

Application for  
**Water Right Instream Transfer**  
 Part 1 of 6 – Minimum Requirements Checklist



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

**This transfer application will be returned if Parts 1 through 6 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

**FOR ALL INSTREAM TRANSFER APPLICATIONS**

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.

Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.

- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Completed Instream Use Information.
- Part 6 – Information about the Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Certificates 27661 and 27664 (Attachment A)**  
 Please include a separate Part 6 for each water right. (See instructions on page 8)

**Attachments:**

- Completed Instream Transfer Application Map. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application. **(Attachment D)**

**(For Staff Use Only)**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

|  |   |
|--|---|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  |   |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete       |

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-\_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/).
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Part 3 of 6 – Fee Worksheet

| FEE WORKSHEET for INSTREAM TRANSFER |   |   |         |
|-------------------------------------|---|---|---------|
| 1                                   | Base Fee (includes Place of Use and Character of Use to Instream changes to one water right for up to 1 cfs)  | 1 | \$2,450 |
| 2                                   | Number of water rights included in transfer <u>2</u> (2a)<br>Subtract 1 from the number in 2a above: <u>1</u> (2b) <i>If only one water right, this will be 0</i><br>Multiply line 2b by \$610 and enter » » » » » » » » » » » » » »  | 2 | \$      |
| 3                                   | Enter the cfs for the portions of the rights to be transferred (see example below*): <u>(3a)</u><br>Subtract 1.0 from the number in 3a above: <u>(3b)</u><br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: <u>(3c)</u> and multiply 3c by \$410, then enter on line 3 » » » » » | 3 | \$      |
| 4                                   | Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal:  | 4 | \$      |
| 5                                   | Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » »  | 5 | \$      |
| 6                                   | Subtract line 5 from line 4 » » » » » » » » » » » » » » <b>Transfer Fee:</b>  | 6 | \$      |

\*Please see cover letter for application fee information.

\*Example for Line 3a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each “on the ground” acre included in the transfer. (*In this example, blank 3a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 3b would be 0 and Line 3 would then also become 0*).

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**Part 4 of 6 – Applicant Information and Signature**

Is this a  Permanent Instream Transfer or  Time-Limited Instream Transfer?

**Applicant Information**

|   |                    |                     |   |                        |
|---|--------------------|---------------------|---|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Eugene Water &amp; Electric Board, Attn: Mark Zinniker</b>  |                    |                     | PHONE NO.<br><b>541-685-7449</b>        | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>4200 Roosevelt Blvd.</b>  |                    |                     | FAX NO.                                 |                        |
| CITY<br><b>Eugene</b>   | STATE<br><b>OR</b> | ZIP<br><b>97402</b> | E-MAIL<br><b>Mark.Zinniker@eweb.org</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |   |                        |

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

|   |                    |                     |                                     |                        |
|---|--------------------|---------------------|-------------------------------------|------------------------|
| AGENT/BUSINESS NAME<br><b>GSI Water Solutions, Inc. Attn: Adam Sussman</b>  |                    |                     | PHONE NO.<br><b>541-257-9001</b>    | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>1600 SW Western Blvd., Suite 240</b>  |                    |                     | FAX NO.                             |                        |
| CITY<br><b>Corvallis</b>  | STATE<br><b>OR</b> | ZIP<br><b>97333</b> | E-MAIL<br><b>asussman@gsiws.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                     |                        |

Explain in your own words what you propose to accomplish with this transfer application, and why: The Applicant is requesting a time-limited instream transfer for 16 years for Certificates 27661 and 27664. These certificates are currently included in Instream Lease IL-1850.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

**Check one box**

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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

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



*[Handwritten Signature]*  
Applicant Signature

Mark Zinniker, Generation Engineering Supervisor  
Print Name (and Title if applicable)

10/6/2023  
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail*

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addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

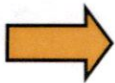
Check the following boxes that apply:

- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (**Tip:** Complete and attach Supplemental Form D.)

|  |         |     |
|--|---------|-----|
| IRRIGATION DISTRICT NAME<br><b>N/A</b> | ADDRESS |     |
| CITY                                   | STATE   | ZIP |

- Check here if water for any of the rights is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

|                           |         |     |
|---------------------------|---------|-----|
| ENTITY NAME<br><b>N/A</b> | ADDRESS |     |
| CITY                      | STATE   | ZIP |



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

|  |   |                     |
|--|---|---------------------|
| ENTITY NAME<br><b>Lane County Land Management Division</b> | ADDRESS<br><b>3050 N. Delta Highway</b> |                     |
| CITY<br><b>Eugene</b>                                      | STATE<br><b>OR</b>                      | ZIP<br><b>97408</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

|             |         |     |
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| ENTITY NAME | ADDRESS |     |
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|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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## Part 5 of 6 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

Instream use proposed to be created by the instream transfer:

| Originating Water Right Number (as identified in Part 5) | Priority Date | Source  | Proposed Instream Period | Rate (cfs)* | Volume (ac-ft)** |
|--|---------------|---|--------------------------|-------------|------------------|
| 27661  | 3/5/1926      | McKenzie River, Johnson Creek, and Bear Creek Reservoir | Year-round               | 2,200       | N/A              |
| 27664  | 1/24/1955     | McKenzie River  | Year-round               | 300         | N/A              |
|  |               |   |                          |             |                  |
| <b>TOTAL VOLUME</b>                                      |               |   |                          |             | <b>N/A</b>       |

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

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

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: \_\_\_\_\_.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): **POD 1 (shared by both certificates).**
- Water is requested to be protected within a reach:  
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): \_\_\_\_\_.

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_.

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**Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof?**

No  Yes (identify other instream water rights): Certificate 59757.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes  No. If no, please explain your intent: \_\_\_\_\_.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

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

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
  - For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
  - The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

**For a Time Limited Instream Transfer, please answer the following:**

The time-limited instream transfer is for a specific number of years:  
2024 (or sooner upon approval by OWRD) Begin Year to 2039 End Year

Time-limited instream transfer is to terminate based upon other conditions:  
Conditions: The Applicant requests that the time-limited instream transfer allow for termination upon written request from the Applicant.

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Part 6 of 6 – Water Right Information

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 27661

Name on Certificate: City of Eugene by Eugene Water and Electric Board

Date(s) of Priority: 3/5/1926

Source(s) of Water to be Affected by the Transfer: McKenzie River, Johnson Creek, and Bear Creek Reservoir

Description of Water Delivery System

System capacity: 2,200 cubic feet per second (cfs) OR \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is diverted from the McKenzie River at Leaburg Dam (POD 1) into the Leaburg Canal. The dam is approximately 400 feet long and 22 feet high. Water is conveyed through the 15-foot deep canal for approximately 5 miles to the Leaburg Powerhouse. The canal leads to the power plant forebay, from which water flows into the plant through two reinforced concrete pipe penstocks 12 feet in diameter and 260 feet long, creating a maximum hydraulic head of 89 feet. Water flows through two Francis turbines to generate electricity and is returned to the McKenzie River via a 1,100-foot long tailrace.

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 27664 is also included in this application.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

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| POD Name or Number | Priority Date (if different between PODs) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|--------------------|---|-----|---|-----|---|-----|-----|----|---------------------------|--|
| POD 1              | 3/5/1926                                  | 16  | S | 2   | E | 31  | SW  | NE | 2300                      | Not included in certificate                          |
|                    |   |     |   |     |   |     |     |    |                           |  |
|                    |   |     |   |     |   |     |     |    |                           |  |

**Will the proposed instream transfer affect the entire water right?**

- Yes Then Table 2 on Page 10 does not need to be completed.
- No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Change to Water Right Certificate # 27661**

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

| Twp         |   | Rng |   | Sec |    | ¼ ¼ |  | Tax Lot | Gov't Lot or DLC | Acres if Applicable | Type of USE listed on Certificate | Priority Date (if not the same for all acres or type of use) | POD(s) (name or number from Table 1) |
|-------------|---|-----|---|-----|----|-----|--|---------|------------------|---------------------|-----------------------------------|--|--------------------------------------|
| 2           | S | 9   | E | 14  | NE | NW  |  | 100     |                  | 15.0                | Irrigation                        | 4/1/1900   | POD #1<br>POD #2                     |
| "           | " | "   | " | "   | "  | "   |  | "       | "                | EXAMPLE             | "                                 | "  | "                                    |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
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|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |
| TOTAL ACRES |   |     |   |     |    |     |  |         |                  |                     |                                   |  |                                      |

Additional remarks: \_\_\_\_\_

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Part 6 of 6 – Water Right Information

Please use a separate Part 6 for each water right being changed. See instructions on page 8, to copy and paste additional Part 6s, or to add additional rows to tables within the form.

CERTIFICATE # 27664

Name on Certificate: City of Eugene by and through the Eugene Water and Electric Board

Date(s) of Priority: 1/24/1955

Source(s) of Water to be Affected by the Transfer: McKenzie River

Description of Water Delivery System

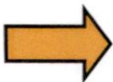
System capacity: 300 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Water is diverted from the McKenzie River at Leaburg Dam (POD 1) into the Leaburg Canal. The dam is approximately 400 feet long and 22 feet high. Water is conveyed through the 15-foot deep canal for approximately 5 miles to the Leaburg Powerhouse. The canal leads to the power plant forebay, from which water flows into the plant through two reinforced concrete pipe penstocks 12 feet in diameter and 260 feet long, creating a maximum hydraulic head of 89 feet. Water flows through two Francis turbines to generate electricity and is returned to the McKenzie River via a 1,100-foot long tailrace.

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: Certificate 27661 is also included in this application.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

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| POD Name or Number | Priority Date (if different between PODs) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|--------------------|---|-----|---|-----|---|-----|-----|----|---------------------------|--|
|                    |   |     |   |     |   |     |     |    |                           |  |
| POD 1              | 1/24/1955                                 | 16  | S | 2   | E | 31  | SW  | NE | 2300                      | None included in certificate                         |
|                    |   |     |   |     |   |     |     |    |                           |  |
|                    |   |     |   |     |   |     |     |    |                           |  |

**Will the proposed instream transfer affect the entire water right?**

- Yes Then Table 2 on Page 10 does not need to be completed.
- No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Please use additional pages of Table 2 as needed. See page 8 for instructions. If you have further questions about how to fill out the tables, contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Change to Water Right Certificate # 27664**

List only the part of the right that will be changed. If more than one POD serves the lands, specify the acreage associated with each POD.

| Twp         |   | Rng |   | Sec | ¼ ¼ |    | Tax Lot | Gov't Lot or DLC | Acres if Applicable | Type of USE listed on Certificate | Priority Date (if not the same for all acres or type of use) | POD(s) (name or number from Table 1) |
|-------------|---|-----|---|-----|-----|----|---------|------------------|---------------------|-----------------------------------|--|--------------------------------------|
| 2           | S | 9   | E | 14  | NE  | NW | 100     |                  | 15.0                | Irrigation                        | 4/1/1900   | POD #1<br>POD #2                     |
| "           | " | "   | " | "   | "   | "  | "       | "                | EXAMPLE             | "                                 | "  | "                                    |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
|             |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |
| TOTAL ACRES |   |     |   |     |     |    |         |                  |                     |                                   |  |                                      |

Additional remarks: \_\_\_\_\_

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# Attachment A

Certificates 27661 and 27664

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Application for a Time-Limited Instream Transfer - Eugene Water & Electric Board

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STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY of EUGENE by EUGENE WATER & ELECTRIC BOARD of 500 East 4th Avenue, Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of McKenzie River, Johnson Creek & Bear Creek Reservoir a tributary of Willamette River for the purpose of hydro-electric power,

under Permit No. 849 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 5, 1926.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2,200 cubic feet per second, subject to the limitations listed below,\*

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 NE 1/4, Section 31, Township 16 South, Range 2 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

Power Claim # 724

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE 1/4 SE 1/4 Section 9 Township 17 South, Range 1 East, W.M.

\* Provided that at all times the quantity of water flowing in the main channel of the McKenzie River below this applicant's diversion shall not be diminished to a point that will materially injure fish life in the stream, including migratory fish or other species, provided further that the quantity shall not be diminished below 500 cubic feet per second until such time as on proper showing the reasonable conclusion is that a smaller quantity of water is sufficient for the protection of such fish life and in that event the quantity to be fixed by the State Engineer provided further that the works shall be constructed in accordance with the plans and specification now on file in the State Engineer's Office or with such reasonable alterations as are hereafter permitted.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. OCTOBER 21 1960

LEWIS A. STANLEY

State Engineer

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Recorded in State Record of Water Right Certificates, Volume 19, page 27661

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STATE OF OREGON

COUNTY OF Lane

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY of EUGENE by and through the EUGENE WATER and ELECTRIC BOARD

of 500 East 4th Avenue, Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of McKenzie River a tributary of Willamette River for the purpose of electric power production

under Permit No. 23958 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 24, 1955

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 300 cubic feet per second, and is subject to the limitations listed below \*

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 NE 1/4, Section 31, Township 16 South, Range 2 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Electric power production
SE 1/4 SE 1/4
Section 9
Township 17 South, Range 1 East, W.M.

The amount of water which can be applied to beneficial use and not to exceed 300 cubic feet per second provided that at all times the quantity of water flowing in the main channel of the McKenzie River below this applicant's diversion shall not be diminished to a point that will materially injure fish life in the stream including migratory fish or other species, provided further that the quantity shall not be diminished below 500 cubic feet per second until such time as on proper showing the reasonable conclusion is that a smaller quantity of water is sufficient for the protection of such fish life and in that event the quantity to be fixed by the State Engineer.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. OCTOBER 21 1960

LEWIS A. STANLEY

State Engineer

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Recorded in State Record of Water Right Certificates, Volume 19, page 27664

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# Attachment B

Time-Limited Instream Transfer Application Map

Application for a Time-Limited Instream Transfer – Eugene Water & Electric Board

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14337 - OWRD

## Leah Cogan

---

**From:** HENDERSON Sarah A \* WRD <Sarah.A.HENDERSON@water.oregon.gov>  
**Sent:** Friday, October 6, 2023 12:18 PM  
**To:** Leah Cogan  
**Cc:** HENDERSON Sarah A \* WRD  
**Subject:** RE: Map scale waiver request  
**Attachments:** Time-Limited\_Insream\_Transfer Map d3 10-5-2023.pdf

Hi Leah,

Per OAR 690-380-3100(1(e(E))) - The Department grants a map scale waiver for the attached transfer application map.

Please include a copy of this e-mail when the transfer application is submitted to the Department.

Thank you,

Sarah

[Sarah A. Henderson](#)

Flow Restoration Program Coordinator  
Transfer and Conservation Section  
725 Summer St. NE, Suite A | Salem, OR 97301  
Work Cell 503-979-9872  
Email: [sarah.a.henderson@water.oregon.gov](mailto:sarah.a.henderson@water.oregon.gov)  
Work Hours 7:30 AM – 4:00 PM



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

# Attachment C

Evidence of Use Affidavit

---

Application for a Time-Limited Instream Transfer – Eugene Water & Electric Board

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of LANE)

I, MARK ZINNIKER, in my capacity as GENERATION ENGINEERING SUPERVISOR,  
 mailing address EUGENE WATER & ELECTRIC BOARD, 4200 ROOSEVELT BLVD, EUGENE, OR 97402  
 telephone number (541) 685-7449, being first duly sworn depose and say:

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 # 27661 AND 27664; **OR**

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

| Certificate # | Township | Range | Mer | Sec | ¼ ¼ | Gov't Lot or DLC | Acres (if applicable) |
|---------------|----------|-------|-----|-----|-----|------------------|-----------------------|
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |
|               |          |       |     |     |     |                  |                       |

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (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)

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

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.

*Mark W. Zink*  
Signature of Affiant

10/6/2023  
Date

Signed and sworn to (or affirmed) before me this 6 day of October, 2023.



*Terri L. Suguitan*  
Notary Public for Oregon

My Commission Expires: 05/02/27

| Supporting Documents   | Examples  |
|--|---|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date   |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>  |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul> |
| <input type="checkbox"/> 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.<br>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.  |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years  | Copy of instream lease or lease number  |
| <input checked="" type="checkbox"/> Other: Hydropower generation record  |   |

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Hourly Resource Volumes

| Resource Volume, Megawatt<br>Hours (MWh) | HE1  | HE2  | HE3  | HE4  | HE5   | HE6  | HE7  | HE8  | HE9  | HE10  | HE11  | HE12  | HE13  | HE14  | HE15  | HE16 | HE17  | HE18  | HE19 | HE20  | HE21  | HE22  | HE23  | HE24  | Total,<br>MWh |       |       |
|--|------|------|------|------|-------|------|------|------|------|-------|-------|-------|-------|-------|-------|------|-------|-------|------|-------|-------|-------|-------|-------|---------------|-------|-------|
| 10/17/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/18/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/19/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/20/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/21/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/22/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/23/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/24/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/25/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/26/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/27/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/28/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/29/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/30/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| 10/31/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| Total                                    | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     |       |
| aMWh                                     | 3.45 | 3.4  | 3.3  | 3.35 | 3.5   | 3.55 | 3.35 | 3.4  | 3.4  | 3.4   | 3.4   | 3.35  | 3.4   | 3.4   | 3.4   | 3.4  | 3.4   | 3.4   | 3.4  | 3.4   | 3.4   | 3.4   | 3.4   | 3.4   | 3.4           | 78.75 |       |
| 10/17/18                                 | 3.1  | 3.2  | 3.35 | 3.25 | 3     | 3.15 | 3.2  | 3.1  | 3.1  | 3.3   | 3.35  | 3.05  | 2.65  | 2.85  | 3.05  | 3.15 | 3.2   | 3.15  | 3.1  | 3.15  | 3.1   | 3.15  | 3.2   | 3.25  | 3.1           | 3.1   | 75.15 |
| 10/18/18                                 | 3.35 | 3.15 | 3.25 | 3.3  | 3.3   | 3.15 | 3.2  | 3.25 | 3.2  | 2.95  | 2.9   | 3.15  | 3.1   | 3.2   | 2.95  | 2.8  | 2.9   | 3     | 3.05 | 3.2   | 3.25  | 3.2   | 3.25  | 3.2   | 3.2           | 3.1   | 74.6  |
| 10/19/18                                 | 3.15 | 3.1  | 3.05 | 3.1  | 2.95  | 3    | 3.1  | 3.2  | 3.15 | 3.1   | 3.05  | 3.1   | 3.2   | 2.95  | 2.6   | 2.7  | 3.1   | 3.1   | 3.1  | 3.05  | 3.05  | 3.05  | 3.05  | 3.05  | 3.05          | 3.1   | 72.95 |
| 10/20/18                                 | 2.95 | 3    | 3.05 | 3    | 3.1   | 3.2  | 3.05 | 3.05 | 3.05 | 3.05  | 3.05  | 3.05  | 3.05  | 3.05  | 2.95  | 3    | 3.2   | 3.1   | 2.95 | 3.1   | 3.1   | 3.1   | 3.1   | 3.1   | 3.1           | 3.1   | 73.5  |
| 10/21/18                                 | 3.1  | 3.1  | 2.95 | 3.05 | 3.1   | 3.15 | 3.1  | 3.1  | 3.15 | 3.15  | 3.15  | 3.25  | 3.1   | 3.05  | 2.9   | 3.05 | 3.2   | 3.1   | 3.1  | 3.05  | 3.15  | 3.05  | 3.1   | 3.05  | 3.05          | 3.1   | 74.15 |
| 10/22/18                                 | 3.05 | 3.05 | 3.05 | 3.05 | 2.9   | 3    | 3    | 3    | 3.05 | 3     | 3.15  | 3.15  | 3.05  | 3.1   | 3.2   | 3.2  | 3.15  | 2.95  | 3.1  | 3.15  | 3.15  | 3.15  | 3.15  | 3.1   | 3.05          | 72.8  |       |
| 10/23/18                                 | 3.1  | 3.05 | 3.05 | 3.05 | 2.9   | 3    | 3.2  | 3.05 | 3.05 | 2.9   | 3     | 3.1   | 3.15  | 3.05  | 3.1   | 3.35 | 3.15  | 3     | 3.15 | 3.1   | 3.15  | 3.15  | 3.3   | 3.1   | 3.1           | 73.95 |       |
| 10/24/18                                 | 3.2  | 3.2  | 3.2  | 3.15 | 3.1   | 3.1  | 3.1  | 3.1  | 3.15 | 3.15  | 3.1   | 3.1   | 3.1   | 3.1   | 3.15  | 2.95 | 3.1   | 3.05  | 3.05 | 3.1   | 3.15  | 3.15  | 3.2   | 3.1   | 3.1           | 74.25 |       |
| 10/25/18                                 | 3.05 | 3.15 | 3.25 | 3.1  | 3.1   | 3.15 | 3.1  | 3.1  | 3.2  | 3.1   | 3.1   | 3.1   | 3.1   | 3.1   | 3.15  | 3.1  | 3.1   | 3.1   | 3.1  | 3.15  | 3.15  | 3.15  | 3.1   | 3.1   | 3.1           | 74.25 |       |
| 10/26/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| 10/27/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| 10/28/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| 10/29/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| 10/30/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| 10/31/18                                 | 0    | 0    | 0    | 0    | 0     | 0    | 0    | 0    | 0    | 0     | 0     | 0     | 0     | 0     | 0     | 0    | 0     | 0     | 0    | 0     | 0     | 0     | 0     | 0     | 0             | 0     | 0     |
| Total                                    | 3.15 | 3.14 | 3.15 | 3.14 | 3.095 | 3.14 | 3.14 | 3.13 | 3.15 | 2.905 | 2.825 | 2.815 | 2.755 | 2.735 | 2.675 | 2.74 | 2.785 | 2.765 | 2.77 | 2.815 | 2.835 | 2.835 | 2.835 | 2.835 | 2.835         | 700.9 |       |
| aMWh                                     | 1.02 | 1.01 | 1.02 | 1.01 | 1     | 1.01 | 1.01 | 1.01 | 1.02 | 0.94  | 0.91  | 0.89  | 0.88  | 0.86  | 0.88  | 0.86 | 0.88  | 0.89  | 0.89 | 0.91  | 0.91  | 0.91  | 0.91  | 0.91  | 0.91          | 0.94  |       |

Leadborg Unit #2

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# Attachment D

Land Use Notice

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Application for a Time-Limited Instream Transfer - Eugene Water & Electric Board

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October 6, 2023

Lane County Land Management Division  
3050 N. Delta Highway  
Eugene, OR 97408

Re: Proposed Time-Limited Instream Water Right Transfer

To Whom It May Concern:

The Oregon Water Resources Department requires applicants intending to file an application to transfer a water right to instream purposes 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.

The Eugene Water & Electric Board is providing such notification of intent to transfer water right Certificates 27661 and 27664 to instream use through 2039. The proposed place of instream use would be in the McKenzie River at the authorized point of diversion (Leaburg Canal diversion, located in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 31, T 16 S, R 2 E, WM). The proposed rate to be protected instream would be up to 2,500 cubic feet per second with priority dates of March 5, 1926 and January 24, 1955.

If you have questions regarding the proposed time-limited instream transfer or are interested in receiving additional information, please contact me at (541) 257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written over a horizontal line.

Adam Sussman  
Principal Water Resources Consultant

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OCT 09 2023

OWRD



October 9, 2023

Sarah Henderson  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Application for a Time-Limited Instream Transfer in the name of Eugene Water & Electric Board

Dear Ms. Henderson:

On behalf of the Eugene Water & Electric Board (EWEB), GSI Water Solutions, Inc. is submitting the enclosed application for a time-limited instream transfer. EWEB is requesting to transfer Certificates 27661 and 27664 to instream use beginning immediately and running through 2039, with the potential for earlier termination upon written request from EWEB. Certificates 27661 and 27664 authorize the use of up to 2,200 cubic feet per second (cfs) and 300 cfs, respectively, for hydroelectric power production.

Consistent with communications with Dwight French on October 6, 2023, please find enclosed a check in the amount of \$50,000 for the application fee for this time-limited instream transfer. We understand that, if processing this application incurs additional expenses, OWRD may require additional fees to be paid to cover the additional expenses. We understand that OWRD may choose to pause processing the application if additional fees are needed and will reject the application if additional fees are not paid within 30 days of a request. The Applicant reserves the right to withdraw the application for a partial refund to the extent of unearned fees.

The required application documents are enclosed. If you have any questions regarding this application, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", written over a horizontal line.

Adam Sussman  
Principal Water Resources Consultant

CC: Mark Zinniker, EWEB

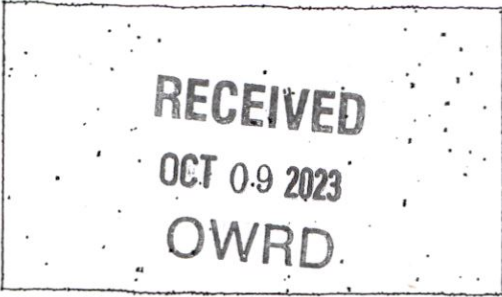
Enclosures: Application for a Time-Limited Instream Transfer for Certificates 27661 and 27664  
Check in the amount of \$50,000.00

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Date Received (Date Stamp Here)

# OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Eweb  
4200 Roosevelt Blvd, Eugene OR 97402

Transaction Type: Transfer

Fees Received: \$ 50,000.00

Cash  Check; Check No. 0000237447

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

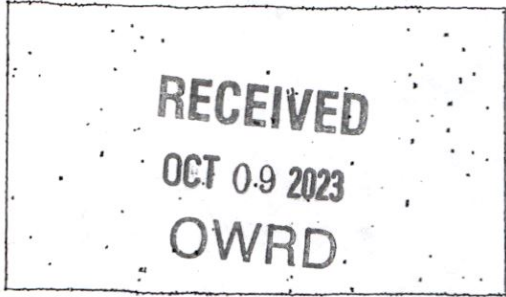
Sincerely,  
OWRD Customer Service Staff

Submission received by: Corie Lovrien  
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

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(Name of OWRD staff)



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