



Josh Newton  
Partner  
(541) 318-9817  
josh.newton@bbklaw.com

April 29, 2024

**VIA E-MAIL ONLY:**

**JEREMY.T.GIFFIN@WATER.OREGON.GOV**

**ANN.L.REECE@WATER.OREGON.GOV**

**SARAH.A.HENDERSON@WATER.OREGON.GOV**

Jeremy Giffin  
Watermaster - District 11  
Oregon Water Resources Department  
231 SW Scalehouse Loop, Suite 103  
Bend, OR 97702

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

**Re: T-14347 and IL-1346**

Dear Mr. Giffin, Ms. Reece, and Ms. Henderson:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). The Department of Water Resources (“Department”) has provided the Tribe with certain information concerning several proposed instream leases and transfer applications. This letter pertains to T-14347 and IL-1346, which are further identified in **Appendix A** hereto (collectively, the “Applications”). In short, T-14347 proposes to transfer 347.59 acre equivalents of water permanently instream near Lava Falls, and IL-1346 proposes to renew an instream lease by lessor City of Redmond.

The Tribe has reviewed the Applications, along with additional information about the Applications provided by the Department. Based on that information, the Tribe does not object to the Department processing the Applications in accordance with applicable law, and the Department’s customary practice. The Tribe, however, expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Applications, including, but not limited to, whether the Applications violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,

  
Josh Newton  
of BEST BEST & KRIEGER LLP

Jeremy Giffin  
Ann Reece  
Sarah Henderson  
April 29, 2024  
Page 2

JN

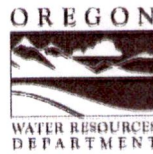
cc: Robert A. Brunoe  
Austin Smith, Jr.  
Brad Houslet  
David Filippi  
Alison K. Toivola, Esq.  
Gen Hubert, Deschutes River Conservancy

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**APPENDIX - A**

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# Instream Lease Renewal Application (Standard or District)



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

Complete the questions below and include any required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	Instream Lease <b>IL-1346</b> Renewal Fee Included <input checked="" type="checkbox"/>
---	---

The undersigned hereby request Instream Lease Number **IL-1346** be renewed.

Fees:  \$150.00 for an instream lease renewal application  
 Check enclosed or  Fee Charged to customer account \_\_\_\_\_ (Account name)

<b>Term of the Lease:</b> The lease is requested to begin in month <u>January</u> year <u>2024</u> and end month <u>January</u> year <u>2029</u>	
<b>Validity of the Right(s)</b> (check the appropriate box): <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream. <input type="checkbox"/> If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2).	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request:</b> <input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See Instructions for limitations to this provision)

Yes  No Conservation Reserve Enhancement Program CREP – Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**The undersigned declare:**

- The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
- The Lessor(s) certify that I/we are the holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
- All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

Josh Wedding  
Signature of Lessor

Date: 12-4-23

Printed name (and title): Josh Wedding, Water Utilities Manager  
 Business name, if applicable: City of Redmond Public Works Department  
 Mailing Address (with state and zip): 240 E Antler Avenue #100, Redmond, OR, 97756  
 Phone number (include area code): 541-504-2022  
 \*\*E-mail address: Joshua.Wedding@redmondoregon.gov

\_\_\_\_\_  
Signature of Lessor  
 Date: \_\_\_\_\_  
 Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

See next page for additional signatures.

**RECEIVED**  
**DEC 08 2023**  
**OWRD**

\_\_\_\_\_  
Date: \_\_\_\_\_

Signature of Co-Lessor

Printed name (and title): \_\_\_\_\_  
District/organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

Signature of Co-Lessor

Printed name (and title): \_\_\_\_\_  
Business/organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

Signature of Lessee

Printed name (and title): \_\_\_\_\_  
Business/organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

**\*\* 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 TO THE LESSOR.**

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DEC 08 2021  
CWO

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



**Appendix A - Page 3 of 16**  
 Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 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? 1 List them here: 74197**  
 Please include a separate Part 6 for each water right. (See instructions on page 8)

**Attachments:**

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- 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.

**(For Staff Use Only)**

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

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Part ___ is incomplete
___ Additional signature(s) required	Other/Explanation _____
Staff: _____ 503- _____ Date: ___/___/___	

## Part 2 of 6 – Map Checklist

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>1 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one water right, this will be 0</i> Multiply line 2b by \$610 and enter » » » » » » » » » » » » » » » »	2	0
3	Enter the cfs for the portions of the rights to be transferred (see example below*): <u>11.893 (3a)</u> Subtract 1.0 from the number in 3a above: <u>10.893 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>11(3c)</u> and multiply 3c by \$410, then enter on line 3 » » » » » » » » » »	3	4,510
4	Add entries on lines 1 through 3 above » » » » » » » » » » Subtotal:	4	6,960
5	Multiply line 4 by 0.5 and enter on line 5 » » » » » » » » » » » » » » » »	5	3,480
6	Subtract line 5 from line 4 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	6	<b>3,480</b>

\*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*).

## Part 4 of 6 – Applicant Information and Signature

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

## Applicant Information

APPLICANT/BUSINESS NAME <b>Arnold Irrigation District (AID) and Roats Water System, Inc (RWS)</b>		PHONE NO. <b>541)382-7664 541)382-3029</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>AID - 19604 Buck Canyon Road, Bend, OR 97702 RWS - 61147 Hamilton Lane, Bend, OR 97702</b>			FAX NO.
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>	E-MAIL <b>jharvey@arnoldid.com/sjohnson@arnoldid.com michelle@roatswater.com/bill@roatswater.com</b>
<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.</b>			

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

AGENT/BUSINESS NAME <b>Deschutes River Conservancy</b>		PHONE NO. <b>541)382-4077</b>	ADDITIONAL CONTACT NO. <b>x116</b>
ADDRESS <b>700 NW Hill Street, Suite 1</b>			FAX NO.
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	E-MAIL <b>gen@deschutesriver.org</b>
<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.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why: Arnold Irrigation District and Roats Water System, Inc wish to eliminate a quasi-municipal delivery of water by transferring 347.59 acre equivalents of water permanently instream. This instream transfer will protect water instream in the Deschutes River from the Arnold ID diversion near Lava Island Falls at approximate RM-174.5 to the Madras gage. This transfer will reduce the diversion of water by Arnold Irrigation District. The amount of water reduced at the diversion will serve 2 purposes; 1) the acre-equivalent quasi municipal duty will be protected to the Madras gage, 2) the associated transmission water (not protected) will become available to the next junior user - North Unit Irrigation District which will reduce NUID's reliance on stored water, which may result in additional water releases from Wickiup Reservoir in winter. This instream transfer will improve flows in the middle Deschutes below Bend, but also has potential to improve flows in the Upper Deschutes below Wickiup, which in combination can improve water quantity and quality in the Deschutes River nearly yearround. This instream transfer is a mitigation project and will create permanent mitigation credits to be held jointly by Arnold Irrigation District and Roats Water System, Inc.

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)

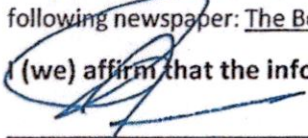
## Check one box

- 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: The Bend Bulletin.

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

  
Applicant Signature

**Steve Johnson / District Manager-AID**  
Print Name (and Title if applicable)      Date

NOV 1, 2023

  
Applicant Signature

**William Roats / President-RWS**  
Print Name (and Title if applicable)      Date

NOV 3, 2023

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 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.*

*NOTE Yes - The applicant (Roats Water System, Inc) is a quasi-municipal water right provider and with Arnold Irrigation District, the two have sole control of the water to be transferred instream, separate from the owners of the lands the quasi-municipal water serves. Roats will continue to serve water from groundwater sources once the transfer is finalized.*

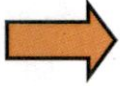
Check the following boxes that apply:

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 <b>Arnold Irrigation District</b>	ADDRESS <b>19604 Buck Canyon Rd.</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>

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 <b>Roats Water System, Inc</b>	ADDRESS <b>61147 Hamilton Lane</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>



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 <b>City of Bend</b>	ADDRESS <b>710 NW Wall St</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>

ENTITY NAME <b>Deschutes County Planning Dept</b>	ADDRESS <b>117 NW Lafayette Ave</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>977031</b>

ENTITY NAME <b>Jefferson County Planning Dept</b>	ADDRESS <b>85 SE D Street</b>	
CITY <b>Madras</b>	STATE <b>OR</b>	ZIP <b>97761</b>

ENTITY NAME <b>Confederated Tribes of Warm Springs</b>	ADDRESS <b>P.O. Box 1299</b>	
CITY <b>Warm Springs</b>	STATE <b>OR</b>	ZIP <b>97761</b>

ENTITY NAME <b>City of Redmond</b>	ADDRESS <b>243 E. Antler Ave, Suite 100</b>	
CITY <b>Redmond</b>	STATE <b>OR</b>	ZIP <b>97756</b>

14347 -

## 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)**
74197	2/1/1905	Deschutes River	Apr 1 - Oct 31	0.730	309.858
74197	4/25/1905	Deschutes River	Apr 1-30, Oct 1-31	1.703	
74197	4/25/1905	Deschutes River	May 1-15, Sep 15-30	2.433	
74197	4/25/1905	Deschutes River	May 15 - Sep 15	5.005	1566.082
<b>TOTAL VOLUME</b>					<b>1875.94</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: The maximum rate associated with this transfer includes transmission water. The transmission water is also reduced from the certificate as a result of this transfer. See attached OWRD calculator sheet in "Exhibit J" for the diversion reduction rate and deeded duty of 5.4 AF/Ac.

## Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.  
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): \_\_\_\_\_.
- Water is requested to be protected within a reach:  
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): Arnold ID POD #1 (main canal) to the Madras gage on the Deschutes River.

## 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): This

transfer will not impair existing water rights. The reliability of the instream protected water will match the natural flow reliability of Arnold Irrigation District. In drought or dry years, less water may be present instream. However, current and planned conservation measures (piping of canals) has potential to improve reliability of the delivered water for the irrigation district. The transmission water associated with this transfer will not be protected instream and will become available to other districts. The Deschutes River and major district diversions are heavily gaged (with telemetry) and monitored to assure the water is protected instream and the diversion is reduced.

14347 -

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): There is a long list of existing instream water rights in the Deschutes River below Arnold ID (at the DEBO gage). These water rights are listed in attachment Exhibit G. There is also an ODFW state Instream Water Right application for the Deschutes River below Bend.

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:  
\_\_\_\_\_ Begin Year to \_\_\_\_\_ End Year

14347 -

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

Conditions: \_\_\_\_\_.

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 6 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;

**OR**

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 6, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 6 and paste as many additional sets of Part 6 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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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 # 74197Name on Certificate: Arnold Irrigation DistrictDate(s) of Priority: 2/1/1905 and 4/25/1905Source(s) of Water to be Affected by the Transfer: Deschutes River

## Description of Water Delivery System

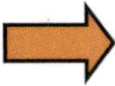
System capacity: 150 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. The Arnold Irrigation District (AID) diversion is located at river mile 174.5 on the Deschutes River near Lava Island Falls. The AID diversion has a radial gate that regulates the intake flow rate and a vertical flat-plate fish screen that keeps fish and debris out of the District's conveyance system. The Oregon Water Resources Department (OWRD) gage number 14065500 measures inflows into the conveyance system. The Main Canal delivers water generally northeast, starting with an approximately 1-mile-long flume and trestle system and then transitioning to a typical earthen and rock substrate open canal, some sections of which are shotcrete/concrete lined. Approximately 22% of the AID delivery system is currently piped. (Information above sourced from the Arnold ID Final Watershed Plan-Environmental Assessment). Water is delivered to ponds for Roats Water System, at which point the water is pumped through a piped delivery system to the quasi-municipal service areas.

## 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: Supplemental Water Right Certificate C-76714 (Crane Prairie); Roats Water Groundwater Certificates G-87656, 87657, 87658, 87659; and Roats Permit G-18079. Roats Water is a quasi-municipal water provider serving a territory within the City of Bend. Avion Water Company (quasi-municipal) and the City of Bend (municipal) also serve areas of the City of Bend.

 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. 14347 -

Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Priority Date (if different between PODs)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<b>Arnold Canal #1</b>		<b>18</b>	<b>S</b>	<b>11</b>	<b>E</b>	<b>27</b>	<b>NE</b>	<b>SW</b>		<b>2800 Feet South and 3740 Feet West from the NE Corner of Section 27.</b>

**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.

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 # 74197**

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

Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres if Applicable	Type of USE listed on Certificate	Priority Date (if not the same for all acres or type of use)	POD(s) (name or number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p><b>See Attached Place of Use Exhibit F. Water was delivered to Roats Water Company for quasi-municipal uses in this service area.</b></p> </div>												
TOTAL ACRES									<b>347.59</b>			

Additional remarks: Quasi-Municipal Uses - to be transferred instream to create permanent mitigation credits.

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