTH CANAL: 850 FEET NORTH AND 630 FEET WEST FROM THE E¼ CORNER OF SECTION 29
12	15S	12E	WM	14	NW¼ SE¼	CLINE FALLS STATE PARK: 425 FEET SOUTH AND 1475 FEET WEST FROM THE E¼ CORNER OF SECTION 14
13	18S	12E	WM	5	SE¼ NW¼	RIVER BEND LIMITED PARTNERSHIP: SOUTH 65° 46' 27" WEST, 3621.45 FEET FROM THE NE CORNER OF SECTION 5
17	18 S	12 E	WM	5	NW SW	RIVER BEND PARK PUMP STATION: SOUTH 6° 24' 37" EAST 783.10 FEET FROM THE WEST ¼ CORNER OF SECTION 5

Diversion Rates Determined by Decree

The amount of water used for irrigation and other uses (described in terms of equivalent irrigated acres or acres/equivalent) is limited to a diversion not to exceed the quantity determined by decree of the Circuit Court of the State of Oregon for Deschutes County, dated March 24, 1933.

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Direct Diversions Rates and Duty

The amount of water used for irrigation and other uses for those lands NOT served by the main canal systems and diverted directly from the source, together with the amount of water secured under any other right existing for the same lands, is limited by the March 24, 1933, decree of the Circuit Court of the State of Oregon for Deschutes County to a diversion not to exceed:

RATE FOR DIRECT DIVERSION FROM SOURCE		
SEASON	PERIOD OF USE	RATE
Season 1	April 1 through April 30 and October 1 through October 31	1 cfs to 145.45 acres
Season 2	May 1 through May 14 and September 15 through September 30	1 cfs to 109.09 acres
Season 3	May 15 through September 14	1 cfs to 58.91 acres

The total quantity of water diverted directly from the source that may be applied to each acre irrigated or acre/equivalent during the irrigation season of each year may not exceed **5.45 acre-feet (AF)** as measured at the point of diversion from the source. The quantities specified for those lands served by direct diversion from the source, and that are not served from the main canal systems, do not include the allowance for the 45% transmission loss.

Rates for Direct Diversion Points of Diversions

POD 3	Priority Date	RATE (CFS) by SEASON			ACRES
		1	2	3	
COLUMBIA PARK	1900	0.014	0.019	0.026	2.10
	1907	--	--	0.010	

Direct Diversion; rates do not include 45% transmissions losses.

POD 4	Priority Date	RATE (CFS) by SEASON			ACRE-EQUIVALENTS
		1	2	3	
DRAKE PARK SOUTH	1900	0.103	0.138	0.182	15.00
	1907	--	--	0.073	

Direct Diversion; rates do not include 45% transmissions losses.

PODS 4 & 5	Priority Date	RATE (CFS) by SEASON			ACRES
		1	2	3	
DRAKE PARK NORTH	1900	0.082	0.109	0.144	11.90
DRAKE PARK SOUTH	1907	--	--	0.058	

Direct Diversion; rates do not include 45% transmissions losses.

MINING						
Twp	Rng	Mer	Sec	Q-Q	AC-EQ	POD
14 S	14 E	WM	30	SW NE	10.20	11
14 S	14 E	WM	30	SE NE	5.80	11
Total Acres-Equivalent (AC-EQ)					16.00	

MUNICIPAL USE							WATER USER
Twp	Rng	Mer	Sec	Q-Q	AC-EQ	POD	
15 S	13 E	WM	3	NESW	23.50 ¹	11	CENTRAL OREGON IRRIGATION DISTRICT
15 S	13 E	WM	16		87.46	11	CITY OF REDMOND
17 S	12 E	WM	32	SW NW	15.00	4	CITY OF BEND
Total Acres-Equivalent (AC-EQ)					125.96		

¹ Limited to non-human consumption, non-potable uses only.

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POND MAINTENANCE						
Twp	Rng	Mer	Sec	Q-Q	AC-EQ	POD
14 S	13 E	WM	3	SE NW	0.40	11
14 S	13 E	WM	3	NE SW	2.10	11
14 S	13 E	WM	3	SW SW	4.15	11
14 S	13 E	WM	3	SE SW	0.75	11
14 S	13 E	WM	3	NW SE	1.90	11
14 S	13 E	WM	3	SW SE	6.90	11
14 S	13 E	WM	3	SE SE	0.60	11
14 S	13 E	WM	4	NW NE	1.50	11
14 S	13 E	WM	4	SW NE	0.30	11
14 S	13 E	WM	5	SW NW	24.16	11
14 S	13 E	WM	8	NW NE	0.10	11
14 S	13 E	WM	8	NE SW	0.20	11
14 S	13 E	WM	9	NE NE	2.55	11
14 S	13 E	WM	9	SE NE	3.80	11
14 S	13 E	WM	10	NW NE	13.98	11
14 S	13 E	WM	10	SW NE	2.80	11
14 S	13 E	WM	10	NE NW	2.75	11
14 S	13 E	WM	10	NW NW	5.25	11
14 S	13 E	WM	10	SW NW	6.08	11
14 S	13 E	WM	10	SE NW	2.75	11
14 S	13 E	WM	10	NE SW	1.44	11
14 S	13 E	WM	10	NE SE	1.20	11
14 S	13 E	WM	10	NW SE	8.04	11
14 S	13 E	WM	13	SE SE	0.50	11
14 S	13 E	WM	14	NW SE	0.60	11
14 S	13 E	WM	14	SW SE	1.20	11
14 S	13 E	WM	18	SW NE	1.00	11
14 S	13 E	WM	19	NE SE	14.97	11
14 S	13 E	WM	20	NW SW	0.20	11
14 S	13 E	WM	21	NW SE	1.20	11
14 S	13 E	WM	22	NW NW	0.88	11
14 S	13 E	WM	22	SE NW	0.60	11

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Attachment B
Application Map

Application for a Water Right Instream Transfer – City of Bend

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Attachment C

Evidence of Use Affidavit

Application for a Water Right Instream Transfer – City of Bend

13437

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)

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 MAY 13 2020

I, PATRICK GRIFFITHS, in my capacity as CITY OF BEND UTILITY DEPARTMENT WATER RESOURCES MANAGER,
 mailing address 62975 BOYD ACRES ROAD, BEND, OR, 97701
 telephone number (541)317-3008, being first duly sworn depose and say:



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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 # ____; **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: IL-1377 (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.): Instream Use

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.

[Signature]
Signature of Affiant

5-5-20
Date

Signed and sworn to (or affirmed) before me this 5th day of May, 2020.



[Signature]
Notary Public for Oregon

My Commission Expires: FEBRUARY 12, 2021

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 confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input 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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) DETERMINATION and
IL-1377, Deschutes County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

City of Bend
575 NE 15th St.
Bend, Oregon 97701
pgriffiths@bendoregon.gov

Co-Lessor

Central Oregon Irrigation District (COID)
1055 SW Lake Ct
Redmond, Oregon 97756
lauraw@coid.org

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Lessee

Deschutes River Conservancy (DRC)
700 NW Hill St.
Bend, Oregon 97701
gen@deschutesriver.org

Findings of Fact

1. On April 8, 2014, the City of Bend, COID, and the DRC filed an application to lease a portion of Certificate 83571 for instream use. The Department assigned the application number IL-1377.
2. On April 21, 2014 the Department requested additional information to determine the volume of Pond Maintenance water that could be protected instream below the Madras Gage. On April 22, 2014, the Co-Lessor and Lessee requested to modify the instream reach for Pond Maintenance water; POD No. 4 to Lake Billy Chinook.
3. The portion of the right to be leased has been modified from the lease application and is as follows:

Certificate: 83571 in the name of Central Oregon Irrigation District
Use: POD No. 1: Pond Maintenance (2.5 equivalent acres)
POD No. 4: Municipal Use (15.0 equivalent acres)
Season of Use: April 1 through October 31, further limited as follows:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

April 1 through April 30 & October 1 through October 31
 May 1 through May 14 & September 16 through September 30
 May 15 through September 15

Priority Date: October 31, 1900, and December 2, 1907

Maximum Quantity (Rate) that can be applied to an acre:

Season 1: limited to 1/80th cubic foot per second (CFS) per acre
 Season 2: limited to 1/60th CFS per acre
 Season 3: limited to 1/32.4th CFS per acre

Maximum Duty that can be applied to an acre:

Not to exceed 9.91 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 45% transmission loss on the main canals (POD No. 1 & 11) as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district main canal systems, but by direct pumping from the Deschutes River, are not allowed the 45% transmission loss.

Source: Deschutes River tributary to the Columbia River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	13	SW NE	POD NO. 1 (CENTRAL OREGON CANAL): 1520 FEET SOUTH AND 1535 FEET WEST FROM THE NE CORNER OF SECTION 13
17 S	12 E	WM	31	NE SE	POD NO. 4 (DRAKE PARK SOUTH): 700 FEET NORTH AND 120 FEET WEST FROM THE SE CORNER OF NE ¼ SE ¼ OF SECTION 31

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	POD	Acres	Additional Place of Use Description Provided in Application - Tax Lot	Water Right Holder
17 S	13 E	WM	20	SE NW	1	2.5	200	City of Bend
17 S	12 E	WM	32	SW NW	4	15.0	-	
Total						17.5		

4. The season of use described in Certificate 83571 contains scrivener errors. Consistent with the Decree for the Deschutes River (Volume 12, Page 282), the irrigation season should be:

Season of Use: April 1 through October 31, further limited as follows:

April 1 through April 30 & October 1 through October 31 described herein as Season 1

May 1 through May 14 & September 15 through September 30 described herein as Season 2

May 15 through September 14 described herein as Season 3

5. Certificate 83571 is a deficient water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact No. 3), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the POD (described in Finding of Fact No. 3), the portion of the right involved in this instream lease would be limited as described in the table below. These rates and duty are also the quantities by which

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the diversion at POD No. 1 & 4 under Certificate 83571 shall be reduced, if this instream lease is approved.

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POD No. 1

Priority Date	Season 1	Season 2	Season 3	Total Volume
October 31, 1900	0.031 CFS	0.041 CFS	0.055 CFS	24.64 AF
December 2, 1907	-	-	0.022 CFS	

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POD No. 4

Priority Date	Season 1	Season 2	Season 3	Total Volume
October 31, 1900	0.187 CFS	0.249 CFS	0.329 CFS	147.83 AF
December 2, 1907	-	-	0.132 CFS	

6. There is a supplemental irrigation water right, Certificate 76714, appurtenant to all or a portion of the lands described in Finding of Fact No. 3. The Lessor and Lessee have requested that this water right not be included as part of this lease application. During the term of the lease, water use under this right will also be suspended.
7. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
8. The Lessor and Lessee have requested to protect water instream from the PODs (described in Finding of Fact No. 3) to the mouth of the Deschutes River. A portion of the water diverted at the POD returns to the Deschutes River within the proposed reach and is available to downstream water right holders. Return flows from the existing use generally return to the river system once river flows reach the Madras Gage. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for return flows at the Madras Gage.
9. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:
Deschutes River, tributary to the Columbia River

Instream Reach No. 1: From POD No. 1 to POD No. 4 (as described in Finding of Fact No.3)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
83571	10/31/1900	Season 1: 0.017	13.63	April 1 – October 26
		Season 2: 0.023		
		Season 3: 0.042		

Instream Reach No. 2: From POD No. 4 to Lake Billy Chinook

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
83571	10/31/1900	Season 1: 0.120	95.38	April 1 – October 26
		Season 2: 0.161		
		Season 3: 0.297		

Instream Reach No. 3: From the Madras Gage to the mouth of the Deschutes River

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
83571	10/31/1900	0.091	38.5	April 1 – October 26

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10. Other conditions to prevent injury and enlargement are:

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The amount of water to be leased instream under Certificate 83571 does not include a 45% transmission loss associated with this right when used for its originally authorized purpose. The transmission loss may not be leased and protected instream.

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Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and the use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original points of diversion within the specified stream reach.

11. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.

12. The protection of flows within the proposed reach is appropriate, considering:

- a. The instream water use begins at the recorded point of diversion;
- b. The location of confluences with other streams downstream of the point of diversion.
- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
- d. Return flows resulting from the exercise of the existing water right would re-enter the river downstream of the PODs, within the reach of the instream water right. As such, the rate and volume of water protected within Instream Reach No. 3 has been reduced to prevent injury and enlargement (Finding of Fact No. 9).

13. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose.

14. The total monthly quantities of water to be protected instream under existing and proposed instream rights in the reach the point do not exceed the estimated average natural flow.

15. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.

16. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.

17. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed for an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
18. The Lessor and Lessee have requested that the lease terminate on October 31, 2016. The lease may commence on the date this final order is signed.
19. The Lessor and Lessee have requested the option of terminating the lease early but only with consent of all parties to the lease.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the instream lease and terminate on October 31, 2016. For multiyear leases, the lessor and lessee *shall* have the option of terminating the lease any time each year with written notice to the Department. The Lessor and Lessee may only terminate the lease early with the consent of all parties to the lease. However, if the termination request is received less than 30-days prior to the instream use period (April 1 through October 26) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 23 day of May, 2014.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This document was prepared by
Lanaya Blakely and if you have any
questions, please call 503-986-0888.

Mailing date: MAY 27 2014

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Attachment D

Supplemental Form D

Application for a Water Right Instream Transfer – City of Bend

13437

Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

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1. APPLICANT INFORMATION

NAME CITY OF BEND UTILITY DEPARTMENT, ATTN: PATRICK GRIFFITHS			PHONE (HM)	
PHONE (WK) 541-317-3008		CELL		FAX
ADDRESS 62975 BOYD ACRES ROAD				
CITY BEND	STATE OR	ZIP 97701	E-MAIL** PGRIFITHS@BENDOREGON.GOV	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME CENTRAL OREGON IRRIGATION DISTRICT			PHONE (HM)	
PHONE (WK) 541-504-7576		CELL		FAX
ADDRESS 1055 SW LAKE COURT				
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL**	

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	94956	YES <input checked="" type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION A 15 MUNICIPAL ACRE/EQUIVALENT PORTION OF CERTIFICATE 94956 IS BEING TRANSFERRED INSTREAM

4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
 email, phone, postal mail, in person, or other (please specify) _____
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature

Patrick Griffiths, Bend Water Resources Manage
Name (print)

Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.

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YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).


Signature of District Manager /Water Supplier

Craig Horrell, Managing Director, COID
Name (print), Title

4.24.20
Date

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Attachment E

Land Use Notification

Application for a Water Right Instream Transfer – City of Bend

13437 -



May 11, 2020

Deschutes County Community Development
117 NW Lafayette Avenue
Bend, OR 97701

City of Bend Planning Department
710 NW Wall Street
Bend, OR 97701

Jefferson County Community Development
85 SE D Street
Madras, OR 97741

Confederated Tribes of the Warm Springs
1233 Veterans Street
PO Box C
Warm Springs, OR 97761

Wasco County Planning Department
2705 East 2nd Street
The Dalles, OR 97058

Sherman County Planning Department
66365 Lonerock Road
Moro, OR 97039

To whom it may concern:

The Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

As such, I am notifying you on behalf of the City of Bend (City) that the City intends to submit an application to the Oregon Water Resources Department proposing to transfer 15 acres-equivalent of water right certificate 94956 to instream use. The proposed place of instream use would be in the Deschutes River from approximately Drake Park in the City of Bend to the confluence with the Columbia River. The proposed rate to be protected instream varies from 0.031 to 0.255 cubic feet per second depending on the season and reach.

If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at (541) 257-9005.

Sincerely,

A handwritten signature in black ink that reads "Owen McMurtrey".

Owen McMurtrey
Water Resources Consultant

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May 11, 2020

Sarah Henderson
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301

RE: Application for a Water Right Instream Transfer in the name of City of Bend.

Dear Sarah:

GSI Water Solutions, Inc. (GSI) is submitting the enclosed Application for Water Right Instream Transfer on behalf of the City of Bend. Water right certificate 94956 is held by Central Oregon Irrigation District. Certificate 94956 authorizes direct diversion of 15 acres equivalent for municipal use at the following rates:

- 0.103 cfs in Season 1 (April 1 - April 30 and October 1 - October 31)
- 0.138 cfs in Season 2 (May 1 - May 14 and September 16 - September 30)
- 0.255 cfs in Season 3 (May 15 - September 15).

The City of Bend is requesting to permanently transfer instream the entire rate allowed from POD 4 in exchange for 41.97 mitigation credits. The additional remarks section of the application includes an explanation of methods used to estimate the consumptive use of the portion of Certificate 94956 proposed for transfer.

The required application documents and fee of \$1,045 are enclosed.

Please contact me if you have any questions. My phone number is 541-257-9005.

Sincerely,

A handwritten signature in black ink that reads "Owen McMurtrey". The signature is written in a cursive, slightly slanted style.

Owen McMurtrey
Water Resources Consultant

Enclosures: Application for Water Right Instream Transfer for Certificate 94956
Check in the amount of \$1,045

13437