

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



**This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

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:  
 Option #1: 94956. Option #2: 94956, 51229.
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

**Attachments:**

- Fees – Amount enclosed: \$ 1160 (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**  
 Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- Completed Evidence of Use Affidavit and Supporting Documentation.
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

## Part 2 of 4 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>CENTRAL OREGON IRRIGATION DISTRICT</b> NORTH UNIT IRRIGATION DISTRICT		541-548-6047 541-475-3625	ADDITIONAL CONTACT NO.
ADDRESS <b>1055 SW LAKE COURT</b> 2024 NW BEECH STREET			FAX NO.
CITY <b>REDMOND</b> MADRAS	STATE <b>OR</b> OR	ZIP <b>97756</b> 97741	E-MAIL LESLIEC@COID.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: Affirmed: 10/29/2012; Renewed: 9/8/17 & 8/9/22.

OR

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

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

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

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

REPRESENTATIVE/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

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: The Bend Bulletin.

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

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

 4/18/23  
 Date

**Josh Bailey, General Manager, NUID**  
 Print Name (and Title if applicable)
 

 4/18/23  
 Date

**In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s):** This conserved water project is located in the Southwest area of Bend, Oregon, above the Deschutes River on COID's Siphon Power Project ("SPP") property. The project commences at the SPP forebay on the Central Oregon Canal ("COC") and continues 3000', passing under the Brookwood Blvd Bridge where it spills back into the open COC. This project replaced 3000' of open, earthen canal with Weholite, 132" diameter, buried pipe. This piping project conserved 5 cfs of water, eliminating 1605.17 acre-feet of seepage losses from the bed and banks of the Central Oregon Canal.



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 CITY OF BEND	ADDRESS 710 NW WALL ST	
CITY BEND	STATE OR	ZIP 97703

ENTITY NAME DESCHUTES COUNTY	ADDRESS 117 NW LAFAYETTE AVE	
CITY BEND	STATE OR	ZIP 97701

ENTITY NAME JEFFERSON COUNTY	ADDRESS 85 SE D. ST	
CITY MADRAS	STATE OR	ZIP 97741

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

**WATER RIGHT INFORMATION:**

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

<input checked="" type="checkbox"/>	Certificated Right	94956	
		Certificate Number	Permit Number or Decree Name
<input type="checkbox"/>	Adjudicated, Un-certificated Right		
		Name of Decree	Page Number
<input type="checkbox"/>	Permit for which Proof has been Approved		
		Permit Number	Special Order Volume _____, Page _____
<input type="checkbox"/>	Transferred Right for which Proper Proof of the change has been filed		
		Previous Certificate / Transfer Number	Date Claim of Beneficial Use Submitted

County: Deschutes, Crook, and Jefferson

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:*

The COID Central Oregon Canal diversion is located near Bend on the Deschutes River (approximately RM170) at SW ¼, NE ¼, Section 13, T. 18 S., R. 11 E., W.M., 1520 feet South and 1535 feet West from NE corner of Section 13. Water is diverted through an intake headworks and travels 1.2 miles through a 120” steel pipe. The water then outfalls into a hydroelectric forebay, approximately 1000 feet in length. The irrigation water then passes through two slide gates before entering the main earthen open channel that provides water for COID patrons in the Bend/Alfalfa/Powell Butte area. In 2005, COID submitted evidence to OWRD indicating the Central Oregon Canal has a capacity sufficient to carry 780.232 cfs to the lands served by this canal.

**Table 1: Pre-Project Description**

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

PRE-PROJECT DESCRIPTION								
			Column A				Column B	
			Water Right of Record				System Capacity	
			Rate		Duty		Rate	Duty
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
94956	1900	25171.98	311.542	1/80				
			415.386	1/60				
			549.238	1/32.4				
	1907		220.003					
<b>Totals</b>			769.241		246,890	9.81	780.232	

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

**CONSERVATION MEASURES:**

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

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

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.*

This project replaced 3000’ of open canal with Weholite, 132” diameter, buried pipe. The project is located in SW Bend, Oregon on COID’s Siphon Power property adjacent to Brookwood Blvd. The project commences at the existing Central Oregon Canal control gates, directly downstream of the siphon power penstock inlet, and continues 3000’ to where the Brookwood Blvd. bridge crosses over the COC. This piping project conserved 5 cfs of water, eliminating 1605.17 acre-feet of seepage losses from the bed and banks of the Central Oregon Canal.

In 2016, Kevin Crew of Black Rock Consulting completed a System Improvement Plan (“SIP”) on the two COID main canals and their laterals. The COC was broken out into 10 potential conserved water project phases. Loss studies were conducted, and estimated water savings through piping projects were determined. COID management evaluated the overall COC losses and decided to average out the estimated losses and apply for 5 cfs of conservation on this SPP project. This allows COID to demonstrate to Basin stakeholders, partners, and agencies, how COID will manage conserved water projects into the future, putting the conserved water to its highest, best use, benefitting species listed as threatened under the ESA, including the Oregon Spotted Frog, improving river flows, supporting agriculture, and benefitting the public.

**Existing Point(s) of Diversion:**

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
18	S	11	E	13	SW	NE			1520 feet South and 1535 feet West from the NE corner of Section 13

**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	200	43	153.0	EXAMPLE	1/1/1865
Entire Certificate											
<b>Total</b>											

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: 76714

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

**Table 2: Conserved Water**

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

Conserved Water Description										
	Column A				Column B				Column C	
	Table 1 – Smaller of A or B				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/A C	Maximum CFS	Maximum AF
1900	311.542	1/80.0		9.81	309.512				2.03	1605.17
	415.386	1/60.0			412.686				2.70	
	549.238	1/32.4			545.638				3.57	
1907	220.003				218.603				1.43	
<b>Totals</b>	769.241		246,890		764.241		245,284.8		5.0	1605.17

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	5.0	1605.17	%			100%	5.0	1605.17

\* must be at least 25%

The priority for the conserved water is requested to be:

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

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

**MITIGATION: Option #1**

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. The water to be conserved is lost from the system through seepage. The water that is lost from the system through seepage is generally not available to other appropriators on the Deschutes River above Lake Billy Chinook. It eventually enters the Deschutes River and its tributaries around Lake Billy Chinook.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. 100% of the conserved water from this project shall be protected in the Deschutes River from the COID authorized point of diversion at approximately River Mile 170 to the Madras Gage at approximately River Mile 120 near Lake Billy Chinook during the irrigation season.

**PROPOSED USE:**

**New Out-of Stream Uses:**

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: \_\_\_\_\_; Boundaries: \_\_\_\_\_.

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

Yes       No       Unknown at this time

**New Point of Diversion:**

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

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**New Instream Uses to be Created (State's Portion):****OPTION #1:**

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
<b>94956</b>	1900	Deschutes River	Season 1	2.03	
			Season 2	2.70	
			Season 3	3.57	
	1907		Season 3	1.43	
<b>TOTAL VOLUME</b>					1605.17

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

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

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

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

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): from the COID upstream COC diversion located at approximately RM 170, downstream to the Madras gage located at approximately RM 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 and scenic attraction.
- Water Quality (e.g. pollution abatement).

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

- None.
- Instream Water Right Certificates: A complete list of instream water rights is maintained by OWRD

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

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

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

No; **OR**



- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
  - The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
  - The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
  - The stream is listed as water quality limited by DEQ.

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**PROJECT SCHEDULE:**

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

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date:	Date:	*Date:

*\* Must be within 5 years from the date of filing the Notice of Completion.*

**Note:** If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date: 4/30/2018	**Date: 4/28/2028

*\* Must be within 5 years prior to the date of filing this application.*

*\*\* Must be within 5 years from the date of filing this Application and Notice of Completion.*

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**FUNDING**

- N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.
  - Source of Funding:  Federal: 1,500,000  State: \_\_\_\_\_
  - Total cost for project engineering \$169,100  
Total cost for construction \$3,151,311
  - The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$\_\_\_\_\_.
  - The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$\_\_\_\_\_.
  - The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$\_\_\_\_\_.
- N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) \_\_\_\_\_%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? \_\_\_\_\_%
- N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is \_\_\_\_\_.

**FEE CALCULATION**

Fee Schedule – ORS 536.050 <a href="https://www.oregon.gov/OWRD/Forms/Pages/default.aspx">https://www.oregon.gov/OWRD/Forms/Pages/default.aspx</a>	
\$1,360.00 - Base (1 <sup>st</sup> Water Right)	Add \$480.00 for each additional right
$\$1,360 + (2 \times \$480) = \text{Total Fee } \$2320$	

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; <b>or</b>
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); <b>or</b>
	(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 = <u>100%</u>
	(e) Deduct 25% from percentage in (d) above = _____%
	(f) Enter the lesser of (e) above or 50% <u>50</u>
	(g) Total Fee x % waived (f) = Fee Waiver <u>\$1160</u>
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
<b>Total Fee \$2320 – Fee Waiver (g) \$1160 = Amount Due \$1160</b>	

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ALTERNATIVE OPTION TO INCLUDE:

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):

Table with 4 rows and 3 columns for water right types: Certificated Right, Adjudicated, Un-certificated Right, Permit for which Proof has been Approved, and Transferred Right for which Proper Proof of the change has been filed.

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). Wickiup Dam and Reservoir is a Bureau of Reclamation project, operated by North Unit Irrigation District. It was constructed in 1949 to store Deschutes River water for the purpose of irrigation. Reservoir capacity is 200,000 Acre-Feet with a catchment area of 253 square miles. Longitude -121.7039162, Latitude 43.6953977

Table 1: Pre-Project Description

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

Table with 9 columns: Originating Water Right #, Priority, Acres, Maximum CFS, CFS/AC, Maximum CFS, AF/AC, Maximum CFS, Maximum AF. Includes a 'Totals' row and a 'Note' at the bottom.

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

CONSERVATION MEASURES:

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

- On-Farm efficiency project
[X] Distribution project, such as a ditch piping or lining project

Other: NUID will receive water from Central Oregon Irrigation District conserved through a 2018 piping project in which COID conserved 5 cfs of water rights under COID certificate 94956. NUID will replace the COID conserved water with NUID water under certificate #51229. NUID will increase flows at the WICO gage #14056500 by 5 cfs, or up to 1605.17 acre-feet during the off-season.

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Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands?  Yes  No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: 72279

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

**Table 2: Conserved Water**

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

Conserved Water Description											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
<b>Totals</b>											

**Table 3: Allocation of Conserved Water**

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
%			%			100%		

\* must be at least 25%

The priority for the conserved water is requested to be:

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

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## Part 4 of 4 – Mitigation, Proposed Use

### MITIGATION: ALTERNATIVE OPTION

**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.**

The water to be conserved is lost from the system through seepage. The water that is lost from the system through seepage is generally not available to other appropriators on the Deschutes River above Lake Billy Chinook. It eventually enters the Deschutes River and its tributaries around Lake Billy Chinook.

COID will make 100% of water conserved by the project available to NUID for irrigation use during the irrigation season. The 5 cfs of water conserved by COID through this project will be diverted from the Deschutes River at the North Canal Dam, COID POD #11, and transported through the COID Pilot Butte Canal to the NUID spill located at 14 S, 13 E, WM, Section 24, SWNE 00300. OWRD currently measures water going into this spill at their PBC 58 Spill Weir (COID installed new SCADA at the same location) where it measures the water spilling from the settling pond into the NUID canal, where it will co-mingle with NUID certificated junior water rights and Wickiup Reservoir storage water rights and be put to use on lands within the boundary of NUID.

**Describe any mitigation or other measures that are planned to avoid harm to other water rights.**

NUID will replace the COID conserved water with NUID water under certificate #51229. NUID will increase flows at the WICO gage #14056500 by 5 cfs, or up to 1605.17 acre-feet during the off-season. When in-flow into Wickiup is sufficient, NUID will bypass storage; when in-flow is insufficient, NUID will make up the difference by releasing water already stored in Wickiup. NUID will protect the water through an instream lease in the short-term and a permanent water right in the long-term, as described below. This water shall be additive to the 100 cfs previously committed in the 2016 Settlement Agreement, augmenting river flows and improving habitat for species listed as threatened under the ESA, including the Oregon spotted frog.

The water to be released from Wickiup Reservoir during the winter and early spring period shall be passed through Oregon spotted frog habitat below Wickiup Reservoir, with the exact period of release subject to direction from the U.S. Fish and Wildlife Service consistent with the Deschutes Basin Habitat Conservation Plan and the corresponding incidental take permit issued by the Service to the Districts.

COID will file a Notice of Finalization on this conserved water application no later than April 28, 2028. Prior to that filing, NUID will apply to OWRD to transfer a portion of NUID's Wickiup Reservoir storage right, certificate #51229, so that NUID will be authorized to store in Wickiup Reservoir the equivalent of up to 5 cfs (or up to 1,605 AF) for irrigation or flow augmentation for fish and wildlife purposes. When a final order is issued by OWRD, NUID will then apply to OWRD for a secondary use permit, authorizing NUID to use the stored water in Wickup Reservoir for irrigation or flow augmentation for fish and wildlife purposes in an amount that is the equivalent to 5 cfs (or up to 1,605 AF).



EXHIBIT A  
EVIDENCE OF USE AFFIDAVIT

State of Oregon            )  
  ) ss.  
County of Deschutes    )

I, Craig Horrell, in my capacity as Managing Director of the Central Oregon Irrigation District, mailing address 1055 SW Lake Court, Redmond, OR 97756, telephone number (541) 548-6047, being first duly sworn depose and say:

The Central Oregon Irrigation District ("COID") Central Oregon Canal diverts water from the Deschutes River at a point of diversion described in State of Oregon Water Right Certificate 94956 as:


Central Oregon Canal POD #1: Township 18 S, Range 11 E of the Willamette Meridian, Section 13, in the SW ¼ NE ¼; 1520 feet South and 1535 feet West from the NE corner of Section 13.

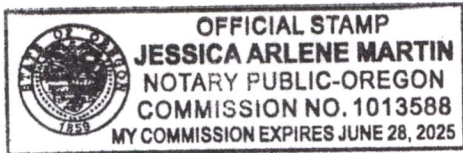
Water is diverted at this POD from the Deschutes River at a maximum rate of 769.241 cubic feet per second as authorized under Certificate 94956. This water was used beneficially during the previous five years, either by diversion at POD #1 for use on appurtenant lands, or protected instream through the OWRD Instream Lease Program.

DATED: April 18, 2023.

  
\_\_\_\_\_  
Craig Horrell, Managing Director

SUBSCRIBED AND AFFIRMED before me on this 18 day of April, 2023

  
\_\_\_\_\_  
Notary Public for Oregon



Received by OWRD

APR 27 2023

Salem, OR




**RESOLUTION NUMBER: 2022 – 05**

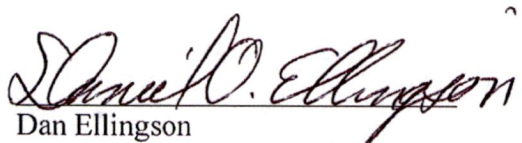
**A RESOLUTION TO AFFRIM AND RENEW THE CONSERVED WATER POLICY:  
Affirmed and Renewed 10/29/2012; and  
Affirmed and Renewed 9/8/2017;**

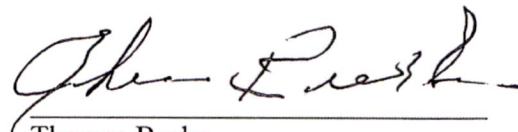
WHEREAS, the District accepts the Conserved Water Policy as attached in Exhibit A.

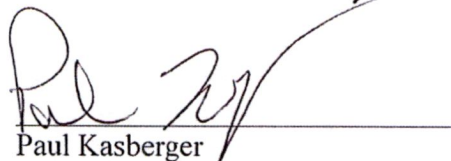
Dated this 9<sup>TH</sup> day of August 2022:

  
\_\_\_\_\_  
Craig Horrell, Manager

  
\_\_\_\_\_  
Brad Clarno

  
\_\_\_\_\_  
Dan Ellingson

  
\_\_\_\_\_  
Thomas Burke

  
\_\_\_\_\_  
Paul Kasberger

  
\_\_\_\_\_  
Carroll Penhollow

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**D. Petitions to Vote on Policy.** District patrons may petition the Board to hold a vote of all District patrons on the approval of this Policy. The petition must be signed by fifteen (15) percent of the total number of votes that may be cast in an election for a director pursuant to ORS 545.189(1) to be valid and to cause the District to hold a vote. Upon receiving a valid petition, the District shall hold a vote of all District patrons. The vote shall be whether to approve or reject this Policy. The vote shall be conducted according to the laws and procedures that govern District elections.

**E. Appeal of Water Conservation Projects.** Proposed water conservation projects shall be discussed and approved by the Board at any one of its regularly scheduled Board meetings. Patrons may comment on the proposed water conservation project during the Board meeting at which it is discussed. If the Board approves the proposed water conservation project, any patron in good standing may appeal the Board's decision in writing within two weeks from the date of the Board's decision. The appeal shall include the name, address, and telephone number of the patron appealing the Board's decision, a concise statement of the reasons the patron believes the proposed water conservation project does not comply with this Policy, and a concise statement of how the water conservation project should be modified to comply with this Policy. The Board shall consider a properly filed appeal at its next regularly scheduled meeting. The Board shall limit its consideration to whether the proposed water conservation project complies with this Policy. The patron appealing the Board's decision shall have an opportunity to address the Board concerning the patron's appeal. The Board may take any of the following actions: (1) grant the appeal and reject the proposed water conservation project, (2) modify the proposed water conservation project as proposed by the appealing patron to comply with this Policy, (3) direct the District Manager to modify the proposed water conservation project so as to comply with this Policy, or (4) reject the appeal and approve the proposed water conservation project as proposed.

**F. Policy Review and Updates.** The Board shall review and update this Policy at the first regularly scheduled Board meeting following every fifth anniversary of the Board either adopting or reviewing and updating this Policy. The Board may, in its sole discretion, review and update this Policy at any other Board meeting. The Board shall follow the process and provisions of this Policy, as required by OAR 690-018-0025(2), whenever reviewing and updating this Policy.

**G. Applicability.** This Policy applies only to applications for allocations of conserved water filed with the Oregon Water Resources Department by the District after November 5, 2004. This Policy does not apply to applications for allocations of conserved water filed by individuals, including District patrons.

**Revised and Renewed 10/29/12**

**Affirmed and Renewed 9/8/17**

**Affirmed and Renewed 8/9/22**

# Surface Water Allocation of Conserved Water



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

Received by OWRD

Notice of Completion  
For CW 2023-SPP

APR 27 2023

Salem, OR

## Applicant Information

APPLICANT/BUSINESS NAME <b>CENTRAL OREGON IRRIGATION</b>		PHONE NO. 541-548-6047	ADDITIONAL CONTACT NO.
ADDRESS 1055 SW LAKE COURT			FAX NO.
CITY REDMOND	STATE OR	ZIP 97756	E-MAIL LESLIEC@COID.ORG

(If submitting with an Application, complete only the Applicant name)

Pursuant to OAR 690-018-0062(1), the above applicant hereby notifies the Director that the conservation measure(s) outlined in Allocation of Conserved Water Application CW 2023-SPP are complete.

The applicant(s) request(s) the Director to issue an order:

1. Canceling the water right(s) held by the applicant(s) that is/are modified by the allocation of conserved water;
2. Allowing the continued use of water for the purposes and at the locations described in the original water right certificate(s) at the rate and duty prescribed under OAR-690-018-0050(4)(e); and
3. Allowing the use and management of the conserved water as a dedication of water instream.

The applicant will file a request for finalization on or before 4/30/2028.

(no more than 5 years).

Dated: 4/18/23

Craig Horrell, Managing Director, COID  
(Printed Applicant Name)

  
(Applicant's signature)

\_\_\_\_\_  
(Printed Applicant Name)

\_\_\_\_\_  
(Applicant's signature)

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APR 27 2023

OWRD

# BLACK ROCK

CONSULTING

## NOTICE OF FINAL COMPLETION

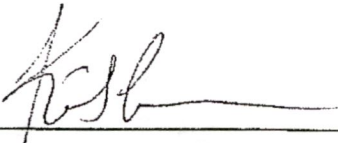
PROJECT: SPP PROPERTY PIPING PROJECT  
DOCUMENTS DATED: NOVEMBER, 2017  
OWNER: CENTRAL OREGON IRRIGATION DISTRICT  
CONTRACTOR LADUKE CONSTRUCTION  
NOTICE ISSUE DATE: JUNE 4, 2018  
EFFECTIVE DATE: APRIL 30, 2018

FINAL COMPLETE FACILITIES: SPP PROPERTY PIPING PROJECT per Agreement and Change Order 001 through Change Order 005.

1. Referencing the Agreement between Owner and Contractor dated December 19, 2017 for the referenced project, the Agreement includes a Final Completion date of April 30, 2018. The Substantial Completion date in the Agreement has not been modified by Change Order 001 through Change Order 005. The Final Completion date remains April 30, 2018.
2. Based on observation made by the Owner, Engineer, and Contractor on April 30, 2018, SPP PROPERTY PIPING PROJECT under the Agreement appears to be Final Complete and ready for operation by the Owner for its intended purpose subject to the following conditions;
  - a. None.
3. Owner now has control of security, control of access, and control of safety at the SPP PROPERTY PIPING PROJECT site.
  - a. Access to the site to conduct warranty work if necessary must be coordinated through Central Oregon Irrigation District.
4. Owner will operate SPP PROPERTY PIPING PROJECT.
5. Referencing the Agreement, and General Conditions article CORRECTION OF DEFECTIVE WORK AFTER FINAL ACCEPTANCE (WARRANTY), the effective date of Final Acceptance for SPP PROPERTY PIPING PROJECT marks the beginning date of (1) year warranty for all work completed under the Agreement and associated Change Orders.
6. Referencing the Agreement, and General Conditions article FINAL PAYMENT, as of the date of Final Completion and subject to submittal of;
  - a. Request for Final Acceptance
  - b. Submit to the Owner appropriate waivers of lien for itself and all subcontractors and a signed affidavit, satisfactory to the Owner, stating that so far as it has knowledge or information, all accounts for materials, labor, and incidentals in connection with the work have been paid in full.
  - c. Final Wage Certifications
  - d. Request for Final Payment including a request for Release of Retainage

320 SW Upper Terrace Drive, Suite #102  
Bend, Oregon 97702  
(541) 480-6257 blackrockci@gmail.com


ACKNOWLEDGMENTS:

  
\_\_\_\_\_  
BLACK ROCK CONSULTING (ENGINEER)

6/5/18  
DATE

  
\_\_\_\_\_  
CENTRAL OREGON IRRIGATION DISTRICT (OWNER)

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
LADUKE CONSTRUCTION (CONTRACTOR)

6/5/18  
DATE

Received by OWRD

APR 27 2023

Salem, OR

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Received by OWRD

APR 27 2023

Name: \_\_\_\_\_ Title: Salem, OR

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Government Entity: \_\_\_\_\_

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



**Receipt for Request for Land Use Information**

Applicant name: Central Oregon Irrigation District

City or County: Bend, OR Staff contact: Fenix Van Tassel

Signature: *[Handwritten Signature]* Phone: 541-323-5196 Date: 4/21/23

# Land Use Information Form

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APR 27 2023

OWRD



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

Applicant(s): Central Oregon Irrigation District

Mailing Address: 1055 SW Lake Court

City: Redmond

State: OR

Zip Code: 97756

Daytime Phone: 541-548-6047

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>18 S</u>	<u>11 E</u>	<u>13</u>	<u>SWNE</u>	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Allocation of Conserved Water</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes County; City of Bend

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:     Reservoir/Pond     Ground Water     Surface Water (name) Deschutes River

Estimated quantity of water needed: 5     cubic feet per second     gallons per minute     acre-feet

Intended use of water:     Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

Description attached.



**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →



### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): N/A
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

**JEFFERSON COUNTY**  
**COMMUNITY DEVELOPMENT DEPT.**  
**85 SE "D" STREET**  
**MADRAS OREGON 97741**

Name: Tanya M. Cloutier Title: Assistant Planner  
 Signature: Tanya M. Cloutier Phone: 541-475-4462 Date: 4/26/23  
 Government Entity: Jefferson Co.

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

## Central Oregon Irrigation District

### Conserved Water Policy

Adopted: 10 May, 2005

Revised: October 29, 2012

**A. Authority & Purpose.** The Board of Directors (the "**Board**") of the Central Oregon Irrigation District (the "**District**") is required to adopt this Conserved Water Policy (this "**Policy**") pursuant to Oregon Administrative Rule ("**OAR**") 690-018-0025. The rule requires that if the District seeks allocations of conserved water pursuant to ORS 537.455 to 537.500, then it must adopt a policy that, at a minimum:

- Describes how water saved by conservation measures will be allocated by the District
- Describes how the District will address the allocation of conserved water percentages under ORS 537.470
- Provides District patrons the opportunity to fund a share of the conservation project that is proportionate to the patron's share of the water rights involved in the allocation of conserved water and to receive a corresponding share of the conserved water
- Provides District patrons an opportunity to petition for a vote by all District patrons on this Policy
- Provides District patrons an opportunity to appeal a proposed District conservation project to the Board for failure to follow this Policy

The purpose of this Policy is to provide District patrons with the information required by OAR 690-018-0025 and to set the procedures by which this Policy will be implemented.

**B. Definitions.** The following definitions shall apply in this Policy.

1. "**Commission**" means the Water Resources Commission.
2. "**Conservation**" means the reduction of the amount of water diverted to satisfy an existing beneficial use achieved either by improving the technology or method for diverting, transporting, applying or recovering the water or by implementing other approved conservation measures.
3. "**Conserved Water**" means that amount of water that results from conservation measures, measured as the difference between:
  - a. The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and

- b. The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.
4. **“District Allocation”** means the amount of Conserved Water allocated to the District by the Commission.
5. **“Funding Patron”** means a patron of the District that funds all or a portion of a water conservation project as provided in paragraph C of this Policy.

C. **Policy of Board. Conservation Measures**

1. Conserved water projects undertaken for the purposes of filing applications under ORS 537.455-500 are to address the following purpose:
- a. Reducing certificated transmission loss within COID conveyance system on a cost effective basis.
    1. Allocation priority will be for establishing new acres of irrigation on a maximum 75% to irrigation and 25% to in-stream requirement, or as per Oregon Revised Statutes if different.
    2. Board shall reserve the right to alter the irrigation allocation based on the funding of the project by potential project partners for purposes other than irrigation or to be leased or sold to another user for use on additional lands if found to be in the best interest of the District.
2. **Patrons May Fund Part of Water Conservation Project.** Patrons may fund a water conservation project in an amount that is proportionate to the patron’s share of the water rights involved in the allocation of Conserved Water. Patrons that provide funding to the District for a water conservation project in advance, or within one year of, the District first making expenditures for the conservation project shall be a Funding Patron and receive the portion of the District Allocation to which Funding Patron is entitled under this Policy. Proportionate costs will include all costs associated not only with the completion of the project, but those costs associated with the planning and design of the project, all accompanying and necessary application and processing fees, including but not limited to legal and consulting fees to secure the Final Order from the Oregon Water Resources Department, and/or to respond to any legal challenges subsequent to receipt of the Final Order until conclusively resolved as determined by the Board of Directors:

<b>Example Project:</b>	Total Project Cost	\$200,000
	Total Conserved Water	300 acre feet
	Minimum In-stream Contribution (25%)	75 acre feet
	Net Available	225 acre feet
	Cost per Acre foot	\$889/acre foot

3. **Allocation of Conserved Water.** Except for a Funding Patron, no patron shall be entitled to any of the District Allocation other than the amount necessary to maintain the patron’s full rate and duty at its regular turn out(s). A Funding Patron shall be entitled to a portion of the District Allocation equal to the percentage of the funding for the water conservation project paid to the District by the Funding Patron.



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APR 27 2023

OWRD

April 26, 2023

OWRD  
Corey Courchane  
725 Summer St. NE, Suite A  
Salem, OR 97301

RE: ACW – COID application #-CW-2023-SPP

Dear Corey,

Enclosed please find COID allocation of conserved water application, and COID check number 31657 in the amount of \$1,160. This ACW project was completed by COID on April 30, 2018. The application as submitted proposes two options to protect the conserved water.

Please let me know if you have any questions or find any omissions in the application and I will address them immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leslie Clark", is written over a circular blue stamp.

Leslie Clark  
Director of Water Rights

cc: Jeremy Giffin, OWRD  
Josh Bailey, NUID