



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

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **92000**.
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

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**Attachments:**

- Fees – Amount enclosed: \$ **580.00** (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.
- 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 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. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

## Part 2 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>East Fork Irrigation District</b>		PHONE NO. 541-354-1185	ADDITIONAL CONTACT NO. MAILING: PO BOX 162, ODELL, OR 97044	
ADDRESS 3500 GRAVES ROAD			FAX NO. 541-354-5833	
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL JOHNEFID@HOODRIVERELECTRIC.NET	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: 08/11 / 2020.

OR

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

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

LANDOWNER NAME		PHONE NO.		
ADDRESS				
CITY	STATE	ZIP	E-MAIL	

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

REPRESENTATIVE/BUSINESS NAME ALIX DANIELSEN, HRWG		PHONE NO. 541-386-6063	ADDITIONAL CONTACT NO.	
ADDRESS 3007 EXPERIMENT STATION ROAD			FAX NO.	
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL ALIX@HOODRIVERWATERSHED.ORG	

I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Hood River News.

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

  
Applicant signature

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

Sept. 1, 2020  
Date

Applicant signature: \_\_\_\_\_

Print Name (and Title if applicable) \_\_\_\_\_

Date \_\_\_\_\_

In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s): This project will eliminate 6 miles of open canal with HDPE pipeline, including the accompanying pressure reducing stations and valves, which will ultimately eliminate 14 end spills that currently exist at the end of sub-lateral lines within the Eastside Lateral system. The system is estimated to currently lose 6 cfs through these end spills.



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 HOOD RIVER COUNTY - PLANNING DEPARTMENT	ADDRESS 601 STATE STREET	
CITY HOOD RIVER	STATE OR	ZIP 97031

ENTITY NAME CONFEDERATED TRIBES OF WARM SPRINGS	ADDRESS 1233 VETERANS STREET	
CITY WARM SPRINGS	STATE OR	ZIP 97761

ENTITY NAME MOUNT HOOD IRRIGATION DISTRICT	ADDRESS 6950 HIGHWAY 35	
CITY PARKDALE	STATE OR	ZIP 97041

ENTITY NAME CITY OF HOOD RIVER	ADDRESS 211 2 <sup>ND</sup> STREET	
CITY HOOD RIVER	STATE OR	ZIP 97031

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

**Please use a separate Part 3 for each water right involved in the proposed allocation of conserved water.**

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**WATER RIGHT INFORMATION:**

Water Right Subject to Transfer (check and complete **ONE** of the following):

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<input checked="" type="checkbox"/> Certified Right	92000 <small>Certificate Number</small>	Hood River, VolPage: 6-199 <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 Proper Proof of the change has been filed	_____ <small>Previous Certificate / Transfer Number</small>	_____ <small>Date Claim of Beneficial Use Submitted</small>

County: Hood River

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* During peak irrigation (early July through mid-September) in an average summer, EFID diverts approximately 110 cfs from the East Fork Hood River, which amounts to about 75% of the East Fork Hood River's flow. The District operates a single diversion at its headworks on the East Fork Hood River (River Mile 6.6). A rock push-up dam and wood headgate were replaced in 2013 with an Obermeyer weir, four steel headgates, and a vertical slot fish ladder. From the sand trap and fish screen facility below the diversion, the water diverted for irrigation enters EFID's open Main Canal and is conveyed 6.8 miles north to a distribution center where the system splits into two laterals: the 4.5-mile Central Lateral Pipeline and the 5-mile open Dukes Valley Canal. The Central Lateral Pipeline supplies water to 10 District-owned, sub-lateral pipelines and to the open Eastside Canal, which is 6.1 miles long and supplies water to seven District-owned piped laterals and transitions into the Whiskey Creek Pipeline. The Eastside Lateral Canal serves about one-third of the East Fork Irrigation District and conveys up to 40 cfs. This open, unlined, gravity-fed canal begins at Swyers Drive (45.6123/-121.5073) and ends near Old Dalles Drive (45.6740, -121.4859). The primary water loss from this open canal comes from 14 end spills, which are estimated to lose an average of 6 cfs (EFID System Improvement Plan, Farmers Conservation Alliance, 2018). End spills ensure that the line does not go dry if all patrons are taking their full water right. Unless all lines have pressure-rated pipe, each line must have an end spill to ensure that the user at the end of the line receives their water right. End spills from the East Fork go into a number of downstream tributaries, which then flow into the mainstem Hood River. (So the spill never returns to the East Fork itself.) On-farm irrigation methods at points of use within the Eastside Lateral service area include older, traditional irrigation systems that typically consist of hand or wheel lines with impact sprinklers that, on average, apply 2.4 – 3 feet/irrigation season (HRSWCD 2013, Irrinet 2007, Pers. comm. Craig DeHart, Jer Camarata, & John Buckley 2012), and new, more efficient systems that typically consist of fixed poly-tubing with micro or rotator sprinklers. Recent studies in the Hood River Basin found that, on average, orchards with micro-sprinklers applied 1.53 feet/year (HRSWCD 2013, Irrinet 2007).

**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. 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	
			Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC
Originating Water Right #	Priority	Acres								
92000	11/25/1895	8,546.77	104.2	1/80	24,817.38	3.0	132.745			
<b>Totals</b>		8,546.77	104.2		24,817.38	3.0	132.745			

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

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**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: \_\_\_\_\_



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, groundwater registrations, or uncertificated decree numbers: 80929, 84803, 80927

Is the project within the boundaries of an irrigation district or water control district?  Yes  No. If YES, and applicant is not a District, you must provide a letter of approval from the District.

**Table 2: Conserved Water**

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

Conserved Water Description											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
11/25/1895	104.2	1/80	24,817.38	3.0	101.2	1/80	24,103.38	3.0	3.0	714.0	
<b>Totals</b>	104.2		24,817.38		101.2		24,103.38		3.0	714.0	

**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%	3.0	714.0	0%	0	0	100%	3.0	714.0

\* must be at least 25%

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The priority for the conserved water is requested to be:

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

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**Part 4 of 4 – Mitigation, Proposed Use,  
Project Schedule, Funding, and  
Fee Calculation**

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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. Water that is proposed to be conserved is currently lost as part of 14 end spills within the Eastside Lateral system. Proposed allocation of conserved water is less than the total amount of water currently lost to end spills, and therefore there will be no expected effects on other water rights.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. There will be no harm to other water rights.

**PROPOSED USE:**

**New Out-of Stream Uses:**

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: \_\_\_\_\_.

Will the new use require a change or additional point of diversion/appropriation?

Yes  No  Unknown at this time

**New Point of Diversion:**

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude

**New Instream Uses to be Created (State's Portion):**

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
92000	11/25/1895	East Fork Hood River	6/30 - 9/30 (120 d)	3.0	714.0
<b>TOTAL VOLUME</b>					714.0

\* 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 duty or volume conserved (Table 3, Column C).

**Location of the proposed instream water right.**

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM \_\_\_ to downstream location at



the mouth at RM \_\_\_\_\_) From the POD located at RM 6.4 of the East Fork Hood River to the mouth of the mainstem Hood River at 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)): \_\_\_\_\_

**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 and scenic attraction.
- Water Quality (e.g. pollution abatement).

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

- None.
- Instream Water Right Certificates: CW93

- N/A Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

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

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

- No; OR
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); OR
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
- The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
- The stream is listed as water quality limited by DEQ.

**PROJECT SCHEDULE:**

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N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date: 11/2020	Date: 4/2022	*Date: 4/2023

*\* 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.*

**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.

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Source of Funding:  Federal: NRCS & Confederated Tribes of Warm Springs (BPA)  State: OWEB & OWRD (pending)

Total cost for project engineering \$125,500  
Total cost for construction \$7,614,094

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 \$EFID operations and maintenance savings are estimated at \$119,000, and energy savings from eliminating patron pumping is estimated at \$134,000 (Draft Watershed Plan - EA, 2020).

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 \$7,603,094.

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 \$11,000.

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) has a contractual interest in this project. The OWEB project number is 220-4024-17468.

**FEE CALCULATION**

Fee Schedule – ORS 536.050 <a href="https://www.oregon.gov/OWRD/Forms/Pages/default.aspx">https://www.oregon.gov/OWRD/Forms/Pages/default.aspx</a>	
\$1,160.00 - Base (1 <sup>st</sup> Water Right)	Add \$410.00 for each additional right
$\$1,160 + (0 \times \$350) = \text{Total Fee } \$410$	

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; or
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
<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>\$580</u>
Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver	
<b>Total Fee <u>\$1,160</u> – Fee Waiver (g) <u>\$580</u> = Amount Due <u>\$580</u></b>	

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