Application for

Surface Water Allocation of Conserved Water

Part 1 of 4 – Minimum Requirements Checklist

OREGON WATER RESOURCES DEPARTMENT
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.

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

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Applicant Information and Signature.

☒ Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **95175, 95176, 95177**.

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

Attachments:

☒ Fees – Amount enclosed: $ **1,160** (From last page of application).

☒ Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing. **See Attachment A**

☐ Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**

☒ Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach. **See Attachment B**

☒ Completed Evidence of Use Affidavit and Supporting Documentation. **See Attachment C**

☐ ☒ N/A Affidavit(s) of Consent.

☐ ☒ N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.

☒ ☐ N/A Irrigation or Water Control District's adopted policy on allocation of conserved water. **See Attachment D**

☐ ☒ N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water. **N/A – Construction of the project has not yet begun.**

☐ ☒ N/A Evidence for Fee Waiver.

☐ ☒ N/A Notice of Completion.

☐ ☒ N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

Part 2 of 4 – Applicant Information and Signature

Applicant Information

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

☒ The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: 3/9/2021.

OR

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

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

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

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

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

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

C. Schull
Applicant signature

Chris Schull, Manager
Print Name (and Title if applicable)

7/22/24
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): Consistent with TID's watershed plan-environmental assessment for its irrigation modernization project, TID is submitting this Application for Allocation of Conserved Water for Project Group 6b, which includes restoring 1.1 cubic feet per second (cfs) of water to Tumalo Creek during the irrigation season and Crescent Creek in the winter by enclosing 11,261 linear feet (LF) of the Columbia Southern Canal (based on a seepage loss study completed by Black Rock Consulting in 2016). TID proposes to allocate a total of 310.2 acre-feet to instream use from Certificates 95175, 95176, and 95177. The volume of water proposed to be protected instream is equivalent to an average rate of 0.85 cfs throughout the irrigation season, consistent with TID's application for grant funding.

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

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

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

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

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

ENTITY NAME	ADDRESS	
CITY OF BEND	710 NW WALL STREET	
CITY	STATE	ZIP
BEND	OR	97703

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

Part 3 of 4 – Water Right Information and Conservation Measures

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

WATER RIGHT INFORMATION:

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

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

County: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* TID has two primary points of diversion, Tumalo Feed Canal (TFC) on Tumalo Creek and Bend Feed Canal (BFC) on the Deschutes River. Water under Certificate 95175 is diverted at the TFC. The TFC is a gravity diversion on Tumalo Creek near River Mile 3, North 70° 21' W; 1,550 feet from the East ¼ corner of Section 23; SW¼ NE¼, Section 23, Township 17 South, Range 11 East. Water at the TFC diversion dam enters a dual-pipe conveyance system and is transported approximately 4,000 feet to the convergence with the BFC. The maximum capacity of the intake is 225 cfs. TID has completed piping of the Tumalo Feed Canal with 84-inch high-density polyethylene (HDPE) pipe. This section of the Columbia Southern Canal will be piped with HDPE ranging from 48 to 63 inches.

Certificate 95175 was issued December 2, 2020. A final order approving Allocation of Conserved Water 128 (CW-128) was issued March 1, 2023. A final order approving Allocation of Conserved Water 136 (CW-136) was issued April 10, 2024. All pre-project and post-project rates and volumes described in this application for Allocation of Conserved Water anticipate the completion of CW-128 and CW-136 in accordance with the description in the respective final orders approving those projects.

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
95175	8/5/1900	407.60	4.389	1/70	733.68	1.8	224	95,079.62
	9/1900	4,056.45	30.779	1/70	7,301.61	1.8		
	4/28/1905	301.60	3.248	1/70	542.88	1.8		
	5/27/1907	43.20	0.455	1/70	77.76	1.8		
	6/1/1907	992.65	10.688	1/70	1,786.77	1.8		
Totals		5,801.50	49.559	1/70	10,442.70	1.8	224	95,079.62

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:

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- ☐ On-Farm efficiency project
- ☒ Distribution project, such as a ditch piping or lining project
- ☐ Other: _____

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project. TID is submitting this Application for Allocation of Conserved Water for Project Group 6b, which includes restoring 1.1 cfs of water to Tumalo Creek during the irrigation season and Crescent Creek in the winter by enclosing 11,261 LF of the Columbia Southern Canal (based on a seepage loss study completed by Black Rock Consulting in 2016). TID proposes to allocate a total of 310.2 acre-feet (equivalent to 0.85 cfs) to instream use from Certificates 95175, 95176, and 95177.

Existing Point(s) of Diversion:

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
17	S	11	E	23	SW	NE			North 70 degrees 21 minutes West, 1550 feet from the East ¼ corner of Section 23.
18	S	10	E	2	NW	SW			North 14 degrees 2 minutes East, 1713 feet from the South ¼ corner of Section 2.

Place of Use Involved in Conservation Measures:

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

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	200	43	153.0	EXAMPLE	1/1/1865
Entire Certificate											
								Total	5,801.5		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands? ☒ Yes ☐ No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: 95176, 95177, 95178, 74149, 88894.

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

Table 2: Conserved Water

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

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	Max CFS	CFS/AC	Maximum AF	AF/AC	Max CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
8/5/1900	4.389	1/70	733.68	1.8	4.367	1/70	733.68	1.8	0.022	8.03
9/30/1900	30.779	1/70	7,301.61	1.8	30.625	1/70	7,301.61	1.8	0.154	56.30
4/28/1905	3.248	1/70	542.88	1.8	3.232	1/70	542.88	1.8	0.016	5.94
5/27/1907	0.455	1/70	77.76	1.8	0.453	1/70	77.76	1.8	0.002	0.83
6/1/1907	10.688	1/70	1786.77	1.8	10.634	1/70	1,786.77	1.8	0.054	19.55
Totals	49.558		10,442.70		49.311	1/70	10,442.70	1.8	0.248	90.64

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		
Priority	Acres	%	Maximum Rate	Maximum Duty (Volume)	%	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
8/5/1900	407.60	100%	0.022	8.03	0%	0	0	100%	0.022	8.03
9/30/1900	4,056.45	100%	0.154	56.29	0%	0	0	100%	0.154	56.29
4/28/1905	301.60	100%	0.016	5.94	0%	0	0	100%	0.016	5.94
5/27/1907	43.20	100%	0.002	0.83	0%	0	0	100%	0.002	0.83
6/1/1907	992.65	100%	0.054	19.55	0%	0	0	100%	0.054	19.55
Totals (95175)	5,801.50	100%	0.248	90.64	0%	0	0	100%	0.248	90.64

** 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.

Part 3 of 4 – Water Right Information and Conservation Measures

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

WATER RIGHT INFORMATION:

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

☒	Certificated Right	95176 Certificate Number	Permit S-19628 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: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* TID has two primary points of diversion, Tumalo Feed Canal (TFC) on Tumalo Creek and Bend Feed Canal (BFC) on the Deschutes River. Water under Certificate 95176 is diverted at the TFC. The TFC is a gravity diversion on Tumalo Creek near River Mile 3, North 70° 21' W; 1,550 feet from the East ¼ corner of Section 23; SW¼ NE¼, Section 23, Township 17 South, Range 11 East. Water at the TFC diversion dam enters a dual-pipe conveyance system and is transported approximately 4,000 feet to the convergence with the BFC. The maximum capacity of the intake is 225 cfs. TID has completed piping of the Tumalo Feed Canal with 84-inch high-density polyethylene (HDPE) pipe. This section of the Columbia Southern Canal will be piped with HDPE ranging from 48 to 63 inches.

Certificate 95176 was issued December 2, 2020. A final order approving Allocation of Conserved Water 128 (CW-128) was issued March 1, 2023. A final order approving Allocation of Conserved Water 136 (CW-136) was issued April 10, 2024. As of the date of submittal of this application, both projects have been completed, but not finalized. All pre-project and post-project rates and volumes described in this application for Allocation of Conserved Water anticipate the completion of CW-128 and CW-136 in accordance with the description in the respective final orders approving those projects.

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
95176 (Season 1)	10/29/1913	6,590.60	79.633	1/80	64,008.40	9.71	224	95,079.62
95176 (Season 2)	10/29/1913	6,590.60	107.252	1/60				
95176 (Season3)	10/29/1913	6,590.60	127.808	1/32.4				
Totals		6,590.60	127.808	1/32.4		9.71	224	95,079.62

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

CONSERVATION MEASURES:

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

- ☐ On-Farm efficiency project
- ☒ Distribution project, such as a ditch piping or lining project
- ☐ Other: _____

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.* Consistent with TID's watershed plan-environmental assessment for its irrigation modernization project, TID is submitting this Application for Allocation of Conserved Water for Project Group 6b, which includes restoring 1.1 cfs of water to Tumalo Creek during the irrigation season and Crescent Creek in the winter by enclosing 11,261 LF of the Columbia Southern Canal (based on a seepage loss study completed by Black Rock Consulting in 2016). TID proposes to allocate a total of 310.2 acre-feet (equivalent to 0.85 cfs) to instream use from Certificates 95175, 95176, and 95177. For this conserved water application, similar to CW-128 and CW-136, for seasons 1 and 2 the allocation to instream use will simply be an average rate, rather than a maximum rate. Due to the short duration of season 1 and 2, it does not make sense for the District to shape the instream water right. However, the District is proposing to shape the instream water right for season 3 in a manner identical to CW-128 and CW-136.

The District may modify the approach to shaping the instream water right resulting from allocations of conserved water in future applications, as the timing and amount of water allocated to instream use may affect the District's ability to deliver water under certain streamflow conditions.

Existing Point(s) of Diversion:

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
17	S	11	E	23	SW	NE			North 70 degrees 21 minutes West, 1550 feet from the East ¼ corner of Section 23.
18	S	10	E	2	NW	SW			North 14 degrees 2 minutes East, 1713 feet from the South ¼ corner of Section 2.

Place of Use Involved in Conservation Measures:

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

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	200	43	153.0	EXAMPLE	1/1/1865
Entire Certificate											
								Total	6,590.6		

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: 95175, 95177, 95178, 74149, 88894.

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

Table 2: Conserved Water

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

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	Max CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
95176 (Season 1)	79.633	1/80	9,794.76		79.525	1/80	9,781.75		0.108	13.01
95176 (Season 2)	107.252	1/60	6,455.13	9.71	107.150	1/60	6,449.04	9.70	0.102	6.10
95176 (Season 3)	127.808	1/32.4	47,758.52		127.345	1/32.4	47,703.87		0.463	54.65
Totals	127.808	1/32.4	64,008.41	9.71	127.345	1/32.4	63,934.65	9.70	0.463	73.76

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		
	%	Maximum Rate	Maximum Duty (Volume)	%	Maximum Rate	Maximum Duty (Volume)	%	Maximum Rate	Maximum Duty (Volume)
Season 1	100%	0.108	13.01	0%	0	0	100%	0.108	13.01
Season 2	100%	0.102	6.10	0%	0	0	100%	0.102	6.10
Season 3	100%	0.463	54.65	0%	0	0	100%	0.463	54.65
Totals	100%	0.463	73.76	0%	0	0	100%	0.463	73.76

** 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.

Part 3 of 4 – Water Right Information and Conservation Measures

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

WATER RIGHT INFORMATION:

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

☒	Certificated Right	95177 Certificate Number	Permit S-624 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: Deschutes

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.* TID has two primary points of diversion, Tumalo Feed Canal (TFC) on Tumalo Creek and Bend Feed Canal (BFC) on the Deschutes River. Water under Certificate 95177 is diverted at the BFC. The BFC is a gravity diversion on the Deschutes River at the location of the Steidl Dam near River Mile 166 in the NW¼ NE¼, Section 32, Township 17 South, Range 12 East. The BFC is fully piped for 5 miles to the convergence with the TFC. Piping consists of a combination of 72-inch diameter reinforced concrete pipe that was installed in the 1970s and 84-inch diameter high-density polyethylene (HDPE) pipe that was installed by the District over the last 15 years.

Certificate 95177 was issued December 2, 2020. A final order approving Allocation of Conserved Water 116 (CW-116) was issued October 24, 2022. A final order approving Allocation of Conserved Water 128 (CW-128) was issued March 1, 2023. A final order approving Allocation of Conserved Water 136 (CW-136) was issued April 10, 2024. All pre-project and post-project rates and volumes described in this application for Allocation of Conserved Water anticipate the completion of CW-128 and CW-136 in accordance with the description in the respective final orders approving those projects.

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
95177	4/7/1911	7,381.20	N/A	N/A	30,200.92	9.61	175	74,280.95
Totals		7,381.20	N/A	N/A	30,200.92	9.61	175	74,280.95

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. TID is submitting this Application for Allocation of Conserved Water for Project Group 6b, which includes restoring 1.1 cfs of water to Tumalo Creek during the irrigation season and Crescent Creek in the winter by enclosing 11,261 LF of the Columbia Southern Canal (based on a seepage loss study completed by Black Rock Consulting in 2016). TID proposes to allocate a total of 310.2 acre-feet (equivalent to 0.85 cfs) to instream use from Certificates 95175, 95176, and 95177.

Existing Point(s) of Diversion:

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
24	S	6	E	11	SE	SW			
24	S	6	E	11	SW	SE			

Place of Use Involved in Conservation Measures:

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

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	200	43	153.0	EXAMPLE	1/1/1865
Entire Certificate											
								Total	7,381.20		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands? ☒ Yes ☐ No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: 95175, 95176, 95178, 74149, 88894.

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

Table 2: Conserved Water

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

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
95177	N/A	N/A	30,200.92	9.63	N/A	N/A	30,055.12	9.61	N/A	145.80
Totals	N/A	N/A	30,200.92	9.63	N/A	N/A	30,055.12	9.61	N/A	145.80

Table 3: Allocation of Conserved Water

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

** must be at least 25%*

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
100%	N/A	145.80	0%	0	0	100%	N/A	145.80

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

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

PROPOSED USE:

New Out-of Stream Uses:

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

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

☐ Yes ☐ No ☐ Unknown at this time

New Point of Diversion: N/A

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

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

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Maximum Rate (cfs)*	Average Rate (cfs)	Volume (ac-ft)**
95175	8/5/1900	Tumalo Creek	4/15-10/15	0.022	0.022	8.03
	9/1900			0.154	0.154	56.30
	4/28/1905			0.016	0.016	5.94
	5/27/1907			0.002	0.002	0.83
	6/1/1907			0.054	0.054	19.55
95176	10/29/1913	Tumalo Creek, Crater Creek, Little Crater Creek, and Three Spring Branches	Season 1 (4/1-4/30 & 9/15 – 9/30)	0.108	0.108	13.01
			Season 2 (5/1 - 5/14 & 9/15 - 9/30)	0.102	0.102	6.10
			Season 3 (5/15 - 9/14)	0.463	0.224	54.65
95177	4/7/1911	Crescent Lake Reservoir	Year-round	N/A	N/A	145.80
					TOTAL VOLUME	310.2

* The applicant proposes to shape the volume of water to be conserved during Season 3 under the instream water right created from Certificate 95176. The applicant request that the Department include a condition in any order approving this Application for Allocation of Conserved Water that states "The rate and volume to be protected will be determined by the local Watermaster so the volume for each season is maximized but is not exceeded. The Watermaster's annual documentation of protected flows under Certificate 95176 shall be available for review upon request."

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

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

Location of the proposed instream water right.

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

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

OR

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

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

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

☐ Recreation 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: Instream Water Right Certificates: 81332, 81333, 84351, 88992, 88993, 91922, 91923, 94202, 94203, 94856, 94857, 95729, 95730, 73222

☐ 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.

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: 9/1/2024	*Date: 4/1/2025*	**Date: 12/15/2025*

** 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.*

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: $3,274,899 ☒ State: 2,190,726

☐ Total cost for project engineering $**N/A**
☒ Total cost for construction $5,465,625

☐ 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 N/A.

☐ The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is $**N/A**.

☒ The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is $500,000 (estimated).

☐ ☒ N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) _____%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? _____%

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

FEE CALCULATION

Fee Schedule – ORS 536.050 https://www.oregon.gov/OWRD/Forms/Pages/default.aspx	
$1,360.00 - Base (1st Water Right)	Add $480.00 for each additional right
	$1,360 + (2x $480) = Total Fee $2,320

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
	(a) Will be converted to an instream right pursuant to ORS 537.348; **or**
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); **or**
	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. *See* OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
	(d) Enter Percentage from Table 3, Column A = 100%
	(e) Deduct 25% from percentage in (d) above = 75 %
	(f) Enter the lesser of (e) above or 50% 50%
	(g) Total Fee x % waived (f) = Fee Waiver $1,160
	Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver
	Total Fee $2,320 – Fee Waiver (g) $1,160 = Amount Due $1,160

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Attachment B

Land Use Notice

Allocation of Conserved Water Application – Tumalo Irrigation District

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TUMALO IRRIGATION DISTRICT

July 22, 2024

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

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

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

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

Jefferson County Community Development
85 SE D Street
Madras, OR 97741

Confederated Tribes of the Warm Springs
1233 Veterans Street #1
PO Box C
Warm Springs, OR 97761

To Whom It May Concern:

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

- 145.80 acre-feet under Certificate 95177, to be released from Crescent Lake Reservoir at the location of Crescent Dam into Crescent Creek, then into the Little Deschutes River, then into the Deschutes River, then into Lake Billy Chinook.
- 90.64 acre-feet under Certificate 95175 in Tumalo Creek, from the District's authorized point of diversion from Tumalo Creek in the SW NE, Section 23, Township 17 South, Range 11 East, then into the Deschutes River, then into Lake Billy Chinook.
- 73.76 acre-feet under Certificate 95176 in Tumalo Creek, from the District's authorized point of diversion from Tumalo Creek in the SW NE, Section 23, Township 17 South, Range 11 East, then into the Deschutes River, then into Lake Billy Chinook.

Sincerely,

Christopher Schull
Manager/Secretary to the Board
Tumalo Irrigation District

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Attachment C

Evidence of Use Affidavit

Allocation of Conserved Water Application – Tumalo Irrigation District

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of Deschutes)

I, CHRISTOPHER SCHULL, in my capacity as MANAGER,

mailing address 64697 COOK AVENUE, TUMALO, OR

telephone number (541)382-3053, 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 # 95175, 95176, 95177; **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)

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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): CONSISTENT WITH USES DESCRIBED IN CERTIFICATES 95175, 95176, 95177

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 of Affiant _____ Date _____

Signed and sworn to (or affirmed) before me this 22 day of July, 2024.

OFFICIAL SEAL
APRIL L HARRIS SPATH
NOTARY PUBLIC - OREGON
COMMISSION NO. 1024539
MY COMMISSION EXPIRES MAY 15, 2026

April L Harris Spath
Notary Public for Oregon

My Commission Expires: May 15, 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
☒ Tumalo Irrigation District Water Use Reports from 2019 through 2023.	TID has attached water use reports for Tumalo Feed canal (Certificate 95175 and 95176), and Crescent Lake release/Bend Feed Canal Diversion (Certificate 95177).

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Water Year	Report ID	Facility Name	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used (AF)	Irrigated Acres	Method of Measurement
2023	12563	CREO GAGE 14060000 (USE FROM CRESCENT LAKE RES)	563	495	441	509	463	528	399	688	955	3775	3803	1477	14096		Flume
2023	16598	TUMALO CR #1/TUMALO FEED CANAL)	0	0	0	0	0	0	39	106	103	73	6	6	333		Flow Meter
2023	16630	DCMO (DESCHUTES R--TID BEND FEED CANAL)	0	0	0	0	0	0	604	966	1075	2843	3295	846	9629		Flow Meter
2022	12563	CREO GAGE 14060000 (USE FROM CRESCENT LAKE RES)	579	533	559	437	459	407	436	492	658	2972	3698	2908	14138		Flume
2022	16598	TUMALO CR #1/TUMALO FEED CANAL)	194	219	0	49	397	271	1238	5880	7004	6159	2167	857	24435		Flow Meter
2022	16630	DCMO (DESCHUTES R--TID BEND FEED CANAL)	291	49	0	0	0	59	886	805	406	1850	2735	2292	9373		Flow Meter
2021	12563	CREO GAGE 14060000 (USE FROM CRESCENT LAKE RES)	2032	1577	1342	824	797	868	850	956	2102	4684	4340	3065	23437		Flume
2021	16598	TUMALO CR #1/TUMALO FEED CANAL)	132	66	30	84	90	0	1055	6031	5912	2228	1186	805	17619		Flow Meter
2021	16630	DCMO (DESCHUTES R--TID BEND FEED CANAL)	224	0	0	0	0	115	729	1346	1564	3093	3269	3044	13384		Flow Meter
2020	12563	CREO GAGE 14060000 (USE FROM CRESCENT LAKE RES)	1913	1856	1638	1319	1275	1369	1346	1399	2576	6924	7763	5424	34802		Flume
2020	16598	TUMALO CR #1/TUMALO FEED CANAL)	98	174	160	131	449	18	1540	6014	4908	2158	1250	782	17682		Flow Meter
2020	16630	DCMO (DESCHUTES R--TID BEND FEED CANAL)	364	0	0	0	0	208	951	1655	2217	4837	5875	5132	21239		Flow Meter
2019	12563	CREO GAGE 14060000 (USE FROM CRESCENT LAKE RES)	2031	1753	1680	1298	1161	1553	1782	1847	2044	5135	7305	7486	35075		Flume
2019	16598	TUMALO CR #1/TUMALO FEED CANAL)	0	0	0	0	0	0	2287	6239	6446	3526	1512	1196	21206		Flow Meter
2019	16630	DCMO (DESCHUTES R--TID BEND FEED CANAL)	0	0	0	0	0	0	1645	2276	2305	4966	6532	4593	22317		Flow Meter

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Attachment D

Conserved Water Policy

Allocation of Conserved Water Application – Tumalo Irrigation District

G. WATER CONSERVATION POLICY

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Policy regarding conserved water allocations pursuant to ORS 537.455 to 537.500

This policy is adopted pursuant to Oregon Administrative Rule 690-018-0025.

1. Water conserved through conservation measures for which no new water rights are sought shall be used to reduce the District's demand. This conserved water will be allocated between District patrons to supplement any deficiencies proportionate to each patron's share of water rights.

2. Water conserved through conservation measures for which new water rights are sought, shall be allocated as follows:

A minimum of 25% to the state for instream use with the balance allocated proportional based on financial contribution to the conservation measure. If more than 25% of the funds used to finance the conservation measures comes from state or federal sources, and such funds are not subject to repayment, then the state shall receive an allocation proportionate to its contribution in accordance with OAR-690-018,0012(1), but in no event shall the state receive more than 75% unless the Board of Directors proposes a higher allocation to the state.

3. When the District adopts a water conservation project providing for conserved water, notice of the project and its adoption shall be given to all district patrons. The notice to the patrons shall indicate the project's estimated cost per irrigated acre and allow the patrons 30 days from the date the notice is placed in the mail, postage pre-paid, for first class mail, to elect to fund their prorata share of the project and receive their prorata share of conserved water less any state mandated instream percentage of the conserved water. Notification to the District by the patron of the patron's election to fund their prorata share of the water conservation project, shall be in writing and shall include a check to cover the costs estimated for the district patron's prorata share of the project. If the project estimates are high, then a funding patron will receive a refund upon completion of the project. If the project estimate is low, then a funding patron will pay the increased prorata costs upon completion of the project. Except for funding patrons, no patron shall be entitled to any of the District's allocation of conserved water.

4. District patrons shall have a period of 60 days after the date of the adoption of, or any modification to, this policy to petition for a vote by all district patrons. Upon receipt of a valid petition, the District shall conduct a vote of all the District patrons on whether to approve or reject this policy or any modification to this policy. Any such petition and any such vote shall be governed by the applicable statutes governing elections or recalls in the District.

5. A district patron in good standing may appeal a decision of the Board of Directors approving a particular water conservation project by filing a written appeal within 30 days after the date the Board of Directors issues the challenged decision. The written appeal must include the name, address, and telephone number of the appealing District patron and a concise statement of the reasons the appealing patron believes the proposed water conservation project fails to comply with this policy. Upon receipt of a properly submitted appeal, the Board of Directors shall consider the appeal at one of its next two regularly scheduled meetings and provide notice to the appealing patron of the date the appeal will be heard. The appealing

patron shall have an opportunity to address the Board of Directors concerning the appeal. The Board of Directors shall limit its consideration to whether the proposed water conservation project complies with this policy. The Board of Directors may dispose of the appeal by (i) rejecting the proposed water conservation project, (ii) modifying the water conservation project to conform to this policy, or (iii) approving the water conservation project as proposed.

6. This policy only applies to applications for allocations of conserved water filed by the District. It does not apply to applications for allocations of conserved water filed by individuals including District patrons.

7. This policy shall be reviewed and updated by the Board of Directors of the district at least once every five years at the first regularly scheduled Board meeting following every fifth anniversary. However, nothing shall prevent the Board of Directors from reviewing and updating this policy at any other time. The Board of Directors shall follow process and provisions of OAR 690-018-0025 whenever reviewing and updating this policy.

Reviewed by the Board December 14, 2010 and October 13, 2015. No changes were made. Reviewed by the Board December 8, 2020, discussed revisions and approved those revisions March 9, 2021.

GSI
Water Solutions, Inc.

August 8, 2024

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

Re: Application for Allocation of Conserved Water on behalf of Tumalo Irrigation District

Dear Corey,

Please find enclosed an application for allocation of conserved water, submitted on behalf of Tumalo Irrigation District. The application proposes to allocate a total of 310.2 acre feet of water in Tumalo Creek and Crescent Lake, with 100 percent of the conserved water proposed to be allocated for instream use. This application includes conservation that will be realized through piping of the Columbia Southern Canal. Conserved water is proposed to be allocated instream under a variety of priority dates.

The required fee of $1,160 is enclosed.

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

Sincerely,

Owen McMurtrey

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

Enclosures

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