

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



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

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: **14466**.
- ☒ Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- ☒ Fees – Amount enclosed: \$ **1,360** (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. **Attachment A**
- ☒ Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) or **Attachment B**

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. **Attachment C**
- ☐ ☒ N/A Affidavit(s) of Consent.
- ☐ ☒ N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the 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.)

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Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Ashley and Brian Lindsay			PHONE NO. 541-520-3703	ADDITIONAL CONTACT NO.
ADDRESS 28376 PLEASANT VALLEY ROAD			FAX NO.	
CITY SWEET HOME	STATE OR	ZIP 97386	E-MAIL PLEASANTVALLEYCIDERAPPLES@GMAIL.COM	

☐ 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: ____ / ____ / 20 ____.

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 N/A			PHONE NO.	
ADDRESS				
CITY	STATE	ZIP	E-MAIL	

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

REPRESENTATIVE/BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: LEAH COGAN			PHONE NO. 971-200-8529	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW WESTERN BLVD., SUITE 240			FAX NO.	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL LCOGAN@GSIWS.COM	

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: Sweet Home New Era.

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



Applicant signature

Ashley Lindsay

Print Name (and Title if applicable)



Applicant signature

Brian Lindsay

Print Name (and Title if applicable)

6/24/2023
Date

6/25/2023
Date

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In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s): The Applicants are switching from irrigating with big guns to using drip irrigation with high-efficiency emitters on a 9.7-acre portion of the authorized place of use for Certificate 14466. The application of less water per acre of irrigated land will enable the Applicant to use the water authorized under Certificate 14466 more efficiently and use a lower rate and volume of water during the irrigation season. The place of use will be irrigated in seven zones rather than irrigating the full place of use simultaneously, thereby further reducing the instantaneous rate needed for irrigation. Through the Allocation of Conserved Water program, the Applicants seek to apply a portion of the conserved water to irrigate additional lands and to dedicate a portion of the conserved water instream to benefit ecological values of fish and wildlife habitat.



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 LINN COUNTY PLANNING & BUILDING	ADDRESS P.O. BOX 100	
CITY ALBANY	STATE OR	ZIP 97321

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 3 of 4 – Water Right Information and Conservation Measures

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

WATER RIGHT INFORMATION:

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

☒ Certificated Right	14466 Certificate Number	S-13577 Permit Number or Decree Name
☐ Adjudicated, Un-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Special Order Volume _____, Page _____
☐ Transferred Right for which Proper Proof of the change has been filed	 Previous Certificate / Transfer Number	 Date Claim of Beneficial Use Submitted

County: Linn

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.*
Water is diverted using a Tsurumi model TE3-50HA 4-hp pump with a 2" intake. Water is conveyed through a network of approximately 500 feet of buried 2" PVC mainline and 1,800 feet of buried 1.5" PVC mainline.
Water is applied using Nelson 150 and 200 series big gun cannons at 50-120 PSI.

Table 1: Pre-Project Description

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

PRE-PROJECT DESCRIPTION								
			Column A Water Right of Record				Column B System Capacity	
			Rate		Duty		Rate	Duty
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
14466	3/23/1939	9.7	0.115	1/80	24.3	2.5	0.31	24.3
Totals		9.7	0.115		24.3	2.5	0.31	24.3

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: _____

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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. Conservation will be accomplished by converting the irrigation system from big guns to seven zones using 0.5" drip lines with Netafim emitters irrigating at a rate of 0.5 gallons per hour. Apple trees will be irrigated as needed based on age, weather conditions, and fruit load. Each zone will be able to be irrigated independently, decreasing the instantaneous rate needed.

The portion of Certificate 14466 that is included in this application authorizes the use of up to 0.115 cfs from an unnamed stream (now identified as Gabriel Creek) for irrigation of 9.7 acres, further limited to a rate of 1/80 cfs/acre (0.0125 cfs/ac) and a duty of 2.5 AF/acre. The current system utilizes the full rate and duty authorized by the water right. The proposed irrigation system of zoned drip emitters will reduce the rate per acre needed to irrigate each zone to 0.002 cfs/ac and reduce the volume of water used per acre to 0.12 AF/acre. The maximum instantaneous rate needed using the new system will be 0.020 cfs (0.002 cfs/ac * 9.7 acres). The total volume needed throughout the irrigation season will be 1.2 AF (0.12 AF/ac * 9.7 acres).

In summary, this project will result in the following changes:

- A reduction in rate from 0.115 cfs to a maximum instantaneous rate of 0.020 cfs, for a resulting conservation of 0.095 cfs.
- A reduction in volume from 24.3 AF to 1.2 AF, for a resulting conservation of 23.1 AF.

Existing Point(s) of Diversion:

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
13	S	1	W	24	NW	SE	702	DLC 56	No measured distances in certificate

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
13	S	1	W	24	SW	NE		DLC 56	0.1	Irrigation	3/23/1939
13	S	1	W	24	NE	SW		DLC 56	1.0		
13	S	1	W	24	NW	SE		DLC 56	8.6		
Total									9.7		

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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: N/A

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
3/23/1939	0.115	1/80	24.3	2.5	0.020	0.002	1.2	0.12	0.095	23.1
Totals	0.115		24.3		0.020		1.2		0.095	23.1

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)
25%	0.024	5.8	75%	0.071	17.3	100%	0.095	23.1

* 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:

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. No effects on other water rights are anticipated as a result of this project or the proposed allocation of conserved water. The water that is proposed to be conserved is currently used by the Applicant for irrigation.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. The Applicant does not anticipate that any mitigation or other measures will be needed to avoid harm to other water rights.

PROPOSED USE:

New Out-of Stream Uses:

☒ ☐ N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Irrigation; Boundaries: The proposed place of use is located in T13S, R1W Section 24, SWNE, NESW, SESW, NWSE, and SWSE. Please see the attached map showing the boundaries of proposed irrigation use on the Applicant's property.

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
N/A							

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

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
14466	3/23/1939	Unnamed stream (now identified as Gabriel Creek)	April 1 to September 30	0.024	5.8
TOTAL VOLUME					5.8

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

Location of the proposed instream water right.

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

OR

- ☒ Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): Water is requested to be protected at the Gabriel Creek POD, located in T 13S, R 1W, NWSE of Section 24, 865 feet South and 435 feet East from the center of Section 24.

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: _____

☐ 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: 2024	Date: 2025	*Date: Within 5 years of Notice of Completion

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

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

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

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

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

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

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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: _____ ☐ State: _____

☐ Total cost for project engineering \$ _____
Total cost for construction \$ _____

☐ 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) 75%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? 0%

☐ ☒ N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is _____.

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FEE CALCULATION

Fee Schedule – ORS 536.050 https://www.oregon.gov/OWRD/Forms/Pages/default.aspx	
\$1,360.00 - Base (1 st Water Right)	Add \$480.00 for each additional right
$\$1,360 + (0 \times \$480) = \text{Total Fee } \$1,360$	

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

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Attachment B

Land Use Information Form and Notification Letter

Application for an Allocation of Conserved Water – Ashley and Brian Lindsay

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

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

Applicant(s): Ashley and Brian Lindsay

Mailing Address: 28376 Pleasant Valley Road

City: Sweet Home

State: OR

Zip Code: 97386

Daytime Phone: 541-520-3703

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>13S</u>	<u>1W</u>	<u>24</u>	<u>SWNE</u>	<u>702</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>13S</u>	<u>1W</u>	<u>24</u>	<u>NESW</u>	<u>702</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>13S</u>	<u>1W</u>	<u>24</u>	<u>SESW</u>	<u>702</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>13S</u>	<u>1W</u>	<u>24</u>	<u>NWSE</u>	<u>702</u>	<u>EFU</u>	☒ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>
<u>13S</u>	<u>1W</u>	<u>24</u>	<u>SWSE</u>	<u>702</u>	<u>EFU</u>	☐ Diverted ☒ Conveyed ☒ Used	<u>Irrigation</u>

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

Linn County

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) Gabriel Creek

Estimated quantity of water needed: 0.071 ☒ 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:

The Applicant proposes to conserve water on a portion of the Applicant's farm by switching from irrigation with big guns to drip irrigation, and to use the conserved water to irrigate additional acreage under the Allocation of Conserved Water program.

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

JUN 23 2023

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): LCC 928.310(B)(1)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Name: Kate Bentz Title: Assistant Planner

Signature: [Signature] Phone: 541-967-3816 Date: 6/23/23

Government Entity: Linn County

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.

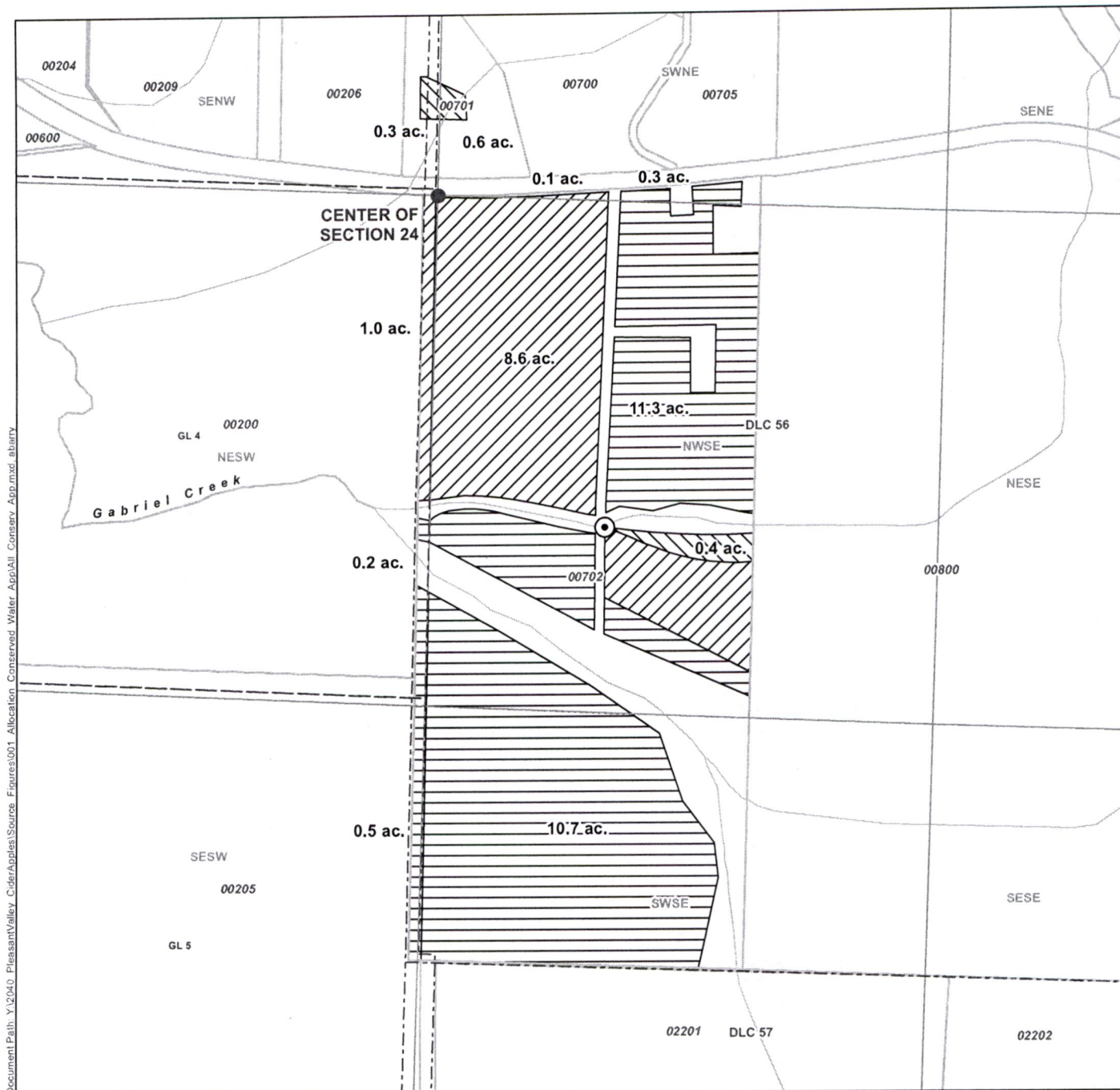


Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



LEGEND

⊙ Point of Diversion (POD)

Place Of Use (POU)

- Certificate 14466: Portion to be Included in the Allocation of Conserved Water
- Certificate 14466: Portion Not Included in the Allocation of Conserved Water
- Proposed New Out-of-Stream Use

- Tax Lot
- Government Lot (GL)
- Donation Land Claim (DLC)
- Watercourse

Application for an Allocation of Conserved Water

Certificate 14466

Township 13 South, Range 1 West,
Section 24 (W.M.)

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DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

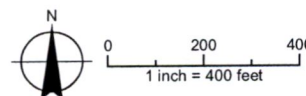
Date: June 20, 2023

Data Sources: BLM, ESRI, OWRD, USGS, Linn Co.

LOCATION DESCRIPTION

Point of Diversion

Located 865 feet South and 435 feet East from the Center of Section 24, Township 13 South, Range 1 West (W.M.)



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Attachment C

Evidence of Use Affidavit

Application for an Allocation of Conserved Water – Ashley and Brian Lindsay

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 LINN)

I, ASHLEY LINDSAY, in my capacity as LANDOWNER,
mailing address 28376 PLEASANT VALLEY ROAD, SWEET HOME, OR 97386
telephone number (541)520-3703, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for
Certificate #____; **OR**

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
14466	13	S	1	W	WM	24	SW	NE	56	0.1
14466	13	S	1	W	WM	24	NE	SW	56	1.0
14466	13	S	1	W	WM	24	NW	SE	56	8.6

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: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

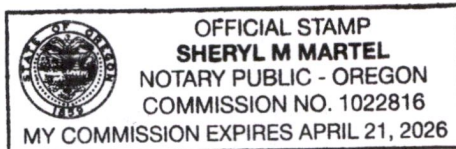
3. The water right was used for: (e.g., crops, pasture, etc.): ORCHARD

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

[Signature]
Signature of Affiant

06.23.23
Date

Signed and sworn to (or affirmed) before me this 23rd day of June, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: April 21, 2026

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Place Of Use (POU)

-  Certificate 14466: Portion to be Included in the Allocation of Conserved Water
-  Certificate 14466: Portion Not Included in the Allocation of Conserved Water

-  Tax Lot
-  Government Lot (GL)
-  Donation Land Claim (DLC)
-  Watercourse

Evidence of Use

Certificate 14466

Township 13 South, Range 1 West,
Section 24 (W.M.)

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DISCLAIMER

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Date: June 20, 2023

Data Sources: BLM, ESRI, OWRD, USGS, Linn Co.



0 200 400
1 inch = 400 feet



USDA Imagery taken June 24, 2022



June 21, 2023

Linn County Planning and Building
P.O. Box 100
Albany, OR 97321

RE: Proposed Instream Water Right

To Whom It May Concern:

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

On behalf of Ashley and Brian Lindsay, I am providing such notification of intent to create an instream water right as part of an application for an Allocation of Conserved Water. Water conserved under Certificate 14466 would be protected instream in Gabriel Creek at the applicant's point of diversion located 865 feet South and 435 feet East from the center of Section 24, T13S, R1W. The proposed rate to be protected instream is 0.024 cubic feet per second with a total volume of 5.8 acre-feet protected.

If you have questions regarding the proposed Allocation of Conserved Water and associated instream water right, or if you are interested in receiving additional information, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in blue ink that reads "Leah Cogan".

Leah Cogan
Water Resources Analyst

CC: Ashley and Brian Lindsay

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June 15, 2023

Corey Courchane
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Corey:

GSI Water Solutions, Inc. is submitting the enclosed application for an Allocation of Conserved Water on behalf of Ashley and Brian Lindsay. The Applicants are currently enrolled in a 5-year Natural Resources Conservation Service conservation program for sustainable agricultural practices and will be working with the South Santiam Watershed Council this summer on a native plant project around the riparian areas on their property.

The Applicants will conserve water by using drip irrigation for a 9.7-acre portion of the authorized place of use under Certificate 14466. The Applicants are requesting to apply a portion of the conserved water to irrigate additional lands and to dedicate a portion of the conserved water instream. The application fee of \$1,360 is enclosed.

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Cogan", is written over a faint, circular official stamp.

Leah Cogan
Water Resources Analyst

CC: Ashley and Brian Lindsay

Enclosures: Allocation of Conserved Water Application
Check in the amount of \$1,360.00

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