



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.

FOR ALL INSTREAM TRANSFER APPLICATIONS

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

- 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
___ Other/Explanation _____	___ Part _____ is incomplete

Staff: _____ 503-986-0_____ Date: ____/____/____

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. **(Note: Water is distributed through City’s municipal water system.)**
- 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. **(Note: The Department has a map of COID’s POD #11 on file.)**

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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 Redmond – Attn: Joshua Wedding Central Oregon Irrigation District – Attn: Leslie Clark			PHONE NO. 541-504-2022	ADDITIONAL CONTACT NO.
ADDRESS 243 E Antler Ave.			FAX NO.	
CITY Redmond	STATE OR	ZIP 97756	E-MAIL Joshua.wedding@redmondoregon.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. 541-257-9005	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd., 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 City of Redmond proposes to permanently transfer 87.457 equivalent acres of municipal use rights instream for mitigation within the Deschutes Groundwater Study Area. This municipal use right is held by the City on Central Oregon Irrigation District’s Certificate 94956, and COID is a co-applicant on this application. After accounting for 45% transmission loss, Certificate 94956 authorizes municipal use of the following rates by the City:
0.601 cfs April 1 – April 30 and October 1 – October 31;
0.802 cfs May 1 – May 14 and September 15 – September 30;
1.485 cfs May 15 – September 14
In accordance with the methods described in the Additional Remarks section, the estimated consumptive use of the portion of Certificate 94956 proposed for transfer is 244.28 acre-feet. The City is requesting to protect this volume instream and create 244.28 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)

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.

N/A – The applicant is a municipality as defined in ORS 540.510(3)(b) and this is a municipal use water right under Certificate 94956 in the name of Central Oregon Irrigation District.

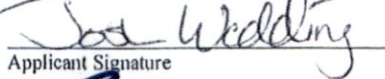
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I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for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

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


Applicant Signature

Joshua Wedding, Water Utilities Manager
Print Name (and Title if applicable)

5-11-21
Date


Applicant Signature

Craig Horrell, Managing Director, COID
Print Name (and Title if applicable) Date

5-12-21

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?

- Yes No **N/A – This is a municipal use water right.** If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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.

Certificate 76714 also authorizes the use of water for municipal use within the City of Redmond. Certificate 76714 authorizes the use of stored water from Crane Prairie Reservoir, a US Bureau of Reclamation storage facility. The US Bureau of Reclamation should be copied on all correspondence for this application.

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

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 Redmond	ADDRESS 243 E Antler Avenue	
CITY Redmond	STATE OR	ZIP 97756

ENTITY NAME Deschutes County - Planning Division	ADDRESS 117 NW Lafayette Avenue	
CITY Bend	STATE OR	ZIP 97701

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ENTITY NAME Jefferson County - Community Development	ADDRESS 85 Southeast D Street	
CITY Madras	STATE OR	ZIP 97741

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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 Road	
CITY Moro	STATE OR	ZIP 97039

ENTITY NAME Confederated Tribes of Warm Springs	ADDRESS 1233 Veterans Street; P.O. 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” 4/1-4/30 & 10/1-10/26	0.601	Not to exceed 476.68
94956	10/31/1900	Deschutes River	“Season 2” 5/1-5/14 & 9/15-9/30	0.802	
94956	10/31/1900	Deschutes River	“Season 3” 5/15-9/14	1.060	
94956	12/2/1907	Deschutes River	“Season 3” 5/15-9/14	0.425	
TOTAL VOLUME					476.68

***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 an 87.457 municipal acre equivalent portion of Certificate 94956 instream in order to create 244.28 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 #11 under Certificate 94956 (located 850 feet North and 630 feet West from the E ¼ corner of Section 29, T 17S, R 12E) to the Madras Gage 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

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- 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): **Please see Additional Remarks section for proposed rates and seasons of use to be protected instream.**

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): **OWRD maintains a current list of all instream water rights within the Deschutes River.**

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).

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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:

N/A Begin Year to N/A End Year

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

Conditions: N/A.

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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

MAY 20 2021

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 #11 = 590.145 (per Special Order V. 80, P. 394) cubic feet per second (cfs)
OR

_____ gallons per minute (gpm)

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 North Canal (NC) is one of COID's two main delivery canals. The NC is located near Bend on the Deschutes River (~RM 165) and travels approximately 25 miles northeast. The NC is now piped for 2.5 miles, and the remaining portion is constructed in the basalt (open earth). Historically, water was conveyed through COID's canal system to Redmond's water treatment facility and delivered into the City's distribution system.

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. The Applicant recognizes that the applicable portion of Certificate 76714 authorizing water 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: Certificate 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 #11 North Canal	10/31/1900 & 12/2/1907	17	S	12	E	29	SE	NE		850 feet North and 630 feet West from the E 1/4 corner of Section 29

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.

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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	Acres 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	"	"	"
15	S	13	E	16					87.457	Municipal	10/31/1900 12/2/1907	POD #11
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TOTAL ACRES							87.457 acres equivalent					OWRD

Additional remarks: No quarter-quarters or tax lots are identified in the water right certificate for the authorized place of use for the 87.457 equivalent acres of Municipal use.

Water right Certificate 94956 is held by Central Oregon Irrigation District. Certificate 94956 authorizes canal diversion of 87.457 acres equivalent for municipal use at the following rates after accounting for 45% transmission loss:

- 0.601 cfs in Season 1 (April 1 – April 30 and October 1 – October 31)
- 0.802 cfs in Season 2 (May 1 – May 14 and September 15 – September 30)
- 1.485 cfs in Season 3 (May 15 – September 14).

The City of Redmond is requesting to permanently transfer instream the entire rate allowed from POD #11 for Municipal use to create 244.28 mitigation credits. Mitigation credits were calculated as follows:

$$87.457 \text{ acres} \times 9.91 \text{ AF/acre duty for canal diversions} \times 0.55 \text{ (accounting for 45\% transmission loss)} = 476.68 \text{ AF}$$

$$476.68 \text{ AF} \times 51.25\% \text{ municipal consumptive use coefficient during the season of use authorized by Certificate 94956} = 244.28 \text{ mitigation credits}$$

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.

Additional Remarks (continued):

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

Date Begin	Date End	Authorized Rate (cfs)	Authorized Volume (AF)	Consumptive Use Coefficient ¹	Estimated Consumptive Volume (AF)
1-Apr	30-Apr	0.601	35.78	0.30	10.73
1-May	14-May	0.802	22.26	0.30	6.68
15-May	31-May	1.485	50.06	0.30	15.02
1-Jun	30-Jun	1.485	88.34	0.60	53.00
1-Jul	31-Jul	1.485	91.29	0.60	54.77
1-Aug	31-Aug	1.485	91.29	0.60	54.77
1-Sep	14-Sep	1.485	41.23	0.60	24.74
15-Sep	30-Sep	0.802	25.44	0.60	15.27
1-Oct	26-Oct ²	0.601	31.01	0.30	9.30
		Total	476.68		244.28

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

²Certificate 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.

Priority	Instream Reach	Season 1	Season 2a	Season 2b	Season 3a	Season 3b
		April 1 through April 30 and October 1 through October 26	May 1 through May 14	September 15 through September 30	May 15 through May 31	June 1 through September 14
10/31/1900	1: POD 11 to Madras Gage	0.601	0.802	0.802	1.060	1.060
	2: Madras Gage to the Mouth	0.180	0.241	0.481	0.318	0.636
12/2/1907	1: POD 11 to Madras Gage				0.425	0.425
	2: Madras Gage to the Mouth				0.127	0.255

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

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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).

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.

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.

POD 17	Priority Date	RATE (CFS) by SEASON			ACRES
		1	2	3	
RIVER BEND PARK PUMP STATION (T-12461)	1900	0.043	0.058	0.076	Inchoate
	1907	--	--	0.031	6.31 Acres

The water user shall not divert water for the allowed use whenever flows in the Deschutes River at the new point of diversion drop below 660 cfs during the period from April 1 through October 31 outside of the operational season of Central Oregon Irrigation District, when water is not being delivered by the District. The quantity of water diverted at new points of diversion shall not exceed the quantity of water available of the original points of diversion.

Prior to diverting water, the water user shall install a totalizing flow meter, or with prior approval from the Director, another suitable measuring device at the new point of diversion. The water user shall maintain the meter or measuring devices in good working order, and allow the Watermaster access to the meters or measuring devices; provided however, where the meters and measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

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

Canal Diversions Rates and Duty

The amount of water used for irrigation and other uses served by the main canal systems, 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 CANAL DIVERSIONS FROM SOURCE		
SEASON	PERIOD OF USE	RATE
Season 1	April 1 through April 30 and October 1 through October 31	1 cfs to 80.0 acres
Season 2	May 1 through May 14 and September 15 through September 30	1 cfs to 60.0 acres
Season 3	May 15 through September 14	1 cfs to 32.4 acres

The total quantity of water delivered through the main canal systems that may be applied to each acre irrigated or acre/equivalent during the irrigation season of each year may not exceed **9.91 acre-feet (AF)** as measured at the point of diversion from the source. The quantities specified include an allowance for a 45% transmission loss in the canal system.

Rates for Canal Diversion Points of Diversions

POD 1	Priority Date	RATE (CFS) by SEASON			ACRES + ACRE-EQUIVALENTS
		1	2	3	
CENTRAL OREGON CANAL	1900	311.542	415.386	549.238	25,171.98 (includes 66.01 inchoate acres)
	1907	--	--	220.003	

Quasi-Municipal Use (QM) limited to a total amount not to exceed 79.7 AF.
 Annual Volume from POD 1 is limited to 246,890 AF annually.
 Rates and Annual Volumes have been reduced to include modifications by Conserved Water Transfer CW-59 and CW-81.
 Canal Diversion, includes 45% transmission loss.

POD 11 NORTH CANAL	Priority Date	RATE (CFS) by SEASON			ACRES + ACRE-EQUIVALENTS
		1	2	3	
NORTH CANAL	1900	196.637	268.254	365.762	17,240.63 (includes 53.14 inchoate acres)
	1907	--	--	146.510	

Quasi-Municipal Use (QM) limited to a total amount not to exceed 28.53 AF.
 The use of water for Municipal Use beyond 87.46 acres-equivalent is limited to the irrigation season.
 Annual Volume from POD 11 is limited to 162,595 AF annually.
 Rates and Annual Volumes have been reduced to include modifications by Conserved Water Transfer CW-61.
 Canal Diversion, includes 45% Transmission Loss.

Consistent with the decree of the Circuit Court of the State of Oregon Deschutes County water may be diverted at the head of the Central Oregon Canal (a.k.a. POD 1), or at the head of the North Canal (a.k.a. POD 11), in accordance with district needs, not to exceed the overall rates and volume shown in the table directly below.

Rates and Volume as Modified by Conserved Water Transfers CW-59, CW-61, and CW-81				
Priority Date	RATE (CFS) by SEASON			VOLUME (AF)
	1	2	3	
1900	508.179	683.640	915.000	409,485
1907	--	--	366.513	

POD 9	Priority Date	RATE (CFS) by SEASON			ACRES
		1	2	3	
T.I.D. BEND FEED CANAL	1900	0.448	0.597	0.789	35.79 (includes 3.00 inchoate acres)
	1907	--	--	0.316	

The water user is limited to a diversion of 0.585 cfs of water for the allowed use whenever flows in the Deschutes River at the new point of diversion drop below 660 cfs during the period from April 1 through October 31 outside of the operational season of Central Oregon Irrigation District, when water is not being delivered by the District.
 Canal Diversion, includes 45% Transmission Loss.

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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.

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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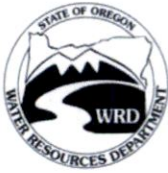
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**Attachment B
Application Map**

Application for an Instream Transfer – City of Redmond

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Water Right Transfer Supplemental Form Waiver of Mapping Requirements

The Director may waive or assist a transfer applicant in satisfying the mapping requirements (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: City of Redmond

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Water Right(s) to be transferred: Certificate 94956

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1. The transfer **must** be one of the following. Please check the appropriate box.

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- An instream transfer application filed pursuant to ORS 537.348.
- A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or
- The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

- The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or
- A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

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Attachment C
Evidence of Use Affidavit
Application for an Instream Transfer – City of Redmond

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of DESCHUTES)

I, JOSHUA WEDDING, in my capacity as WATER UTILITIES MANAGER,
 mailing address 243 E. ANTLER AVE., REDMOND, OR 97756
 telephone number (541)504-2022, being first duly sworn depose and say:

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 OWRD

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-1802 (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)

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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM

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

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Sad Weddys
Signature of Affiant

5-12-21
Date

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Signed and sworn to (or affirmed) before me this 12th day of May, 2021.



Julie Ann Lovrien
Notary Public for Oregon

My Commission Expires: March 12, 2022

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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <u>13.1 municipal acres equivalent were in use to irrigate Redmond Memorial Cemetery as shown on the attached aerial imagery</u>	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. 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
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years <u>74.357 municipal acres equivalent were leased instream under IL-1802</u>	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-1802 and Preliminary and Final Award of) FINAL ORDER ON PROPOSED INSTREAM
Mitigation Credits for Mitigation Project) LEASE and MITIGATION CREDIT PROJECT
MP-259, Deschutes County)

Authority

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department’s procedures and criteria for evaluating instream lease applications.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Lessor

City of Redmond
Bill Duerden
411 SW 9th Street
Redmond, Oregon 97756

Co-Lessor

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

Lessor

Eagle Crest Acquisition Group LLC
Geoffrey Roemelt
PO Box 1215
Redmond, Oregon 97756

Lessee

Deschutes River Conservancy Mitigation Bank (DRCMB)
700 NW Hill Street, Suite 1
Bend, Oregon 97703
gen@deschutesriver.org

Findings of Fact

1. On April 6, 2020, COID, DRCMB, City of Redmond and Eagle Crest Acquisition Group LLC filed an application to lease a portion of Certificate 94956 for instream use. The Department assigned the application number IL-1802.
2. The portion of the right to be leased is as follows:

Certificate: 94956 in the name of Central Oregon Irrigation District
Use: Irrigation of 174.6 acres and 74.357 acre equivalent municipal use
Priority Date: October 31, 1900

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.

Season of Use: April 1 through October 31, further limited as follows:
 Season 1: April 1 through April 30 & October 1 through October 31
 Season 2: May 1 through May 14 & September 15 through September 30
 Season 3: May 15 through September 14

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

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Maximum Duty that can be applied to an acre:

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

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The above listed rates and duty reflect allowance of a 45% transmission loss on the main canals (POD No. 1 and No. 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	29	SE NE	POD NO. 11 (C.O.I.D NORTH CANAL) - 850 FEET NORTH AND 630 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Places of Use:

POD 1 - IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Place of Use Description Provided in Application - Tax Lot	Water Right Holder
17 S	14 E	WM	28	NW SE	5.80	2901	Eagle Crest Acquisition Group LLC
17 S	14 E	WM	28	SE SE	0.60	2900	
17 S	14 E	WM	28	SW SE	17.20	2902	
Total Acres					23.60		

POD 11 - IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Place of Use Description Provided in Application - Tax Lot	Water Right Holder
14 S	13 E	WM	33	NW SW	1.20	1000	City of Redmond
15 S	13 E	WM	4	NW NE	0.10	----	
15 S	13 E	WM	4	NW SW	16.50	700	
15 S	13 E	WM	4	SW SW	8.20	700	
15 S	13 E	WM	4	SE SW	15.50	700	
15 S	13 E	WM	8	NE NE	0.27	----	
15 S	13 E	WM	8	NE NW	1.50	----	
15 S	13 E	WM	8	SE NE	0.90	----	
15 S	13 E	WM	9	NE SW	4.30	101	Eagle Crest Acquisition Group LLC
15 S	13 E	WM	9	SE NW	6.70	503	
15 S	13 E	WM	9	SE NW	4.40	500	

POD 11 - IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Additional Place of Use Description Provided in Application - Tax Lot	Water Right Holder
15 S	13 E	WM	9	SE NW	3.00	507	
15 S	13 E	WM	9	SE NW	1.30	508	Eagle Crest Acquisition Group LLC
15 S	13 E	WM	9	SW NW	4.35	505	
15 S	13 E	WM	9	SW NW	7.65	500	
15 S	13 E	WM	9	SW NW	16.90	507	
15 S	13 E	WM	9	NE SW	7.00	200	
15 S	13 E	WM	9	SW SW	6.00	200	City of Redmond
15 S	13 E	WM	9	SE SW	2.00	1702	
15 S	13 E	WM	9	SE SW	2.80	1801	
15 S	13 E	WM	9	SE SW	0.10	1803	
15 S	13 E	WM	9	SE SW	0.50	1900	
15 S	13 E	WM	9	SE SW	0.50	2000	
15 S	13 E	WM	16	SW SW	1.49	500	
15 S	13 E	WM	17	NE SE	2.50	200	
15 S	13 E	WM	17	NE SE	7.50	100	
15 S	13 E	WM	17	NW NE	0.30	----	
15 S	13 E	WM	17	SE SE	1.60	3103	
15 S	13 E	WM	29	NW NW	3.10	200	
15 S	13 E	WM	29	NE NW	12.00	105	
15 S	13 E	WM	29	NE NW	9.10	200	
15 S	13 E	WM	29	SE NW	0.90	200	
15 S	13 E	WM	30	SE SE	0.79	----	
15 S	13 E	WM	30	SW NW	0.05	----	
Total Acres					151.0		

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POD 11 - MUNICIPAL	
Acres Equivalent	Water Right Holder
74.357	City of Redmond

3. Certificate 94956 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. 2), the total rate and duty for the water right would be exceeded. In the event water was 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. 2), 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 the diversion at POD No. 1 and No. 11 under Certificate 94956 shall be reduced, if this instream lease is approved.

POD 1 - IRRIGATION				
Priority Date	Season 1	Season 2	Season 3	Duty
October 31, 1900	0.292 CFS	0.389 CFS	0.515 CFS	231.47 AF
December 2, 1907			0.206 CFS	

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POD 11 - IRRIGATION				
Priority Date	Season 1	Season 2	Season 3	Duty
October 31, 1900	1.722 CFS	2.349 CFS	3.204 CFS	1424.07 AF
December 2, 1907			1.283 CFS	

POD - 11 MUNICIPAL				
Priority Date	Season 1	Season 2	Season 3	Duty
October 31, 1900	0.848 CFS	1.157 CFS	1.577 CFS	701.25 AF
December 2, 1907			0.632 CFS	

- There is a supplemental irrigation water right, Certificate 76714, appurtenant to all or a portion of the lands described in Finding of Fact No. 2. The Lessors 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.
- 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.
- The Lessor, Co-Lessors and Lessee have requested to protect the municipal water instream from the POD described in Finding of Fact No. 2 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 are generally back in 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 and return flows should be accounted for at the Madras Gage.

7. The instream is as follows:
Deschutes River, tributary to the Columbia River

Instream Reach: From Central Oregon Canal POD No. 1 to COID North Canal POD No. 11
(both as described in Finding of Fact No. 2)

Use	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
Irrigation	10/31/1900	Season 1: 0.162 Season 2: 0.216 Season 3: 0.401	128.63	April 1 – October 26

Instream Reach No. 2: From POD No. 11 to Lake Billy Chinook

Use	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
Irrigation	10/31/1900	Season 1: 1.200 Season 2: 1.600 Season 3: 2.964	951.66	April 1 – October 26
Municipal		Season 1: 0.511 Season 2: 0.682 Season 3: 1.262	405.28	

Instream Reach No. 3: From Lake Billy Chinook to the mouth of the Deschutes River

Use	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
Municipal	10/31/1900	0.323	133.84	April 1 – October 26

*Irrigation is instream for mitigation *Municipal is instream for restoration only

8. Other conditions to prevent injury and enlargement are:

The amount of water to be leased instream under Certificate 94956 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.

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.

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

10. 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 from the POD within the reach of the instream water right. As such, the rate and volume of water protected instream within specified reach has been reduced in Reach No. 3 to prevent injury and enlargement.

11. 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.

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

13. 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.

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14. 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.
15. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under 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.
16. The Lessors and Lessee have requested that the lease terminate on October 31, 2022. The lease may commence upon approval of this final order.
17. The Lessors and Lessee have requested the option of terminating the lease early with written notice to the Department.

Preliminary Award of Deschutes Basin Mitigation Credits

18. The Lessee, a mitigation bank chartered by the Water Resources Commission, has requested that the portion of the right to be protected instream be used to generate mitigation credits.
19. The Department assigned this mitigation credit project number MP-259.
20. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6). The Department also provided notice of the mitigation credit project to the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2). Comments were received from the Oregon Department of Environmental Quality in favor of the application.
21. The Department finds that **314.3** mitigation credits may be awarded to this mitigation credit project and assigned to the DRC Mitigation Bank. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the **Middle Deschutes and General Zones of Impact**.
22. The mitigation credits expire on December 31, 2022.

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23. The use and maintenance of the mitigation credits is subject to the terms and conditions of the DRC Mitigation Bank Charter.
24. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of the Final Order approving the proposed instream lease shall result in completion of the project and verification that the project is complete.
25. No precedent is set by this Final Order as to the amount of mitigation credits that may be generated by a subsequent mitigation credit project.

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.

This mitigation project results in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

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Now, therefore it is ORDERED:

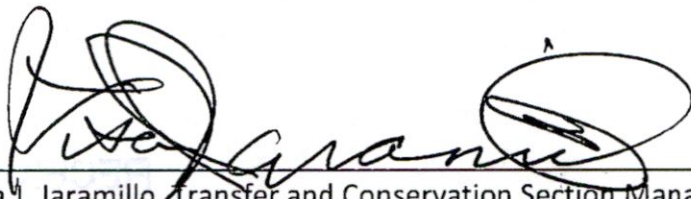
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1. The Lease as described herein is APPROVED.
2. During the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.
3. The term of the lease will commence upon approval of the order and terminate on October 31, 2022. For multiyear leases, the lessors and lessee *shall* have the option of terminating the lease any time each year with written notice to the Department. 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.
4. **Final Award of Deschutes Basin Mitigation Credits:** Issuance of this Final Order results in completion of the project and verification by the Department that the project is complete. The Department concludes that the mitigation credit project is awarded mitigation credits, as described above, pursuant to OAR 690-521-0400 and ORS 537.746. Mitigation Credits, in the amount of **314.3** credits, as described herein, are awarded to this mitigation project and assigned to the DRC Mitigation Bank. Mitigation Credits may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Middle Deschutes and General Zones of Impact.**

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5. Mitigation credits are valid until used (or until they expire or are terminated) to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.
6. The mitigation credits shall expire on December 31, 2022.
7. The use and maintenance of the mitigation credits shall be subject to the terms and conditions of the DRC Mitigation Bank Charter.

Dated at Salem, Oregon this MAY 14 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: MAY 15 2020

*This document was prepared by Sarah
Henderson and if you have any
questions, please call 503-986-0884*

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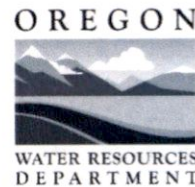
Attachment D
Supplemental Form D
Application for an Instream Transfer – City of Redmond

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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.

1. APPLICANT INFORMATION

NAME CITY OF REDMOND, ATTN: JOSHUA WEDDING			PHONE (HM)	
PHONE (WK) (541) 504-2022		CELL		FAX
ADDRESS 243 E ANTLER AVE.				
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL** JOSHUA.WEDDING@REDMONDOREGON.GOV	

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2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME CENTRAL OREGON IRRIGATION DISTRICT, ATTN: LESLIE CLARK, DIRECTOR OF WATER RIGHTS			PHONE (HM)	
PHONE (WK) (541) 504-7576		CELL		FAX
ADDRESS 1055 SW LAKE COURT				
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL** LESLIEC@COID.ORG	

** 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.	Deschutes River (8-405)	-	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).

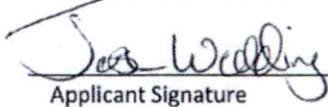
COMMENTS OR ADDITIONAL INFORMATION: The City of Redmond is proposing an instream transfer of 87.457 equivalent acres of municipal use rights held in the name of the City on COID's Certificate 94956.

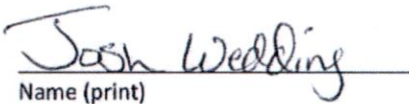
4. APPLICANT'S SIGNATURE

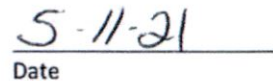
(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

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


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

Name (print), Title

5-12-21

Date

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