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.

Received by OWRD
FEB 17 2021
Salem, OR

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: **95175, 95176, 95177**.

☒ Part 4 –Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

☒ Fees – Amount enclosed: $ **990** (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. **See Attachment A**

☐ Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **N/A – 100 percent of Conserved Water being allocated instream.**

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. **See Attachment B**

☒ ☐ N/A Completed Evidence of Use Affidavit and Supporting Documentation. **See Attachment C**

☐ ☒ 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. **See Attachment D**

☒ ☐ 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. **See Attachment E**

☐ ☒ N/A Evidence for Fee Waiver. **The OWEB project number for Project Group 2 is 219-4000-16321.**

☐ ☒ 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.) **N/A**

Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME **Tumalo Irrigation District**			PHONE NO. (541) 382-3053	ADDITIONAL CONTACT NO.
ADDRESS 64697 COOK AVE				FAX NO.
CITY BEND	STATE OR	ZIP 97701	E-MAIL KEN@TUMALO.ORG	

☒ The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: 3/8/2005. Reviewed by board 10/13/2015.

OR

☐ The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located? ☐ Yes ☐ No **N/A – The applicant is an irrigation district.**

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

Received by OWRD

FEB 17 2021

Salem, OR

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

REPRESENTATIVE/BUSINESS NAME OWEN MCMURTREY			PHONE NO. (541) 257-9005	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW WESTERN AVENUE, SUITE 240				FAX NO.
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL OMCMURTREY@GSIWS.COM	

☐ 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: Bend Bulletin.

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

Applicant signature _____ Print Name (and Title if applicable) _____ Date _____

Applicant signature _____ Print Name (and Title if applicable) _____ Date _____

In your own words tell us what conservations measures you have made or propose to make and the reason for the change(s): Consistent with TID's watershed plan-environmental assessment for its irrigation modernization project, TID is submitting this Application for Allocation of Conserved Water for Project Groups 2 and 3, which includes piping of the Steele, Highline, 2 Rivers (Box S), Parkhurst, Gill, Lacy, and Allen laterals. The piping of Tumalo Feed and Tumalo Reservoir Feed Canals is included in Conserved Water Project 37 (CW-37). This application is for the first and second phases of piping for TID's laterals. TID anticipates that this will eliminate a total of 4,121 acre-feet of canal loss, based on a seepage loss study completed by Black Rock Consulting in 2016. TID anticipates allocating 100 percent of water conserved through publicly funded piping to instream purposes from Certificates 95175, 95176, and 95177.

TID proposes to allocate 100 percent of the conserved water instream for this project. Of the water allocated instream TID proposes that 750 out of a total of 1,936.9 AF allocated instream under Certificate 95177 will be protected from Crescent Dam downstream to approximately river mile 179, at the location of the USFS Ryan Ranch Meadow Restoration Project.

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	ADDRESS	
KLAMATH COUNTY	**305 MAIN STREET #1**	
CITY	STATE	ZIP
KLAMATH FALLS	**OR**	**97601**

ENTITY NAME	ADDRESS	
DESCHUTES COUNTY **ATTN: COMMUNITY DEVELOPMENT**	**PO BOX 6005**	
CITY	STATE	ZIP
BEND	**OR**	**97708-6005**

ENTITY NAME	ADDRESS	
JEFFERSON COUNTY COMMUNITY DEVELOPMENT	**85 SE D STREET**	
CITY	STATE	ZIP
MADRAS	**OR**	**97741**

ENTITY NAME	ADDRESS	
CITY OF LA PINE	**PO BOX 2460** **16345 SIXTH STREET**	
CITY	STATE	ZIP
LA PINE	**OR**	**97739**

ENTITY NAME	ADDRESS	
CITY OF BEND	**710 NW WALL STREET**	
CITY	STATE	ZIP
BEND	**OR**	**97701**

ENTITY NAME	ADDRESS	
CONFEDERATE TRIBES OF WARM SPRINGS	**1233 VETERANS STREET** **PO BOX C**	
CITY	STATE	ZIP
WARM SPRINGS	**OR**	**97761**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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):

☒	Certificated Right	95175 Certificate Number	Tumalo Creek Permit Number or Decree Name
☐	Adjudicated, Un-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Special Order Volume _____, Page
☐	Transferred Right for which Proof has been Filed	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* TID has two primary points of diversion, Tumalo Feed Canal (TFC) on Tumalo Creek and Bend Feed Canal (BFC) on the Deschutes River. Water under certificate 95175 and 95176 is diverted at the TFC. The TFC is a gravity diversion on Tumalo Creek near river mile 3, North 70° 21' W; 1,550 feet from the East ¼ corner of section 23; SW¼ NE¼, Section 23, township 17 south, range 11 east. Water at the TFC diversion dam enters a dual-pipe conveyance system and is transported approximately 4,000 feet to the convergence of the BFC. The maximum capacity of the intake is 225 cfs. TID has previously piped approximately two miles of the Tumalo Feed Canal with 84-inch diameter high-density polyethylene pipe (HDPE).

Certificate 95175 was issued in December 2020. The authorized rate for each priority date in Certificate 95175 reflect completion of CW-9 and phases 1-6 of CW-37. 2.709 cfs remains to be finalized under phase 7. Pre-project rates shown throughout this application and attachments anticipate the finalization of CW-37.

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.*)

See Attachment F for Table 1.

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.* TID anticipates that this project will eliminate a total of 4,121 acre-feet of seepage loss, based on a seepage loss study completed by Black Rock Consulting in 2016. Loss numbers were corroborated through measurements taken by the District in 2018. Allocation of water conserved through this project will differ from the allocation of water proposed under CW-37 to account for the amount and timing of water use from the District's two sources. However, the District may modify the approach to shaping the instream water right resulting from allocations of conserved water in future applications, as the timing and amount of water allocated to instream use may affect the District's ability to deliver water under certain streamflow conditions.

Place of Use Involved in Conservation Measures

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
Entire Certificate											
									Total	5,801.5	

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:

The District holds water right certificates 95175, 95176, 95177, 95178, 74149, and 88894.

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.*)

N/A – This method is not applicable to the proposed allocation of conserved water under Certificate 74146. Because TID has a dual source system, the amount of water needed depends on the combined volume of water available from both sources. Currently, TID's annual need is approximately 53,000 AF. The need for water under Certificate 95175 and 95176 will depend on the availability of water from Crescent Lake. In general, the flow of Tumalo Creek has not been sufficient to meet the District's demands during late summer. However, over-allocation of conserved water to Tumalo Creek during late summer would cause the District to rely too heavily on Crescent Lake, resulting in negative annual water budgets as Crescent Lake is drawn down and does not refill.

See Attachment F for Table 2.

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).

** 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.

See Attachment F for Table 3.

TID diverts water from both Tumalo Creek and Crescent Lake. In this application, as in CW-9 and CW-37, TID has divided the amount of conserved water based on the relative volumes historically diverted from each source. Based on TID's recent diversions, TID proposes that 53 percent of conserved water be allocated to Crescent Lake and 47 percent be allocated to Tumalo Creek. During the early part of the irrigation season (April through mid-July), when Tumalo Creek flows are high, the majority of TID's water supply comes from Tumalo Creek. During the late irrigation season (mid-July through September), the majority of TID's water supply comes from water stored in Crescent Lake Reservoir.

Additionally, on lands where Certificate 95176 is supplemental to Certificate 95175, the former authorizes a higher per-acre rate and duty than Certificate 95175. TID delivers water to primary and supplemental acreage under Certificate 95176 throughout the irrigation season.

This application requests to seasonally shape conserved water in Tumalo Creek, and to allocate conserved water from Certificates 95175 and 95176 to align with TID's seasonal utilization of Tumalo Creek. This approach is designed to prevent allocating conserved water to Tumalo Creek in excess of the amount of water actually diverted from Tumalo Creek during the latter half of the irrigation season, when TID has relied on Crescent Lake Reservoir.

The rates shown in Table 3 were calculated by identifying the historic average diversion from Tumalo Creek during each semi-monthly time period from 1958 to 1987, prior to the decommissioning of the Columbia Southern Canal and any other conservation projects on Tumalo Creek.

Table 4 in Attachment F shows the rate and duty of water to be conserved under Certificate 95175 and Certificate 95176 throughout the irrigation season. See Attachment F for Table 4.

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):

☒	Certificated Right	95176 Certificate Number	Tumalo Creek Permit Number or Decree Name
☐	Adjudicated, Un-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Special Order Volume _____, Page
☐	Transferred Right for which Proof has been Filed	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* TID has two primary points of diversion, Tumalo Feed Canal (TFC) on Tumalo Creek and Bend Feed Canal (BFC) on the Deschutes River. Water under Certificate 95176 is diverted at the TFC. The TFC is a gravity diversion on Tumalo Creek near river mile 3, North 70° 21' W; 1,550 feet from the East ¼ corner of section 23; SW¼ NE¼, Section 23, township 17 south, range 11 east. Water at the TFC diversion dam enters a dual-pipe conveyance system and is transported approximately 4,000 feet to the convergence of the BFC. The maximum capacity of the intake is 225 cfs. TID has previously piped approximately two miles of the Tumalo Feed Canal with 84-inch diameter high-density polyethylene pipe (HDPE).

Certificate 95176 has been altered since it was issued by OWRD to reflect TID's petition under HB-3111 in June 1997.

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.*)

See Attachment F for Table 1.

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.* TID anticipates that this project will eliminate a total of 4,121 acre-feet of seepage loss, based on a seepage loss study completed by Black Rock Consulting in 2016. Loss numbers were corroborated through measurements taken by the District in 2018. Allocation of water conserved through this project will differ from the allocation of water proposed under CW-37 to account for the amount and timing of water use from the District's two sources. However, the District may modify the approach to shaping the instream water right resulting from allocations of conserved water in future applications, as the timing and amount of water allocated to instream use may affect the District's ability to deliver water under certain streamflow conditions.

Place of Use Involved in Conservation Measures

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
Entire Certificate											
								Total	6,590.8		

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:

The District holds water right certificates 95175, 95176, 95177, 95178, 74149, and 88894.

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.*)

N/A – This method is not applicable to the proposed allocation of conserved water under Certificate 95176. Because TID has a dual source system, the amount of water needed depends on the combined volume of water available from both sources. Currently, TID's annual need is approximately 53,000 AF. The need for water under Certificate 95175 and 95176 will depend on the availability of water from Crescent Lake. In general, the flow of Tumalo Creek has not been sufficient to meet the District's demands during late summer. However, over-allocation of water to Tumalo Creek during late summer would cause the District to rely too heavily on Crescent Lake, resulting in negative annual water budgets as Crescent Lake is drawn down and does not refill.

See Attachment F for Table 2.

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).

** 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.

See Attachment F for Table 3.

TID diverts water from both Tumalo Creek and Crescent Lake. In this application, as in CW-9 and CW-37, TID has divided the amount of conserved water based on the relative volumes historically diverted from each source. Based on TID's recent diversions, TID proposes that 47 percent of conserved water be allocated to Crescent Lake and 53 percent be allocated to Tumalo Creek. During the early part of the irrigation season (April through mid-July), when Tumalo Creek flows are high, the majority of TID's water supply comes from Tumalo Creek. During the late irrigation season (mid-July through September), the majority of TID's water supply comes from water stored in Crescent Lake Reservoir.

Additionally, on lands where Certificate 95176 is supplemental to Certificate 74146, the former authorizes a higher per-acre rate and duty than Certificate 95175. TID delivers water to primary and supplemental acreage under Certificate 95176 throughout the irrigation season.

This application requests to seasonally shape conserved water in Tumalo Creek, and to allocate conserved water from Certificates 95175 and 95176 to align with TID's seasonal utilization of Tumalo Creek. This approach is designed to prevent allocating conserved water to Tumalo Creek in excess of the amount of water actually diverted from Tumalo Creek during the latter half of the irrigation season, when TID has relied on Crescent Lake Reservoir.

The rates shown in Table 3 were calculated by identifying the historic average diversion from Tumalo Creek during semi-monthly time period from 1958 to 1987, prior to the decommissioning of the Columbia Southern Canal and any other conservation projects on Tumalo Creek.

Table 4 shows the rate and duty of water to be conserved under Certificate 95175 and Certificate 95176 throughout the irrigation season. See Attachment F for Table 4.

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):

☒	Certificated Right	95177 Certificate Number	Tumalo Creek Permit Number or Decree Name
☐	Adjudicated, Un-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Special Order Volume _____, Page
☐	Transferred Right for which Proof has been Filed	Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* ZA

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.*)

See Attachment F for Table 1.

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.* TID anticipates that this project will eliminate a total of 4,121 acre-feet of seepage loss, based on a seepage loss study completed by Black Rock Consulting in 2016. Loss numbers were corroborated through measurements taken by the District in 2018. Allocation of water conserved through this project will differ from the allocation of water proposed under CW-37 to account for the amount and timing of water use from the District's two sources. However, the District may modify the approach to shaping the instream water right resulting from allocations of conserved water in future applications, as the timing and amount of water allocated to instream use may affect the District's ability to deliver water under certain streamflow conditions.

Place of Use Involved in Conservation Measures

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
Entire Certificate											
								Total	7,381.20		

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:

The District holds water right certificates 95175, 95176, 95177, 95178, 74149, and 88894.

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.*)

N/A – This method is not applicable to the proposed allocation of conserved water under Certificate 74148. Because TID has a dual source system, the amount of water needed depends on the combined volume of water available from both of TID's sources, Crescent Lake and Tumalo Creek. Currently, TID's annual need is approximately 53,000 AF. The need for water under Certificate 95177 will depend on the availability of water from Tumalo Creek. In general, the flow of Tumalo Creek has not been sufficient to meet the District's demands during late summer. However, over-allocation of water to Tumalo Creek during late summer would cause the District to rely too heavily on Crescent Lake, resulting in negative annual water budgets as Crescent Lake is drawn down and does not refill.

See Attachment F for Table 2.

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).

** 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.

See Attachment F for Table 3.

TID diverts water from both Tumalo Creek and Crescent Lake. In this application, as in CW-9 and CW-37, TID has divided the amount of conserved water based on the relative volumes historically diverted from each source. Based on TID's recent diversions, TID proposes that 53 percent of conserved water be allocated to Crescent Lake and 47 percent be allocated to Tumalo Creek. During the early part of the irrigation season (April through mid-July), when Tumalo Creek flows are high, the majority of TID's water supply comes from Tumalo Creek. During the late irrigation season (mid-July through September), the majority of TID's water supply comes from water stored in Crescent Lake Reservoir. However, because conserved water allocated under Certificate 95177 is stored water, it is available for release during the winter months, when flows on Crescent Creek below Crescent Dam have historically been low.

Table 3 shows the annual volume of water to be conserved under Certificate 74148. See Attachment F for Table 3.

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

MITIGATION:

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. Water proposed to be conserved is lost to seepage and evaporation in TID's open canals and laterals. The City of Bend is the only other water user on Tumalo Creek and the City's point of diversion is above TID's. TID will continue to pass water at a rate consistent with the volume of water actually conserved through this allocation. Water lost to seepage enters the Deschutes Regional Aquifer, which discharges a large volume of water to the Deschutes River above gage 14092500 (Deschutes River near Madras). Water is not protected below Lake Billy Chinook for this reason. For water conserved under Certificate 95177, water is released from Crescent storage, and would not otherwise have been available in the Deschutes River, so there is no effect of this proposed allocation of conserved water on other water rights. Therefore, there are no effects from the proposed allocation of conserved water on other water rights.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. N/A

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: Wildlife and Fish Life (Wetland Enhancement) Boundaries: US Forest Service Ryan Ranch Restoration Project.

☒ 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)**
See Table 4 in Attachment F for shaping of instream water right.					
				TOTAL VOLUME	

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

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

Note: The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum volume or duty conserved (Table 3, Column C)

Location of the proposed instream water right.

☒ Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): *(e.g., from the upstream POD located at RM _____ to downstream location at the mouth at RM _____)* For water allocated under Certificates 95175 and 95176: In Tumalo Creek from the location of the Tumalo Feed Canal diversion to the mouth of Tumalo Creek at the confluence with the Deschutes River, and then into the Deschutes River to Lake Billy Chinook at River Mile 120.

For the first 750 acre-feet of water allocated under Certificate 95177: In Crescent Creek from Crescent Dam to the mouth of Crescent Creek and then into the Little Deschutes River from the

mouth of Crescent Creek to the mouth of the Little Deschutes River and then into the Deschutes River to river mile 179.

For the remaining water allocated under Certificate 95177: In Crescent Creek from Crescent Dam to the mouth of Crescent Creek and then into the Little Deschutes River from the mouth of Crescent Creek to the mouth of the Little Deschutes River and then into the Deschutes River to Lake Billy Chinook at river mile 120.

OR

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

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

☒ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.

☐ Recreation.

☐ Pollution Abatement.

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

☐ None.

☒ Instream Water Right Certificates: 81332, 81333, 84351, 88992, 88993, 91922, 91923, 94202, 94203, 94856, 94857, Inchoate CW-37 Remaining, 73222

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

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

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

☒ No; **OR**

☐ Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**

☐ Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- ☐ The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
- ☐ The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
- ☐ The stream is listed as water quality limited by DEQ.

PROJECT SCHEDULE:

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

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date:10/2019	*Date:3/2022*	**Date:9/2022*

** 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. **TID completed a Watershed Plan Environmental Assessment describing planned piping activities in 2018. The Watershed Plan process included mailing of public scoping letters and meetings to identify stakeholders. The publishing of the Watershed Plan included a notice and comment process. TID received comments from the City of Bend regarding the Allocation of Conserved Water. TID has worked with the City to ensure that this allocation of conserved water avoids harm to the City's water rights.**

☐ ☒ 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.*

☒ Source of Funding: ☒ Federal: $7,000,000 (est.) ☒ State: $4,000,000 (est.)

☐ Total cost for project engineering N/A
Total cost for construction $11,800,000 (est.)

☐ The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absences of the project is **N/A.**

☒ 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 **N/A.**

☒ 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 $800,000 (est.).

☐ ☐ 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 219-4000-16321.

FEE CALCULATION

Fee Schedule – ORS 536.050	
$1,160.00 - Base (1st Water Right)	Add $410.00 for each additional right
$1,160 + (2 x $410) = Total Fee $1,980	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
	(a) Will be converted to an instream right pursuant to ORS 537.348; **or**
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); **or**
	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. *See* OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
	(d) Enter Percentage from Table 3, Column A = 100%
	(e) Deduct 25% from percentage in (d) above = 75%
	(f) Enter the lesser of (e) above or 50% 50%
	(g) Total Fee x % waived (f) = Fee Waiver $990*
	Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver
	Total Fee $1,980 – Fee Waiver (g) $990 = Amount Due $990

Attachment B
Land Use Notice

Conserved Water Application – Tumalo Irrigation District

TUMALO IRRIGATION DISTRICT

February 17, 2021

City of La Pine
PO Box 2460
16345 Sixth Street
La Pine, OR 97339

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

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

Klamath County Community Development
305 Main Street, #1
Klamath Falls, OR 97601

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

To Whom It May Concern:

Tumalo Irrigation District is providing notification of its intent to create an instream water right through an Allocation of Conserved Water pursuant to ORS 537.470. TID proposes to allocate the following volumes of water to instream use as described:

- 1,186.9 acre feet under Certificate 74148, to be released from Crescent Lake Reservoir at the location of Crescent Dam into Crescent Creek, then into the Little Deschutes River, then into the Deschutes River, then into Lake Billy Chinook.
- 750 acre feet under Certificate 74148, to be released from Crescent Lake Reservoir at the location of Crescent Dam into Crescent Creek, then into the Little Deschutes River, then into the Deschutes River to approximately river mile 178.5.
- 2,184.1 acre feet under Certificates 74147 and 7417 in Tumalo Creek, from the District's authorized point of diversion from Tumalo Creek in the SW NE, Section 23, Township 17 South, Range 11 East, then into the Deschutes River, then into Lake Billy Chinook.

Sincerely,

Kenneth B. Rieck
Manager/Secretary to the Board
Tumalo Irrigation District

Attachment F
Allocation of Conserved Water Tables 1 through 4

Conserved Water Application – Tumalo Irrigation District

Table 1: Pre-Project water right (Certificate 95175) and system capacity.

PRE-PROJECT DESCRIPTION										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty[3]		Rate		Duty	
Originating Water Right #	Priority	Acres[1]	Maximum[2]	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
95175	8/5/1900	407.60	4.778	1/70	733.7	1.8	224	0.04	95,079.6	16.39
	9/30/1900	4,056.45	33.506	1/70	7,301.6	1.8				
	4/28/1905	301.60	3.536	1/70	542.9	1.8				
	5/27/1907	43.20	0.495	1/70	77.8	1.8				
	6/1/1907	992.65	11.636	1/70	1,786.8	1.8				
Totals (95175)		5,801.50	53.951	1/70	10,442.7	1.8	224	0.04	95,080	16.39

[1] Number of acres equivalent incorporates 790.6 acres equivalent added through completion of CW-9 (Order Vol. 64, pg. 157-158)

[2] Maximum rate after completion of CW-9 and CW-37.

[3] At or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year.

Table 1: Pre-Project water right (Certificate 95176) and system capacity.

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
95176 (Season 1)	10/29/1913	6,590.60	82.38	1/80	65,312.8	9.91	224	0.03	95,079.6	14.43
95176 (Season 2)	10/29/1913	6,590.60	109.84	1/60						
95176 (Season 3)	10/29/1913	6,590.60	136.00	1/32.4						
Totals (95176)		6,590.60	136.0	1/32.4	-	9.91	224	0.03	95,079.6	14.43

[4] Certificate 95176 has 1,573.93 acres of primary irrigation, 2 acres-equivalent for industrial use, 3.77 acres-equivalent for pond maintenance, and

Table 1: Pre-Project water right (Certificate 95177) and system capacity.

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
95177	4/7/1911	7,381.20	N/A	N/A	32,999.3	9.91	175	0.02	74,281.0	10.06
Totals (95177)		7,381.20	N/A	N/A	32,999.3	9.91	175	0.03	74,281.0	10.06

Table 2: Conserved water (Certificate 95175)

CONSERVED WATER DESCRIPTION													
			Column A Table 1 - Smaller of A or B				Column B Needed				Column C Conserved Water		
			Rate		Duty		Rate		Duty [5]		Rate	Duty	
Originating Water Right #	Priority	Acres	Maximum[1]	CFS/AC	Maximum	AF/AC[2]	Maximum	CFS/AC	Maximum	AF/AC	Maximum CFS	Maximum AF	AF/AC
95175	8/5/1900	407.60	4.778	1/70	733.7	1.8	4.486	1/70	733.7	1.8	0.292	106.6	0.262
	9/30/1900	4,056.45	33.506	1/70	7,301.6	1.8	31.457	1/70	7,301.6	1.8	2.049	747.8	0.184
	4/28/1905	301.60	3.536	1/70	542.9	1.8	3.320	1/70	542.9	1.8	0.216	78.9	0.262
	5/27/1907	43.20	0.495	1/70	77.8	1.8	0.465	1/70	77.8	1.8	0.030	11.0	0.256
	6/1/1907	992.65	11.636	1/70	1,786.8	1.8	10.924	1/70	1,786.8	1.8	0.712	259.7	0.262
Totals (95175)		5,801.50	53.951	1/70	10,442.7	1.8	50.65	1/70	10,442.7	1.8	3.299	1,204.2	0.262

[5] At or within one-half mile of the land to be irrigated, for each acre irrigated during the irrigation season of each year. Because the applicant is proposing a transmission conservation

Table 2: Conserved water (Certificate 95176)

CONSERVED WATER DESCRIPTION													
			Column A Water Right of Record				Column B Needed				Column C Conserved Water		
			Rate		Duty		Rate		Duty		Rate	Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC	Maximum CFS	Maximum AF	AF/AC
95176 (Season 1)	10/29/1913	6,590.60	82.38	1/80	65,312.8	9.91	80.106	1/80	9,794.8	9.76	2.276	172.8	0.026
95176 (Season 2)	10/29/1913	6,590.60	109.84	1/60			107.709	1/60	13,209.1		2.134	81.0	0.012
95176 (Season 3)	10/29/1913	6,590.60	136.00	1/32.4			129.846	1/32.4	48,900.1		6.154	726.0	0.110
Totals (95176)		6,590.60	136.00	1/32.4	65,312.85	9.91	129.85	1/32.4	64,332.97	9.76	6.154	979.9	0.149

Table 2: Conserved water (Certificate 95177)

CONSERVED WATER DESCRIPTION													
			Column A Water Right of Record				Column B Needed				Column C Conserved Water		
			Rate		Duty		Rate		Duty		Rate	Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC	Maximum CFS	Maximum AF	AF/AC
95177	4/7/1911	7,381.20	N/A	N/A	32,999.34	9.91	N/A	N/A	31,062.47	9.648	N/A	1,936.9	0.262
Totals (95177)		7,381.20	N/A	N/A	32,999.34	9.91	N/A	N/A	31,062.47	9.648	N/A	1,936.9	0.262

Table 3: Allocation of Conserved Water (95175).

Conserved Water Allocation												
			Column A			Column B			Column C			
			State's Portion			Applicant's Portion			Conserved Water			
Originating Water Right #	Priority	Acres	Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	
95175	8/5/1900	407.60	100%	0.292	106.6	0%	0	0	100%	0.292	106.6	
	9/30/1900	3,265.85	100%	2.049	747.8	0%	0	0	100%	2.049	747.8	
	4/28/1905	301.60	100%	0.216	78.9	0%	0	0	100%	0.216	78.9	
	5/27/1907	43.20	100%	0.030	11.0	0%	0	0	100%	0.030	11.0	
	6/1/1907	992.65	100%	0.712	259.7	0%	0	0	100%	0.712	259.7	
Totals (95175)		5,801.50	100%	3.299	1,204.2	0%	0	0	100%	3.299	1,204.2	

Table 3: Allocation of Conserved Water (95176).

Conserved Water Allocation												
			Column A			Column B			Column C			
			State's Portion			Applicant's Portion			Conserved Water			
Originating Water Right #	Priority	Acres	Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	
95176 (Season 1)	10/29/1913	6,590.60	100%	2.276	172.8	0%	0	0	100%	2.276	172.8	
95176 (Season 2)	10/29/1913	6,590.60	100%	2.134	81.0	0%	0	0	100%	2.134	81.0	
95176 (Season 3)	10/29/1913	6,590.60	100%	6.154	726.0	0%	0	0	100%	6.154	726.0	
Totals (95176)		6,590.60	100%	6.154	979.9	0%	0	0	100%	6.154	979.9	

Table 3: Allocation of Conserved Water (95177).

Conserved Water Allocation												
			Column A			Column B			Column C			
			State's Portion			Applicant's Portion			Conserved Water			
Originating Water Right #	Priority	Acres	Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	
95177	4/7/1911	7,381.20	100%	N/A	1,936.9	0%	0	0	100%	N/A	1,936.9	
Totals (95177)		7,381.20	100%	N/A	1,936.9	0%	0	0	100%	N/A	1,936.9	

Table 4. Allocation of Conserved Water in Tumalo Creek by Certificate, Time Period, and Priority

TUMALO CREEK

Originating Certificate	Priority	Rate (cfs) 4/15 - 10/15	Duty (AF)
95175	8/5/1900	0.292	106.6
	9/30/1900	2.049	747.8
	4/28/1905	0.216	78.9
	5/27/1907	0.030	11.0
	6/1/1907	0.712	259.7
Total (95175)		3.299	1204.2

Originating Certificate	Priority	Season 1 (4/1 - 4/30 & 10/1 - 10/31)	Season 2 (5/1 - 5/14 & 9/15 - 9/30)	Season 3 (5/15 - 9/14)	Combined
95176 Instream Volume (AF)	10/29/1913	172.8	81.0	726.0	979.9
95176 Maximum Rate (cfs)	10/29/1913	2.276	2.134	6.154	6.154
95176 Average Rate (cfs)	10/29/1913	1.429	1.408	3.000	2.330

GSI
Water Solutions, Inc.

Received by OWRD

FEB 17 2021

Salem, OR

February 17, 2021

Teri Hranac
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Amendments to Conserved Water Application CW-116 in the name of Tumalo Irrigation District

Dear Teri,

Please find enclosed revisions to Conserved Water Application CW-116, submitted on behalf of Tumalo Irrigation District (TID). TID is amending the application to include work from Project Group 3, in addition to the work under Project Group 2 originally included in CW-116. This increases the total volume of water proposed for conservation under CW-116 to 4,121 AF. The amended application also includes changes to the water right certificate numbers—74146, 74147, and 74148 have been superseded by 95175, 95176, and 95177—and other changes incorporating discussion between TID and OWRD since application CW-116 was submitted. The enclosed materials include the amended application document and amended Attachments B and F. There are no changes to other Attachments included in the original application. All text that has changed from the original application has been highlighted in yellow.

As before, 100 percent of the conserved water proposed to be allocated for instream use. This application includes conservation that will be realized through piping of laterals included in Project Groups 2 and 3 identified in Tumalo Irrigation District's Watershed Plan. This includeds the Steel, Highline, 2 Rivers, Parkhurst, Gill, Lacy, and Allen laterals. Conserved water is proposed to be allocated instream under a variety of priority dates, and is proposed to be shaped in accordance with the tables included in Attachment F.

If you have any questions about the enclosed materials, please do not hesitate to contact me at 541-257-9005, or at omcmurtrey@gsiws.com

Sincerely,

Owen McMurtrey

Owen McMurtrey
Water Rights Consultant, GSI Water Solutions, Inc.

Enclosures

1600 Western Blvd., Suite 240 Corvallis, OR 97333 P: 541.753.0745 F: 541.754.4211 info@gsiwatersolutions.com www.gsiwatersolutions.com