T-10490 RA

Instream MP-111 T-10490

Name Deschutes River Conservancy & Swalley Irrigation District
Address 700 NW Hill St.
Bend OR 97701
541-382-4077 x21 541-382-4078 Fax

Change in POU USE POD
Date Filed 11-23-2007
Initial notice date ~~12-4-07~~ 12/11/07
DPD issued date
PD issued date
PD notice date
Date of FO Vol Page

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Deschutes River
Trib. of Columbia R
Use Nursery, Pollution Ab, Rec, Pond, IND, IR County Deschutes
Quantity of water (CFS) No. of Acres
Name of ditch
App # Per # Cert # 74145 PR Date 1899
App # Per # Cert # PR Date
App # Per # Cert # PR Date
App # Per # Cert # PR Date
Deschutes River Decree 1958

FEES PAID

Date	Amount	Receipt #
11/23/07	400.00	90723
11/23/07	125.00	90218

FEES REFUNDED

Date	Amount	Receipt#

Assignments:

Irrigation District
Agent
CWRE
CC's list Deschutes County Planning Dept. 117 NW Lafayette Ave Bend OR 97701
Jefferson County City of Bend

☐ - Oversized map – Location

Reimbursent Authority Contractor - Conservation Strategies

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 90723

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Deschutes River Conservancy

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10490

CASH: ☐ CHECK:# ☒ 4752 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 400.00		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____ 104

DESCRIPTION _____ $

RECEIPT: 90723 DATED: 11/23/07 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 90718

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Deschutes River Conservancy

BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☑ 4754 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	PCA-47119	$
0408	OTHER:	(IDENTIFY) Reimbursement Authority	$ 125.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	$
0410	RESEARCH FEES	$
0408	MISC REVENUE: (IDENTIFY) _____	$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	$
0240	EXTENSION OF TIME	$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 90718 DATED: 11/23/07 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 20, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Re: Instream Transfer T-10490 & Mitigation Credit Project MP-111

Thank you for participating in the Instream Transfer and Deschutes Mitigation Credit program. I want to express appreciation for your participation in these programs and cooperation in helping to improve streamflows for fish and aquatic life and to provide mitigation water to ground water users in the Deschutes Ground Water Study Area.

As identified in the attached Final Order, this Instream Transfer has been approved and awarded mitigation credits. Mitigation credits awarded to this project have been assigned to the Deschutes River Conservancy and Swalley Irrigation District.

These mitigation credits may be used to satisfy the mitigation obligation of a ground water permit or application or may be assigned to any person or mitigation bank. The **18.0** mitigation credits awarded to this project are valid upon issuance of the instream certificate and until used to fulfill the mitigation obligation of a ground water permit application(s) and/or an existing ground water right(s). The mitigation credits may be used in the **Middle Deschutes and General Zones of Impact**. A ground water user wanting to demonstrate that mitigation credits are being used to satisfy a mitigation obligation needs to submit documentary evidence to the Department showing that mitigation credits have been obtained and assigned to them.

Mitigation credit transactions should be reported to the Water Resources Department. The Department has a Documentary Evidence form, copy enclosed (along with an example), available for your use or any subsequent mitigation credit holder, to assign the credits to a ground water user. The Department's Documentary Evidence form contains pertinent information needed by the Department to evaluate the use and validity of the mitigation credits.

If you decide to assign the mitigation credits to someone other than a ground water user, the Department would like to suggest that the enclosed Assignment of Mitigation Credits form (chain-of-custody) be used to assign credits to another party. An additional Assignment of Mitigation Credit form is also enclosed. Assignment forms will help establish a chain-of-custody for the ownership of the mitigation credits. Please provide a copy of the complete assignment record (from original credit holder to current credit holder) and a blank assignment form to any new credit holders so that they may continue the mitigation credit assignment record as well. A general example is enclosed for your reference.

Once the mitigation credits are assigned to a ground water user, the ground water user will need to submit documentary evidence that valid mitigation credits have been obtained to satisfy their mitigation obligation. If credits have changed hands beyond the original credit holder, the Department will ask the ground water user to demonstrate that the credits they are intending to use are indeed valid. A complete assignment record will help demonstrate the validity of the credits being used.

Also enclosed is a copy of the final order and new instream water right certificate. If you have any questions regarding the instream transfer and new certificate or the award of mitigation credits, please call me at (503) 986-0884.

Sincerely,

Laura K. Wilke
Flow Restoration Program Coordinator

c: Jeremy Giffin, Watermaster District 11
file T-10490 & MP-111

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

OREGON WATER RESOURCES DEPARTMENT
ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN-OF-CUSTODY

Mitigation Credit Project: MP-111 Mitigation Credits: 18.0

Mitigation Credit Holder: Deschutes River Conservancy (PO Box 1560, Bend, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701)

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY (Additional Form)

Mitigation Credit Project: MP-111 Mitigation Credits: _____ (# held by current credit holder)

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DESCHUTES BASIN MITIGATION CREDIT DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. Please print in ink or type all information. If there any questions about this form, please contact the Department. Phone: (503) 986-0884

Ground Water User Information:

Name: _____

Mailing Address (Street, City, State, Zip): _____

Phone Number (Home and Work-including area code): _____ E-Mail (optional): _____

Ground Water Application, Permit, or Certificate #: _____

Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): _____

Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): _____

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: _____

Mailing Address: _____

Phone Number (including area code): _____ E-Mail (optional): _____

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-_____	_____	_____	_____

Add additional mitigation projects and credits, using above format, by attaching additional pages if necessary.

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)

Mailing Address: _____

Phone Number (including area code): _____

For Stored Water Releases (if applicable):

Name of Reservoir: _____

Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from _____, mitigation credit holder, to _____, ground water application/permit/certificate holder.

_____ _____

Mitigation Credit Holder Signature Date

_____ _____

Ground Water Application/Permit/Certificate Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY

Mitigation Credit Project: MP-99 Mitigation Credits: 10.0

Mitigation Credit Holder: John Smith

10.0 Mitigation credits have been assigned to (Name): Brian Jones

Mailing Address: 5151 Tiger Drive, Bend, OR 97701

Phone Number: (541) 389-9999

Signature of John Smith — 12/13/2005
Current Mitigation Credit Holder Signature — Date

Signature of Brian Jones — 12/13/2005
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: Brian Jones

5.0 Mitigation credits have been assigned to (Name): Judith Niles

Mailing Address: 6000 Balmy Road, Redmond, Oregon 97756

Phone Number: (541) 677-8888

Signature of Brian Jones — 5/6/2006
Current Mitigation Credit Holder Signature — Date

Signature of Judith Niles — 5/6/2006
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: Brian Jones

5.0 Mitigation credits have been assigned to (Name): Jackson Long

Mailing Address: 800 Finders Way, Prineville, Oregon 97754

Phone Number: (541) 888-9999

Signature of Brian Jones — 6/8/2006
Current Mitigation Credit Holder Signature — Date

Signature of Jackson Long — 6/8/2006
New Mitigation Credit Holder Signature — Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY (Additional Form)

Mitigation Credit Project: MP-99 Mitigation Credits: 5.0 (# held by current credit holder)

Mitigation Credit Holder: Judith Niles

5.0 Mitigation credits have been assigned to (Name): Tom Cooper

Mailing Address: 9090 Perfect Loop, Bend, Oregon 97709

Phone Number: (541) 777-9999

signature of Judith Niles — 7-10-2006
Current Mitigation Credit Holder Signature — Date

signature of Tom Cooper — 7-10-2006
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ — _____
Current Mitigation Credit Holder Signature — Date

_____ — _____
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ — _____
Current Mitigation Credit Holder Signature — Date

_____ — _____
New Mitigation Credit Holder Signature — Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - DESCHUTES BASIN MITIGATION CREDIT DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. Please print in ink or type all information. If there any questions about this form, please contact the Department.

Ground Water User Information:

Name: Ken Smith
Mailing Address (Street, City, State, Zip): 967 Fairmont Drive, Bend, OR 97701
Phone Number (Home and Work - including area code): (541) 388-0000 (Home) (541) 389-0000 (work) _____ (other)
E-Mail (optional): _____
Ground Water Application, Permit, or Certificate #: G-99999
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 5.0 acre-feet
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General Zone of Impact

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Tom Cooper
Mailing Address: 9090 Perfect Loop, Bend, Oregon 97709
Phone Number (including area code): _____ (Home) (541) 777-9999 (work) _____ (other)
E-Mail (optional): _____
If mitigation credits have changed hands beyond the original credit holder, a complete assignment record (chain-of-custody) for the mitigation credits should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-99	5.0	General	PT

Add additional mitigation projects and credits by attaching additional forms or additional pages, using above format, if necessary.

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number (including area code): _____

For Stored Water Releases (if applicable):
Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from _____, mitigation credit holder, to _____, ground water application/permit/certificate holder.

signature of Tom Cooper — 8-15-2006
Mitigation Credit Holder Signature — Date

signature of Ken Smith — 8-15-2006
Ground Water Application/Permit/Certificate Holder Signature — Date

Laura Wilke

From: Laura Wilke

Sent: Tuesday, April 26, 2011 10:08 AM

To: 'rick.j.kepler@state.or.us'; 'Amy.M.Stuart@state.or.us'; 'Bonnie.Lamb@state.or.us'; 'NIGG Eric'; 'Paul.A.Measeles@state.or.us'; Jeremy Giffin; 'Brett.L.Hodgson@state.or.us'; 'jjohnson@oda.state.or.us'; 'richard.walkoski@state.or.us'; 'alex.phillips@state.or.us'; 'lanny.r.quackenbush@state.or.us'

Subject: Preliminary Determination issued for Instream Transfer T-10490 / Mitigation Project MP-111

Greetings:

The Preliminary Determination for instream transfer T-10490, mitigation credit project MP-111, has been issued and is available for those of you that would like to take a look at it by following the below link.

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=TRFolder&folder_image_id=10592

Please let me know if you have any trouble with this link.

This transfer is proposed to create an instream water right on the Deschutes River from the original point of diversion to Lake Billy Chinook. It is intended to provide mitigation credits that would be available for use in the Middle Deschutes and General Zones of Impact.

This is a project that you were previously notified of and provided an opportunity to comment. The Preliminary Determination is the result of review of the project and consideration of any comments that were received.

As always, thanks for your time and input on these projects.

Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

Laura Wilke

From: Laura Wilke
Sent: Monday, March 21, 2011 8:18 AM
To: 'Gen Hubert'; 'Zach Tillman'; Kathy Ferguson
Cc: Jeremy Giffin
Subject: Draft Preliminary Determination for T-10490 / MP-111
Attachments: 10490-dpd-and-cov.pdf

Gen, Zach and Kathy:

Attached is the cover letter and DPD for T-10490 / Mitigation Credit Project MP-111. Please give me a call if you have any questions.

Hard copies are going out in the mail today to Swalley and the DRC.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Gen Hubert [gen@deschutesriver.org]
Sent: Tuesday, December 14, 2010 11:26 AM
To: Laura Wilke
Cc: Zach Tillman
Subject: RE: SID instream transfer T-10490/MP-111 - quick question

Hi Laura,

Thanks for checking in on this transfer. The credits should be assigned jointly to SID and the DRC .

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, December 14, 2010 11:11 AM
To: Gen Hubert
Subject: SID instream transfer T-10490/MP-111 - quick question

Gen:

I'm working on the DPD for the older SID instream transfer (T-10490) and am looking at the mitigation piece. I can't find anywhere in the file or past e-mails any indication of who the credits should be assigned to once the project is complete.

Should the credits be assigned to DRC and SID or someone else?

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 9:28 AM
To: Jan Lee - Swalley ID
Subject: FW: Mitigation Project Notice for MP-111 (T-10490)
Attachments: MP-111-mitigation project public notice.pdf

Jan – I also wanted to share this with you.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 9:17 AM
To: 'Zach Tillman'
Subject: Mitigation Project Notice for MP-111 (T-10490)

Zach:

Normally I would send this information out next Tuesday but since next week is Christmas I thought I would just get this to you now. Attached is a copy of the notice for the mitigation project that will be published next week. The comment period on the mitigation project will end January 8, 2008.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 9:17 AM
To: 'Zach Tillman'
Subject: Mitigation Project Notice for MP-111 (T-10490)
Attachments: MP-111-mitigation project public notice.pdf

Zach:

Normally I would send this information out next Tuesday but since next week is Christmas I thought I would just get this to you now. Attached is a copy of the notice for the mitigation project that will be published next week. The comment period on the mitigation project will end January 8, 2008.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Establishment of Mitigation Credits in the Deschutes Basin

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

Deschutes County

Mitigation Project #: MP-111

Project Applicant:	Deschutes River Conservancy (DRC) and Swalley Irrigation District (SID)
Mitigation Project And Process:	Instream Transfer Application T-10490 for Certificate 74145 (Also see Transfer Section of the December 11, 2007 public notice for application details)
Subbasin/Source:	Middle Deschutes River Subbasin – Deschutes River, tributary to the Columbia River
Amount of Water:	Proposed Instream: up to 0.17 CFS Maximum Seasonal Volume – 54.61 AF
Current Use:	Irrigation of 10.0 acres
Credits Assigned to:	DRC and SID
Preliminary Mitigation Credit Determination:	18.0 Mitigation Credits May be available for use in the Middle Deschutes and General Zones of Impact
Contact:	Laura Snedaker, Phone: (503) 986-0884

INTEROFFICE MEMO

DATE: November 26, 2007

TO: Sarah Henderson

FROM: Laura Snedaker

SUBJECT: Acceptance of IS Transfer Application/Mitigation Project MP-111

The attached IS transfer application is ok to accept. Please do the following as applicable:

☐ Please debit $_____ from _____ account.

☒ Please accept application and fees.

☐ Refund Due: _____

☒ Please put IS transfer application in a transfer file folder.

☒ Please make copy of the IS transfer for the Watermaster.

☒ Please make copy of IS transfer (including attachments – unless otherwise specified) and put in dark blue Mitigation Project file folder.

☒ Please scan IS transfer application and save to appropriate transfer file folder as T-*****-application-MP111

☒ Please put copy of this page in IS transfer file folder.

☒ Watermaster Review needed from: District 11

☒ In addition to those local governments identified in the application, also provide notice of the application to: Jefferson County and City of Bend

Notes: Other items needed to complete application: signature by SID on application, copies of notice of intent to file transfer sent to affected local governments

Other items that may need to be addressed during transfer process - the aerial photo attached to each affidavit of use does not appear to be a dated photo (clarity is also low) and one of the affidavits identifies additional documentation that was not attached.

DESCHUTES RIVER
CONSERVANCY

11/21/2007

Oregon Water Resources Department
Attn. Laura Snedaker
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: PERMANENT INSTREAM TRANSFER ***FOR MITIGATION*** OF 10.00 ACRES OF SID SENIOR DESCHUTES RIVER WATER RIGHTS

Dear Laura,

Enclosed please find the transfer application, supplemental forms and required documentation for the permanent instream transfer ***for Mitigation*** of 10.00 acres of Swalley Irrigation District, senior Deschutes River water rights. Swalley Irrigation District and the Deschutes River Conservancy are co-applicants in this transfer.

It is the intention of the co-applicants that this transfer application be processed using Receipts Authority, thus expediting the process to the greatest extent possible. Once the application has been received and assigned a transfer number, it will be sent to contractors for bids to process the application using receipts authority. It is my understanding that we may reasonably expect these bids/estimates within 2-3 weeks of submitting the transfer to OWRD.

Also included is the required transfer fee of $400.00, plus $125.00 for Receipts Authority bid processing. Please feel free to contact me via email or by phone if you have questions regarding this, or other transfer applications. Thank you.

Best Regards,

Zachary Tillman, DRC
541-382-4077 x.21
zach@deschutesriver.org

RECEIVED
NOV 2 3 2007
WATER RESOURCES DEPT
SALEM, OREGON

Laura Wilke

From: Laura Wilke

Sent: Monday, June 20, 2011 10:17 AM

To: 'rick.j.kepler@state.or.us'; 'Amy.M.Stuart@state.or.us'; 'Bonnie.Lamb@state.or.us'; 'NIGG Eric'; 'Paul.A.Measeles@state.or.us'; Jeremy Giffin; 'Brett.L.Hodgson@state.or.us'; 'jjohnson@oda.state.or.us'; 'richard.walkoski@state.or.us'; 'alex.phillips@state.or.us'; 'lanny.r.quackenbush@state.or.us'

Subject: Finalized mitigation credit project - Instream Transfer T-10490 (MP-111)

Greetings Everyone:

I just wanted to let you know that the Final Order approving instream transfer T-10490, mitigation credit project MP-111, has been issued and is available for those of you that would like to take a look at it by clicking on the following link.

Final Order: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=84&page_nbr=536&page_char=

Instream Cert 87107: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=87107

This transfer and new instream certificate protect water in the the Deschutes River, tributary to the Columbia River. It generates mitigation credits that are available for use in the Middle Deschutes and General Zones of Impact. This is a project that you were previously notified of and provided an opportunity to comment. The Final Order is the result of review of the project and consideration of any comments that were received.

As always, thanks for your time and input on these projects. Let me know if you have any trouble with the above link.

Thank you,
Laura Wilke

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	FINAL ORDER APPROVING A CHANGE IN PLACE OF USE AND CHARACTER OF USE AND PRELIMINARY AND FINAL AWARD OF MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

   Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
   Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
   Priority Date: SEPTEMBER 1, 1899
   Season of Use: April 1 through October 31, further limited as follows:
   April 1 through April 30 & October 1 through October 31 described herein as Season 1
   May 1 through May 14 & September 16 through September 30 described herein as Season 2
   May 15 through September 15 described herein as Season 3
   Maximum Quantity (Rate) that can be applied to an acre:
   Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
   Season 2: limited to 1/62nd CFS per acre
   Season 3: limited to 1/33.45th CFS per acre
   Maximum Duty that can be applied to an acre:
   Not to exceed 9.58 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream transfer is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to

address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

20. On March 21, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10490 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of April 19, 2011, for the applicants to respond.

21. On March 22 and March 23, 2011, the DRC submitted comments requesting additional information on the Department's findings with regard to return flows. Specifically, the DRC requested that the Department relook at where return flows were accounted for associated with the 4.5 acres of irrigation located in the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

22. The Department considered these comments and provided additional information to the applicant. In addition, the Department also identified, based on continued evaluation, that return flows from the 4.5 acres of irrigation identified in Finding of Fact #21 returned to the river system below the proposed reach. Therefore, the instream use may be modified to protect the full quantity of water that may be protected instream for these acres from the point of diversion to Lake Billy Chinook (see Finding of Fact #32).

23. On April 13, 2011, the applicants, with the above change, concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

24. On April 25, 2011, the Department issued a preliminary determination proposing to approve Transfer T-10490 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on May 3, 2011, and in the Bend Bulletin newspaper on May 1, 8, and 15, 2011 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

25. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

26. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

27. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

28. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for dust control during the spring, summer and fall several days a week.

29. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

30. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under a portion of the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 1.56 acres of irrigation use located in the NW SW of Section 8, T17S, R12E, and the 1.9 acres of irrigation use located in the NE SW of Section 17, T17S, R12E, as described in Finding of Fact #5. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157

will be reduced to the consumptive portion of the 3.46 acres described above to account for return flows.

31. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10.0 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #29. For the dust abatement portion of the right, given a maximum volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

32. Based on Findings of Fact #27 through #31, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

33. The proposed change, as modified, would not result in enlargement of the right.

34. The proposed change, as modified, would not result in injury to other water rights.

35. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

36. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. A portion of return flows resulting from the exercise of the existing water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

37. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

38. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

39. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

40. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to

ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

41. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #32) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

42. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER
Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

43. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

44. The DRC and SID (the Applicant) have requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

45. The Department assigned this mitigation credit project number MP-111.

46. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

47. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007. No comments were received in response to this consultation.

48. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

49. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

50. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

51. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this

mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10490 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled.

This mitigation project results in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

Now, therefore, it is ORDERED:

1. The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.

2. Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:

Season 1	Season 2	Season 3	Duty
0.082 CFS	0.110 CFS	0.208 CFS	71.17 AF

3. The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

4. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

5. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.

6. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.

7. The former place of use of the transferred water shall no longer receive water as part of this right.

8. **Preliminary Award of Mitigation Credits:** Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, results in completion of the project and verification by the Department that the project is complete. Therefore, mitigation credits, in the amount of **18.0 credits**, as described herein, are awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Middle Deschutes and General Zones of Impact.** Mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.

9. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

10. The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.

Dated at Salem, Oregon this 17 day of June, 2011.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JUN 21 2011

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the DESCHUTES RIVER, tributary to the COLUMBIA RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The decree is of record at Salem in the Order Record of the Water Resources Director, in Volume 12, at Page 282 and in Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

Reach	Instream Period and Instream Rates		
	April 1 to April 30 and October 1 to October 25	May 1 to May 14 and September 15 to September 30	May 15 to September 14
Reach #1	0.064 CFS	0.082 CFS	0.145 CFS
Reach #2	0.055 CFS	0.065 CFS	0.101 CFS

or its equivalent in case of rotation, measured at the point of diversion, from April 1 through October 25 of each year.

The description of the stream reach in which flows are to be maintained is as follows:

Reach #1: From the location of the diversion authorized previously under Certificate 74145, located approximately at:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
17	S	12	E	W.M.	29	SE NE	SWALLEY MAIN CANAL POD #3: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

to River Mile 157 near Tumalo State Park.

Reach #2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described and is subject to all other terms and conditions of Certificate 74145, and any related decree.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Mitigation Credit Award

Mitigation Project:	MP-111
Mitigation Credits Awarded:	18.0 credits
Zone of Impact:	These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or the General Zone of Impact.

Each mitigation credit equals 1.0 AF of mitigation water, as determined by the Department.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being 47.22 AF. The remaining balance of water dedicated to instream use, and not used to satisfy the mitigation obligation of a ground water permit (and subsequent certificate(s)), will benefit instream flows.

The mitigation credits or mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/ certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 84, Page 536, approving Transfer T-10490, and supersedes a portion of Certificate 74145, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 17 2011.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

 Recorded in State Record of Water Right Certificates numbered 87107.

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 25, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

SUBJECT: Transfer Application T-10490 / Mitigation Credit Project MP-111

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10490 and Mitigation Project MP-111. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because there is a change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by June 8, 2011.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us if I may be of assistance.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: Jeremy Giffin, District 11 Watermaster

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE AND CHARACTER OF USE AND PRELIMINARY AWARD OF MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream transfer is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat

and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

20. On March 21, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10490 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of April 19, 2011, for the applicants to respond.

21. On March 22 and March 23, 2011, the DRC submitted comments requesting additional information on the Department's findings with regard to return flows. Specifically, the DRC requested that the Department relook at where return flows were accounted for associated with the 4.5 acres of irrigation located in the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

22. The Department considered these comments and provided additional information to the applicant. In addition, the Department also identified, based on continued evaluation, that return flows from the 4.5 acres of irrigation identified in Finding of Fact #21 returned to the river system below the proposed reach. Therefore, the instream use may be modified protect the full quantity of water that may be protected instream for these acres from the point of diversion to Lake Billy Chinook (see Finding of Fact #31).

23. On April 13, 2011, the applicants, with the above change, concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

24. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

25. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

26. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

27. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for control dust during the spring, summer and fall several days a week.

28. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

29. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under a portion of the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 1.56 acres of irrigation use located in the NW SW of Section 8, T17S, R12E, and the 1.9 acres of irrigation use located in the NE SW of Section 17, T17S, R12E, as described in Finding of Fact #5. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157 will be reduced to the consumptive portion of the 3.46 acres described above to account for return flows.

30. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10.0 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #28. For the dust abatement portion of the right, given a maximum volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

31. Based on Findings of Fact #26 through #30, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

32. The proposed change, as modified, would not result in enlargement of the right.

33. The proposed change, as modified, would not result in injury to other water rights.

34. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

35. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. A portion of return flows resulting from the exercise of the existing

water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

36. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

37. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

38. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

39. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to

ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

40. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #31) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

41. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER
Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

42. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

43. The DRC and SID (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

44. The Department assigned this mitigation credit project number MP-111.

45. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

46. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007.

47. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

48. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

49. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

50. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this

mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10490 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned portion of the right will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If application T-10490 is approved, the final order will include the following:

1. *The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:*

Season 1	*Season 2*	*Season 3*	*Duty*
0.082 CFS	*0.110 CFS*	*0.208 CFS*	*71.17 AF*

3. *The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:*

Instream Reach 1: *From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park*

Certificate	***Priority Date***	***Instream Period***	***Instream Rate***	***Volume Instream***
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.064 CFS*	*47.22 AF*
		Season 2	*0.082 CFS*	
		Season 3	*0.145 CFS*	

Instream Reach 2: *From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120*

Certificate	***Priority Date***	***Instream Period***	***Instream Rate***	***Volume Instream***
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.055 CFS*	*34.51 AF*
		Season 2	*0.065 CFS*	
		Season 3	*0.101 CFS*	

4. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

5. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.*

6. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

7. *The former place of use of the transferred water shall no longer receive water as part of this right.*

8. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of* ***18.0 credits****, as described herein, may be awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the* ***Middle Deschutes and General Zones of Impact****. Any mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.*

9. *Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.*

10. *The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.*

Dated at Salem, Oregon this 25 day of April, 2011.

Dwight Freneh, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

This Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us.

Notice of Preliminary Determination for
Water Right Transfer T-10490 / Mitigation Project MP-111

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot Per Second (CFS) (priority date September 1, 1899) from the Deschutes R in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an instream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [INSERT DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 21, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

SUBJECT: Water Right Transfer Application T-10490 / Mitigation Credit Project MP-111

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-10490. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

Please review the draft carefully to familiarize yourself with any requirements and evaluate whether the document is consistent with your intent in seeking the transfer. Specific concurrence is needed with regard to Finding of Fact #28. Please respond in writing by the deadline provided below, whether you agree with the proposed action and whether there are any typographical errors that need to be corrected.

What happens next...

Once the preliminary determination is issued a publication period is required. Because of a change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive the report of ownership and your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable). **If we do not receive your response and the report by April 19, 2011, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us if I may be of assistance.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: T-10490 & MP-111
Jeremy Giffin, District 11 Watermaster

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	D R A F T
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE AND
	)	CHARACTER OF USE AND
	)	PRELIMINARY AWARD OF
	)	MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the

application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream lease is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat

and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

21. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

22. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

23. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

24. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for control dust during the spring, summer and fall several days a week.

25. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

26. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 7.96 acres of irrigation use proposed for transfer. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157 will be reduced to the consumptive portion of the right to account for return flows.

27. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #25. For the dust abatement portion of the right, given a max volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

28. Based on Findings of Fact #23 through #27, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	April 1 through October 25	0.044 CFS	18.0 AF

29. The proposed change, as modified, would not result in enlargement of the right.

30. The proposed change, as modified, would not result in injury to other water rights.

31. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

32. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

33. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

34. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary

for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

35. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

36. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

37. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #28) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

38. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

39. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

40. The DRC and SID (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

41. The Department assigned this mitigation credit project number MP-111.

42. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

43. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007.

44. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

45. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to

the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

46. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

47. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificates for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10490 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned portion of the right will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If application T-10490 is approved, the final order will include the following:

1. *The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:*

Season 1	*Season 2*	*Season 3*	*Duty*
0.078 CFS	*0.105 CFS*	*0.198 CFS*	*67.86 AF*

3. *The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:*

Instream Reach 1: *From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.064 CFS*	*47.22 AF*
		Season 2	*0.082 CFS*	
		Season 3	*0.145 CFS*	

Instream Reach 2: *From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*April 1 through October 25*	*0.044 CFS*	*18.0 AF*

4. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

5. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.*

6. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

7. *The former place of use of the transferred water shall no longer receive water as part of this right.*

8. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of* ***18.0 credits****, as described herein, may be awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the* ***Middle Deschutes and General Zones of Impact****. Any mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.*

9. *Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.*

Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

10. *The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.*

Dated at Salem, Oregon this _____ day of _____ 2010.

D R A F T

_____
Dwight French for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us.

Laura Snedaker

From: PUSTIS Nancy [Nancy.Pustis@state.or.us]
Sent: Tuesday, December 18, 2007 10:30 AM
To: Laura Snedaker
Subject: RE: Deschutes Mitigation Project Review Request for MP-110 (Instream Transfer T-10463)

DSL has no comment.

(wrong file ref
see below)

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]
Sent: Tuesday, December 18, 2007 8:47 AM
To: KEPLER Rick J; LAMB Bonnie; WRIGHT Dave; MEASELES Paul A; JOHNSON James W; PUSTIS Nancy; HOUCK Jan; NIGG Eric; Jeremy Giffin; STUART Amy M; SHRADER Terry M
Subject: Deschutes Mitigation Project Review Request for MP-110 (Instream Transfer T-10463)

Greetings Everyone:

This is a request for evaluation of a mitigation credit project, MP-111. The Department is seeking your input on how best to protect water instream (shaping), including considering the instream needs of where water is proposed to be protected instream (in this case on the Deschutes River, tributary to the Columbia River) in order to make the most effective use of the project and the mitigation water.

Attached to this e-mail is a summary of the proposed project and agency evaluation form (and a summary of existing instream water rights). A copy of the project application can be found by opening the application materials file folder at:

http://www1.wrd.state.or.us/files/Publications/Deschutes%20Mitigation/mitigation_projects/MP-111-Credit_Project_(T-10490)/

There is one file in this directory, being the application materials.

The water right to be transferred can be found by typing in the certificate number on the Department's web page at:

http://apps.wrd.state.or.us/apps/wr/wrinfo/wrinfo.php

Please let me know if you have any questions or trouble accessing any of the documents. The deadline for comments is January 8, 2008.

As always, thanks for your time and input on these projects.

Laura Snedaker

Laura Snedaker

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker

Sent: Tuesday, December 18, 2007 8:53 AM

To: 'rick.j.kepler@state.or.us'; 'Bonnie.Lamb@state.or.us'; 'Dave.Wright@state.or.us'; 'pmeasele@oda.state.or.us'; 'jjohnson@oda.state.or.us'; 'PUSTIS Nancy'; 'HOUCK Jan'; 'NIGG Eric'; Jeremy Giffin; 'Amy.M.Stuart@state.or.us'; 'Terry.M.Shrader@state.or.us'

Subject: Deschutes Mitigation Project Review Request for MP-110 (Instream Transfer T-10463)

Attachments: ISWR's for Deschutes River.xls; Mitigation Credit Project Agency Review Form for MP-111 (T-10490).doc

Greetings Everyone:

This is a request for evaluation of a mitigation credit project, MP-111. The Department is seeking your input on how best to protect water instream (shaping), including considering the instream needs of where water is proposed to be protected instream (in this case on the Deschutes River, tributary to the Columbia River) in order to make the most effective use of the project and the mitigation water.

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As always, thanks for your time and input on these projects.

Laura Snedaker

Laura Snedaker

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

DESCHUTES GROUND WATER MITIGATION CREDIT PROJECT REVIEW SHEET

The Oregon Water Resources Department is requesting an evaluation of the mitigation credit project described below pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2)

Project Summary (the following is to be filled out by WRD):

Date: December 18, 2007 21 Day Deadline Date: January 8, 2008 Mitigation Credit Project ID #: **MP-111**

Project Applicant's Name: Deschutes River Conservancy and Swalley Irrigation District

Type of Mitigation Project: Instream Transfer Project ID #(ie transfer applic): T-10490
Project Duration: permanent

Potential Mitigation Credits that may be awarded to the project: 18.0 (1 mitigation credit = 1 AF)
Description of how mitigation credits were determined: In this case, the number of mitigation credits that may be generated by an instream transfer are based upon the consumptive use of the originating water right or water rights. For this instream transfer, the number of mitigation credits were determined by multiplying the number of irrigated acres to be transferred instream by the irrigation consumptive use factor of 1.8 acre-feet of consumptive use for each acre of irrigation. (10.0 acres * 1.8 AF/acre = 18.0 AF of consumptive use). No issues have been identified, at this point in the process, which would cause the Department to reduce the amount of mitigation credits generated.

If the project were awarded mitigation credits, the credits could be used to mitigate a ground water use(s) in the following zone(s) of impact:

- ☒ General Zone of Impact
- ☒ Middle Deschutes River Zone of Impact
- ☐ Crooked River Zone of Impact
- ☐ Squaw Creek Zone of Impact
- ☐ Metolius River Zone of Impact
- ☐ Upper Deschutes River Zone of Impact
- ☐ Little Deschutes River Zone of Impact

Water Right to be protected instream:
Certificate 76358
Water Source: Deschutes River Use: Primary Irrigation Acres: 10.0 acres of irrigation

Irrigation Season: April 1 through October 31, further defined as:
Season 1 (April 1 to May 1 & October 1 to November 1) (61 days)
Season 2 (May 1 to May 15 & September 15 to October 1) (30 days)
Season 3 (May 15 to September 15) (123 days)

Priority Dates: September 1, 1988

Rate/Duty: This right has three rates within the irrigation season:

Season 1	Season 2	Season 3	Duty
0.094 CFS	0.129 CFS	0.237 CFS	80.52 AF

Note: The above rates are approximate and are based upon prorating the quantities that may be diverted at the point of diversion for each acre. The quantity of water that may be diverted under the full right has been reduced based upon other transfers, cancellations and allocation of conserved water projects.

Instream use to be created by the project:
Reach #1: From Swalley Main Canal POD #3 (SE NE, Section 29, T17S, R12E, W.M.; 985 FT N & 617 FT W from E ¼ Corner of Sec 29) to Lake Billy Chinook

Requested Instream Protection Purpose: Fish and wildlife habitat enhancement; recreation; and pollution abatement.

Rate/Volume/Period Instream:

Instream Rate (cfs)	Instream Volume (af)	Period Protected Instream
Season 1: 0.069 Season 2: 0.092 Season 3: 0.170	54.61	April 1 – Oct. 31 (requested)

Note: The amount of water that may be transferred/leased instream accounts for a 45% transmission loss that may not be transferred/leased and protected instream.

Water may be protected instream for a period of 208 days at the rate and volume requested. The applicant has requested to protect water during the period April 1 through October 31, a 214 day period.

Identify any issues that would limit when water could be protected instream during the irrigation season: The proposed period will be limited to protect water instream over a 208 day period, possibly being April 1 through October 25.

Frequency that new use will likely be met within described reach: The instream use should be met 100% of the time.

Other Instream Water Rights within the same Reach:
Note: This section provides background information on existing instream flow protections already in place and is provided to help agencies make recommendations for shaping of the above described mitigation project.

Identify any instream Water Rights within the same reach as requested by the applicant: See attached table.

WRD Project Contact: Laura Snedaker, Field Services Division
Phone: (503)-986-0884 / Fax: (503)-986-00903 / e-mail Laura.K.Snedaker@wrd.state.or.us

Mitigation Project (MP-111 (T-10490)) Review Section:

The following is to be completed by the WRD Watermaster, DEQ, ODFW, Parks, Agriculture and DSL:

1. Will the proposed mitigation project provide a resource benefit within the above identified zone(s) of impact? _____ (yes or no)

   Please explain and if the project will provide a resource benefit, please identify the specific resource that will benefit:

   _____

2. How can the proposed mitigation project be conditioned to enhance resource benefits and to make the most effective use of the mitigation project and mitigation water pursuant to OAR 690-521-0300 (7)? (i.e. time period water should be protected instream)

   Please describe: _____

3. Other comments on the above referenced mitigation project: _____

Agency Representative: _____ Date: _____

Agency: _____

Laura Snedaker

From: Laura Snedaker
Sent: Thursday, December 27, 2007 4:53 PM
To: 'Brett.L.Hodgson@coho2.dfw.state.or.us'; 'Ted.G.Wise@state.or.us'
Subject: FW: Deschutes Mitigation Project Review Request for MP-110 (Instream Transfer T-10463)
Attachments: ISWR's for Deschutes River.xls; Mitigation Credit Project Agency Review Form for MP-111 (T-10490).doc

This didn't come you guys either.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 8:53 AM
To: 'rick.j.kepler@state.or.us'; 'Bonnie.Lamb@state.or.us'; 'Dave.Wright@state.or.us'; 'pmeasele@oda.state.or.us'; 'jjohnson@oda.state.or.us'; 'PUSTIS Nancy'; 'HOUCK Jan'; 'NIGG Eric'; Jeremy Giffin; 'Amy.M.Stuart@state.or.us'; 'Terry.M.Shrader@state.or.us'
Subject: Deschutes Mitigation Project Review Request for MP-110 (Instream Transfer T-10463)

Greetings Everyone:

This is a request for evaluation of a mitigation credit project, MP-111. The Department is seeking your input on how best to protect water instream (shaping), including considering the instream needs of where water is proposed to be protected instream (in this case on the Deschutes River, tributary to the Columbia River) in order to make the most effective use of the project and the mitigation water.

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Please let me know if you have any questions or trouble accessing any of the documents. The deadline for comments is January 8, 2008.

As always, thanks for your time and input on these projects.

L-620 L-417 (MP-5)
L-620 L-422 L-434
~~L-465~~
L-621 L-462 L-431
L-630 L-554 L-432
L-556 L-560
L-557 L-561
L-558 L-563
L-559 L-564
L-553 L-578
L-562 (MP-23)
L-554 L-556
L-557 L-558
L-559 L-560
L-561 L-563
L-564 L-555

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND OR 97708-5126

confirms the right to use the waters of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 4351.22 ACRES, 3.50 ACRES-EQUIVALENT FOR DUST ABATEMENT, 24.285 ACRES-EQUIVALENT FOR INDUSTRIAL USE, 2.80 ACRES-EQUIVALENT FOR PARK MAINTENANCE, 157.00 ACRES-EQUIVALENT FOR NURSERY USE, 22.30 ACRES-EQUIVALENT FOR POND MAINTENANCE, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The use is limited to 125.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

1 - SE¼ NE¼, Section 32, T. 17 S., R. 12 E., W.M.; 100 feet South and 50 feet East from the most Northerly corner of tax lot 4100.

2 - SW¼ SE¼, Section 29, T. 17 S., R. 12 E., W.M.; 540 feet West from the SE corner of Section 29.

3 - Swalley main canal: SE¼ NE¼, Section 29, T. 17 S., R. 12 E., W.M.; 985 feet North and 617 feet West from the East ¼ Corner of Section 29.

4 - NW¼ SE¼, Section 20, T. 17 S., R. 20 E., W.M.; 1980 feet North and 1980 feet West from the SE Corner of Section 20.

5 - SE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; N. 60° W., 117 feet from the center of Section 20.

6 - NE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; 998.86 feet West and 156.37 feet North from the SE Corner of the NE¼ NW¼, Section 20.

MP-411 L-630 7 - NE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; 590 feet South and 1920 feet East from the NW Corner of Section 20.

L-427 L-433 L-429 L-428 8 - SE¼ SW¼, Section 17, T. 17 S., R. 12 E., W.M.; 375 feet North and 302 feet West from the S ¼ Corner of Section 17.

T-9308 T-9039 9 - NW¼ SE¼, Section 6, T. 17 S., R. 12 E., W.M.; N. 27° 1' E., 678 feet from the SW Corner of the NW¼ SE¼, Section 6.

T-8998 ΔPOU 10 - SE¼ SE¼, Section 30, T. 16 S., R. 12 E., W.M.; 192 feet North and 1069 feet West from the SE Corner of Section 30.

Instream lease #256 9/19/01-10/31/01
#276 4-22-02/10-31-02

T-8277 Spo V55p1384 Spo V55p1010 CR 76 687

SEE NEXT PAGE

T-8647 T-8613 T-8519 T-8385 T-8154 T-8044 T 8018

T-8769 Δ Use/POU V.56p.947 L-5 L-6 T 7895 74105

11 - SE¼ SE¼, Section 30, T. 16 S., R.12 E., W.M.; 1248.59 feet North and 38 feet West from the SE corner of Section 30.

12 - SW¼ NW¼, Section 20, T. 16 S., R. 12 E., W.M.; 130 feet North and 340 feet West from the SE Corner of the SW¼ NW¼, Section 20.

13 - NW¼ NW¼, Section 20, T. 16 S., R. 12 E., W.M.; 880 feet South and 1010 feet East from the NW Corner of Section 20.

14 - SE¼ NW¼, Section 16, T. 16 S., R. 12 E., W.M.; 390 feet North and 475 feet West from the Center of Section 16.

15 - Additional district diversion: NW¼ SE¼, Section 14, T. 15 S., R. 12 E., W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & Oct. 1 to Nov. 1	1 cfs to 83.0 acres
May 1 to May 15 & Sept. 15 to Oct.1	1 cfs to 62.0 acres
May 15 to Sept. 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates **without** the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

A description of the place of use to which this right is appurtenant is as follows:

Lot	qtr/Qtr	Tax lot	Use	Acres	Div. Pt.	Ownership
	SW¼ SW¼	1000	IRR	0.300	3 & 15	Eagle Crest Partners Ltd.
			Section 13			
	NW¼ SE¼	1000	IRR	6.600	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	800	IRR	6.500	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1000	IRR	2.000	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1100	IRR	6.300	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1200	IRR	3.100	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1200	PND	7.700	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1300	IRR	1.100	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1400	IRR	1.700	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1500	IRR	3.000	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	134	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1000	IRR	9.100	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1300	IRR	23.300	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1400	IRR	3.600	3 & 15	Eagle Crest Partners Ltd.
			Section 14			

SEE NEXT PAGE

SE¼ NW¼	4100	IRR	1.000	1	Bend Metro Park & Recreation Dist.

Section 32
Township 17 South, Range 12 East, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm changes in use and place of use approved by an order of the Water Resources Department Director entered JUN 1 9 1997, approving the Swalley Irrigation District petition for water rights mapping under ORS 541.325 to 541.331.

This certificate is also issued to confirm changes in points of diversion approved by orders of the Water Resources Director entered March 7, 1997 and prior, affirmed by the order approving the Swalley Irrigation District petition for water rights mapping.

This certificate supersedes certificates of water right numbered 29054 and 29056, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 1 9 1997.

Martha O. Pagel, Director

KEY TO USES:

IRR = irrigation
PND = pond maintenance
MNT = park maintenance
NUR = nursery
IND = industrial
DUST = dust abatement

* This industrial use may be used anywhere within the district boundaries.

partial instream lease
to 10-31-00 V54P 242

Canceled Sp.Or.Vol. 53 P. 1173

T-8613

AMENDED by special order
V. 55 pg. 248

Canceled Sp.Or.Vol. 52 874 & 885

Recorded in State Record of Water Right Certificates numbered ~~74145.~~ Dist V54P332 modified by V52 P1104

HB-3111.BWB

T-8385

T 8018

Laura Wilke

From: Laura Snedaker
Sent: Thursday, March 27, 2008 1:16 PM
To: Jeremy Giffin
Cc: Jon LaMarche
Subject: Instream Transfer - questions - T-10490

Importance: High

Afternoon:

Pure instream transfer question:

Just checking in on something. I wanted to make sure the same logic that we used to identify what the long reach would be for an instream use all the way down to the mouth of the Deschutes River (and where we account for return flows) would also apply to T-10490. This one requests a reach only as far as Lake Billy Chinook. But I did pick up from Jonathan that there may be some return flow from on-farm losses that return pretty quickly to the river given the proximity of the place of use to the river. This was for five acres just outside of Bend (just north east of Aubrey Butte).

Assuming, even with any return flows, that there are no water rights below Bend that would be injured, we can probably protect the full amount from the POD to Lake Billy Chinook. However, if there are any water rights that would be injured, we certainly could account for the return flows for these five acres just below the POD (with the full amount at the POD).

For reference purposes, return flows are part of the review process for instream transfers under OAR 690-077-0075 (2).

Mitigation Project side question (MP-111):

I also have my normal mitigation project questions on this one that I wanted to swing past you.

- Based on information previously provided, I'm assuming that the water right to be leased is available (on average) at least 50% of the irrigation season. Please let me know if this assumption is incorrect.

- Based on information previously provided, I'm also assuming that any new instream use created as a result of this lease would be met 100% of the time. Please let me know if this assumption is inaccurate.

- Are there any issues associated with this water right, or portion thereof, to be transferred instream? Are there any non use issues, regulation issues, source reliability issues or other issues? Anything that would cause the need to calculate the amount of mitigation generated by the project differently. See questions 2 thru 4 in the memo entitled "Mitigation Water/Credit Determinations using Consumptive Use & Watermaster Distribution Records" under tab 11 of your Deschutes Mitigation desk manual.

- The application does include dust abatement as one of the uses that being transferred to instream use. The cover letter for the DPD will be requesting additional information (documentation) to identify how much water has been used annually for dust abatement. This will probably factor into how much of this use can be transferred instream if not the whole thing (considering beneficial use without waste) and will factor into how much mitigation may result from this part of the transfer. This affects 2.8 of the 10 acres proposed for transfer. Let me know if you have any feedback on this use or its use for mitigation credit generation.

Thanks much!
Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A

Preliminary Calculation MP-111 12/14/2010

MITIGATION WATER/CREDIT CALCULATION FOR IRRIGATION (FULL SEASON)					
Preliminary Calculation					
Number of Acres	CU PER Acre (AF)	Total CU (mitigation water)			
7.96	1.8	**14.3**			

cert 74145
original acreage
SID Main Canal

7.96

totals	**7.96**	**0.00**	**0.00**	**0.00**	**0.00**	**7.96**

Dust Abatement

acres	CU per acre	Total CU
2.3	1.6	3.7

14.3
3.7
18.0

Laura Snedaker

From: Jon LaMarche
Sent: Wednesday, January 02, 2008 11:19 AM
To: Laura Snedaker
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111
Attachments: mp-111.jpg; mp-111 with comments.doc

Laura,

Here's the findings for MP-111. I'm working on 110 still.

-Jonathan

Jonathan La Marche, PE
Hydrologist
Oregon Water Resources Department
1128 NW Harriman Street
Bend, OR 97701

tel: 541-330-4659
fax: 541-388-5101
email: jon.l.lamarche@wrd.state.or.us

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 8:50 AM
To: Jon LaMarche
Cc: Ken Lite
Subject: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Jonathan:

This is a request for a zone of impact determination for MP-111.

This is an instream transfer T-10490 submitted by DRC and SID. Here's a link to the transfer application materials:

http://www1.wrd.state.or.us/files/Publications/Deschutes%20Mitigation/mitigation_projects/MP-111-Credit_Project_(T-10490)/

The document in this file is the application materials.

Let me know if you need anything else. The open comment period on this ends January 8, 2008.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Oregon Water Resources Department

MEMO **December 27, 2007**
(Date)

TO **Mitigation Project Application MP-111**

FROM **GW: Jonathan La Marche**
(Reviewer's Name)

SUBJECT **Mitigation Project Zone of Impact Evaluation for Deschutes Ground Water Study Area**

The source of appropriation is the Middle Deschutes River/Creek. The original place of use, if applicable, is within the Middle Deschutes sub-basin.

This project proposes to protect water instream within the Middle Deschutes River subbasin.

For all mitigation project types except aquifer recharge and storage releases:
Return flows from the original authorized use normally returned to the surface water system within the Middle Deschutes and General Zone of Impact (see Table on Map) and return flows from transmission loss, if any, from the original use would have returned to the surface water system within the Middle Deschutes zone(s) of impact.

For aquifer recharge and storage release mitigation projects:
The zone of impact for the mitigation project is the zone of impact.

Current Zones of Impact:

General Zone of Impact where ground water generally discharges to surface water in the confluence area of the Deschutes River, Crooked River and Metolius River above the Madras gage.

Crooked River Zone of Impact where ground water generally discharges to surface water in the at Osborne Canyon (River Mile 13.8) area.

Middle Deschutes River Zone of Impact where ground water generally discharges to surface water in the Sundown Canyon Road (approximately River Mile 125) area.

Metolius River Zone of Impact where ground water generally discharges to surface water above the confluence with Jefferson Creek (approximately RM 28).

Whychus Creek Zone of Impact where ground water generally discharges to surface water in the McKinney Butte (RM 16) area.

Upper Deschutes River Zone of Impact where ground water generally discharges to surface water above RM 185, which is downstream from the confluence with Spring River.

Little Deschutes River Zone of Impact where ground water generally discharges to surface water above the mouth of the Little Deschutes River.

Comments:
MP-111
5.0 acres of the total 10.0 acres in the project are just outside of Bend, just north east of Awbrey Butte, and within approximately 1500-3000 feet of the Deschutes River. The regional groundwater head gradient (Gannett et al. 2001) implies a groundwater flow direction that parallels the river. However, synoptic data (Clark 1992, 1994, and La Marche 2005, unpublished data) demonstrates that the nearby river starts to gain small amounts of water between Bend and Tumalo, so local groundwater flows paths may be towards the river. Furthermore, although shallow and deep well data indicate there is a vertical head gradient downwards, the shallow well water levels (~3400 msl) are generally at or near that of the adjacent river (~3420 msl) and above the river less than 2 miles downstream {~3280}). Thus there is a slight local head gradient towards the river and potential for groundwater to enter the nearby stream network. This fact, plus the very close proximity of the POU near the river along with the nearby gaining reach indicates that on farm losses probably return via shallow sub-surface flow and enters the Middle Deschutes River zone of impact.

The other 5.0 acres of the total 10.0 acres are located ~1 ¾ miles southeast of the above described lands. This acreage lies on the northeast edge of Bend and further away from the slightly gaining reach described above. The regional head gradient in this area is away from the river (Gannett et al. 2001). Given the added distance to the river (relative to the other POUs), the water surface elevations in the area and the vertical head gradients described above, means that on-farm losses would probably enter the deeper regional groundwater system and flow into the General zone of impact.

Water is transmitted to the POUs via Swalley Canal in the Deschutes River sub-basin. The canal length between the POD and POUs is relatively short in an area of highly permeable basalts. Most of the canal that carries water to the POUs is very close to the river—within a half mile of the river and leakage occurs in this area (Upper Des Water Conservation Study, USBR 1997). The stream in the adjacent reach does gain a few cubic feet per second (Clark 1992, 1994, and La Marche 2005, unpublished data) which may indicate infiltration losses are reaching the river. Local head gradients in the area are as described in the first paragraph. From this information and the proximity of the canal to the river, the zone of impact for return flows is found to be predominately the Middle Deschutes River.

Oregon Water Resources Department

MEMO **December 27, 2007**
(Date)

TO **Mitigation Project Application MP-111**

FROM **GW: Jonathan La Marche**
(Reviewer's Name)

SUBJECT **Mitigation Project Zone of Impact Evaluation for Deschutes Ground Water Study Area**

The source of appropriation is the Middle Deschutes River/Creek. The original place of use, if applicable, is within the Middle Deschutes sub-basin.

This project proposes to protect water instream within the Middle Deschutes River subbasin.

For all mitigation project types except aquifer recharge and storage releases:
Return flows from the original authorized use normally returned to the surface water system within the Middle Deschutes and General Zone of Impact (see Table on Map) and return flows from transmission loss, if any, from the original use would have returned to the surface water system within the Middle Deschutes zone(s) of impact.

For aquifer recharge and storage release mitigation projects:
The zone of impact for the mitigation project is the zone of impact.

Current Zones of Impact:

General Zone of Impact where ground water generally discharges to surface water in the confluence area of the Deschutes River, Crooked River and Metolius River above the Madras gage.

Crooked River Zone of Impact where ground water generally discharges to surface water in the at Osborne Canyon (River Mile 13.8) area.

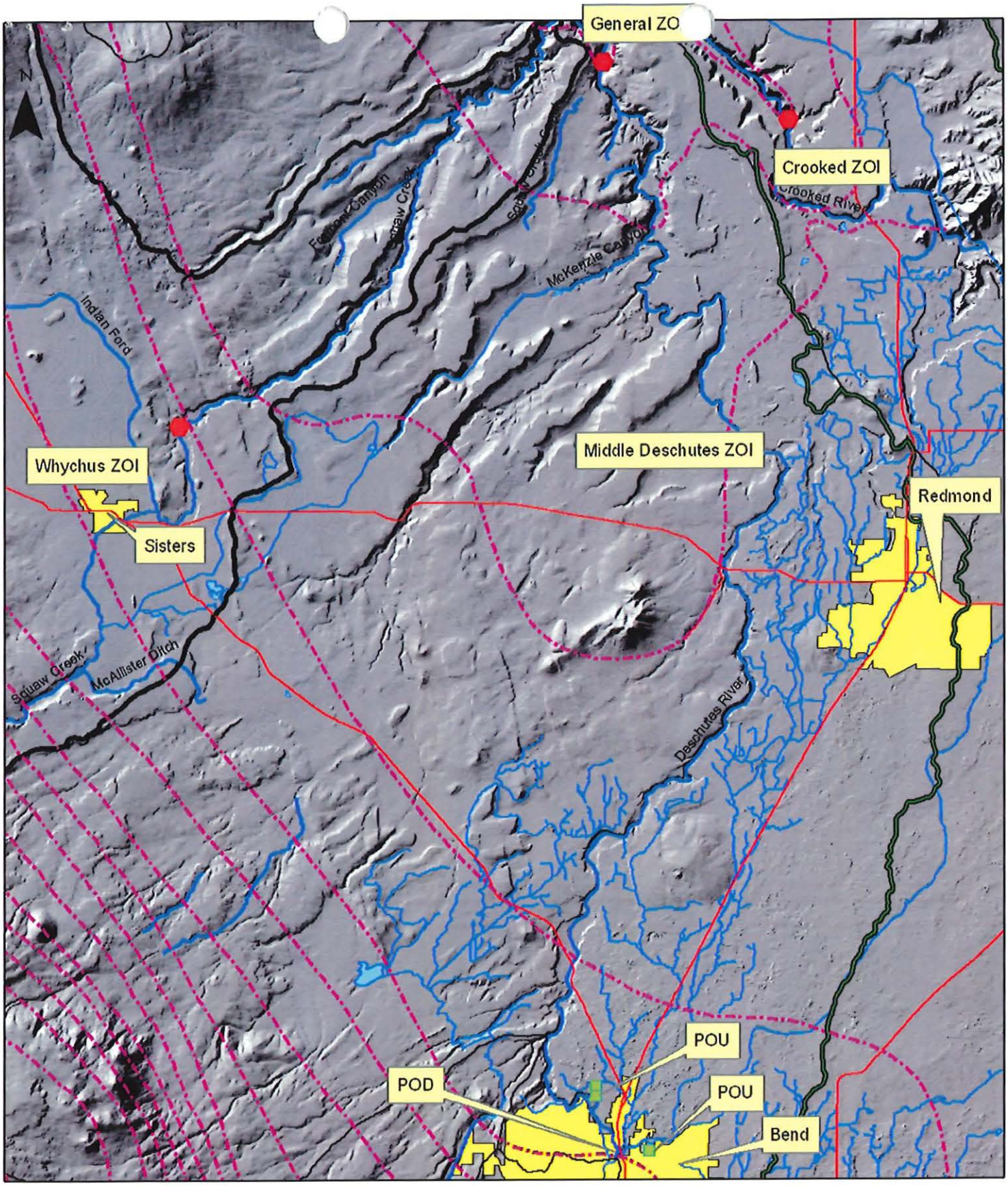
Middle Deschutes River Zone of Impact where ground water generally discharges to surface water in the Sundown Canyon Road (approximately River Mile 125) area.

Metolius River Zone of Impact where ground water generally discharges to surface water above the confluence with Jefferson Creek (approximately RM 28).

Whychus Creek Zone of Impact where ground water generally discharges to surface water in the McKinney Butte (RM 16) area.

Upper Deschutes River Zone of Impact where ground water generally discharges to surface water above RM 185, which is downstream from the confluence with Spring River.

Little Deschutes River Zone of Impact where ground water generally discharges to surface water above the mouth of the Little Deschutes River.



Legend

- mp-111_pou
- Roads
- Zones of Impact
- Canals
- Sub-Basin Boundary
- Rivers
- City
- zone of impact change
- Regional Head Gradient

MP-111
POD: T17S, R12E, S29, NWSE (Swalley Canal, POD #3)
Source: Middle Deschutes
POU: T17S, R12E, S28, NWNE 5.0 acres (General Zone)
T17S, R12E, S17, NESW 4.2 acres (Middle Des Zone)
T17S, R12E, S17, SESW 0.8 acres (Middle Des Zone)
Total = 10.0 acres
Other:
71% canal losses (Middle Des Zone), 49% on farm losses
Expiration: None (permanent), Cert # 74145

Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 8:55 AM
To: Jon LaMarche
Cc: Ken Lite
Subject: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Jonathan:

This is a request for a zone of impact determination for MP-111.

This is an instream transfer T-10490 submitted by DRC and SID. Here's a link to the transfer application materials:

http://www1.wrd.state.or.us/files/Publications/Deschutes%20Mitigation/mitigation_projects/MP-111-Credit_Project_(T-10490)/

The document in this file is the application materials.

Let me know if you need anything else. The open comment period on this ends January 8, 2008.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, **Debby Winikka**, a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of

The Bulletin

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that

Acct Name: DESCHUTES RIVER CONSERVANCY
Legal Description: LEGAL NOTICE, Notice of Preliminary, Determination for, Water Right Transfer T-10490 / Mitigation Project MP-111, ,

T-10490 filed by

Deschutes River Conse...

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates, to wit:

5/1/11	**Page E6**
5/8/11	**Page E6**
5/15/11	**Page E6**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bend, Oregon, this 16 day of May, 2011.

Debby Winikka
Signature

AdName: **16372736A**

5/16/11 Kim R. Eldred

OFFICIAL SEAL
KIM R ELDRED
NOTARY PUBLIC-OREGON
COMMISSION NO. 442658
MY COMMISSION EXPIRES SEPT. 16, 2013

RECEIVED
MAY 25 2011
WATER RESOURCES DEPT
SALEM, OREGON

No. _____

In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF DESCHUTES

AFFIDAVIT OF PUBLICATION

Filed _____

_____

By _____

From the Office of

_____

Attorney for _____

LEGAL NOTICE
Notice of Preliminary Determination for Water Right Transfer T-10490 / Mitigation Project MP-111

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot

er Second (CFS) (priority ate September 1, 1899) om the Deschutes R in ec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an in-stream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is May 15, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Laura Wilke

From: Laura Wilke
Sent: Monday, June 20, 2011 10:19 AM
To: Susan Douthit; Wayne Skladal
Subject: FW: Final Order issued for T-10490 / MP-111

FYI

From: Laura Wilke
Sent: Monday, June 20, 2011 10:13 AM
To: 'Gen Hubert'; 'Zach Tillman'; 'Kathy Ferguson'
Cc: Jeremy Giffin
Subject: Final Order issued for T-10490 / MP-111

Good Morning!

The Final Order has been issued approving instream transfer T-10490 and Mitigation Credit Project MP-111. A new instream certificate has also been issued. Here are links to the final order and new instream certificate.

FO: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=84&page_nbr=536&page_char=

Cert 87107: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=87107

Mitigation credits have been awarded to the DRC and SID.

Hard copies of the final order, certificate, and cover letter are going out in the mail tomorrow. Please give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Laura Wilke
Sent: Monday, June 20, 2011 10:13 AM
To: 'Gen Hubert'; 'Zach Tillman'; 'Kathy Ferguson'
Cc: Jeremy Giffin
Subject: Final Order issued for T-10490 / MP-111

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FO: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=84&page_nbr=536&page_char=

Cert 87107: http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=87107

Mitigation credits have been awarded to the DRC and SID.

Hard copies of the final order, certificate, and cover letter are going out in the mail tomorrow. Please give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 20, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Re: Instream Transfer T-10490 & Mitigation Credit Project MP-111

Thank you for participating in the Instream Transfer and Deschutes Mitigation Credit program. I want to express appreciation for your participation in these programs and cooperation in helping to improve streamflows for fish and aquatic life and to provide mitigation water to ground water users in the Deschutes Ground Water Study Area.

As identified in the attached Final Order, this Instream Transfer has been approved and awarded mitigation credits. Mitigation credits awarded to this project have been assigned to the Deschutes River Conservancy and Swalley Irrigation District.

These mitigation credits may be used to satisfy the mitigation obligation of a ground water permit or application or may be assigned to any person or mitigation bank. The **18.0** mitigation credits awarded to this project are valid upon issuance of the instream certificate and until used to fulfill the mitigation obligation of a ground water permit application(s) and/or an existing ground water right(s). The mitigation credits may be used in the **Middle Deschutes and General Zones of Impact**. A ground water user wanting to demonstrate that mitigation credits are being used to satisfy a mitigation obligation needs to submit documentary evidence to the Department showing that mitigation credits have been obtained and assigned to them.

Mitigation credit transactions should be reported to the Water Resources Department. The Department has a Documentary Evidence form, copy enclosed (along with an example), available for your use or any subsequent mitigation credit holder, to assign the credits to a ground water user. The Department's Documentary Evidence form contains pertinent information needed by the Department to evaluate the use and validity of the mitigation credits.

If you decide to assign the mitigation credits to someone other than a ground water user, the Department would like to suggest that the enclosed Assignment of Mitigation Credits form (chain-of-custody) be used to assign credits to another party. An additional Assignment of Mitigation Credit form is also enclosed. Assignment forms will help establish a chain-of-custody for the ownership of the mitigation credits. Please provide a copy of the complete assignment record (from original credit holder to current credit holder) and a blank assignment form to any new credit holders so that they may continue the mitigation credit assignment record as well. A general example is enclosed for your reference.

Once the mitigation credits are assigned to a ground water user, the ground water user will need to submit documentary evidence that valid mitigation credits have been obtained to satisfy their mitigation obligation. If credits have changed hands beyond the original credit holder, the Department will ask the ground water user to demonstrate that the credits they are intending to use are indeed valid. A complete assignment record will help demonstrate the validity of the credits being used.

Also enclosed is a copy of the final order and new instream water right certificate. If you have any questions regarding the instream transfer and new certificate or the award of mitigation credits, please call me at (503) 986-0884.

Sincerely,

Laura K. Wilke
Flow Restoration Program Coordinator

c: Jeremy Giffin, Watermaster District 11
file T-10490 & MP-111

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
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503-986-0900
FAX 503-986-0904

OREGON WATER RESOURCES DEPARTMENT
ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN-OF-CUSTODY

Mitigation Credit Project: MP-111 Mitigation Credits: 18.0

Mitigation Credit Holder: Deschutes River Conservancy (PO Box 1560, Bend, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701)

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
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Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY (Additional Form)

Mitigation Credit Project: MP-111 Mitigation Credits: _____ (# held by current credit holder)

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ _____
Current Mitigation Credit Holder Signature Date

_____ _____
New Mitigation Credit Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DESCHUTES BASIN MITIGATION CREDIT DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. Please print in ink or type all information. If there any questions about this form, please contact the Department. Phone: (503) 986-0884

Ground Water User Information:

Name: _____

Mailing Address (Street, City, State, Zip): _____

Phone Number (Home and Work-including area code): _____ E-Mail (optional): _____

Ground Water Application, Permit, or Certificate #: _____

Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): _____

Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): _____

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: _____

Mailing Address: _____

Phone Number (including area code): _____ E-Mail (optional): _____

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-_____	_____	_____	_____

Add additional mitigation projects and credits, using above format, by attaching additional pages if necessary.

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)

Mailing Address: _____

Phone Number (including area code): _____

For Stored Water Releases (if applicable):

Name of Reservoir: _____

Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from _____, mitigation credit holder, to _____, ground water application/permit/certificate holder.

_____ _____

Mitigation Credit Holder Signature Date

_____ _____

Ground Water Application/Permit/Certificate Holder Signature Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
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Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY

Mitigation Credit Project: MP-99 Mitigation Credits: 10.0

Mitigation Credit Holder: John Smith

10.0 Mitigation credits have been assigned to (Name): Brian Jones

Mailing Address: 5151 Tiger Drive, Bend, OR 97701

Phone Number: (541) 389-9999

Signature of John Smith — 12/13/2005
Current Mitigation Credit Holder Signature — Date

Signature of Brian Jones — 12/13/2005
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: Brian Jones

5.0 Mitigation credits have been assigned to (Name): Judith Niles

Mailing Address: 6000 Balmy Road, Redmond, Oregon 97756

Phone Number: (541) 677-8888

Signature of Brian Jones — 5/6/2006
Current Mitigation Credit Holder Signature — Date

Signature of Judith Niles — 5/6/2006
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: Brian Jones

5.0 Mitigation credits have been assigned to (Name): Jackson Long

Mailing Address: 800 Finders Way, Prineville, Oregon 97754

Phone Number: (541) 888-9999

Signature of Brian Jones — 6/8/2006
Current Mitigation Credit Holder Signature — Date

Signature of Jackson Long — 6/8/2006
New Mitigation Credit Holder Signature — Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN OF CUSTODY (Additional Form)

Mitigation Credit Project: MP-99 Mitigation Credits: 5.0 (# held by current credit holder)

Mitigation Credit Holder: Judith Niles

5.0 Mitigation credits have been assigned to (Name): Tom Cooper

Mailing Address: 9090 Perfect Loop, Bend, Oregon 97709

Phone Number: (541) 777-9999

signature of Judith Niles — 7-10-2006
Current Mitigation Credit Holder Signature — Date

signature of Tom Cooper — 7-10-2006
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ — _____
Current Mitigation Credit Holder Signature — Date

_____ — _____
New Mitigation Credit Holder Signature — Date

Mitigation Credit Holder: _____

#____ Mitigation credits have been assigned to (Name): _____

Mailing Address: _____

Phone Number: _____

_____ — _____
Current Mitigation Credit Holder Signature — Date

_____ — _____
New Mitigation Credit Holder Signature — Date

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

EXAMPLE ONLY - DESCHUTES BASIN MITIGATION CREDIT DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. Please print in ink or type all information. If there any questions about this form, please contact the Department.

Ground Water User Information:

Name: Ken Smith
Mailing Address (Street, City, State, Zip): 967 Fairmont Drive, Bend, OR 97701
Phone Number (Home and Work - including area code): (541) 388-0000 (Home) (541) 389-0000 (work) _____ (other)
E-Mail (optional): _____
Ground Water Application, Permit, or Certificate #: G-99999
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 5.0 acre-feet
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General Zone of Impact

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Tom Cooper
Mailing Address: 9090 Perfect Loop, Bend, Oregon 97709
Phone Number (including area code): _____ (Home) (541) 777-9999 (work) _____ (other)
E-Mail (optional): _____

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record (chain-of-custody) for the mitigation credits should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-99	5.0	General	PT

Add additional mitigation projects and credits by attaching additional forms or additional pages, using above format, if necessary.

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number (including area code): _____

For Stored Water Releases (if applicable):
Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from _____, mitigation credit holder, to _____, ground water application/permit/certificate holder.

signature of Tom Cooper _____ 8-15-2006
Mitigation Credit Holder Signature — Date

signature of Ken Smith _____ 8-15-2006
Ground Water Application/Permit/Certificate Holder Signature — Date

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)))))	FINAL ORDER APPROVING A CHANGE IN PLACE OF USE AND CHARACTER OF USE AND PRELIMINARY AND FINAL AWARD OF MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.

The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.

Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream transfer is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to

address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

20. On March 21, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10490 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of April 19, 2011, for the applicants to respond.

21. On March 22 and March 23, 2011, the DRC submitted comments requesting additional information on the Department's findings with regard to return flows. Specifically, the DRC requested that the Department relook at where return flows were accounted for associated with the 4.5 acres of irrigation located in the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

22. The Department considered these comments and provided additional information to the applicant. In addition, the Department also identified, based on continued evaluation, that return flows from the 4.5 acres of irrigation identified in Finding of Fact #21 returned to the river system below the proposed reach. Therefore, the instream use may be modified to protect the full quantity of water that may be protected instream for these acres from the point of diversion to Lake Billy Chinook (see Finding of Fact #32).

23. On April 13, 2011, the applicants, with the above change, concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

24. On April 25, 2011, the Department issued a preliminary determination proposing to approve Transfer T-10490 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on May 3, 2011, and in the Bend Bulletin newspaper on May 1, 8, and 15, 2011 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

25. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

26. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

27. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

28. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for dust control during the spring, summer and fall several days a week.

29. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

30. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under a portion of the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 1.56 acres of irrigation use located in the NW SW of Section 8, T17S, R12E, and the 1.9 acres of irrigation use located in the NE SW of Section 17, T17S, R12E, as described in Finding of Fact #5. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157

will be reduced to the consumptive portion of the 3.46 acres described above to account for return flows.

31. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10.0 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #29. For the dust abatement portion of the right, given a maximum volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

32. Based on Findings of Fact #27 through #31, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

33. The proposed change, as modified, would not result in enlargement of the right.

34. The proposed change, as modified, would not result in injury to other water rights.

35. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

36. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. A portion of return flows resulting from the exercise of the existing water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

37. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

38. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

39. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

40. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to

ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

41. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #32) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

42. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER
Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

43. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

44. The DRC and SID (the Applicant) have requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

45. The Department assigned this mitigation credit project number MP-111.

46. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

47. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007. No comments were received in response to this consultation.

48. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

49. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

50. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

51. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this

mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10490 are consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled.

This mitigation project results in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

Now, therefore, it is ORDERED:

1. The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.

2. Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:

Season 1	Season 2	Season 3	Duty
0.082 CFS	0.110 CFS	0.208 CFS	71.17 AF

3. The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

4. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

5. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.

6. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.

7. The former place of use of the transferred water shall no longer receive water as part of this right.

8. **Preliminary Award of Mitigation Credits:** Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, results in completion of the project and verification by the Department that the project is complete. Therefore, mitigation credits, in the amount of **18.0 credits**, as described herein, are awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the **Middle Deschutes and General Zones of Impact**. Mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.

9. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

10. The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.

Dated at Salem, Oregon this 17 day of June, 2011.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JUN 21 2011

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of the DESCHUTES RIVER, tributary to the COLUMBIA RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; recreation; and pollution abatement.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County. The decree is of record at Salem in the Order Record of the Water Resources Director, in Volume 12, at Page 282 and in Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

Reach	Instream Period and Instream Rates		
	April 1 to April 30 and October 1 to October 25	May 1 to May 14 and September 15 to September 30	May 15 to September 14
Reach #1	0.064 CFS	0.082 CFS	0.145 CFS
Reach #2	0.055 CFS	0.065 CFS	0.101 CFS

or its equivalent in case of rotation, measured at the point of diversion, from April 1 through October 25 of each year.

The description of the stream reach in which flows are to be maintained is as follows:

Reach #1: From the location of the diversion authorized previously under Certificate 74145, located approximately at:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
17	S	12	E	W.M.	29	SE NE	SWALLEY MAIN CANAL POD #3: 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29

to River Mile 157 near Tumalo State Park.

Reach #2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right to the use of the water for the above purpose is restricted to beneficial use in the place of use described and is subject to all other terms and conditions of Certificate 74145, and any related decree.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Mitigation Credit Award

Mitigation Project:	MP-111
Mitigation Credits Awarded:	18.0 credits
Zone of Impact:	These mitigation credits may be used to satisfy a mitigation obligation within the Middle Deschutes Zone of Impact and/or the General Zone of Impact.

Each mitigation credit equals 1.0 AF of mitigation water, as determined by the Department.

The number of mitigation credits awarded is a portion of the total volume transferred instream, being 47.22 AF. The remaining balance of water dedicated to instream use, and not used to satisfy the mitigation obligation of a ground water permit (and subsequent certificate(s)), will benefit instream flows.

The mitigation credits or mitigation water established by this instream water right may be used to satisfy a mitigation obligation of a ground water permit application(s) and/or a ground water permit(s)/ certificate(s) within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.

Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder.

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director recorded in Special Order Volume 84, Page 536, approving Transfer T-10490, and supersedes a portion of Certificate 74145, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 17 2011.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

 Recorded in State Record of Water Right Certificates numbered 87107.

Water Right Transfer Checklist

Transfer T-10490 MP-111 Transfer Specialist: Laura Snedaker / RA

Transfer Type: Instream

Applicant Name/Address: Deschutes River Conservancy & Swalley Irrigation District, 700 NW Hill St. Bend, OR 97701

Agent Name/Address: NONE

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒			74145	☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 11/23/07	Proposed Action(s): POU POD HST APOD USE OTHER: USE/POU/POD	
Fees Pd: 400.00	WM District: 11	ODFW District: Steve Marx
Initial Notice: 12/11/07	WM Review sent: 12/10/07	ODFW Review sent: 12/10/07
Acknowledgement Letter Sent ☒		GW Review sent: NONE

Processing Dates & Actions

Deficiency Contacts: _____

DPD Mailed: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

PD Mailed: _____

PD Weekly Notice: _____

Newspaper Pub Affid Due: _____

☐ not required

Affid of Pub Rec'd: _____

Last Day Published: _____

Affidavit Reminder Sent: _____

Reminder Deadline: _____

Preliminary Determination

- ☐ Electronic Files uploaded
- ☐ PD Cover letter
- ☐ PD Notice
- ☐ File Assigned/ ModPod updated
- ☐ Preliminary Determination
- ☐ Fee Refund Due
- ☐ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: KBM	Reviewer: PKS	Reviewer: PKS
Date: 3/17/11	Date: 4/21/2011	Date: 6/16/2011
Coordinator:	Coordinator:	Coordinator:
Date:	Date: 4/22/11	Date: 6/17/11

Comments/Special Issues: Instream / Mitigation Credits

Special Order Volume: Vol 84 Pages 536 Final Order Signature Date: 6-17-11

Notice of FO email'd to processors Laura

Review Checklist . **T-10490** **Processor: Laura Snedaker/RA**

Application

☐ The type of change is clearly indicated.
☐ The application is appropriately signed.
☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
☐ All required attachments received.

Water right subject to transfer

☐ Certificated right or Proof accepted "to the satisfaction...."
☐ The right been exercised according to terms & conditions of certificate.
☐ Delivery system has the capacity to fully divert the rate/duty of the right.
☐ No information in record that suggests forfeiture.
☐ No conflicts identified on the plat cards and plat card reports printed.
☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

☐ The map has an original CWRE signature.
☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
☐ Metes and bounds for the POD's/POA's are properly described on the map.
☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
☐ Map acres match the tabulation on the certificate.
☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
☐ Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

☐ O*nly* the authorized POD's/POA's and POUs to be transferred are listed.
☐ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

☐ The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
☐ The applicant is the owner of the "from" lands.
☐ *All* owners on the deed/ROLI have signed the application.
☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

☐ **application** complete ☐ **map** ☐ **FPS** ☐ evidence of use ☐ land-use form
☐ deed/ROLI ☐ **certificate** ☐ fees paid ☐ well logs ☐ **plat card**
☐ **audit** ☐ **dpd**

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Laura Wilke

From: Laura Wilke
Sent: Thursday, June 09, 2011 4:25 PM
To: 'Zach Tillman'
Subject: RE: T-10490

Howdy Zach - part of the issue is that the affidavit references the published notice as attached.

"a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates, to wit"

At this point, what I've got isn't an incomplete copy of the affidavit since it doesn't include the referenced attachment.

I believe that they're also required to include this with the notice regardless. This isn't in the transfer rules but rather in the statutes for newspapers. Check out - "**193.070 Proof of publication.** Proof of publication of a document or notice required by law, or by an order of a court or judge, to be published in a newspaper, may be made by the affidavit of the owner, editor, publisher, manager or advertising manager of the newspaper or the principal clerk of any of them, or the printer or the foreman of the printer, showing the same. The affidavit may be in substantially the form set forth in ORCP 7 F(2)(b) and shall have annexed a copy of the document or notice. [Amended by 1979 c.284 §122]"

Hope this helps.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, June 09, 2011 3:59 PM
To: Laura Wilke
Subject: RE: T-10490

Hi Laura,

The newspaper cutout is certainly easy to procure, however I'm not sure I understand the basis for requiring that it accompany the affidavit: The purpose of the affidavit is a sworn statement confirming that the required public notices really occurred, so wouldn't providing the affidavit plus the newspaper cutouts render each redundant to the other? Additionally, the Bulletin's archives can be accessed online.

690-380-4020

(3) As provided in ORS 540.520(5), the cost of publication in a newspaper shall be paid by the applicant. At the discretion of the Director, the applicant may satisfy this requirement by arranging for the publication of the notice prepared by the Department in a newspaper that meets the criteria in subsection (1)(b) and providing the Department with an affidavit of publication or by paying the costs of the publication in advance to the Department.

(4) On issuance of the preliminary determination, the Department shall mail to the applicant a copy of the preliminary determination and, if publication in a newspaper is required, a copy of the notice. The Department shall allow the applicant a period of not fewer than 45 days after mailing of the preliminary determination to provide the Department with the affidavit required

under section (3) of this rule.

I understand that the Bulletin has been including a cutout in the past; yet I'm not aware of such a requirement. I checked the rules governing Preliminary Determinations and the affidavit of publication; there is no mention of providing newspaper cutouts in addition to the required affidavit. Are there other rules or statutes that establish such a requirement? If so, I will gladly send them and take up the redundancy issue at the next RAC, as avoiding further complication of the transfer process is an increasingly high priority for the DRC and other Deschutes Water Alliance members. Please advise, thank you.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, June 08, 2011 4:35 PM
To: Zach Tillman
Subject: RE: T-10490

Hi Zach - I need the printed copy from the acutal newspaper. That's probably what they attached to the affidavit when they sent it to you. On the affidavits that the newspapers put together they always include a copy of the notice either as part of the affidavit or attached. In this case, the affidavit identified the notice as being attached. Please mail it on over.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, June 08, 2011 9:31 AM
To: Laura Wilke
Subject: RE: T-10490

Hi Laura,

I have been on vacation and just now seeing this email. I do have the printed copy from the actual newspaper (last publication only). Do the rules require that this accompany the original affidavit? If so, why only the 3rd publication? I can scan and email you the notice this morning if that will suffice – just let me know. Thanks.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Friday, June 03, 2011 2:56 PM
To: Zach Tillman
Subject: RE: T-10490

Zach - got the affidavit. Did the newspaper include a pringted copy of the notice when they sent you the affidavit originally? There isn't a copy of the notice attached to the affidavit as there should be. If you have the copy they sent with the affidavit, please mail that to me as well. If they didn't include a copy, then we need to have them send one to the Department.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, June 02, 2011 8:19 AM
To: Laura Wilke
Cc: Gen Hubert
Subject: RE: T-10490

Hmmm, OK. The Bulletin did send US an original; I'll just scan a DRC copy & mail the original to you. Thanks.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Thursday, June 02, 2011 7:55 AM
To: Zach Tillman
Cc: Gen Hubert
Subject: RE: T-10490

HI Zach - no I haven't seen the affidavit show up at this end yet.

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, June 01, 2011 3:41 PM
To: Laura Wilke
Cc: Gen Hubert
Subject: T-10490

Did you receive an affidavit of publication for this transfer from the Bend Bulletin? Thanks.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

Laura Wilke

From: Laura Wilke
Sent: Friday, June 03, 2011 2:56 PM
To: 'Zach Tillman'
Subject: RE: T-10490

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Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

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To: Laura Wilke
Cc: Gen Hubert
Subject: T-10490

Did you receive an affidavit of publication for this transfer from the Bend Bulletin? Thanks.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, **Debby Winikka**, a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of

The Bulletin

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that

Acct Name: DESCHUTES RIVER CONSERVANCY
Legal Description: LEGAL NOTICE, Notice of Preliminary, Determination for, Water Right Transfer T-10490 / Mitigation Project MP-111, , T-10490 filed by Deschutes River Conse...

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates, to wit:

5/1/11	**Page E6**
5/8/11	**Page E6**
5/15/11	**Page E6**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bend, Oregon, this 17 day of May, 2011.

Debby Winikka
Signature

AdName: **16372736A**

5/17/11 Kim R. Eldred

OFFICIAL SEAL
KIM R ELDRED
NOTARY PUBLIC-OREGON
COMMISSION NO. 442658
MY COMMISSION EXPIRES SEPT. 16, 2013

RECEIVED
JUN 03 2011
RESOURCES DEPT
EM, OREGON

No. _____

In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF DESCHUTES

AFFIDAVIT OF PUBLICATION

Filed _____

_____

By _____

From the Office of

_____

Attorney for _____

LEGAL NOTICE
Notice of Preliminary Determination for Water Right Transfer T-10490 / Mitigation Project MP-111

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot Per Second (CFS) (priority date September 1, 1899) from the Deschutes R in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an instream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is May 15, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

T-8314 filed by BOBBY R. AND BILLIE L. EVANS, c/o EVANS & BARTLETT CPAs LLP, 411 CENTER STREET, LAKEVIEW, OR, 97630, proposes a change in place of use under Certificate 51395. The right allows the use of 0.47 CUBIC FOOT PER SECOND (priority date JULY 12, 1967) from A WELL in the MILL CREEK BASIN in Sec. 24, T 40 S, R 18 E, W.M., for IRRIGATION in Sec. 25, T 40 S, R 18 E, W.M. The applicant proposes to change the place of use to Sec. 24 and 25, T 40 S, R 18 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot Per Second (CFS) (priority date September 1, 1899) from the Deschutes R in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an instream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

T-11205 filed by Larry & Dorothea Null, PO Box 2716, Florence, OR 97439, proposes a change in place of use under Certificate 84576. The right allows the use of 0.005 cubic foot per second (priority date Nov. 22, 1993) from the SIUSLAW RIVER in Sec. 23, T 17 S, R 10W, W.M, for Domestic Use Expanded and Human Consumption within Section 23. The applicant proposes to change the place of use within Section 23. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Laura Wilke

From: Laura Wilke
Sent: Tuesday, April 26, 2011 10:06 AM
To: 'Gen Hubert'; Suzanne Butterfield
Cc: Jeremy Giffin; 'Zach Tillman'
Subject: PD Issued for T-10490 / Mitigation Project MP-111
Attachments: 10490-pd and notice.pdf; 10490-pd letter.pdf; 10490-pd-notice-iswr-MP111.doc

Good Morning!

The Preliminary Determination for instream transfer T-10490 / Mitigation Project MP-111 has been issued. Hard copies have been put in the mail. Attached to this e-mail, however, are copies of the PD, the cover letter and the text for the public notice that needs to be published in the local paper. Please remember to have the newspaper insert the last date of publication in the spot provided (highlighted in yellow).

Please give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Transfer Preliminary Determinations

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a $600 protest fee for non-applicant and $300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at http://www.oregon.gov/OWRD/PUBS/forms.shtml or by calling 503-986-0888. Protests must be received by the Department on or before May 26, 2011, or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

T-10914 filed by Desert Springs Limited Partnership, Attn Eric Vetterlein, 1100 SW Sixth Avenue #1200, Portland, Oregon 97204, proposes a change in point of appropriation and a change in place of use under Certificate 85977. The right allows the use of 0.012 cubic foot per second (priority date March 4, 1980) from a well in Sec. 19, T 15 S, R 11 E, W.M. (Deschutes Basin) for irrigation in Sec. 30, T 15 S, R 11 E, W.M. The applicant proposes to move the point of appropriation approximately 2 miles southeast to within Sec. 32, T 15 S, R 11 E, W.M.) and to change the place of use to within Sec. 32, T 15 S, R 11 E W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot Per Second (CFS) (priority date September 1, 1899) from the Deschutes R in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an instream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and

to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Pd Noticed 5-3-11

April 25, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

SUBJECT: Transfer Application T-10490 / Mitigation Credit Project MP-111

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10490 and Mitigation Project MP-111. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because there is a change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by June 8, 2011.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us if I may be of assistance.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: Jeremy Giffin, District 11 Watermaster

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE AND CHARACTER OF USE AND PRELIMINARY AWARD OF MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream transfer is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat

and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

20. On March 21, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10490 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of April 19, 2011, for the applicants to respond.

21. On March 22 and March 23, 2011, the DRC submitted comments requesting additional information on the Department's findings with regard to return flows. Specifically, the DRC requested that the Department relook at where return flows were accounted for associated with the 4.5 acres of irrigation located in the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

22. The Department considered these comments and provided additional information to the applicant. In addition, the Department also identified, based on continued evaluation, that return flows from the 4.5 acres of irrigation identified in Finding of Fact #21 returned to the river system below the proposed reach. Therefore, the instream use may be modified protect the full quantity of water that may be protected instream for these acres from the point of diversion to Lake Billy Chinook (see Finding of Fact #31).

23. On April 13, 2011, the applicants, with the above change, concurred with the draft Preliminary Determination and requested that the Department proceed with issuance of a Preliminary Determination.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

24. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

25. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

26. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

27. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for control dust during the spring, summer and fall several days a week.

28. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

29. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under a portion of the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 1.56 acres of irrigation use located in the NW SW of Section 8, T17S, R12E, and the 1.9 acres of irrigation use located in the NE SW of Section 17, T17S, R12E, as described in Finding of Fact #5. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157 will be reduced to the consumptive portion of the 3.46 acres described above to account for return flows.

30. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10.0 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #28. For the dust abatement portion of the right, given a maximum volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

31. Based on Findings of Fact #26 through #30, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.055 CFS	34.51 AF
		Season 2	0.065 CFS	
		Season 3	0.101 CFS	

32. The proposed change, as modified, would not result in enlargement of the right.

33. The proposed change, as modified, would not result in injury to other water rights.

34. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

35. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. A portion of return flows resulting from the exercise of the existing

water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

36. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

37. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

38. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

39. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to

ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

40. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #31) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

41. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER
Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

42. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

43. The DRC and SID (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

44. The Department assigned this mitigation credit project number MP-111.

45. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

46. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007.

47. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

48. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

49. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

50. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this

mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10490 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned portion of the right will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If application T-10490 is approved, the final order will include the following:

1. *The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:*

Season 1	*Season 2*	*Season 3*	*Duty*
0.082 CFS	*0.110 CFS*	*0.208 CFS*	*71.17 AF*

3. *The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:*

Instream Reach 1: *From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park*

Certificate	***Priority Date***	***Instream Period***	***Instream Rate***	***Volume Instream***
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.064 CFS*	*47.22 AF*
		Season 2	*0.082 CFS*	
		Season 3	*0.145 CFS*	

Instream Reach 2: *From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120*

Certificate	***Priority Date***	***Instream Period***	***Instream Rate***	***Volume Instream***
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.055 CFS*	*34.51 AF*
		Season 2	*0.065 CFS*	
		Season 3	*0.101 CFS*	

4. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

5. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.*

6. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

7. *The former place of use of the transferred water shall no longer receive water as part of this right.*

8. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of* ***18.0 credits****, as described herein, may be awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the* ***Middle Deschutes and General Zones of Impact****. Any mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.*

9. *Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.*

10. *The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.*

Dated at Salem, Oregon this 25 day of April, 2011.

Dwight Ferneh, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

This Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us.

Notice of Preliminary Determination for
Water Right Transfer T-10490 / Mitigation Project MP-111

T-10490 filed by Deschutes River Conservancy (PO BOX 1560, BEND, OR 97709) and Swalley Irrigation District (64672 Cook Ave, Suite 1, Bend, OR 97701), proposes a change in place of use and a change in character of use under Certificate 74145. The right allows the use of UP TO 0.198 Cubic Foot Per Second (CFS) (priority date September 1, 1899) from the Deschutes R in Sec. 29, T 17 S, R 12 E, W.M. for Irrigation of 7.96 acres in Sections 8, 17 and 28, and 2.3 equivalent acres of Dust Abatement in Sec. 17. The applicant proposes to create an instream use in the Deschutes River (from the point of diversion to Lake Billy Chinook) at a maximum of 0.145 CFS, and to establish mitigation credits in the Middle Deschutes and General Zones of Impact. The application was amended to remove a few acres of irrigation and dust abatement, add additional acres of irrigation and to cancel 0.5 acre of irrigation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000, and OAR 690-077-0075. The Department has also concluded that the proposed transfer appears to result in mitigation credits pursuant to OAR 690-521-0300 & OAR 690-521-0400.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [INSERT DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Laura Wilke

From: Suzanne Butterfield [suzanne@swalley.com]
Sent: Thursday, April 21, 2011 9:29 AM
To: 'Gen Hubert'; Laura Wilke; 'Zach Tillman'
Cc: Kyle Gorman
Subject: RE: T-10490 - with small typo correction

Fine by me.
Suzanne
Swalley ID

From: Gen Hubert [mailto:gen@deschutesriver.org]
Sent: Thursday, April 21, 2011 9:22 AM
To: Laura Wilke; Suzanne Butterfield; Zach Tillman
Cc: Kyle Gorman
Subject: RE: T-10490 - with small typo correction

Laura,

The DRC agrees with the numbers you have listed below for determination #2.

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Thursday, April 21, 2011 9:09 AM
To: Suzanne Butterfield; Zach Tillman
Cc: Gen Hubert; Kyle Gorman
Subject: RE: T-10490 - with small typo correction

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From: Suzanne Butterfield [mailto:suzanne@swalley.com]
Sent: Wednesday, April 13, 2011 1:50 PM
To: 'Zach Tillman'; Laura Wilke
Cc: 'Gen Hubert'; Kyle Gorman
Subject: RE: T-10490 - with small typo correction

Agree.
Suzanne Butterfield

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, April 13, 2011 1:43 PM
To: Zach Tillman; Laura Wilke
Cc: Gen Hubert; Suzanne Butterfield; Kyle Gorman
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(20110421) _____

The message was checked by ESET Smart Security.

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www.deschutesriver.org

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Laura Wilke

From: Gen Hubert [gen@deschutesriver.org]
Sent: Wednesday, March 23, 2011 4:26 PM
To: Laura Wilke
Cc: Zach Tillman; Suzanne Butterfield
Subject: RE: T-10490

Great! That's what I thought it was.

Thanks,

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, March 23, 2011 4:27 PM
To: Gen Hubert
Cc: Zach Tillman; Suzanne Butterfield
Subject: RE: T-10490

Oops - that's part of the boiler plat template. Must of forgot to delete that piece. No need to submit an ownership report for this transfer.

Thanks, Laura

From: Gen Hubert [mailto:gen@deschutesriver.org]
Sent: Wednesday, March 23, 2011 4:24 PM
To: Laura Wilke
Cc: Zach Tillman; Suzanne Butterfield
Subject: T-10490

Laura,

In the cover letter for the DPD on transfer T-10490 you mention that the Preliminary Determination can be issued "after we receive the report of ownership"... Could you clarify this statement? I believe we had all of the ownership documents settled for this transfer.

Thanks!

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

Laura Wilke

From: Laura Wilke
Sent: Tuesday, March 22, 2011 3:06 PM
To: 'Gen Hubert'; Kyle Gorman
Cc: Zach Tillman
Subject: RE: T-10490

Howdy Gen!

Q1 - every use is subject to beneficial use without waste. We can only transfer what may be beneficially used without waste. Since, we identified that they could only beneficially use 1.6 af/ac (that's all that could be applied without waste), that's all we can transfer. The couldn't use the full duty on the lands for dust abatement without water probably going all over the place - ie waste. The determinations made in the DPD are consistent with ORS 536.310. And also consistent with how we review applications for enlargement.

When changing the character of use through a water right transfer, the change can create a significant potential for enlarging a water right. And the amount that could be beneficially used without waste may be substantially less than the "face value" of the right. In this case, the use of water for dust abatement is being proposed to be changed to instream use, which is a 24/7 use over the irrigation season. Use of water for dust abatement 24/7 over the full irrigation season at the full rate and duty would be substantially more water than could be beneficially used without waste for dust abatement. If we were to transfer the full amount, the transfer would result in enlargement.

The 1.6 af/ac in addition to being what could be applied for dust abatement without waste is also 100% consumptive. Which is also why the mitigation resulting from this use is equivalent to 1.6 af/ac and why no additional decrease in the instream use was taken at the point of return flows for the irrigated acres. It's also why the application was amended to include the substituted & additional acres per previous conversations with Zach.

Q2 - where we account for return flows is a matter of both injury and enlargement - this can be one or both. Once the return flows come back into the natural system, the water becomes part of the system. To protect the water below the return flow location could result in injury to any downstream rights but would also be enlargement of the right. In this case, the acocunting for return flows is consistent with OAR 690-077-0075 (2)(b)(B) and 690-077-0075 (2)(c)(A).

Hope this helps. Let me know if I missed anything or something needs further clarification.

Have a good one!
Laura

From: Gen Hubert [mailto:gen@deschutesriver.org]
Sent: Tuesday, March 22, 2011 2:29 PM
To: Laura Wilke; Kyle Gorman
Cc: Zach Tillman
Subject: T-10490

Laura and Kyle,

I have a few questions regarding the DPD that was just issued for T-10490...

Q1. Shouldn't we be protecting what is delivered for dust abatement (possibly up to the 5.46 AF) to where the point of return flows occur – at Tumalo State Park, then take the reduction for beneficial use which brings it down to 1.6 af/ac for those 2.3 acres?

Kyle – The total transfer is of 10.26 acres:

4.5 acres were irrigation on the East side of Boyd Acres, the rest of the acres were all off of OB Riley Rd

OB Riley acres: 1.9 IRR at Rimrock Riders, 2.3 dust abatement at Rimrock Riders, 1.56 IRR at OB Riley Rd where the Riley Sub crosses.

Kyle, I included you on this e-mail because you were listed in the DPD as the one who determined that 1.6 AF/ac were BU as dust abatement and thought you might be able to help clarify. If 1.6 AF/ac is what could be beneficially used as Dust Abatement, how much was applied per acre? More than the 1.6 AF/ac, or is the 1.6 AF/ac 100% consumptive?

Q2. What water rights would be injured below Tumalo State Park by not protecting the instream rate at the Bend gage through to Lake Billy Chinook?

Thanks guys!

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

Laura Wilke

From: Laura Wilke
Sent: Tuesday, March 29, 2011 10:30 AM
To: 'Gen Hubert'; Kyle Gorman
Cc: 'Zach Tillman'; 'Scott McCaulou'
Subject: RE: T-10490 - with small typo correction

Hi there Gen:

I walked through this transfer with Dwight and in this particular case, we will be able to take the full quantity for the lands in the NW NE (4.5 ac) T17S, R12E, Sec 28 all the way down to Lake Billy Chinook.

Part of the reason we can do this is that the transfer only really involves a couple of POU's (so it's relatively simple in terms of POU location) and the reach only extends down to Lake Billy Chinook.

However, I also wanted to note that had this been a transfer involving multiple POU's and/or having a reach down to the mouth fo the river, this might not have worked. Also, wanted to let you know that generally the zone of impact maps are not used for return flow determinations on instream transfers or instream leases. These zone of impact maps are only generated on projects involving mitigation and are primarily for entry of data into the streamflow model that helps the Department determine how streamflows are responding under the mitigation program.

When determining return flows, the Department generally (with the odd exception here and there) considers the POU as a whole in making return flow determinations and accounts for return flows were they begin to show back up into the river system. If a return flow location is unknown, then the fallback is always accounting for them just below the POD. That is unless we know that the return flows wouldn't show back up in the reach - that they would come back in below the reach. Then in that case, of course, we could be able to protect the full amount within the reach unless there's other reasons to reduce instream flows to prevent injury and/or enlargement.

Oh, I passed your other question on to Susan and Dorothy (about Districts and return flows) - I suggested this as a topic for our next general transfer group meeting.

Back on T-10490, I can either move this forward to PD or send you another DPD. Let me know which way you would like to go.

Thanks!
Laura

From: Gen Hubert [mailto:gen@deschutesriver.org]
Sent: Wednesday, March 23, 2011 4:16 PM
To: Laura Wilke; Kyle Gorman
Cc: Zach Tillman; Scott McCaulou
Subject: RE: T-10490

Laura,

Thank you for clarifying the consumptive use on the dust abatement acres.

We sat down with Kyle and talked through this transfer. He explained how the dust abatement duty was determined and showed us the map that Jonathan LaMarche used to determine if the acres in the transfer were in the General or Local impact zone for return flows. It appears that 4.5 acres of Hunter QC water were outside the Localized impact zone and should be eligible to protect the full 5.46 AF/ac

duty past the point of return flows that were applied to the acres that were closer to the river. We'd like the duty from those 4.5 Hunter acres to be protected from the POD to Lake Billy Chinook at the full 5.46 AF/ac.

I am meeting with the district to talk about leases on Monday afternoon and I understand that Suzanne has some questions about how this could impact the irrigation district if they needed to move acres out of the localized zone of impact into another part of the district where return flows would not come in until Lake Billy Chinook. It seems that based on the determination for this transfer final order that the district would only be able to move the consumptive use so as not to cause injury below the point of return flows. Any insight?

Thanks!

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, March 22, 2011 3:06 PM
To: Gen Hubert; Kyle Gorman
Cc: Zach Tillman
Subject: RE: T-10490

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Cc: Zach Tillman
Subject: T-10490

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Thanks guys!

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
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Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 21, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

SUBJECT: Water Right Transfer Application T-10490 / Mitigation Credit Project MP-111

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-10490. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

Please review the draft carefully to familiarize yourself with any requirements and evaluate whether the document is consistent with your intent in seeking the transfer. Specific concurrence is needed with regard to Finding of Fact #28. Please respond in writing by the deadline provided below, whether you agree with the proposed action and whether there are any typographical errors that need to be corrected.

What happens next...

Once the preliminary determination is issued a publication period is required. Because of a change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive the report of ownership and your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable). **If we do not receive your response and the report by April 19, 2011, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us if I may be of assistance.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: T-10490 & MP-111
Jeremy Giffin, District 11 Watermaster

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	D R A F T
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE AND
	)	CHARACTER OF USE AND
	)	PRELIMINARY AWARD OF
	)	MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the

application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream lease is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat

and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

21. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

22. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

23. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

24. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for control dust during the spring, summer and fall several days a week.

25. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

26. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 7.96 acres of irrigation use proposed for transfer. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157 will be reduced to the consumptive portion of the right to account for return flows.

27. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #25. For the dust abatement portion of the right, given a max volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

28. Based on Findings of Fact #23 through #27, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	April 1 through October 25	0.044 CFS	18.0 AF

29. The proposed change, as modified, would not result in enlargement of the right.

30. The proposed change, as modified, would not result in injury to other water rights.

31. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

32. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

33. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

34. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary

for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

35. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

36. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

37. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #28) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

38. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

39. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

40. The DRC and SID (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

41. The Department assigned this mitigation credit project number MP-111.

42. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

43. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007.

44. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

45. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to

the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

46. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

47. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificates for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10490 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned portion of the right will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If application T-10490 is approved, the final order will include the following:

1. *The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:*

Season 1	*Season 2*	*Season 3*	*Duty*
0.078 CFS	*0.105 CFS*	*0.198 CFS*	*67.86 AF*

3. *The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:*

Instream Reach 1: *From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.064 CFS*	*47.22 AF*
		Season 2	*0.082 CFS*	
		Season 3	*0.145 CFS*	

Instream Reach 2: *From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*April 1 through October 25*	*0.044 CFS*	*18.0 AF*

4. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

5. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.*

6. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

7. *The former place of use of the transferred water shall no longer receive water as part of this right.*

8. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of* ***18.0 credits****, as described herein, may be awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the* ***Middle Deschutes and General Zones of Impact****. Any mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.*

9. *Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.*

Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

10. *The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.*

Dated at Salem, Oregon this _____ day of _____ 2010.

D R A F T

_____
Dwight French for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us.

Oregon
John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 21, 2011

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

SUBJECT: Water Right Transfer Application T-10490 / Mitigation Credit Project MP-111

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-10490. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

Please review the draft carefully to familiarize yourself with any requirements and evaluate whether the document is consistent with your intent in seeking the transfer. Specific concurrence is needed with regard to Finding of Fact #28. Please respond in writing by the deadline provided below, whether you agree with the proposed action and whether there are any typographical errors that need to be corrected.

What happens next...

Once the preliminary determination is issued a publication period is required. Because of a change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive the report of ownership and your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable). **If we do not receive your response and the report by April 19, 2011, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us if I may be of assistance.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: T-10490 & MP-111
Jeremy Giffin, District 11 Watermaster

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10490 and Mitigation Credit Project MP-111, Deschutes County	)	D R A F T
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE AND
	)	CHARACTER OF USE AND
	)	PRELIMINARY AWARD OF
	)	MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY (DRC)
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT (SID)
64672 COOK AVENUE, SUITE 1
BEND, OR 97701

Findings of Fact

Background

1. On November 23, 2007, the DRC and SID filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the

application number T-10490. A signature page including Swalley Irrigation District's original signature was submitted to the Department on November 28, 2007.

2. On March 17, 2010, the DRC requested to remove the following portion of Certificate 74145 from the proposed transfer application:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	17	SE SW	1300	0.3
17 S	12 E	WM	28	NW NE	3400	0.5
DUST ABATEMENT						
17 S	12 E	WM	17	SE SW	1300	0.5

3. On September 16, 2010, the DRC submitted amended application materials to replace the acres identified above with 1.56 acres in the NW SW (tax lot 1200) of Section 8, Township 17 South, Range 12 East, W.M. Additional materials and information were submitted by the DRC and SID to complete the revision to the application on September 28, 2010, October 5, 2010, October 6, 2010, October 7, 2010, and October 19, 2010.

4. On December 8, 2010, SID submitted an affidavit to voluntarily cancel the 0.5 acre of irrigation located in tax lot 3400 within the NW NE of Section 28, Township 17 South, Range 12 East, W.M.

5. The portion of the right to be transferred has been modified from the original transfer application and is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.96 ACRES AND DUST ABATEMENT OF 2.3 ACRES
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

6. Certificate 74145 is a deficient water right. Since Certificate 74145 was issued, the amount of water that may be diverted under this certificate has been affected (reduced) by allocation of conserved water projects, instream transfers, and other transfer actions. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed (described in Finding of Fact #5), the total rate and duty for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rates and duty allowed at the PODs (described in Finding of Fact #5), the portion of the right involved in this instream lease would be limited as described in the tables below. These rates and duty are also the quantities by which the diversion at PODs under Certificate 74145 shall be reduced over the full irrigation season, if this instream lease is approved.

Season 1	Season 2	Season 3	Duty
0.078 CFS	0.105 CFS	0.198 CFS	67.86 AF

7. The applicant is not the owner of the lands to which the water rights described in Finding of Fact #5 is appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
Ray and Sharon Ruppel	Swalley Irrigation District	17 S	12 E	8	NW SW	1200
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat

and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

9. Application T-10490 proposes to change the place of use of the right to create an instream reach from Swalley Main Canal POD #3 (as described in Finding of Fact #5) to Lake Billy Chinook, at approximately River Mile 120.

10. The original instream transfer application proposes that water be protected instream as follows:

Certificate	Priority Date	Instream Period	Instream Rate	Instream volume
74145	September 1, 1899	Season 1 (requested to end on Oct. 25)	0.069 cfs	55.35 AF
		Season 2	0.092 cfs	
		Season 3	0.170 cfs	

11. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346 (state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

12. Notice of the application for transfer was published on December 11, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The original application did not include sufficient information to demonstrate that the water right had been used in the five years prior to the transfer being submitted. In addition, the application did not include sufficient information to evaluate the quantity of water that could be transferred beneficially and without waste for dust abatement. On April 8, 2008, the Department requested additional information to resolve these deficiencies. Additional information was provided by the applicant on June 27, 2008, which resolved a portion of the deficiencies identified by the Department.

16. Insufficient information was provided by the applicants in response to the request for additional information on the use of water for dust abatement. However, on August 20, 2009, the Department's South Central Regional Manager provided an evaluation of the amount of water that may be used beneficially and without waste for the dust abatement portion of the right proposed for transfer.

17. Follow up deficiency letters were sent on August 5, 2008 and November 20, 2009, December 22, 2009. Deficiencies included documentation demonstrating that water had been used on lands in the SE SW of Section 17 in Township 17 South, Range 12 East W.M., and resolution of an irrigated acreage discrepancy in the NW NE of Section 28, Township 17 South, Range 12 East, W.M. On January 21, 2010, the DRC requested additional time to address the deficiencies, which would likely include replacing a portion of the right proposed for transfer with a different portion.

18. These remaining deficiencies were resolved by the applicant with the additional information provided as described in Findings of Fact #2, #3, and #4.

19. For the amendment to the application referenced in Finding of Fact #3, a deficiency letter was sent on September 29, 2010. The deficiency letter identified the need for documentation in support of the affidavit of use and a revised application map. These deficiencies were addressed with additional information provided by the applicant as referenced in Finding of Fact #3.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

21. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

22. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10490.

23. Use of water under the existing right for 2.3 acres equivalent of dust abatement is subject to beneficial use without waste in accordance with ORS 536.310. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total quantity appropriated at the place of use under the right proposed for transfer would be as follows:

Season 1	Season 2	Season 3	Duty
0.016 CFS	0.021 CFS	0.039 CFS	12.7 AF

The maximum volume (duty) is equivalent to 5.46 acre-feet per acre during the irrigation season of April to November 1. Given the use authorized under Certificate 74145, the total volume at the full face value of the right could not be beneficially used.

24. Information provided by the landowner identifies that water was used for dust abatement for a riding arena and an unpaved parking area. Water was applied for control dust during the spring, summer and fall several days a week.

25. On August 20, 2009, the Department's South Central Regional Manager completed an evaluation to estimate the amount of water that could be beneficially used under the existing water right for dust abatement. Based on this evaluation, approximately 1.6 acre-feet per acre could be used beneficially and without waste for dust abatement. For 2.3 acres equivalent of dust abatement the total volume would be 3.7 acre-feet.

26. A portion of the water diverted at the POD returns to the Deschutes River below the POD and is available to downstream water right holders. To prevent injury to downstream water right holders and enlargement, the quantity of water that may be protected instream requires modification to account for both surface and subsurface return flows.

The hydro-geologic evaluation of where subsurface return flows occur is generally based on the following information: 1) the local shallow and regional ground water elevations, 2) the shallow and regional head gradient (i.e. ground water flow direction), 3) elevation of nearby streams, 4) elevation of closest gaining stream reaches, 5) distance from nearby streams and gaining stream reaches, and 6) local geologic information. When evaluating for return flows, the Department generally considers the place of use as a whole and where the majority of return flows occur based upon the presence of surface return flows (overland flow) and the factors described above for any subsurface return flows.

The place of use under the right proposed for transfer is located in close proximity to the Deschutes River, specifically the 7.96 acres of irrigation use proposed for transfer. A portion of the water diverted to the place of use returns to the river system in the area of Tumalo State Park near River Mile 157. Therefore, the instream flows at Tumalo State Park near River Mile 157 will be reduced to the consumptive portion of the right to account for return flows.

27. The applicant has requested to protect water instream at the full rate and duty allowed for a portion of the right proposed for transfer in the original application (10 acres) during the period April 1 through October 25, as described in Finding of Fact #10. The number of acres of irrigation that may be transferred to instream use has been modified based on Findings of Fact #2, #3 and #5. In addition, the instream use requires modification to account for return flows and the portion of the right for dust abatement that is available for transfer considering beneficial use without waste, as described in Finding of Fact #25. For the dust abatement portion of the right, given a max volume of 3.7 acre-feet, water can be protected instream at a rate of 0.009 CFS during the period April 1 through October 25.

28. Based on Findings of Fact #23 through #27, the Department proposes to modify the quantities of water to be protected instream to prevent injury and enlargement as follows:

Instream Reach 1: From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	Season 1 (modified to end October 25)	0.064 CFS	47.22 AF
		Season 2	0.082 CFS	
		Season 3	0.145 CFS	

Instream Reach 2: From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120

Certificate	Priority Date	Instream Period	Instream Rate	Volume Instream
74145	September 1, 1899	April 1 through October 25	0.044 CFS	18.0 AF

29. The proposed change, as modified, would not result in enlargement of the right.

30. The proposed change, as modified, would not result in injury to other water rights.

31. The amount and timing of the proposed instream flow, as modified, are allowable within the limits and use of the original water right.

32. The protection of flows within the proposed reach are appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) The quantity of water to be protected instream in Reach #2 has been reduced to account for return flows. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream from the point of diversion approximately at River Mile 157 near Tumalo State Park on the Deschutes River.

33. Within the proposed instream reach on the mainstem Deschutes River, there are several existing instream water rights. There is one instream water right, Certificate 59777, established under ORS 537.346 (minimum streamflow conversion) for the purpose of supporting aquatic life and minimizing pollution, from the confluence of the Little Deschutes River to the confluence with Spring River. There is another instream water right, Certificate 59778, also established under ORS 537.346 for the purpose of supporting aquatic life and minimizing pollution, from the confluence with Spring River to the Central Oregon Irrigation District (COID) North Canal Dam. There is also a pending instream water right application, IS-70695, filed by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 537.341, with the Department to establish an instream water right from the COID North Canal Dam to Lake Billy Chinook. The remaining instream water rights were established under ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) and are generally located between the Central Oregon Canal and Lake Billy Chinook.

    This portion of the Deschutes River is a designated State Scenic Waterway. The State Scenic Waterway designation provides for protection of flows necessary to maintain the free flowing character of the Deschutes River for fish and wildlife habitat, and recreation, which is a matter of statutory policy. In addition, to flows for the designated Scenic Waterway, which are not always met during requested period for instream protection, this segment of the Deschutes River is on DEQ's 303d list of water quality limited streams and a TMDL (Total Maximum Daily Load) study is underway.

34. The existing instream water rights, established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), within the proposed reach on the Deschutes River are sufficient to protect the monthly quantities of water necessary for various fishlife stages, supporting aquatic life, and minimizing pollution, but are not always met. By replacing a portion of these instream water rights, any instream water right created as a result of this transfer will provide for protection of streamflows identified as necessary

for various fishlife stages, supporting aquatic life, and minimizing pollution, under an earlier priority date.

35. By adding to other instream water rights, established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process), located within the portion of the proposed reach located on the mainstem Deschutes River, a new instream water right established by this transfer would provide protection for additional streamflows necessary for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

36. During the period April 1 through October 25, any instream water right established by this transfer application may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.

37. The total monthly quantities of water proposed to be protected instream (as described in Findings of Fact #28) within the proposed reach will provide for a beneficial purpose and, in conjunction with other existing instream water rights, will not exceed the estimated average natural flow.

Partial Cancellation of a Water Right

38. On December 8, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Swalley Irrigation District. The right to be cancelled is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 0.5 ACRE
Priority Date: SEPTEMBER 1, 1899
Season of Use: April 1 through October 31, further limited as follows:
April 1 through April 30 & October 1 through October 31 described herein as Season 1
May 1 through May 14 & September 16 through September 30 described herein as Season 2
May 15 through September 15 described herein as Season 3
Maximum Quantity (Rate) that can be applied to an acre:
Season 1: limited to 1/83rd cubic foot per second (CFS) per acre
Season 2: limited to 1/62nd CFS per acre
Season 3: limited to 1/33.45th CFS per acre
Maximum Duty that can be applied to an acre:
Not to exceed 9.58 acre-feet (AF) per acre per year.
The above listed rates and duty reflect allowance of a 43% transmission loss as determined by decree of the Circuit Court of Deschutes County, dated March 24, 1933. Those lands not served from the district's main canal system, but by direct pumping from the Deschutes River, are not allowed the 43% transmission loss.
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	12 E	WM	29	SE NE	SWALLEY MAIN CANAL POD #3 - 985 FEET NORTH AND 617 FEET WEST FROM EAST 1/4 CORNER OF SECTION 29
15 S	12 E	WM	14	NW SE	ADDITIONAL DISTRICT DIVERSION POD #15 - 2170 FEET NORTH AND 1350 FEET WEST FROM SE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	28	NW NE	3400	0.5

39. Based on Finding of Fact #6, the quantity by which this right will be reduced as a result of this cancellation is as follows:

Season 1	Season 2	Season 3	Duty
0.004 CFS	0.005 CFS	0.010 CFS	3.31 AF

Preliminary Award of Deschutes Basin Mitigation Credits

40. The DRC and SID (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to the DRC and SID.

41. The Department assigned this mitigation credit project number MP-111.

42. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on December 25, 2007. No comments were received in response to this notice.

43. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on December 18, 2007.

44. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies.

45. As part of the public notice of the mitigation project, the Department identified that the project may result in 18.0 mitigation credits. Since the application was originally submitted, the portion of the right proposed for transfer has been modified. However, based upon continued evaluation of the project, the Department finds that the transfer of 7.96 acres of irrigation use and 2.3 acres equivalent of dust abatement has an average consumptive use of 18.0 AF. Therefore, 18.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to the DRC and SID. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to

the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the Middle Deschutes and General Zones of Impact.

46. A total of 47.22 AF is proposed to be transferred to instream use and 18.0 AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

47. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificates for the proposed instream water right shall result in completion of the project and verification that the project is complete. Mitigation credits awarded to this mitigation credit project (MP-111) may be valid the first year that water is protected instream under any new instream water right issued as a result of this transfer.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10490 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned portion of the right will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

If application T-10490 is approved, the final order will include the following:

1. *The changes in character of use and place of use to instream use proposed in application T-10490 are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water right certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to describe that portion of the right not affected by this transfer and cancellation. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the following:*

Season 1	*Season 2*	*Season 3*	*Duty*
0.078 CFS	*0.105 CFS*	*0.198 CFS*	*67.86 AF*

3. *The instream water right shall provide for the protection of streamflows for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values; pollution abatement; and recreation in the Deschutes River as follows:*

Instream Reach 1: *From the POD (as described in Finding of Fact #5) to River Mile 157 near Tumalo State Park*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*Season 1 (modified to end October 25)*	*0.064 CFS*	*47.22 AF*
		Season 2	*0.082 CFS*	
		Season 3	*0.145 CFS*	

Instream Reach 2: *From River Mile 157 near Tumalo State Park to Lake Billy Chinook, at approximately River Mile 120*

Certificate	*Priority Date*	*Instream Period*	*Instream Rate*	*Volume Instream*
74145	*September 1, 1899*	*April 1 through October 25*	*0.044 CFS*	*18.0 AF*

4. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

5. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise identified in a subsequent order establishing a new instream water right under these statutes.*

6. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

7. *The former place of use of the transferred water shall no longer receive water as part of this right.*

8. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of* ***18.0 credits****, as described herein, may be awarded to this mitigation project and assigned to the Deschutes River Conservancy and Swalley Irrigation District. Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the* ***Middle Deschutes and General Zones of Impact****. Any mitigation credits awarded will begin being valid the first year that water is to be protected instream under a new instream water right resulting from this mitigation project.*

9. *Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules.*

Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

10. *The instream certificate created as a result of the approval of this transfer shall be identified as a mitigation credit project. Within each instream certificate, the number of mitigation credits, the zone of impact in which the mitigation credits were generated and may be used, and the volume of water dedicated instream solely for instream benefits shall also be specified.*

Dated at Salem, Oregon this _____ day of _____ 2010.

D R A F T

_____
Dwight French for
PHILLIP C. WARD, DIRECTOR

This draft Preliminary Determination was prepared by Laura Wilke. If you have questions about the information in this document, you may reach me at 503-986-0884 or Laura.K.Wilke@wrd.state.or.us.

Laura Wilke

From: Laura Wilke
Sent: Monday, March 21, 2011 8:18 AM
To: 'Gen Hubert'; 'Zach Tillman'; Kathy Ferguson
Cc: Jeremy Giffin
Subject: Draft Preliminary Determination for T-10490 / MP-111
Attachments: 10490-dpd-and-cov.pdf

Gen, Zach and Kathy:

Attached is the cover letter and DPD for T-10490 / Mitigation Credit Project MP-111. Please give me a call if you have any questions.

Hard copies are going out in the mail today to Swalley and the DRC.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Gen Hubert [gen@deschutesriver.org]
Sent: Tuesday, December 07, 2010 8:57 AM
To: Laura Wilke
Subject: FW: affidavit to cancel .50 acres

Attachments: SKMBT_C20310120615020.pdf



SKMBT_C2031
0615020.pdf (5(

Laura,

Attached is the affidavit to cancel the 0.5 acres on T-10940 (SID). They are also putting it in the mail, so let me know when you get the original.

Thanks!

Gen

Genevieve Hubert
Transfers Program Manager
Deschutes River Conservancy
Phone: 541-382-4077, ext 16
Fax: 541-382-4078
www.deschutesriver.org

-----Original Message-----
From: Kathy Ferguson [mailto:kathy@swalley.com]
Sent: Monday, December 06, 2010 2:13 PM
To: Zach Tillman
Cc: Gen Hubert
Subject: affidavit to cancel .50 acres

Kathy Ferguson
Office Manager
kathy@swalley.com
office: 541-388-0658
fax: 541-389-0433
----- Original Message -----
From: <kathy@swalley.com>
To: <kathy@swalley.com>
Sent: Monday, December 06, 2010 3:02 PM
Subject: Message from KMBT_C203

Information from ESET Smart Security, version of virus signature database 5680 (20101206)

The message was checked by ESET Smart Security.

http://www.eset.com

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of Deschutes)

I/We (or authorized agent),
Swalley Irrigation District, residing at
64672 Cook Ave., Ste #1, Bend, OR 97701,
telephone 541-388-0658, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number quitclaimed (to dist.) water in tax lot 3400, within the NW ¼ NE ¼, Section 28, Township 17 N/S, Range 12 E/W, of the Willamette Meridian, in Deschutes County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 74145 issued to Swalley Irrigation District, with a date of priority of 1899 for use of season 3 max 86.844 cubic foot per second of water from Deschutes River (source) for the purpose of Irrigation (use) is appurtenant to my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here)*
Swalley Irrigation District)

4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. *(Signature of district manager on the line below documents consent of the district.)*

Suzanne Butterfield — Signature of district manager
Suzanne Butterfield — Printed Name
12-6-2010 — Date

5. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of .53 max 0.010 cubic foot per second from the Deschutes River for Irrigation (use), and irrigation of 0.5 (if applicable) acres located:

nw ¼	ne ¼	0.5 Acres
¼	¼	Acres
¼	¼	Acres

Section 28
Township 17 N/S, Range 12 E/W, WM; and

6. I/We request the portion of the water right described above be canceled.

Suzanne Buttafuoco — 12-6-10

Signature of legal owner as listed on deed, or authorized agent — Date

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 6th day of December, 2010.

Katherine Elaine Ferguson
Notary Public for Oregon

OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 5, 2014

My Commission Expires 1-5-2014

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

Laura Wilke

From: Laura Wilke
Sent: Tuesday, October 19, 2010 4:32 PM
To: 'Zach Tillman'
Cc: Kathy Ferguson
Subject: RE: Rupple
Attachments: 10490-amendment-map.pdf

Howdy Zach - the map you attached with your e-mail isn't the one sent previously. See attached map received with repacement acreage package on 9/16/2010.

At first glance the map you just sent looks like it will meet our needs. I'll let you know if I have any further questions on the map.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, October 19, 2010 3:24 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: FW: Rupple

Hi Laura,

In response to the deficiency letter dated 9/29/2010, Kathy & I have taken another look at the application map for the "replacement acres" on T-10490 (attached). It appears that all remaining acres - including those remaining on tax lot 1200 – are identified and mapped so that you can see their exact location (the remaining rights are not hatchured, but are delineated by shading). Will you confirm exactly what you need from us on this?

Kathy – will you also confirm that SID will supply the affidavit of cancellation (0.5 acres from the Hunter QC)? The affidavit form can be found here. Thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Kathy Ferguson [mailto:kathy@swalley.com]
Sent: Tuesday, October 19, 2010 3:08 PM
To: Zach Tillman
Subject: Rupple

Hi Zach,

I guess I'm confused. This map has the 3.24 acres left on the property. Isn't this what you need?

Kathy Ferguson

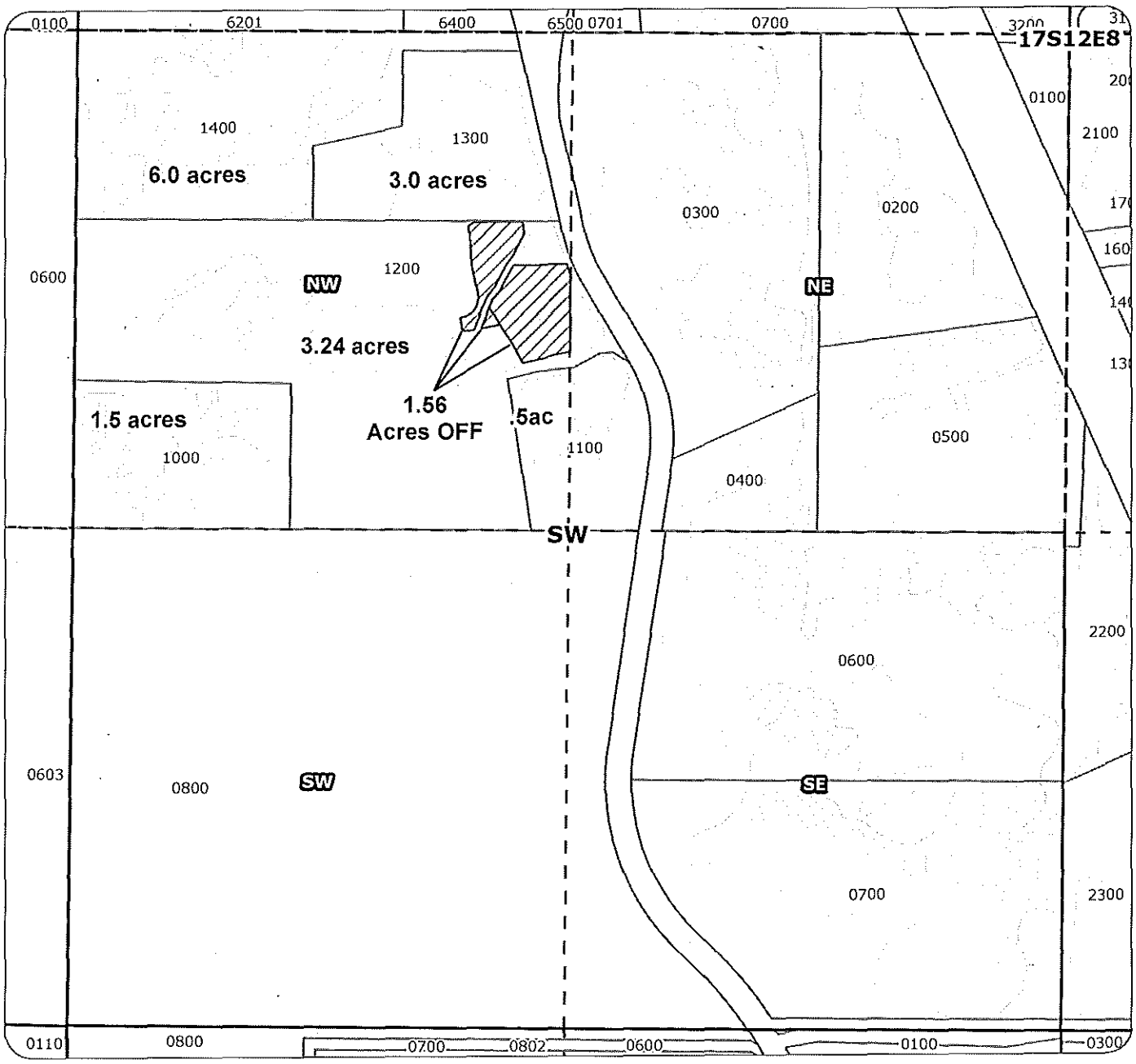
Office Manager
kathy@swalley.com
office: 541-388-0658
fax: 541-389-0433

_____ Information from ESET Smart Security, version of virus signature database 5546 (20101019) _____

The message was checked by ESET Smart Security.

http://www.eset.com

2010 Swalley Irrigation District Transfer Map

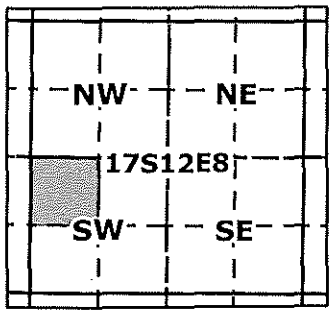


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



N

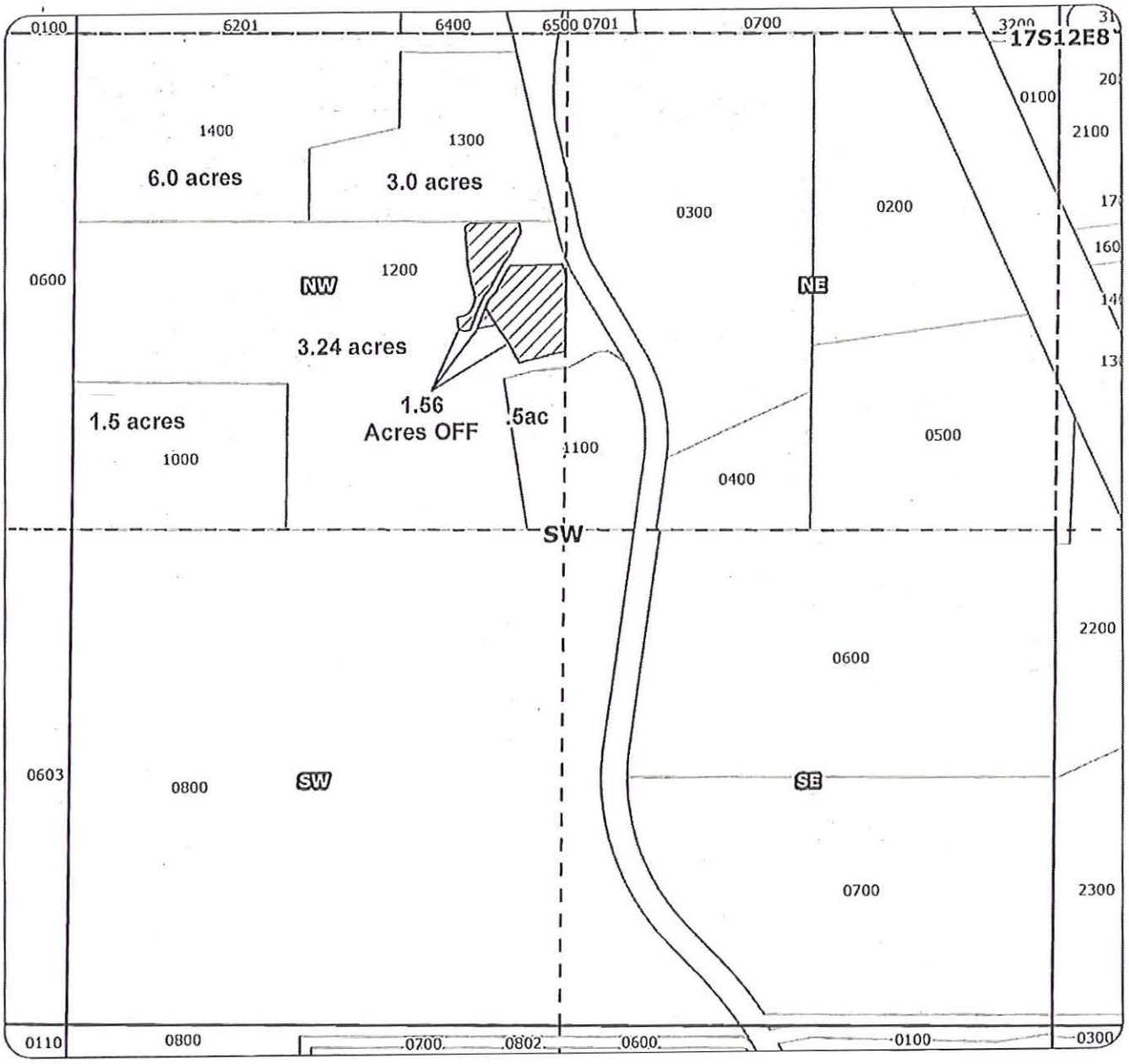
1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

original map

2010 Swalley Irrigation District Transfer Map

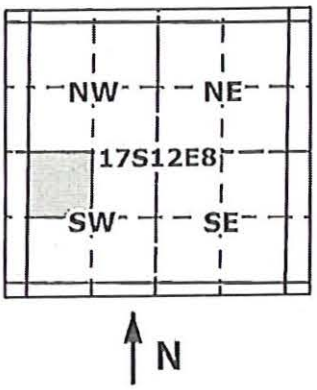


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

Laura Wilke

From: Laura Wilke
Sent: Thursday, October 07, 2010 12:01 PM
To: Zach Tillman; 'Kathy Ferguson'
Subject: T-10940 - need at this point to wrap up

Howdy:

Just been going through the T-10490 to see what we need to wrap up and get the DPD moving along:

1 - the revised map identified in the Setpember 29, 2010 deficiency letter.
2 - based on previous conversation with Zach, an affidavit to cancel 0.5 ac from lot 3400, sec 28, T17S, R12E. This is part of what the 1.56 ac of replacement acres is replacing. In order to move forward with transfer of 4.5 acre off of this lot, 0.5 needed to be cancelled. If you remember, the lot is only 4.5 ac in size but the water right identifies 5.0 ac. We just need to clean this up so there's nothing left after the transfer.

Here's the link to the affidavit: http://www1.wrd.state.or.us/pdfs/cancel_part_aff_2009.pdf

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Kathy Ferguson [kathy@swalley.com]
Sent: Thursday, October 07, 2010 10:46 AM
To: Laura Wilke
Cc: Zach Tillman
Subject: Re: T-10490 - small revision to deficiency letter

Laura,

This 2004 map was used by Swalley for beneficial use records. U = Used fully, P = partial use, D = Dry not used at all.

Kathy Ferguson
Office Manager
kathy@swalley.com
office: 541-388-0658
fax: 541-389-0433

----- Original Message -----
From: Laura Wilke
To: Kathy Ferguson ; Zach Tillman
Sent: Thursday, October 07, 2010 9:12 AM
Subject: FW: T-10490 - small revision to deficiency letter

Thanks Zach - we just need some additional confirmation from Swalley and we should be good to go for the affidavit.

Kathy - Would you please confirm that the attachment Zach sent is Swalley District records? And also that this is for 2004 and what U, P, and D on the map stand for. The main thing is that there's nothing on the map indicating this comes from Swalley. But I think with confirmation from you guys (Swalley) of the information, that the dots will be connected and the Department should be able to use this for the affidavit of use.

Then the last thing we'll need is the revised application map.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 3:28 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Hi Laura,

Please find the attached Irrigation District Records that you requested (as referenced in the Affidavit of Beneficial Use). This is the actual hard-copy record kept by SID's district water master – the Ruppel tax lot (#1200) is highlighted along the West flank of the map. "U" stands for Used Fully (during 2004).

While the aerial photograph you already have was taken the year after the transfer was submitted - in combination with these district records, this should satisfy beneficial use requirements. Will you

please confirm this? Thank you.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 10:21 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Howdy - the aerial included with the original replacement package doesn't work. It can't be used as evidence that the water right was used in the five years prior to the transfer being submitted since it's labeled as a 2008 photo and the application was submitted near the end of 2007. Need supporting documentation from the irrigation seasons running 2003 thru 2007.

Also, if using another aerial photo from the five years prior to the application being submitted, then we also need an affidavit of use consistent with that supporting documentation. Right now the affidavit identifies district records and not an aerial as the supporting documentation.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 10:16 AM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Darn it – I thought we had this wrapped up.

Kathy – does SID have "irrigation district records" that support the claim of BU? If so, I assume scanned copies sent via email will suffice? If not, then I think the aerial photo should suffice (Laura please confirm); however we'd then need a new affidavit indicating that the supporting documentation is... the aerial photo. Right?

Thanks,
ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 9:04 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: FW: T-10490 - small revision to deficiency letter

Zach - got a new affidavit from Swalley in the mail yesterday. Unfortunately we have the same problem as we did before. The box indicating that distrcit records were attached was checked but no documentation was included along with the affidavit.

Looks like we still need the items referenced in the attached letter.

Thanks, L'aura

From: Laura Wilke
Sent: Wednesday, September 29, 2010 11:05 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: T-10490 - small revision to deficiency letter

Zach - attached is a revised deficiency letter. I left out the bit about needing an original of the affidavit of use.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

_____ Information from ESET Smart Security, version of virus signature database 5512 (20101007) _____

The message was checked by ESET Smart Security.

http://www.eset.com

Laura Wilke

From: Laura Wilke
Sent: Thursday, October 07, 2010 9:13 AM
To: 'Kathy Ferguson'; 'Zach Tillman'
Subject: FW: T-10490 - small revision to deficiency letter
Attachments: 2004.10.11_Ruppel.BU_ID.Map.pdf

Thanks Zach - we just need some additional confirmation from Swalley and we should be good to go for the affidavit.

Kathy - Would you please confirm that the attachment Zach sent is Swalley District records? And also that this is for 2004 and what U, P, and D on the map stand for. The main thing is that there's nothing on the map indicating this comes from Swalley. But I think with confirmation from you guys (Swalley) of the information, that the dots will be connected and the Department should be able to use this for the affidavit of use.

Then the last thing we'll need is the revised application map.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 3:28 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Hi Laura,

Please find the attached Irrigation District Records that you requested (as referenced in the Affidavit of Beneficial Use). This is the actual hard-copy record kept by SID's district water master – the Ruppel tax lot (#1200) is highlighted along the West flank of the map. "U" stands for Used Fully (during 2004).

While the aerial photograph you already have was taken the year after the transfer was submitted - in combination with these district records, this should satisfy beneficial use requirements. Will you please confirm this? Thank you.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 10:21 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Howdy - the aerial included with the original replacement package doesn't work. It can't be used as evidence that the water right was used in the five years prior to the transfer being submitted since it's labeled as a 2008 photo and the application was submitted near the end of 2007. Need supporting documentation from the irrigation seasons running 2003 thru 2007.

Also, if using another aerial photo from the five years prior to the application being submitted, then we also need an affidavit of use consistent with that supporting documentation. Right now the affidavit identifies district records and not an aerial as the supporting documentation.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 10:16 AM
To: Laura Wilke
Cc: Kathy Ferguson
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Darn it – I thought we had this wrapped up.

Kathy – does SID have "irrigation district records" that support the claim of BU? If so, I assume scanned copies sent via email will suffice? If not, then I think the aerial photo should suffice (Laura please confirm); however we'd then need a new affidavit indicating that the supporting documentation is... the aerial photo. Right?

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From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 9:04 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: FW: T-10490 - small revision to deficiency letter

Zach - got a new affidavit from Swalley in the mail yesterday. Unfortunately we have the same problem as we did before. The box indicating that distrcit records were attached was checked but no documentation was included along with the affidavit.

Looks like we still need the items referenced in the attached letter.

Thanks, Laura

From: Laura Wilke
Sent: Wednesday, September 29, 2010 11:05 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: T-10490 - small revision to deficiency letter

Zach - attached is a revised deficiency letter. I left out the bit about needing an original of the affidavit of use.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 3:28 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter
Attachments: 2004.10.11_Ruppel.BU_ID.Map.pdf

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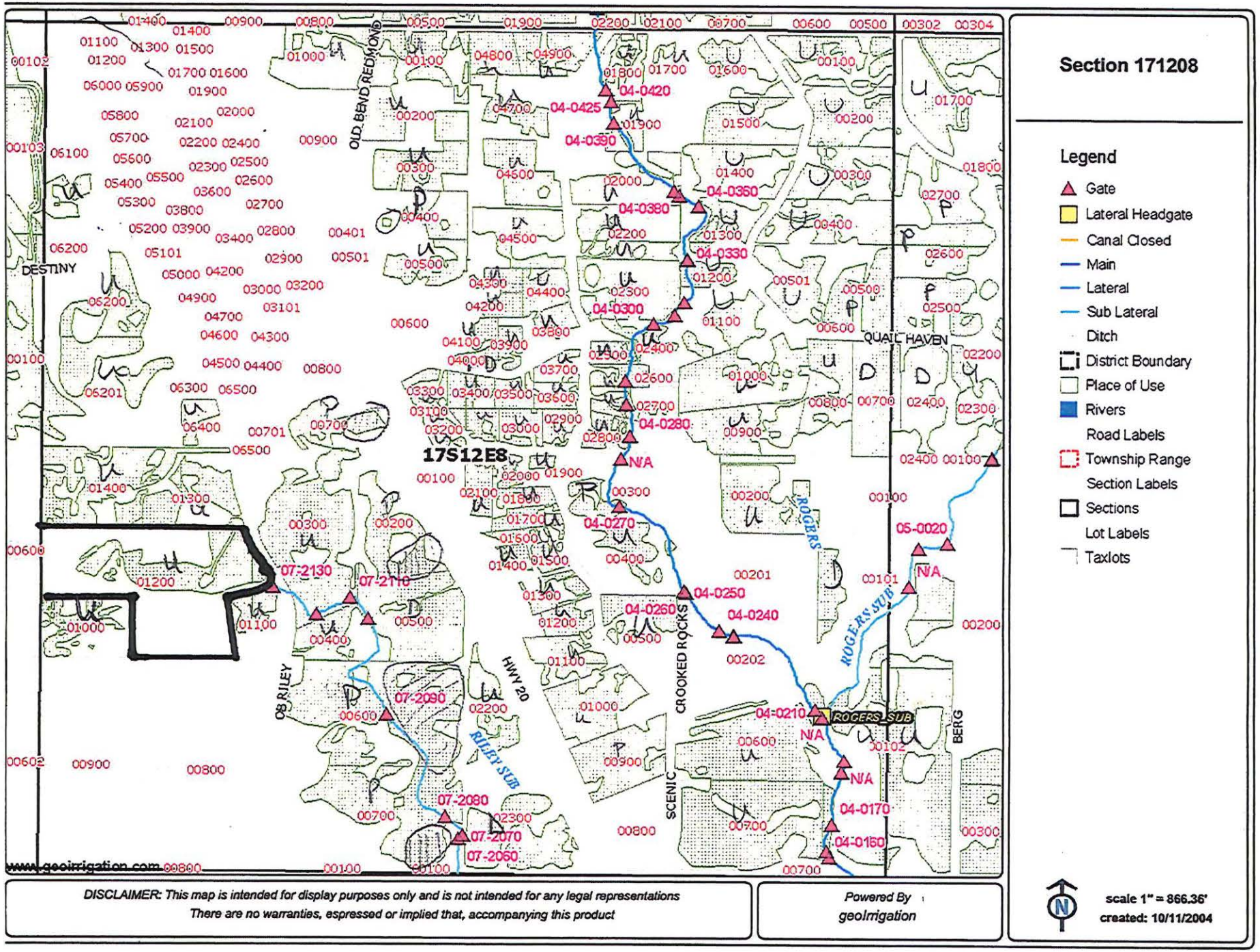
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Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903


Section 171208
Legend
Gate
Lateral Headgate
Canal Closed
Main
Lateral
Sub Lateral
Ditch
District Boundary
Place of Use
Rivers
Road Labels
Township Range
Section Labels
Sections
Lot Labels
Taxlots
17S12E8
DESTINY
QUAIL HAVEN
OLD BEND REDMOND
HWY 20
RILEY
CROOKED ROCKS
SCENIC
ROGERS
ROGERS SUB
RILEY SUB
BERG
04-0420
04-0425
04-0390
04-0360
04-0380
04-0330
04-0300
04-0280
04-0270
04-0250
04-0240
04-0260
04-0210
04-0170
04-0160
05-0020
07-2130
07-2110
07-2090
07-2080
07-2070
07-2060
N/A
www.geoirrigation.com
DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations
There are no warranties, espressed or implied that, accompanying this product
Powered By
geoIrrigation
scale 1" = 866.36'
created: 10/11/2004

Laura Wilke

From: Laura Wilke
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Cc: Kathy Ferguson
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Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Laura Wilke
Sent: Wednesday, October 06, 2010 9:04 AM
To: 'Zach Tillman'
Cc: 'Kathy Ferguson'
Subject: FW: T-10490 - small revision to deficiency letter
Attachments: 10490-defic-letter (replacement acres).pdf

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Fax: (503) 986-0903

Laura Wilke

From: Laura Wilke
Sent: Wednesday, September 29, 2010 11:08 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: FW: T-10490 - small revision to deficiency letter
Attachments: 10490-defic-letter (replacement acres).pdf

Affidavit of publication you may ask? No - affidavit of of use with original signature. Oops. Got the letter right though.

From: Laura Wilke
Sent: Wednesday, September 29, 2010 11:05 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: T-10490 - small revision to deficiency letter

Zach - attached is a revised deficiency letter. I left out the bit about needing an original of the affidavit of publication.

Thanks, Laura

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Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

September 29, 2010

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We are examining your amendment to the right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The affidavit of use for tax lot 1200 indicates that irrigation records are supplied for documentation, but no such records were included along with the affidavit. Please provide appropriate supporting documentation consistent with the affidavit of use. The supporting documentation should demonstrate that the water right was used in the five years prior to the transfer being submitted (2003 through 2007). The application was received November 23, 2007.

   In addition, please submit an original of the affidavit of use with an original signature.

2. In addition, a revised application map is needed. The map shows the location of the 1.56 acres of irrigation proposed for transfer. However, the map does not show the location of the remaining irrigation acres in lot 1200. Please submit a revised application map showing the 1.56 acres proposed for transfer and the remaining 3.24 acres not being transferred in lot 1200.

Please submit these additional materials by **October 29, 2010**, to Laura Wilke, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator

cc: Jeremy Giffin, District 11 Watermaster

Laura Wilke

From: Laura Wilke
Sent: Wednesday, September 29, 2010 10:00 AM
To: 'Zach Tillman'
Subject: RE: T-10490 / MP-111

Thanks Zach. And on the aerial photo - nope. It can't be used as evidence that the water right was used in the five years prior to the transfer being submitted since it's labeled as a 2008 photo and the application was submitted near the end of 2007. Need supporting documentation from the irrigation seasons running 2003 thru 2007.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, September 29, 2010 9:55 AM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 / MP-111

That makes sense, thanks for clarifying. Apparently, I misplaced the original affidavit, so Karl Conklin (SID's watermaster) has signed another one in which the *referenced* supporting documentation matches up. Just as a side clarification, I assume that we could just reference the 2008 aerial photo as evidence of BU, right?

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, September 29, 2010 8:01 AM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Howdy Zach - quick followup on the evidence of use. The District records referenced on the affidavit of use need to show that the water right was used in the five years prior to the transfer application being received. Application was received 11/23/2007. So we're looking for something within the 2003 thru 2007 seasons. Hopefully SID has some District records that show the water was used in full on the property in at least one of the five years prior to the transfer coming in.

Just thought I would add this clarification. I thought of this when I was looking at the aerial that came with the packet this morning and noticed it was dated for 2008. It's not the referenced support for the affidavit but it made me think that some clarification might be helpful.

Have a good one!

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, September 28, 2010 4:34 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Here is the ownership report.

I will forward your request regarding the supporting documentation of BU to SID. I am hoping we can tie this one up very soon ;)

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, September 28, 2010 4:32 PM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Thanks. I also just noticed that the affidavit of use referenced District records as the supporting documentation. No District records were included with the affidavit. There is an aerial photo but it looks like there should be some District records attached consistent with the affidavit.

And do you have an ownership report yet that goes with the quit claim or is that still to be submitted?

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, September 28, 2010 3:26 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Ooops – Yes, I'm on it.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

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Zach - would you please also send a copy in the mail. For the affidavit of use, we need copy with the original signature.

Thanks, Laura

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Sent: Thursday, September 16, 2010 10:34 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

Please find documentation for the "replacement acres" (1.56 acres) for T-10490 attached. This should bring the total of transferrable acres back up to 10 acres, right? I apologize for the delay, thanks.

ZT

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Howdy Zach - just wanted to do a quick check in and see how things are going on this one and if you need additional time.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

I have been having extreme difficulty getting the right docs from SID on this... and just discovered another issue we'll have to correct before I send you documentation. We may need several weeks to get it right.

It'll be approximately 1.5 acres when it arrives.

Zach

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Howdy Zach - just wanted to check back with you on this transfer and see if you have the replacement acres and documentation yet. I think it's been a couple months since I last checked in with you. Let me know if you need additional time (and how much).
Thanks, Laura

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Laura Wilke

From: Laura Wilke
Sent: Wednesday, September 29, 2010 9:22 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: T-10490 - items needed for replacement acres
Attachments: 10490-defic-letter (replacement acres).pdf

Zach -

Found another item we need to complete the packet for the replacement acres. At this point, we need the following:

1. Supporting documentation (district records) for the evidence of use affidavit that shows the water right was used (at least once) in the five years prior to the transfer being submitted (2003 thru 2007).

2. A revised application map showing the remaining portion of the right in lot 1200. Since this lot is larger than 5 acres, SID was required to map all 4.8 acres in lot 1200. The map submitted with the replacement acre packet does not show the location of the remaining 3.24 acres. Please have SID submit a revised application map showing both the location of the acres to be transferred and the remaining acres not being transferred.

I'll let you know if I come up with anything else. Attached is a short deficiency letter addressing the above. A hard copy is going out in the mail today to SID.

Thanks, Laura

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Laura Wilke

AmeriTitle
Part Of The JELD-WEN Family

IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy
700 NW Hill St
Bend OR 97701
Attn: Zach Tillman

Date Prepared : March 10, 2010
Report #1
Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

(a) "Customer": The person or persons named or shown on this cover sheet
(b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
(c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

(II) Liability of AmeriTitle:

(a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.

(b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.

(c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

(III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

Irrigation District Public Record Report
Conditions, Stipulations and Definitions, continued...

REPORT

Effective Date: January 15, 2008
Reference: 122220-28

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

See Attached Exhibit "A"

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

G. RAYMOND RUPPEL and M. SHARON RUPPEL,
as tenants by the entirety

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed
Recorded : December 15, 1992
Document No.: 285-1152, Deschutes County Records
Grantor : Edwards Family Revocable Trust, dated June 12, 1992
Grantee : G. Raymond Ruppel and M. Sharon Ruppel, husband and wife

Instrument : Warranty Deed
Recorded : March 2, 1993
Document No.: 291-2120, Deschutes County Records
Grantor : Edwards Family Revocable Trust, dated June 12, 1992
Grantee : C. Raymond Ruppel and Sharon Ruppel, husband and wife

Instrument : Quitclaim Deed
Recorded : February 13, 2003
Document No.: 2003-10147, Deschutes County Records
Grantor : C. Raymond Ruppel and Sharon Ruppel
Grantee : G. Raymond Ruppel and M. Sharon Ruppel

Instrument : Quitclaim Deed
Recorded : January 15, 2008
Document No.: 2008-01933, Deschutes County Records
Grantor : Ray and Sharon Ruppel
Grantee : Swalley Irrigation District (SID)
Also recorded: January 20, 2009
Document No.: 2009-02062, Deschutes County Records
Re-recorded: March 2, 2010
Volume-Page: 2010-08818, Deschutes County Records

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Eight (8), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Commencing at the Quarter section corner common to Sections Seven (7) and Eight (8), Township 17 South, Range 12, E.W.M., Deschutes County, Oregon; thence South 00°05'35" West 1318.83 feet to the point of beginning, said point being the South one-sixteenth section corner between said Sections 7 and 8; thence South 89°56'00" East 1221.76 feet along the East-West centerline of the South-West quarter of said Section 8; thence North 09°04'45" West 405.25 feet; thence North 75°29'09" East 82.58 feet to the Centerline of the Deschutes Reclamation and Irrigation Company secondary lateral; thence following along said lateral North 85°32'23" East 94.12 feet; thence North 62°07'01" East 81.66 feet; thence North 85°46'37" East 33.81 feet; thence South 55°53'34" East 52.57 feet, more or less, to the intersection of the westerly right-of-way of the O.B. Riley County Road; thence along said right-of-way North 27°52'24" West 413.84 feet; thence departing from said right-of-way North 89°19'51" West 1286.30 feet to the intersection of the West boundary of said Section 8; thence South 00°05'35" West 818.83 feet to the point of beginning.

EXCEPT FOR: A tract of land situated in the Northwest quarter of the Southwest quarter (NW1/4SW1/4) of Section Eight (8), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the one-quarter section corner common to Sections 7 and 8, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; thence South 00°05'35" West, along the line between said Sections 7 and 8, a distance of 927.00 feet to the point of beginning; thence continuing South 00°05'35" West 391.83 feet to the South sixteenth section corner common to said Sections 7 and 8; thence along the East-West centerline of the Southwest quarter of said Section 8, South 89°56'00" East 579.97 feet; thence departing from said East-West centerline, North 00°05'35" East 385.73 feet; thence North 89°19'51" West 580.00 feet, more or less, to the point of beginning.

Laura Wilke

From: Laura Wilke
Sent: Tuesday, September 28, 2010 4:32 PM
To: 'Zach Tillman'
Subject: RE: T-10490 / MP-111

Thanks. I also just noticed that the affidavit of use referenced District records as the supporting documentation. No District records were included with the affidavit. There is an aerial photo but it looks like there should be some District records attached consistent with the affidavit.

And do you have an ownership report yet that goes with the quit claim or is that still to be submitted?

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, September 28, 2010 3:26 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Ooops – Yes, I'm on it.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, September 28, 2010 3:16 PM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Zach - would you please also send a copy in the mail. For the affidavit of use, we need copy with the original signature.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, September 16, 2010 10:34 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

Please find documentation for the "replacement acres" (1.56 acres) for T-10490 attached. This should bring the total of transferrable acres back up to 10 acres, right? I apologize for the delay, thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, September 08, 2010 8:10 AM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Howdy Zach - just wanted to do a quick check in and see how things are going on this one and if you need additional time.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

I have been having extreme difficulty getting the right docs from SID on this... and just discovered another issue we'll have to correct before I send you documentation. We may need several weeks to get it right.

It'll be approximately 1.5 acres when it arrives.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, June 21, 2010 8:26 AM
To: Zach Tillman
Subject: T-10490 / MP-111

Howdy Zach - just wanted to check back with you on this transfer and see if you have the replacement acres and documentation yet. I think it's been a couple months since I last checked in with you. Let me know if you need additional time (and how much).
Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

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Fax: (503) 986-0903

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Attachments: 2010.9.10_Ruppel_QC.map.aff..pdf

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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2008-01933

$36.00

00593216200800019330020024

01/15/2008 02:34:06 PM

D-D Cnt=1 Stn=23 CLERK
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Ray and Sharon Ruppel releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 3.00 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application Ray and Sharon Ruppel shall no longer be liable for any district assessment or charges pertaining to the 3.00 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

T17S-R12E,WM-SEC08-NW/SW-01200.

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is $3,000.00

Grantor:

Ray Ruppel Date 11-16-07

Sharon Ruppel Date 11/16/07

State of Oregon SS.
County of Deschutes

Personally appeared Ray & Sharon Ruppel, and acknowledged the forgoing instrument to be his / her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

Swalley Irrigation District:

Janet L. Lee Date 1-15-2008

Janet L. Lee, Manager

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

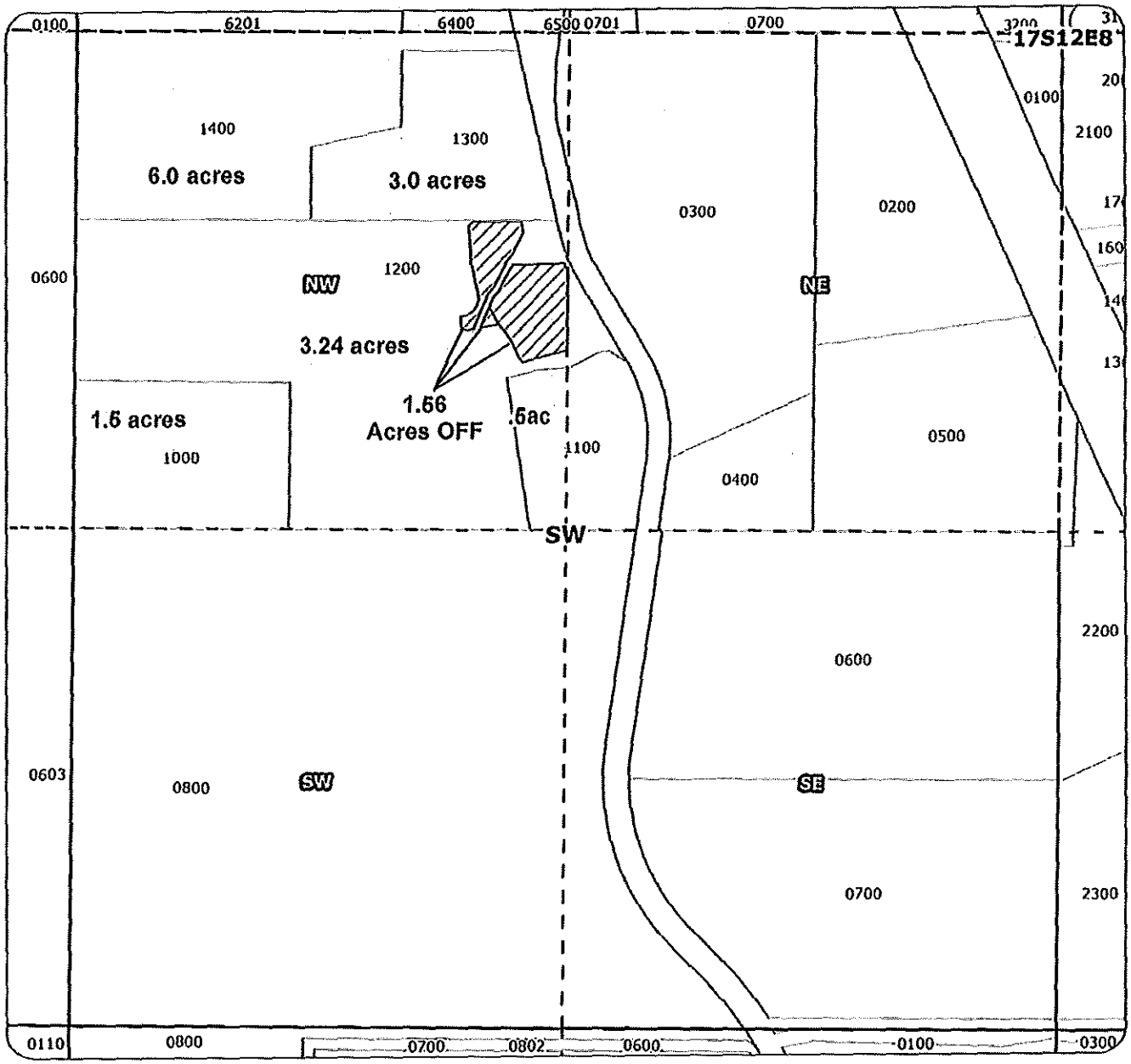
Tax statement: No change

Ray and Sharon Ruppel
Account # 1359

EXHIBIT A

		Total Water Rights:	3.00 Acres
Legal Description:	**Taxlot**	**Serial#**	**WR Acres:**
T17S-R12E-WM-SEC 8-NW/SW-01200	**171208C001200**		**3.00 AC**

2010 Swalley Irrigation District Transfer Map

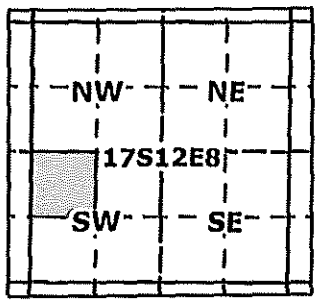


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



N

1 Inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Deschutes)

I, Karl Conklin, in my capacity as Field Operations Manager,

mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701

telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☐ Personal observation ☑ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	08	NW/SW	01200	3.00

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Pasture, landscape

5. The water delivery system used to apply water as authorized by the right is described below:
Delivered to his pond where he pumps into his irrigation system.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☑ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

Signature of Affiant

4/29/2010
Date

Signed and sworn to (or affirmed) before me this 29 day of April, 2010.

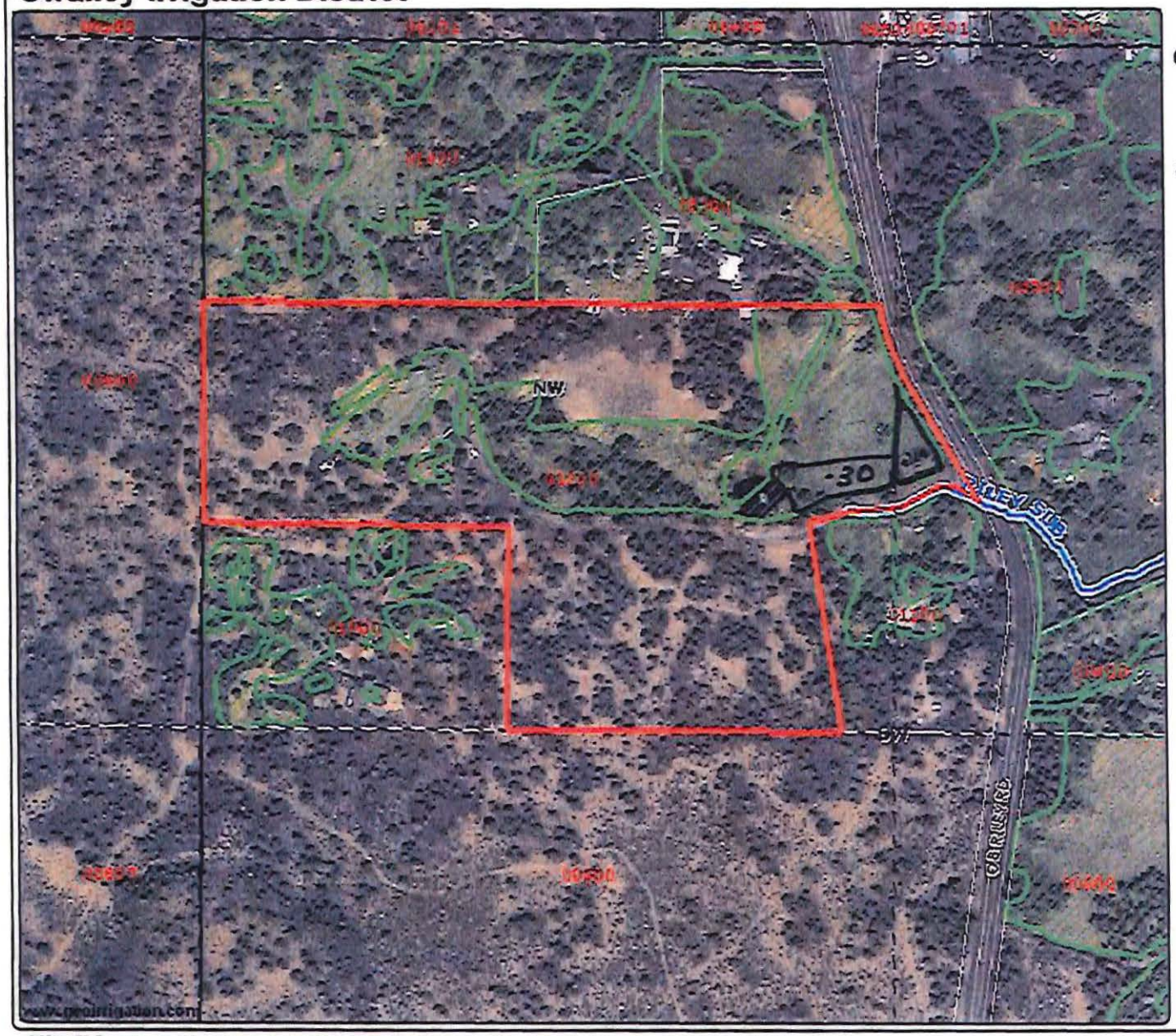
OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 8, 2014

Katherine Elaine Ferguson
Notary Public for Oregon

My Commission Expires: 1-5-2014

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

Swalley Irrigation District



Ray & Sharon Ruppel - 63747 Ob Riley Rd, Bend, OR 97701

17-12-08-NE/SW-01200 - .20 acres - 17-12-08-NW/SW-01200 - .30 acres, - Map date is 6-2008

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Canal All
- Canal Open
- Canal Piped
- POU District Hatch
- Rivers

Scale 1" = 275'
Created: 1/25/2010

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

Laura Wilke

From: Laura Wilke
Sent: Monday, June 21, 2010 2:27 PM
To: 'Zach Tillman'
Subject: RE: T-10490 / MP-111

Thanks for the update Zach. Sorry you're having probs getting the right stuff from Swalley. I'll just check back in a month if I haven't heard from you yet. And I'll stick this note in the file.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

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Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Laura Wilke

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Friday, April 02, 2010 3:25 PM
To: Laura Wilke
Subject: Re: Instream Transfer T-10490
Attachments: 10490-contacts.doc

Laura,

I'm putting all of my notes etc in the mail to you today, and I'll send Salem an invoice for the additional 7 hours. Attached is the Contacts list....I'm assuming you have the current version of the DPD, and copies of all deficiency letters that were sent out.

Don't hesitate to contact me if questions come up in the course of completing this transfer. Thanks!

Terry

Terrance Anthony
503-282-1953
conservationstrategies@comcast.net

> ----- Original Message -----
> **From:** Laura Wilke
> **To:** Terrance Anthony
> **Cc:** Salem Opeifa
> **Sent:** Tuesday, March 23, 2010 10:21 AM
> **Subject:** RE: Instream Transfer T-10490
>
> Howdy Terry and Salem – heard back from Zach (DRC). They would like to wrap up the RA contract. The Department will then take over the processing of the application.
>
> Terry, if you would send me whatever deliverables you have, including notes and such, and take care of whatever final billing you need to take care of with Salem.
>
> Terry – thanks for all your help on this one!
>
> Laura
>
> ---
>
> **From:** Terrance Anthony [mailto:conservationstrategies@comcast.net]
> **Sent:** Monday, March 22, 2010 3:46 PM
> **To:** Laura Wilke
> **Cc:** Salem Opeifa
> **Subject:** Re: Instream Transfer T-10490
>
> Very good. I'd like to move on this one way or the other -- invoice for the remaining 7 hours or else finish the transfer.
>
> Terry
>
> > ----- Original Message -----
> > **From:** Laura Wilke
> > **To:** Terrance Anthony
> > **Cc:** Salem Opeifa
> > **Sent:** Monday, March 22, 2010 12:43 PM

Subject: RE: Instream Transfer T-10490

Thanks Terry – let me pass this along to the DRC and see what they would like to do. They need to make some changes to the application (swap out some acres) and it would mean additional time for you. Let's see if they want to go that way. I'll keep you posted. Hang tight for now.

Laura

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Monday, March 22, 2010 12:39 PM
To: Laura Wilke
Cc: Salem Opeifa
Subject: Re: Instream Transfer T-10490

Hi Laura,

Believe it or not, I was going to call you today myself! So far on T10490 I've billed (and been paid) for 13.5 hours. I have accrued an additional 7.0 hours that I've not yet billed. That leaves 0.5 hours remaining on the estimate.

So, I essentially have no time left. Let me know if you would like to finish it up, in which case I'll submit what deliverables I have, or if you want me to submit a revised estimate. For the latter, I'll need to know where we stand on the applicant's progress toward meeting our requests, etc.

thanks,

Terry

----- Original Message -----
From: Laura Wilke
To: Terrance Anthony
Cc: Salem Opeifa
Sent: Monday, March 22, 2010 9:47 AM
Subject: Instream Transfer T-10490

Terry – wanted to check in and see where things were in terms of number of hours you have left available in the budget on this project. The applicant is in the process of making some changes and I wasn't sure how much time you had left to work with. Let me know.

Thanks!
Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
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Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Contacts for Application T-10490

Co-Applicants:

Deschutes River Conservancy
700 NW Hill Street
Bend, OR 97701
Attn: Zachary Tillman
Phone 541-382-4077
Fax 541-382-4078
zach@deschutesriver.org

Swalley Irrigation District
64672 Cook Ave. Suite #1
Bend, OR 97701
Phone 541-388-0658

Agent:
None

Receiving Landowner:
Oregon Water Resources Dept.

CWRE:
None

District #11 Watermaster – Jeremy Giffin

Local and Tribal Governments:
Deschutes County Community Development
117 NW Lafayette Ave
Bend OR 97701

Jefferson County
66 SE D St
Madras OR 97741

Wasco County
511 Washington St
The Dalles OR 97058

Sherman County
500 Court St
Moro OR 97039

City of Bend

PO Box 431
Bend OR 97709

City of Maupin
PO Box 308
Maupin OR 97307

Laura Wilke

From: Laura Wilke
Sent: Tuesday, March 23, 2010 10:18 AM
To: 'Zach Tillman'
Subject: RE: T-10490 - follow up on evidence of use issue

Cool! I'll pass this along to the contractor and Salem and have them wrap up the RA contract.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
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To: Laura Wilke
Subject: RE: T-10490 - follow up on evidence of use issue

Thanks for the heads up – let's take this transfer out of RA. I'll forward the info & documentation for the additional acres as soon as I have everything.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, March 23, 2010 9:25 AM
To: Zach Tillman
Subject: RE: T-10490 - follow up on evidence of use issue

Totally up to you. I can work it either way. It does look like this one might be next up on my work list anyway – for what it's worth. But we are also heading into the busy instream leasing season. But if you want to take the transfer out of RA, I can have the contractor wrap things up and take care of final billing. Just need to clear go ahead from you.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, March 23, 2010 9:20 AM
To: Laura Wilke
Subject: RE: T-10490 - follow up on evidence of use issue

Well I guess we would need a compelling reason to use RA at this point. It seems like it would be more trouble than it's worth for the few additional acres we have on this transfer?

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, March 22, 2010 1:44 PM
To: Zach Tillman
Subject: FW: T-10490 - follow up on evidence of use issue

Zach – checked in with the RA contractor. He has about 0.5 hours left in his original estimate. We can

have him put together a new estimate once you get the new materials together. Or we can have him wrap up what he's got so far, do his final billing, and close out his end. If you decide to step out of the RA process, then I would pick up the application as part of my regular work load.

Laura

From: Laura Wilke
Sent: Monday, March 22, 2010 9:45 AM
To: 'Zach Tillman'
Subject: RE: T-10490 - follow up on evidence of use issue

I'm not sure there'd be any refund at this point. I'll find out where the contractor is in terms of hours left, let you know, and then we can go from there.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, March 22, 2010 9:43 AM
To: Laura Wilke
Subject: RE: T-10490 - follow up on evidence of use issue

Whichever is quicker I guess. If RA is just going to take longer, then please hold off – we'd love the refund ☺

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, March 22, 2010 8:55 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up on evidence of use issue

Thanks Zach – I'll check back with you in a month and see how things are going on this one. Do you want to make any changes as far as leaving this application in reimbursement?

Have a good one!

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Friday, March 19, 2010 1:32 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up on evidence of use issue

Thanks for checking & clarifying Laura. So we are now working to replace 1.56 acres on this transfer – see attached spreadsheet. I hope to have the documentation for these acres submitted within a month or so. Will that work? Thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Thursday, March 18, 2010 8:19 AM
To: Zach Tillman
Subject: T-10490 - follow up on evidence of use issue

Zach – I think you're right on in terms of going ahead and replacing the acres in the SE SW of Section 17. I took a look back at all of the documentation that's been provided, including the letter from Bobbie Elliot. At this point, there is not sufficient information in the file to demonstrate full use on the portion of lot 1300 in the SE SW of Section 17. Additional information would be needed before we could transfer all of 0.3 acre of irrigation and 0.5 acre of dust abatement. I've probably sent this to you before but I've attached a list of example documentation that was put together as follow up to a meeting we all had in October, 2008.

Please let me know if you need anything else. And how much time you might need to put the replacement acres together.

Also, this application is still in the reimbursement program. Do you want to continue having the application reviewed by a contractor? Not sure where the contractor is in terms of remaining hours or need for any additional hours. But thought I would check in and see what you would like to do on this front.

Have a good one! I should be here most of the day and will be out on mandatory furlough tomorrow.

Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Friday, March 19, 2010 1:32 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up on evidence of use issue
Attachments: 2010.2.22_Replacement Acres.xlsx

Thanks for checking & clarifying Laura. So we are now working to replace 1.56 acres on this transfer – see attached spreadsheet. I hope to have the documentation for these acres submitted within a month or so. Will that work? Thanks.

ZT

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541-382-4077, x.21
zach@deschutesriver.org

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Name	Acres	Use	Location(s)					Mitigation	
			T	S	R	QQ	T/L	Desired	Actual
Hunter	5	IRR	17	12	28	NWNE	3400	9.0	8.1
KDV	1.9	IRR	17	12	17	NESW	1300	3.4	3.4
	2.3	Dust	17	12	17	NESW	1300	4.1	3.7
	0.3	IRR	17	12	17	SESW	1300	0.5	0.0
	0.5	Dust	17	12	17	SESW	1300	0.9	0.0
								18	**15.2**

(3/16/10) Wilke double checking if this POU has BU - Wilke to confirm via email

Credits	
Desired	18
Actual	15.2
Difference	2.8
Acre-Equiv	**1.56** acres

Laura Wilke

From: Laura Wilke

Sent: Thursday, March 18, 2010 8:19 AM

To: 'Zach Tillman'

Subject: T-10490 - follow up on evidence of use issue

Attachments: Transfers_supporting doc-affidavit-of-use-11_25_08.doc

Zach – I think you're right on in terms of going ahead and replacing the acres in the SE SW of Section 17. I took a look back at all of the documentation that's been provided, including the letter from Bobbie Elliot. At this point, there is not sufficient information in the file to demonstrate full use on the portion of lot 1300 in the SE SW of Section 17. Additional information would be needed before we could transfer all of 0.3 acre of irrigation and 0.5 acre of dust abatement. I've probably sent this to you before but I've attached a list of example documentation that was put together as follow up to a meeting we all had in October, 2008.

Please let me know if you need anything else. And how much time you might need to put the replacement acres together.

Also, this application is still in the reimbursement program. Do you want to continue having the application reviewed by a contractor? Not sure where the contractor is in terms of remaining hours or need for any additional hours. But thought I would check in and see what you would like to do on this front.

Have a good one! I should be here most of the day and will be out on mandatory furlough tomorrow.

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Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Tuesday, February 16, 2010 10:57 AM
To: Laura Wilke
Subject: RE: T-10490 - follow up deficiency letter

Hi Laura,

Yes – I've informed SID of the needed number of replacement acres and am waiting to see the actual WR's. Once I know the WR's involved, I can order the title report, map etc & get you the files. My best guess at this point would be a month. Also, would you cc SID on correspondence for this transfer please? Thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Tuesday, February 16, 2010 9:40 AM
To: Zach Tillman
Subject: FW: T-10490 - follow up deficiency letter
Importance: High

Howdy Zach – forgot to ask you how much more time you need on this application to pull stuff together. Let me know and I can set this one aside for "x" amount of time. Just need a number of days, months, whatever for tracking purposes.

Thanks, Laura

From: Laura Wilke
Sent: Monday, January 25, 2010 8:48 AM
To: 'Zach Tillman'
Subject: RE: T-10490 - follow up deficiency letter

Howdy Zach – see notes below in **green.**

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, January 21, 2010 3:26 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up deficiency letter

Hi Laura,

Thanks again for the reminder on this.

Upon review, we will most likely be replacing the ½ acre referenced in item #2. May we request an extension to gather the necessary paperwork?

For item #2 – sure – an extension would be just fine. And also if still wanting to transfer the 4.5

out of lot 3400, we would also need Swalley to cancel the remaining 0.5 acre in order to move forward with the transfer off of lot 3400. We can't leave the 0.5 acre behind that doesn't appear to really be there anyway.

We feel item #1 merits further discussion. We have submitted an affidavit of BU and 3 forms of supporting documentation, including a signed letter from the former property manager attesting to the use of water under the dust abatement right. If I am interpreting the deficiency letter correctly, OWRD is unsure of BU b/c of the visual inspection maps (2003-2005) submitted that show a "P" for partial use in the SE/SW. However a dust abatement right is by definition *not* for the purpose of irrigating, or making an area "green" – so how would a visual inspection by SID's senior ditch rider *at a given point in time* corroborate the BU of this right (unless he happened to be there when the sprinklers were on)? We feel that the affidavit, supported by the property manager's statement qualifies this portion of the right under the transfer requirements – if not, how would one show BU for a dust abatement right in a horse arena?

I'm not sure but there may be a misunderstanding. Got the info from Kyle on the dust abatement and will be using that to move forward in terms of how much (quantity of water) may be transferred instream without injury/enlargement. However, the question is about the supporting documentation submitted as evidence that water had been used in the last five years, being the SID use records. These records didn't include the lands in the SE SW of Section 17 (irrigation of 0.3 acre and 0.5 ac Dust Abatement). They did include the NE SW (4.2 ac – 1.9 ac irrigation and 2.3 ac dust) but not the SE SW of Sec 17. We just need evidence of use, perhaps some other SID records, which show water was used on these lands in the last five years. I've attached the SID record, as an example, which included the NE SW but not the SE SW.

Have a good one! Laura

Please advise. Thanks Laura,
ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, December 21, 2009 11:37 AM
To: Zach Tillman; Kathy Ferguson
Cc: Jeremy Giffin
Subject: T-10490 - follow up deficiency letter

Good Morning:

Attached is a follow up letter requesting some additional information for T-10490 that will be going out in the mail on tomorrow. Feel free to give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
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725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Laura Wilke

From: Laura Wilke
Sent: Thursday, January 28, 2010 10:31 AM
To: 'Zach Tillman'
Subject: RE: T-10490 - follow up deficiency letter

Howdy Zach – it doesn't look like the maps you sent are going to get us there.

1 – There's nothing on the maps except your note indicating that these are Swalley ditch rider records.
2 – It appears that the maps are only indicating that there was partial use in the SE SW of Section 17. The 2003 map indicates partial use on all of lot 1300, the 2004 maps seems to be showing that there was full use in the upper part of lot 1300 but only partial use in the lower part (which appears to be in the SE SW), and the 2005 map seems to be showing the same as the 2004 map.

We need something from Swalley, or other documentation, indicating that there was full use occurring on the portion of lot 1300 in the SE SW of Section 17 before we can transfer all 0.3 ac of irrigation and 0.5 ac of dust abatement.

Let me know what you want to do.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, January 27, 2010 12:47 PM
To: Laura Wilke
Subject: RE: T-10490 - follow up deficiency letter

Hi Laura,

Please take a look at the attached irrigation district records of BU occurring on the KDV property (2003-2005). My hope is that this addresses the issues outlined in the latest deficiency letter – Item #1. Thanks.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, January 25, 2010 8:48 AM
To: Zach Tillman
Subject: RE: T-10490 - follow up deficiency letter

Howdy Zach – see notes below in **green.**

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, January 21, 2010 3:26 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up deficiency letter

Hi Laura,

Thanks again for the reminder on this.

Upon review, we will most likely be replacing the ½ acre referenced in item #2. May we request an extension to gather the necessary paperwork?

For item #2 – sure – an extension would be just fine. And also if still wanting to transfer the 4.5 out of lot 3400, we would also need Swalley to cancel the remaining 0.5 acre in order to move forward with the transfer off of lot 3400. We can't leave the 0.5 acre behind that doesn't appear to really be there anyway.

We feel item #1 merits further discussion. We have submitted an affidavit of BU and 3 forms of supporting documentation, including a signed letter from the former property manager attesting to the use of water under the dust abatement right. If I am interpreting the deficiency letter correctly, OWRD is unsure of BU b/c of the visual inspection maps (2003-2005) submitted that show a "P" for partial use in the SE/SW. However a dust abatement right is by definition *not* for the purpose of irrigating, or making an area "green" – so how would a visual inspection by SID's senior ditch rider *at a given point in time* corroborate the BU of this right (unless he happened to be there when the sprinklers were on)? We feel that the affidavit, supported by the property manager's statement qualifies this portion of the right under the transfer requirements – if not, how would one show BU for a dust abatement right in a horse arena?

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Have a good one! Laura

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Thanks, Laura

Laura Wilke
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Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Wednesday, January 27, 2010 12:47 PM
To: Laura Wilke
Subject: RE: T-10490 - follow up deficiency letter
Attachments: KDV.BU_ConklinRecords.pdf

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zach@deschutesriver.org

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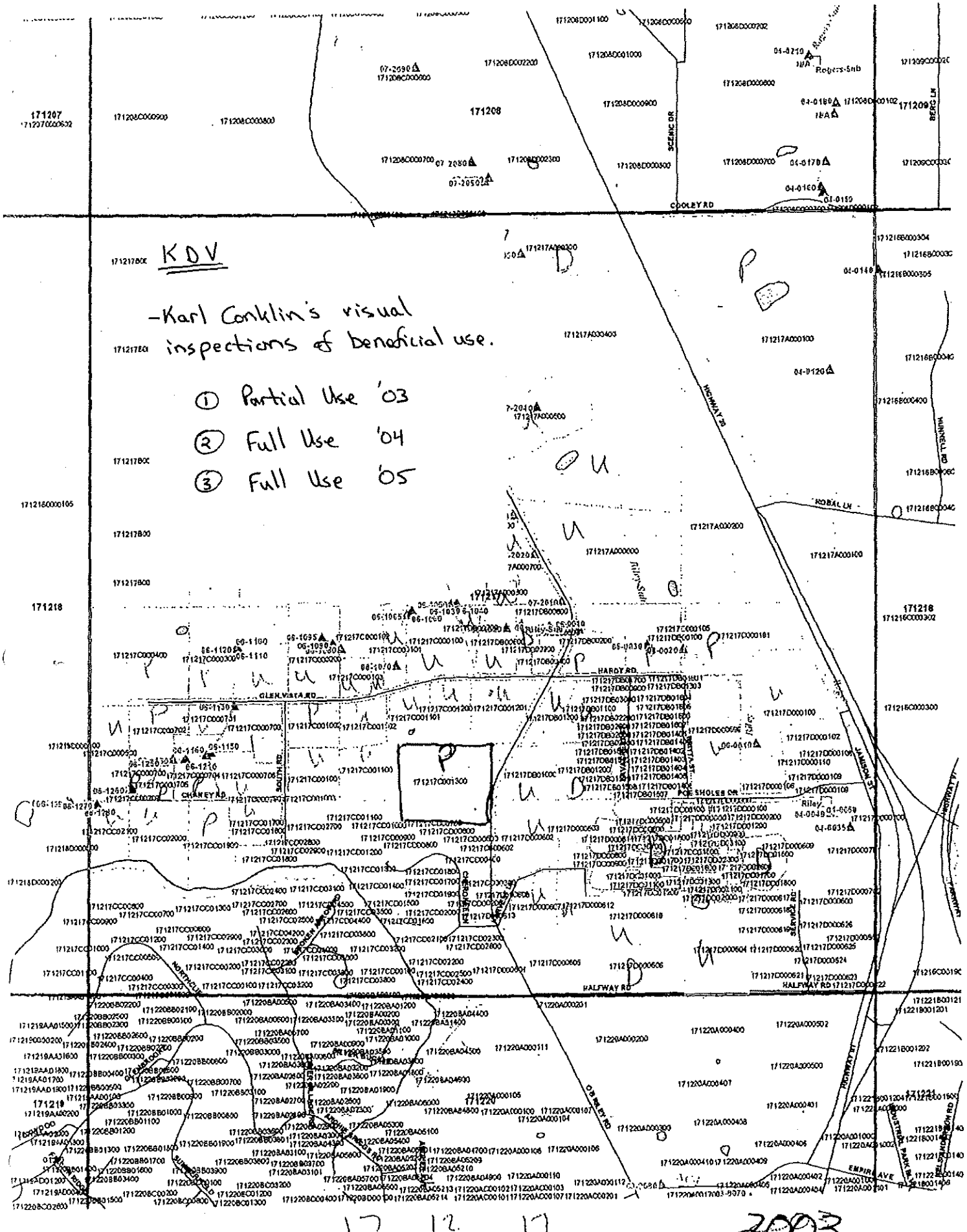
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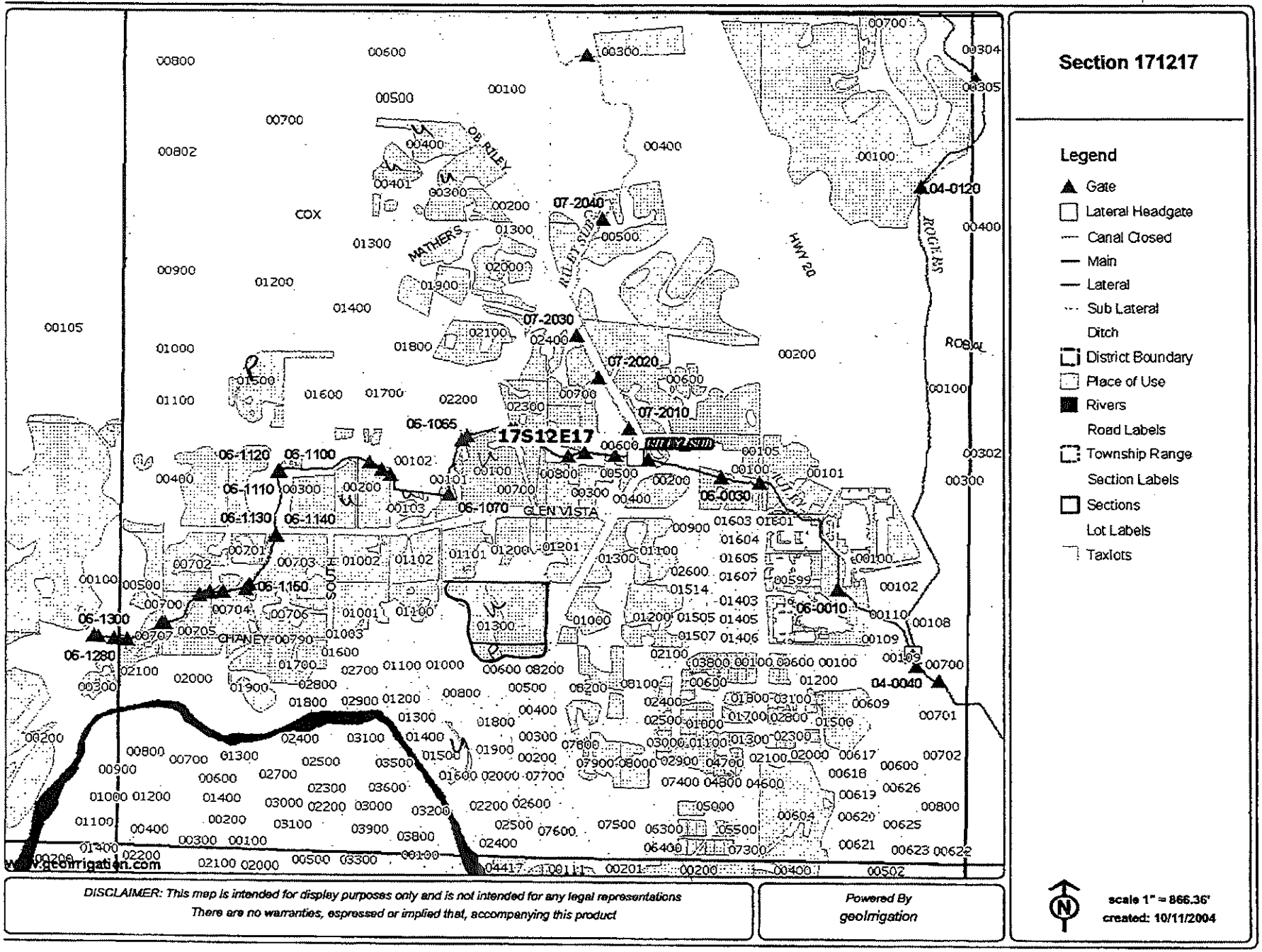
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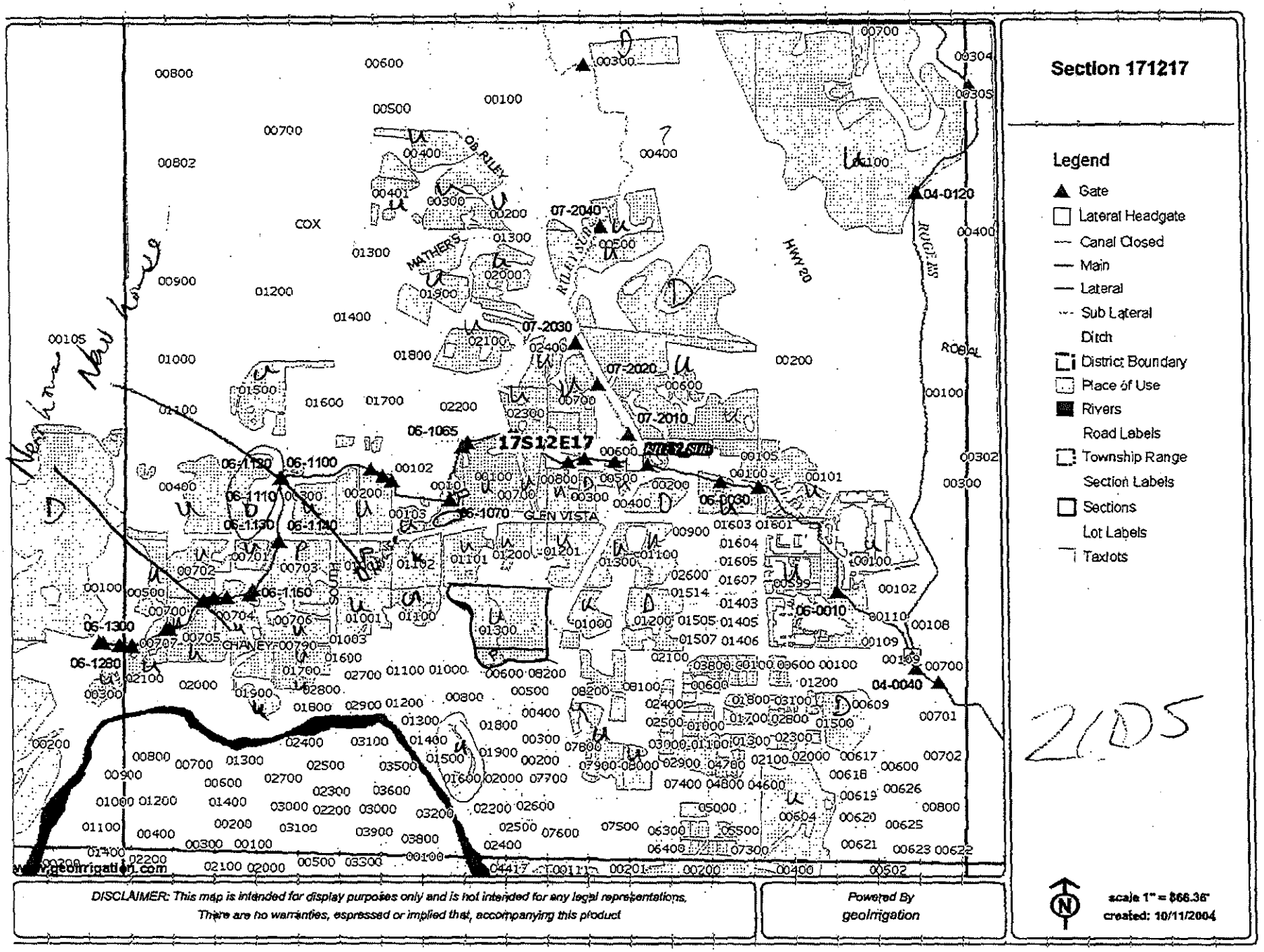
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Web: www.wrd.state.or.us


KDV
-Karl Conklin's visual inspections of beneficial use.
① Partial Use '03
② Full Use '04
③ Full Use '05
171207
171208
171218
171219
171220
HIGHWAY 99
COOLEY RD
HARDY RD
GLEN VISTA RD
CHANEY RD
HALFWAY RD
SOUTH RD
NORTH RD
ROBAL LN
Rogers-Snb
Riley
17 12 17
2003

2004


Section 171217
Legend
Gate
Lateral Headgate
Canal Closed
Main
Lateral
Sub Lateral
Ditch
District Boundary
Place of Use
Rivers
Road Labels
Township Range
Section Labels
Sections
Lot Labels
Taxlots
17S12E17
07-2040
07-2030
07-2020
07-2010
06-1055
06-1120
06-1100
06-1110
06-1130
06-1140
06-1150
06-1300
06-1280
06-1070
06-0030
06-0010
04-0120
04-0040
COX
O.B. RILEY
MATHERS
GLEN VISTA
CHANEY
HWY 20
ROGERS
ROBAL
www.geoirrigation.com
DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations
There are no warranties, espressed or implied that, accompanying this product
Powered By
geoIrrigation
scale 1" = 866.36'
created: 10/11/2004


Section 171217
Legend
Gate
Lateral Headgate
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Main
Lateral
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Township Range
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17S12E17
07-2040
07-2030
07-2020
07-2010
06-1065
06-1100
06-1110
06-1120
06-1130
06-1140
06-1150
06-1070
06-1300
06-1280
06-0030
06-0010
04-0120
04-0040
GLEN VISTA
CHANEY
COX
MATHERS
O'B RILEY
HWY 20
ROBAL
205
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Laura Wilke

From: Laura Wilke
Sent: Monday, January 25, 2010 8:48 AM
To: 'Zach Tillman'
Subject: RE: T-10490 - follow up deficiency letter
Attachments: 10490-NESW-supportdoc.pdf

Howdy Zach – see notes below in **green.**

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, January 21, 2010 3:26 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up deficiency letter

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For item #2 – sure – an extension would be just fine. And also if still wanting to transfer the 4.5 out of lot 3400, we would also need Swalley to cancel the remaining 0.5 acre in order to move forward with the transfer off of lot 3400. We can't leave the 0.5 acre behind that doesn't appear to really be there anyway.

We feel item #1 merits further discussion. We have submitted an affidavit of BU and 3 forms of supporting documentation, including a signed letter from the former property manager attesting to the use of water under the dust abatement right. If I am interpreting the deficiency letter correctly, OWRD is unsure of BU b/c of the visual inspection maps (2003-2005) submitted that show a "P" for partial use in the SE/SW. However a dust abatement right is by definition *not* for the purpose of irrigating, or making an area "green" – so how would a visual inspection by SID's senior ditch rider *at a given point in time* corroborate the BU of this right (unless he happened to be there when the sprinklers were on)? We feel that the affidavit, supported by the property manager's statement qualifies this portion of the right under the transfer requirements – if not, how would one show BU for a dust abatement right in a horse arena?

I'm not sure but there may be a misunderstanding. Got the info from Kyle on the dust abatement and will be using that to move forward in terms of how much (quantity of water) may be transferred instream without injury/enlargement. However, the question is about the supporting documentation submitted as evidence that water had been used in the last five years, being the SID use records. These records didn't include the lands in the SE SW of Section 17 (irrigation of 0.3 acre and 0.5 ac Dust Abatement). They did include the NE SW (4.2 ac – 1.9 ac irrigation and 2.3 ac dust) but not the SE SW of Sec 17. We just need evidence of use, perhaps some other SID records, which show water was used on these lands in the last five years. I've attached the SID record, as an example, which included the NE SW but not the SE SW.

Have a good one! Laura

Please advise. Thanks Laura,
ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, December 21, 2009 11:37 AM
To: Zach Tillman; Kathy Ferguson
Cc: Jeremy Giffin
Subject: T-10490 - follow up deficiency letter

Good Morning:

Attached is a follow up letter requesting some additional information for T-10490 that will be going out in the mail on tomorrow. Feel free to give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

				COMPLIANCE					
				2003	2004	2005	2006	2007	
-NE/NW									
	1102	Dickson, David C. & Betty	2.40	U	U	U	U	U	
	2031	Thomson, John D. & Judith W.	3.70	U	U	U	U	U	
01	1102	Dickson, David C. & Betty	0.40	U	U	U	U	U	
17-12-17-NE/SE									
00100	1094	Deschutes Co. Sheriff Department	4.40	U	U	U	U	U	
00599	1094	Deschutes Co. Sheriff Department	3.10	U	U	U	U	U	
00101	1498	Deschutes Co. Rural Fire Protection Dist 2	1.00	P	P	P	U	U	
17-12-17-NE/SW									
01002	1983	Tyner, James A. & Sherri L.	2.25	P	P	P	P	P	
00700	1228	Kiesow, Daniel & Joani	0.75	U	U	U	U	U	
00800	1228	Kiesow, Daniel & Joani	0.45	U	U	U	P	P	
01001	1049	Buchman, William L. & Kitty	2.00	U	U	U	U	U	
01101	1180	Harris, Barbara	1.70	U	U	U	U	U	
00200	1070	Collver, Richard & Letha	3.40	U	U	U	U	U	
01102	2186	Taylor, Charles Hap, Taylor, Roxanne	2.00	U	U	U	U	U	
00102	1070	Collver, Richard & Letha	0.20						
01300	1564	Swalley Irrigation District Reserve Account	1.90				QC	QC	
00100	1234	Klein, Greg & Patricia	4.00	U	U	U	U	U	
01201	1500	Jones, Dwaine W. & Beverly J.	0.40	U	U	U	U	U	
00101	2093	Knoell, Michael C.	1.00	U	U	U	D	D	
00103	1070	Collver, Richard & Letha	0.40	U	U	U	U	U	
01200	1287	McMahon, Thomas & Margaret	1.50	U	U	U	U	U	
01100	2169	Miller, Richard, Miller, Marcia	1.00	U	U	U	P	U	
★ 01300	1564	Swalley Irrigation District Reserve Account	4.20	P	U	U	QC	QC	KDV, LLC
17-12-17-NW/NE									
00300	1994	Calvary Chapel Bend	2.00	D	D	D	D	U	
00500	1270	Marshall (Trustees), Ansel N. & Martina M.	1.50	U	U	U	IS/U	IS/U	
00100	1158	Gumpert (Trustee), Lois M.	1.90	P	U	U	U	U	
17-12-17-NW/SE									
01201	1500	Jones, Dwaine W. & Beverly J.	2.60	U	U	U	U	U	
00100	1564	Swalley Irrigation District Reserve Account	2.00				QC	QC	
01300	2142	Bearse,Robert	1.00	U	U	U	U	U	
00500	1956	Bowerman, Jayson L.	0.50	U	U	U	U	U	
01100	1327	Pearson, Donna	1.50	U	U	U	U	U	
01000	1087	Defoe, Donald R. & Theresa G.	1.50	U	U	U	U	U	
00200	1373	Schulzke, Richard A.	0.50	P	P	P	U	D	
00300	1142	Gertz, Robert & Marial	1.00	D	D	D	IS	IS	
00800	1228	Kiesow, Daniel & Joani	1.60	U	U	U	U	P	
01200	1530	Brawner, Brian J. & Debra J.	2.00	U	P	P	P	U	
0200A	1564	Swalley Irrigation District Reserve Account	1.50				QC	QC	
17-12-17-NW/SW									
00703	2170	Sherrill, Kenneth	3.00	P	P	P	U	U	
00704	1393	Sporalsky, Dennis & Virginia	1.75	P	P	U	U	P	
00706	1989	Parr, Daniel E. & Susan L.	2.00	U	U	U	U	U	
00700	1738	Hicks, Kent	0.50	P	P	P	P	P	
00701	1312	Norgaard (etux), Edward G.	1.00	U	U	U	U	U	
00400	1068	Clenaghen Family LLC	3.50	P	P	U	U	P	
00300	1331	Perrigan (Trustee), Vonda Lu	3.60	P	U	P	P	P	
00705	1080	Danison, Arlene	0.75	P	P	U	U	U	
00702	1128	Ford (Trustee), Dean W.	2.00	P	U	U	U	U	
00500	2091	Duhn, R. Eric & Michelle A.	2.00	U	U	U	U	U	
17-12-17-SE/NW									
01900	1280	McCombs, Stephen & Judy	2.50	U	U	U	U	U	
02000	1657	Gallaty (Trustees), Steve & Carol	1.60	U	U	U	U	U	
00300	2031	Thomson, John D. & Judith W.	0.30	U	U	U	U	U	
02400	2053	Savage, Cain W. & Carolyn M.	0.70	U	U	U	U	U	
02300	1229	Kiesow, Joan & Anne Marie	1.80	U	U	U	U	U	
02100	1441	Weaver, James & Judith	3.10	U	U	U	U	U	

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Thursday, January 21, 2010 3:26 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - follow up deficiency letter
Attachments: 10490-defic-letter4.pdf

Hi Laura,

Thanks again for the reminder on this.

Upon review, we will most likely be replacing the ½ acre referenced in item #2. May we request an extension to gather the necessary paperwork?

We feel item #1 merits further discussion. We have submitted an affidavit of BU and 3 forms of supporting documentation, including a signed letter from the former property manager attesting to the use of water under the dust abatement right. If I am interpreting the deficiency letter correctly, OWRD is unsure of BU b/c of the visual inspection maps (2003-2005) submitted that show a "P" for partial use in the SE/SW. However a dust abatement right is by definition *not* for the purpose of irrigating, or making an area "green" – so how would a visual inspection by SID's senior ditch rider *at a given point in time* corroborate the BU of this right (unless he happened to be there when the sprinklers were on)? We feel that the affidavit, supported by the property manager's statement qualifies this portion of the right under the transfer requirements – if not, how would one show BU for a dust abatement right in a horse arena?

Please advise. Thanks Laura,
ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, December 21, 2009 11:37 AM
To: Zach Tillman; Kathy Ferguson
Cc: Jeremy Giffin
Subject: T-10490 - follow up deficiency letter

Good Morning:

Attached is a follow up letter requesting some additional information for T-10490 that will be going out in the mail on tomorrow. Feel free to give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Laura Wilke

From: Laura Wilke
Sent: Monday, December 21, 2009 11:37 AM
To: 'Zach Tillman'; 'Kathy Ferguson'
Cc: Jeremy Giffin
Subject: T-10490 - follow up deficiency letter
Attachments: 10490-defic-letter4.pdf

Good Morning:

Attached is a follow up letter requesting some additional information for T-10490 that will be going out in the mail on tomorrow. Feel free to give me a call if you have any questions.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 22, 2009

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We have come upon two additional issues that need to be resolved before we can continue processing your application.

1. The Swalley Irrigation District (SID) records provided as evidence of use do not include lands in the SE SW Section 17 associated with TL 1300 that are proposed for transfer. Please submit the SID records for these lands, or provide evidence of use by another means.

2. Upon review of Department and Deschutes County records, it appears that tax lot 3400 is approximately 5.0 acres in size. The application map identifies that there are 5.0 acres of irrigation with some open areas shown on the map that appear to be occupied by structures, a pond, a driveway, and scrubby non irrigated areas. Based on initial evaluation, it appears that there may only be 4.5 acres available for transfer. If you would like to rebut this preliminary finding, please submit additional information that supports irrigation of 5.0 acres. If we do not receive any additional information, the Draft Preliminary Determination will either propose denial of this part of the application or just list 4.5 acres as the quantity to be transferred. If only moving forward with 4.5 acres, it may also be necessary to cancel the remaining balance (0.5 acre) that would not be available for transfer and as a remaining right.

Please submit these additional materials by **January 20, 2010**, to Laura Wilke, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator
Field Services Division

cc: Jeremy Giffin, District 11 Waterrmaster

Laura Wilke

From: Laura Wilke
Sent: Friday, November 20, 2009 9:03 AM
To: 'Zach Tillman'; 'Kathy Ferguson'
Cc: Jeremy Giffin
Subject: T-10490 - follow up deficiency letter
Attachments: 10490-defic-letter3.pdf

Good Morning:

Attached is a letter requesting some additional information for T-10490 that will be going out in the mail on Monday. Feel free to give me a call if you have any questions.

I'm hoping that these are the last couple of issues that need to be addressed before we can move forward.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903
Web: www.wrd.state.or.us

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 20, 2009

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We have come upon two additional issues that need to be resolved before we can continue processing your application.

1. The Swalley Irrigation District (SID) records provided as evidence of use do not include lands in the SE SW Section 17 associated with TL 1300 that are proposed for transfer. Please submit the SID records for these lands, or provide evidence of use by another means.

2. Upon review of Department and Deschutes County records, it appears that tax lot 3400 is approximately 5.0 acres in size. The application map identifies that there are 5.0 acres of irrigation with some open areas shown on the map that appear to be occupied by structures, a pond, a driveway, and scrubby non irrigated areas. Based on initial evaluation, it appears that there may only be 4.5 acres available for transfer. If you would like to rebut this preliminary finding, please submit additional information that supports irrigation of 5.0 acres. If we do not receive any additional information, the Draft Preliminary Determination will likely list 4.5 acres as the quantity to be transferred. It may also be necessary to cancel the remaining balance that would not be available for transfer and as a remaining right.

Please submit these additional materials by **December 19, 2009**, to Laura Wilke, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Wilke
Flow Restoration Program Coordinator
Field Services Division

cc: Jeremy Giffin, District 11 Waterrmaster

Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, August 05, 2008 10:29 AM
To: 'Zach Tillman'; 'jan@swalley.com'
Cc: Jeremy Giffin
Attachments: 10490-def-ltr-2.pdf

Good Morning!

Attached is a follow up deficiency letter for instream transfer T-10490. A hard copy is going out in the mail tomorrow.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

July 25, 2008

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We have reviewed your response to our letter of April 7, 2008. We still require additional information before we can continue processing your application. Without this additional information, the Department may issue a denial of the transfer application.

1. For tax lot 1300, please provide more specific information regarding the use of water for dust abatement. Useful details would include sizing and capacity of applicator (i.e. hose, water truck (size of truck and number of fills per day or per week), sprinklers), number of hours per that week water could have been applied beneficially (e.g. 1 hour each morning, 6 days a week in August) for each month during the irrigation season, and actual area to which water was applied (e.g. 500 linear feet of race track; staging area 0.5 acres etc.). The purpose of this additional information is to quantify the portion of the right available for transfer, considering beneficial use without waste, and to calculate the amount of mitigation that may be awarded to the mitigation project.

Please submit these additional materials by August 30, 2008, to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Water Rights Transfer Specialist

cc: Jeremy Giffin, District 11 Watermaster
Swalley Irrigation District

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 7, 2008

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The affidavit for tax lot 3400 indicates that irrigation records are supplied for documentation, but no such records were included with the application. Please indicate if such records are available and can be provided. Given the low quality of the aerial photo, this information would be useful. If an aerial photo is the only supporting documentation for evidence of use, the photograph needs to include the following:

   - The date on which the photograph was taken. This should be shown on the photograph or be otherwise documented.
   - The aerial photograph should be of sufficient quality to be interpreted.
   - The imagery on the aerial photograph should represent the use proposed for transfer. For example, clearly show the irrigated field (area) proposed for transfer.

2. For tax lot 1300, the aerial photograph provided as supporting documentation to the affidavit of use is difficult to interpret and does not include the date on which the photograph was taken. Please provide an aerial photograph, that meets the criteria described above, or other documentation to demonstrate that the use of water for irrigation and dust abatement has occurred on the property within the five years prior to the submission of the transfer application. If an aerial photograph is used as supporting documentation for use of water for dust abatement, please provide an explanation of how the aerial photograph represents that use.

3. Also for tax lot 1300, please provide some documentation and/or explanation in support of the quantity of water and land area on which dust abatement rights were used. Additional information regarding season, duration, quantity, and regularity of use as well as application method would also assist us in determining the quantity of water available for transfer and mitigation credits.

Please submit these additional materials by **May 7, 2008**, to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Senior Water Resources Coordinator

cc: Jeremy Giffin, District 11 Watermaster

enclosures

Laura Snedaker

From: Zach Tillman [zach@deschutesriver.org]
Sent: Monday, November 26, 2007 4:01 PM
To: Laura Snedaker
Subject: RE: latest SID instream transfer

OK

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, November 26, 2007 3:41 PM
To: Zach Tillman
Subject: RE: latest SID instream transfer

Thanks Zach! Please send the original by snail mail and I'll make sure it gets into the file.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, November 26, 2007 3:39 PM
To: Laura Snedaker
Subject: RE: latest SID instream transfer

Hi Laura,

Attached is the signature page of the application form w/Jan Lee's signature (representing SID).

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, November 26, 2007 9:34 AM
To: Zach Tillman
Subject: latest SID instream transfer
Importance: High

Zach:

Just got the latest application for an instream transfer/mitigation project for SID's right. Came across a few things that need to be addressed.

1. The application needs to be signed by SID. Only have the DRC's signature at this point.
2. Need copies of "notice of intent to file instream transfer" sent to affected local governments (for a reach from the POD to LBC this would include Deschutes County, City of Bend, and Jefferson County).
3. It's identified that the affidavits of use (both) are supported by dated aerial photographs. But I don't see any dates identifying when the photo was taken. We may ask for better aerials during the review process. This is just a heads up for now unless you want to go ahead and take care of it now.
4. Also, on the affidavit of use for lot 3400 it's identified that the affidavit is also supported by other records such as Farm Service Agency crop reports. But no additional documents were attached to the affidavit.

Need the first two items (to get things moving) and the other two can be addressed later during the review process. I'm forwarding the application to Sarah to accept and we'll go from there.

Thanks, laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker
Sent: Monday, November 26, 2007 9:48 AM
To: 'Zach Tillman'
Subject: FW: Land Use Compatibility Requirements for Instream Transfers
Attachments: SAC.pdf

Zach – I don't know if you need this or not but thought I would resend just in case.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Bob Rice
Sent: Friday, September 14, 2007 2:40 PM
To: fritz@owt.org; steve@owt.org; david@owt.org; kim@owt.org; scott@deschutesriver.org; andy@deschutesriver.org; Brett@deschutesrc.org; kate@deschutesriver.org; gen@deschutesriver.org; zach@deschutesriver.org; shannon.peterson@kbrt.org
Cc: Debbie Colbert; Laura Snedaker
Subject: Land Use Compatibility Requirements for Instream Transfers

Greetings Conservation Partners:

Debbie asked that I share the following information with you, which will hopefully reduce your transaction time and costs, while being consistent with our land use coordination process. If you have any questions, please give Laura or me a call. Thanks!

*****

Recently it has been called to our attention that the Department's process for coordinating compatibility with local comprehensive plans on land use matters associated with instream transfers is not consistent with our adopted State Agency Coordination process.

This e-mail is to let you know that you do not have to submit the Department's Land Use Information Form for instream transfers. Instead, as described in the Land use Planning Procedure Guide (pages 55 and 56 are attached), you will need to:

1) Identify affected local governments and notify the local government planning departments of the intent to file an instream transfer application; and,

2) Submit copies of this notification to the Department as part of an instream water right transfer application.

To help you with this requirement, I am attaching a sample notice to a local government that can be

modified to fit your situation.

The local governments to be notified would be the governments within the area (reach) of the proposed instream use. For example, if a water right were to be transferred instream in the Deschutes River from a point of diversion just above the City of Bend to Lake Billy Chinook at River Mile 120, the following local governments would need to be notified:

Counties

Deschutes County Planning Department
1300 NW Wall Street, Suite 200,
Bend, Oregon 97701-1947

Jefferson County Planning Department
66 SE "D" Street
Madras, OR 97741

Cities

City of Bend – Planning Division
710 NW Wall Street
Bend, OR 97701

For cities, only the incorporated city governments need to be notified. The Oregon Blue Book (http://bluebook.state.or.us/local/) can assist in determining which cities are incorporated.

*****

Date:

TO: Local Planning Department

FROM:

SUBJECT: Proposed Instream Water Right Transfer In Your Jurisdiction

We are notifying you of our intent to transfer a water right to instream use. We will be submitting an application to the Oregon Water Resources Department changing the place of use to the _____ River from *(describe the reach)*.

We propose to transfer approximately ___ cfs instream with a _____ priority date. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at _____.

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

III. INSTREAM WATER RIGHTS: COORDINATION AND COMPATIBILITY PROCEDURES

(Also refer to OAR Chapter 690, Division 77, Instream Water Rights.)

A. Public Notice - The Department will:

1. Require applicant agencies to identify affected local governments, to notify affected local government planning departments of the intent to apply for an instream water right, and to submit copies of this notification to the Department as part of an instream water right application.

2. Provide notification of instream water rights application submittals to affected local governments. Allow local governments 60 days to comment on issues related to the compatibility of the proposal with acknowledged comprehensive plans before the Director may presume compatibility. The Department's notification will include the following items:

   a) Identification of applicant agencies
   b) Identification of affected local governments;
   c) Description of the proposed instream water right and identification of affected water sources
   d) The purpose of the instream water right;
   e) An invitation for local planning agencies to identify and submit to the Department applicable policies or provisions in local comprehensive plans that relate to instream flow protection and/or other uses of the water under consideration;
   f) A request, if a locality believes the proposal to be incompatible with its comprehensive plan, for evidence that the local plan provisions would provide a greater public benefit than the proposed instream right as prescribed in OAR 690, Division 77; and,
   g) An offer to discuss the proposal with interested local governments.

B. Public Involvement - Any person or agency including local governments may file a petition with the Director requesting a review of public interest issues.

C. Public Interest - The Department will:

1. Evaluate whether the proposed instream water right will adversely affect the public interest. If a public interest issue is found to exist, the Director is authorized to negotiate in attempts to resolve the issue. If the issued cannot be resolved, the Director must submit the proposal to the Commission for a contested case hearing under ORS 537.170 (5).

   OAR Chapter 690, Division 77 provides standards for making public interest determinations when reviewing instream water right requests. The Water Resources Commission may modify or condition a proposed instream water right if the proposed right would preclude "planned uses with a reasonable chance of being developed that would provide a greater benefit to the public from the use of the unappropriated water available." "Planned" is defined in these rules as a situation where "a determination has been made for a specific course of action either by administrative or budgetary action of a public body or by engineering, design work, investment toward construction application for a development permit from the private sector."

2. Review petitions requesting that multi-purpose storage projects, municipal water rights, or municipal hydroelectric projects take precedence over a previously established instream water right (created through OAR 690-77-020).

D. Land Use Compatibility - The Director may presume that issuance of the instream water right is compatible with comprehensive plans unless informed otherwise within 30 days of the date shown on the Department's notice of the proposed instream water right application submittal. If the Department is informed that a proposed instream right is incompatible with local comprehensive plans, the Department will follow dispute resolution procedures in the SAC General Coordination rules prior to approving an instream water right.

E. Local Participation - The Department will encourage local planning agencies to identify where instream flows need protection and to request appropriate state agencies to apply for instream water rights. The Department will pursue this action in conjunction with periodic review of comprehensive plans and basin program updates.

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

July 25, 2008

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We have reviewed your response to our letter of April 7, 2008. We still require additional information before we can continue processing your application. Without this additional information, the Department may issue a denial of the transfer application.

1. For tax lot 1300, please provide more specific information regarding the use of water for dust abatement. Useful details would include sizing and capacity of applicator (i.e. hose, water truck (size of truck and number of fills per day or per week), sprinklers), number of hours per that week water could have been applied beneficially (e.g. 1 hour each morning, 6 days a week in August) for each month during the irrigation season, and actual area to which water was applied (e.g. 500 linear feet of race track; staging area 0.5 acres etc.). The purpose of this additional information is to quantify the portion of the right available for transfer, considering beneficial use without waste, and to calculate the amount of mitigation that may be awarded to the mitigation project.

Please submit these additional materials by August 30, 2008, to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Water Rights Transfer Specialist

cc: Jeremy Giffin, District 11 Watermaster
Swalley Irrigation District

Laura Snedaker

From: Bob Rice
Sent: Wednesday, March 26, 2008 10:04 AM
To: 'Laura.K.SNEDAKER@wrd.state.or.us'
Subject: FW: CW-54 Swalley

Importance: High

Laura,

The DRC is requesting that the CWA go first, before the two instream transfers on SID. (See below).

--Bob

Bob Rice
Field Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0885
Fax: 503.986.0903
www.wrd.state.or.us

-----Original Message-----
From: Andy Fischer [mailto:andy@deschutesriver.org]
Sent: Wednesday, March 26, 2008 8:51 AM
To: Bob Rice
Subject: RE: CW-54 Swalley

Hey Bob,
I went through your calculations and they look fine. The slight difference in our duties is because you rounded the rates to the hundredths place, where as I took them to the ten thousands in most instances. In the end it may add up to an acre foot difference or so, but it's not a big deal. I assume for simplicity sake, the department doesn't want to go beyond the hundredths place when making rate/duty calculations, which I understand why.

I spoke with Scott and Zach about the Swalley transfers/conserved water application overlap and we decided we would like to have the conserved water processed first. This is primarily due to amount of water associated with the Swalley CWA and the impact it will have on the
middle Deschutes this coming irrigation season.

Please let me know if you need any further information regarding this application.

Thanks,

Andy

Andy Fischer
Conservation Project Manager
The Deschutes River Conservancy
Direct Phone: 541.728.8688
www.deschutesriver.org

-----Original Message-----
From: Bob Rice [mailto:ricerd@wrd.state.or.us]
Sent: Monday, March 24, 2008 1:41 PM
To: Andy Fischer
Subject: CW-54 Swalley

Hi Andy,

I'm doing some number crunching for CW-54 (SID), and came up with slightly different duty amounts than what you calculated. In some instances your numbers are a little higher and in others a little lower.
I'm guessing that this is due to some rounding differences.

On the attached spreadsheet (Increments page), your numbers are in yellow, and my calculation are uncolored. Do you concur with my calculations, or can you provide me with more info that describes how you got your numbers?

Many thanks!

--Bob Rice

503-986-0885
<<rate & duty.xls>>

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before January 10, 2008. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

```
County:              Deschutes
Transfer:            T -10490
Water Right:         Cert: 74145 CF *
Priority Date:       1899
Name:                DESCHUTES RIVER CONSERVANCY
                     SWALLEY IRRIGATION DISTRICT

Address:             700 NW HILL ST, BEND, OR, 97701

Change:              USE, POU, POD
Source:              DESCHUTES RIVER > COLUMBIA RIVER
Authorized USE:      IRRIGATION
Proposed   USE:      INSTREAM
Authorized POU:      T17S R12E 17,28
Proposed   POU:      POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
Authorized POD:      T17S R12E 29
Proposed   POD:      POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
```

Laura Snedaker

From: Laura Snedaker
Sent: Monday, November 26, 2007 9:39 AM
To: 'Zach Tillman'
Subject: latest SID instream transfer
Importance: High

Zach:

Just got the latest application for an instream transfer/mitigation project for SID's right. Came across a few things that need to be addressed.

1. The application needs to be signed by SID. Only have the DRC's signature at this point.
2. Need copies of "notice of intent to file instream transfer" sent to affected local governments (for a reach from the POD to LBC this would include Deschutes County, City of Bend, and Jefferson County).
3. It's identified that the affidavits of use (both) are supported by dated aerial photographs. But I don't see any dates identifying when the photo was taken. We may ask for better aerials during the review process. This is just a heads up for now unless you want to go ahead and take care of it now.
4. Also, on the affidavit of use for lot 3400 it's identified that the affidavit is also supported by other records such as Farm Service Agency crop reports. But no additional documents were attached to the affidavit.

Need the first two items (to get things moving) and the other two can be addressed later during the review process. I'm forwarding the application to Sarah to accept and we'll go from there.

Thanks, laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of Deschutes)

I/We (or authorized agent),
Swalley Irrigation District, residing at
64672 Cook Ave., Ste #1, Bend, OR 97701,
telephone 541-388-0658, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number quitclaimed (to dist.) water in tax lot 3400, within the NW ¼ NE ¼, Section 28, Township 17 N/S, Range 12 E/W, of the Willamette Meridian, in Deschutes County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 74145 issued to Swalley Irrigation District, with a date of priority of 1899 for use of season 3 max 86.844 cubic foot per second of water from Deschutes River (source) for the purpose of Irrigation (use) is appurtenant to my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here)*
Swalley Irrigation District)

4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. *(Signature of district manager on the line below documents consent of the district.)*

Suzanne Butterfield — Signature of district manager
Suzanne Butterfield — Printed Name
12-6-2010 — Date

5. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of S3 max 0.010 cubic foot per second from the Deschutes River for irrigation, and irrigation of 0.5 acres located:

(use) (if applicable)

nw ¼	ne ¼	0.5	Acres
¼	¼		Acres
¼	¼		Acres

Section 28
Township 17 N/S, Range 12 E/W, WM; and

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6. I/We request the portion of the water right described above be canceled.

Suzanne Buttafuoco — 12-6-10

Signature of legal owner as listed on deed, or authorized agent — Date

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 6th day of December, 2010.

Katherine Elaine Ferguson
Notary Public for Oregon

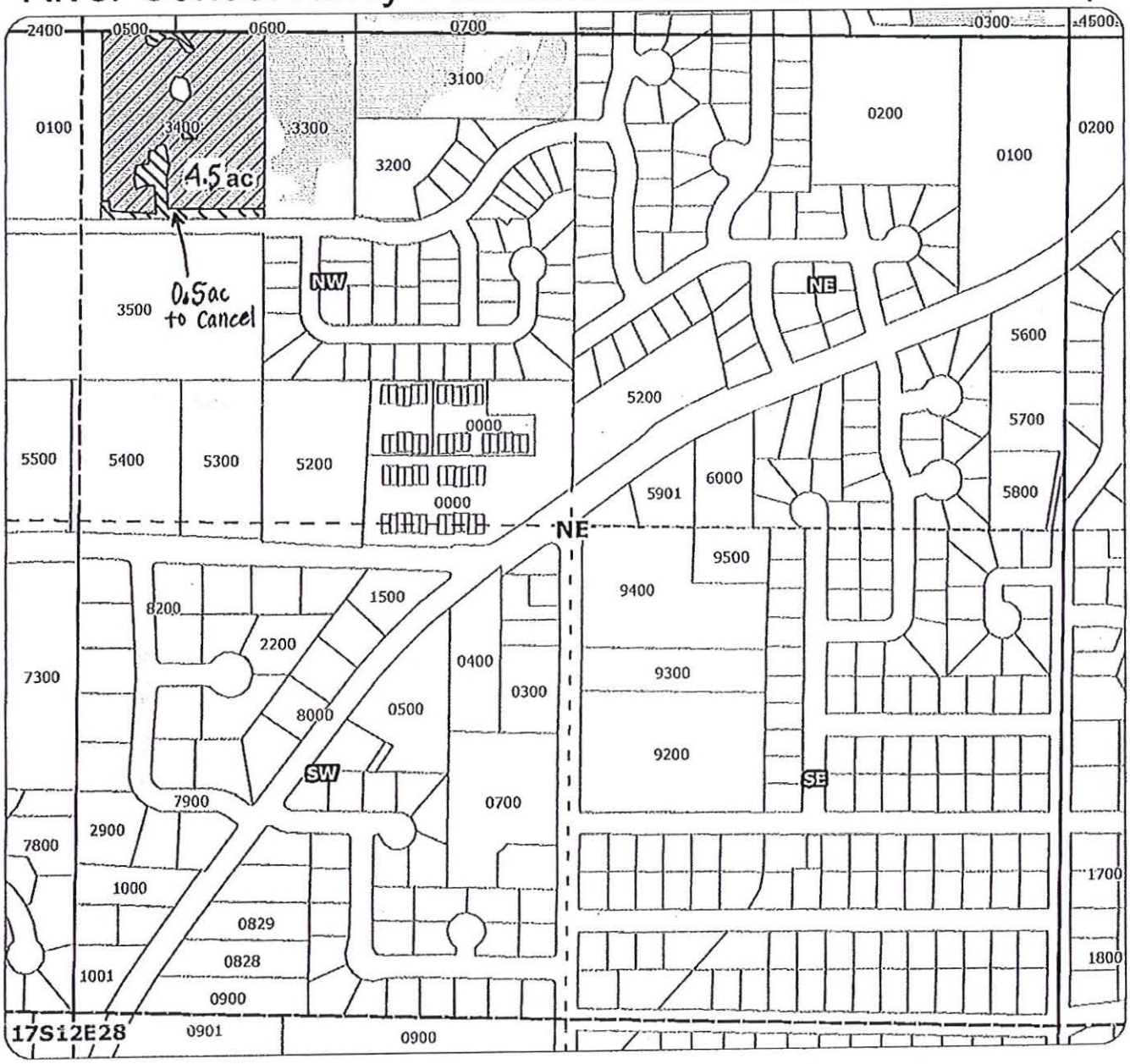
OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 5, 2014

My Commission Expires 1-5-2014

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



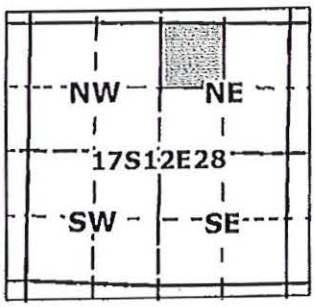
Application for Permanent Instream Transfer

0.5 acres Proposed Cancellation

Proposed Transfer of Irrigation Rights

Water Rights

for
Swalley Irrigation District
4.5 acres
taxlot 3400
(171228NWNE)



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

N

1 inch equals 400 feet

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Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Tuesday, October 19, 2010 3:24 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: FW: Rupple
Attachments: Swalley_RayRuppel_OFF_1.56.pdf

Hi Laura,

In response to the deficiency letter dated 9/29/2010, Kathy & I have taken another look at the application map for the "replacement acres" on T-10490 (attached). It appears that all remaining acres - including those remaining on tax lot 1200 – are identified and mapped so that you can see their exact location (the remaining rights are not hatchured, but are delineated by shading). Will you confirm exactly what you need from us on this?

Kathy – will you also confirm that SID will supply the affidavit of cancellation (0.5 acres from the Hunter QC)? The affidavit form can be found here. Thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Kathy Ferguson [mailto:kathy@swalley.com]
Sent: Tuesday, October 19, 2010 3:08 PM
To: Zach Tillman
Subject: Rupple

Hi Zach,

I guess I'm confused. This map has the 3.24 acres left on the property. Isn't this what you need?

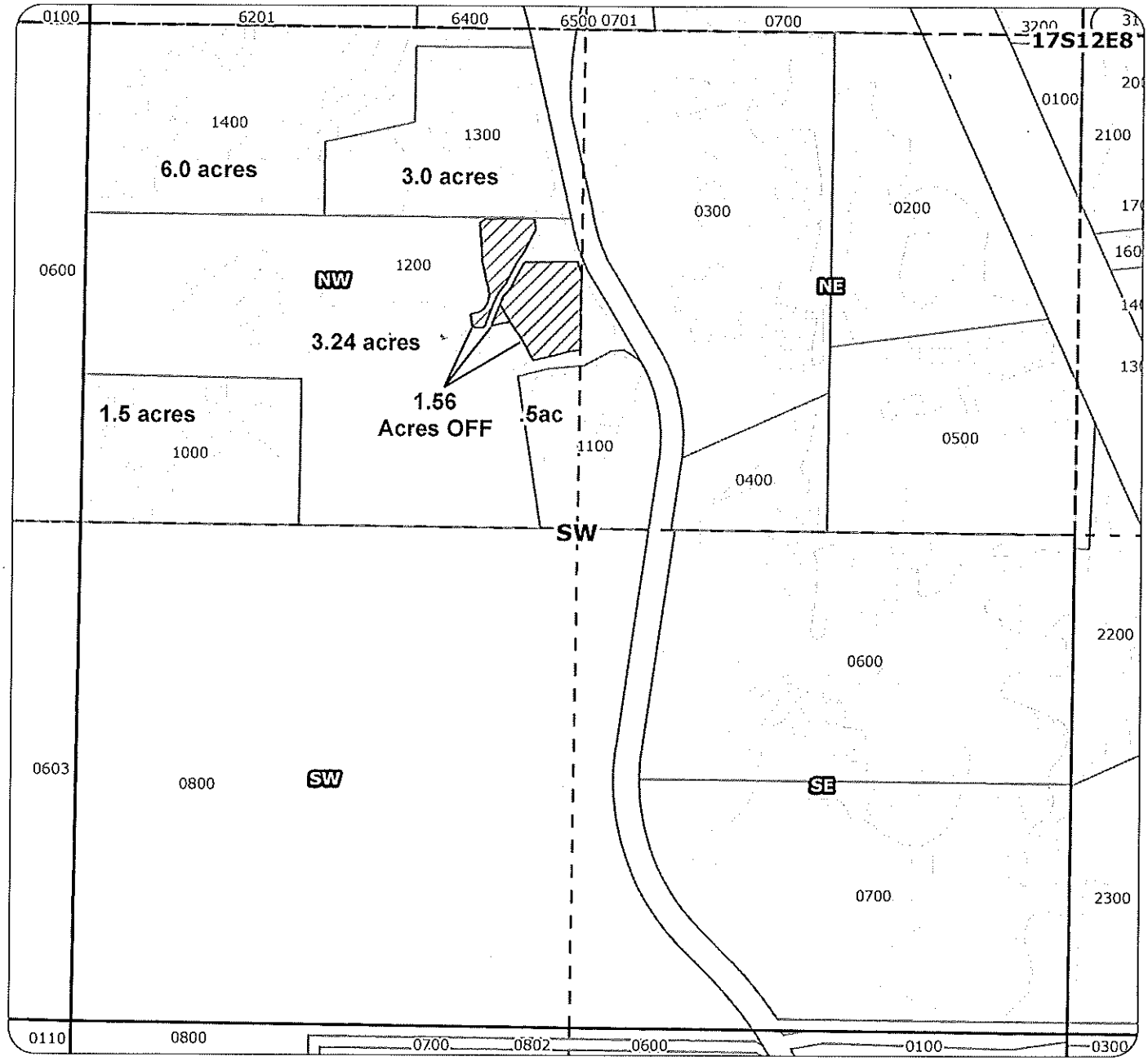
Kathy Ferguson
Office Manager
kathy@swalley.com
office: 541-388-0658
fax: 541-389-0433

Information from ESET Smart Security, version of virus signature database 5546 (20101019)

The message was checked by ESET Smart Security.

http://www.eset.com

2010 Swalley Irrigation District Transfer Map

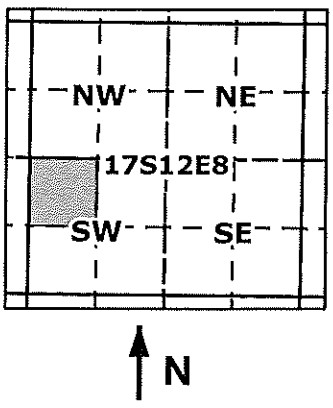


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 3:28 PM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter
Attachments: 2004.10.11_Ruppel.BU_ID.Map.pdf

Hi Laura,

Please find the attached Irrigation District Records that you requested (as referenced in the Affidavit of Beneficial Use). This is the actual hard-copy record kept by SID's district water master – the Ruppel tax lot (#1200) is highlighted along the West flank of the map. "U" stands for Used Fully (during 2004).

While the aerial photograph you already have was taken the year after the transfer was submitted - in combination with these district records, this should satisfy beneficial use requirements. Will you please confirm this? Thank you.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 10:21 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Howdy - the aerial included with the original replacement package doesn't work. It can't be used as evidence that the water right was used in the five years prior to the transfer being submitted since it's labeled as a 2008 photo and the application was submitted near the end of 2007. Need supporting documentation from the irrigation seasons running 2003 thru 2007.

Also, if using another aerial photo from the five years prior to the application being submitted, then we also need an affidavit of use consistent with that supporting documentation. Right now the affidavit identifies district records and not an aerial as the supporting documentation.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Wednesday, October 06, 2010 10:16 AM
To: Laura Wilke
Cc: Kathy Ferguson
Subject: RE: T-10490 - small revision to deficiency letter

Darn it – I thought we had this wrapped up.

Kathy – does SID have "irrigation district records" that support the claim of BU? If so, I assume scanned copies sent via email will suffice? If not, then I think the aerial photo should suffice (Laura please

confirm); however we'd then need a new affidavit indicating that the supporting documentation is... the aerial photo. Right?

Thanks,
ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, October 06, 2010 9:04 AM
To: Zach Tillman
Cc: Kathy Ferguson
Subject: FW: T-10490 - small revision to deficiency letter

Zach - got a new affidavit from Swalley in the mail yesterday. Unfortunately we have the same problem as we did before. The box indicating that distrcit records were attached was checked but no documentation was included along with the affidavit.

Looks like we still need the items referenced in the attached letter.

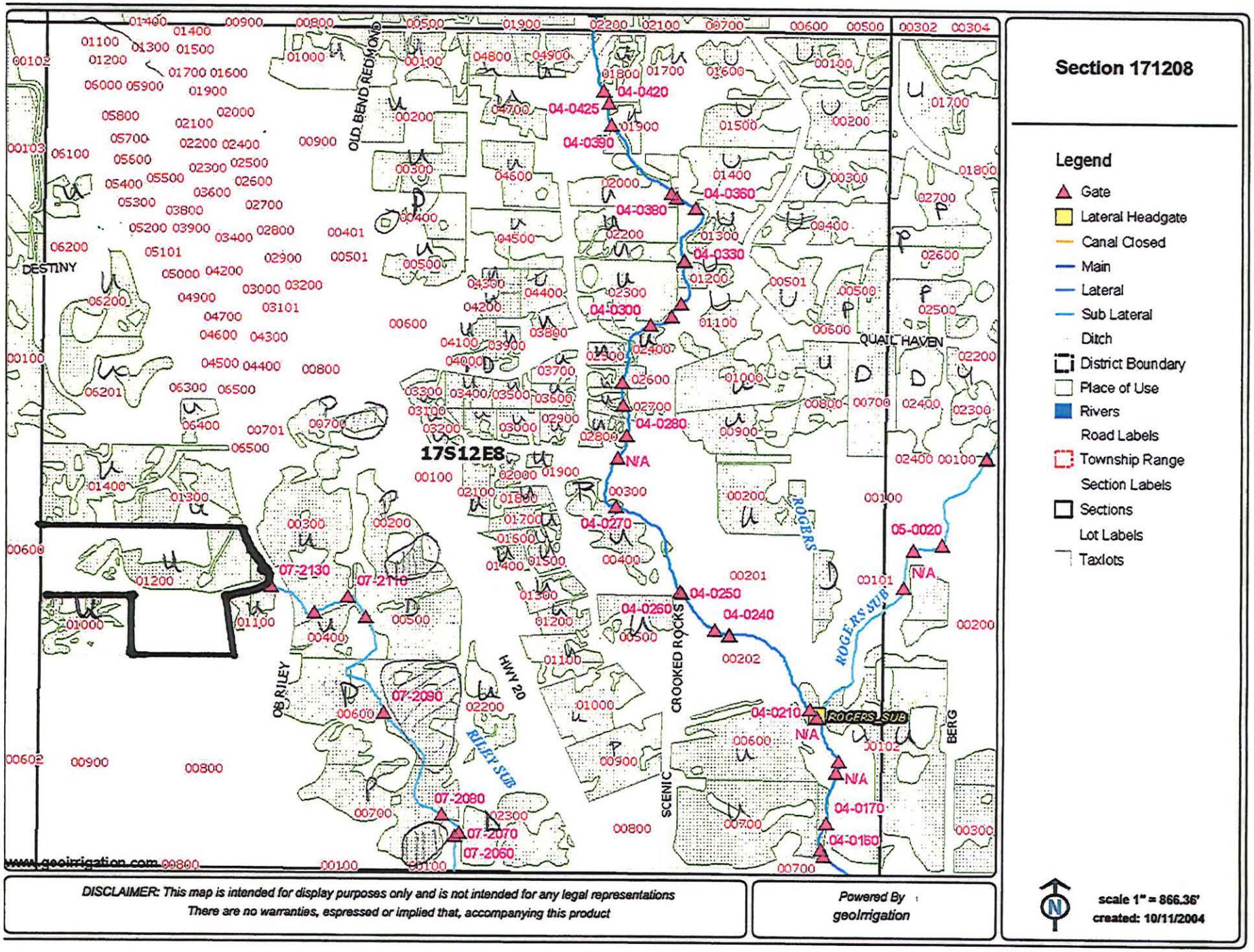
Thanks, Laura

From: Laura Wilke
Sent: Wednesday, September 29, 2010 11:05 AM
To: 'Zach Tillman'
Cc: Jeremy Giffin
Subject: T-10490 - small revision to deficiency letter

Zach - attached is a revised deficiency letter. I left out the bit about needing an original of the affidavit of use.

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903


Section 171208
Legend
Gate
Lateral Headgate
Canal Closed
Main
Lateral
Sub Lateral
Ditch
District Boundary
Place of Use
Rivers
Road Labels
Township Range
Section Labels
Sections
Lot Labels
Taxlots
17S12E8
DESTINY
QUAIL HAVEN
OLD BEND REDMOND
CROOKED ROCKS
ROGERS
ROGERS SUB
RILEY SUB
HWY 20
SCENIC
BERG
04-0420
04-0425
04-0390
04-0360
04-0380
04-0330
04-0300
04-0280
04-0270
04-0250
04-0240
04-0260
04-0210
04-0170
04-0160
05-0020
07-2130
07-2110
07-2090
07-2080
07-2070
07-2060
N/A
ROGERS SUB
www.geoirrigation.com
DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations
There are no warranties, espressed or implied that, accompanying this product
Powered By
geoIrrigation
scale 1" = 866.36'
created: 10/11/2004

T-10490-MP111

Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Deschutes)

I, Karl Conklin, in my capacity as Field Operations Manager,

mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701

telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☐ Personal observation ☑ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	08	NW/SW	01200	3.00

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Pasture and Landscape.

5. The water delivery system used to apply water as authorized by the right is described below:

The water is delivered to his pond and then pumped into his underground irrigation system.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☑ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

Signature of Affiant

9/29/2010
Date

Signed and sworn to (or affirmed) before me this 29 day of Sept., 2010

OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 5, 2014

Katherine Elaine Ferguson
Notary Public for Oregon

My Commission Expires: 1-5-2014

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

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WATER RESOURCES DEPT
SALEM, OREGON

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Tuesday, September 28, 2010 4:34 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111
Attachments: Ruppel_Title.Report.pdf

Here is the ownership report.

I will forward your request regarding the supporting documentation of BU to SID. I am hoping we can tie this one up very soon ;)

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, September 28, 2010 4:32 PM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Thanks. I also just noticed that the affidavit of use referenced District records as the supporting documentation. No District records were included with the affidavit. There is an aerial photo but it looks like there should be some District records attached consistent with the affidavit.

And do you have an ownership report yet that goes with the quit claim or is that still to be submitted?

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Tuesday, September 28, 2010 3:26 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Ooops -- Yes, I'm on it.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Tuesday, September 28, 2010 3:16 PM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Zach - would you please also send a copy in the mail. For the affidavit of use, we need copy with the original signature.

Thanks, Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]

Sent: Thursday, September 16, 2010 10:34 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

Please find documentation for the "replacement acres" (1.56 acres) for T-10490 attached. This should bring the total of transferrable acres back up to 10 acres, right? I apologize for the delay, thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, September 08, 2010 8:10 AM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Howdy Zach - just wanted to do a quick check in and see how things are going on this one and if you need additional time.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

I have been having extreme difficulty getting the right docs from SID on this... and just discovered another issue we'll have to correct before I send you documentation. We may need several weeks to get it right.

It'll be approximately 1.5 acres when it arrives.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, June 21, 2010 8:26 AM
To: Zach Tillman
Subject: T-10490 / MP-111

Howdy Zach - just wanted to check back with you on this transfer and see if you have the replacement acres and documentation yet. I think it's been a couple months since I last checked in with you. Let me know if you need additional time (and how much).
Thanks, Laura

Laura Wilke

AmeriTitle
Part Of The JELD-WEN Family

IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy
700 NW Hill St
Bend OR 97701
Attn: Zach Tillman

Date Prepared : March 10, 2010
Report #1
Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

(a) "Customer": The person or persons named or shown on this cover sheet
(b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
(c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

(II) Liability of AmeriTitle:

(a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.

(b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.

(c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

(III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

Irrigation District Public Record Report
Conditions, Stipulations and Definitions, continued...

REPORT

Effective Date: January 15, 2008
Reference: 122220-28

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

See Attached Exhibit "A"

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

G. RAYMOND RUPPEL and M. SHARON RUPPEL,
as tenants by the entirety

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed
Recorded : December 15, 1992
Document No.: 285-1152, Deschutes County Records
Grantor : Edwards Family Revocable Trust, dated June 12, 1992
Grantee : G. Raymond Ruppel and M. Sharon Ruppel, husband and wife

Instrument : Warranty Deed
Recorded : March 2, 1993
Document No.: 291-2120, Deschutes County Records
Grantor : Edwards Family Revocable Trust, dated June 12, 1992
Grantee : C. Raymond Ruppel and Sharon Ruppel, husband and wife

Instrument : Quitclaim Deed
Recorded : February 13, 2003
Document No.: 2003-10147, Deschutes County Records
Grantor : C. Raymond Ruppel and Sharon Ruppel
Grantee : G. Raymond Ruppel and M. Sharon Ruppel

Instrument : Quitclaim Deed
Recorded : January 15, 2008
Document No.: 2008-01933, Deschutes County Records
Grantor : Ray and Sharon Ruppel
Grantee : Swalley Irrigation District (SID)
Also recorded: January 20, 2009
Document No.: 2009-02062, Deschutes County Records
Re-recorded: March 2, 2010
Volume-Page: 2010-08818, Deschutes County Records

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Eight (8), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Commencing at the Quarter section corner common to Sections Seven (7) and Eight (8), Township 17 South, Range 12, E.W.M., Deschutes County, Oregon; thence South 00°05'35" West 1318.83 feet to the point of beginning, said point being the South one-sixteenth section corner between said Sections 7 and 8; thence South 89°56'00" East 1221.76 feet along the East-West centerline of the South-West quarter of said Section 8; thence North 09°04'45" West 405.25 feet; thence North 75°29'09" East 82.58 feet to the Centerline of the Deschutes Reclamation and Irrigation Company secondary lateral; thence following along said lateral North 85°32'23" East 94.12 feet; thence North 62°07'01" East 81.66 feet; thence North 85°46'37" East 33.81 feet; thence South 55°53'34" East 52.57 feet, more or less, to the intersection of the westerly right-of-way of the O.B. Riley County Road; thence along said right-of-way North 27°52'24" West 413.84 feet; thence departing from said right-of-way North 89°19'51" West 1286.30 feet to the intersection of the West boundary of said Section 8; thence South 00°05'35" West 818.83 feet to the point of beginning.

EXCEPT FOR: A tract of land situated in the Northwest quarter of the Southwest quarter (NW1/4SW1/4) of Section Eight (8), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the one-quarter section corner common to Sections 7 and 8, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; thence South 00°05'35" West, along the line between said Sections 7 and 8, a distance of 927.00 feet to the point of beginning; thence continuing South 00°05'35" West 391.83 feet to the South sixteenth section corner common to said Sections 7 and 8; thence along the East-West centerline of the Southwest quarter of said Section 8, South 89°56'00" East 579.97 feet; thence departing from said East-West centerline, North 00°05'35" East 385.73 feet; thence North 89°19'51" West 580.00 feet, more or less, to the point of beginning.

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Thursday, September 16, 2010 10:34 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111
Attachments: 2010.9.10_Ruppel_QC.map.aff..pdf

Hi Laura,

Please find documentation for the "replacement acres" (1.56 acres) for T-10490 attached. This should bring the total of transferrable acres back up to 10 acres, right? I apologize for the delay, thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, September 08, 2010 8:10 AM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Howdy Zach - just wanted to do a quick check in and see how things are going on this one and if you need additional time.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

I have been having extreme difficulty getting the right docs from SID on this... and just discovered another issue we'll have to correct before I send you documentation. We may need several weeks to get it right.

It'll be approximately 1.5 acres when it arrives.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, June 21, 2010 8:26 AM
To: Zach Tillman
Subject: T-10490 / MP-111

Howdy Zach - just wanted to check back with you on this transfer and see if you have the replacement acres and documentation yet. I think it's been a couple months since I last checked in with you. Let me know if you need additional time (and how much).
Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2008-01933
$36.00
00593216200800019330020024
01/15/2008 02:34:06 PM
D-D Cnt=1 Stn=23 CLERK
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, Ray and Sharon Ruppel releases and quitclaims to Swalley Irrigation District (SID) all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 3.00 acres of Swalley Irrigation District water right that are appurtenant to the lands listed in Exhibit A, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application Ray and Sharon Ruppel shall no longer be liable for any district assessment or charges pertaining to the 3.00 acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:
T17S-R12E,WM-SEC08-NW/SW-01200.

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is $3,000.00

Grantor:

Ray Ruppel Date 11-16-07

Sharon Ruppel Date 11/16/07

State of Oregon SS.
County of Deschutes

Personally appeared Ray & Sharon Ruppel, and acknowledged the forgoing instrument to be his / her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

Swalley Irrigation District:

Janet L. Lee Date 1-15-2008

Janet L. Lee, Manager

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

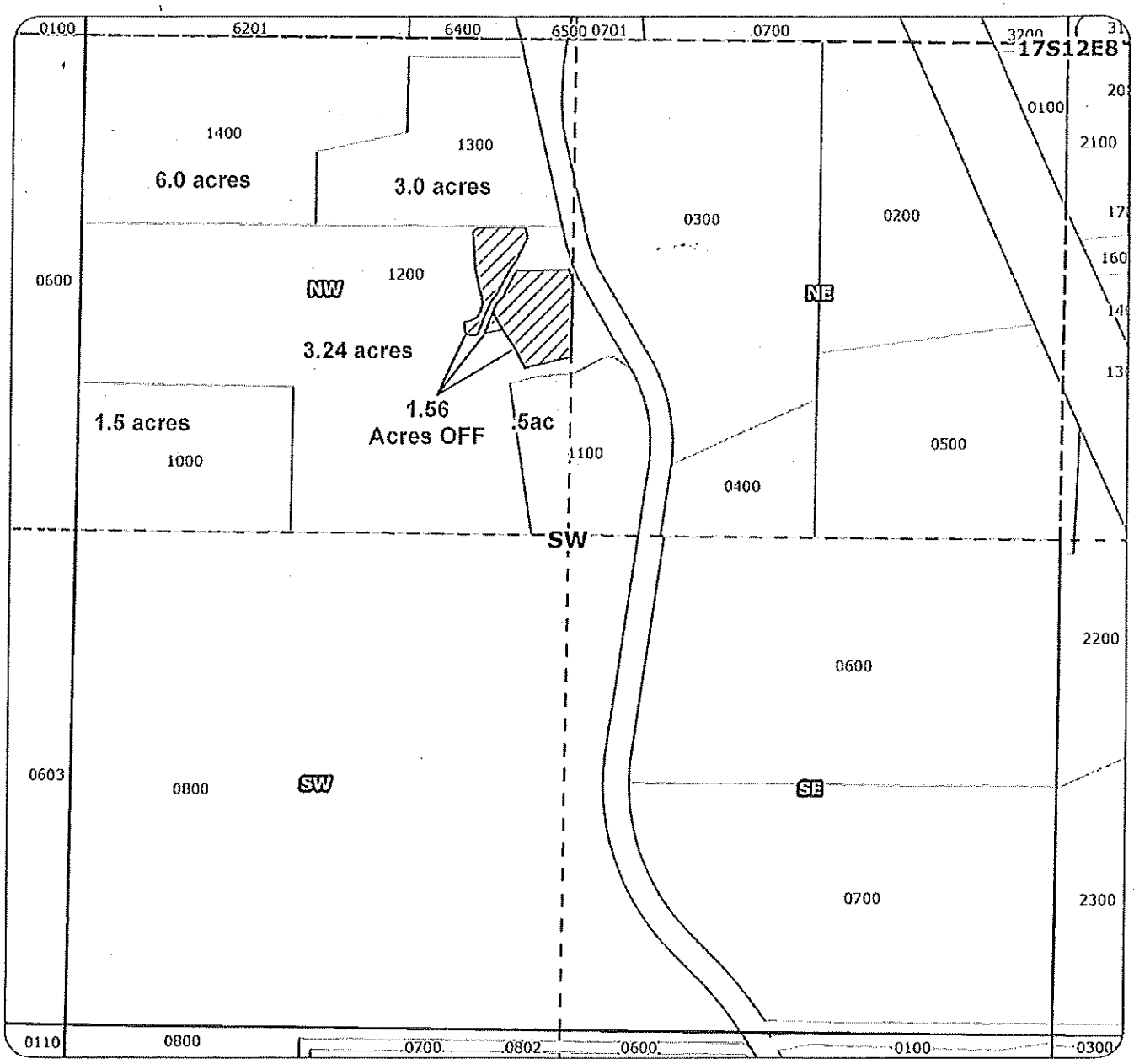
Tax statement: No change

Ray and Sharon Ruppel
Account # 1359

EXHIBIT A

		Total Water Rights:	3.00 Acres
Legal Description: T17S-R12E-WM-SEC 8-NW/SW-01200	Taxlot 171208C001200	Serial#	WR Acres: 3.00 AC

2010 Swalley Irrigation District Transfer Map

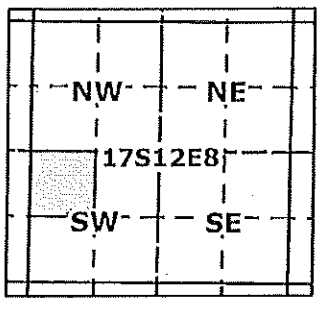


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



N

1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Deschutes)

I, Karl Conklin, in my capacity as Field Operations Manager,
mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701
telephone number (541)388-0658, being first duly sworn depose and say:

1. I attest that:

☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☐ Personal observation ☑ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	08	NW/SW	01200	3.00

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Pasture, landscape

5. The water delivery system used to apply water as authorized by the right is described below:

Delivered to his pond where he pumps into his irrigation system.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☑ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

Signature of Affiant

4/29/2010
Date

Signed and sworn to (or affirmed) before me this 29 day of April, 2010.

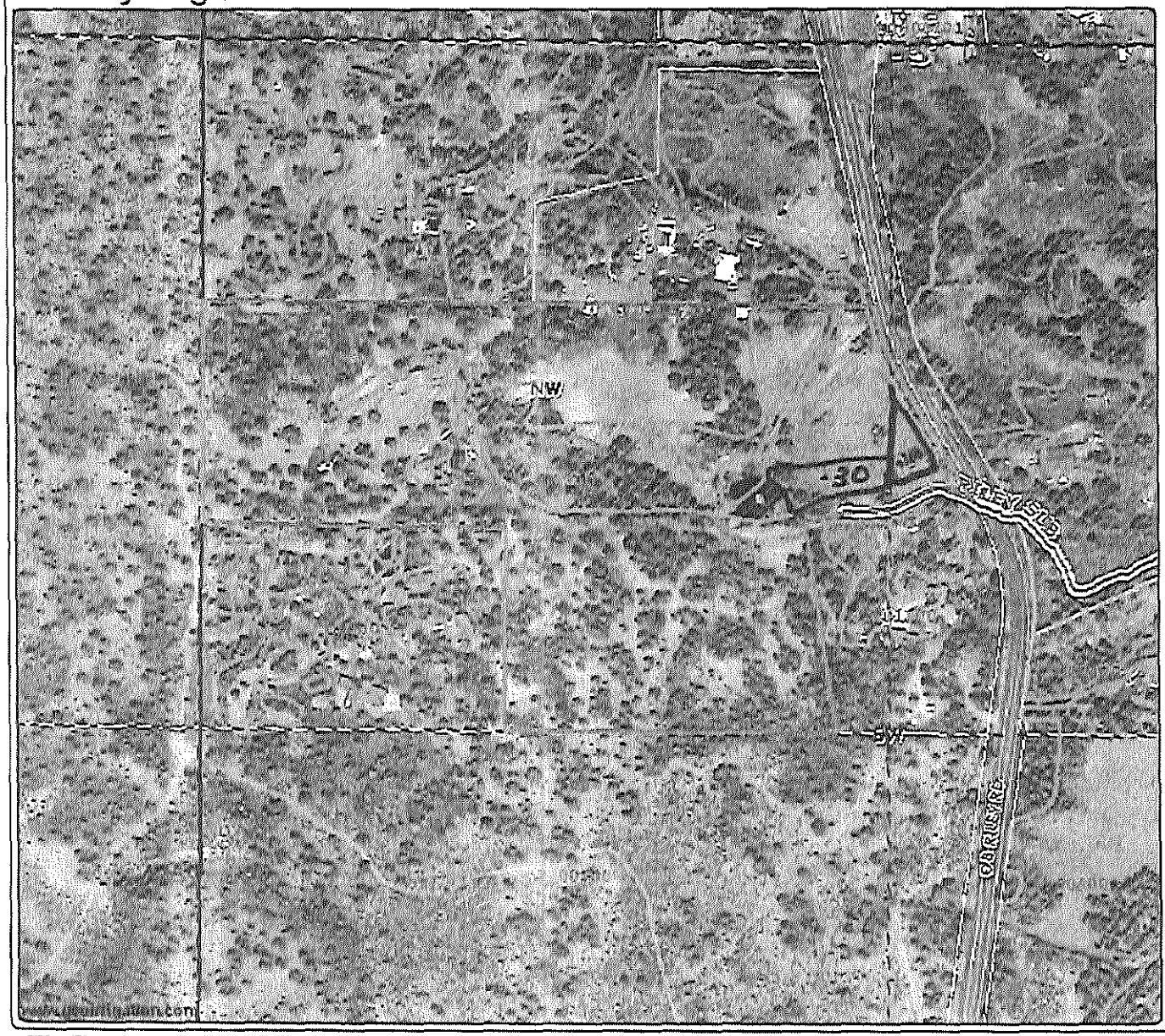
OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 5, 2014

Katherine Elaine Ferguson
Notary Public for Oregon

My Commission Expires: 1-5-2014

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

Swalley Irrigation District



Ray & Sharon Ruppel - 63747 Ob Riley Rd, Bend, OR 97701

17-12-08-NE/SW-01200 - .20 acres - 17-12-08-NW/SW-01200 - .30 acres, - Map date is 6-2008

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Canal All
- Canal Open
- Canal Piped
- POU District Hatch
- Rivers

Scale 1" = 275'
Created: 1/25/2010

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

Laura Wilke

From: Zach Tillman [zach@deschutesriver.org]
Sent: Thursday, October 15, 2009 2:12 PM
To: maupincity@centurytel.net; ToddC@co.wasco.or.us
Cc: Laura Wilke
Subject: Proposed instream transfer (T-10490)

NIA - reach only to CBC See e-mail from DRC 12-17-07

Hello,

We are notifying you of our intent to transfer a water right to instream use. We have submitted an application to the Oregon Water Resources Department changing the place of use to the Deschutes River, from the city of Bend to Lake Billy Chinook.

We propose to transfer approximately 0.17 cfs instream, with a priority date of September 1st, 1899. If you have questions regarding this application or are interested in receiving additional information, please call me at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review. Thanks very much.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

DESCHUTES RIVER CONSERVANCY

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

June 26th, 2008

OREGON WATER RESOURCES DEP'T
ATTN: LAURA SNEDAKER
725 SUMMER ST. NE, SUITE A
SALEM, OR 97301-1271

REFERENCE: Transfer T-10490

This letter is in response to a letter received from OWRD on April 7th, 2008. The DRC & Swalley Irrigation District have addressed the deficiencies identified as follows:

1. Lawnee Hunter (171228 NENW 3400), 5 acre water right
   a. We have included SID's formal irrigation compliance records for this property. SID's watermaster, Karl Conklin inspected the site in 2003, 2004 & 2005 and noted full beneficial use ("U" for used).
   b. We have also included a dated aerial photograph (2006) consistent with SID's compliance records mentioned above. Although of lower quality, the image shows partial irrigation of the area proposed for transfer.

2. KDV/Rim Rock Riders (171217 NESW 1300) 5 acre water right
   a. A dated aerial photograph (2005) is included with this letter. Both the irrigated portion and the area where dust abatement occurred (riding arena & surrounding area) are visible. We have also included SID's formal irrigation compliance records for this property. SID's watermaster, Karl Conklin inspected the site in 2003 & 2004 and noted full beneficial use of the irrigation right prior to the quitclaim ("U" for used & "QC" for quitclaimed). The irrigated portion of the property proposed for transfer was irrigated during 2006 as evidenced by the aerial photograph. Note that the subject land has been subdivided subsequent to the quitclaim of water rights – current property delineations have been superimposed on this map.

3. KDV/Rim Rock Riders (171217 NESW 1300) 5 acre water right
   a. Beneficial use of a dust abatement water right is not necessarily visible from an aerial photo. As requested, we have included a signed letter from the landowner describing the nature of their use of this portion of the right.

Hopefully this information addresses your concerns adequately. Please respond in writing or by email when you have had a chance to verify beneficial use. Thank you.

Sincerely,

Zachary Tillman –DRC Program Manager
zach@deschutesriver.org

700 NW Hill Street • Bend, Oregon 97701
(P.O. Box 1560 • 97709)
541.382.4077 • Fax 541.382.4078
www.deschutesrc.org / info@deschutesrc.org

June 17, 2008

Rim Rock Riders
Bobbi Elliott – Past President
PO Box 9082
Bend, OR 97708

To Whom It May Concern:

The irrigation water used at Rim Rock Riders on OB Riley Road, Bend, OR was primarily used for dust abatement. The grounds were mostly made up of a large outdoor arena and dirt parking areas around the arena. All of these areas were watered during the spring, summer, and fall seasons several days a week to keep the dust down.

I was Vice President and then President since approximately 1997 and the water rights were always used in this way during that time and many years prior. The property was sold a couple of years ago and is now a housing development. If you have any questions please contact me at 541-317-8789.

Bobbi Elliott

Bobbi Elliott
Rim Rock Riders, Past President

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM OREGON

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 7, 2008

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The affidavit for tax lot 3400 indicates that irrigation records are supplied for documentation, but no such records were included with the application. Please indicate if such records are available and can be provided. Given the low quality of the aerial photo, this information would be useful. If an aerial photo is the only supporting documentation for evidence of use, the photograph needs to include the following:

   - *The date on which the photograph was taken. This should be shown on the photograph or be* otherwise documented.
   - The aerial photograph should be of sufficient quality to be interpreted.
   - The imagery on the aerial photograph should represent the use proposed for transfer. For example, *clearly show the irrigated field (area) proposed for transfer.*

2. For tax lot 1300, the aerial photograph provided as supporting documentation to the affidavit of use is difficult to interpret and does not include the date on which the photograph was taken. Please provide an aerial photograph, that meets the criteria described above, or other documentation to demonstrate that the use of water for irrigation and dust abatement has occurred on the property within the five years prior to the submission of the transfer application. If an aerial photograph is used as supporting documentation for use of water for dust abatement, please provide an explanation of how the aerial photograph represents that use.

3. Also for tax lot 1300, please provide some documentation and/or explanation in support of the quantity of water and land area on which dust abatement rights were used. Additional information regarding season, duration, quantity, and regularity of use as well as application method would also assist us in determining the quantity of water available for transfer and mitigation credits.

Please submit these additional materials by **May 7, 2008**, to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Senior Water Resources Coordinator

cc: Jeremy Giffin, District 11 Watermaster

enclosures

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Swalley Irrigation District



Lawnee Hunter - 171228AB03400

900 NE Ross Rd - 10-13-06

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Private Line
- Canal All
- Canal Open
- Canal Piped
- Rivers

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Scale 1" = 200'
Created: 6/25/2008

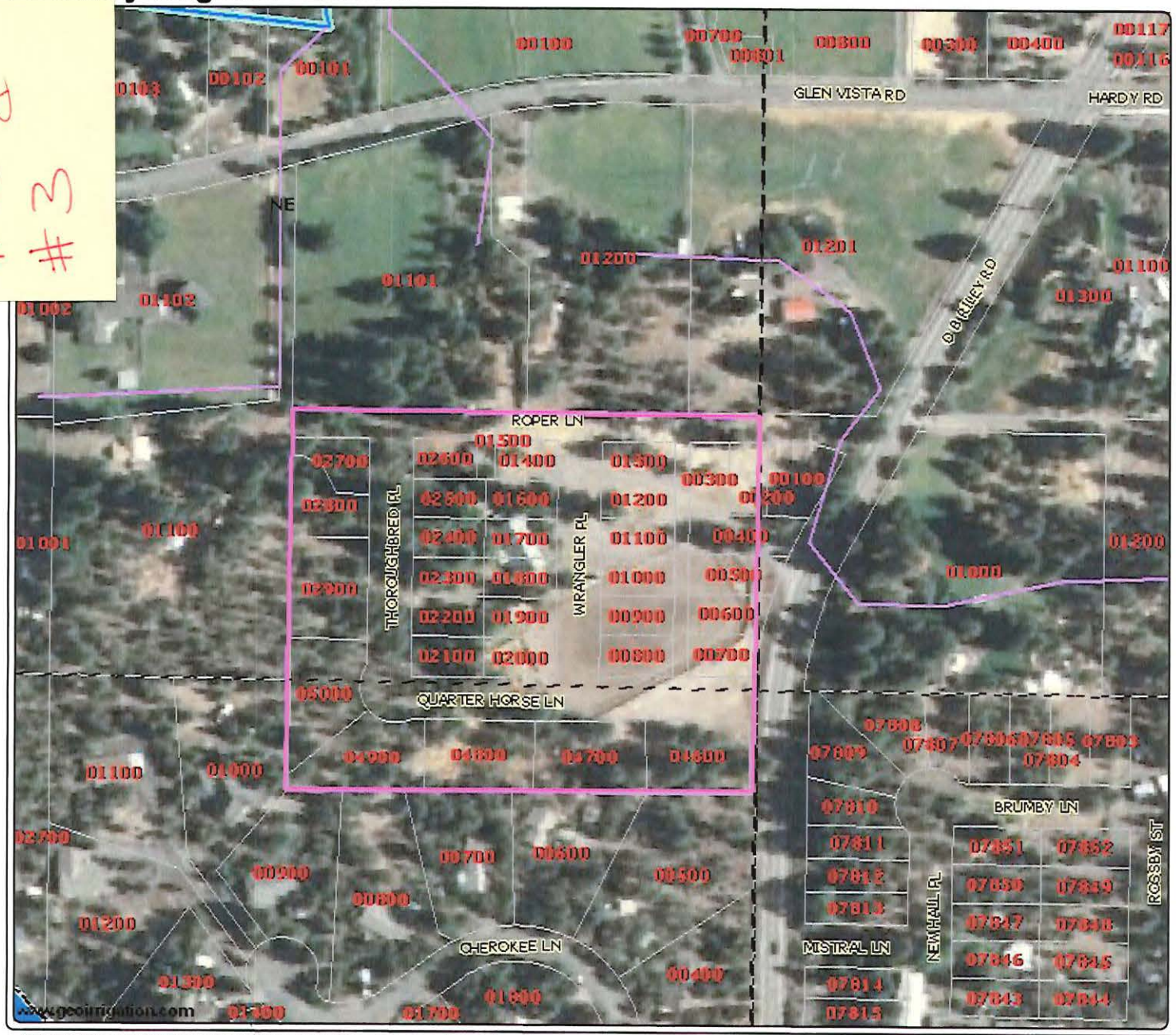
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Legal	Taxlot	Acct #	Name	WR Ac	COMPLIANCE 2003	2004	2005	2006
17-12-22-SE/NE								
	100	1025	Bend Metro Park & Recreation District	70.40	P	P	P	
17-12-22-NW/SW								
	400	2044	City of Bend	1.00	O	O	O	
	401	2044	City of Bend	1.00	O	O	O	
	403	2044	City of Bend	2.00	O	O	O	
17-12-22-SW/SW								
	4400	2044	City of Bend	1.50	O	O	O	
	4800	1564	Swalley Irrigation District	3.00	U	U	U	
17-12-22-NE/SE								
	100	1025	Bend Metro Parks	2.00	U	U	D	
	200	1418	Bend Metro Parks	4.10	D	D	D	
	300	1418	Bend Metro Parks	2.20	D	D	D	
	2700	1017	Stonebrook Association Inc	0.16	U	U	U	
17-12-22-NE/SE								
	2800	1017	Stonebrook Association Inc	0.13	U	U	U	
	3000	1017	Stonebrook Association Inc	0.34	U	U	U	
	3200	1017	Stonebrook Association Inc	0.62	U	U	U	
17-12-22-NW/SE								
	1600	2044	City of Bend	4.05	U	U	U	
	2700	1017	Stonebrook Association Inc	0.35	U	U	U	
	2800	1017	Stonebrook Association Inc	0.45	U	U	U	
	2900	1017	Stonebrook Association Inc	0.30	U	U	U	
	3000	1017	Stonebrook Association Inc	0.35	U	U	U	
	3100	1017	Stonebrook Association Inc	0.88	U	U	U	
	3200	1017	Stonebrook Association Inc	0.95	U	U	U	
	3314	1017	Stonebrook Association Inc	0.30	U	U	U	
	3325	1017	Stonebrook Association Inc	0.18	U	U	U	
	3325	1017	Stonebrook Association Inc	0.34	U	U	U	
	5900	1017	Stonebrook Association Inc	0.40	U	U	U	
	6000	1411	Thompson, Doris M.	3.00	U	U	U	
	6100	1343	Putnam, Mary S.	2.25	U	U	U	
	6200	2044	City of Bend	3.00	O	O	O	
17-12-23-NW/NW								
	1800	1025	Bend Metro Parks & Recreation District	21.60			?	
17-12-23-SW/NW								
	1800	1025	Bend Metro Parks & Recreation District	8.80			?	
17-12-28-NW/NE								
	3100	2044	City of Bend	2.00	O	O	O	
	3300	2044	City of Bend	2.00	O	O	O	
	3400	1564	Hunter, Lawnee	5.00	U	U	U	
17-12-28-NE/NW								
	900	1491	Frazee, James E. & Joann P.	1.33	P	D	D	
17-12-28-NW/NW								
17-12-28-NW/NW								
	400	2044	City of Bend	3.20	O	O	O	
	600	2044	City of Bend	2.00	O	O	O	
17-12-29-SE/NE								

RECEIVED
JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Swalley Irrigation District

28
#23



KDV, LLC
171217c001300 -2005

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Private Line
- Canal All
- Canal Open
- Canal Piped
- Rivers

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JUN 27 2008
WATER RESOURCES DEPT
SALEM, OREGON

Scale 1" = 200'
Created: 6/25/2008

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				COMPLIANCE				
				2003	2004	2005	2006	2007
-NE/NW								
	1102	Dickson, David C. & Betty	2.40	U	U	U	U	U
	2031	Thomson, John D. & Judith W.	3.70	U	U	U	U	U
	1102	Dickson, David C. & Betty	0.40	U	U	U	U	U
17-12-17-NE/SE								
00100	1094	Deschutes Co. Sheriff Department	4.40	U	U	U	U	U
00599	1094	Deschutes Co. Sheriff Department	3.10	U	U	U	U	U
00101	1498	Deschutes Co. Rural Fire Protection Dist 2	1.00	P	P	P	U	U
17-12-17-NE/SW								
01002	1983	Tyner, James A. & Sherri L.	2.25	P	P	P	P	P
00700	1228	Kiesow, Daniel & Joani	0.75	U	U	U	U	U
00800	1228	Kiesow, Daniel & Joani	0.45	U	U	U	P	P
01001	1049	Buchman, William L. & Kitty	2.00	U	U	U	U	U
01101	1180	Harris, Barbara	1.70	U	U	U	U	U
00200	1070	Collver, Richard & Letha	3.40	U	U	U	U	U
01102	2186	Taylor, Charles Hap, Taylor, Roxanne	2.00	U	U	U	U	U
00102	1070	Collver, Richard & Letha	0.20					
01300	1564	Swalley Irrigation District Reserve Account	1.90				QC	QC
00100	1234	Klein, Greg & Patricia	4.00	U	U	U	U	U
01201	1500	Jones, Dwaine W. & Beverly J.	0.40	U	U	U	U	U
00101	2093	Knoell, Michael C.	1.00	U	U	U	D	D
00103	1070	Collver, Richard & Letha	0.40	U	U	U	U	U
01200	1287	McMahon, Thomas & Margaret	1.50	U	U	U	U	U
01100	2169	Miller, Richard, Miller, Marcia	1.00	U	U	U	P	U
★ 01300	1564	Swalley Irrigation District Reserve Account	4.20	P	U	U	QC	QC
17-12-17-NW/NE								
00300	1994	Calvary Chapel Bend	2.00	D	D	D	D	U
00500	1270	Marshall (Trustees), Ansel N. & Martina M.	1.50	U	U	U	IS/U	IS/U
00100	1158	Gumpert (Trustee), Lois M.	1.90	P	U	U	U	U
17-12-17-NW/SE								
01201	1500	Jones, Dwaine W. & Beverly J.	2.60	U	U	U	U	U
00100	1564	Swalley Irrigation District Reserve Account	2.00				QC	QC
01300	2142	Bearse,Robert	1.00	U	U	U	U	U
00500	1956	Bowerman, Jayson L.	0.50	U	U	U	U	U
01100	1327	Pearson, Donna	1.50	U	U	U	U	U
01000	1087	Defoe, Donald R. & Theresa G.	1.50	U	U	U	U	U
00200	1373	Schulzke, Richard A.	0.50	P	P	P	U	D
00300	1142	Gertz, Robert & Marial	1.00	D	D	D	IS	IS
00800	1228	Kiesow, Daniel & Joani	1.60	U	U	U	U	P
01200	1530	Brawner, Brian J. & Debra J.	2.00	U	P	P	P	U
0200A	1564	Swalley Irrigation District Reserve Account	1.50				QC	QC
17-12-17-NW/SW								
00703	2170	Sherrill, Kenneth	3.00	P	P	P	U	U
00704	1393	Sporalsky, Dennis & Virginia	1.75	P	P	U	U	P
00706	1989	Parr, Daniel E. & Susan L.	2.00	U	U	U	U	U
00700	1738	Hicks, Kent	0.50	P	P	P	P	P
00701	1312	Norgaard (etux), Edward G.	1.00	U	U	U	U	U
00400	1068	Clenaghen Family LLC	3.50	P	P	U	U	P
00300	1331	Perrigan (Trustee), Vonda Lu	3.60	P	U	P	P	P
00705	1080	Danison, Arlene	0.75	P	P	U	U	U
00702	1128	Ford (Trustee), Dean W.	2.00	P	U	U	U	U
00500	2091	Duhn, R. Eric & Michelle A.	2.00	U	U	U	U	U
17-12-17-SE/NW								
01900	1280	McCombs, Stephen & Judy	2.50	U	U	U	U	U
02000	1657	Gallaty (Trustees), Steve & Carol	1.60	U	U	U	U	U
00300	2031	Thomson, John D. & Judith W.	0.30	U	U	U	U	U
02400	2053	Savage, Cain W. & Carolyn M.	0.70	U	U	U	U	U
02300	1229	Kiesow, Joan & Anne Marie	1.80	U	U	U	U	U
02100	1441	Weaver, James & Judith	3.10	U	U	U	U	U

KDV, LLC

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JUN 27 2008
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SALEM, OREGON

Laura Snedaker

From: Zach Tillman [zach@deschutesriver.org]
Sent: Monday, December 17, 2007 1:36 PM
To: Laura Snedaker
Subject: RE: Proposed Instream Water Right in your Jurisdiction

Yes, the first one is for the 10-acre SID transfer, which actually does not have the reach to the mouth – mitigation transfer; my bad. The second email is for a transfer that I hope to mail your way this week. It is different in that most of the acres are for mitigation and some are for pure restoration – so it will have the reach to the mouth. I will try to track down those email addresses, but my guess is that they won't have one. Would you forward the physical addresses for me? Thanks.

Perhaps on future notices, I will not cc you and forward the email to you separately (so as to identify the specific transfer to you).

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Snedaker [mailto:snedaklk@wrd.state.or.us]
Sent: Monday, December 17, 2007 1:30 PM
To: Zach Tillman
Subject: RE: Proposed Instream Water Right in your Jurisdiction

Hi Zach:

These look good. Is this for a transfer that's already here?

It looks like this is a proposed instream transfer with a reach down to the mouth of the Deschutes. If that's indeed the case, please send this along to City of Maupin and Wasco County as well. These are the local governments in the reach from Lake Billy Chinook to the mouth of the Deschutes. I don't have e-mail addresses for these folk but I do have physical addresses if you need them.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, December 17, 2007 1:10 PM
To: planningcommission@co.deschutes.or.us; sandy.mathewson@co.jefferson.or.us; dwalker@ci.bend.or.us
Cc: Laura Snedaker
Subject: Proposed Instream Water Right in your Jurisdiction

We are notifying you of our intent to transfer a water right to instream use. We will be submitting an application to the Oregon Water Resources Department changing the place of use to the Deschutes River, from the city of Bend

to Lake Billy Chinook and from Lake Billy Chinook to the mouth of the Deschutes River.

We propose to transfer approximately 0.17 cfs instream, with a priority date of September 1st, 1899. If you have questions regarding this application or are interested in receiving additional information, please call me at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review. Thanks very much.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

DESCHUTES RIVER CONSERVANCY

11/21/2007

Oregon Water Resources Department
Attn. Laura Snedaker
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: PERMANENT INSTREAM TRANSFER ***FOR MITIGATION*** OF 10.00 ACRES OF SID SENIOR DESCHUTES RIVER WATER RIGHTS

Dear Laura,

Enclosed please find the transfer application, supplemental forms and required documentation for the permanent instream transfer ***for Mitigation*** of 10.00 acres of Swalley Irrigation District, senior Deschutes River water rights. Swalley Irrigation District and the Deschutes River Conservancy are co-applicants in this transfer.

It is the intention of the co-applicants that this transfer application be processed using Receipts Authority, thus expediting the process to the greatest extent possible. Once the application has been received and assigned a transfer number, it will be sent to contractors for bids to process the application using receipts authority. It is my understanding that we may reasonably expect these bids/estimates within 2-3 weeks of submitting the transfer to OWRD.

Also included is the required transfer fee of $400.00, plus $125.00 for Receipts Authority bid processing. Please feel free to contact me via email or by phone if you have questions regarding this, or other transfer applications. Thank you.

Best Regards,

Zachary Tillman, DRC
541-382-4077 x.21
zach@deschutesriver.org

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T 10490

700 NW Hill Street • Bend, Oregon 97701
(P.O. Box 1560 • 97709)
541.382.4077 • Fax 541.382.4078
www.deschutesrc.org / info@deschutesrc.org

Mitigation Project

Originals

Resources Department
et NE, Suite A
301-1266

.us

Application for Water Right
Transfer

...type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

- [x] Permanent Transfer
- [ ] Temporary Transfer (1 to 5 yrs.)
  - total number of years: ____
  - (begin year: _____)
  - (end year: _____)
- [x] Instream Transfer
  - [x] Permanent
  - [ ] Time-Limited
- [ ] Drought Transfer
- [ ] Other

2. APPLICANT INFORMATION

Name: Deschutes River Conservancy & Swalley Irrigation District
(First / Last)

Address: 700 NW Hill St.

Bend (City) OR (State) 97701 (Zip)

Phone: (541) 382-4077 x.21
(Home / Work / Other)

Fax: (541) 382-4078 E-Mail address: zach@deschutesriver.org

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: _____
(First / Last)

Address: _____

_____
(City / State / Zip)

Phone: _____
(Home / Work / Other)

Fax: _____ E-Mail address: _____

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- If an agent is listed above, please check ***one*** of the following:
  - [ ] Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; ***or***
  - [ ] Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.			C - 74145
2.			
3.			
4.			
5.			
6.			

- Attach a **separate** ***Supplemental Form A*** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

☑ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion

☑ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA

☑ Instream Transfer ☐ Surface Water POD to Ground Water POA

☐ Substitution of Supplemental Groundwater right for Primary Surface water right

☐ Historic POD change ☐ Other

- Reason(s) for change(s): Permanent Instream Transfer

5. WATER DELIVERY SYSTEM

- Describe the ***current*** water delivery system ***or*** the system that ***was in place*** at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

See Exhibit A

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- System capacity: 125 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ► Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ► Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - ► If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☑ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☑ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☑ No

*If "**Yes**", for any of the above, list the name and mailing address of the district, agency and/or entity:*

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Deschutes County Planning Dept
117 NW Lafayette Ave
Bend, OR 97701

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☐ No

  *If "**No**", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

  Names of Current Landowner(s): See quitclaim packets & supporting docs
  First Last

  Address: _____

  _____
  City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

  ☐ Yes ☐ No ☑ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

  *If "**No**", provide the following information:*

  Names of Receiving Landowner(s): _____
  First Last

  Address: _____

  _____
  City State Zip

- Check ***one*** of the following:

  ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☑ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

10. Other Remarks (optional)

_____

_____

_____

_____

_____

_____

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11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A – Description of Proposed Change(s) to a Water Right

☑ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** water right to be affected by this transfer.

Supplemental Form B – Evidence of Use Affidavit(s)

☑ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), **<u>and</u>**

☑ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation.**

Map

☑ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need **<u>not</u>** be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

☐ N/A. The application does **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

☑ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

☐ Land Use Information Form is enclosed; ***or***

☐ **<u>All</u>** of the following criteria are met, therefore a Land Use Information Form is not required:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

Fees:

($400 + $400) ÷ 2

☑ Amount enclosed: $ 400
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

<u>Instream Water Right Transfers, also include:</u>

Supplemental Form C – Instream Water Right Transfer

☑ Complete this form to describe the desired nature and attributes for the proposed instream water right.

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<u>Temporary Transfers, also include:</u>

Recorded Deed:

☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☐ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted*; **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☑ **I (we) affirm that interest in the water right has been conveyed to someone other than the landowner**, and documents, **including a water right conveyance agreement**, report of ownership and lien information, and any required lienholder notification **are enclosed**, demonstrating that I am (we are) authorized to pursue the transfer. **I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.**

☐ **I (we) affirm that 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.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*

☐ **I (we) affirm that this is a temporary transfer and a copy of the deed** for the "from" land (and affidavits of consent from any other landowners, if applicable) **is enclosed.**

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

applicant signature	name *and title if applicable* (print)	date
[signature]	Zachary Tillman ORC Transfers Mgr.	11-15-07
applicant signature	name *and title if applicable* (print)	date

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

*List only **one** water right per page. A **separate Supplemental Form A** must be completed for **each** certificate, permit, decree, or other right involved in the proposed transfer.*

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 74145

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☑ **Change** (The old point of diversion or appropriation will **not** be used for the portion of the water right affected by the transfer.)	☐ **All of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	Proposed new use:
☐ **Additional** (Both the old ***and*** new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	☑ **Only a portion of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	☐ **Irrigation**
☐ **Historic Point of Diversion or Appropriation Change** (Unauthorized point of diversion or appropriation used for more than 10 years.)		☐ **Municipal**
☐ **Surface Water to Ground Water** (A new point of appropriation will be used **instead of** the old point of diversion. The old point of diversion will **not** be used.)		☐ **Quasi-municipal**
☐ **Point of Diversion Change due to Government Action** (The old point of diversion or appropriation can no longer be used due to government action.)		☐ **Commercial**
☐ **Exchange** (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		☐ **Industrial**
		☑ **Instream** (complete and attach ***Supplemental Form C***)
		☐ **Domestic** (indicate number of households) _____
		☐ **Other** _____
		☐ **Substitution** (A supplemental ground water right will be substituted for a primary surface water right.)
		☐ **Supplemental Use to Primary Use** (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

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

☑	Certificated Right	C-74145 Certificate Number	Permit Number or Decree Name
☐	Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐	Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Swalley Irrigation District
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 1, 1899

  *If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Deschutes R.

  Tributary to: Columbia R.

  *If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights,** Permits or Ground Water Registrations associated with this land?

  ☐ Yes ☑ No ☐ N/A – *No Change in Place of Use or Character of Use*

  *If "**Yes**", what are the Permit, Registration or Certificate Numbers?* _____

  *Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: 74145

*The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Deschutes R. 9-1-1899	17 S.	12 E.		29	SE NE		985 Ft. North, 617 Ft. West from East corner of Section 29

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☑ No *(Surface water source only.)*

*If "**Yes**", for each authorized point of appropriation (well) involved, you must either:*

A. *Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

or

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – ***(Only needed if no well log is available.)***
*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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- Certificate Number or other identifying number: 74145

Will the ENTIRE water right be affected by this transfer? ☐ **Yes** ☑ **No**

*If **"Yes"**, the remainder of this page does not need to be completed. Go on to the next page.*

*If **"No"**, the following information **must be provided** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Deschutes 9-1-1899	17	12		28	NW NE	03400	5.0
	17	12		17	NE SW	01300	4.2
	17	12		17	SE SW	01300	0.8

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- Certificate Number or other identifying number: 74145

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) ☑ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☑ N/A - *No proposed well(s) listed above.*

  *If "**Yes**", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

  *If "**No**", describe the anticipated construction for the proposed well(s) in the following table:*

Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

▪ **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☐ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted*; **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☑ **I (we) affirm that interest in the water right has been conveyed to someone other than the landowner**, and documents, **including a water right conveyance agreement**, report of ownership and lien information, and any required lienholder notification **are enclosed**, demonstrating that I am (we are) authorized to pursue the transfer. **I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.**

☐ **I (we) affirm that 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.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*

☐ **I (we) affirm that this is a temporary transfer and a copy of the deed** for the "from" land (and affidavits of consent from any other landowners, if applicable) **is enclosed.**

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

applicant signature	Zachary Tillman DRC Transfers Mgr. name *and title if applicable* (print)	11-15-07 date
applicant signature	JAMES L. LEE GENERAL MGR name *and title if applicable* (print)	11-26-07 date

- Certificate Number or other identifying number: 74145

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: *(i.e., the "TO" lands)* ☒ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: _____

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Water Right Transfer Supplemental Form C
INSTREAM WATER RIGHT TRANSFER

☑ **Permanent Instream Transfer** *or* ☐ **Time-Limited Instream Transfer**

Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

1. Identify the public use for which the instream right is requested ***(check one)*****.**

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

☑ Recreation

☐ Navigation

☑ Pollution Abatement

2. Instream use proposed to be created by the instream transfer:

Originating Water Right Number *(as identified in the transfer application)*	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C-74145	9-1-1899	Deschutes R.	4/1 → 11/1	0.17	55.35
				See Exhibit B	
			Total Volume:		

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

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

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

Additional information: _____

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3. 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), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description*): _____

_____

☑ 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*): POD → Lake Billy Chinook (RM 165 → RM 120)

_____

4. 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*): _____

_____

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

☐ No ☑ Yes (identify other instream water rights): _____

OWRD maintains a current list of instream water rights

New instream water rights generally (but not always) are 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 below.

_____

_____

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 Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).*

6. **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 aforementioned 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.)*

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7. **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 _____

☐ The time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____

_____

Exhibit A
SID #3, 10.0 acres, Mitigation Project

All water rights being transferred are diverted at Swalley Irrigation District's Main Diversion (Headworks) structure.

The Swalley Irrigation District Main Diversion is located at Township 17 South, Range 12 East, Section 29 (SENE); 985 Feet North and 617 Feet West from the East ¼ Corner of Section 29.

The Head Works is constructed of concrete and steel with a radial arm flow control structure. There is a fish screen and a fish bypass device. Flow is diverted into a 56" (interior) diameter steel pipe with a capacity of 125 cubic feet per second.

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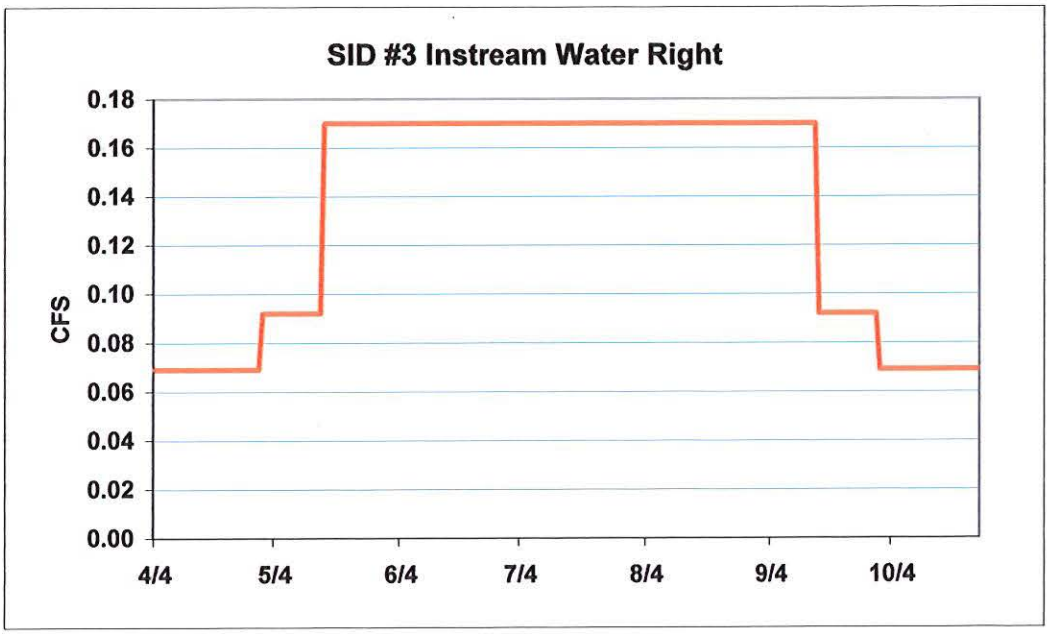
Exhibit B

Instream Water Right
SID#3

Instream Rates	1900
Season 1	0.069 CFS
Season 2	0.092 CFS
Season 3	0.170 CFS

Instream Duty 55.35 Acre-Feet

Seasons are as follows:	
Season 1	4-1 through 5-1 & 10-1 through 10-25
Season 2	5-1 through 5-15 & 9-15 through 10-1
Season 3	5-15 though 9-15



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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Water Right Transfer Supplemental Form
Map Waiver

The Director may waive or assist a transfer applicant in satisfying the map requirement (OAR 690-380-3100) for certain transfers if the criteria described in this form are met pursuant to OAR 690-380-3410.

This form must be prepared by the transfer applicant and the appropriate Regional Manager for the Oregon Water Resources Department. To prepare the form, a copy of the complete transfer application, including a description of the water rights to be transferred, must be provided to the Regional Manager.

This map waiver form must be signed by the Regional Manager and submitted with the transfer application.

Transfer Applicant: DRC & SID

Water Right(s) to be transferred: C-74145

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1. The transfer **must** be one of the following. Please check the appropriate box.

☑ An instream transfer application filed pursuant to ORS 537.348.

☐ A transfer application necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.375; or

☐ The transfer application is determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

2. For an **instream transfer application filed pursuant to ORS 537.348**, a map waiver shall only be approved if the application meets one of the following additional criteria. Please check the appropriate box.

☐ The entirety of the right is being transferred to an instream water right and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream; or

☑ A map meeting the requirements of the transfer rules (OAR 690-380-3100) is available showing the lands not included in the transfer and the location of the instream water right can be clearly delineated through reference to the existing point of diversion for the transferred right and other points of diversion or geographic reference points such as the mouth of the stream. (Please include copy of map(s) with transfer application.)

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3. For a **transfer application meeting any one of the criteria identified in #1** (including an instream transfer application), a map waiver may also be approved if other circumstances are present that make an application map unnecessary. If #2 does not apply, but circumstances are present that make an application map unnecessary, describe those circumstances below:

_____

_____

_____

_____

_____

_____

_____

_____

4. For any transfer application meeting one or more of the criteria identified in #1 that does not meet the criteria for a map waiver as described in #2 or #3, the Department may assist the applicant in development of the application map. The Department (through the regional office) may provide this assistance at the discretion of the appropriate Regional Manager. Please check the appropriate box below if the Department has provided assistance in development of the transfer application map:

☐ A map meeting the requirements of OAR 690-380-3100 has been prepared by Department staff and is included with the transfer application.

☐ The map provided with the transfer application has been developed with assistance from Department staff and meets the requirements of OAR 690-380-3100.

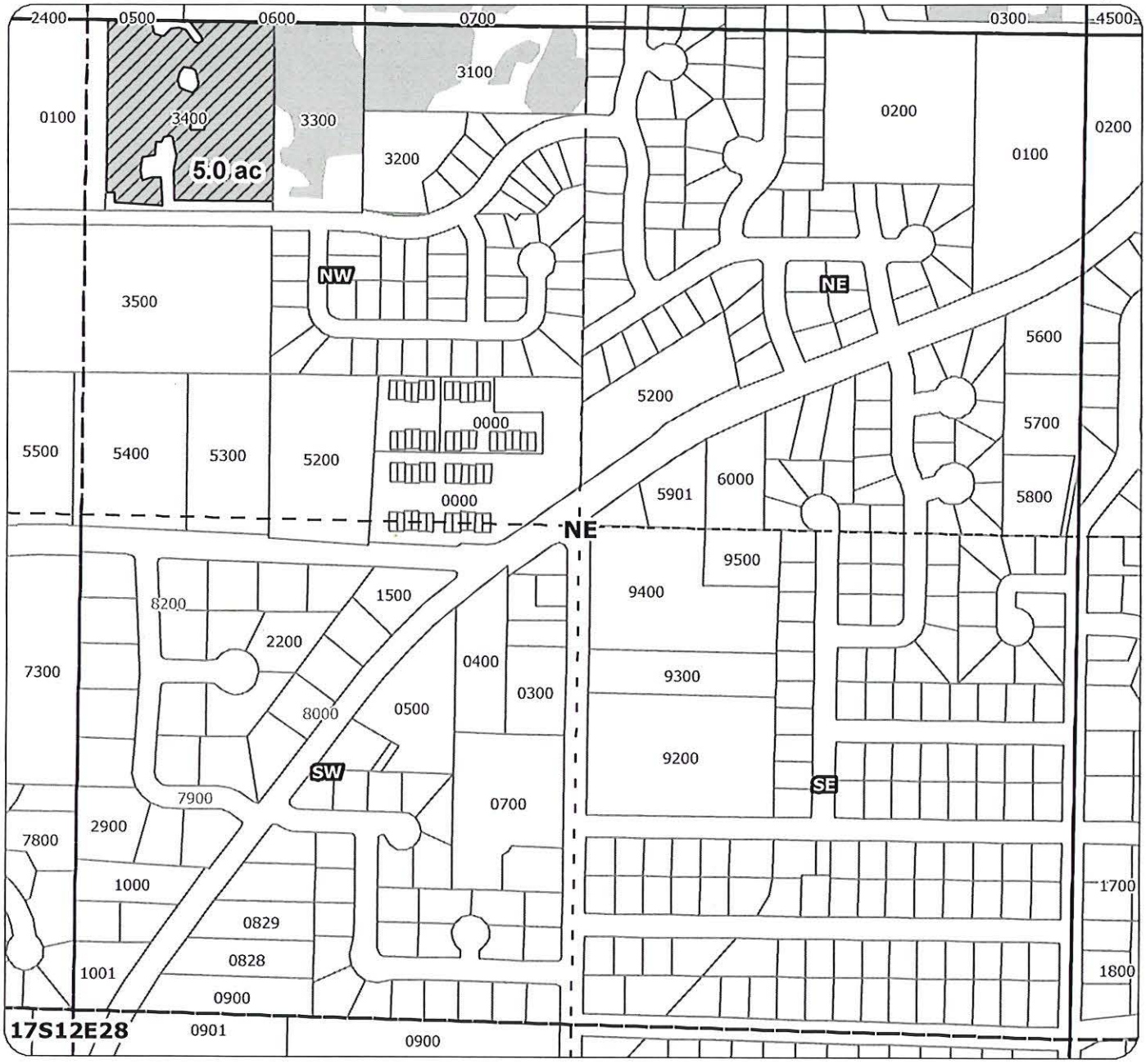
Signature: _____ Date: 11-1-07

OWRD Regional Manager, SC Region

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2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map

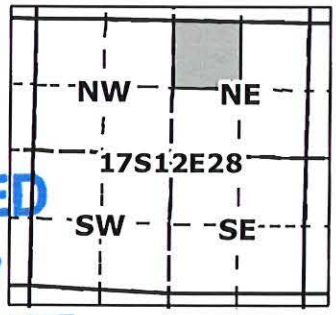


Application for Permanent Instream Transfer

for
Swalley Irrigation District
5 acres
taxlot 3400
(171228NWNE)

Proposed Transfer of Irrigation Rights

Water Rights



N

1 inch equals 400 feet

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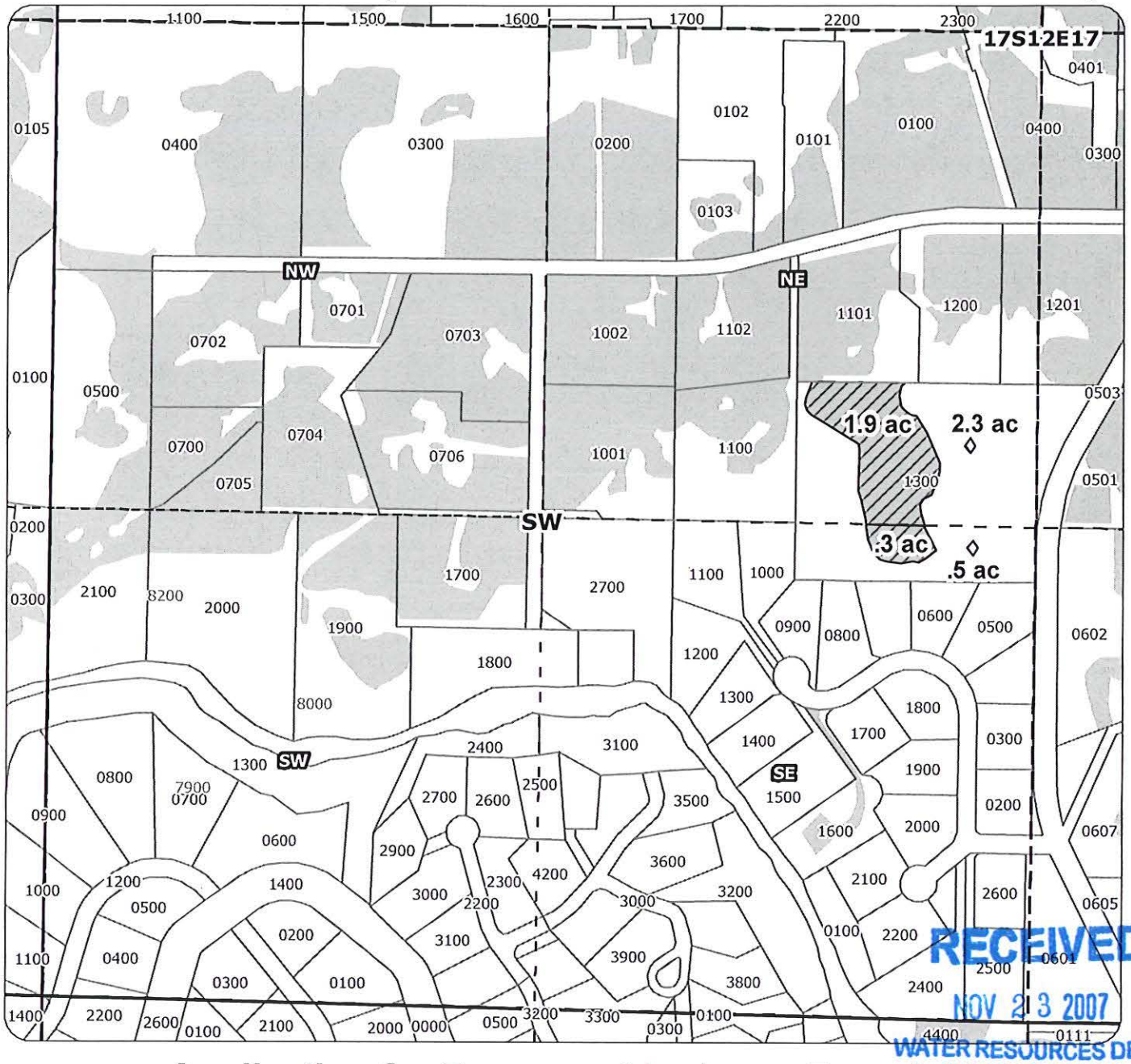
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GSS Geo-Spatial Solutions

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



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Application for Permanent Instream Transfer

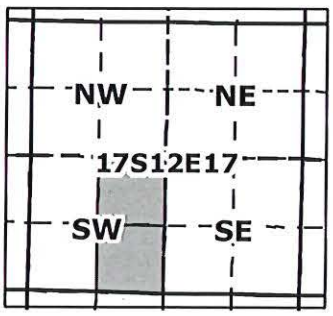
Proposed Transfer of Irrigation Rights

Proposed Trasnfer of Dust Abatement Rights*
*Diamond denotes Unmapped Water Right

Water Rights

for

Swalley Irrigation District
1.9 acres of Irrigation Rights
2.3 acres of Dust Abatement Rights
taxlot 1300
(171217NESW)
.3 acres of Irrigation Rights
.5 acres of Dust Abatement Rights
taxlot 1300
(171217SESW)



N

1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

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NE¼ SW¼	400	IRR	1.200	3 & 15	Kiesow, Daniel
NE¼ SW¼	1001	IRR	2.000	3 & 15	Buchman, William L. & Kitty
NE¼ SW¼	1002	IRR	2.250	3 & 15	Marsh, William R.
NE¼ SW¼	1100	IRR	1.000	3 & 15	Ledbetter, Carol Lynne
NE¼ SW¼	1101	IRR	1.700	3 & 15	Harris, Barbara A.
NE¼ SW¼	1102	IRR	2.000	3 & 15	McCormick, Benedict J. & Christie
NE¼ SW¼	1200	IRR	1.500	3 & 15	McMahon, Thomas & Margaret
NE¼ SW¼	1201	IRR	0.400	3 & 15	Smith, Elsie
NE¼ SW¼	1300	DUST	2.300	3 & 15	Rim Rock Riders
NE¼ SW¼	1300	IRR	1.900	3 & 15	Rim Rock Riders
NW¼ SW¼	300	IRR	3.600	3 & 15	Perrigan, Lemuel & Vonda
NW¼ SW¼	400	IRR	3.500	3 & 15	Conner, Nancy
NW¼ SW¼	500	IRR	2.000	3 & 15	Keown, Don & Judy
NW¼ SW¼	700	IRR	0.500	3 & 15	Cameron, Dean
NW¼ SW¼	701	IRR	1.000	3 & 15	Norgaard, Edward G.
NW¼ SW¼	702	IRR	2.000	3 & 15	Ford, Dean W. & Zona
NW¼ SW¼	703	IRR	3.000	3 & 15	Sherrill, Robert & Mary
NW¼ SW¼	704	IRR	1.750	3 & 15	Sporalsky, Dennis
NW¼ SW¼	705	IRR	0.750	3 & 15	Danison, L.W. & Arlene
NW¼ SW¼	706	IRR	2.000	3 & 15	Cross, Phillip W. & Susan J.
SW¼ SW¼	600	IRR	1.000	3 & 15	Cameron, Dean
SW¼ SW¼	601	IRR	1.000	3 & 15	Thomas, Robert & Bonnie
SW¼ SW¼	800	IRR	2.000	3 & 15	McCarthy, John M.
SW¼ SW¼	801	IRR	2.000	3 & 15	Baser, Joshua B. & Susan M.
SE¼ SW¼	1300	DUST	0.500	3 & 15	Rim Rock Riders
SE¼ SW¼	1300	IRR	0.300	3 & 15	Rim Rock Riders
SE¼ SW¼	2800	IRR	1.000	8	Holt, Dennis E. & Dona R.
NE¼ SE¼	101	IRR	4.000	3 & 15	Cook, James A. & Ruby
NE¼ SE¼	599	IRR	3.000	3 & 15	Cook, Ken & Linda
NW¼ SE¼	200	IRR	2.000	3 & 15	Miller, Lynn S. Marcum
NW¼ SE¼	201	IRR	2.000	3 & 15	Schulzke, Richard A. & Mary
NW¼ SE¼	300	IRR	1.000	3 & 15	Gertz, Robert E.
NW¼ SE¼	302	IRR	0.500	3 & 15	Josse, Mary Ann
NW¼ SE¼	400	IRR	1.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	401	IRR	0.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	500	IRR	6.100	3 & 15	Hanson, Don F. & Anne E.
NW¼ SE¼	501	IRR	1.500	3 & 15	Defoe, Margery M.
NW¼ SE¼	502	IRR	2.500	3 & 15	Pearson, Eldon & Donna
NW¼ SE¼	503	IRR	2.000	3 & 15	Bower, Jack A. & Coraliss
NW¼ SE¼	1201	IRR	2.600	3 & 15	Smith, Elsie
SW¼ SE¼	602	IRR	2.000	3 & 15	Gardner, Edgar & Jean
SW¼ SE¼	606	IRR	2.000	3 & 15	Norris, Walter
SW¼ SE¼	607	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	609	IRR	1.500	3 & 15	Elliott, Pat
SW¼ SE¼	610	IRR	1.500	3 & 15	Berkson, Eve
SW¼ SE¼	612	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	614	IRR	2.200	3 & 15	Elliott, Pat
SW¼ SE¼	616	IRR	3.300	3 & 15	Elliott, Pat
SE¼ SE¼	604	IRR	5.500	3 & 15	Hoey, John E. & Davis Ann
SE¼ SE¼	609	IRR	4.000	3 & 15	Elliott, Pat
SE¼ SE¼	615	IRR	2.000	3 & 15	Nettleton, Don
SE¼ SE¼	700	IRR	0.250	3 & 15	Jamison, James W. & Carol
		Section 17			
NW¼ NE¼	104	IRR	0.700	3 & 15	Elkins, Doris E.
NW¼ NE¼	105	IRR	3.200	3 & 15	Elkins, Doris E.
SW¼ NE¼	104	IRR	0.300	3 & 15	Elkins, Doris E.
SW¼ NE¼	105	IRR	21.000	3 & 15	Elkins, Doris E.
SE¼ NE¼	105	IRR	8.000	3 & 15	Elkins, Doris E.

KDV

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SE¼ NE¼	1400	IRR	8.600	3 & 15	Brinson, Edna
NE¼ NW¼	200	IRR	2.000	3 & 15	OCAT Inc.
NE¼ NW¼	400	IRR	2.600	3 & 15	Kennedy, Robert
NE¼ NW¼	800	IRR	1.500	3 & 15	Warren, Perry W. & Shelley L
NE¼ NW¼	1000	IRR	2.000	3 & 15	Cleveland, Wallace T.
NE¼ NW¼	1100	IRR	3.000	3 & 15	Campbell, Michael L. & Sharon B.
SE¼ NW¼	400	IRR	0.400	3 & 15	Kennedy, Robert
SE¼ NW¼	800	IRR	0.500	3 & 15	Warren, Perry W. & Shelley L
NW¼ SW¼	1300	IRR	0.500	3 & 15	Hauth, Arlene
NW¼ SE¼	100	IRR	3.300	3 & 15	Brinson, Edna
SW¼ SE¼	700	IRR	2.000	3 & 15	Beall Jr., Imrie Gustaf
SE¼ SE¼	200	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee
SE¼ SE¼	300	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee
		Section 21			
NE¼ NE¼	100	NUR	31.300	3 & 15	U.S. Forest Service
NW¼ NE¼	100	NUR	17.000	3 & 15	U.S. Forest Service
SW¼ NE¼	100	NUR	7.900	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	30.400	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	40.000	3 & 15	U.S. Forest Service
NW¼ SW¼	400	IRR	1.000	3 & 15	Verley, Rupert M.
NW¼ SW¼	401	IRR	1.000	3 & 15	Dornath, Terry
NW¼ SW¼	403	IRR	2.000	3 & 15	Detroit, Kenneth & Jo Ann
SW¼ SW¼	601	IRR	1.000	3 & 15	Grandma's House
SW¼ SW¼	602	IRR	1.500	3 & 15	Rumgay, Richard & Roxylee
SW¼ SW¼	700	IRR	3.000	3 & 15	MacFarlane, Lloyd & Lydia
SW¼ SW¼	4800	IRR	1.000	3 & 15	Deschutes County
NE¼ SE¼	102	IRR	4.000	3 & 15	Bend Metro Park & Recreation Dist.
NE¼ SE¼	200	IRR	2.100	3 & 15	Trinity Lutheran Church
NE¼ SE¼	300	IRR	2.200	3 & 15	Trinity Lutheran Church
NE¼ SE¼	1600	IRR	4.800	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1500	IRR	2.250	3 & 15	Putnam. Mary S.
NW¼ SE¼	1501	IRR	3.000	3 & 15	Al-Hajeri, Yousuf I. & May
NW¼ SE¼	1600	IRR	11.000	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1600	PND	0.200	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1603	IRR	3.000	3 & 15	Thompson, Doris
		Section 22			
NW¼ NW¼	1800	NUR	21.600	3 & 15	U.S. Forest Service
SW¼ NW¼	1800	NUR	8.800	3 & 15	U.S. Forest Service
		Section 23			
NW¼ NE¼	200	IRR	5.000	3 & 15	Rose, Patrick & Erin Hunter
NW¼ NE¼	300	IRR	2.800	3 & 15	Sampels, Dennis & Hazel
NW¼ NE¼	1600	IRR	2.000	3 & 15	Bestwick, Mary Jean
NW¼ NE¼	1700	IRR	2.000	3 & 15	Steffy, Steve & Mona
NE¼ NW¼	300	IRR	2.300	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	301	IRR	0.100	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	900	IRR	1.500	3 & 15	Bright, Lawrence
NW¼ NW¼	400	IRR	3.200	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	600	IRR	2.000	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	700	IRR	4.400	3 & 15	Moye, Esther
		Section 28			
SE¼ NE¼	0	IND*	13.625	3 & 15	Deschutes Reclamation & Irrigation
SW¼ SE¼	90000	IRR	2.000	2	Bend Riverside Motel
		Section 29			

3400

SEE NEXT PAGE

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SALEM, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-13579

$36.00

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D-D Cnt=1 Stn=23 SRB
$10.00 $11.00 $10.00 $5.00

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Deschutes County Clerk

Certificate Page



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If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description
previously recorded in Book 2006 and Page 68689
or as Fee Number _____

I 10490

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2006-68689
$36.00
10/13/2006 02:25:23 PM
D-D Cnt=1 Stn=23 JS
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, **Lawnae Hunter**, releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Lawnae Hunter**, shall no longer be liable for any district assessment or charges pertaining to the **5.00** acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

✓ ~~T17S-R12E,WM-SEC16-NE/NE-00100 & T17S- R12E,WM-SEC16-NW/NE-00100~~

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is $5,000.00.

Grantor:

Lawnae Hunter trustee Date 5.11.06.

Hunter family trust Date _____

State of ~~Oregon~~ California SS.
County of ~~Deschutes~~ Santa Barbara

Personally appeared Lawnae Hunter, and acknowledged the forgoing instrument to be his / her voluntary act and deed.

NOEMI ALVAREZ
COMM. # 1580739
NOTARY PUBLIC-CALIFORNIA
SANTA BARBARA COUNTY
COMM. EXP. MAY 21, 2009

Noemi Alvarez

My commission expires 6/21/09

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WATER RESOURCES DEPT
SALEM, OREGON

Swalley Irrigation District:

_____ Date 5-15-07
Janet L. Lee, Manager

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

Tax statement: No change.

1 10490

Lawnae Hunter

EXHIBIT A

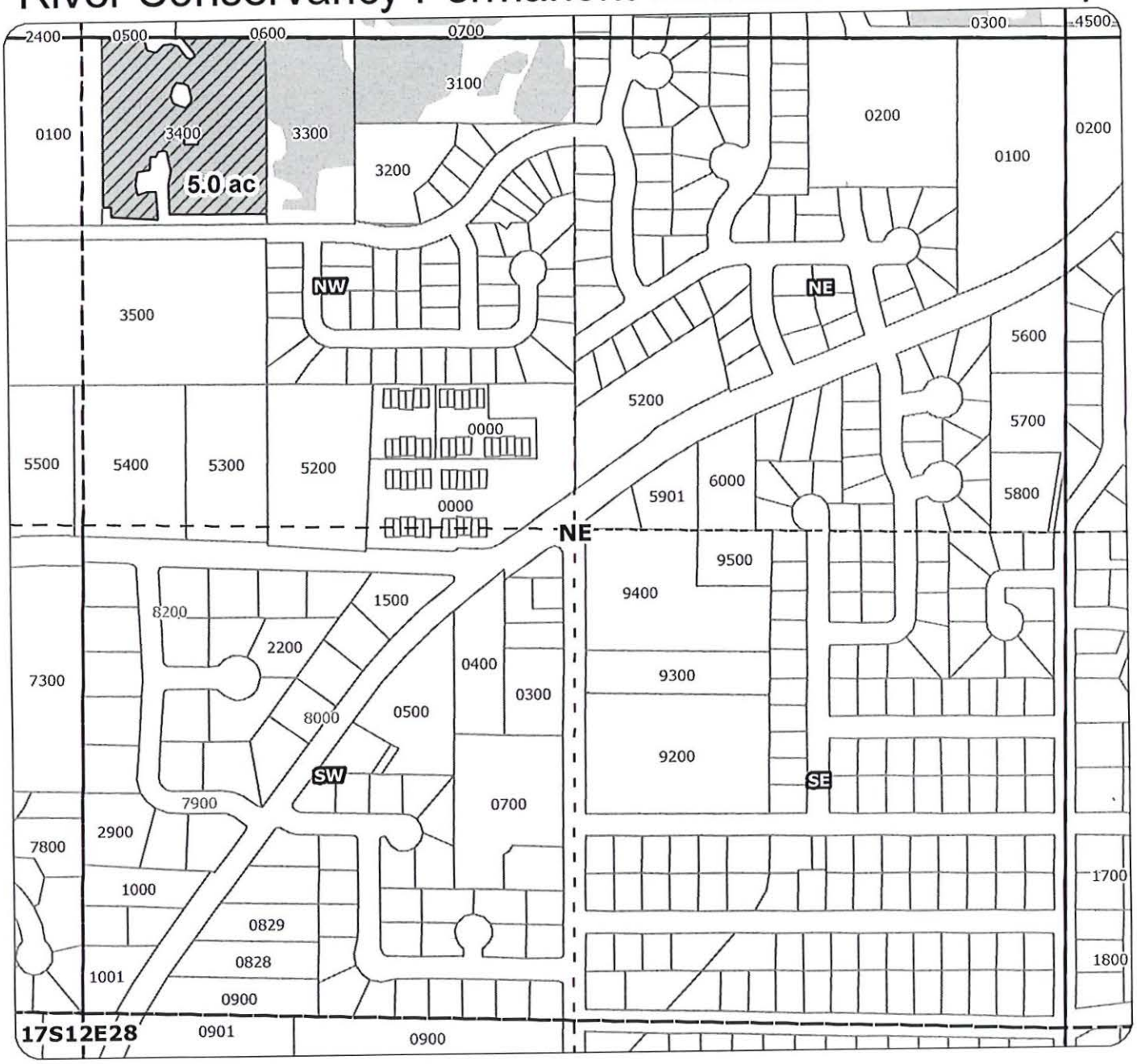
Acct# #2084 **Total Water Rights: 5.00**

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-R12E-WM-SEC 28-NW/NE-03400	171228AB03400	118684	5.00

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NOV 2 3 2007
WATER RESOURCES DEPT
SALEM, OREGON

T 10490

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map

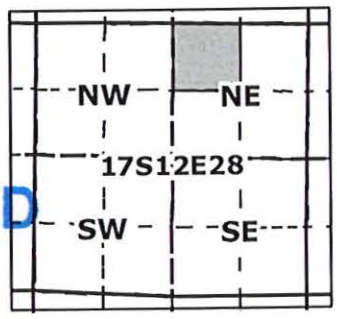


Application for Permanent Instream Transfer

for
Swalley Irrigation District
5 acres
taxlot 3400
(171228NWNE)

Proposed Transfer of Irrigation Rights

Water Rights



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SALEM, OREGON

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

T 10490

1 inch equals 400 feet

AmeriTitle
Part Of The JELD-WEN Family

IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy
700 NW Hill St
Bend OR 97701
Attn: Zach Tillman

Date Prepared : April 19, 2007
Report #1
Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

(a) "Customer": The person or persons named or shown on this cover sheet
(b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
(c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

(II) Liability of AmeriTitle:

(a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.

(b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.

(c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

(III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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SALEM, OREGON

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Irrigation District Public Record Report
Conditions, Stipulations and Definitions, continued…

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: October 13, 2006
Reference: DRC-34

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

Tract Two (2), BOYDS ACREAGE, Deschutes County, Oregon.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

LAWNAE HUNTER, Trustee of the Hunter Family Trust under Declaration of Trust dated May 27, 1998

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument : Warranty Deed
Recorded : May 5, 2005
Document No.: 2005-27739, Deschutes County Records
Grantor : Patrick Rose and Erin Rose, as tenants by the entirety
Grantee : Lawnae Hunter, Trustee of the Hunter Family Trust under Declaration of Trust dated May 27, 1998

Instrument : Quitclaim Deed for Transfer of Interest in a Water Right
Recorded : October 13, 2006
Document No.: 2006-68689, Deschutes County Records
Grantor : Lawnae Hunter
Grantee : Swalley Irrigation District
Rerecorded: March 6, 2007
Volume-Page: 2007-13579, Deschutes County Records

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SALEM, OREGON

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73684 51—

AmeriTitle
Part Of The J.E.L.D.-WEN Family

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2005-27739
$51.00
00361054200500277390010018
05/05/2005 11:57:52 AM
D-D Cnt=1 Stn=2 PAT
$5.00 $11.00 $10.00 $5.00 $20.00

THIS SPACE RE

After recording return to:
The Hunter Family Trust under Declaration of
Trust dated May 27, 1998
204 E Enos Drive, Suite C
Santa Maria, CA 93454

Until a change is requested all
tax statements shall be sent to
The following address:

The Hunter Family Trust under Declaration of
Trust dated May 27, 1998
204 E Enos Drive, Suite C
Santa Maria, CA 93454

Escrow No. BT073684CF

STATUTORY WARRANTY DEED

Patrick
~~Partick~~ Rose and Erin Rose, as tenants by the entirety, Grantor(s) hereby convey and warrant to Lawnae Hunter, Trustee of the Hunter Family Trust under Declaration of Trust dated May 27, 1998, Grantee(s) the following described real property in the County of Deschutes and State of Oregon, free of encumbrances except as specifically set forth herein:

Tract Two (2), BOYDS ACREAGE, Deschutes County, Oregon.

Account no. 118684 **171228AB 03400**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 3rd day of May, 2005.

Patrick ~~Partick~~ Rose

Erin Rose

STATE OF ~~CALIFORNIA~~ Florida
COUNTY OF Collier ss. Linda Anderson, Notary

On May 3, 2005 before me, ~~Patrick Rose and~~ Erin Rose (LA) personally appeared Partick Rose and Erin Rose personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Linda Anderson

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
LINDA ANDERSON
COMMISSION NUMBER
DD125017
MY COMMISSION EXPIRES
JUNE 29,2006

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SALEM, OREGON

After recording, return to
Amerititle
15 OREGON AVENUE, BEND

1 10490

Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Deschutes)

I, Karl Conklin, in my capacity as Field Operations Manager,

mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701

telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

☐ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☐ Personal observation ☑ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	28	NW/NE	03400	5.00

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SALEM, OREGON

(continues on reverse side)

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

1 10490

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Landscape irrigation & pasture.

5. The water delivery system used to apply water as authorized by the right is described below:

Via pipeline; valved turnout

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☑ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☑ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

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SALEM, OREGON

Signature of Affiant

10/3/07
Date

Signed and sworn to (or affirmed) before me this 3rd day of October, 2007.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson
Notary Public for Oregon

My Commission Expires: 1-5-2010

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

Swalley Irrigation District



Lawnee Hunter -
17-12-28-AB-03400

- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Gate
- SCADA Sensor
- Lateral Headgate
- Private Line
- Canal All
- Canal Open
- Canal Piped
- LEASES ACTIVE
- Transfers with T Number
- Rivers

Scale 1" = 200'
Created: 10/2/2007

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

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SALEM, OREGON

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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-13554

$36.00

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D-D Cnt=1 Stn=23 SRB
$10.00 $11.00 $10.00 $5.00

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Deschutes County Clerk

Certificate Page



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WATER RESOURCES DEPT
SALEM, OREGON

If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] Legal Description
previously recorded in Book 2006 and Page 68688
or as Fee Number _____

1 10490

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2006-68688
$36.00
00501226200600686880020025
10/13/2006 02:25:23 PM
D-D Cnt=1 Stn=23 JS
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, KDV, LLC releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application KDV, LLC shall no longer be liable for any district assessment or charges pertaining to the **5.00** acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:
~~T17S-R12E,WM-SEC16-NE/NE-00100 & T17S-R12E,WM-SEC16-NW/NE-00100~~

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.
Consideration for this Quitclaim is $5,000.00.

Grantor:

_____ Date 8/4/06

_____ Date _____

State of **Oregon** SS.
County of **Deschutes**

Personally appeared Tim Vezie, and acknowledged the forgoing instrument to be his / ~~her voluntary act and deed~~.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

~~Swalley Irrigation District~~

_____ Date 8/4/06

Janet L. Lee, Manager
State of **Oregon** SS.
County of **Deschutes**

Personally appeared, **Janet L. Lee** as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGO
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 201

Kathy Ferguson

My commission expires 1-5-2010

Tax statement: No change.

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SALEM, OREGON

1 10490

KDV, LLC Tim Vezie

EXHIBIT A

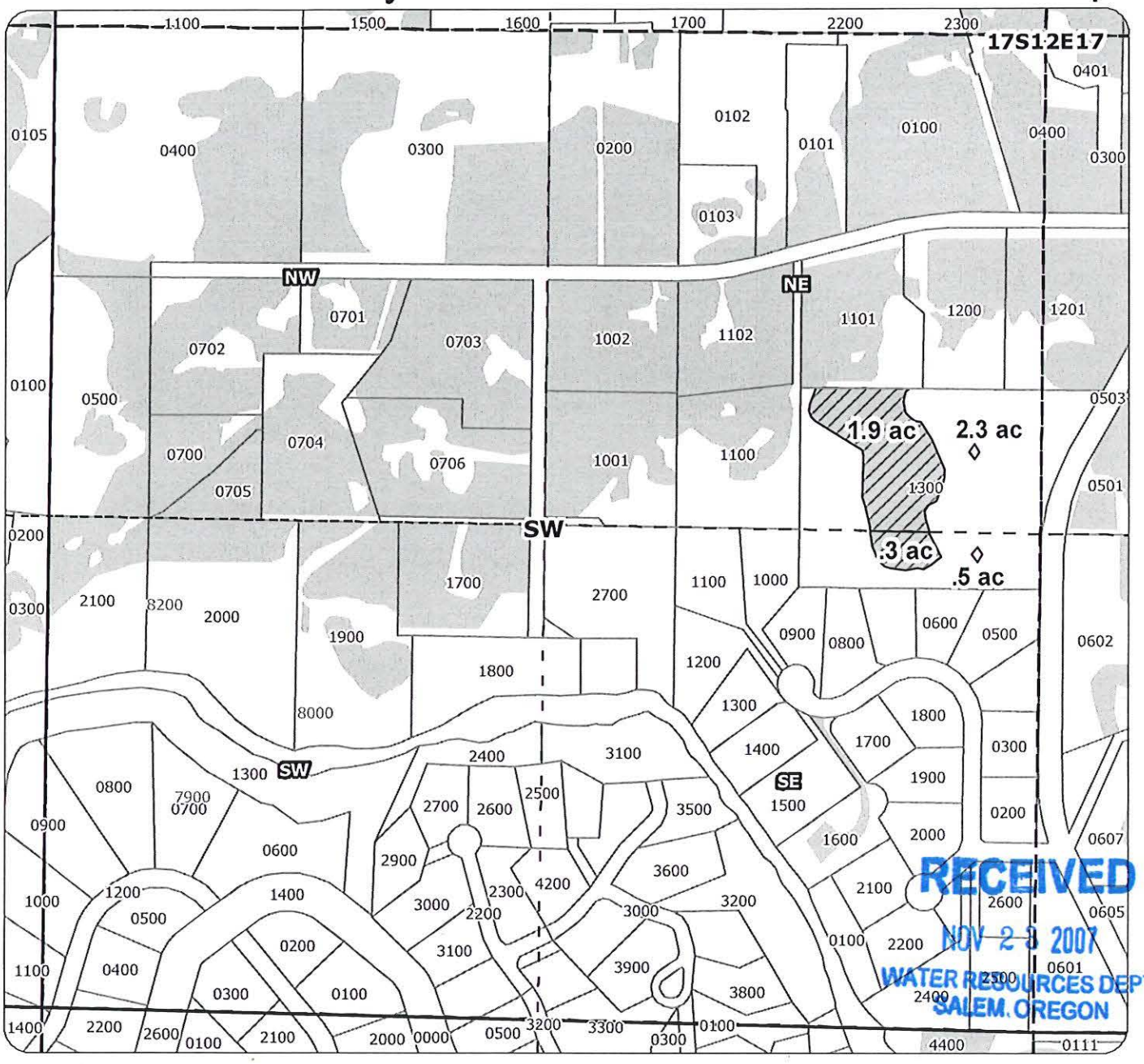
Acct# #2134 **Total Water Rights: 5.00**

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-R12E-WM-SEC 17-NE/SW-01300	171217CA01300		4.20
T17S-R12E-WM-SEC17-SE/SW-01300	171217CD01300		.80

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SALEM, OREGON

T 10490

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



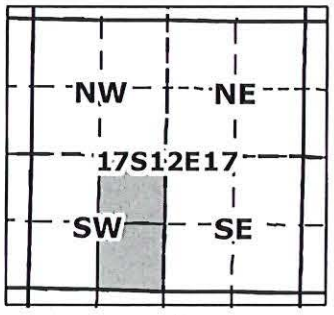
Application for Permanent Instream Transfer

Proposed Transfer of Irrigation Rights

Proposed Trasnfer of Dust Abatement Rights*
*Diamond denotes Unmapped Water Right

Water Rights

for
Swalley Irrigation District
1.9 acres of Irrigation Rights
2.3 acres of Dust Abatement Rights
taxlot 1300
(171217NESW)
.3 acres of Irrigation Rights
.5 acres of Dust Abatement Rights
taxlot 1300
(171217SESW)



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

T 10490

1 inch equals 400 feet

AmeriTitle
Part Of The JELD-WEN Family

IRRIGATION DISTRICT PUBLIC RECORD REPORT

THIS REPORT IS FOR THE EXCLUSIVE USE OF:

Deschutes River Conservancy
700 NW Hill St
Bend OR 97701
Attn: Zach Tillman

Date Prepared : April 19, 2007
Report #1
Title Officer : Chuck Nichols

CONDITIONS, STIPULATIONS AND DEFINITIONS

(I) Definitions:

(a) "Customer": The person or persons named or shown on this cover sheet
(b) "Public records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to said land.
(c) "Land": The land specifically described in this public record report and improvements affixed thereto which by law constitute real property.

(II) Liability of AmeriTitle:

(a) This Is Not A Commitment To Issue Title Insurance And Does Not Constitute A Policy Of Title Insurance.

(b) The liability of AmeriTitle for errors or omissions in this public record report is limited to the amount of the fee paid by the customer, provided, however, that AmeriTitle has no liability in the event of no actual loss to the customer.

(c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the customer.

(III) Report Entire Contract:

Any right or action or right of action that the customer may have or may bring against AmeriTitle arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of AmeriTitle. By accepting this form report, the customer acknowledges and agrees that the customer has elected to utilize this form of public record report and accepts the limitation of liability of AmeriTitle as set forth herein.

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SALEM, OREGON

T 10490

Irrigation District Public Record Report
Conditions, Stipulations and Definitions, continued…

(IV) Fee:

The fee charge for this Report does not include supplemental reports, updates or other additional services of AmeriTitle.

REPORT

Effective Date: October 13, 2006
Reference: DRC-33

A. The Land referred to in this public record report is located in the County of Deschutes, State of Oregon, and is described as follows:

Tract Sixteen (16), GLEN VISTA, Deschutes County, Oregon.

B. As of the Effective Date and according to the public records, we find the last deed of record runs to:

KDV, LLC

C. As of the Effective Date and according to the public records, the Land is the subject of the following chain of conveyances and contracts to convey title during the period beginning on the recording date of the earliest recorded instrument shown below and ending on the recording date of the Latest recorded instrument shown below:

Instrument	:	Warranty Deed
Recorded	:	December 12, 2005
Document No.	:	2005-85155, Deschutes County Records
Grantor	:	Rimrock Riders, Oregon Corporation
Grantee	:	KDV, LLC

Instrument	:	Quitclaim Deed for Transfer of Interest in a Water Right
Recorded	:	October 13, 2006
Document No.	:	2006-68688, Deschutes County Records
Grantor	:	KDV, LLC
Grantee	:	Swalley Irrigation District
Rerecorded:		March 6, 2007
Volume-Page:		2007-13554, Deschutes County Records

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WATER RESOURCES DEPT
SALEM, OREGON

"Superior Service with Commitment and Respect for Customers and Employees"

1 10490

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2005-85155

$31.00

00422180200500851550010017 12/12/2005 02:07:00 PM

D-D Cnt=1 Stn=3 PAM
$5.00 $11.00 $10.00 $5.00

31

After recording return to:
HDV, LLC
P.O. BOX 5014
ALOHA, OR 97707

Until a change is requested all tax statements shall be sent to the following address:
HDV, LLC
P.O. BOX 5014
ALOHA, OR 97707

WARRANTY DEED -- STATUTORY FORM

RIMROCK RIDERS, OREGON COOPERATION, Grantor,

conveys and warrants to

KDV, LLC, Grantee,

the following described real property, free of encumbrances except as specifically set forth herein, to wit:

Tract 16, GLEN VISTA, Deschutes County, Oregon.

Tax Account No(s): 118002, CODE 1-001
Map/Tax Lot No(s): 17-12-17-C0-01300

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is $1,306,650.00 .

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 2nd day of December, 2005.

RIMROCK RIDERS, OREGON COOPERATION

BY: Bobbi D. Elliott
BOBBI D. ELLIOTT,
PRESIDENT

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NOV 23 2007
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON, COUNTY OF DESCHUTES) SS.

This instrument was acknowledged before me on December 2, 2005 by RIMROCK RIDERS, OREGON COOPERATION BOBBI D. ELLIOTT PRESIDENT.

(Notary Public for Oregon)
My commission expires

OFFICIAL SEAL
JILL JONES
NOTARY PUBLIC-OREGON
COMMISSION NO. 385893
MY COMMISSION EXPIRES OCT. 17, 2008

TITLE NO. 15-0028505
ESCROW NO. 15-0028505

RECORDED BY
WESTERN TITLE & ESCROW CO.

1 10490

Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Deschutees)

I, KARL F. CONKLIN, in my capacity as Field Supervisor,

mailing address 64672 Cook Ave., Suite 1, Bend, OR 97701

telephone number (541) 388-0658, being first duly sworn depose and say:

1. I attest that:

☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☑ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
17	S	12	E	WM	17	NE/SW	01300	4.20
17	S	12	E	WM	17	SE/SW	01300	.80

RECEIVED
NOV 23 2007
WATER RESOURCES DEPT
SALEM, OREGON

(continues on reverse side)

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

T 10490

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

pasture, dust abatement.

5. The water delivery system used to apply water as authorized by the right is described below:

pressurized system being pumped out of a cistern

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☑ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Signature of Affiant

8/04/06
Date

Signed and sworn to (or affirmed) before me this 4 day of August, 2006.

OFFICIAL SEAL
KATHY FERGU
NOTARY PUBLIC – O
COMMISSION N
MY COMMISSION EXPIRES JA

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MMISSION EXPIRES JANUARY 5, 2010

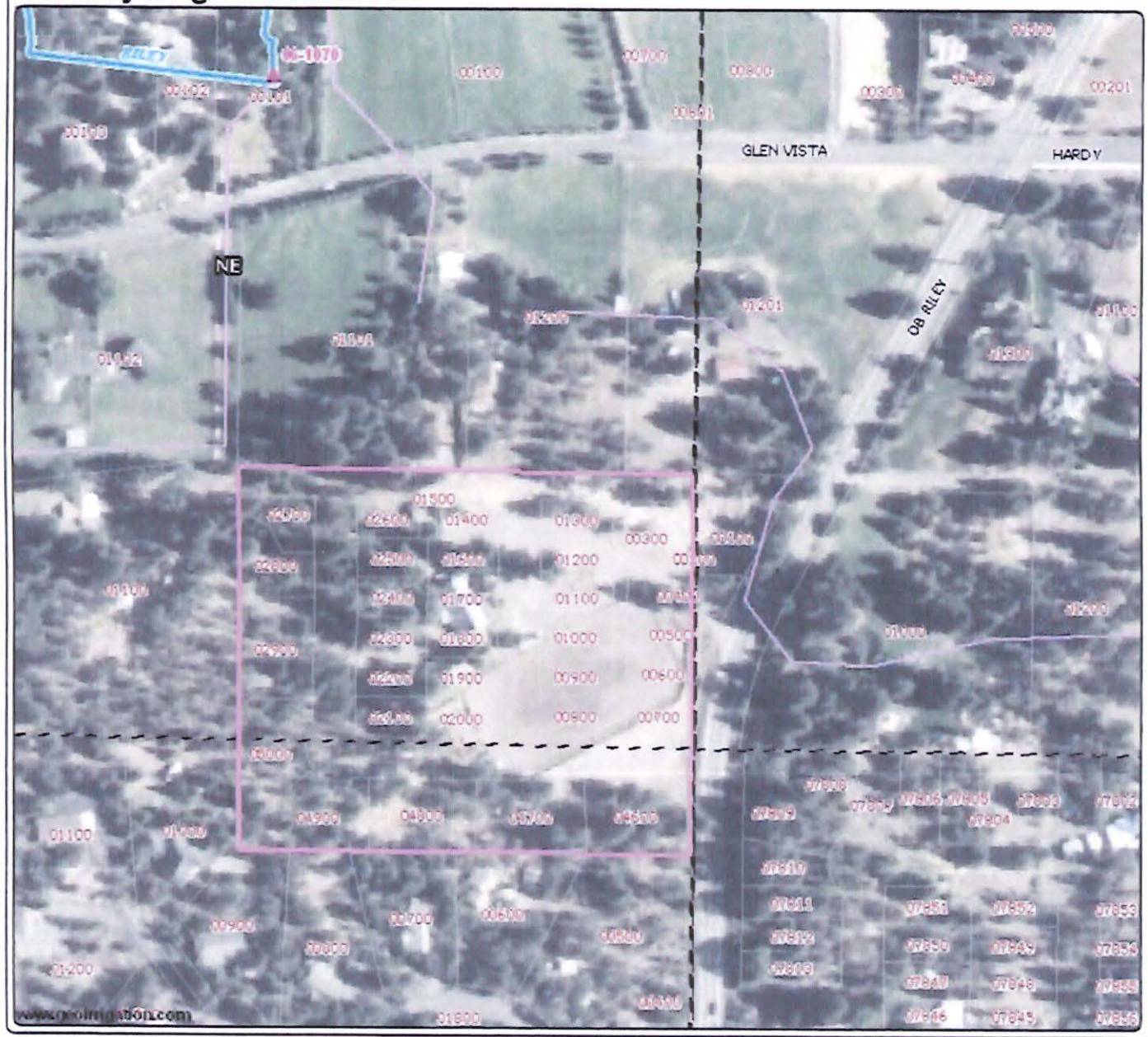
Kathy Ferguson
Notary Public for Oregon

My Commission Expires: 1-5-2010

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Swalley Irrigation District



DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

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SALEM, OREGON
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Laura Wilke

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Thursday, November 19, 2009 12:19 PM
To: Laura Wilke
Subject: Re: T10490 - TL 1300 issues
Attachments: 10490-defic-letter3_draft.doc

Laura,

Take a look at the attached - let me know if you want any changes.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

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> **Sent:** Thursday, November 19, 2009 10:19 AM
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The issue here, which Kyle Gorman has identified, is that there is not likely 5 acres of irrigation possible on this parcel. The tax lot is five acres in size. The application map itself shows areas with no irrigation hatchured. This appears to be a driveway, buildings, shrubs and a pond. Kyle, in an e-mail dated 8/1/2008, suggested that there is potentially only 4.5 acres of irrigation.

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The DRC also provided SID water use records. Records appear to identify that full use occurred for 4.2 ac of water right in the NE SW in 2004 and 2005. It appears that the 4.2 acre accounts for the 1.9 acre of irrigation and 2.3 acre of dust abatement, which totals 4.2 acres. For the irrigation use, this appears to meet the bar for showing use in the five years prior to the transfer being submitted. And I don't think that the letter from Bobbi Elliot contradicts this. She identified that irrigation water was "primarily" used for dust abatement, which doesn't suggest that all of the water was used for dust abatement.

I think the TL 1300 record that you referred to higher up on their water use summary is just an accounting thing for the 1.9 acre of irrigation that was quit claimed. I think they've met the bar as far as the application requirements go but the information isn't the greatest as you pointed out.

I also did a gut check with Kyle and Jeremy on this property back in August 2008. Here's what Kyle said about this parcel: "for the areas on tax lot 1300 of sec 17, this was a horse riding facility and dust control was definitely used there. I know there was irrigation. I've ridden my bike by this place at least 20 times per summer since 1996 and can always recall use on the property. Now it has been turned into a subdivision so all previous evidence is gone."

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Kyle Gorman sent us additional information for the dust abatement use on 8/20/2009.

If you need additional time, considering we need to put together a very short deficiency letter, contact Salem to start working through that process.

Give me a buzz if you have questions after getting a chance to read through this.

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Subject: T10490 - TL 1300 issues

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My findings are that this is not the case. First, the 'area under irrigation', which should conform to the irrigation POU, appears to have a land cover identical to the tax lot to the north. In the tax lot to the north, which is not cluttered with overlaid plat info, it much easier to see that these are trees (probably juniper), not grass. I wouldn't think that anyone would irrigate junipers... Second, the line highlighted in the watermaster's records is only part of the story. There is another reference to TL 1300 a little higher on the page that shows NO evidence of use. This piece is 1.9 acres-same as the irrigation right in the NE SW. There are no records shown for the SE SW where the other 0.3 acres of irrigation are. The highlighted section (4.2 ac) could refer to dust abatement, though it is considerably more than the 2.3 acres allowed in that QQ. Again, there are no records for SE SW where the other 0.5 ac of dust rights are located. Finally, Bob Elliot's letter does not contain any reference to water being used for irrigation. If you re-read the first line of Bob Elliot's letter, what it says is that the irrigation rights were really used for dust control.

Unfortunate as it may be, the above would suggest at least a partial denial of the transfer. Please give me a call to let me know how you want to handle that. I can probably do a partial approval (i.e. for TL 3400) or a full denial DPD with the time I have left. However if we get into another round of deficiency letters, I'll need to request more time.

Thanks,

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November 19, 2009

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We have come upon two additional problems that need to be resolved before we can continue processing your application.

1. The SID records provided as evidence of use do not include lands in the SE SW Section 17 associated with TL 1300 that are proposed for transfer. Please submit the SID records for these lands, or provide evidence of use by another means.

2. It appears that 0.5 acres of TL 3400 were occupied by structures, so only 4.5 acres are in fact eligible for transfer. If you would like to rebut this preliminary finding, please submit additional information that supports irrigation of the 0.5 acres in question. If we do not receive any additional information the Draft Preliminary Determination will list 4.5 acres as the quantity to be transferred.

Please submit these additional materials by December 30 to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Water Rights Transfer Specialist

cc: Jeremy Giffen, District 11 Watermaster
Swalley Irrigation District

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Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 19, 2009

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
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REFERENCE: Transfer T-10490

We have come upon two additional issues that need to be resolved before we can continue processing your application.

1. The Swalley Irrigation District (SID) records provided as evidence of use do not include lands in the SE SW Section 17 associated with TL 1300 that are proposed for transfer. Please submit the SID records for these lands, or provide evidence of use by another means.

2. Upon review of Department and Deschutes County records, it appears that tax lot 3400 is approximately 5.0 acres in size. The application map identifies that there are 5.0 acres of irrigation with some open areas shown on the map that appear to be occupied by structures, a pond, a driveway, and scrubby non irrigated areas. Based on initial evaluation, it appears that there may only be 4.5 acres available for transfer. If you would like to rebut this preliminary finding, please submit additional information that supports irrigation of 5.0 acres. If we do not receive any additional information, the Draft Preliminary Determination will likely list 4.5 acres as the quantity to be transferred. It may also be necessary to cancel the remaining balance that would not be available for transfer and as a remaining right.

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Flow Restoration Program Coordinator
Field Services Division

cc: Jeremy Giffin, District 11 Waterrmaster

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Laura,

Take a look at Zach's response to the first deficiency letter (dated June 26 2008-attached). Under item 2 he says that the aerial photo shows irrigation, and this is backed up by the SID watermaster's records (both are attached to the letter).

My findings are that this is not the case. First, the 'area under irrigation', which should conform to the irrigation POU, appears to have a land cover identical to the tax lot to the north. In the tax lot to the north, which is not cluttered with overlaid plat info, it much easier to see that these are trees (probably juniper), not grass. I wouldn't think that anyone would irrigate junipers... Second, the line highlighted in the watermaster's records is only part of the story. There is another reference to TL 1300 a little higher on the page that shows NO evidence of use. This piece is 1.9 acres-same as the irrigation right in the NE SW. There are no records shown for the SE SW where the other 0.3 acres of irrigation are. The highlighted section (4.2 ac) could refer to dust abatement, though it is considerably more than the 2.3 acres allowed in that QQ. Again, there are no records for SE SW where the other 0.5 ac of dust rights are located. Finally, Bob Elliot's letter does not contain any reference to water being used for irrigation. If you re-read the first line of Bob Elliot's letter, what it says is that the irrigation rights were really used for dust control.

Unfortunate as it may be, the above would suggest at least a partial denial of the transfer. Please give me a call to let me know how you want to handle that. I can probably do a partial approval (i.e. for TL 3400) or a full denial DPD with the time I have left. However if we get into another round of deficiency letters, I'll need to request more time.

Thanks,

Terry

Laura Wilke

From: Laura Wilke

Sent: Monday, October 19, 2009 9:16 AM

To: 'Terrance Anthony'

Subject: FW: Proposed instream transfer (T-10490)

Looks like Zach didn't provide notice to the planning department's for Maupin and Wasco county until last week.

Applicants for instream transfers are required to provide notice to affected local governments prior to submission of the transfer application.

We should make note of when notice was provided in the DPD.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, October 15, 2009 2:12 PM
To: maupincity@centurytel.net; ToddC@co.wasco.or.us
Cc: Laura Wilke
Subject: Proposed instream transfer (T-10490)

Hello,

We are notifying you of our intent to transfer a water right to instream use. We have submitted an application to the Oregon Water Resources Department changing the place of use to the Deschutes River, from the city of Bend to Lake Billy Chinook.

We propose to transfer approximately 0.17 cfs instream, with a priority date of September 1st, 1899. If you have questions regarding this application or are interested in receiving additional information, please call me at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review. Thanks very much.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

Laura Wilke

From: Laura Wilke
Sent: Monday, October 05, 2009 12:43 PM
To: 'Terrance Anthony'
Subject: RE: T 10490
Attachments: 10490-Dust abatement calculation.xls

Hi Terry – You might not remember this transfer but it's still on our to-do list. Do you still have any $ time left available for this transfer? We just got in some additional information needed to address a deficiency (we needed info on how water was used for dust abatement from the applicant). I thought this might be a good point to assess where we are in the process and where you are.

Attached is the additional info from Kyle Gorman (Regional Manager) that addresses the dust abatement issue and how much may be available for transfer. I'm going to spend an hour or so this afternoon refreshing myself on this transfer. Please give me a call, if needed, and we can touch base.

Also – here's an excerpt from Kyle's e-mail

"I have attached a spreadsheet that I used to calculate the amount of water that the DRC is proposing to transfer to instream for mitigation that involved dust abatement at the Rimrock Riders riding area within the Swalley Irrigation District. On the low side it was 0.88 acre-feet per acre and the high side was 1.64 ac-ft/acre. I also looked at a transfer that involved dust abatement in the Umatilla Basin. The Department allowed 1.2 AF/acre in that transfer from dust abatement to quasi-municipal use (T-9640). From the data available, which is sparse, I think that they can make a case for having used up to 1.64 AF/acre beneficially and likely close to 100% consumptive. I am trying to arrive at the transferrable amount. I think 1.6 AF/acre would be the max amount. Zach has a lot riding on this because he already told the purchaser they are going to get 1.8 AF/acre before even discussing with us."

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Sunday, August 24, 2008 11:40 AM
To: Laura Snedaker
Subject: T 10490

Hi Laura,

I noticed that the deadline is approaching for DRC to respond to our most recent deficiency letter re: T 10490. In the event you receive something, please know that I'll be out all of this coming week on vacation but that I'll reply as soon as I return. If you don't see anything from them by end of the month, could I ask you to inquire where they are at? -Thanks.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Assumptions:	6	gpm/acre	7.5	gpm/acre
	2.5	acres	2.5	acres
rate	15	gpm	18.75	gpm
	0.03	cfs	0.04	cfs
	8	hours/day	9	hours/day
	0.02	af/day	0.03	af/day
	5	days/week	6	days/week
	20	weeks/yr	22	weeks/yr
	2.20	AF	4.09	AF
	0.88	ac-ft/acre	1.64	ac-ft/acre

Laura Snedaker

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Thursday, July 24, 2008 11:56 PM
To: Laura Snedaker
Subject: T-10490 deficiency letter no. 2
Attachments: 10490-defic-letter2.doc

Laura,

See attached per our conversation earlier today. Make any changes you feel appropriate.

I will return middle of next week in case any further action on my end is needed.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Laura Snedaker

From: Laura Snedaker
Sent: Monday, July 21, 2008 10:32 AM
To: 'Terrance Anthony'
Subject: T-10490 - response to deficiency letter
Attachments: 10490-def-ltr-response.pdf; 9640-ord-approved.doc; 9640-pd.doc

Terry:

We got some information back from the applicant for instream transfer T-10490. Their response is attached. Please review and let me know what you think. On the dust control. I think we need to take another look at their transfer file in conjunction with the little bit of information provided and see what we have. My first thought was that they still have not provided sufficient information. I have an example transfer involving the change in character of use from dust abatement to something else. I've attached the PD and FO for that transfer as reference materials. These may help in formatting a response back to the applicant.

Give me a call after you've had a chance to look over their response and the examples I've attached and let's chat about next steps.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-9640, Umatilla County, Oregon	))))	FINAL ORDER APPROVING CHANGE IN PLACE OF USE, POINT OF APPROPRIATION, AND CHARACTER OF USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

R & J Water Company
c/o Roy Woolliams
P.O. Box 826
Hermiston, Oregon 97838

Findings of Fact

1. R & J Water Company filed an application to change the place of use, add a point of appropriation, and change the character of use under Certificate 75737. The Department assigned the application number T-9640.

2. The portion of the right to be transferred is as follows:

Certificate: 75737 in the name of C & B Livestock, Inc.
Use: Dust Control
Priority Date: September 7, 1965
Quantity: 0.90 cubic feet per second (cfs)
Source: Well #2 within the Umatilla Basin
Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	22	SE SW	10'N & 1330'E from SW corner, Sec. 22

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Use
4	N	28	E	W.M.	21	NE SE	Dust Control
4	N	28	E	W.M.	21	NW SE	Dust Control
4	N	28	E	W.M.	21	SW SE	Dust Control
4	N	28	E	W.M.	21	SE SE	Dust Control
4	N	28	E	W.M.	22	SW SW	Dust Control

3. Application T-9640 proposes to add an additional point of appropriation approximately 100 feet from the existing authorized point of appropriation in the Umatilla Basin at:

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	22	SW SW	100'N & 1310'E from SW corner, Sec. 22

4. Application T-9640 also proposes to change the character of use to Quasi-Municipal.

5. Application T-9640 also proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Use
4	N	28	E	W.M.	21	SE NE	Quasi-Municipal
4	N	28	E	W.M.	21	NE SE	Quasi-Municipal
4	N	28	E	W.M.	21	NW SE	Quasi-Municipal
4	N	28	E	W.M.	21	SW SE	Quasi-Municipal
4	N	28	E	W.M.	21	SE SE	Quasi-Municipal
4	N	28	E	W.M.	22	SW NW	Quasi-Municipal
4	N	28	E	W.M.	22	SE NW	Quasi-Municipal
4	N	28	E	W.M.	22	NE SW	Quasi-Municipal
4	N	28	E	W.M.	22	NW SW	Quasi-Municipal
4	N	28	E	W.M.	22	SW SW	Quasi-Municipal
4	N	28	E	W.M.	22	SE SW	Quasi-Municipal
4	N	28	E	W.M.	22	NW SE	Quasi-Municipal
4	N	28	E	W.M.	22	SW SE	Quasi-Municipal

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

7. Water has been reportedly used within the last five years according to the terms and conditions of the right and no evidence has been submitted that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total annual quantity of water diverted under the right proposed for transfer would be 650 acre-feet (0.90 cfs x 1.98 x 365 days) if taken continuously at the maximum authorized rate.

9. The transfer application indicates that the right has been exercised through the use of a 20,000 gallon storage tank from which two water tankers with a combined capacity of 16,000 gallons are filled and used to spread water in the feedlot, roads and other areas to control dust. It would take approximately 50 minutes pumping at the maximum authorized rate to fill the storage tank.

10. The affidavit attesting to the use of water included with the application indicates that the pump discharges to a 20,000 gallon storage tank from which water trucks and tankers are filled. The water trucks and tankers are used to control dust in the feedlot, roads and other areas of feedlot operation.

11. The applicant provided power usage records and an estimate of the quantity of water pumped by the well supplying the right asserting that a total of 409.2 acre-feet were pumped. The estimate is based on a calculated flow rate at the pump of 402 gallons per minute (gpm).

12. In calculating the flow rate at the pump, the applicant assumed drawdown to be 10 feet. However, based on the Department's experience with other wells in the area, drawdown in the well likely would be closer to 30 feet if sustained pumping at 402 gpm had occurred. Alternatively, the flow rate at the pump likely was closer to 200 gpm if drawdown was limited to 10 feet. This is collaborated by the Claim of Beneficial Use for Transfer T-7532 in which the total head and flow that C&B #2 well is capable of producing is calculated as 275 gpm.

13. Given the use authorized under certificate 75737, the total volume at the full face value of the right could not be beneficially used.

14. On March 1, 2005, the Department issued a Preliminary Determination proposing to reject the application.

15. On March 31, 2005, Department staff met with the applicant's representatives to estimate the quantity of water that could be beneficially used under the existing water right. The water right is used extensively during summer months for dust control. The water is used during the remaining months to a lesser extent. Based on the applicant's actual use and consideration of climatic conditions, approximately 165 acre-feet could be used annually under the existing water right,

16. On April 18, 2005, the applicant filed a timely protest and agreed to limited the total annual quantity of water to be used under the transferred right to 165 acre-feet.

17. The proposed changes would not result in enlargement of the right if the use of water proposed in the application is limited to 165 care-feet annually.

18. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in point of appropriation, place of use, and character of use proposed in application T-9640 and as conditioned are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation, place of use, and character of use proposed in application T-9640 are approved.

2. Water right certificate 75737 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.

3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 75737 and any related decree.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

5. The proposed change shall be completed on or before October 1, 2006.

6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation. In addition, the total quantity of water annually used under the right shall be limited to no more than 165 acre-feet.

8. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be

approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this ____ day of _____, 2005.

_____
Phillip C. Ward
Director

Mailing date: _____

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-9640, Umatilla County, Oregon	)))	PRELIMINARY DETERMINATION

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

R & J Water Company
c/o Roy Woolliams
P.O. Box 826
Hermiston, Oregon 97838

Findings of Fact

1. R & J Water Company filed an application to change the place of use, add a point of appropriation, and change the character of use under Certificate 75737. The Department assigned the application number T-9640.

2. The portion of the right to be transferred is as follows:

Certificate: 75737 in the name of C & B Livestock, Inc.
Use: Dust Control
Priority Date: September 7, 1965
Quantity: 0.90 cubic feet per second (cfs)
Source: Well #2 within the Umatilla Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	22	SE SW	10'N & 1330'E from SW corner, Sec. 22

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this transfer application and preliminary determination.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Use
4	N	28	E	W.M.	21	NE SE	Dust Control
4	N	28	E	W.M.	21	NW SE	Dust Control
4	N	28	E	W.M.	21	SW SE	Dust Control
4	N	28	E	W.M.	21	SE SE	Dust Control
4	N	28	E	W.M.	22	SW SW	Dust Control

3. Application T-9640 proposes to add an additional point of appropriation approximately 100 feet from the existing authorized point of appropriation in the Umatilla Basin at:

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	22	SW SW	100'N & 1310'E from SW corner, Sec. 22

4. Application T-9640 also proposes to change the character of use to Quasi-Municipal.

5. Application T-9640 also proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Use
4	N	28	E	W.M.	21	SE NE	Quasi-Municipal
4	N	28	E	W.M.	21	NE SE	Quasi-Municipal
4	N	28	E	W.M.	21	NW SE	Quasi-Municipal
4	N	28	E	W.M.	21	SW SE	Quasi-Municipal
4	N	28	E	W.M.	21	SE SE	Quasi-Municipal
4	N	28	E	W.M.	22	SW NW	Quasi-Municipal
4	N	28	E	W.M.	22	SE NW	Quasi-Municipal
4	N	28	E	W.M.	22	NE SW	Quasi-Municipal
4	N	28	E	W.M.	22	NW SW	Quasi-Municipal
4	N	28	E	W.M.	22	SW SW	Quasi-Municipal
4	N	28	E	W.M.	22	SE SW	Quasi-Municipal
4	N	28	E	W.M.	22	NW SE	Quasi-Municipal
4	N	28	E	W.M.	22	SW SE	Quasi-Municipal

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

7. Water has been reportedly used within the last five years according to the terms and conditions of the right and no evidence has been submitted that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. Absent the limitation that water may only be diverted as necessary to achieve the authorized beneficial use without waste, the total annual quantity of water diverted under the right

proposed for transfer would be 650 acre-feet (0.90 cfs x 1.98 x 365 days) if taken continuously at the maximum authorized rate.

9. The transfer application indicates that the right has been exercised through the use of a 20,000 gallon storage tank from which two water tankers with a combined capacity of 16,000 gallons are filled and used to spread water in the feedlot, roads and other areas to control dust. It would take approximately 50 minutes pumping at the maximum authorized rate to fill the storage tank. Given the relative capacity of the trucks and the large number of daily trips by each of the trucks necessary to apply the water that the applicant asserts is used, the storage tank is not of sufficient size to provide any significant carry-over storage from day to day.

10. The affidavit attesting to the use of water included with the application indicates that the pump discharges to a 20,000 gallon storage tank from which water trucks and tankers are filled. The water trucks and tankers are used to control dust in the feedlot, roads and other areas of feedlot operation.

11. The applicant provided power usage records and an estimate of the quantity of water pumped asserting that a total of 409.2 acre-feet were used for dust control during 2001. The estimate is based on a calculated flow rate at the pump of 402 gallons per minute (gpm).

12. Based on the information provided, the applicant is asserting that approximately 43.4 acre-feet of water was used for dust control during the January 2001 billing period. Application of this quantity of water would have required that each of the tanker trucks used would have made an average of 28.5 trips each day during the period to fill the tanks and to spread the water including during the 14 days in which the low temperature at Hermiston was at or below freezing or precipitation exceeded 0.1 inches.

13. In calculating the flow rate at the pump, the applicant assumed drawdown to be 10 feet. However, based on the Department's experience with other wells in the area, drawdown in the well likely would be closer to 30 feet if sustained pumping at 402 gpm had occurred. Alternatively, the flow rate at the pump likely was closer to 200 gpm if drawdown was limited to 10 feet.

14. The Department's estimate that the maximum flow rate at the pump is substantially less than that calculated by the applicant is collaborated by the Claim of Beneficial Use for Transfer T-7532 in which the total head and flow that C&B #2 well is capable of producing is calculated as 275 gpm.

15. In describing the need and purpose for permit G-3034, the applicant for the permit indicated that the right was necessary for dust control during not more than forty-five days per summer for a period of two hours per day at a rate of 300 to 400 gpm (0.67 to 0.89 cfs). The use of water in this manner would require less than 7 acre-feet per year.

16. The information provided by the applicant for T-9640 to establish the quantity of water that could be beneficially used without waste for the authorized purpose at the authorized location is not reasonable and credible.

17. Given the use authorized under certificate 75737, the total volume at the full face value of the right could not be beneficially used.

18. The proposed changes would result in enlargement of the right because the quasi-municipal use to be established under the transfer would be exercised under conditions and in quantities greater than those which could be beneficially used under the existing right.

19. The enlargement of the right could reduce the availability of ground water for existing water rights in the area. As a result, there is not a basis for making an affirmative finding of no injury.

Determination and Proposed Action

The changes in point of appropriation, place of use, and character of use proposed in application T-9640 do NOT appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000, and the application will be REJECTED provided that protests are not filed pursuant to OAR 690-380-4030.

If the transfer is approved notwithstanding the Department's preliminary determination that the proposed changes will result in enlargement and may result in injury, the changes and subsequent use of water would be subject to the following conditions:

1. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 75737 and any related decree.

2. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

3. The proposed change shall be completed on or before October 1, 2006.

4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

6. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this ____ day of _____, 2005.

_____
Phillip C. Ward
Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1271

This Preliminary Determination was prepared by Vernon L. Church and Mike Ladd. If you have any questions about the information in this document, you may reach me at (541) 384-4207 or Vernon.L.Church @wrd.state.or.us.

Laura Snedaker

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Wednesday, April 02, 2008 10:51 PM
To: Laura Snedaker
Subject: Re: Transfer question - dust abatement
Attachments: 10490-defic-letter.doc

Laura,

I am attaching a deficiency letter for T-10490 which includes those items previously discussed. Modify as you see fit.

I also noticed a couple of other things with the application that may be problematic:
- the watermaster review I have is for T-10463, not T-10490
- the affidavit of use for tax lot 1300 is dated August 2006--quite some time ago. Is it still valid?

Let me know how you want to proceed. Or call if you have questions- 503-481-6614 is my cell.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

> ----- Original Message -----
> **From:** Laura Snedaker
> **To:** Terrance Anthony
> **Sent:** Wednesday, April 02, 2008 8:17 AM
> **Subject:** RE: Transfer question - dust abatement
>
> I think this is one for a deficiency letter. We really don't have enough information to make a finding for the instream transfer. Nor do we have enough information to make a finding for the mitigation project on how many credits that use may generate.
>
> Is there anything else that we would need to or could address in a deficiency letter? Anything else missing at this point?
>
> Thanks, Laura
>
> Laura Snedaker
> Senior Water Resources Coordinator
> Oregon Water Resources Department
> 725 Summer Street NE, Suite A
> Salem, OR 97301-1271
> Phone: (503) 986-0884
> Web: www.oregon.gov/OWRD
>
> **From:** Terrance Anthony [mailto:conservationstrategies@comcast.net]

Sent: Thursday, March 27, 2008 7:18 PM
To: Laura Snedaker
Subject: Re: Transfer question - dust abatement

Laura,

Should I do up a deficiency letter, or make some (conservative) assumptions for now and in the DPD cover ask them to document it?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----
From: Laura Snedaker
To: Terrance Anthony
Sent: Thursday, March 27, 2008 12:28 PM
Subject: FW: Transfer question - dust abatement

Terry:

Here's some feedback that I got from Doug Parrow on dust abatement. I think, at minimum, we'll need to ask them for some additional information documenting how much water was used for dust abatement. This quantity could affect the amount that can be transferred, considering that the bar is beneficial use without waste, and how many mitigation credits may result from the use (I'll be reviewing that aspect of the application).

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Doug Parrow
Sent: Tuesday, March 11, 2008 3:58 PM
To: Laura Snedaker; Dorothy Pedersen
Subject: RE: Transfer question - dust abatement

The dust abatement water right that was to be transferred to quasi-municipal use had no duty and allowed year around use. Inasmuch as the right you are dealing with has a duty, enlargement is not as great a concern as it was with the previous transfer.

As we did with the previous transfer, I think that you can reasonably ask the applicant to document how much water could be (as opposed to has been) used for the authorized purpose (dust abatement). We were pretty liberal to the applicant's benefit in accepting the quantity identified by the applicant.

With respect to evidence of use, there are no specific criteria beyond those specified in the rules. Presumably, the affidavit provides a description of how and when the right was exercised during the last 5 years.

Doug

From: Laura Snedaker
Sent: Tuesday, March 11, 2008 2:22 PM
To: Dorothy Pedersen; Doug Parrow
Subject: Transfer question - dust abatement

Afternoon:

I've got a reimbursement transfer (instream) where a portion of the right requested to be transferred is from dust abatement.

The contractor is asking if there is any criteria for demonstrating that a dust abatement right has been used (evidence of use). Wanted to run this past you guys to see what we've accepted in the past.

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Thanks,
Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker
Sent: Wednesday, April 02, 2008 8:18 AM
To: 'Terrance Anthony'
Subject: RE: Transfer question - dust abatement

I think this is one for a deficiency letter. We really don't have enough information to make a finding for the instream transfer. Nor do we have enough information to make a finding for the mitigation project on how many credits that use may generate.

Is there anything else that we would need to or could address in a deficiency letter? Anything else missing at this point?

Thanks, Laura

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From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, March 27, 2008 7:18 PM
To: Laura Snedaker
Subject: Re: Transfer question - dust abatement

Laura,

Should I do up a deficiency letter, or make some (conservative) assumptions for now and in the DPD cover ask them to document it?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

> ----- Original Message -----
> **From:** Laura Snedaker
> **To:** Terrance Anthony
> **Sent:** Thursday, March 27, 2008 12:28 PM
> **Subject:** FW: Transfer question - dust abatement
>
> Terry:
>
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From: Doug Parrow
Sent: Tuesday, March 11, 2008 3:58 PM
To: Laura Snedaker; Dorothy Pedersen
Subject: RE: Transfer question - dust abatement

The dust abatement water right that was to be transferred to quasi-municipal use had no duty and allowed year around use. Inasmuch as the right you are dealing with has a duty, enlargement is not as great a concern as it was with the previous transfer.

As we did with the previous transfer, I think that you can reasonably ask the applicant to document how much water could be (as opposed to has been) used for the authorized purpose (dust abatement). We were pretty liberal to the applicant's benefit in accepting the quantity identified by the applicant.

With respect to evidence of use, there are no specific criteria beyond those specified in the rules. Presumably, the affidavit provides a description of how and when the right was exercised during the last 5 years.

Doug

From: Laura Snedaker
Sent: Tuesday, March 11, 2008 2:22 PM
To: Dorothy Pedersen; Doug Parrow
Subject: Transfer question - dust abatement

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Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department

Laura Snedaker

From: Laura Snedaker
Sent: Friday, April 04, 2008 2:11 PM
To: 'Terrance Anthony'
Subject: RE: Transfer question - dust abatement
Importance: High
Attachments: 10490-defic-letter.doc

Terry:

Here are my proposed modifications to the letter you put together. I had a great chat with Dorothy regarding aerial photographs and what they need to show. That's all reflected in the modifications I made.

Let me know if you concur.

Laura

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Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Wednesday, April 02, 2008 10:51 PM
To: Laura Snedaker
Subject: Re: Transfer question - dust abatement

Laura,

I am attaching a deficiency letter for T-10490 which includes those items previously discussed. Modify as you see fit.

I also noticed a couple of other things with the application that may be problematic:
- the watermaster review I have is for T-10463, not T-10490
- the affidavit of use for tax lot 1300 is dated August 2006--quite some time ago. Is it still valid?

Let me know how you want to proceed. Or call if you have questions- 503-481-6614 is my cell.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

| ----- Original Message -----

From: Laura Snedaker
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Sent: Wednesday, April 02, 2008 8:17 AM
Subject: RE: Transfer question - dust abatement

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Laura Snedaker

From: Laura Snedaker
Sent: Thursday, March 27, 2008 12:29 PM
To: 'Terrance Anthony'
Subject: FW: Transfer question - dust abatement

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Laura Snedaker

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Sunday, March 09, 2008 10:06 PM
To: Laura Snedaker
Subject: T10490 progress report
Attachments: 10490-dpd.doc

Hi Laura,

I got as far along with the DPD for T10490 as I could (see attached) without more info. This DPD is not yet ready for distribution. I would like your review to see if I followed the right protocol, and I have a few questions for you on how to handle some things:

got their signature on app.

1) Quitclaim is to SID so we'll need their authorization. Do you have that, or do I need to prepare a deficiency letter and ask for SID signature on the application?

cover req dept

2) The exhibits that accompany the Affidavits of Use are pretty marginal. The photos themselves are undated and TL 1300 is already platted, if not built. I can locate the properties, but they don't indicate alot of irrigation. WRD Interactive mapping shows water rights blanketing the entire township, but the FPS provided does not show any (!) acres in the Q-Q for TL 3400. Also, I am presuming these are all "canal rights" (?).

I should be

3) Are there any criteria for demonstrating use of Dust Abatement rights?

I'll ask Doug & Dorothy.

4) The particularities of the proposed dates and quantities of use are problematic. I've proposed something slightly different that adds up and conforms to previous transfer 10356. Please review and if you agree, we'll need to ask them for consent to modify (deficiency letter?).

5) I will still need watermaster report and ODFW letter.

Thanks-call me on my cell 503-481-6614 if we need to discuss.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

*Note - cover ltr for DPD should req confirmation that credits should be assigned to SID & DRC?

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer Application T-10463 and Mitigation Credit Project MP-111, Deschutes County	)	D R A F T PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE AND CHARACTER OF USE AND PRELIMINARY AWARD OF MITIGATION CREDITS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

OAR 690-521-0100 to 690-521-0600 establishes the process in which anyone may submit a ground water mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.

Pursuant to OAR 690-521-0400 (2), any mitigation credits awarded to a mitigation project are valid until used to fulfill a mitigation obligation of a ground water use in the Deschutes Ground Water Study Area. Valid mitigation credits may be assigned by any person or recognized mitigation bank to any person or other mitigation bank. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Applicant

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND OR 97701

Findings of Fact

Background

1. On November 23, 2007, Deschutes River Conservancy filed an application to change the place of use and character of use under Certificate 74145 to instream use. The Department assigned the application number T-1046390

2. ADD HERE - any AMENDMENTS received prior to issuance of DPD, or a result of applicant's review of the DPD. Modifications to Application

3. The portion of the first right to be transferred is as follows:

Certificate: 74145 in the name of SWALLEY IRRIGATION DISTRICT (confirmed by Deschutes River, 1958 decree)
Use: IRRIGATION OF 7.2 ACRES AND DUST ABATEMENT OF 2.8 ACRES
Priority Date: SEPTEMBER 1, 1899
Source: DESCHUTES RIVER, tributary to COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	12 E	WM	14	NW SE	2170 FEET NORTH & 1350 FEET WEST FROM SE CORNER, SECTION 14
17 S	12 E	WM	29	SE NE	985 FEET NORTH & 617 FEET WEST FROM E1/4 CORNER, SECTION 29

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		Additional Information: Tax Lot No. Listed on Application
17 S	12 E	WM	17	NE SW	1.9		01300
17 S	12 E	WM	17	SE SW	0.3		01300
17 S	12 E	WM	28	NW NE	5.0		03400

DUST ABATEMENT							
Twp	Rng	Mer	Sec	Q-Q	Acres		Additional Information: Tax Lot No. Listed on Application
17 S	12 E	WM	17	NE SW	2.3		01300
17 S	12 E	WM	17	SE SW	0.5		01300

4. **Rate:** The rate and duty associated with Certificate 74145 depends on whether the right is served by the main canal or a direct diversion right. There are a total of 4,561.105 acres listed on the certificate, of which 4,442.795 may be served by the canal, and 118.31 acres that are restricted to being served by direct diversions. The rights served by the canal are entitled to the following rates:

Season 1: April 1 - 30 & Oct. 1 – 31	**Season 1 Rate:** 1 cfs to 83.0 acres
Season 2: May 1 – 14 & Sept. 15 - 30	**Season 2 Rate:** 1 cfs to 62.0 acres
Season 3: May 15 - Sept. 14	**Season 3 Rate:** 1 cfs to 33.45 acres

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal. This transmission loss is not allowed on direct diversion rates. The total rate of use described on the certificate is limited to 125.0 cfs measured at the points of diversion from the source.

5. **Limit/Duty:** The duty per acre associated with lands served by the canal shall not exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the points of diversion from the source. For lands served by direct diversions, the duty per acre is limited to 5.46 acre feet. At the time of application, a total of 34,995.11 acre-feet of water is available for beneficial use annually under the existing right. This amount accounts for prior-approved water right transfers.

6. ADD HERE – if available information from applicant, decree, or other sources better describes the right. Additional Information or Re-Descriptions

7. The applicant is not the owner of the lands to which the water rights described above are appurtenant. However, water right conveyance agreements have been completed and interest in the water rights has been conveyed from each landowner described in the table below to Swalley Irrigation District. The portion of this right to be transferred was appurtenant to lands owned by the identified landowners at the time interest in the water right was conveyed through a Quit Claim, a water right conveyance agreement.

Grantor (landowner)	Water Right Interest Holder	T	R	S	Q-Q	Tax Lot at time of Conveyance
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	NE SW	1300
KDV, LLC	Swalley Irrigation District	17 S	12 E	17	SE SW	1300
Lawnae Hunter	Swalley Irrigation District	17 S	12 E	28	NW NE	3400

8. On [redacted], the applicant provided documentation to the Department demonstrating that Swalley Irrigation District has consented (as a water right holder) to the transfer of this water right to instream use.

9. Application T-10490 proposes to change the character of use to instream use for conservation, maintenance and enhancement of aquatic and fish life, fish and wildlife habitat and other ecological values; recreation; and pollution abatement, and to establish mitigation credits in the Deschutes Ground Water Study Area.

10. Application T-10490 proposes to change the place of use of the right to create an instream reach from RM 165 (Swalley Main Canal POD #3 described in Finding of Fact #2) to RM 120 (Lake Billy Chinook).

11. The applicant proposes the quantities water to be transferred instream to be protected follows:

Season	Period	Instream Reach : RM 165 to RM 120
1	April 1 through May 1 & Oct. 1 through Oct 25	0.069 cfs
2	May 1 through May 15 & September 15 through Oct 1	0.092 cfs
3	May 15 through Sept. 15	0.170 cfs
	Total Duty	55.35 AF

12. On [redacted], the applicant agreed to modify the quantities to be transferred and protected instream as follows:

Season	Period	Instream Reach: RM 165 to RM 120
1	April 1 through April 30 & Oct. 1 through Oct 25	0.068 cfs
2	May 1 through May 14 & September 15 through Sept. 30	0.091 cfs
3	May 15 through Sept. 14	0.171 cfs
	Total Duty	54.61 AF

13. There are several existing instream water rights located within the same instream reaches proposed by the applicant. There are two existing instream water rights established through the state agency application process below Lake Billy Chinook and one pending application?? within the same reach above Lake Billy Chinook. The state agency established instream water rights are junior in priority date to the water right proposed for transfer. The remaining instream water rights were established through the instream transfer and allocation of conserved water processes.

14. The applicant has requested to replace a portion of instream water rights established pursuant to ORS 537.341 (minimum perennial streamflow) or 537.346(state agency application) with a more senior priority date and be in addition to instream water rights established pursuant to ORS 537.348 (instream transfer) or 537.470 (allocation of conserved water).

15. Notice of the application for transfer was published on December 4, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

16. ADD HERE – Descriptions of any deficiencies and any resolution. Deficiencies and Resolution

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

17. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

18. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-1046390.

19. The proposed change would not result in enlargement of the right.

20. The proposed change would not result in injury to other water rights.

21. The amount of the proposed instream flow (as modified) and the timing of the proposed instream flow (as modified) are allowable within the limits and use of the original water right.

22. The protection of flows at the authorized point of diversion is appropriate, considering:

    a) The instream water right begins at the recorded point of diversion;

    b) The location of confluences with other streams downstream of the point of diversion;

    c) There are known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and

    d) Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.

23. The total monthly quantities of water to be protected under the existing and proposed instream rights in the reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

24. By replacing a portion of instream water rights established pursuant to ORS 537.341 or 537.346, the instream right will provide protection for streamflows previously identified as necessary for supporting aquatic life and recreation under an earlier priority date.

Partial Cancellation of a Water Right

25. select & paste cancelled workarea output here, or delete both the header and this paragraph **and** add description and authority provisions. Partial Cancellation Provisions

Preliminary Award of Deschutes Basin Mitigation Credits

26. _____ (the Applicant) has requested this instream transfer application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The Applicant has requested that any mitigation credits generated from this project be assigned to _____.

27. The Department assigned this mitigation credit project number MP-__.

28. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6) on _____. No comments were received in response to this notice. Or Comments were received from _____.

29. The Department consulted with representatives from ODFW, DEQ, Oregon Parks and Recreation Department, Oregon Department of State Lands, the Oregon Department of Agriculture, and the Department's Watermaster pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2) on _____. No comments were received in response to this notice. Or Comments were received from _____.

30. No changes were made to the instream transfer as a result of comments received or consultation with the above named agencies. Or describe changes.

31. The proposed transfer of _____ to instream use will provide ____ acre-feet of mitigation water. Or As part of the public notice of the mitigation project, the Department identified that the project may result in ____ mitigation credits. Based upon continued evaluation of the project and ____ (any other reason), the amount of mitigation credits that may be awarded to this project have been reduced. The Department finds that ____. Therefore, ____ mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation credit project and assigned to ____. The mitigation credits may be used to mitigate for ground water permit applications and existing conditioned ground water permits and certificates, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the _____ Zone of Impact.

32. A total of _____ AF is proposed to be transferred to instream use and ____ AF of that, as identified above, may be used for mitigation purposes. The amount of water transferred instream and not used for mitigation purposes will benefit instream flow.

33. The Department shall award final mitigation credits upon completion of the approved project by the applicant and verification by the Department that the project is complete. The issuance of a certificate(s) for the proposed instream water right shall result in completion of the project and verification that the project is complete.

Determination and Proposed Action

The changes in character of use and place of use to instream use proposed in application T-10463 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned rights should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned rights will be cancelled.

This mitigation project appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

*If application T-*10463 *is approved, the final order will include the following:*

1. *The changes in character of use and place of use to instream use proposed in application T-*10463 *are approved. The portion of the right that has been abandoned is cancelled.*

2. *Water Right Certificate 74145 is modified. A new certificate confirming the instream water right shall be issued. The Department shall issue a new water right certificate to supersede Certificate 74145 on a determination that it is necessary to produce a certificate to confirm that portion of the right not involved in this transfer. Approval of this transfer shall reduce the amount of water lawfully available under the remaining portion of Certificate 74145 by the quantities associated with the irrigation of 10.0 acres as measured at the canal diversion, being:*

	Rate/Duty Associated with 10.0 Canal Acres, including loss
Season 1 Rate	*0.12 cfs*
Season 2 Rate	*0.16 cfs*
Season 3 Rate	*0.30 cfs*
Duty	*95.80 AF*

3. *The instream water right shall provide for the protection of streamflows from RM 165 to RM 120.*

4. *The quantities of water to be protected under the instream water right are:*

Season	*Period*	*Instream Reach: RM 165 to RM 120*
1	***April 1 through April 30 & Oct. 1 through Oct 25***	*0.068 cfs*
2	***May 1 through May 14 & September 15 through Sept. 30***	*0.091 cfs*
3	***May 15 through Sept. 14***	*0.171 cfs*
	Total Duty	*54.61 AF*

5. *Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.*

6. *Stream channel losses and gains calculated based on available data and the use of senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion within the specified stream reach.*

7. *The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470.*

8. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 74145 and any related decree.*

9. *The former place of use of the transferred water shall no longer receive water as part of these rights.*

10. ***Preliminary Award of Mitigation Credits:*** *Final Award of Mitigation Credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. Issuance of a new instream water right certificate, as described*

herein, will result in completion of the project and verification by the Department that the project is complete. If completed as proposed, mitigation credits, in the amount of credits, as described herein, may be awarded to this mitigation project and assigned to . Mitigation credits awarded may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the Zone of Impact.

11. Mitigation credits are valid until used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when a person submits to the Department documentary evidence that valid credits have been obtained and assigned to satisfy a mitigation obligation.

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

_____
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by .

Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, March 11, 2008 12:47 PM
To: 'Terrance Anthony'
Subject: RE: T10490 progress report

Here's some info – see below.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Sunday, March 09, 2008 10:06 PM
To: Laura Snedaker
Subject: T10490 progress report

Hi Laura,

I got as far along with the DPD for T10490 as I could (see attached) without more info. This DPD is not yet ready for distribution. I would like your review to see if I followed the right protocol, and I have a few questions for you on how to handle some things:

1) Quitclaim is to SID so we'll need their authorization. Do you have that, or do I need to prepare a deficiency letter and ask for SID signature on the application?

We got a copy of the signature page with Swalley's signature on November 26, 2007. We're good there.

2) The exhibits that accompany the Affidavits of Use are pretty marginal. The photos themselves are undated and TL 1300 is already platted, if not built. I can locate the properties, but they don't indicate alot of irrigation. WRD Interactive mapping shows water rights blanketing the entire township, but the FPS provided does not show any (!) acres in the Q-Q for TL 3400. Also, I am presuming these are all "canal rights" (?)

If the aerials are undated, we can request dated aerial photos. And I believe that all lands are irrigated from the canal but this is something you can check on by looking at the POD identification within the certificate. If another POD is involved, we'll need to break the application and the instream use down by POD. Generally, on the main canal there's also POD 15 – don't need to do anything if the POD description is POD 3 and 15. Need to do something if another POD is involved or it's just 15.

3) Are there any criteria for demonstrating use of Dust Abatement rights?

I'll pose this question to Dorothy and Doug. I haven't run into a dust abatement transfer before. I'm assuming that they would need to provide some documentation showing use of water for dust abatement.

4) The particularities of the proposed dates and quantities of use are problematic. I've proposed something slightly different that adds up and conforms to previous transfer 10356. Please review and if you agree, we'll need to ask them for consent to modify (deficiency letter?).

I'll review and get you some feedback shortly.

5) I will still need watermaster report and ODFW letter.

Don't need an ODFW letter for an instream transfer. And we've received the WM review. I'll get it scanned and sent over to you along with any other additional information that we've received.

Thanks-call me on my cell 503-481-6614 if we need to discuss.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Laura Snedaker

From: Laura Snedaker
Sent: Wednesday, March 12, 2008 2:19 PM
To: 'Terrance Anthony'
Subject: RE: T10490 progress report
Attachments: 10490-wm-rev.pdf

Thanks Terry:

Here's the Watermaster review. I've also got some more information coming on return flows. I'll pass that along as soon as I get it.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Tuesday, March 11, 2008 7:51 PM
To: Laura Snedaker
Subject: Re: T10490 progress report

Thanks, Laura. I've attached a spreadsheet with my calculations if you want to review my numbers. Its the same method I used for T10356.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

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> **To:** Terrance Anthony
> **Sent:** Tuesday, March 11, 2008 12:47 PM
> **Subject:** RE: T10490 progress report
>
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>
> Laura Snedaker
> Senior Water Resources Coordinator
> Oregon Water Resources Department
> 725 Summer Street NE, Suite A
> Salem, OR 97301-1271
> Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

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Laura Snedaker

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Sent: Tuesday, March 11, 2008 7:51 PM
To: Laura Snedaker
Subject: Re: T10490 progress report
Attachments: T10490 rate calcs.xls

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Terrance Anthony
ph 503.282.1953
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Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

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To: Laura Snedaker
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T-10490 Rate Calculations

Reach 1

rate season	time period	certificated rate limit (cfs/acre)	decimal equivalent (cfs/acre)	# acres to be transferred	calculated allowable rate (cfs) to be transferred	duration of rate season (days)	volume/rate conversion factor (AF/cfs/day)	calculated hypothetical transferrable volume (AF)	share of hypothetical transferrable volume	calculated allowable transferrable volume_1 (AF)	volume to be transferred (AF)	duration of instream use (days)	volume/rate conversion factor AF/cfs/day	calculated actual rate (cfs) to be transferred
Season 1	April 1-30 & Oct 1-25	1 cfs/83.0 acres	0.012	10.00	0.120	55	1.983471	13.091	0.137	7.462	7.462	55	1.983471	0.06840
Season 2	May 1-14 & Sep 15-30	1 cfs/62.0 acres	0.016	10.00	0.160	30	1.983471	9.521	0.099	5.427	5.427	30	1.983471	0.09120
Season 3	May 15 to Sept 14	1 cfs/33.45 acres	0.03	10.00	0.300	123	1.983471	73.190	0.764	41.718	41.718	123	1.983471	0.17100
						208		95.802	1	54.606	54.606	208.000		

1

certificated duty AF/ac	allowed consumptive portion*	calculated consumptive duty (AF/ac)	acres to be transferred	calculated allowable transferrable volume (AF)
9.58	57%	5.461	10	54.606

*43% of the allowed rate on diversions from the main canal is for transmission

Laura Snedaker

From: Salem Opeifa
Sent: Friday, February 29, 2008 8:06 AM
To: Laura Snedaker; 'Terrance Anthony'
Cc: Dorothy Pedersen
Subject: RE: Instream Transfer T-10490

Terry,
As we discussed you agreement looks good. I just need the insurance certificate and we are good to go. We don't even have to wait for your insurance certificate. I have a signed copy of the agreement to you shortly.

From: Laura Snedaker
Sent: Friday, February 29, 2008 7:42 AM
To: Terrance Anthony
Cc: Salem Opeifa; Dorothy Pedersen
Subject: RE: Instream Transfer T-10490

That's just fine.

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, February 28, 2008 8:23 PM
To: Laura Snedaker
Subject: Re: Instream Transfer T-10490

Laura,

I've been waiting to see if my 08-09 RA contract gets signed before I start wôrking on this project. I sent the contract in earlier this week but haven't heard back yet. I'm not expecting any problems, but I'd like to make sure. I hope that's not too much of a problem. I'll start on it just as soon as I get word from Salem.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

> ----- Original Message -----
> **From:** Laura Snedaker
> **To:** Terrance Anthony
> **Sent:** Friday, February 22, 2008 9:58 AM
> **Subject:** RE: Instream Transfer T-10490

Terry:

Go forth and start working on the DPD.

Here's some other Items that I forgot to include with the initial round of materials.

I've also attached the rate calculator for SID. The start point identified in the rate calculator factors in a transfer that is being processed in front of this one. So the start point is going to be contingent upon that transfer being processed to completion before this one. When you get to describing the start point for the water right in the DPD, please give me a call.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, February 21, 2008 9:44 PM
To: Laura Snedaker
Subject: Re: Instream Transfer T-10490

Laura,

I received the work order from Salem. Should I go ahead and start working on the DPD, or wait for more info?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----
From: Laura Snedaker
To: Terrance Anthony
Sent: Tuesday, February 19, 2008 9:47 AM
Subject: RE: Instream Transfer T-10490

Thanks for the heads up Terry. I'll check in with Salem and see where things are. I also just found out that there's a few more things I need to send you to help start the review process. More to come.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Monday, February 18, 2008 8:33 PM
To: Laura Snedaker
Subject: Re: Instream Transfer T-10490

Laura,

I haven't yet received a confirmation from Salem regarding this transfer.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----
From: Laura Snedaker
To: Terrance Anthony
Cc: Dorothy Pedersen ; Salem Opeifa
Sent: Wednesday, February 13, 2008 3:04 PM
Subject: Instream Transfer T-10490

Terry:

Sounds like to work order has now been signed. Salem, is that correct?

Here are some of the documents you'll need for review of this instream transfer.

DPD template for instream transfers
An example DPD for the last instream transfer on Swalley ID's water right
Watermaster Review
Final deliverables cover
Example certificate for T-10356 (last instream transfer)
DPD cover letter template
PD notice template
Example PD notice used for last transfer

I'll also be getting you some updated information on the start point for the certificate (there's a small error in the description provided in the DPD for T-10356 (attached)) that's being accounted for in a transfer filed a month or so before this one. Read through the example DPD for T-10356 and give me a call if you have any questions. And let me know if I missed anything in this e-mail that you need.

We've also started to process Swalley ID transfers through an electronic process. As a result, we get to take one step out of the review process. There's no need to review plat cards to check the place of use to make sure it's available for transfer. You'll still need to check plat cards and water right records for conflicting water rights or leases that may affect the portion of the right proposed for transfer but the place of use should be ok. But if you happen to notice something, please let us know.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A

Laura Snedaker

From: Salem Opeifa
Sent: Tuesday, February 19, 2008 9:54 AM
To: Laura Snedaker
Subject: RE: Instream Transfer T-10490

I just sent him another copy of the work order order. I first attempted to send it a week ago but I think that was when my email was acting up. Sorry for the delay.

From: Laura Snedaker
Sent: Tuesday, February 19, 2008 9:48 AM
To: Salem Opeifa
Subject: FW: Instream Transfer T-10490

Salem:

I just got a note from Terry that he doesn't have a confirmation on a work order for this transfer yet. Do you know where we are on this one?

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
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Laura Snedaker

From: Laura Snedaker
Sent: Wednesday, February 13, 2008 3:04 PM
To: 'Terrance Anthony'
Cc: Dorothy Pedersen; Salem Opeifa
Subject: Instream Transfer T-10490
Attachments: 10463-dpd-template.doc; 10356-example-dpd.doc; 10463-wm-rev.pdf; 10463-Final Deliv Cov.doc; 10356-iswr-74145-83567.doc; _dpd-cov-approve.dot; pd-notice-sw.dot; 10356-pd-notice-RA.doc

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Laura Snedaker

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Sunday, February 24, 2008 10:41 PM
To: Salem Opeifa
Cc: Laura Snedaker
Subject: Re: Work Order

Salem,

I faxed you the signed Work Order for T-10490 Swalley ID, and I am putting the signed RAP contract in the mail on Monday. Please let me know if everything appears in order and I will proceed with the Swalley transfer.

Thanks very much,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net
----- Original Message -----
From: "Salem Opeifa" <opeifasb@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Wednesday, February 20, 2008 7:59 AM
Subject: RE: Work Order

Yes, I have it and here it is? Please review it and let me know if you have any question.

-----Original Message-----
From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Tuesday, February 19, 2008 9:14 PM
To: Salem Opeifa
Subject: Re: Work Order

Thanks, Salem. Is the master RA contract still in the works?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net
----- Original Message -----
From: "Salem Opeifa" <opeifasb@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Tuesday, February 19, 2008 9:39 AM
Subject: Work Order

Terrance,
I think I forgot to send you this work order.

Laura Snedaker

From: Laura Snedaker
Sent: Friday, February 22, 2008 9:59 AM
To: 'Terrance Anthony'
Subject: RE: Instream Transfer T-10490
Attachments: Contact List.dot; pd-cov-fav-nni-sw.dot; RA-ReviewChecklist.doc; supplemental-lang.dot; DeficLet.dot; Swalley rate calculator (for ID use - revised draft).xls

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fax 503.493.2512
conservationstrategies@comcast.net

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> **From:** Laura Snedaker
> **To:** Terrance Anthony
> **Cc:** Dorothy Pedersen ; Salem Opeifa
> **Sent:** Wednesday, February 13, 2008 3:04 PM
> **Subject:** Instream Transfer T-10490
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Web: www.oregon.gov/OWRD

Laura Snedaker

From: Salem Opeifa
Sent: Monday, December 24, 2007 8:15 AM
To: Dave Nelson
Cc: Laura Snedaker
Subject: RE: T-10490 Swalley ID

Yes, ~~Greg (PHG)~~ has started on it.
Terry Anthony

From: Dave Nelson
Sent: Thursday, December 20, 2007 3:25 PM
To: Salem Opeifa
Cc: Laura Snedaker
Subject: FW: T-10490 Swalley ID

I did not have time to address this question so if you could please respond to Laura. Thanks.

From: Laura Snedaker
Sent: Thursday, December 20, 2007 9:21 AM
To: Dave Nelson
Subject: T-10490 Swalley ID

Dave:

Do we have a signed contract on instream transfer T-10490 yet? The contractor is asking for templates but I hadn't heard where we were on this one yet.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker
Sent: Thursday, December 20, 2007 9:22 AM
To: 'Terrance Anthony'
Subject: RE: new SID project

Hi Terry!

I totally understand. That was me yesterday.

We will definitely be taking a bit of a different approach on T-10490 (new SID project). Probably similar to that taken on T-10356, the previous SID transfer, but probably with some modification. I'm not sure we need to go to the full extent that was taken in the last transfer to describe the start point for the right. But I think we can use that as a base to start with. I'm actually working with another contractor on another instream transfer involving SID's right. I'll be sending you the same templates that I sent to him. I just need to confirm that we have the green light on this end to send those out (being the signed contract agreement with SID/DRC).

The last transfer you and I worked on T-10391 was a COID instream transfer, which used another approach and had some different issues. But we may use some elements from the transfer documents prepared for that transfer.

I have to take a look at the last transfer documents for T-10356 and see what modifications, if any, we want to make to that template. But for now, I say we go with it. I'll also get you some new numbers on the start point of the right as it stands now.

There will also be some information coming associated with the application maps and part of the conflict check. I believe we have a way at this end to make sure that the lands proposed for transfer are actually available for transfer via electronic means. However, we'll probably still need to check the lands proposed for transfer against any leases that are presently in effect and make sure the lands are not presently tied up in a lease.

Hope you feel better soon. I'll get you templates as soon as I can.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, December 20, 2007 9:03 AM
To: Laura Snedaker
Cc: Dorothy Pedersen
Subject: new SID project

Laura,

I thought I'd email you my basic questions as I'm really too sick today to hold a coherent conversation.

I'm happy to use whatever template you provide for the new SID instream transfer. However you should be aware that for the previous SID transfer that I did (T10356), Bob Rice asked for a substantially different approach to the DPD than what you and I settled on for T10391.

Because T10356 is my basis of reference for SID water rights/transfers, I would appreciate it if you to take a quick look at T10356 and then explain to me if/how you want to modify the approach for the new transfer (perhaps with a redlined version of the T10356 documents?).

Thanks very much,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Shipping Checklist for Reimbursement Authority File

File T- 10490 Applicant: Deschutes River Conservancy
Swalley Irrigation Dist.

Agent/Contact: None

Ship to Contractor: Conservation Strategies (Terry Anthony)

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form NA for IS transfer - see Interoffice Memo for notification to governments
- ☑ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- NA ☒ Final Proof map or decree map for each right to be transferred
- NA ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers) > Will send later
- ☐ ODFW review (if change in POD)
- NA ☒ GW review (if ΔPOA, or POD-to-POA change)
- ☑ Transfer review checklist
- ☑ Final Deliverable cover sheet
- ☑ Itemized Estimate sheet for contractor

Additional things to check:

- ☑ All regular application processing fees paid
- ☑ Reimbursement Authority $125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 12-11-07

Number of sheets copied 50

File contents copied by Lisa Paschke Date 11-30-07

Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer

Application Number T-10490

Name of Applicant: DRC/Swalley ID

Proposed Timeline

12/4/07	Public Notice (start of 30-day comment period).
2/8/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
3/13/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	**Completion of contract work:** Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (*if necessary*).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
	Total Estimated Time:	

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: _____ Date: _____

Review Checklist **T-10490** **Processor: Laura Snedaker/RA**

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- ☐ O*nly* the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☐ The applicant is the owner of the "from" lands.
- ☐ *All* owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

☐ **application** complete ☐ **map** ☐ **FPS** ☐ evidence of use ☐ land-use form
☐ deed/ROLI ☐ **certificate** ☐ fees paid ☐ well logs ☐ **plat card**
☐ **audit** ☐ **dpd**

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers

Transfer # T-10490 Applicant: DRC/Swalley ID

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if required)

*NOTE: Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ **Signature of Contractor:** _____ **Date:** _____

For WRD use only:

WRD approval by: _____ **Date:** _____

Laura Snedaker

From: Laura Snedaker
Sent: Friday, December 28, 2007 10:19 AM
To: Salem Opeifa
Cc: Dorothy Pedersen
Subject: FW: Estimate - T-10490

Salem:

I'll see about sending the packet over to Terry but I don't think that packet includes any report templates - just the application materials. Terry was asking me about templates the other week but I assumed that he'd already gotten the application packet, had worked up an estimate, and was asking about the next steps in the process.

Do we need to clarify anything with Terry? I cc'd Dorothy on this too.

Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

-----Original Message-----
From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Friday, December 28, 2007 10:09 AM
To: Salem Opeifa
Cc: Laura Snedaker
Subject: Re: Estimate - T-10490

No--I haven't yet received the packet, and I believe Laura is still preparing the templates. There was a brief delay as I had a question for her about precedents. I'm ready to do the estimate any time.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----
From: "Salem Opeifa" <opeifasb@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Thursday, December 27, 2007 5:10 PM
Subject: Estimate - T-10490

Terry,
Did you fax over the estimate for above project yet? Please let me know.

WATER RESOURCES DEPARTMENT

REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of $125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

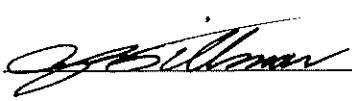
REQUEST	TYPE	FILE NUMBER
☑	Transfer Application	TBD (SID#3)
☐	Certificate Request	
☐	Extension of Time Request	

	Applicant Information	Applicant's Representative/Contact
Name: (Please Print)	Deschutes River Conservancy & Swalley Irrigation District	
Address:	700 NW Hill St.	
	Bend, OR 97701	
Phone:	541-382-4077 x.21	
Fax	541-382-4078	
E-Mail Address:	zach@deschutesriver.org	

I understand the following:

- There is a non-refundable application fee of $125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to: **OWRD – Reimbursement Authority Program**
  725 Summer St. NE, Suite A
  Salem, OR 97301-1266.

I certify that I am the *(check one)* ☑ Applicant ☑ Applicant's Representative ☐ Other *(Please specify)*_____

Signature:  **Name:** Zachary Tillman - DRC Transfer Mgr.

OWRD USE ONLY

Contractor Assigned:	**Total Amount Paid: $**_____
OWRD Approval:	

RA

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10490 Review Due Date: 1/8/08

Applicant Name: DRC/SID

Proposed Changes: ☒ POU ☒ POD ☐ POA ☒ USE ☐ OTHER

Reviewer(s): Giffin Date of Review: Dec. 14, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture? ☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized? ☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11/27/2006

RECEIVED
DEC 20 2007
WATER RESOURCES DEPT
SALEM, OREGON

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☒ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☒ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

RECEIVED
DEC 20 2007
WATER RESOURCES DEPT
SALEM, OREGON

Laura Wilke

From: Laura Wilke
Sent: Wednesday, October 06, 2010 9:01 AM
To: Jeremy Giffin
Subject: RE: T-10490 / MP-111 - updated WM eval

Ok here's what happened.

The originally were proposing to transfer 0.3 ac of irrigation and 0.5 ac of dust abatement out of Lot 1300 in the SE SW of Sec 17, T17S, R12E associated with KVD, LLC.

They couldn't produce evidence of use for this small bit of irrigation and dust abatement.

There was also an additional 1/2 acre in lot 3400, NW NE, Sec 28 T17S R12E that couldn't be transferred and will likely be cancelled. The lot is only 4.5 ac in size per Kyle and they were originally proposing to transfer 5.0 ac of irrigation.

Total of 1.3 ac not available for transfer. These acres have been removed from the application.

They also wanted to make up some difference on what they would get out of dust abatement (1.6 af/ac per Kyle) for the 2.3 ac in Sec 17, NE SW. Originally they counted on getting a full 1.8 af/ac of mitigation for dust abatement. So they needed approx an additional 0.26 ac to make up an additional 0.46 af in mitigation.

So then they proposed to replace these acres with 1.56 acres identified in the attachment I sent you on September 29.

Make sense?

Thanks, Laura

From: Jeremy Giffin
Sent: Tuesday, October 05, 2010 11:37 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111 - updated WM eval

I went and looked at this and it all appears OK. What did the replace the .3 acres and .7 acres with? or did they just remove it from the transfer.

J

From: Laura Wilke
Sent: Wednesday, September 29, 2010 10:07 AM
To: Jeremy Giffin
Subject: FW: T-10490 / MP-111 - updated WM eval
Importance: High

Jeremy:

Got the attached updated materials for T-10490 from Zach last month. I've taken an initial look at the materials and sent them a deficiency letter to address a couple items that I saw right away.

I also wanted to get your WM input on these lands. Do you have any concerns with the 1.56 acres

proposed for transfer (see application map with attached packet)? One of the items they still need to submit is the supporting documentation to go with the affidavit of use. You just got an e-mail with the deficiency letter attached. Looks like part of the acres might be in the trees so I wanted to check in with you on any non use issues or any other concerns you may or may not have.

The intent of this amendment is to replace the acres 0.3 acres of irrigation and 0.7 acres of dust abatement in the SE SW of Section 17.

Does this amendment change anything in your original WM Evaluation? Also see attached.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, September 16, 2010 10:34 AM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

Please find documentation for the "replacement acres" (1.56 acres) for T-10490 attached. This should bring the total of transferrable acres back up to 10 acres, right? I apologize for the delay, thanks.

ZT

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Wednesday, September 08, 2010 8:10 AM
To: Zach Tillman
Subject: RE: T-10490 / MP-111

Howdy Zach - just wanted to do a quick check in and see how things are going on this one and if you need additional time.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Monday, June 21, 2010 2:23 PM
To: Laura Wilke
Subject: RE: T-10490 / MP-111

Hi Laura,

I have been having extreme difficulty getting the right docs from SID on this... and just discovered another issue we'll have to correct before I send you documentation. We may need several weeks to get it right.

It'll be approximately 1.5 acres when it arrives.

Zach

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

From: Laura Wilke [mailto:wilkelk@wrd.state.or.us]
Sent: Monday, June 21, 2010 8:26 AM
To: Zach Tillman
Subject: T-10490 / MP-111

Howdy Zach - just wanted to check back with you on this transfer and see if you have the replacement acres and documentation yet. I think it's been a couple months since I last checked in with you. Let me know if you need additional time (and how much).
Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

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To: Jeremy Giffin
Subject: FW: T-10490 / MP-111 - updated WM eval
Importance: High
Attachments: 2010.9.10_Ruppel_QC.map.aff..pdf; 10490-wm-rev.pdf

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It'll be approximately 1.5 acres when it arrives.

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Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Fax: (503) 986-0903

Review Checklist T- 10490 **Processor:** RA - Laura W.

Application

- [x] The type of change is clearly indicated.
- [x] The application is appropriately signed. as of 11-28-07
- [x] Appropriate fees were paid. [ ] If overpayment, Refund Request to be sent with FO
- [x] Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)* - notice provided
- [x] Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- [x] All required attachments received.

- provided by applt + Maupin & Wasco on 10-15-09

- N/A - Swalley & DRC - both applicants

Water right subject to transfer

- [x] Certificated right or Proof accepted "to the satisfaction...."
- [x] The right been exercised according to terms & conditions of certificate.
- [x] Delivery system has the capacity to fully divert the rate/duty of the right.
- [x] No information in record that suggests forfeiture. - cancel 0.5ac
- [x] No conflicts identified on the plat cards and plat card reports printed.
- [x] Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- [x] The map has an original CWRE signature. map waiver
- [x] The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- [x] All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- [x] Metes and bounds for the POD's/POA's are properly described on the map.
- [x] The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- [x] Map acres match the tabulation on the certificate.
- [x] Have final proof maps/decree maps for the rights. [ ] Application map matches certificate FPS.
- [x] Have necessary aerial photos.

map waiver

Determining the "From" and "To" Lands ***(make working copy of application and certificates to mark on)***

- [x] *Only* the authorized POD's/POA's and POUs to be transferred are listed.
- [x] Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- [x] Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- [x] The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- [x] Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- [x] The applicant is the owner of the "from" lands. QC to SID - co applicant
- [x] *All* owners on the deed/ROLI have signed the application.
- [x] If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- [x] If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- [x] Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

[ ] **application** complete	[ ] **map**	[ ] **FPS**	[ ] evidence of use	[ ] land-use form
[ ] deed/ROLI	[ ] **certificate**	[ ] fees paid	[ ] well logs	[ ] **plat card**
[ ] **audit**	[ ] **dpd**			

Reviews/comments/conditions received? [ ] Watermaster [ ] ODFW [ ] GW

Headgate	[ ] When in the judgment	[ ] Prior to diverting	[ ] Existing and maintain
Measuring Devices	[ ] When in the judgment	[ ] Prior to diverting	[ ] Existing and maintain
Fish Screen Devices	[ ]		

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Instream Use Evaluation – no immediate issues identified

☑ Review Watermaster Evaluation for any issues that may affect the instream use. Issues could include identification of return flows, non use, etc. These need to be accounted for as complete instream use evaluation.

☑ Instream beneficial use requested

- ☑ Fish and wildlife habitat
- ☐ Recreation and scenic attraction
- ☑ Pollution abatement

☑ Is water requested to be protected at a point or over a reach? POD to LBC

☑ For a reach the following needs to be considered:

- ☐ Location of any return flows. If below the proposed reach, do not need to account for them within the reach. If within the proposed reach, return flows should be accounted for just below the POD or, if at a definite point/area below the POD, may be accounted for at the downstream point of return flows.
- ☑ Stream flow losses, such as areas of natural stream flow loss to the river bed. None
- ☑ If water is requested to be protected from the source stream and into a receiving stream is the quantity of water measurable in the receiving stream. This is based on a consultation with the Watermaster with the general parameters being whether the requested instream flow is with 5% margin of error on a measuring device considering the low flow point/reach in the receiving stream. The low flow may be, for example, the lowest flow on the low flow day/week/month depending on how the Watermaster would generally regulate, if they were to regulate. N/A

☑ Instream quantity and timing (period during which water is requested to be protected instream – if identified) is appropriate considering the rate, duty and season limits of the originating water right.

- ☐ If application does not specify an instream period, this may be identified via consultation with the Watermaster, ODFW District Biologist or other agency to determine when is the best time during the limits of the irrigation season to protect water instream.
- ☐ Basic equation info:

Requested instream rate (not more than max rate allowed): _____

Requested instream volume (not more max volume): _____

Instream period: from _____ through _____ = #_____ days

Seee attached calculators

1 CFS = 1.983471 af/day (this is your conversion factor)

Instream volume / (1.983471 af/day * instream rate) = max days instream

or

instream volume / # days = X af/day

x af/day / 1.983471 af/day = cfs given volume and # of days proposed

or

(instream rate cfs * 1.983471 af/day) * # days = volume af

There are also several rate calculators available to help make this determination (s:\groups\fs\instream water rights\rate calculators):

- ☐ General rate calculator
- ☐ Central Oregon Irrigation District on line calculator
- ☐ Arnold Irrigation District
- ☐ Crook County Irrigation District
- ☑ Swalley Irrigation District
- ☐ Tumalo Irrigation District
- ☐ North Unit Irrigation District

☑ The instream quantity (in combination with other instream rights created with leases, transfers and allocations of conserved water) does not exceed the estimated average natural flow (ENAF) for the stream on which the reach is located.

- ☑ Use 50% water availability for stream basin to make above determination.
- ☐ If ENAF would be exceeded go to OAR 690-077-0015(5) to see if criteria for exceeding this flow is met.
  - ☐ Requested flow does not exceed the max rate requested in an instream right application submitted by a state agency for the same reach and same time period. And, for the instream period requested, the instream use is located within an ODFW flow restoration priority watershed. See maps on line associated with administrative rules.
  - ☐ Or requested flow does not exceed the max rate requested in an instream right application submitted by a state agency for the same reach and same time period. And the stream is listed as water quality limited (303d list) and DEQ has provided scientific information that demonstrates that increased flows would improve water quality.

☑ Conditions to avoid enlargement/injury

- ☐ These may be identified by the Watermaster as part of their evaluation.
- ☐ Certain conditions may need to be included in the new instream certificate/order that are found on the certificate. Such as, that the quantity is limited to the amount available at the original POD.
- ☐ If injury or enlargement cannot be prevented, the instream use may be denied.

Laura Wilke

From: Jeremy Giffin
Sent: Friday, March 11, 2011 2:08 PM
To: Laura Wilke
Subject: RE: T-10490 - speaking of return flows.....

Yes these are extremely close to the river, however I walked these reaches doing my diversion inventory and could not find any surface water flows connecting to the deschutes, but I agree with Jonathan that they are happening sub surface.

J

From: Laura Wilke
Sent: Friday, March 11, 2011 11:51 AM
To: Jeremy Giffin
Subject: T-10490 - speaking of return flows.....
Importance: High

Hey there Jeremy:

Got one other for us to touch base on. T-10490 from SID and DRC. I think this one is just about done as well. Just wanted to touch base with you on any surface return flow issues given the final POU description. See table:

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	4.5
DUST ABATEMENT						
17 S	12 E	WM	17	NE SW	1300	2.3

7.96

This is the final factor that I need to address in the DPD.

Due to the proximity of the lands to surface water (Deschutes River), Jonathan has identified that sub surface return flows probably come back into the system around the confluence with Tumalo Cr - he's suggested using Tumalo State Park as the return flow point so right around RM 157.

What do you think on the surface return flow front?

Thanks, Laura

7.96 × 1.8 = 14.3 af
for 208 days
= 0.035 cfs

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Laura Wilke

From: Jon LaMarche
Sent: Wednesday, February 02, 2011 9:44 AM
To: Laura Wilke
Subject: Out of Office: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

I am currently out of the office. Your message will be read upon my return on 2/14 and replied to as soon as possible.

Laura Wilke

From: Laura Wilke
Sent: Wednesday, February 02, 2011 9:44 AM
To: Jon LaMarche
Cc: Kyle Gorman
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Howdy Jonathan - just wanted to check in and see how all is going and if the zone eval and return flow feedback is something you'll be able to fit in soon.

Thanks, Laura

From: Jon LaMarche
Sent: Wednesday, January 19, 2011 6:19 AM
To: Laura Wilke
Cc: Kyle Gorman
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Laura,

I have a new DOJ request, a presentation to finish, and a report that I have to finish before I can look at this. I'm sorry, but this will have to wait until next week at the earliest or maybe even the week after.

-Jonathan

Jonathan La Marche, P.E.
Hydrologist
Oregon Water Resources Department
1128 NW Harriman Street
Bend, OR 97701

tel: 541-330-4659
fax: 541-388-5101
email: jon.l.lamarche@wrd.state.or.us

From: Laura Wilke
Sent: Tuesday, January 18, 2011 11:22 AM
To: Jon LaMarche
Subject: FW: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Hi Jonathan - Just wanted to check in with you on the below. Last we chatted by way of e-mail it sounded like you might have been able to take a look at this while I was out on vacation. Let me know if you have an updated review on this one or when you might be able to review this one.

Thanks tons!
Laura

From: Laura Wilke
Sent: Tuesday, December 14, 2010 9:53 AM
To: Jon LaMarche
Subject: FW: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Jonathan:

I need an updated zone of impact evaluation for this transfer. The applicants have removed a few acres from the transfer and added some new acres into the transfer. The applicant is now proposing to transfer acres off of the Swalley Main Canal as follows:

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
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The appropriate application maps are attached. The lands in the NW SW of Section 8 are new to the application. There is 0.5 ac of dust abatement and 0.3 ac of irrigation on one of the maps showing the SE SE of Section 17 in T17S R12E that is no longer part of the application.

Also, please let me know if your thoughts on return flows remain the same. Previously you identified that return flows from some of the on farm use returned pretty quickly to the river given the proximity of the lands to the river. I believe that this was for 5 acres just outside of Bend (just north of Aubrey Butte). Are these the lands that are in the NW NE of Sec 28?

Do any of the other lands have immediate return flows or are they coming back in more in the Lake Billy Chinook area or lower?

I'm working on putting together the draft preliminary determination for this application so if you can review this one soon that would be great. Let me know when you think you can review this one. I was hoping to get the DPD done before Christmas if at all possible.

Thanks, Laura

From: Jon LaMarche
Sent: Wednesday, January 02, 2008 11:19 AM
To: Laura Snedaker
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Laura,

Here's the findings for MP-111. I'm working on 110 still.

-Jonathan

Jonathan La Marche, PE
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fax: 541-388-5101
email: jon.l.lamarche@wrd.state.or.us

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 8:50 AM
To: Jon LaMarche
Cc: Ken Lite
Subject: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Jonathan:

This is a request for a zone of impact determination for MP-111.

This is an instream transfer T-10490 submitted by DRC and SID. Here's a link to the transfer application materials:

http://www1.wrd.state.or.us/files/Publications/Deschutes%20Mitigation/mitigation_projects/MP-111-Credit_Project_(T-10490)/

The document in this file is the application materials.

Let me know if you need anything else. The open comment period on this ends January 8, 2008.

Thanks, Laura

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Senior Water Resources Coordinator
Oregon Water Resources Department
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Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Laura Snedaker

From: Laura Snedaker
Sent: Thursday, March 27, 2008 1:16 PM
To: Jeremy Giffin
Cc: Jon LaMarche
Subject: Instream Transfer - questions - T-10490
Importance: High

Need > follow up after updated Zone reviewed

Afternoon:

Pure instream transfer question:

Just checking in on something. I wanted to make sure the same logic that we used to identify what the long reach would be for an instream use all the way down to the mouth of the Deschutes River (and where we account for return flows) would also apply to T-10490. This one requests a reach only as far as Lake Billy Chinook. But I did pick up from Jonathan that there may be some return flow from on-farm losses that return pretty quickly to the river given the proximity of the place of use to the river. This was for five acres just outside of Bend (just north east of Aubrey Butte).

Assuming, even with any return flows, that there are no water rights below Bend that would be injured, we can probably protect the full amount from the POD to Lake Billy Chinook. However, if there are any water rights that would be injured, we certainly could account for the return flows for these five acres just below the POD (with the full amount at the POD).

For reference purposes, return flows are part of the review process for instream transfers under OAR 690-077-0075 (2).

Mitigation Project side question (MP-111):

I also have my normal mitigation project questions on this one that I wanted to swing past you.

- Based on information previously provided, I'm assuming that the water right to be leased is available (on average) at least 50% of the irrigation season. Please let me know if this assumption is incorrect.

- Based on information previously provided, I'm also assuming that any new instream use created as a result of this lease would be met 100% of the time. Please let me know if this assumption is inaccurate.

- Are there any issues associated with this water right, or portion thereof, to be transferred instream? Are there any non use issues, regulation issues, source reliability issues or other issues? Anything that would cause the need to calculate the amount of mitigation generated by the project differently. See questions 2 thru 4 in the memo entitled "Mitigation Water/Credit Determinations using Consumptive Use & Watermaster Distribution Records" under tab 11 of your Deschutes Mitigation desk manual.

- The application does include dust abatement as one of the uses that being transferred to instream use. The cover letter for the DPD will be requesting additional information (documentation) to identify how much water has been used annually for dust abatement. This will probably factor into how much of this use can be transferred instream if not the whole thing (considering beneficial use without waste) and will factor into how much mitigation may result from this part of the transfer. This affects 2.8 of the 10 acres proposed for transfer. Let me know if you have any feedback on this use or its use for mitigation credit generation.

Thanks much!
Laura

Laura Wilke

From: Jon LaMarche
Sent: Tuesday, February 15, 2011 11:51 AM
To: Laura Wilke
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Laura,

Tumalo St park is near RM 157

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From: Laura Wilke
Sent: Tuesday, February 15, 2011 11:25 AM
To: Jon LaMarche
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Thanks Jonathan - just one clarification of me.

It sounds like your thinking this transfer fits the return flow scenario we worked out a while back. Where if there were multiple return flow locations (or smeared over a distance), that we would use the Madras gage as the location by which return flows are all back into the system. Is that accurate? However, it looks like from your map, that the lands are all there around Bend. Would it be fair/accurate to say that the return flows are back into the system by a certain river mile? In another case, we used the confluence with Tumalo Creek as the point at which return flows were back in the system by.

Just want to make sure I understand the lay of the land - or under the land as the case may be.

And I'll get you a new list of mitigation projects.

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Laura,

Here's the new findings for the new POUs associated with the new MP-111 application. See the attached figure for results on specific zones of impact.

All of these lands are close to the river and within the transition zone between a "middle Deschutes" and "general zone" finding for returns. Recall, that the findings are the OWRD estimate of where the "majority" of the water returns. In reality, the effects are spatially distributed (or smeared would be a better description) amongst numerous locations.

Can you give me a new email with a list of MPs (in order of priority) that you want me to review?

Thanks.

-Jonathan

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Oregon Water Resources Department

MEMO **February 14, 2011**
(Date)

TO **Mitigation Project Application MP-111 (changed POUs T-10490)**

FROM **GW: Jonathan La Marche**
(Reviewer's Name)

SUBJECT **Mitigation Project Zone of Impact Evaluation for Deschutes Ground Water Study Area**

The source of appropriation is the middle Deschutes River/Creek. The original place of use, if applicable, is within the middle Deschutes sub-basin.

This project proposes to protect water instream within the middle Deschutes subbasin.

For all mitigation project types except aquifer recharge and storage releases:
Return flows from the original authorized use normally returned to the surface water system within the general and middle Deschutes zone(s) of impact and return flows from transmission loss, if any, from the original use would have returned to the surface water system within the middle Deschutes zone(s) of impact.

For aquifer recharge and storage release mitigation projects:
The zone of impact for the mitigation project is the zone of impact.

Current Zones of Impact:

General Zone of Impact where ground water generally discharges to surface water in the confluence area of the Deschutes River, Crooked River and Metolius River above the Madras gage.

Crooked River Zone of Impact where ground water generally discharges to surface water in the at Osborne Canyon (River Mile 13.8) area.

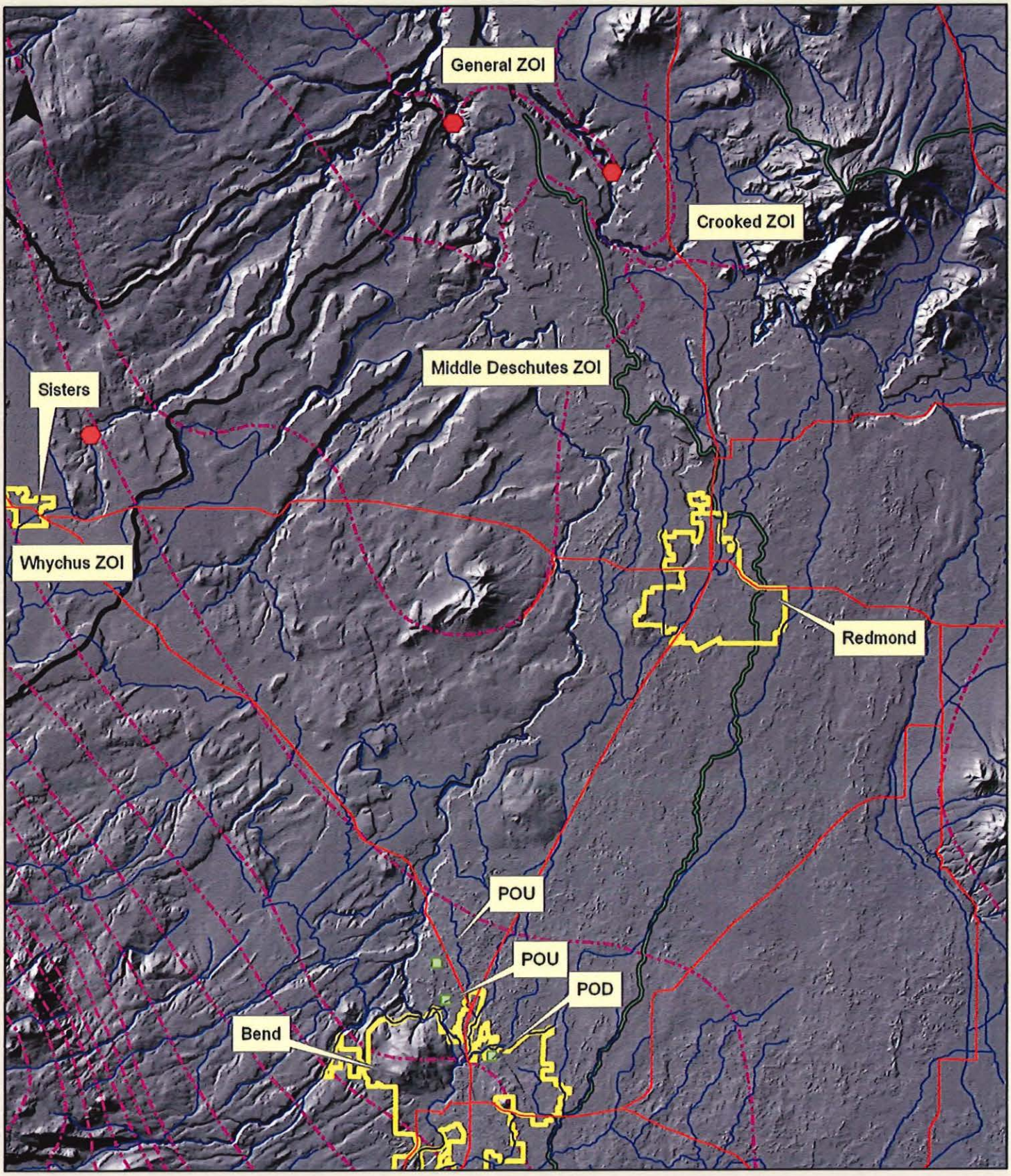
Middle Deschutes River Zone of Impact where ground water generally discharges to surface water in the Sundown Canyon Road (approximately River Mile 125) area.

Metolius River Zone of Impact where ground water generally discharges to surface water above the confluence with Jefferson Creek (approximately RM 28).

Whychus Creek Zone of Impact where ground water generally discharges to surface water in the McKinney Butte (RM 16) area.

Upper Deschutes River Zone of Impact where ground water generally discharges to surface water above RM 185, which is downstream from the confluence with Spring River.

Little Deschutes River Zone of Impact where ground water generally discharges to surface water above the mouth of the Little Deschutes River.



Legend

- mp-111_pou (NEW)
- Rivers
- Roads
- City
- Zones of Impact
- zone of impact change
- Canals
- Regional Head Gradient
- Sub-Basin Boundary

MP-111 (new request 2/15/2011 associated with T-10490)
POD: Middle Deschutes
POU: T17S, R12E, S28, NWNE 4.5 acres (General Zone)
T17S, R12E, S17, NESW 4.2 acres (Middle Des Zone)
T17S, R12E, S8, NWSW 1.56 acres (General Zone)
Total = 10.26 acres
Other:
49% on farm losses
Expiration: None (permanent), Cert # 74145

Laura Wilke

From: Laura Wilke
Sent: Tuesday, December 14, 2010 9:53 AM
To: Jon LaMarche
Subject: FW: Request for Zone of Impact Determination on Mitigation Credit Project MP-111
Attachments: mp-111.jpg; mp-111 with comments.doc; 10490-amendment-map.pdf; T-10490-application - maps-MP111.pdf

Jonathan:

I need an updated zone of impact evaluation for this transfer. The applicants have removed a few acres from the transfer and added some new acres into the transfer. The applicant is now proposing to transfer acres off of the Swalley Main Canal as follows:

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
IRRIGATION						
17 S	12 E	WM	8	NW SW	1200	1.56
17 S	12 E	WM	17	NE SW	1300	1.9
17 S	12 E	WM	28	NW NE	3400	
DUST ABATEMENT						
17 S	12 E	WM				

DPD Drafted
- awaiting new zone of return flow feedback

The appropriate application maps are ... are new to the application. There is 0.5 ac of dust a... aps showing the SE SE of Section 17 in T17S R12E that i...

Also, please let me know if your thoug... you identified that return flows from some of the on farm ... roximity of the lands to the river. I believe that this wa... ubrey Butte). Are these the lands that are in the NW NE ...

Do any of the other lands have immedia... n the Lake Billy Chinook area or lower?

I'm working on putting together the draft ... you can review this one soon that would be great. Let m... I was hoping to get the DPD done before Christmas if at a...

Thanks, Laura

From: Jon LaMarche
Sent: Wednesday, January 02, 2008 11:19 AM
To: Laura Snedaker
Subject: RE: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Laura,

Here's the findings for MP-111. I'm working on 110 still.

-Jonathan

Jonathan La Marche, PE
Hydrologist
Oregon Water Resources Department
1128 NW Harriman Street
Bend, OR 97701

tel: 541-330-4659
fax: 541-388-5101
email: jon.l.lamarche@wrd.state.or.us

From: Laura Snedaker
Sent: Tuesday, December 18, 2007 8:50 AM
To: Jon LaMarche
Cc: Ken Lite
Subject: Request for Zone of Impact Determination on Mitigation Credit Project MP-111

Jonathan:

This is a request for a zone of impact determination for MP-111.

This is an instream transfer T-10490 submitted by DRC and SID. Here's a link to the transfer application materials:

http://www1.wrd.state.or.us/files/Publications/Deschutes%20Mitigation/mitigation_projects/MP-111-Credit_Project_(T-10490)/

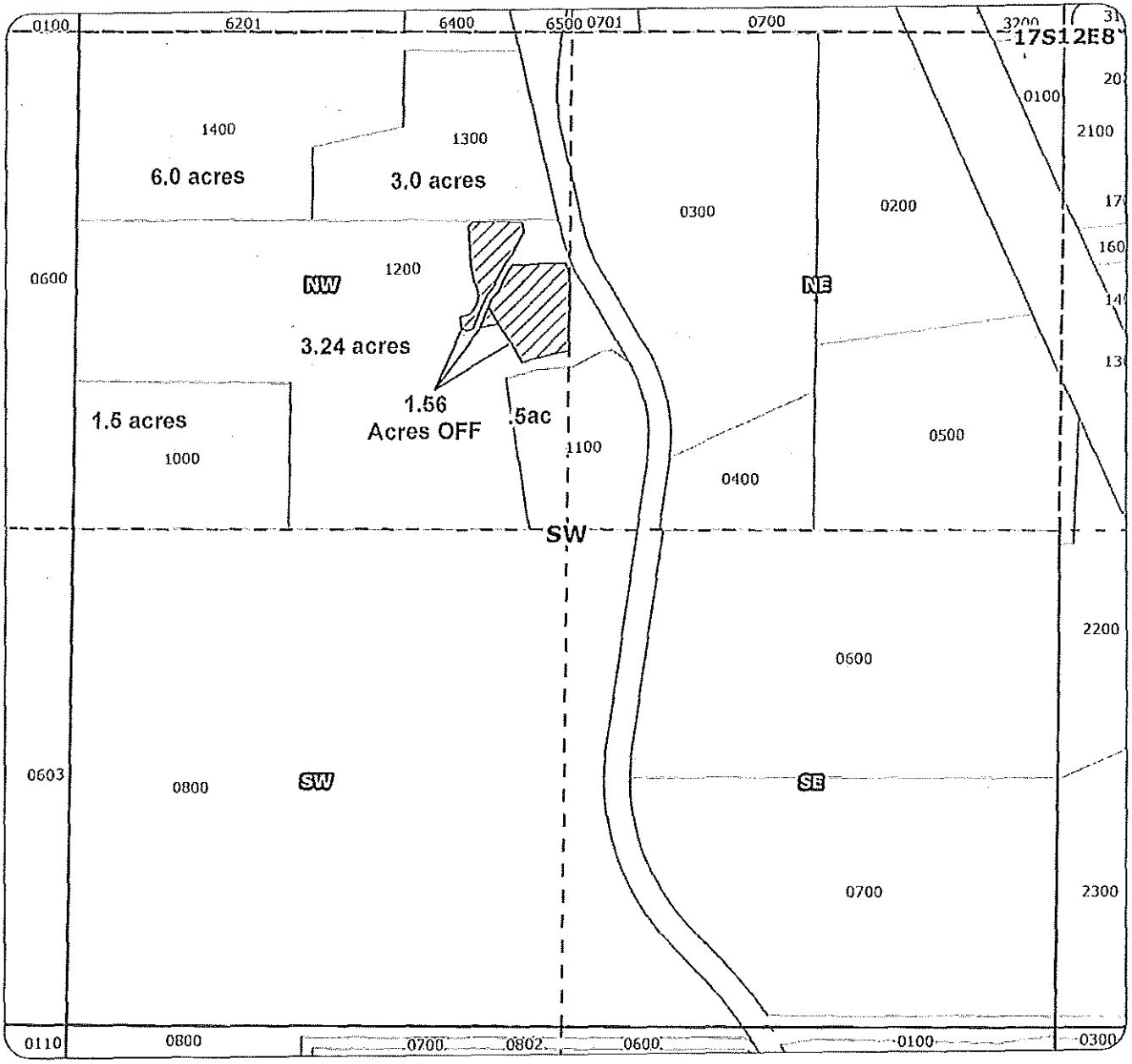
The document in this file is the application materials.

Let me know if you need anything else. The open comment period on this ends January 8, 2008.

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

2010 Swalley Irrigation District Transfer Map

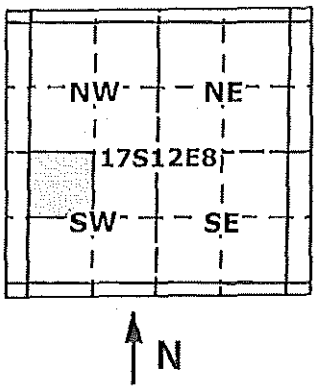


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map

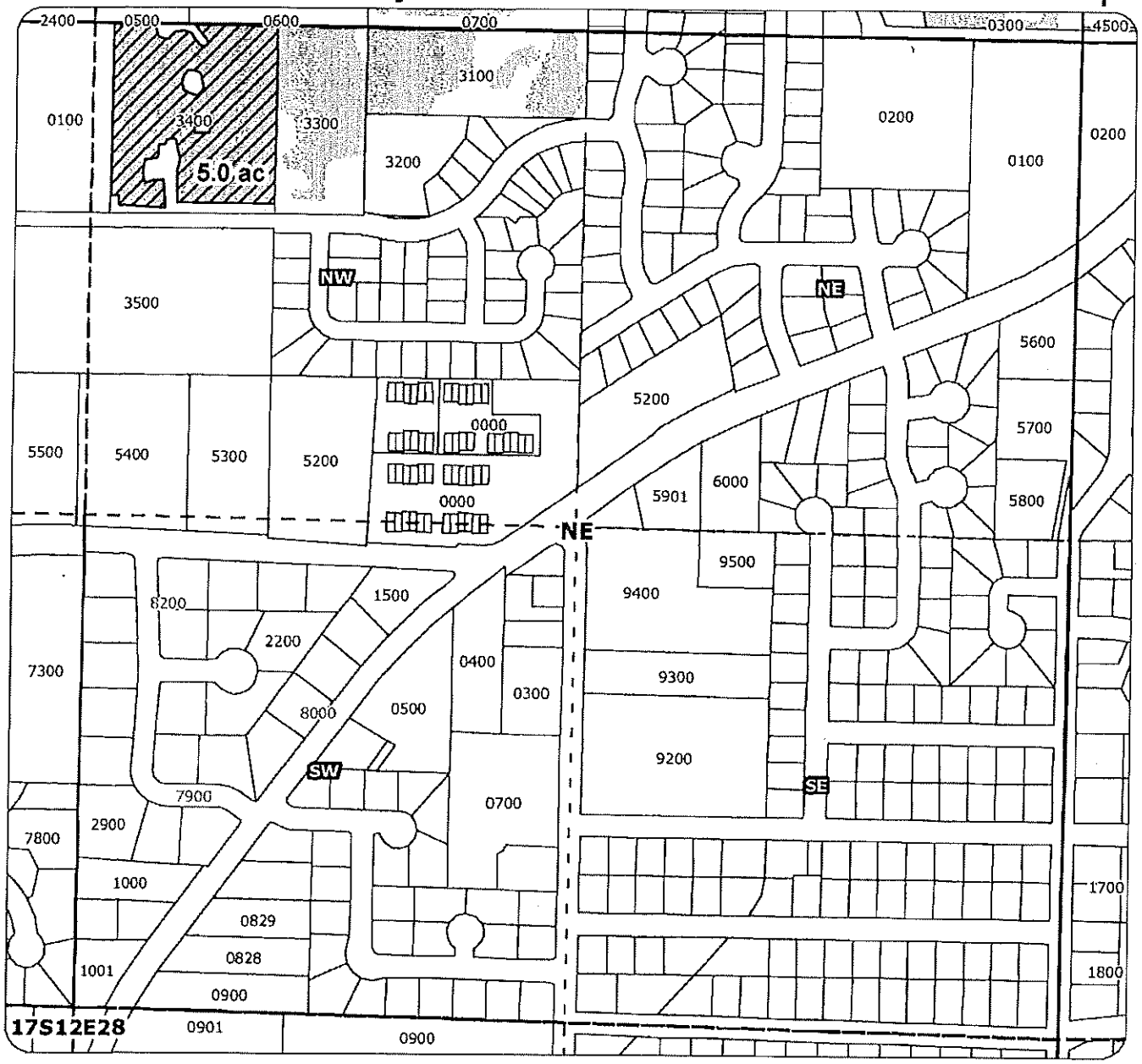


1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: September 2010

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map

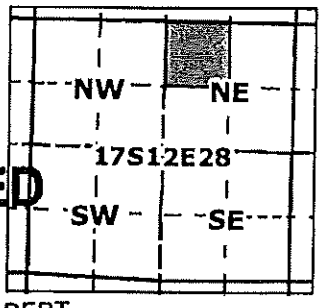


Application for Permanent Instream Transfer

for
Swalley Irrigation District
5 acres
taxlot 3400
(171228NWNE)

Proposed Transfer of Irrigation Rights

Water Rights



N

RECEIVED
NOV 23 2007
WATER RESOURCES DEPT
SALEM, OREGON

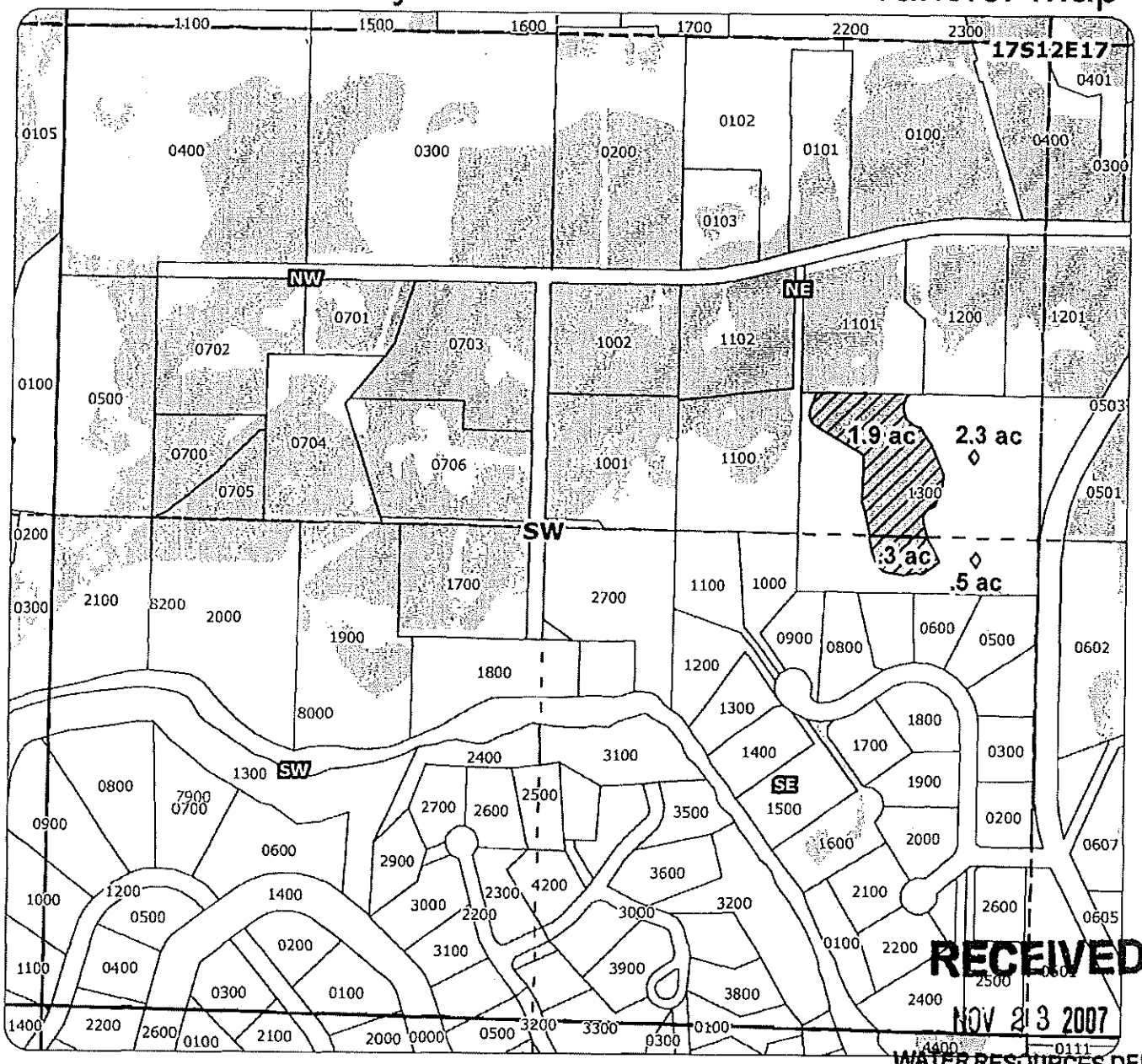
T 10490

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

1 inch equals 400 feet

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



RECEIVED
NOV 2 3 2007
WATER RESOURCES DEPT
SALEM, OREGON

Application for Permanent Instream Transfer

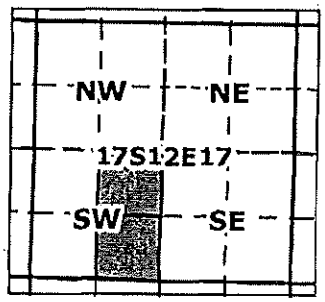
Proposed Transfer of Irrigation Rights

Proposed Trasnfer of Dust Abatement Rights*
*Diamond denotes Unmapped Water Right

Water Rights

for

Swalley Irrigation District
1.9 acres of Irrigation Rights
2.3 acres of Dust Abatement Rights
taxlot 1300
(171217NESW)
.3 acres of Irrigation Rights
.5 acres of Dust Abatement Rights
taxlot 1300
(171217SESW)



N

1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

T 10490

Water Availability Analysis

DESCHUTES R > COLUMBIA R - AB TUMALO CR
DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 197
Date: 12/14/2010

Exceedance Level: 50%
Time: 2:28 PM

EANF not exceeded

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
1	70087	DESCHUTES R> COLUMBIA R- AB MOUTH AT GAGE 14103000	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Nc
2	30530627	DESCHUTES R> COLUMBIA R- AB EAGLE CR	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Nc
3	30530643	DESCHUTES R> COLUMBIA R- AB SHITIKE CR	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	Nc
4	30530112	DESCHUTES R> COLUMBIA R- AB BUCKHORN CAN	No	No	Yes	Yes	No	No	No	No	No	No	No	Nc
5	**197**	**DESCHUTES R> COLUMBIA R- AB TUMALO CR**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Nc**

Limiting Watersheds

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	No	-601.00
FEB	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	No	-130.00
MAR	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-179.00
APR	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-553.00
MAY	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-1,950.00
JUN	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-2,140.00
JUL	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-2,580.00
AUG	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-2,430.00
SEP	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-2,030.00
OCT	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	-901.00
NOV	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	No	-316.00
DEC	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	No	-788.00
STO	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	No	0.00

Detailed Reports for Watershed ID #70087

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000
DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 70087
Date: 12/14/2010

Exceedance Level: 50%
Time: 2:28 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Wate Availabi
JAN	5,830.00	668.00	5,160.00	450.00	4,500.00	212.0
FEB	6,980.00	746.00	6,230.00	450.00	4,500.00	1,280.0
MAR	7,440.00	1,010.00	6,430.00	450.00	4,500.00	1,480.0
APR	8,180.00	986.00	7,190.00	450.00	4,000.00	2,740.0
MAY	7,460.00	1,160.00	6,300.00	450.00	4,000.00	1,850.0
JUN	6,600.00	1,220.00	5,380.00	450.00	4,000.00	932.0
JUL	5,190.00	957.00	4,230.00	450.00	4,000.00	-217.0
AUG	4,780.00	863.00	3,920.00	450.00	3,500.00	-32.5
SEP	4,800.00	747.00	4,050.00	450.00	3,800.00	-197.0
OCT	4,940.00	793.00	4,150.00	450.00	3,800.00	-103.0
NOV	5,050.00	845.00	4,200.00	450.00	3,800.00	-45.2
DEC	5,480.00	771.00	4,710.00	450.00	4,500.00	-241.0
STO	4,390,000.00	650,000.00	3,730,000.00	326,000.00	2,950,000.00	509,000.0

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Tot
JAN	617.00	0.17	44.10	0.91	0.07	4.34	1.30	0.00	668.0
FEB	695.00	0.15	44.10	0.91	0.07	4.34	1.30	0.00	746.0
MAR	890.00	71.60	44.10	0.91	0.07	4.34	1.30	0.00	1,010.0
APR	493.00	442.00	44.10	0.91	0.07	4.34	1.30	0.00	986.0
MAY	88.40	1,020.00	44.10	0.91	0.07	4.34	1.30	0.00	1,160.0
JUN	45.20	1,090.00	77.30	0.91	0.07	4.34	1.30	0.00	1,220.0
JUL	35.30	838.00	77.30	0.91	0.07	4.34	1.30	0.00	957.0
AUG	32.50	746.00	77.30	0.91	0.07	4.34	1.30	0.00	863.0
SEP	32.60	631.00	77.30	0.91	0.07	4.34	1.30	0.00	747.0
OCT	435.00	307.00	44.10	0.91	0.07	4.34	1.30	0.00	793.0
NOV	794.00	0.30	44.10	0.91	0.07	4.34	1.30	0.00	845.0
DEC	720.00	0.21	44.10	0.91	0.07	4.33	1.30	0.00	771.0

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
TY70503A	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.0
TY70503B	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.6
TY70503C	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.8
TY70503D	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.3
TY70504A	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.0
TY70504B	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.9
TY70504C	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.0
Total	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.6

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
TY70501A	TREATY	3,000.00	3,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.0
SY90506A	SWW	4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0
IS70087A	CERTIFICATE	3,000.00	3,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.0
IS71194A	CERTIFICATE	4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0
Maximum		4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0

Detailed Reports for Watershed ID #30530627

DESCHUTES R > COLUMBIA R - AB EAGLE CR
DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 30530627
Date: 12/14/2010

Exceedance Level: 50%
Time: 2:28 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Availability
JAN	5,280.00	647.00	4,630.00	450.00	4,500.00	-317.0
FEB	6,160.00	709.00	5,450.00	450.00	4,500.00	501.0
MAR	6,650.00	969.00	5,680.00	450.00	4,500.00	731.0
APR	7,350.00	919.00	6,430.00	450.00	4,000.00	1,980.0
MAY	6,720.00	1,040.00	5,680.00	450.00	4,000.00	1,230.0
JUN	6,160.00	1,090.00	5,070.00	450.00	4,000.00	623.0
JUL	4,960.00	859.00	4,100.00	450.00	4,000.00	-349.0
AUG	4,600.00	782.00	3,820.00	450.00	3,500.00	-132.0
SEP	4,630.00	674.00	3,960.00	450.00	3,800.00	-294.0
OCT	4,770.00	735.00	4,040.00	450.00	3,800.00	-215.0
NOV	4,840.00	835.00	4,010.00	450.00	3,800.00	-245.0
DEC	5,110.00	760.00	4,350.00	450.00	4,500.00	-600.0
STO	4,050,000.00	605,000.00	3,450,000.00	326,000.00	2,950,000.00	304,000.0

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Tot
JAN	599.00	0.00	42.20	0.62	0.07	3.82	0.99	0.00	647.0
FEB	661.00	0.00	42.20	0.62	0.07	3.82	0.99	0.00	709.0
MAR	860.00	61.40	42.20	0.62	0.07	3.82	0.99	0.00	969.0
APR	461.00	410.00	42.20	0.62	0.07	3.82	0.99	0.00	919.0
MAY	75.70	912.00	42.20	0.62	0.07	3.82	0.99	0.00	1,040.0
JUN	35.40	972.00	73.50	0.62	0.07	3.82	0.99	0.00	1,090.0
JUL	28.30	752.00	73.50	0.62	0.07	3.82	0.99	0.00	859.0
AUG	26.20	676.00	73.50	0.62	0.07	3.82	0.99	0.00	782.0
SEP	26.40	568.00	73.50	0.62	0.07	3.82	0.99	0.00	674.0
OCT	429.00	258.00	42.20	0.62	0.07	3.82	0.99	0.00	735.0
NOV	787.00	0.00	42.20	0.62	0.07	3.82	0.99	0.00	835.0
DEC	712.00	0.00	42.20	0.62	0.07	3.81	0.99	0.00	760.0

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
TY70503A	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.00	146.0
TY70503B	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.60	37.6
TY70503C	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.8
TY70503D	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.3
TY70504A	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.00	147.0
TY70504B	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.9
TY70504C	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.0
Total	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.60	449.6

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
TY70501B	TREATY	3,000.00	3,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.0
SY90506B	SWW	4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0
IS70087B	CERTIFICATE	3,000.00	3,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.0
IS71194B	CERTIFICATE	4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0
Maximum		4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0

Detailed Reports for Watershed ID #30530643

DESCHUTES R > COLUMBIA R - AB SHITIKE CR

DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 30530643

Date: 12/14/2010

Exceedance Level: 50%

Time: 2:28 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Wate Availabl
JAN	4,660.00	642.00	4,020.00	119.00	4,500.00	-601.0
FEB	5,190.00	701.00	4,490.00	119.00	4,500.00	-130.0
MAR	5,710.00	972.00	4,740.00	119.00	4,500.00	119.0
APR	6,380.00	991.00	5,390.00	119.00	4,000.00	1,270.0
MAY	5,890.00	1,170.00	4,720.00	119.00	4,000.00	603.0
JUN	5,590.00	1,240.00	4,350.00	119.00	4,000.00	231.0
JUL	4,560.00	1,020.00	3,540.00	119.00	4,000.00	-583.0
AUG	4,260.00	892.00	3,370.00	119.00	3,500.00	-251.0
SEP	4,320.00	765.00	3,560.00	119.00	3,800.00	-364.0
OCT	4,430.00	775.00	3,660.00	119.00	3,800.00	-264.0
NOV	4,440.00	837.00	3,600.00	119.00	3,800.00	-316.0
DEC	4,590.00	759.00	3,830.00	119.00	4,500.00	-788.0
STO	3,620,000.00	650,000.00	2,970,000.00	86,200.00	2,950,000.00	134,000.0

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Tot
JAN	594.00	0.38	42.20	0.50	0.07	3.90	0.70	0.00	642.0
FEB	653.00	0.00	42.20	0.50	0.07	3.90	0.70	0.00	701.0
MAR	852.00	72.90	42.20	0.50	0.07	3.90	0.70	0.00	972.0
APR	453.00	491.00	42.20	0.50	0.07	3.90	0.70	0.00	991.0
MAY	69.90	1,050.00	42.20	0.50	0.07	3.90	0.70	0.00	1,170.0
JUN	31.10	1,130.00	73.30	0.50	0.07	3.90	0.70	0.00	1,240.0
JUL	25.20	920.00	73.30	0.50	0.07	3.90	0.70	0.00	1,020.0
AUG	23.50	790.00	73.30	0.50	0.07	3.90	0.70	0.00	892.0
SEP	23.90	662.00	73.30	0.50	0.07	3.90	0.70	0.00	765.0
OCT	426.00	301.00	42.20	0.50	0.07	3.90	0.70	0.00	775.0
NOV	784.00	5.14	42.20	0.50	0.07	3.90	0.70	0.00	837.0
DEC	708.00	3.17	42.20	0.50	0.07	3.89	0.70	0.00	759.0

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
TY70503C	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.80	4.8
TY70503D	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.30	61.3
TY70504B	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.90	27.9
TY70504C	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.0
Total	119.00	119.00	119.00	119.00	119.00	119.00	119.00	119.00	119.00	119.00	119.00	119.0

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
TY70501C	TREATY	3,000.00	3,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.0
SY90506C	SWW	4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0
Maximum		4,500.00	4,500.00	4,500.00	4,000.00	4,000.00	4,000.00	4,000.00	3,500.00	3,800.00	3,800.00	3,800.00	4,500.0

Detailed Reports for Watershed ID #30530112

DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN

DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 30530112

Date: 12/14/2010

Exceedance Level: 50%

Time: 2:28 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Wate Availabl
JAN	1,380.00	613.00	767.00	0.00	500.00	267.0
FEB	1,460.00	518.00	942.00	0.00	500.00	442.0
MAR	1,470.00	515.00	955.00	0.00	500.00	455.0
APR	1,640.00	1,080.00	562.00	0.00	500.00	62.0
MAY	1,720.00	2,040.00	-321.00	0.00	250.00	-571.0

JUN	1,840.00	2,340.00	-495.00	0.00	250.00	-745.0
JUL	1,390.00	2,400.00	-1,010.00	0.00	250.00	-1,260.0
AUG	1,320.00	2,200.00	-885.00	0.00	250.00	-1,130.0
SEP	1,340.00	1,810.00	-475.00	0.00	250.00	-725.0
OCT	1,380.00	1,300.00	83.90	0.00	500.00	-416.0
NOV	1,330.00	916.00	414.00	0.00	500.00	-86.1
DEC	1,370.00	787.00	583.00	0.00	500.00	82.9
STO	1,060,000.00	1,000,000.00	258,000.00	0.00	286,000.00	77,900.0

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Tot
JAN	461.00	79.80	70.70	0.23	0.03	0.93	0.08	0.00	613.0
FEB	360.00	86.10	70.70	0.23	0.03	0.93	0.08	0.00	518.0
MAR	297.00	146.00	70.70	0.23	0.03	0.93	0.08	0.00	515.0
APR	29.00	977.00	70.70	0.23	0.03	0.93	0.08	0.00	1,080.0
MAY	39.00	1,930.00	70.70	0.23	0.03	0.93	0.08	0.00	2,040.0
JUN	2.22	2,250.00	81.80	0.23	0.03	0.93	0.08	0.00	2,340.0
JUL	1.61	2,320.00	81.80	0.23	0.03	0.93	0.08	0.00	2,400.0
AUG	1.49	2,120.00	81.80	0.23	0.03	0.93	0.08	0.00	2,200.0
SEP	1.50	1,730.00	81.80	0.23	0.03	0.93	0.08	0.00	1,810.0
OCT	373.00	851.00	70.70	0.23	0.03	0.93	0.08	0.00	1,300.0
NOV	731.00	113.00	70.70	0.23	0.03	0.93	0.08	0.00	916.0
DEC	613.00	102.00	70.70	0.23	0.03	0.93	0.08	0.00	787.0

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
SY90505A	SWW	500.00	500.00	500.00	500.00	250.00	250.00	250.00	250.00	250.00	500.00	500.00	500.0
IS70695A	APPLICATION	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.0
Maximum		500.00	500.00	500.00	500.00	250.00	250.00	250.00	250.00	250.00	500.00	500.00	500.0

Detailed Reports for Watershed ID #197

DESCHUTES R > COLUMBIA R - AB TUMALO CR

DESCHUTES BASIN

Water Availability as of 12/14/2010

Watershed ID #: 197

Date: 12/14/2010

Exceedance Level: 50%

Time: 2:28 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Wate Availab
JAN	1,250.00	554.00	696.00	0.00	660.00	36.2
FEB	1,270.00	453.00	817.00	0.00	660.00	157.0
MAR	1,270.00	449.00	821.00	0.00	1,000.00	-179.0
APR	1,430.00	983.00	447.00	0.00	1,000.00	-553.0
MAY	1,530.00	1,880.00	-353.00	0.00	1,600.00	-1,950.0
JUN	1,610.00	2,150.00	-537.00	0.00	1,600.00	-2,140.0
JUL	1,280.00	2,260.00	-977.00	0.00	1,600.00	-2,580.0
AUG	1,250.00	2,080.00	-827.00	0.00	1,600.00	-2,430.0
SEP	1,280.00	1,710.00	-427.00	0.00	1,600.00	-2,030.0
OCT	1,310.00	1,210.00	98.80	0.00	1,000.00	-901.0
NOV	1,250.00	845.00	405.00	0.00	660.00	-255.0
DEC	1,270.00	726.00	544.00	0.00	660.00	-116.0
STO	966,000.00	927,000.00	229,000.00	0.00	825,000.00	11,000.0

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Tot
JAN	460.00	67.60	25.10	0.20	0.03	0.77	0.06	0.00	554.0
FEB	358.00	69.20	25.10	0.20	0.03	0.77	0.06	0.00	453.0
MAR	295.00	128.00	25.10	0.20	0.03	0.77	0.06	0.00	449.0
APR	27.00	930.00	25.10	0.20	0.03	0.77	0.06	0.00	983.0
MAY	37.00	1,820.00	25.10	0.20	0.03	0.77	0.06	0.00	1,880.0
JUN	0.05	2,120.00	25.70	0.20	0.03	0.77	0.06	0.00	2,150.0
JUL	0.04	2,230.00	25.70	0.20	0.03	0.77	0.06	0.00	2,260.0
AUG	0.04	2,050.00	25.70	0.20	0.03	0.77	0.06	0.00	2,080.0
SEP	0.04	1,680.00	25.70	0.20	0.03	0.77	0.06	0.00	1,710.0
OCT	372.00	813.00	25.10	0.20	0.03	0.77	0.06	0.00	1,210.0
NOV	730.00	88.50	25.10	0.20	0.03	0.77	0.06	0.00	845.0
DEC	612.00	88.30	25.10	0.20	0.03	0.77	0.06	0.00	726.0

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	De
MF197A	CERTIFICATE	660.00	660.00	660.00	660.00	660.00	660.00	660.00	660.00	660.00	660.00	660.00	660.0
SY90504A	SWW	660.00	660.00	1,000.00	1,000.00	1,600.00	1,600.00	1,600.00	1,600.00	1,600.00	1,000.00	660.00	660.0
Maximum		660.00	660.00	1,000.00	1,000.00	1,600.00	1,600.00	1,600.00	1,600.00	1,600.00	1,000.00	660.00	660.0

Deschutes River from Wickiup Reservoir to Lake Billy Chinook

State Agency Established Instream Water Right or minimum flow conversion

Instream Water Right Established via transfer or allocation of conserved water

10/8/2010

MP = mitigation project CW = Conserved Water

AP = Applicant's portion of conserved water (temporarily leased instream)

MF = Minimum Flow Conversion T = Instream Transfer

Note: State Agency ISWR is still a pending application and does not presently protect any water instream

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
Wickiup Reservoir to the confluence with Little Deschutes R.				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760
59776	11/3/1983	MF-199	Deschutes R	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000	300.000
Totals for ACW and Transfers				**0.760**	**0.955**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.195**	**0.955**	**0.955**	**0.955**	**0.760**
Totals for Min Streamflow				**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**
Totals for State Agency ISWR				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Total Instream				**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**	**300.000**
Mouth of Little Deschutes R. to mouth of Spring R.				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83852	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water															
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760
59777	11/3/1983	MF-198	Deschutes R	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000	400.000
Totals for ACW and Transfers				**0.760**	**0.955**	**0.195**	**0.195**	**0.195**	**0.295**	**0.295**	**2.545**	**2.545**	**2.545**	**2.545**	**2.545**	**3.305**	**3.305**	**3.305**	**0.760**
Totals for Min Streamflow				**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**
Totals for State Agency ISWR				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Total Instream				**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**	**400.000**
Mouth of Spring R. to CO Canal (T18S, R11E, Sec 13)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83852	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water															
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760
59778	11/3/1983	MF-197	Deschutes R	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000
Totals for ACW and Transfers				**0.760**	**0.955**	**0.195**	**0.195**	**0.195**	**0.295**	**0.295**	**2.545**	**2.545**	**2.545**	**2.545**	**2.545**	**3.305**	**3.305**	**3.305**	**0.760**
Totals for Min Streamflow				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**
Totals for State Agency ISWR				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Total Instream				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**
CO Canal (T18S, R11E, Sec 13) to POD (18S, R12E, Sec 6)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83852	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.146	0.146	0.195	0.258	0.258	0.258	0.258	0.258	0.258	0.195	0.146	0.146	0.146	0.146		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.050	0.050	0.060	0.120	0.120	0.120	0.120	0.120	0.120	0.060	0.050	0.050	0.050	0.050		
83523	10/31/1900	T-10299	Deschutes R		0.041	0.041	0.055	0.102	0.102	0.102	0.102	0.102	0.102	0.055	0.041	0.041	0.041	0.041		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.003	0.003	0.005	0.008	0.008	0.008	0.008	0.008	0.008	0.005	0.003	0.003	0.003	0.003		
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195		
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760	
59778	11/3/1983	MF-197	Deschutes R	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	
Totals for ACW and Transfers				**0.760**	**22.405**	**21.645**	**22.260**	**24.658**	**24.758**	**24.758**	**27.008**	**27.008**	**27.008**	**24.610**	**23.995**	**24.755**	**24.755**	**24.755**	**24.515**	**0.760**
Totals for Min Streamflow				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**
Totals for State Agency ISWR				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Total Instream				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
POD (18S, R12E, Sec 6) to North Canal Dam (T17S, R12E, Sec 29)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83652	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.146	0.146	0.195	0.258	0.258	0.258	0.258	0.258	0.258	0.195	0.146	0.146	0.146	0.146	
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405						
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890						
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252						
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608						
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.050	0.050	0.060	0.120	0.120	0.120	0.120	0.120	0.120	0.060	0.050	0.050	0.050	0.050	
83523	10/31/1900	T-10299	Deschutes R		0.041	0.041	0.055	0.102	0.102	0.102	0.102	0.102	0.102	0.055	0.041	0.041	0.041	0.041	
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271	
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.003	0.003	0.005	0.008	0.008	0.008	0.008	0.008	0.008	0.005	0.003	0.003	0.003	0.003	
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water															
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760
59778	11/3/1983	MF-197	Deschutes R	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000	660.000
Totals for ACW and Transfers				**0.760**	**23.026**	**22.266**	**22.971**	**25.677**	**25.777**	**25.777**	**28.027**	**28.027**	**28.027**	**25.321**	**24.616**	**25.376**	**25.376**	**25.376**	**24.865**	**0.760**
Totals for Min Streamflow				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**
Totals for State Agency ISWR				**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Total Instream				**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**	**660.000**

North Canal Dam (T17S, R12E, Sec 29) to mouth of Tumalo Creek				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
76687	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400
83522	9/1/1899	CW-43	Deschutes R		0.384	0.384	0.529	0.967	0.967	0.967	0.967	0.967	0.967	0.529	0.384	0.384	0.384	0.384	0.384
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060		
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670	4.670	4.670	4.670
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21
83652	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080						
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571	
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405						
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890						
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608						
82822	10/31/1900	T-9883	Deschutes R		0.210	0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.520	0.280	0.210	0.210	0.210	0.210	0.210
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150	
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105						
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105						
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105						
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105						
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252						
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276	
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271	
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272	
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577	
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043	
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413	
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248	
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818	
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648	
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242	
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060	
85792	10/31/1900	T-10712	Deschutes R		0.164	0.164	0.218	0.404	0.404	0.404	0.404	0.404	0.404	0.218	0.164	0.164	0.164	0.164	
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189	
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water															
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
Totals for ACW and Transfers				**0.760**	**48.287**	**47.627**	**56.706**	**76.236**	**76.336**	**76.336**	**78.586**	**78.586**	**78.586**	**69.056**	**49.877**	**50.637**	**50.637**	**50.577**	**45.635**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Mouth of Tumalo Creek to POD (T16S, R12E, Sec 17)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
76887	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
83522	9/1/1899	CW-43	Deschutes R		0.384	0.384	0.529	0.967	0.967	0.967	0.967	0.967	0.967	0.529	0.384	0.384	0.384	0.384	0.384	
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760	
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060			
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670	4.670	4.670	4.670	
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776	
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81333	Sept 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
83852	1900	T-9835/MP-29	Little Deschutes							0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
84351	8/5/1900	CW-37	Tumalo Cr			0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178					
	9/1900					1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242					
	4/28/1905					0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131					
	5/27/1907					0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018					
	6/1/1907					0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431					
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130	
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080							
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
82822	10/31/1900	T-9883	Deschutes R		0.210	0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.520	0.280	0.210	0.210	0.210	0.210	0.210	
82635	10/31/1900	T-10058/MP-57			0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150		
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276		
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271		
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272		
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577		
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413		
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248		
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818		
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648		
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242		
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060		
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189		
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195		
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760	0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81332	12/8/1961	CW-9	Tumalo Cr		1.900	1.900	4.300	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	1.700	1.700	1.700	1.700	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000
Totals for ACW and Transfers				**0.760**	**55.843**	**57.083**	**68.608**	**87.952**	**88.052**	**90.052**	**93.802**	**92.302**	**90.302**	**70.958**	**59.233**	**57.993**	**57.993**	**57.933**	**53.155**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
POD (T16S, R12E, Sec 17) to POD (T15S, R12E, Sec 14)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83519	Spring 1885	CW-43	Deschutes R		0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	
76687	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
83522	9/1/1899	CW-43	Deschutes R		0.209	0.209	0.294	0.532	0.532	0.532	0.532	0.532	0.532	0.294	0.209	0.209	0.209	0.209	0.209	
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760	
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060			
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670	4.670	4.670	4.670	
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776	
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81333	Sept 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
83652	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
84351	8/5/1900	CW-37	Tumalo Cr			0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178					
	9/1900					1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242					
	4/28/1905					0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131					
	5/27/1907					0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018					
	6/1/1907					0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431					
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130	
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080							
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
82822	10/31/1900	T-9883	Deschutes R		0.210	0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.520	0.280	0.210	0.210	0.210	0.210	0.210	
82635	10/31/1900	T-10058/MP-57			0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150		
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276		
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271		
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272		
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577		
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413		
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248		
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818		
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648		
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242		
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060		
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189		
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195		
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760	0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81332	12/8/1961	CW-9	Tumalo Cr		1.900	1.900	4.300	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	1.700	1.700	1.700	1.700	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000
Totals for ACW and Transfers				**0.760**	**55.781**	**57.021**	**68.486**	**87.630**	**87.730**	**89.730**	**93.480**	**91.980**	**89.980**	**70.836**	**59.171**	**57.931**	**57.931**	**57.871**	**53.093**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
POD (T15S, R12E, Sec 14) to POD (T14S, R12E, Sec 26)				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83519	Spring 1885	CW-43	Deschutes R		0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	
76687	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144	
82657	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.080	0.110	0.190	0.190	0.190	0.190	0.190	0.190	0.110	0.080	0.080	0.080	0.080	0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.230	0.310	0.580	0.580	0.580	0.580	0.580	0.580	0.310	0.230	0.230	0.230	0.230	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
83522	9/1/1899	CW-43	Deschutes R		0.209	0.209	0.294	0.532	0.532	0.532	0.532	0.532	0.532	0.294	0.209	0.209	0.209	0.209	0.209	
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760	
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060			
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670	4.670	4.670	4.670	
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776	
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81333	Sept 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
83652	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
84351	8/5/1900	CW-37	Tumalo Cr			0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178					
	9/1900					1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242					
	4/28/1905					0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131					
	5/27/1907					0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018					
	6/1/1907					0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431					
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130	
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
82822	10/31/1900	T-9883	Deschutes R		0.210	0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.520	0.280	0.210	0.210	0.210	0.210	0.210	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150		
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276		
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271		
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272		
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577		
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413		
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248		
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818		
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648		
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242		
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060		
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189		
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195		
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760		0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065		
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210		
81332	12/8/1961	CW-9	Tumalo Cr		1.900	1.900	4.300	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	1.700	1.700	1.700		
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000
Totals for ACW and Transfers				**0.760**	**56.091**	**57.331**	**68.906**	**88.400**	**88.500**	**90.500**	**94.250**	**92.750**	**90.750**	**71.256**	**59.481**	**58.241**	**58.241**	**58.181**	**50.473**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream															
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
POD (T14S, R12E, Sec 26) to River Mile 125				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83519	Spring 1885	CW-43	Deschutes R		0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	
76687	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144	
82857	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.080	0.110	0.190	0.190	0.190	0.190	0.190	0.190	0.110	0.080	0.080	0.080	0.080	0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.230	0.310	0.580	0.580	0.580	0.580	0.580	0.580	0.310	0.230	0.230	0.230	0.230	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
83522	9/1/1899	CW-43	Deschutes R		0.209	0.209	0.294	0.532	0.532	0.532	0.532	0.532	0.532	0.294	0.209	0.209	0.209	0.209	0.209	
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760	
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060			
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670	4.670	4.670	4.670	
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776	
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81333	Sept 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
83652	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
84351	8/5/1900	CW-37	Tumalo Cr			0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178					
	9/1900					1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242					
	4/28/1905					0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131					
	5/27/1907					0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018					
	6/1/1907					0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431					
80856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130	
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
82822	10/31/1900	T-9883	Deschutes R		0.210	0.210	0.280	0.520	0.520	0.520	0.520	0.520	0.520	0.280	0.210	0.210	0.210	0.210	0.210	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150		
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276		
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271		
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272		
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577		
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413		
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248		
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818		
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648		
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242		
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060		
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189		
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195		
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760	0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81313	5/12/1944	T-9697/MP-24	Deschutes R		0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	
81314	5/12/1944	T-9697/MP-24	Deschutes R		0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	
81332	12/8/1961	CW-9	Tumalo Cr		1.900	1.900	4.300	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	1.700	1.700	1.700	1.700	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000
Totals for ACW and Transfers				**0.760**	**56.339**	**57.579**	**69.154**	**88.648**	**88.748**	**90.748**	**94.498**	**92.998**	**90.998**	**71.504**	**59.729**	**58.489**	**58.489**	**58.429**	**53.651**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**

ISWR	Priority Date	Project ID	Source	Rate (CFS) for Period Instream																
				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
River Mile 125 to Lake Billy Chinook				Jan 1 - March 31	April 1 - April 14	April 15 - April 30	May 1 - May 14	May 15 - May 22	May 23 - May 31	June 1 - June 30	July 1 - July 31	Aug 1 - Aug 31	Sept 1 - Sept 14	Sept 15 - Sept 30	Oct 1 - Oct 15	Oct 16 - Oct 24	Oct 25	Oct 26	Oct 27 - Oct 31	Nov 1 - Dec 31
83519	Spring 1865	CW-43	Deschutes R		0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	0.113	
76887	9/1/1899	T-8519	Deschutes R		0.144	0.144	0.193	0.358	0.358	0.358	0.358	0.358	0.358	0.193	0.144	0.144	0.144	0.144	0.144	
82857	9/1/1899	CW-40	Deschutes R		1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	1.480	
81553	9/1/1899	CW-13	Deschutes R		0.080	0.080	0.110	0.190	0.190	0.190	0.190	0.190	0.190	0.110	0.080	0.080	0.080	0.080	0.080	
CW-13	9/1/1899	CW-13 (AP)	Deschutes R		0.230	0.230	0.310	0.580	0.580	0.580	0.580	0.580	0.580	0.310	0.230	0.230	0.230	0.230	0.230	
83143	9/1/1899	CW-41	Deschutes R		4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	4.400	
83522	9/1/1899	CW-43	Deschutes R		0.209	0.209	0.294	0.532	0.532	0.532	0.532	0.532	0.532	0.294	0.209	0.209	0.209	0.209	0.209	
83559	9/1/1899	CW-48	Deschutes R		0.760	0.760	1.030	1.630	1.630	1.630	1.630	1.630	1.630	1.030	0.760	0.760	0.760	0.760	0.760	
83567	9/1/1899	T-10356	Deschutes R		0.060	0.060	0.070	0.140	0.140	0.140	0.140	0.140	0.140	0.070	0.060	0.060	0.060			
83587	9/1/1899	CW-47	Deschutes R		4.670	4.670	6.670	9.000	9.000	9.000	9.000	9.000	9.000	6.670	4.670	4.670				
84204	9/1/1899	CW-54	Deschutes R		1.776	1.776	11.944	14.028	14.028	14.028	14.028	14.028	14.028	11.944	1.776	1.776	1.776	1.776	1.776	
85745	9/1/1899	CW-54	Deschutes R		5.951	5.951	0.000	5.366	5.366	5.366	5.366	5.366	5.366	0.000	5.951	5.951	5.951	5.951	5.951	
86020	1897	T-10623/MP-120	Little Deschutes								0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	
	4/30/1902										2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	2.03	
86021	4/30/1902	T-10624/MP-121	Little Deschutes								0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	
81333	Sept 1900	CW-9	Tumalo Cr		5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	5.820	
83852	1900	T-9835/MP-29	Little Deschutes						0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
84351	8/5/1900	CW-37	Tumalo Cr			0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178					
	9/1900					1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242	1.242					
	4/28/1905					0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131	0.131					
	5/27/1907					0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018					
	6/1/1907					0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431	0.431					
60856	10/31/1900	T-9603/MP-11	Deschutes R		0.130	0.130	0.170	0.220	0.220	0.220	0.220	0.220	0.220	0.170	0.130	0.130	0.130	0.130	0.130	
	12/2/1907							0.080	0.080	0.080	0.080	0.080	0.080							
81612	10/31/1900	CW-29	Deschutes R		1.250	1.250	1.670	2.200	2.200	2.200	2.200	2.200	2.200	1.670	1.250	1.250	1.250	1.250	1.250	
	12/2/1907							0.890	0.890	0.890	0.890	0.890	0.890							
81324	10/31/1900	T-9824/MP-27	Deschutes R		0.571	0.571	0.762	1.005	1.005	1.005	1.005	1.005	1.005	0.762	0.571	0.571	0.571	0.571		
	12/2/1907							0.405	0.405	0.405	0.405	0.405	0.405							
82822	10/31/1900	T-9883	Deschutes R		0.070	0.070	0.090	0.170	0.170	0.170	0.170	0.170	0.170	0.090	0.070	0.070	0.070	0.070	0.070	
82635	10/31/1900	T-10058/MP-57	Deschutes R		0.150	0.150	0.200	0.380	0.380	0.380	0.380	0.380	0.380	0.200	0.150	0.150	0.150	0.150		
82725	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83244	10/31/1900	CW-39	Deschutes R		0.150	0.150	0.200	0.265	0.265	0.265	0.265	0.265	0.265	0.200	0.150	0.150	0.150	0.150	0.150	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
82731	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
83293	10/31/1900	CW-42	Deschutes R		0.145	0.145	0.190	0.250	0.250	0.250	0.250	0.250	0.250	0.190	0.145	0.145	0.145	0.145	0.145	
	12/2/1907							0.105	0.105	0.105	0.105	0.105	0.105							
85785	10/31/1900	CW-59	Deschutes R		0.360	0.360	0.480	0.628	0.628	0.628	0.628	0.628	0.628	0.480	0.360	0.360	0.360	0.360	0.360	
	12/2/1907							0.252	0.252	0.252	0.252	0.252	0.252							
86217	10/31/1900	CW-61	Deschutes R		19.600	19.600	19.600	13.992	13.992	13.992	13.992	13.992	13.992	19.600	19.600	19.600	19.600	19.600	19.600	
	12/2/1907							5.608	5.608	5.608	5.608	5.608	5.608							
83523	10/31/1900	T-10299	Deschutes R		0.276	0.276	0.367	0.680	0.680	0.680	0.680	0.680	0.680	0.367	0.276	0.276	0.276	0.276		
83687	10/31/1900	T-10300/MP-95	Deschutes R		0.271	0.271	0.361	0.669	0.669	0.669	0.669	0.669	0.669	0.361	0.271	0.271	0.271	0.271		
83896	10/31/1900	T-10391/MP-108	Deschutes R		0.272	0.272	0.363	0.672	0.672	0.672	0.672	0.672	0.672	0.363	0.272	0.272	0.272	0.272		
84129	10/31/1900	T-10224/MP-91	Deschutes R		0.577	0.577	0.769	1.424	1.424	1.424	1.424	1.424	1.424	0.769	0.577	0.577	0.577	0.577		
84909	10/31/1900	T-10274/MP-92	Deschutes R		0.043	0.043	0.057	0.105	0.105	0.105	0.105	0.105	0.105	0.057	0.043	0.043	0.043	0.043		
85282	10/31/1900	T-10508/MP-112	Deschutes R		0.413	0.413	0.552	1.020	1.020	1.020	1.020	1.020	1.020	0.552	0.413	0.413	0.413	0.413		
85373	10/31/1900	T-10553/MP-114	Deschutes R		0.248	0.248	0.331	0.612	0.612	0.612	0.612	0.612	0.612	0.331	0.248	0.248	0.248	0.248		
85447	10/31/1900	T-10544/MP-113	Deschutes R		0.818	0.818	1.091	2.020	2.020	2.020	2.020	2.020	2.020	1.091	0.818	0.818	0.818	0.818		
85692	10/31/1900	T-10778/MP-125	Deschutes R		0.648	0.648	0.864	1.599	1.599	1.599	1.599	1.599	1.599	0.864	0.648	0.648	0.648	0.648		
85737	10/31/1900	T-10292/MP-93	Deschutes R		0.242	0.242	0.323	0.598	0.598	0.598	0.598	0.598	0.598	0.323	0.242	0.242	0.242	0.242		
85807	10/31/1900	T-9150/MP-118	Deschutes R		0.060	0.060	0.080	0.148	0.148	0.148	0.148	0.148	0.148	0.080	0.060	0.060	0.060	0.060		
85949	10/31/1900	T-10562/MP-115	Deschutes R		0.189	0.189	0.252	0.466	0.466	0.466	0.466	0.466	0.466	0.252	0.189	0.189	0.189	0.189		
80400	10/10/1903	T-9294/MP-1	Deschutes R		0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	
84352	4/7/1911	CW-37	Crescent Lk R.	year round - up to 89.25 AF - release schedule not specifically laid out - based on Department call for water																
CW-24	2/28/1913	CW-24 (AP)	Wickiup Res		0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	0.195	
CW-24	2/28/1913	CW-24	Wickiup Res	0.760	0.760											0.760	0.760	0.760	0.760	0.760
CW-24	2/28/1913	CW-24 (AP)	Deschutes R		0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	0.065	
82830	2/28/1913	CW-24	Deschutes R		0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	0.210	
81313	5/12/1944	T-9697/MP-24	Deschutes R		0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	0.233	
81314	5/12/1944	T-9697/MP-24	Deschutes R		0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	
81332	12/8/1961	CW-9	Tumalo Cr		1.900	1.900	4.300	4.300	4.300	6.300	7.800	6.300	4.300	4.300	1.700	1.700	1.700	1.700	1.700	
IS 70695 (application)	9/24/1990	IS-70695	Deschutes R	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000	250.000
Totals for ACW and Transfers				**0.760**	**56.199**	**57.439**	**68.964**	**88.298**	**88.398**	**90.398**	**94.148**	**92.648**	**90.648**	**71.314**	**59.589**	**58.349**	**53.679**	**53.619**	**48.841**	**0.760**
Totals for State Agency ISWR				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**
Total Instream				**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**	**250.000**

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District
Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	7.960
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

- Irrigation

Starting Point	Full Right Starting Point - Rate*	Direct Diversion only Starting Point - Rate	Canal Diversion only Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*	0.061		
Season 2*	0.081	Duty AF/Acre* =	6.61
Season 3*	0.153		52.65

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	43.47
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.055	61	6.65
Season 2	0.073	30	4.34
Season 3	0.136	123	33.18
			44.17

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	6.00	
Season 2	30	4.34	
Season 3	123	33.18	
Season total =	208	43.52	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Dust Abatement

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	2.300
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for	
Season 1*	0.018	Section 1.5 of the Lease Application Form	
Season 2*	0.024	Duty AF/Acre* =	6.61
Season 3*	0.044		15.21

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	12.56
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.016	61	1.94
Season 2	0.021	30	1.25
Season 3	0.039	123	9.51
			12.70

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	1.75	
Season 2	30	1.25	
Season 3	123	9.51	
Season total =	208	12.51	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

irrigation season or period requested instream

begin	4/1/2010		begin
end	10/25/2010	208 # days	end

Dust abatement

reduced rate to cover entire period requested or irrigation season

total AF /	# of days =	AF per day
3.70	208	0.017788462

AF per day /	AF/DAY @ 1cfs	CFS rate
0.017788462	1.983471	0.009

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	10.260
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

-all acres

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for	
Season 1*	0.078	Section 1.5 of the Lease Application Form	
Season 2*	0.105	Duty AF/Acre* =	6.61
Season 3*	0.198		67.86

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	56.03
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.070	61	8.47
Season 2	0.094	30	5.59
Season 3	0.175	123	42.69
			56.75

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	7.64	
Season 2	30	5.59	
Season 3	123	42.69	
Season total =	208	55.92	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	0.500
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

to be cancelled

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for	
Season 1*	0.004	Section 1.5 of the Lease Application Form	
Season 2*	0.005	Duty AF/Acre* =	6.61
Season 3*	0.010		3.31

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	2.73
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.003	61	0.36
Season 2	0.005	30	0.30
Season 3	0.009	123	2.20
			2.86

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	0.33	
Season 2	30	0.30	
Season 3	123	2.20	
Season total =	208	2.83	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

Laura Wilke

From: Kyle Gorman
Sent: Thursday, August 20, 2009 10:08 AM
To: Debbie Colbert
Cc: Laura Wilke
Subject: Rimrock Riders transfer to instream
Attachments: Dust abatement calculation.xls

Debbie,

I have attached a spreadsheet that I used to calculate the amount of water that the DRC is proposing to transfer to instream for mitigation that involved dust abatement at the Rimrock Riders riding area within the Swalley Irrigation District. On the low side it was 0.88 acre-feet per acre and the high side was 1.64 ac-ft/acre. I also looked at a transfer that involved dust abatement in the Umatilla Basin. The Department allowed 1.2 AF/acre in that transfer from dust abatement to quasi-municipal use (T-9640). From the data available, which is sparse, I think that they can make a case for having used up to 1.64 AF/acre beneficially and likely close to 100% consumptive. I am trying to arrive at the transferrable amount. I think 1.6 AF/acre would be the max amount. Zach has a lot riding on this because he already told the purchaser they are going to get 1.8 AF/acre before even discussing with us.

Please let me know what you think and if you have any questions.

Thanks,
Kyle

Kyle Gorman

Region Manager

541-388-6669

Kyle.G.Gorman@wrd.state.or.us

Be water wise - water isn't all you save

Assumptions:	6 gpm/acre	7.5 gpm/acre
	2.5 acres	2.5 acres
rate	15 gpm	18.75 gpm
	0.03 cfs	0.04 cfs
	8 hours/day	9 hours/day
	0.02 af/day	0.03 af/day
	5 days/week	6 days/week
	20 weeks/yr	22 weeks/yr
	2.20 AF	4.09 AF
	0.88 ac-ft/acre	1.64 ac-ft/acre

Laura Wilke

From: Laura Wilke

Sent: Wednesday, November 18, 2009 12:24 PM

To: 'Terrance Anthony'

Subject: RE: T10490 - TL 1300 issues

Hi Terry – got a chance to review your thoughts. I'm basically on the same page but I think we need to follow up with another deficiency letter. The Department usually takes the one, two, three strike approach.

Here's what I see.

Tax Lot 3400 in T17S R12E Sec 28 NW NE – we needed them to provide evidence of use. Originally we had an undated aerial photo that was of poor quality. On 6/27/2008, the DRC provided additional information in response to the first deficiency letter. In the response, we received a 2006 aerial photo which seemed to show at least partial irrigation. DRC also noted that photo showed "partial" irrigation. The bar is to demonstrate "full" use. But they also included SID use records. Those records appear to identify that there was full use in 2003, 2004, and 2005, which meets the bar for showing use in the five years prior to the transfer being submitted.

The issue here, which Kyle Gorman has identified, is that there is not likely 5 acres of irrigation possible on this parcel. The tax lot is five acres in size. The application map itself shows areas with no irrigation hatchured. This appears to be a driveway, buildings, shrubs and a pond. Kyle, in an e-mail dated 8/1/2008, suggested that there is potentially only 4.5 acres of irrigation.

This isn't a deficiency issue at this point, but is something we need to weave into the DPD findings. However, if we send a follow up deficiency letter, it would be worthwhile pointing this issue out. Perhaps this is something that could resolve. Otherwise, we can move forward based on reduced acres if they can't show for sure that there are 5.0 acres of irrigation.

Tax Lot 1300 in T17S R12E Sec 17 NE SE and SE SW – we needed them to provide additional evidence of use and information regarding the dust abatement use. The aerial photo originally provided was undated and poor quality. On 6/27/2008, the DRC provided a 2005 aerial photo. Photo didn't do the job as far as demonstrating that irrigation had occurred on the property. Again, the photo is poor quality and appears to show trees, as you noted, in the areas where irrigation is supposed to be located. See also aerial photo (2005 photography) on Department's web page via interactive mapper. Could see the riding arena where the dust abatement probably occurred. The bar for showing use in the five years prior to the transfer being submitted for Dust Abatement is met.

The DRC also provided SID water use records. Records appear to identify that full use occurred for 4.2 ac of water right in the NE SW in 2004 and 2005. It appears that the 4.2 acre accounts for the 1.9 acre of irrigation and 2.3 acre of dust abatement, which totals 4.2 acres. For the irrigation use, this appears to meet the bar for showing use in the five years prior to the transfer being submitted. And I don't think that the letter from Bobbi Elliot contradicts this. She identified that irrigation water was "primarily" used for dust abatement, which doesn't suggest that all of the water was used for dust abatement.

I think the TL 1300 record that you referred to higher up on their water use summary is just an accounting thing for the 1.9 acre of irrigation that was quit claimed. I think they've met the bar as far as the application requirements go but the information isn't the greatest as you pointed out.

I also did a gut check with Kyle and Jeremy on this property back in August 2008. Here's what Kyle said about this parcel: "for the areas on tax lot 1300 of sec 17, this was a horse riding facility and dust control was definitely used there. I know there was irrigation. I've ridden my bike by this place at least 20 times per summer since 1996 and can always recall use on the property. Now it has been turned into a subdivision so all previous evidence is gone."

I think here we'll want to make a finding in the DPD suggesting that it's not clear that full irrigation occurred on the place of use described but that there's isn't sufficient information to cancel. See

supplemental findings document for appropriate finding.

However, the records from SID do not cover, as you pointed out, the SE SW of Sec 17. This is a deficiency item that we should address in a follow up deficiency letter. If they can meet the bar here, then we should be able to move forward.

We also asked them to provide info on the dust abatement use. In response we received a letter from Bobbi Elliot, past president Rim Rock Riders, indicating that most of the irrigation water was used for dust abatement. But the letter didn't go into sufficient details on the dust abatement use. So we asked for further info on the dust abatement use on 7/25/2009.

Kyle Gorman sent us additional information for the dust abatement use on 8/20/2009.

If you need additional time, considering we need to put together a very short deficiency letter, contact Salem to start working through that process.

Give me a buzz if you have questions after getting a chance to read through this.

Laura

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Friday, November 13, 2009 12:19 PM
To: Laura Wilke
Subject: T10490 - TL 1300 issues

Laura,

Take a look at Zach's response to the first deficiency letter (dated June 26 2008-attached). Under item 2 he says that the aerial photo shows irrigation, and this is backed up by the SID watermaster's records (both are attached to the letter).

My findings are that this is not the case. First, the 'area under irrigation', which should conform to the irrigation POU, appears to have a land cover identical to the tax lot to the north. In the tax lot to the north, which is not cluttered with overlaid plat info, it much easier to see that these are trees (probably juniper), not grass. I wouldn't think that anyone would irrigate junipers... Second, the line highlighted in the watermaster's records is only part of the story. There is another reference to TL 1300 a little higher on the page that shows NO evidence of use. This piece is 1.9 acres-same as the irrigation right in the NE SW. There are no records shown for the SE SW where the other 0.3 acres of irrigation are. The highlighted section (4.2 ac) could refer to dust abatement, though it is considerably more than the 2.3 acres allowed in that QQ. Again, there are no records for SE SW where the other 0.5 ac of dust rights are located. Finally, Bob Elliot's letter does not contain any reference to water being used for irrigation. If you re-read the first line of Bob Elliot's letter, what it says is that the irrigation rights were really used for dust control.

Unfortunate as it may be, the above would suggest at least a partial denial of the transfer. Please give me a call to let me know how you want to handle that. I can probably do a partial approval (i.e. for TL 3400) or a full denial DPD with the time I have left. However if we get into another round of deficiency letters, I'll need to request more time.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953

Laura Wilke

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Friday, November 13, 2009 2:40 PM
To: Laura Wilke
Subject: TL 1300 issues revisited

Laura,

Karl Conklin's affidavit is at odds with what I laid out in my previous email, but there is still so much grey area here. In my opinion one could say the evidence refutes the testimony-e.g. there are trees where Karl indicates they irrigated pasture. If Karl is willing to explain how the contradicting evidence is not what it seems--e.g. there were animals kept on the site that grazed among the trees--I could be persuaded to go along with it. The other part of the tranfsfer looks fine.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Laura Wilke

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Friday, November 13, 2009 12:19 PM
To: Laura Wilke
Subject: T10490 - TL 1300 issues
Attachments: 10490-def-ltr1-response.pdf

Laura,

Take a look at Zach's response to the first deficiency letter (dated June 26 2008-attached). Under item 2 he says that the aerial photo shows irrigation, and this is backed up by the SID watermaster's records (both are attached to the letter).

My findings are that this is not the case. First, the 'area under irrigation', which should conform to the irrigation POU, appears to have a land cover identical to the tax lot to the north. In the tax lot to the north, which is not cluttered with overlaid plat info, it much easier to see that these are trees (probably juniper), not grass. I wouldn't think that anyone would irrigate junipers... Second, the line highlighted in the watermaster's records is only part of the story. There is another reference to TL 1300 a little higher on the page that shows NO evidence of use. This piece is 1.9 acres-same as the irrigation right in the NE SW. There are no records shown for the SE SW where the other 0.3 acres of irrigation are. The highlighted section (4.2 ac) could refer to dust abatement, though it is considerably more than the 2.3 acres allowed in that QQ. Again, there are no records for SE SW where the other 0.5 ac of dust rights are located. Finally, Bob Elliot's letter does not contain any reference to water being used for irrigation. If you re-read the first line of Bob Elliot's letter, what it says is that the irrigation rights were really used for dust control.

Unfortunate as it may be, the above would suggest at least a partial denial of the transfer. Please give me a call to let me know how you want to handle that. I can probably do a partial approval (i.e. for TL 3400) or a full denial DPD with the time I have left. However if we get into another round of deficiency letters, I'll need to request more time.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

DESCHUTES RIVER
CONSERVANCY

EPT

June 26th, 2008

OREGON WATER RESOURCES DEP'T
ATTN: LAURA SNEDAKER
725 SUMMER ST. NE, SUITE A
SALEM, OR 97301-1271

REFERENCE: Transfer T-10490

This letter is in response to a letter received from OWRD on April 7th, 2008. The DRC & Swalley Irrigation District have addressed the deficiencies identified as follows:

1. Lawnee Hunter (171228 NENW 3400), 5 acre water right
    a. We have included SID's formal irrigation compliance records for this property. SID's watermaster, Karl Conklin inspected the site in 2003, 2004 & 2005 and noted full beneficial use ("U" for used).
    b. We have also included a dated aerial photograph (2006) consistent with SID's compliance records mentioned above. Although of lower quality, the image shows partial irrigation of the area proposed for transfer.

2. KDV/Rim Rock Riders (171217 NESW 1300) 5 acre water right
    a. A dated aerial photograph (2005) is included with this letter. Both the irrigated portion and the area where dust abatement occurred (riding arena & surrounding area) are visible. We have also included SID's formal irrigation compliance records for this property. SID's watermaster, Karl Conklin inspected the site in 2003 & 2004 and noted full beneficial use of the irrigation right prior to the quitclaim ("U" for used & "QC" for quitclaimed). The irrigated portion of the property proposed for transfer was irrigated during 2006 as evidenced by the aerial photograph. Note that the subject land has been subdivided subsequent to the quitclaim of water rights – current property delineations have been superimposed on this map.

3. KDV/Rim Rock Riders (171217 NESW 1300) 5 acre water right
    a. Beneficial use of a dust abatement water right is not necessarily visible from an aerial photo. As requested, we have included a signed letter from the landowner describing the nature of their use of this portion of the right.

Hopefully this information addresses your concerns adequately. Please respond in writing or by email when you have had a chance to verify beneficial use. Thank you.

Sincerely,

Zachary Tillman –DRC Program Manager
zach@deschutesriver.org

700 NW Hill Street • Bend, Oregon 97701
(P.O. Box 1560 • 97709)
541.382.4077 • Fax 541.382.4078
www.deschutesrc.org / info@deschutesrc.org

June 17, 2008

Rim Rock Riders
Bobbi Elliott – Past President
PO Box 9082
Bend, OR 97708

To Whom It May Concern:

The irrigation water used at Rim Rock Riders on OB Riley Road, Bend, OR was primarily used for dust abatement. The grounds were mostly made up of a large outdoor arena and dirt parking areas around the arena. All of these areas were watered during the spring, summer, and fall seasons several days a week to keep the dust down.

I was Vice President and then President since approximately 1997 and the water rights were always used in this way during that time and many years prior. The property was sold a couple of years ago and is now a housing development. If you have any questions please contact me at 541-317-8789.

Bobbi Elliott

Bobbi Elliott
Rim Rock Riders, Past President

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 7, 2008

DESCHUTES RIVER CONSERVANCY
700 NW HILL STREET
BEND, OR 97701

SWALLEY IRRIGATION DISTRICT
64672 COOK AVE., SUITE 1
BEND, OR 97701

REFERENCE: Transfer T-10490

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The affidavit for tax lot 3400 indicates that irrigation records are supplied for documentation, but no such records were included with the application. Please indicate if such records are available and can be provided. Given the low quality of the aerial photo, this information would be useful. If an aerial photo is the only supporting documentation for evidence of use, the photograph needs to include the following:

   - *The date on which the photograph was taken. This should be shown on the photograph or be* otherwise documented.
   - The aerial photograph should be of sufficient quality to be interpreted.
   - The imagery on the aerial photograph should represent the use proposed for transfer. For example, *clearly show the irrigated field (area) proposed for transfer.*

2. For tax lot 1300, the aerial photograph provided as supporting documentation to the affidavit of use is difficult to interpret and does not include the date on which the photograph was taken. Please provide an aerial photograph, that meets the criteria described above, or other documentation to demonstrate that the use of water for irrigation and dust abatement has occurred on the property within the five years prior to the submission of the transfer application. If an aerial photograph is used as supporting documentation for use of water for dust abatement, please provide an explanation of how the aerial photograph represents that use.

3. Also for tax lot 1300, please provide some documentation and/or explanation in support of the quantity of water and land area on which dust abatement rights were used. Additional information regarding season, duration, quantity, and regularity of use as well as application method would also assist us in determining the quantity of water available for transfer and mitigation credits.

Please submit these additional materials by **May 7, 2008**, to Laura Snedaker, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Laura Snedaker
Senior Water Resources Coordinator

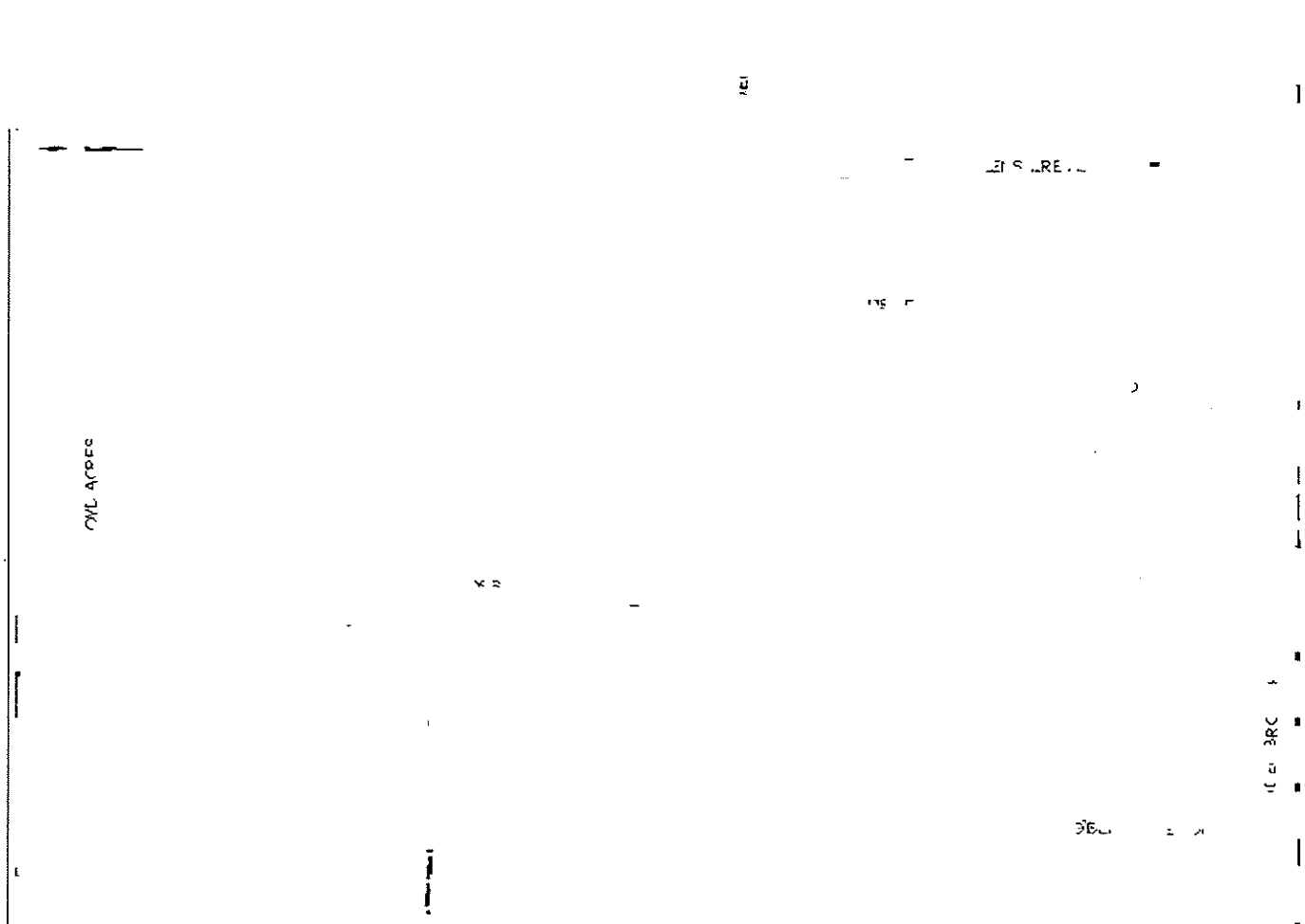
cc: Jeremy Giffin, District 11 Watermaster

enclosures

Swalley Irrigation District

Lawnee Hunter - 171228AB03400

900 NE Ross Rd - 10-1[illegible]06



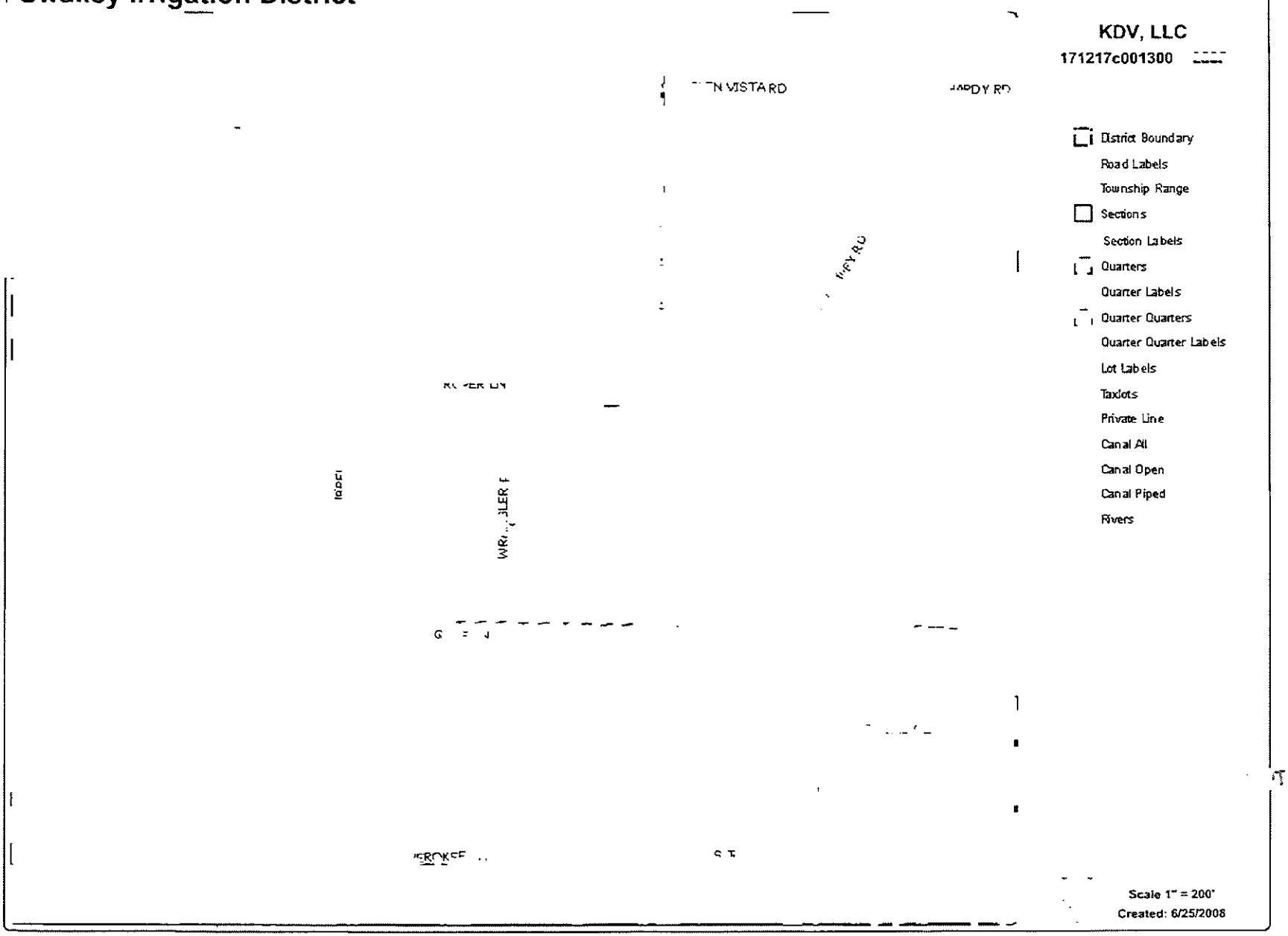
- District Boundary
- Road Labels
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Lot Labels
- Taxlots
- Private Line
- Canal All
- Canal Open
- Canal Piped
- Rivers

Scale 1" = 200'
Created: 6/25/2008

DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

Legal	Taxlot	Acct #	Name	WR Ac	COMPLIANCE 2003	2004	2005	2006
17-12-22-SE/NE								
	100	[redacted]	Bend Metro Park & Recreation District	70.40	P	P	P	
17-12-22-NW/SW								
	400	[redacted]	City of Bend	1.00	O	O	O	
	401	[redacted]	City of Bend	1.00	O	O	O	
	403	[redacted]	City of Bend	2.00	O	O	O	
17-12-22-SW/SW								
	4400	[redacted]	City of Bend	1.50	O	O	O	
	4800	[redacted]	Swalley Irrigation District	3.00	U	U	U	
17-12-22-NE/SE								
	100	[redacted]	Bend Metro Parks	2.00	U	U	D	
	200	[redacted]	Bend Metro Parks	4.10	D	D	D	
	300	[redacted]	Bend Metro Parks	2.20	D	D	D	
	2700	[redacted]	Stonebrook Association Inc	0.16	U	U	U	
17-12-22-NE/SE								
	2800	[redacted]	Stonebrook Association Inc	0.13	U	U	U	
	3000	[redacted]	Stonebrook Association Inc	0.34	U	U	U	
	3200	[redacted]	Stonebrook Association Inc	0.62	U	U	U	
17-12-22-NW/SE								
	1600	[redacted]	City of Bend	4.05	U	U	U	
	2700	[redacted]	Stonebrook Association Inc	0.35	U	U	U	
	2800	[redacted]	Stonebrook Association Inc	0.45	U	U	U	
	2900	[redacted]	Stonebrook Association Inc	0.30	U	U	U	
	3000	[redacted]	Stonebrook Association Inc	0.35	U	U	U	
	3100	[redacted]	Stonebrook Association Inc	0.88	U	U	U	
	3200	[redacted]	Stonebrook Association Inc	0.95	U	U	U	
	3314	[redacted]	Stonebrook Association Inc	0.30	U	U	U	
	3325	[redacted]	Stonebrook Association Inc	0.18	U	U	U	
	3325	[redacted]	Stonebrook Association Inc	0.04	U	U	U	
	5900	[redacted]	Stonebrook Association Inc	0.40	U	U	U	
	6000	[redacted]	Thompson, Doris M.	3.00	U	U	U	
	6100	[redacted]	Putnam, Mary S.	2.27	U	U	U	
	6200	[redacted]	City of Bend	3.00	O	O	O	
17-12-23-NW/NW								
	1800	[redacted]	Bend Metro Parks & Recreation District	21.60			?	
17-12-23-SW/NW								
	1800	[redacted]	Bend Metro Parks & Recreation District	8.80			?	
17-12-28-NW/NE								
	3100	[redacted]	City of Bend	2.00	O	O	O	
	3300	[redacted]	City of Bend	2.00	O	O	O	
	3400	[redacted]	Hunter, Lawrence	1.00	U	U	U	
17-12-28-NE/NW								
	900	[redacted]	Frazee, James E. & Joann P.	1.33	P	D	D	
17-12-28-NW/NW								
17-12-28-NW/NW								
	400	[redacted]	City of Bend	3.27	O	O	O	
	600	[redacted]	City of Bend	2.00	O	O	O	
17-12-29-SE/NE								

Swalley Irrigation District



DISCLAIMER. This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

				COMPLIANCE				
				2003	2004	2005	2006	2007
NE/NW								
	[redacted]	Dickson, David C. & Betty	2.40	U	U	U	U	U
	[redacted]	Thomson, John D. & Judith W.	3.70	U	U	U	U	U
U	[redacted]	Dickson, David C. & Betty	0.40	U	U	U	U	U
01								
/-12-17-NE/SE								
00100	[redacted]	Deschutes Co. Sheriff Department	4.40	U	U	U	U	U
00599	[redacted]	Deschutes Co. Sheriff Department	3.10	U	U	U	U	U
00101	[redacted]	Deschutes Co. Rural Fire Protection Dist 2	1.00	P	P	P	U	U
17-12-17-NE/SW								
01002	[redacted]	Tyner, James A. & Sherri L.	2.25	P	P	P	P	P
00700	[redacted]	Kiesow, Daniel & Joani	0.75	U	U	U	U	U
00800	[redacted]	Kiesow, Daniel & Joani	0.45	U	U	U	P	P
01001	[redacted]	Buchman, William L. & Kitty	2.00	U	U	U	U	U
01101	[redacted]	Harris, Barbara	1.70	U	U	U	U	U
00200	[redacted]	Collver, Richard & Letha	3.40	U	U	U	U	U
01102	[redacted]	Taylor, Charles Hap, Taylor, Roxanne	2.00	U	U	U	U	U
00102	[redacted]	Collver, Richard & Letha	0.20					
01300	[redacted]	Swalley Irrigation District Reserve Account	1.90 ?				QC	QC
00100	[redacted]	Klein, Greg & Patricia	4.00	U	U	U	U	U
01201	[redacted]	Jones, Dwaine W. & Beverly J.	0.40	U	U	U	U	U
00101	[redacted]	Knoell, Michael C.	1.00	U	U	U	D	D
00103	[redacted]	Collver, Richard & Letha	0.40	U	U	U	U	U
01200	[redacted]	McMahon, Thomas & Margaret	1.50	U	U	U	U	U
01100	[redacted]	Miller, Richard, Miller, Marcia	1.00	U	U	U	P	U
★ 01300	[redacted]	Swalley Irrigation District Reserve Account	4.20	P	U	U	QC	QC
17-12-17-NW/NE								
00300	[redacted]	Calvary Chapel Bend	2.00	D	D	D	D	U
00500	[redacted]	Marshall (Trustees), Ansel N. & Martina M.	1.50	U	U	U	IS/U	IS/U
00100	[redacted]	Gumpert (Trustee), Lois M.	1.90	P	U	U	U	U
17-12-17-NW/SE								
01201	[redacted]	Jones, Dwaine W. & Beverly J.	2.60	U	U	U	U	U
00100	[redacted]	Swalley Irrigation District Reserve Account	2.00				QC	QC
01300	[redacted]	Bearse,Robert	1.00	U	U	U	U	U
00500	[redacted]	Bowerman, Jayson L.	0.50	U	U	U	U	U
01100	[redacted]	Pearson, Donna	1.50	U	U	U	U	U
01000	[redacted]	Defoe, Donald R. & Theresa G.	1.50	U	U	U	U	U
00200	[redacted]	Schulzke, Richard A.	0.50	P	P	P	U	D
00300	[redacted]	Gertz, Robert & Marial	1.00	D	D	D	IS	IS
00800	[redacted]	Kiesow, Daniel & Joani	1.60	U	U	U	U	P
01200	[redacted]	Brawner, Brian J. & Debra J.	2.00	U	P	P	P	U
0200A	[redacted]	Swalley Irrigation District Reserve Account	1.50				QC	QC
17-12-17-NW/SW								
00703	[redacted]	Sherrill, Kenneth	3.00	P	P	P	U	U
00704	[redacted]	Sporalsky, Dennis & Virginia	1.75	P	P	U	U	P
00706	[redacted]	Parr, Daniel E. & Susan L.	2.00	U	U	U	U	U
00700	[redacted]	Hicks, Kent	0.50	P	P	P	P	P
00701	[redacted]	Norgaard (etux), Edward G.	1.00	U	U	U	U	U
00400	[redacted]	Clenaghen Family LLC	3.50	P	P	U	U	P
00300	[redacted]	Perrigan (Trustee), Vonda Lu	3.60	P	U	P	P	P
00705	[redacted]	Danison, Arlene	0.75	P	P	U	U	U
00702	[redacted]	Ford (Trustee), Dean W.	2.00	P	U	U	U	U
00500	[redacted]	Duhn, R. Eric & Michelle A.	2.00	U	U	U	U	U
17-12-17-SE/NW								
01900	[redacted]	McCombs, Stephen & Judy	2.50	U	U	U	U	U
02000	[redacted]	Gallaty (Trustees), Steve & Carol	1.60	U	U	U	U	U
00300	[redacted]	Thomson, John D. & Judith W.	0.30	U	U	U	U	U
02400	[redacted]	Savage, Cain W. & Carolyn M.	0.70	U	U	U	U	U
02300	[redacted]	Klesow, Joan & Anne Marie	1.80	U	U	U	U	U
02100	[redacted]	Weaver, James & Judith	3.10	U	U	U	U	U

SALEM, OREGON

Laura Snedaker

From: Kyle Gorman
Sent: Friday, August 01, 2008 11:14 AM
To: Laura Snedaker
Cc: 'Jeremy.T.GIFFIN@wrd.state.or.us'
Subject: RE: Instream Transfer T-10490 (MP-111)

Laura,

The 5 acre parcel on Ross road is essentially 5.05 acres. Since there are buildings and driveways on the property, they couldn't possibly irrigate 5 acres. I would say for leasing purposes we can go with the 5 acres because that is how it is mapped but for mitigation purposes we should limit it to 4.5 acres total.

for the areas on tax lot 1300 of sec 17, this was a horse riding facility and dust control was definitely used there. I know there was irrigation. I've ridden my bike by this place at least 20 times per summer since 1996 and can always recall use on the property. Now it has been turned into a subdivision so all previous evidence is gone.

As far as mitigation value for dust control...that is a good question. It would be 100% consumptive but definitely not for a full duty of a Swalley right. I would say that about 1/2 AF for each acre is very conservative. I could be persuaded by more information that they used up to 1 af per acre. That is about 912,000 gallons annually on the property or 456 loads from a 2,000 gallon tanker!

Kyle

From: Laura Snedaker
Sent: Friday, August 01, 2008 10:12 AM
To: Jeremy Giffin; Kyle Gorman
Subject: Instream Transfer T-10490 (MP-111)
Importance: High

Jeremy, Kyle:

I'm working on T-10490 with one of our RA contractors. And we're looking at the evidence of use in the last five years. I've attached what we've received from the DRC to support use in the last five years.

Any concerns? I'm looking at this both from the perspective the instream transfer and what to award in terms of mitigation.

The application includes 5.0 ac of irrigation in the NW NE of Section 28, T17S, R12E, lot 3400.
1.9 ac of irrigation in the NE SW of Section 17, T17S, R12E, lot 1300.
2.3 ac of dust abatement in the NE SW of Section 17, T17S, R12E, lot 1300.
0.3 ac of irrigation in the SE SW of Section 17, T17S, R12E, lot 1300.
And 0.5 ac of dust abatement in the NE SW of Section 17, T17S, R12E, lot 1300.

I am planning on requesting some additional information on the dust abatement portion of the transfer so we can better get at what portion of the right is available for transfer considering beneficial use without waste. This will

also help us figure out the consumptive use level for dust abatement in terms of mitigation award.

But I wanted to check in with you guys on the irrigation portion of the application. Here's a link to the application materials if you need to take a look:

http://apps2.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=TRFolder&folder_image_id=6146

Thanks, Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

8/19/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	10.000
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4425.625

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.542	0.723	33.819
Season 2	46.191	0.968	45.223
Season 3	87.037	1.795	85.242
Duty	29845.950	575.056	29,270.89

*Approximate starting point

Information highlighted in purple boxes to be entered on to the Instream Lease Application Form

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-45 - 2nd increment
T-10669 - xfer to DD

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*	0.076		
Season 2*	0.102	Duty AF/Acre* =	6.61
Season 3*	0.193		66.19

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	54.61
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.069	61	8.35
Season 2	0.092	30	5.47
Season 3	0.170	123	41.47
			55.29

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	7.53	
Season 2	30	5.47	
Season 3	123	41.47	
Season total =	208	54.47	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

8/19/2009 10-5-09

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	10.000
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.452	0.723	33.729
Season 2	46.089	0.968	45.121
Season 3	86.832	1.795	85.037
Duty	29775.230	575.056	29,200.17

*Approximate starting point

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-45 - 2nd increment
T-10669 - xfer to DD
T-10713

CW w/ this xfer accounted for - Still pending

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	**Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form**	
Season 1*	0.076	**Duty AF/Acre* =**	**6.61**
Season 2*	0.102		
Season 3*	0.193		66.13

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		**Volume (AF) leased instream for Section 2.2 of the Lease Application Form**	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		**Duty (decree) AF/Acre =**	**5.46**
		Total =	54.61
	Full Rate	**# of Days in each Season**	**AF/ Season**
Season 1	0.069	61	8.35
Season 2	0.092	30	5.47
Season 3	0.170	123	41.47
			55.29

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	7.53	
Season 2	30	5.47	
Season 3	123	41.47	
Season total =	208	54.47	Does not exceed duty
	Water protected instream:	**April 1 through October 25**	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	10.000
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	1.000
Starting Point - Direct Diversion total acres	97.310
Starting Point - Canal Diversion total acres	4280.005

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	39.119	0.668	38.451
Season 2	44.629	0.895	43.734
Season 3	89.433	1.658	87.775
Duty	30797.790	531.371	30,266.42

*Approximate starting point prior to approval of instream Transfer T-10490

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	**Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form**	
Season 1*	0.090		
Season 2*	0.102	**Duty AF/Acre* =**	7.07
Season 3*	0.205		70.72

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		**Volume (AF) leased instream for Section 2.2 of the Lease Application Form**	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		**Duty (decree) AF/Acre =**	**5.46**
		Total =	54.61
	Full Rate	**# of Days in each Season**	**AF/ Season**
Season 1	0.089	61	8.35
Season 2	0.092	30	5.47
Season 3	0.170	123	41.47
			55.29

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	7.53	
Season 2	30	5.47	
Season 3	123	41.47	
Season total =	208	54.47	Does not exceed duty
	Water protected instream:	**April 1 through October 25**	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

For Direct Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form	
	Full Rate
Season 1	[redacted]
Season 2	[redacted]
Season 3	[redacted]

Rate and duty identified in this section does not include the 43% transmission loss

Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Duty (decree) AF/Acre =	**5.46**
	5.46

Rates and volumes identified in this section do not include the 43% transmission loss

Rate (CFS) leased instream for Section 2.2 of the Lease Application Form	
	Full Rate
Season 1	[redacted]
Season 2	[redacted]
Season 3	[redacted]

Volume (AF) leased instream for Section 2.2 of the Lease Application Form		
	Duty (decree) AF/Acre =	**5.46**
	Max instream volume =	**5.46**
	# of Days in each Season	**AF/ Season if full season**
Season 1	61	0.85
Season 2	30	0.54
Season 3	123	4.15
		5.54

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	0.76	
Season 2	30	0.54	
Season 3	123	4.15	
Season total =	208	[redacted]	Does not exceed duty
	Water protected instream:	**April 1 through October 25**	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.

Start Point Accounts for CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 (first increment)
T-10463 (pending)
T-10490 (pending)

Action		Acres Total	DD	Canal	Rates Season 1	Season 2	Season 3	Duty
	Start	**4561.105**	**118.31**	**4442.795**	**54.340**	**72.746**	**125.000**	**43,207.95**
CW-13					0.310	0.420	0.770	417.00
T-8519			21.000		0.144	0.193	0.358	114.66
T-8154				1.000	0.012	0.016	0.028	9.02
CW-40					1.480	1.480	1.480	627.10
CW-41					4.400	4.400	4.400	1,864.37
CW-47					4.670	6.670	9.000	3,157.62
CW-43 (c)				0.030	0.000	0.000	0.001	0.23
CW-43					0.209	0.294	0.532	172.57
CW-48					0.760	1.030	1.630	551.00
T-10356				8.140	0.080	0.100	0.190	62.28
CW-54 (first increment)*					1.776	11.944	14.028	4,347.97
T-10463*				153.620	1.380	1.570	3.150	1,086.34
T-10490*								
CW-54 (second increment)*								
New Start		**4377.315**	**97.310**	**4,280.01**	**39.119**	**44.629**	**89.433**	**30,797.79**

* = pending

Hunter

T17SR12E Sec28 NWNE lot 3400 - ~~5~~ 4.5 ac (cancel 0.5ac)

Map - ok

Swalley Main Canal

Affidavit of use

Sidle notes

tax lot size - approx 5 ac given dimensions

evidence per affidavit

Dist records - none attached to orig affidavit

aerial photo - undated & poor quality

6-27-08 - add'l info provided

SID compliance records & 2006 aerial photo

Use SID records

SID records - 5 ac use in 2003, 2004 & 2005

2006 aerial

not dated - seems to show partial irrig. - similar note in letter from DRC

appl received 11-23-07

5 yrs = 2007, 2006, 2005, 2004 & 2003

lot size issue

5 ac lot per tl records

map - 5 ac w/ unirrig areas (bldg's, driveway, pond & shrubs)

transfer 4.5 cancel 0.5ac

does not look like there can be 5 ac of irrig.
Kyle - 8-1-08 e-mail suggested possibly 4.5 ac

QC - 10-13-06 - SID right @ 5 ac
* why is legal crossed out - not crossed out on recorded version
Lok - re recorded version recorded 3-6-07 to correct legal desc. ← W/in 5 mo
ROI - 10-13-06
W/in 3 mo window of orig QC
ownership matches QC
legal - Exhibit A - in both orig & re recorded QC match up w/ legal in ROI even though desc in diff terms.

Cert = 5 ac in the 200
+1 3400 was orig +1 200
per Desch Co records
* confirm w/ SID

Cancellation OK - consistent w/ QC + ROI

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of Deschutes)

I/We (or authorized agent),
Swalley Irrigation District, residing at
64672 Cook Ave., Ste #1, Bend, OR 97701,
telephone 541-388-0658, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number quitclaimed (to dist.) water in tax lot 3400, within the NW ¼ NE ¼, Section 28, Township 17 N/S, Range 12 E/W, of the Willamette Meridian, in Deschutes County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number 74145 issued to Swalley Irrigation District, with a date of priority of 1899 for use of season 3 max 86.844 cubic foot per second of water from Deschutes River (source) for the purpose of Irrigation (use) is appurtenant to my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here)*
Swalley Irrigation District)

4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. *(Signature of district manager on the line below documents consent of the district.)*

Suzanne Butterfield — Signature of district manager
Suzanne Butterfield — Printed Name
12-6-2010 — Date

5. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of S3 max-0.010 cubic foot per second from the Deschutes River for Irrigation (use), and irrigation of 0.5 (if applicable) acres located:

nw ¼	ne ¼	0.5 Acres
¼	¼	Acres
¼	¼	Acres

Section 28
Township 17 N/S, Range 12 E/W, WM; and

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DEC 08 2010
WATER RESOURCES DEPT
SALEM, OREGON

6. I/We request the portion of the water right described above be canceled.

Suzanne Butterfield — 12-6-10

Signature of legal owner as listed on deed, or authorized agent — Date

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 6th day of December, 2010.

Katherine Elaine Ferguson
Notary Public for Oregon

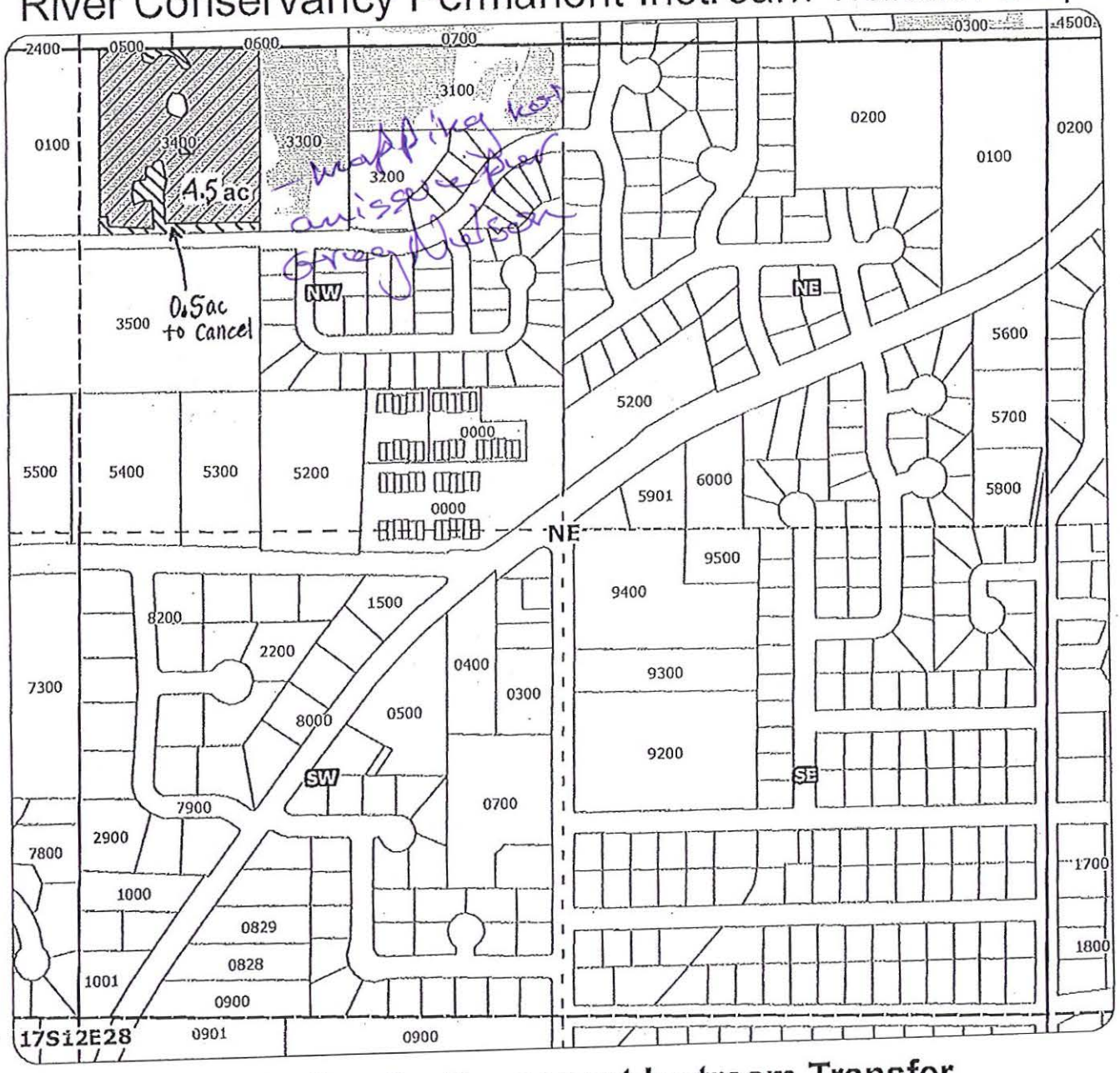
OFFICIAL SEAL
KATHERINE ELAINE FERGUSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 444741
MY COMMISSION EXPIRES JANUARY 5, 2014

My Commission Expires 1-5-2014

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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WATER RESOURCES DEPT
SALEM, OREGON

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



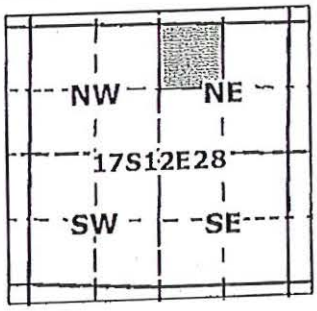
Application for Permanent Instream Transfer

0.5 acres Proposed Cancellation

Proposed Transfer of Irrigation Rights

Water Rights

for
Swalley Irrigation District
4.5 acres
taxlot 3400
(171228NWNE)



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

N

1 inch equals 400 feet

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SALEM, OREGON

Use - IRRIGATION (Primary) - 4328.62 acres; Priority Date: 9/1/1899

- **Township: 15.00S-12.00E**
- **Township: 16.00S-12.00**
- **Township: 16.00S-12.00E**
- **Township: 16.00S-13.00E**
- **Township: 17.00S-12.00E**
  - **Section: 3**
  - **Section: 4**
  - **Section: 5**
  - **Section: 6**
  - **Section: 7**
  - **Section: 8**
  - **Section: 9**
  - **Section: 15**
  - **Section: 16**
  - **Section: 17**
  - **Section: 18**
  - **Section: 20**
  - **Section: 21**
  - **Section: 22**
  - **Section: 28**

new lot 3400

9ac

QQ	DLC	Gov't Lot	Taxlot	Acres	T-R-S	Status	Linked PODs	Inchoate Info	Remarks
NW NE			200 Rose,Patrick & Erin	5.0	17.00S-12.00E-28	NC	-5ac	=0ac NR	
NW NE			1600 Bestwick,Mary Jean	2.0	17.00S-12.00E-28	NC			
NW NE			1700 Steffy,Steve & Mona	2.0	17.00S-12.00E-28	NC			
NE NW				1.33	17.00S-12.00E-28	NC			
NW NW			400 ; Oregon Dept. of Transportation	3.2	17.00S-12.00E-28	NC			
NW NW			600 ; Oregon Dept. of Transportation	2.0	17.00S-12.00E-28	NC			
Sum of Acres: 15.53									

SE¼ NE¼	1400	IRR	8.600	3 & 15	Brinson, Edna
NE¼ NW¼	200	IRR	2.000	3 & 15	OCAT Inc.
NE¼ NW¼	400	IRR	2.600	3 & 15	Kennedy, Robert
NE¼ NW¼	800	IRR	1.500	3 & 15	Warren, Perry W. & Shelley L
NE¼ NW¼	1000	IRR	2.000	3 & 15	Cleveland, Wallace T.
NE¼ NW¼	1100	IRR	3.000	3 & 15	Campbell, Michael L. & Sharon B.
SE¼ NW¼	400	IRR	0.400	3 & 15	Kennedy, Robert
SE¼ NW¼	800	IRR	0.500	3 & 15	Warren, Perry W. & Shelley L
NW¼ SW¼	1300	IRR	0.500	3 & 15	Hauth, Arlene
NW¼ SE¼	100	IRR	3.300	3 & 15	Brinson, Edna
SW¼ SE¼	700	IRR	2.000	3 & 15	Beall Jr., Imrie Gustaf
SE¼ SE¼	200	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee
SE¼ SE¼	300	IRR	3.000	3 & 15	Rumgay, Richard & Roxylee
		Section 21			
NE¼ NE¼	100	NUR	31.300	3 & 15	U.S. Forest Service
NW¼ NE¼	100	NUR	17.000	3 & 15	U.S. Forest Service
SW¼ NE¼	100	NUR	7.900	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	30.400	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	40.000	3 & 15	U.S. Forest Service
NW¼ SW¼	400	IRR	1.000	3 & 15	Verley, Rupert M.
NW¼ SW¼	401	IRR	1.000	3 & 15	Dornath, Terry
NW¼ SW¼	403	IRR	2.000	3 & 15	Detroit, Kenneth & Jo Ann
SW¼ SW¼	601	IRR	1.000	3 & 15	Grandma's House
SW¼ SW¼	602	IRR	1.500	3 & 15	Rumgay, Richard & Roxylee
SW¼ SW¼	700	IRR	3.000	3 & 15	MacFarlane, Lloyd & Lydia
SW¼ SW¼	4800	IRR	1.000	3 & 15	Deschutes County
NE¼ SE¼	102	IRR	4.000	3 & 15	Bend Metro Park & Recreation Dist.
NE¼ SE¼	200	IRR	2.100	3 & 15	Trinity Lutheran Church
NE¼ SE¼	300	IRR	2.200	3 & 15	Trinity Lutheran Church
NE¼ SE¼	1600	IRR	4.800	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1500	IRR	2.250	3 & 15	Putnam. Mary S.
NW¼ SE¼	1501	IRR	3.000	3 & 15	Al-Hajeri, Yousuf I. & May
NW¼ SE¼	1600	IRR	11.000	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1600	PND	0.200	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1603	IRR	3.000	3 & 15	Thompson, Doris
		Section 22			
NW¼ NW¼	1800	NUR	21.600	3 & 15	U.S. Forest Service
SW¼ NW¼	1800	NUR	8.800	3 & 15	U.S. Forest Service
		Section 23			
NW¼ NE¼	200	IRR	5.000	3 & 15	Rose, Patrick & Erin
NW¼ NE¼	300	IRR	2.800	3 & 15	Sampels, Dennis & Hazel
NW¼ NE¼	1600	IRR	2.000	3 & 15	Bestwick, Mary Jean
NW¼ NE¼	1700	IRR	2.000	3 & 15	Steffy, Steve & Mona
NE¼ NW¼	300	IRR	2.300	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	301	IRR	0.100	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	900	IRR	1.500	3 & 15	Bright, Lawrence
NW¼ NW¼	400	IRR	3.200	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	600	IRR	2.000	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	700	IRR	4.400	3 & 15	Moye, Esther
		Section 28			
SE¼ NE¼	0	IND*	13.625	3 & 15	Deschutes Reclamation & Irrigation
SW¼ SE¼	90000	IRR	2.000	2	Bend Riverside Motel
		Section 29			

11 Ac = NW¼ NE¼ 200 IRR 5.000 3 & 15 Rose, Patrick & Erin
NW¼ NE¼ 300 IRR 2.800 3 & 15 Sampels, Dennis & Hazel
NW¼ NE¼ 1600 IRR 2.000 3 & 15 Bestwick, Mary Jean
NW¼ NE¼ 1700 IRR 2.000 3 & 15 Steffy, Steve & Mona

(5) - now lot 3400

lot #'s have changed

SEE NEXT PAGE

Water Rights Platcard Report

no underlying layered rights

Meridian: Willamette Township: 17 South Range: 12 East Section: 28 Records per Page: 100 Search

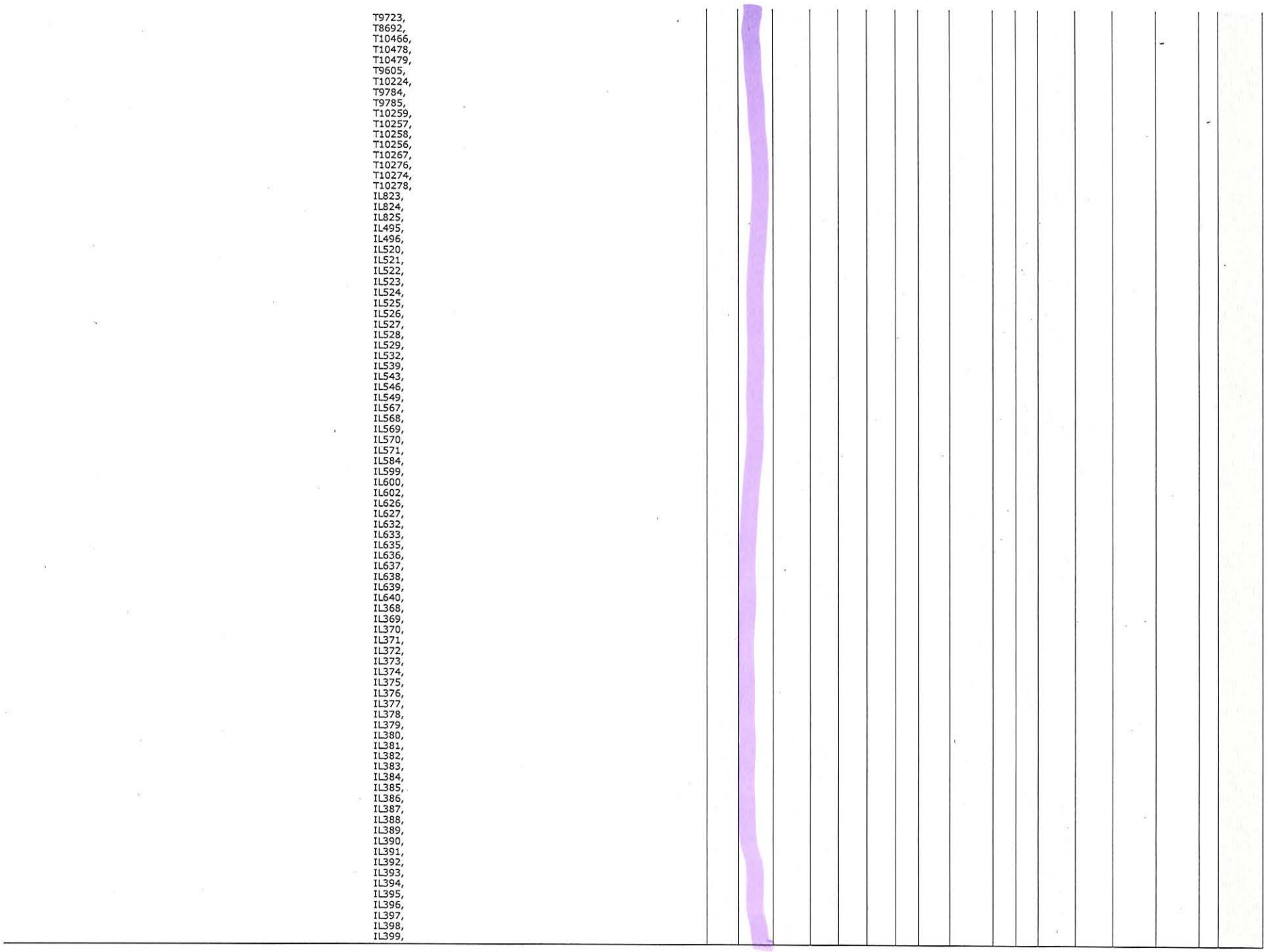
Platcards Maps! Learn about * View Map

	Water Right	Changing Xfers	Priority	Use	Use Status	PLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Cert:85526 OR *** Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526			DOMESTIC					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Select	**Cert:83571 CF RR CR *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1034, IL1040, IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608, IL1035, IL374, IL1055, IL1046, IL1057, T10292, IL1042, T10778, T10911, IL1050, IL1052, IL1069, T8982, T10995, T11110		DOMESTIC					*		*	*				*	*				*	*	*		
Select	**Cert:13666 OR CN** Additional Info: L.D. WIEST Decree: DESCHUTES RIVER (F) Cert: 13666		10/31/1900	IRRIGATION	**CN**															~~15~~				
Select	**Cert:20242 CF CN** Additional Info: L D WIEST Decree: DESCHUTES RIVER (F) Cert: 20242		10/31/1900	IRRIGATION	**CN**															~~15~~				
Select	**Cert:29052 CF CN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT	T5739, IL4, IL7, IL73, T7513,		IRRIGATION	**CN**				~~29~~		~~31~~	~~39~~				~~22~~	~~24.24~~				~~31.5~~	~~37~~			

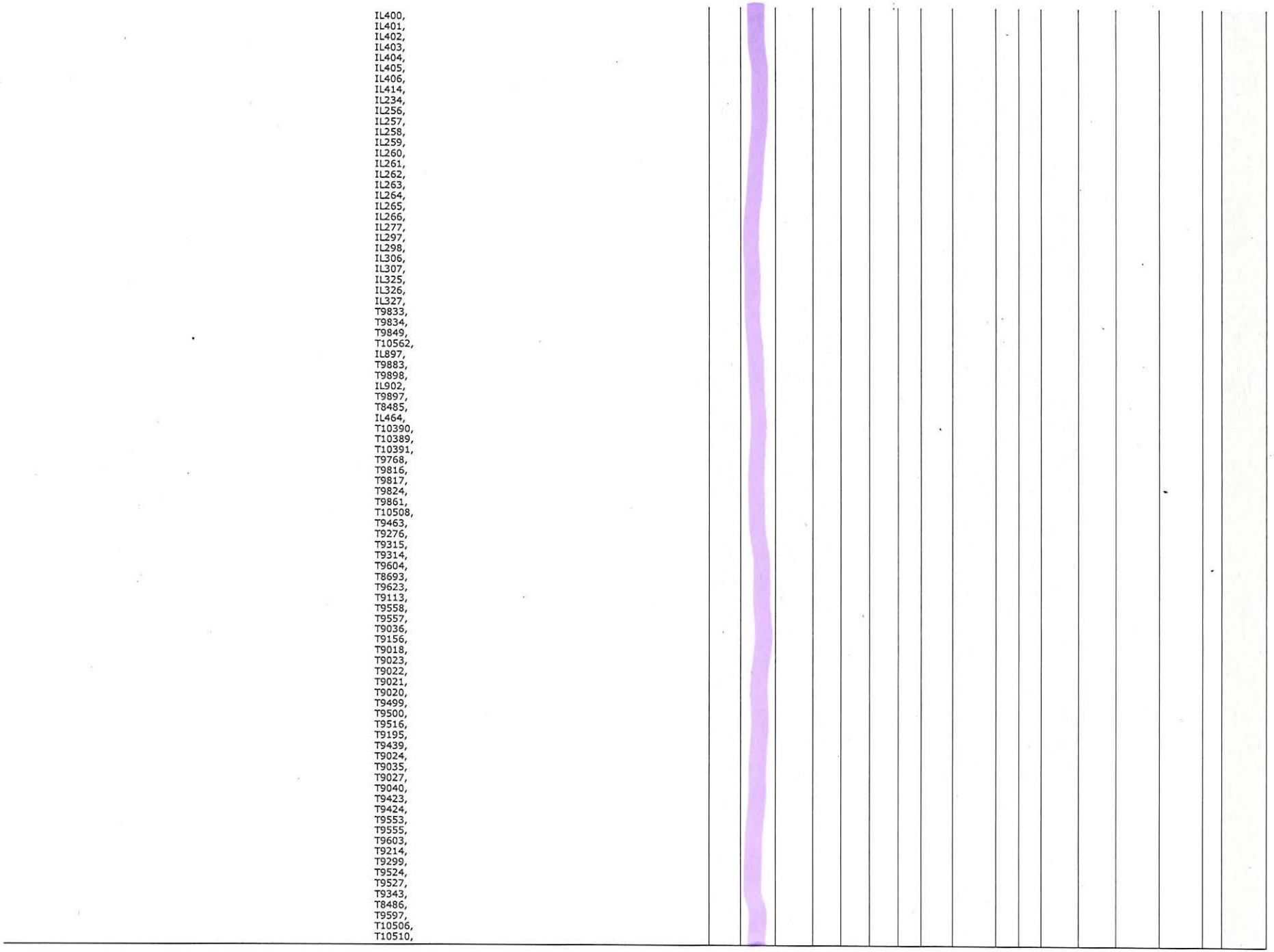
	Decree: DESCHUTES RIVER (F) Cert: 29052	T4397, T3176, Z5, T6123, T6295, T4591, T5989, T4626, T5303, T3030, T2572, T3465, T2707, T2425, T7574																					
Select	**Cert:29053 CF CN** Additional Info: ARNOLD IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 29053	T3815, IL34, IL35, IL36, T3698, T3740, T3880, T3835, T3615, T3242, T3248, T2585, M179, N42, H178, K57, T3713, T3878, T4068, T4129, T3879, T3881, T3683, T3699, T3700, T3701, T3702, T3703, T4691, T4767, V32, W151, W144, W139, W113, P94, V33, V35, T3090, T3241, T3243, T3246, T2984, T2985, T3088, T3091, T3087, T3566, T3520, T3522, T3523, T3524, T3239, T3565, T3611, T3644, T3660, T3564, T2367, T2368, T2369, T2432, T2433, T2434, T2487, W120		IRRIGATION	**CN**							2.6			2.5		1.5	30	-	
Select	**Cert:29054 CF CN** Additional Info: DESCHUTES RECLAMATION AND IRRIGATION CO. Decree: DESCHUTES RIVER (F)	IL37, IL45, T2546, T2547, T2577,	9/1/1899	IRRIGATION	**CN**		28.35			22.5	20.2												

Cert: 29054	T2578, T2593, T3774, T3775, T3777, T3823, T3824, T3825, T3826, T2533, T3497, T3151, T2668, T2457, T2491, T2826, T2492, T2503, T2523, T2436, T7463, T5115, T5135, T5697, T5789, T5807, T6363, T3772, T3261, T2435, T2573, M214, N33, K56, T5813, T5836, T5839, T5542, T5655, T5695, T6361, T4531, T4593, T4595, T3962, T6362, T6430, T4520, T4636, T4461, T5347, T6989, T5114, T5132, T5134, T5253, T5328, T5133, T4594, S225, T72, S186, Z8, T3773, P67, P74, R90, T2594, T3262, T3263, T2923, T3046, T3152, T2882, T2544, T2545, T7678																			
Select **Cert:76358 OR CN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 76358	T9283, T9769, T9440, T9462, T9441, IL187, IL142, CW39, CW42, T9721, T9722,	IRRIGATION	**CN**	~~2.4~~		~~6.26~~	~~2~~				~~2.5~~	~~12.48~~				~~7.68~~	~~16.09~~			

T9723,
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	T9731, T9732, T9747, T9748, IL834, IL835, IL852, T9836, T9763, IL651, IL654, IL675, IL704, IL706, IL710, IL726, IL738, IL753, IL754, IL755, IL758, IL760, IL761, IL762, IL763, IL764, IL765, IL776, IL777, IL778, IL779, IL803, IL804, IL807, T10155, IL901, T10544, T10553, CW29, T9983, T9981, T9982, T9984, T9985, T10004, T10018, T10035, T10036, T10058, IL900																				
Select **Inchoate: T 9463 (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9423 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9424 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9553 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9555 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9214 (REG) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			
Select **Inchoate: T 9605 CF (REG) WD** Additional Info:		IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~			

	COID / BEND METRO PARK & REC DISTRICT Decree: DESCHUTES RIVER (F)																								
Select	**Inchoate: T 9597 CF (REG) WD** Additional Info: EAGLE CREST INC. Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~				~~(7.68)~~	~~(14.69)~~							
Select	**Inchoate: IL 755 CF (IL) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**	~~2.4~~		~~6.26~~	2				~~2.5~~	~~12.48~~				~~7.68~~	~~14.69~~							
Select	**Inchoate: IL 772 CF (IL) WD** Additional Info: ARNOLD IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**															~~3~~					
Select	**Inchoate: IL 370 CF (IL) DN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**DN**	~~2.4~~		~~6.26~~	~~2~~				~~2.5~~	~~12.48~~				~~7.68~~	~~14.69~~							
Select	**Inchoate: IL 927 CF RR (IL) WD** Additional Info: DESCHUTES RIVER CONSERVANCY Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**															~~3~~					
Select	**Cert:74197 CF RR *** Additional Info: ARNOLD IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 74197	IL988, IL987, IL981, IL982, IL983, IL984, IL985, IL945, T10856, IL990, IL986, IL1083, IL939, IL941, IL940, IL938, IL937, IL936, IL935, IL1087		IRRIGATION															3					
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145 Subject to right	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	IRRIGATION			9			1.33	5.2														
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	IRRIGATION	**WD**		9			~~1.33~~	~~5.2~~														
Select	**Cert:83571 CF RR CR *** Additional Info:	IL1034, IL1040,		IRRIGATION		1.4		2.56	2				0.5	7.61				7.68	13.96	0.5					

	Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608, IL1035, IL374, IL1055, IL1046, IL1057, T10292, IL1042, T10778, T10911, IL1050, IL1052, IL1069, T8982, T10995, T11110																			
Select	**Inchoate: T 5739 CF (REG) WD** Additional Info: RAY ROLANDS Decree: DESCHUTES RIVER (F)		IRRIGATION **WD**	~~(29)~~		~~(31)~~	~~(39)~~				~~(22)~~	~~(24.24)~~				~~(31.5)~~	~~(37)~~				
Select	**Cert:83571 CF RR CR *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1034, IL1040, IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608,	LIVESTOCK	*		*	*				*	*				*	*	*			

| | | |

Select	**Cert:85415 OR** * Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85415		10/13/1971	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Cert:85526 OR** * Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526			MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Cert:85559 OR** * Additional Info: CITY OF BEND App: G11942 Permit: G11379 Cert: 85559		6/30/1989	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Cert:85713 OR** * Additional Info: CITY OF BEND App: S67983 Permit: S49823 Cert: 85713		12/12/1983	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Permit:S 49823** * Additional Info: PATRICK GRIFFITHS App: S67983 Permit: S49823		12/12/1983	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Permit:G 4435** * Additional Info: PATRICK GRIFFITHS App: G4677 Permit: G4435		11/8/1968	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
Select	**Cert:76358 OR CN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 76358	T9283, T9769, T9440, T9462, T9441, IL187, IL142, CW39, CW42, T9721, T9722, T9723, T8692, T10466, T10478, T10479, T9605, T10224, T9784, T9785, T10259, T10257, T10258, T10256, T10267, T10276, T10274, T10278, IL823, IL824, IL825, IL495, IL496, IL520, IL521, IL522, IL523, IL524, IL525, IL526, IL527, IL528, IL529, IL532,		POND MAINTENANCE	**CN**							0.5										

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Select	**Inchoate: T 9463 CF (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9426 CF (ALT) WD** Additional Info: CROOK CO IMP DIST / BY COID App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9423 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9424 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9553 (IS) WD** Additional Info: BRIAN STEVENS App: S13180		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9555 (IS) WD** Additional Info: BRIAN STEVENS App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Inchoate: T 9214 (REG) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180		2/28/1913	POND MAINTENANCE	**WD**							~~(0.5)~~													
Select	**Cert:76714 CF *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256 Cert: 76714	T10872, T11090, IL631, IL641, T10661, T8692, T11075, IL495, IL496, IL516, IL517, IL518, IL519, IL520, IL521, IL522, IL523, IL524, IL525, IL526, IL527, IL528, IL529, IL532, IL539, IL543,	2/28/1913	POND MAINTENANCE								0.5													

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Select	**Inchoate: IL 772 CF (IL) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**WD**							~~0.5~~													
Select	**Inchoate: IL 370 CF (IL) DN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	POND MAINTENANCE	**DN**							~~0.5~~													
Select	**Cert:83571 CF RR CR *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1034, IL1040, IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608, IL1035, IL374, IL1055, IL1046, IL1057, T10292, IL1042, T10778, T10911, IL1050, IL1052, IL1069, T8982, T10995, T11110		POND MAINTENANCE							0.5													
Select	**Permit:G 8565 *** Additional Info: PATRICK GRIFFITHS App: G8695 Permit: G8565		12/22/1978	QUASI-MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*				

Select	**Inchoate: T 9463 (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9423 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9424 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9553 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9555 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9214 (REG) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9605 CF (REG) WD** Additional Info: COID / BEND METRO PARK & REC DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: T 9597 CF (REG) WD** Additional Info: EAGLE CREST INC. Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								~~(0.5)~~											
Select	**Inchoate: IL 755 CF (IL) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**WD**								0.5											
Select	**Inchoate: IL 370 CF (IL) DN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)		STORAGE	**DN**								0.5											
Select	**Inchoate: T 9463 CF (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~		~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~					
Select	**Inchoate: T 9426 CF (ALT) WD** Additional Info: CROOK CO IMP DIST / BY COID App: S13180 Permit: S23256	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~		~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~					
Select	**Inchoate: T 9423 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~		~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~					
Select	**Inchoate: T 9424 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~		~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~					
Select	**Inchoate: T 9553 (IS) WD** Additional Info: BRIAN STEVENS App: S13180	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~		~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~					

Select	**Inchoate: T 9555 (IS) WD** Additional Info: BRIAN STEVENS App: S13180 Permit: S23256		2/28/1913	SUPPLEMENTAL **WD** IRRIGATION (Suppl'mtl)	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~			~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~			
Select	**Inchoate: T 9214 (REG) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180		2/28/1913	SUPPLEMENTAL **WD** IRRIGATION (Suppl'mtl)	~~(2.4)~~		~~(6.26)~~	~~(2)~~				~~(2.5)~~	~~(12.48)~~			~~(0.25)~~	~~(7.68)~~	~~(16.09)~~	~~(11.11)~~			
Select	**Cert:76714 CF *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256 Cert: 76714	T10872, T11090, IL631, IL641, T10661, T8692, T11075, IL495, IL496, IL516, IL517, IL518, IL519, IL520, IL521, IL522, IL523, IL524, IL525, IL526, IL527, IL528, IL529, IL532, IL539, IL543, IL546, IL549, IL567, IL568, IL569, IL570, IL571, IL581, IL584, IL599, IL600, IL611, IL619, IL626, IL627, IL632, IL633, IL635, IL636, IL637, IL638, IL639, IL640, IL368, IL369, IL370, IL372, IL373, IL374, IL375, IL376, IL377, IL378, IL379, IL380, IL381, IL382, IL383, IL384, IL385, IL386, IL387, IL388, IL389, IL390, IL391, IL392, IL393, IL394,	2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	2.4		6.26	2				2.5	12.48			0.25	7.68	16.09	11.11			

		IL395, IL396, IL397, IL398, IL399, IL400, IL401, IL402, IL403, IL404, IL405, IL406, IL414, IL464, T10740, T10741, T10742, T10854, T11158, T10992, T10390, T10389, T10429, T10754, T10755, T10833, T10753, IL878, IL608, IL645, T10506, T10510, IL651, IL654, IL675, IL677, IL678, IL679, IL772, IL773, IL435, IL436, IL437, IL438, IL439, IL440, IL441, IL442, IL446, IL447, IL449, IL450, IL451, T11110, T10995																						
Select	**Inchoate: IL 772 CF (IL) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**	~~2.4~~		~~6.26~~	2				~~2.5~~	~~12.48~~			~~0.25~~	~~7.68~~	~~16.09~~	~~11.11~~		
Select	**Inchoate: IL 370 CF (IL) DN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180 Permit: S23256		2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**DN**	~~2.4~~		~~6.26~~	2				~~2.5~~	~~12.48~~			~~0.25~~	~~7.68~~	~~16.09~~	~~11.11~~		

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Laura Snedaker

From: Laura Snedaker
Sent: Monday, November 26, 2007 2:08 PM
To: Kyle Gorman
Cc: Dorothy Pedersen
Subject: Swalley Maps for new 10.0 ac Instream Transfer / Mitigation Project MP-111
Importance: High

Hey Kyle:

Got another one for you.

I just finished taking a look at the SID transfer received in the mail last week. The application's been accepted and is moving through the process to be sent on over to the contractor.

I did identify a couple of things that need to be addressed before we totally stamp the application as complete.

I sent Zach an e-mail indicating that we need the application form signed by SID and that we needed copies of the notice they provided to the affected local governments. There were also a couple of things with the affidavits of use but those can be addressed sometime during the application process.

I also ran across an update we need for the application maps. There's just a couple of basic information items that are missing that we need (and the contractor will need) to complete the review of the transfer and understand the water right situation, not only in the affected lot area but also in the rest of the quarter quarter.

Here's the list of what is needed. Pretty simple this time, since we only have two application maps.

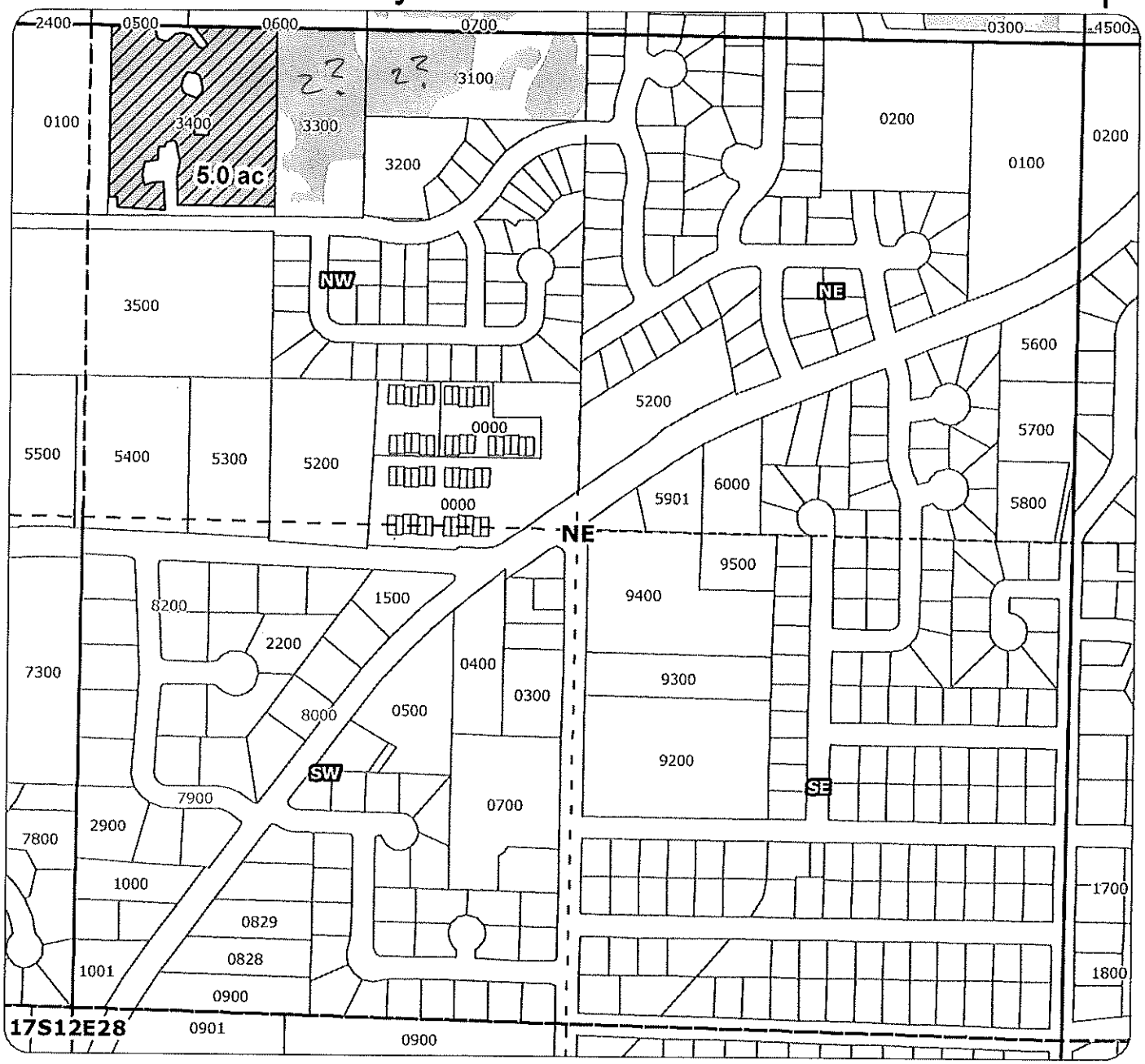
Both maps:
1. Within each quarter quarter where a portion of the right is to be transferred, the number of acres remaining needs to be identified. Not just any remaining acres from the tax lot where water is coming from. Most of the maps have remaining acres in other lots. Those acres need to be identified as well, preferably by lot so we can match them up with our records the best we can and balance the books, so to speak, between the transfer map and what we have on record.

Give me a call if any questions.

Thanks much!
Laura

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map

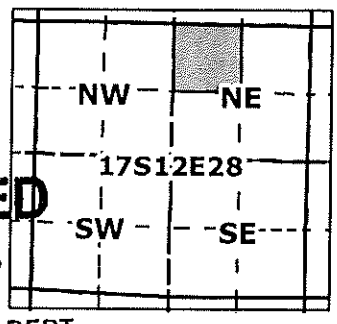


Application for Permanent Instream Transfer

for
Swalley Irrigation District
5 acres
taxlot 3400
(171228NWNE)

Proposed Transfer of Irrigation Rights

Water Rights



N

RECEIVED
NOV 23 2007
WATER RESOURCES DEPT
SALEM, OREGON

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

1 inch equals 400 feet

17.00S-12.00E-28	NW NE			200 Rose,Patrick & Erin	5.0	NC	-lot 3400?	
17.00S-12.00E-28	NW NE			1600 Bestwick,Mary Jean	2.0	NC	>lots 3100 & 3300?	
17.00S-12.00E-28	NW NE			1700 Steffy,Steve & Mona	2.0	NC		

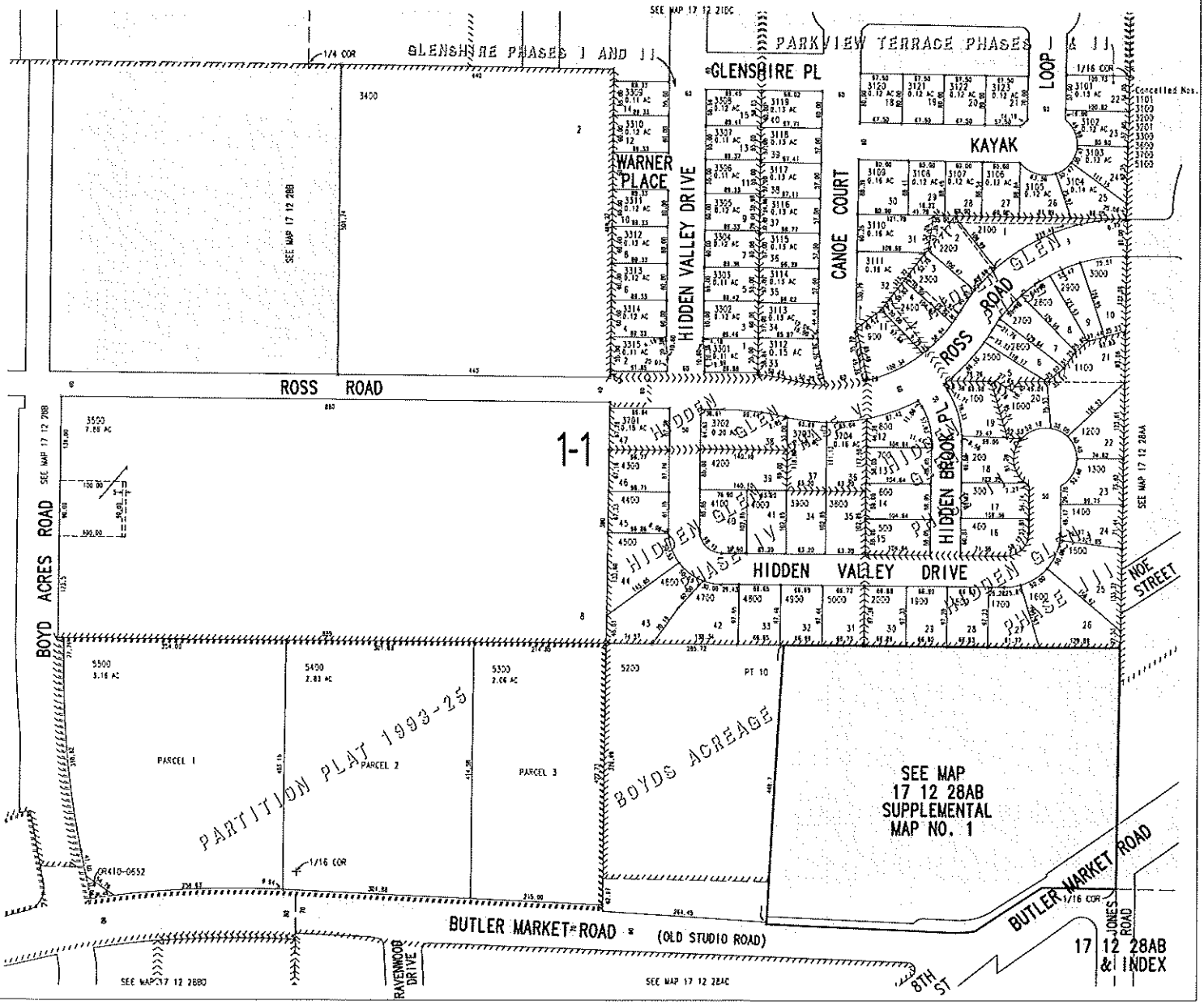
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 10/24/2003

NW1/4 NE1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

17 12 28AB
& INDEX



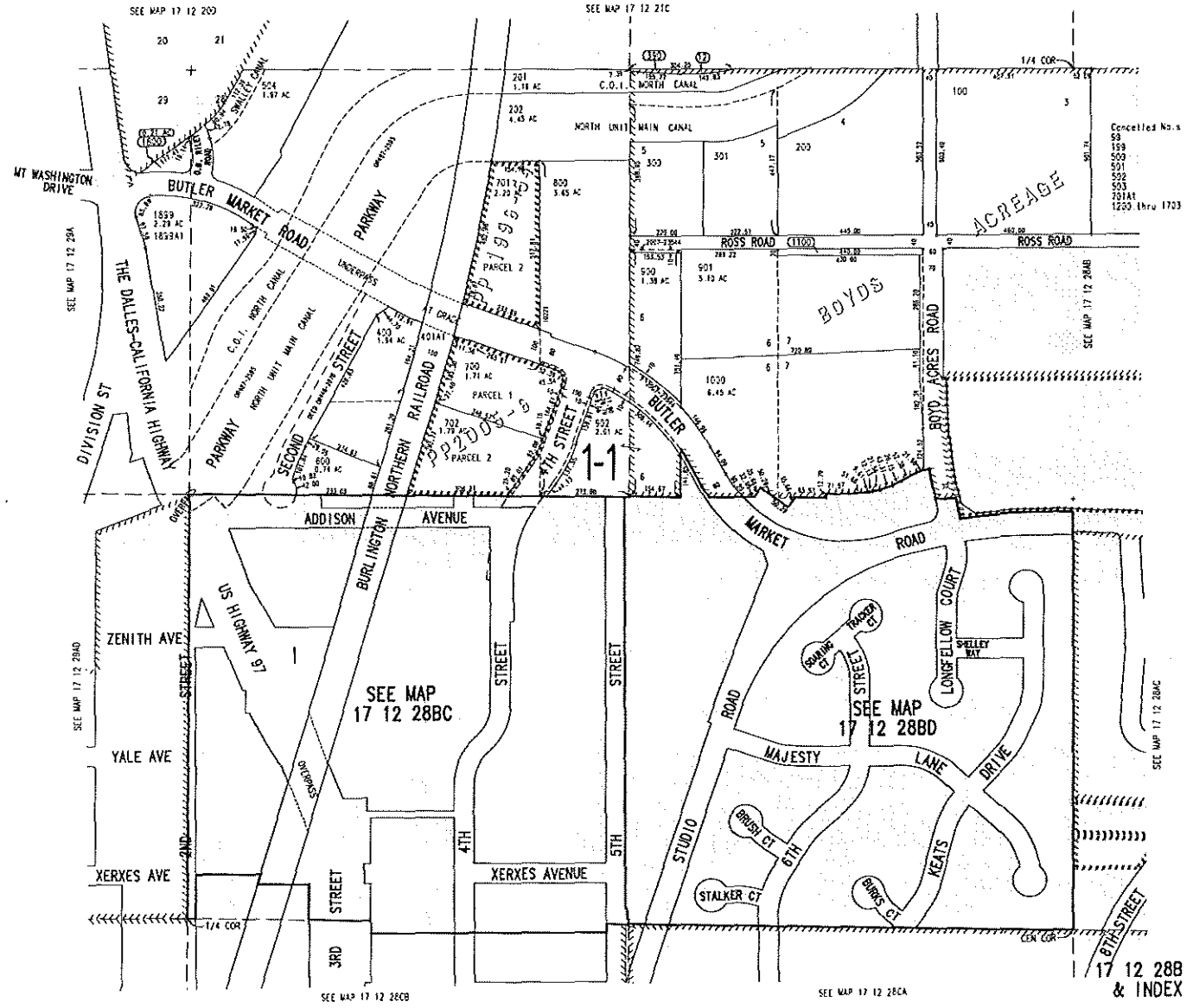
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 05/03/2007

NW1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

17 12 28B & INDEX



17 12 28B & INDEX

Enhancing the lives of citizens by delivering quality services in a cost-effective manner

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Account: [redacted] Map/TL: R 1-001 171228 AB 03400

* * * CURRENT Ownership Information ONLY

**** C A N C E L L E D ****

COPPER LEAF LLC
C/O PAUL HEATHERMAN PC (A)
960 SW DISK DR STE 101
BEND OR 97702

Site Address: 900 NE ROSS RD BEND 97701

Assessor Property Description
BOYDS ACREAGE Lot: 2 Block:

Prop Cls:190 MA:5 VA:17 NH 000 Vol-Page: 2008-17891
Asmt Zone:RH CDD Zone:BEND (CITY OF BEND)

*** Land Values ***

Asmt type	Acres
URBAN LOT	5.06
SD	
*Total	5.06

***** Values shown below are as of the Assessment Date, January 1 of each year *****

***	2008		2007		2006	
	Total RMV	Taxable A.V.	Total RMV	Taxable A.V.	Total RMV	Taxable A.V.
LND:	2,108,900		2,108,900		904,960	
IMP:			114,140		104,720	
TOT:	2,108,900	138,970	2,223,040	209,050	1,009,680	202,970

```
SALES: --- 1 ---    --- 2 ---    --- 3 ---
  Date 04-22-08     05-03-05     06-08-92
Sale $ 0            0*           200000
 Cndtn 06           34           30
 Class 190          701          721
Inst # 2008-17891   2005-27739*  1992-2671671
OthPcl           247777
```

- - - -

Vol Page 1992-2671671 Sales Date 06/08/92 Adjusted Sales Price $200,000

Sales Code 30 UNCONFIRMED SALE

Grantor:	Grantee:
CAMPBELL COROLYN	ROSE,PATRICK
900 NE ROSS RD	900 NE ROSS RD
BEND OR 97701	BEND OR 97701

***
Site Address: 900 NE ROSS RD BEND 97701
Assessor Property Description
BOYDS ACREAGE Lot: 2 Block:

Acct [redacted] Map/TL: R 1-001 171228 AB 03400
MA: 5 VA: 17 Class: 721

- -

R 1001 171228-AB-03400 [redacted]

Prop Class 190 Value Area 17
Maint Area 5 Neighborhood 000
Asmt Zone RH

COPPER LEAF LLC
960 SW DISK DR STE 101
BEND, OR 97702

900 NE ROSS RD

- -

* * * I N S P E C T I O N S * * *

Insp By: MALIKOWSKI, S 03/07/07 Intr Insp

- -

- -

AT/Class	Desc	Adj Factor#1	Adj Factor#2	Adj Factor#3
URBAN LOT	A 5.06			
SD				

- -

* * * T A X P A Y M E N T S * * *

For current balance due information on this account select the following button **(Please note that this link will provide current balance information, including interest & fees, EXCEPT FOR ACCOUNTS IN FORECLOSURE, please call the tax office @ 388-6540 for payoff information on foreclosure accounts)**

Get real-time tax summary for this property

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For balance due information on this account for a future date, specify a future date and select the following button **(Please note that this link will provide current balance information, including interest & fees, EXCEPT FOR ACCOUNTS IN FORECLOSURE, please call the tax office @ 388-6540 for payoff**

information on foreclosure accounts)

Enter a value future Date (mm/dd/yyyy): 10/06/2009

Get real-time tax summary for a future date for this property

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2007 Balance Due	Adval Tax			
0.00	3,129.48			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
10-12-07 2074	-3,445.35	-93.88	564712	07-08 PLAT PREPAY
10-25-07 7072	409.75	0.00	572253	

2006 Balance Due	Adval Tax			
0.00	3,041.02			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
11-21-06 1068	-2,949.79	-91.23	481520	

2005 Balance Due	Adval Tax			
0.00	2,964.77			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
11-22-05 1059	-2,875.83	-88.94	348206	

2004 Balance Due	Adval Tax			
0.00	3,587.29			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
05-05-05 0505	-3,730.78	143.49	248663	

2003 Balance Due	Adval Tax			
0.00	3,495.12			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
05-05-05 0505	-4,194.15	699.03	248662	

2002 Balance Due	Adval Tax			
0.00	3,393.06			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
05-05-05 0505	-4,614.57	1,221.51	248661	

2001 Balance Due	Adval Tax			
0.00	3,187.70			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
05-05-05 0505	-2,964.68	986.27	248660	
11-23-04 2304	-1,800.00	590.71	212956	

2000 Balance Due	Adval Tax			
0.00	3,100.42			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
03-11-04 1104	-4,629.96	1,529.54	110170	

1999 Balance Due	Adval Tax			
0.00	3,053.04			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
05-02-03 7795	-4,640.62	1,587.58 L 90	1343126	

1998 Balance Due	Adval Tax			
0.00	2,967.00			
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description
02-09-99 5255	-1,969.28	39.56 L 90	925919	
07-06-99 5442	-1,039.21	28.87 L 90	945389	

08-19-99	5488	-28.02	1.08	L	90	947168

1997 Balance Due	Adval Tax				
0.00	2,828.05				
Trn Date	Btch	Received	Int/Disc	Jrnl	Rcpt#	Description
04-13-98	4776	-1,923.08	86.68	L 90	831995	
02-09-99	5255	-1,112.61	120.96	L 90	925917	

1996 Balance Due	Adval Tax				
0.00	2,805.65				
Trn Date	Btch	Received	Int/Disc	Jrnl	Rcpt#	Description
01-27-97	4187	-972.63	37.41	L 90	725846	
03-03-97	4229	-947.68	12.47	L 90	734237	
05-15-97	4339	-935.22	0.00	C 90	744551	

1995 Balance Due	Adval Tax				
0.00	2,757.03				
Trn Date	Btch	Received	Int/Disc	Jrnl	Rcpt#	Description
01-27-97	4187	-3,198.15	441.12	L 90	725845	

Pre-Payments Received But Not Posted:

Trn Date	Reason	Amount	Rcpt#	Description/Payor
09-07-07	ADVA	3,445.35		LAWNAE HUNTER

Building Permit: 3710 on Account number: [redacted]

OLD BUILDING#.....: B781159
Map/TL.....: 171228 A0 00200
ACCOUNT.....: [redacted]
SUBDIVISION/TRAILER PARK: CHOCKTAW
STATUS.....: FINAL
BUILDING CLASS.....: RESIDENTIAL
PERMIT CLASS.....: REMODEL
STRUCTURE TYPE.....:
PERMIT ZONING.....:
BUILDING USE.....:
STRUCTURE TYPE.....: WOOD FRAME
ON SEWER?.....: NOT LISTED
SOLAR APPROVED? .....: UNKNOWN
PERMIT NAME.....: CAMPBELL,J W
CONTRACTOR NAME.....: BOB CAMPBELL
SITE ADDRESS.....: 900 ROSS RD NE, BEND
STORIES.....: 1
SQ FEET.....:
PERMIT VALUATION.....: 8,000
APPLICATION DATE.....: 01/01/78
PERMIT ISSUE DATE.....: 05/22/78
FINAL DATE.....: 07/30/79

Inspection	Initial	Comments
07/20/79	OLD	LETTER TO CONTRACTOR TO GET FINAL FINAL OK.
06/21/78	OLD	FRAMING AND PLUMBING- OK TO COVER.

Electrical Permit: 26316 on Account number: [redacted]

Map/TL.....: 171228 A0 00200
ACCOUNT.....: [redacted]
SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
STATUS.....: FINAL
BUILDING CLASS.....: RESIDENTIAL
PERMIT CLASS.....: NEW SERVICE

```
BUILDING USE.............: MAHO SERVICE & FUTURE GARAGE
SERVICE DESCRIPTION......: 200 AMPS OR LESS(1)
                         : FEEDER(3)
                         : FEEDER(3)
LINKED BUILDING PERMIT..: CITY
PERMIT NAME..............: ROSE,PATRICK
CONTRACTOR NAME..........: BORLEN ELECTRIC
SITE ADDRESS.............: 900 NE ROSS RD, BEND 01
APPLICATION DATE.........: 12/15/93
PERMIT ISSUE DATE........: 12/15/93
FINAL DATE...............: 12/21/93

Inspection  Initial   Comments
12/21/93      MWT      APPROVED FOR SERVICE AND FINALED
12/17/93      CFD      NOT READY
12/16/93      CFD      GC: CANCELLED BY DENNIS PERKINS


Mechanical Permit: 11420 on Account number: [redacted]

Map/TL...................: 171228 A0 00200
ACCOUNT..................: [redacted]
SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
STATUS...................: VOID
BUILDING CLASS...........: RESIDENTIAL
PERMIT CLASS.............: NEW
SERVICE DESCRIPTION......: ISSUANCE FEE (1)
                         :
PERMIT NAME..............: ROSE,PATRICK
CONTRACTOR NAME..........: CENTRAL OREGON GAS PIPING
SITE ADDRESS.............: 900 NE ROSS RD, BEND 01
APPLICATION DATE.........: 08/16/95
PERMIT ISSUE DATE........: 08/16/95
VOID DATE................: 08/16/95

Inspection  Initial   Comments
08/16/95      JJR      FIRE MARSHALL #002081-000499-95


Septic Permit: 34630 on Account number: [redacted]

OLD SEPTIC#..............:
Map/TL...................: 171228 AB 03400
ACCOUNT..................: 118684
SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
LOT......................: PT.2
BLOCK....................: 0
STATUS...................: FINAL
BUILDING CLASS...........: RESIDENTIAL
PERMIT CLASS.............: ALTERATION
PERMIT ZONING............: BEND
BUILDING USE.............: SECOND DWELLING
WATER SOURCE.............: CISTERN
SEPTIC PERMIT TYPE.......: Alteration System Type: S
SPECIAL INSTRUCTIONS.....: SEAL OFF DRY WELL AND INSTALL NEW DRAINFIELD AS
                         : SHOWN ON WORK SHEET
FEASIBILITY NUMBER.......:
LINKED BUILDING PERMIT..: STS
MIN SEPTIC GAL CAPACITY.: 1000
SERVICE DESCRIPTION......: Alteration
SEPTIC TRENCH LENGTH.....: 300
TRENCH DEPTH INCHES......: 30
FIELD WORK DONE?.........:
BEDROOMS.................: 6
```

PERMIT NAME.....: ROSE,PATRICK
CONTRACTOR NAME.....: OWNER
SITE ADDRESS.....: 900 NE ROSS RD, BEND 01
APPLICATION DATE.....: 10/20/93
PERMIT ISSUE DATE.....: 10/27/93
FINAL DATE.....: 12/06/93

Inspection	Initial	Comments
10/27/93	DBR	SEAL OFF DRY WELL AND INSTALL NEW DRAINFIELD AS SHOWN ON WORK SHEET
10/20/93	STS	PROPERTY IS IN CITY. OWNER PROPOSES PLACING NEW 3 BEDROOM MAHO FOR TEMP USE MEDICAL HARDSHIP MAHO. EXISTING 3 BEDROOM HOME USES DRILL HOLE, PROBABLY DATING FROM 1950'S. SEE COMMENT ATTACHED BY RWE--CHANGE "AN" TO "AL" IF APPROPRIATE FOR BOTH RESIDENCE TO CONNECT TO NEW PROPOSED DRAINFIELD. EXISTING TANK IS 750 GALLONS. OWNER HAS SPOKEN TO CITY--SEWER IS APPROX 1200' AWAY. OWNER STATES CITY WILL ALLOW SECOND DWELLING IF HE CAN OBTAIN SEPTIC APPROVAL FROM COUNTY

Septic Permit: 54402 on Account number: [redacted]

OLD SEPTIC#.....:
Map/TL.....: 171228 AB 03400
ACCOUNT.....: [redacted]
SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
LOT.....: 2
STATUS.....: FINAL
BUILDING CLASS.....: RESIDENTIAL
PERMIT CLASS.....: TA
PERMIT ZONING.....: BEND
BUILDING USE.....: RESIDENCE
WATER SOURCE.....: P
SEPTIC PERMIT TYPE.....: SEPTIC TANK ABANDONMENT System Type: TA
SPECIAL INSTRUCTIONS....: THIS PERMIT IS TO ABANDONE TWO TANKS ON THE SAME
: PROPERTY. HOUSE HOOKED TO SEWER.
FEASIBILITY NUMBER.....:
MIN SEPTIC GAL CAPACITY.:
SERVICE DESCRIPTION.....: SEPTIC TANK ABANDONMENT
SEPTIC TRENCH LENGTH....:
TRENCH DEPTH INCHES.....:
FIELD WORK DONE?.....:
BEDROOMS.....: 3
PERMIT NAME.....: HUNTER FAMILY TRUST
CONTRACTOR NAME.....: ROBINSON & SONS INC, JACK
SITE ADDRESS.....: 900 NE ROSS RD, BEND 01
APPLICATION DATE.....: 06/29/05
PERMIT ISSUE DATE.....: 06/29/05
FINAL DATE.....: 10/24/05

Inspection	Initial	Comments
10/20/05	JWM	RECIEVED INVOICE FROM PUMPER. PERMIT FINALED.
10/10/05	JWM	SITE VISIT. NOTHING TO SEE. SPOKE WITH CHASE AT ROBINSON CONST. NEED PUMP AND DEMO INVOICE.
10/06/05	TAG	CHASE W/ JACK ROBINSON BROUGHT IN TANK ABANDONMENT FORM
07/07/05	JWM	SITE VISIT. TANK HAS NOT BEEN PUMPED OR FLATTENED. SPOKE WITH GREG GROSS. HE WILL CALL WHEN READY.

Special Inspection: 2937 on Account number: [redacted]

Map/TL.....: 171228 AB 03400
ACCOUNT.....: [redacted]

SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
LOT.....: PT.2
BLOCK.....: 0
STATUS.....: FINAL
BUILDING CLASS.....: RESIDENTIAL
PERMIT CLASS.....: SPECIAL INSPECTION
SERVICE DESCRIPTION.....: SPECIAL BUILDING INSPECTION/MIN.FEE (1 Hrs)
:
:
PERMIT NAME.....: VALCESCHINI,MARK
SITE ADDRESS.....: 900 NE ROSS RD, BEND 01
APPLICATION DATE.....: 02/11/04
PERMIT ISSUE DATE.....: 02/11/04
FINAL DATE.....: 02/12/04

Inspection	Initial	Comments
02/12/04	RRN	*FINAL APPROVED* - TRUSS ROOF-PERIMETER FOUNDATION.
02/11/04	STS	THIS IS FOR 1500 SQ FT RESIDENCE AND GARAGE TO BE MOVED TO 64420 BAILEY RD, BEND. GARAGE HAS BEEN SEPARATED FROM RESIDENCE AND WILL BE PLACED AS A DETACHED GARAGE ON NEW PROPERTY. HOUSE IS ACTUALLY LOCATED ON PROPERTY 171228AB03110, BUT I CANNOT LINK PERMIT TO THAT PROPERTY AS IT IS NOT CURRENTLY ADDRESSED. HOUSE IS LOCATED ABOUT 3 LOTS DOWN NEW STREET "CANOE CT" WHICH IS OFF ROSS ROAD, EAST OF 900 NE ROSS RD

Special Inspection: 2938 on Account number [redacted]

Map/TL.....: 171228 AB 03400
ACCOUNT.....: [redacted]
SUBDIVISION/TRAILER PARK: BOYDS ACREAGE
LOT.....: PT.2
BLOCK.....: 0
STATUS.....: FINAL
BUILDING CLASS.....: RESIDENTIAL
PERMIT CLASS.....: SPECIAL INSPECTION
SERVICE DESCRIPTION.....: SPECIAL ELECTRICAL INSPECTION/MIN.FEE (1 Hrs)
PERMIT NAME.....: VALCESCHINI,MARK
SITE ADDRESS.....: 900 NE ROSS RD, BEND 01
APPLICATION DATE.....: 02/11/04
PERMIT ISSUE DATE.....: 02/11/04
FINAL DATE.....: 02/26/04

Inspection	Initial	Comments
02/26/04	JCM	*FINAL APPROVED*
02/11/04	STS	RESIDENCE & GARAGE TO BE MOVED TO 64420 BAILEY RD, BEND. GARAGE HAS BEEN SEPARATED FROM HOUSE & WILL BE PLACED AS A DETACHED GARAGE ON NEW PROPERTY. HOUSE IS ACTUALLY LOCATED ON PROPERTY 171228AB03110, BUT I CANNOT LINK PERMIT TO THAT PROPERTY AS IT IS NOT CURRENTLY ADDRESSED. HOUSE IS LOCATED ABOUT 3 LOTS DOWN NEW STREET "CANOE CT" WHICH IS NORTH OFF ROSS ROAD, EAST OF 900 NE ROSS RD

- - - -

Get Latest Tax Lot Record for this property

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Tax Lot Record prior to July 2003

For Tax Lot Records prior to 1995 please call our office at (541)388-6508

Prior Tax Lot Card is 171228A000200
****

17 12 28 A B 03400 Code 1-001 Current Acres 5.06

This description is for tax purposes ONLY and can not be attached to any legal document.

BOYDS ACREAGE Lot: PT 2

RC951250 10/04/95

Posted on 10/04/95 by PATF

** Text:

[redacted]

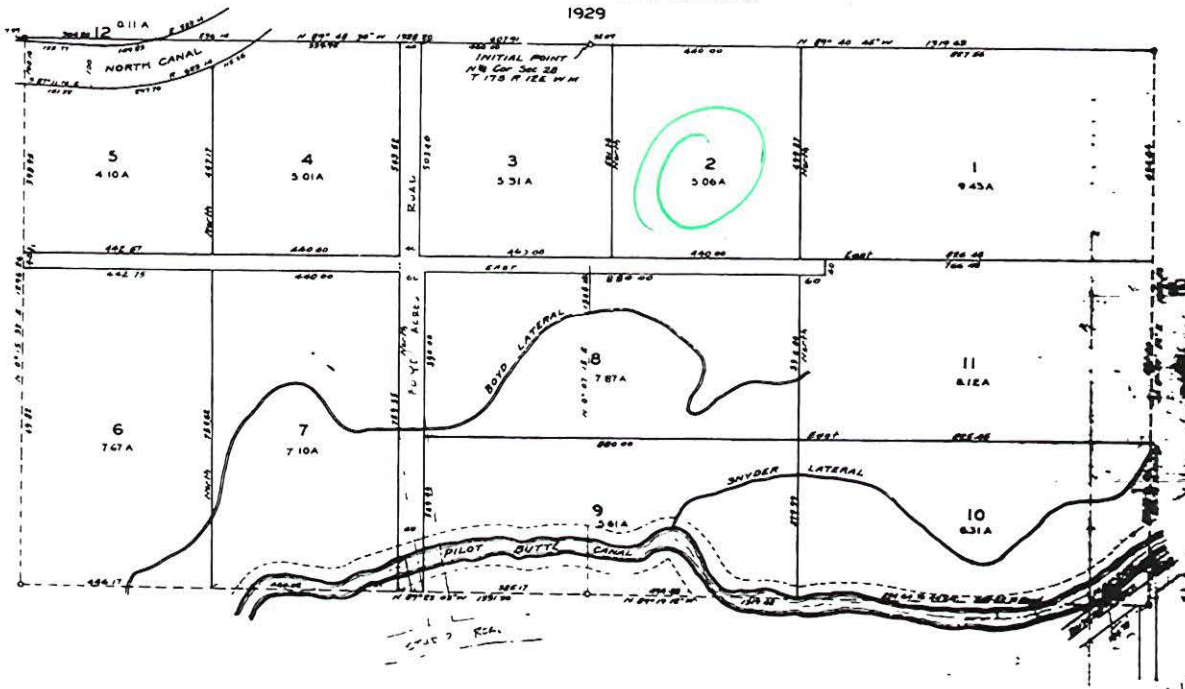
Source: RC 95/1250, JV 3923

CS06031

PLAT OF
BOYDS ACREAGE
AN ADDITION TO BEND
DESCHUTES COUNTY OREGON

SCALE
1-INCH = 200 FT

ROBERT B. GOULD
CIVIL ENGINEER
1929



DEDICATION

Know all men by these presents that Genevieve A Boyd and Clarence A Boyd, her husband being the owners in fee simple of the lands shown on this plat caused said lands to be surveyed and platted into streets and tracts as shown on the said plat and hereby submit for approval and record said plat and hereby dedicate to the use of the public forever all streets as shown on said plat and hereby declare said plat to be a plat of BOYDS ACREAGE and henceforth to be so known and designated all tracts included within the said plat being subject to the following rights-of way and easement rights for irrigation canals and ditches

FIRST The deeded right-of-way of the North Canal as shown hereon

SECOND The deeded right of-way of the Pilot Butte Canal described as being a strip of land 100 feet in width being 50 feet on each side of the centerline of the said Pilot Butte Canal as the same is constructed

THIRD The existing rights for maintenance and operation of the Snyder Lateral over and across Tracts 9 and 10 as hereon indicated

FOURTH An easement right to maintain and operate the Boyd Lateral hereon indicated with such extensions thereof as may be later required over and across the various tracts, as the same is now constructed and over and across any tracts in said plat and on such location as may later be deemed necessary for the purposes of irrigation

In witness whereof, we have hereunto set our hands and affixed our seals this 14th day of August 1939

witness — Genevieve A Boyd seal

witness — Clarence A Boyd seal

ACKNOWLEDGMENT

State of Oregon
County of Deschutes } ss

On this 14th day of August 1939 before me appeared Genevieve A Boyd and Clarence A Boyd her husband, both to me personally known, who acknowledged that they executed the above dedication freely and voluntarily for the purpose therein designated

In testimony whereof I have hereunto set my hand and affixed my official seal this the day and year first in this my certificate written

Alva Goodrich
Notary Public in and for said County and State

My Commission expires 9/30/41

AFFIDAVIT

State of Oregon
County of Deschutes } ss

I Robert B Gould being first duly sworn do hereby certify that I have correctly surveyed and marked with proper monuments the lands represented on this plat that at the north quarter corner of Section 28 T 17 S R 12 E W M I buried a stone 15" x 9" x 6" in size for the Initial Point of this plat and that said plat includes all of the N E ¼ of the N W ¼ and all of the N W ¼ of the N E ¼ of Section 28 T 17 S R 12 E W M excepting the rights-of-way of the North Canal and the Pilot Butte Canal as shown on the plat of said lands hereon set forth

Robert B Gould

Subscribed and sworn before me this 14th day of August 1939

Alva Goodrich
Notary Public in and for said County and State

My Commission expires 9/30/41

APPROVAL

Examined and approved this 14th day of August 1939

Robert B. Gould
Surveyor

Examined and approved this 1st day of [illegible] 19 4

[illegible]
Assessor

I hereby certify that all taxes on this property have been paid

C. L. Mawley
Sheriff

Examined and approved this 16th day of August 1939

County Court

G. R. Allen
W. J. Barr
E. E. Vare
Commissioner

VACATION OF A PORTION OF BOYD ACRES ROAD AT THE SOUTHEAST CORNER OF TRACT 7 PER ORDER No 89-024 DATED 6-8-89 IN BOOK 185, PAGE 2238 BY Jeff Kins, Co SURVEYOR 6-22-89

17-12 E W&B

CS06031

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2006-68589
$36.00
10/13/2006 02:25:23 PM
D-D Cnt=1 Stn=23 JS
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, **Lawnae Hunter**, releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application **Lawnae Hunter**, shall no longer be liable for any district assessment or charges pertaining to the **5.00** acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:

✓ **T17S-R12E,WM-SEC16-NE/NE-00100 & T17S- R12E,WM-SEC16-NW/NE-00100** - does not match legal - wrong desc & reason for re-recording

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement. Consideration for this Quitclaim is $5,000.00.

Corrected Exhibit A correct legal - OK

Grantor:

Lawnae Hunter Trustee Date 5.11.06

Hunter Family Trust Date

State of ~~Oregon~~ California SS.
County of ~~Deschutes~~ Santa Barbara

Personally appeared Lawnae Hunter, and acknowledged the foregoing instrument to be his / her voluntary act and deed.

NOEMI ALVAREZ
COMM. # 1580739
NOTARY PUBLIC-CALIFORNIA
SANTA BARBARA COUNTY
COMM. EXP. MAY 21, 2009

Noemi Alvarez
My commission expires 6/21/09

Swalley Irrigation District:

Janet L. Lee Date 5-15-06
Janet L. Lee, Manager

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson
My commission expires 1-5-2010

Tax statement: No change.

Lawnae Hunter

EXHIBIT A

Acct# [redacted] **Total Water Rights: 5.00**

Legal Description:	Taxlot	Serial#	WR Acres:
17S-12E-WM-SEC 28-NW/NE -03400	171228AB03400	118684	5.00

Square Feet to Acres Conversion

Metric Conversions :: Area Conversion :: Square Feet to Acres

Acre Calculator
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Click here for a table to bookmark or print:
Square Feet to Acres conversion chart

218022.2

Answer: 218022.2 ft² = 5.00510 acre
OR 5 acre and 24.68 yd²

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Trapezoid Area Calculator

This **calculator** requires the use of **Javascript** enabled and capable browsers. This calculator is designed to give the area of any trapezoid. Enter the width of one parallel side, the width of the other parallel side and the distance (length) between them in the same manner. Then click on Calculate. The area is in whatever designation square units you have used for the entries. The formula is 1/2 height * sum of parallel sides.

Ads by Google

Square Feet Calculator
Find more sources/options for Square Feet Calculator
www.webcrawler.com

Wire Shelving Units
Find Mfrs of Wire Shelving Find Products, Services & Resources
www.business.com

Trapezoid
Everything to do with Trapezoid items.
Yahoo.com

Trapezoid math
Identify trapezoids & other shapes, find area and perimeter, much more!
www.ixl.com/math

Calculator
Shop, Compare, Decide. Save On the Product You Want at Bing™ Shopping!
Bing.com/shopping

Unit	Number
Required Data Entry	
Parallel Side One Width	501.74 Units
Parallel Side Two Width	489.27 Units
Distance Between The Parallel Sides	440 Units

Calculate Clear Values

Square Feet Calculator
Find more sources/options for Square Feet Calculator

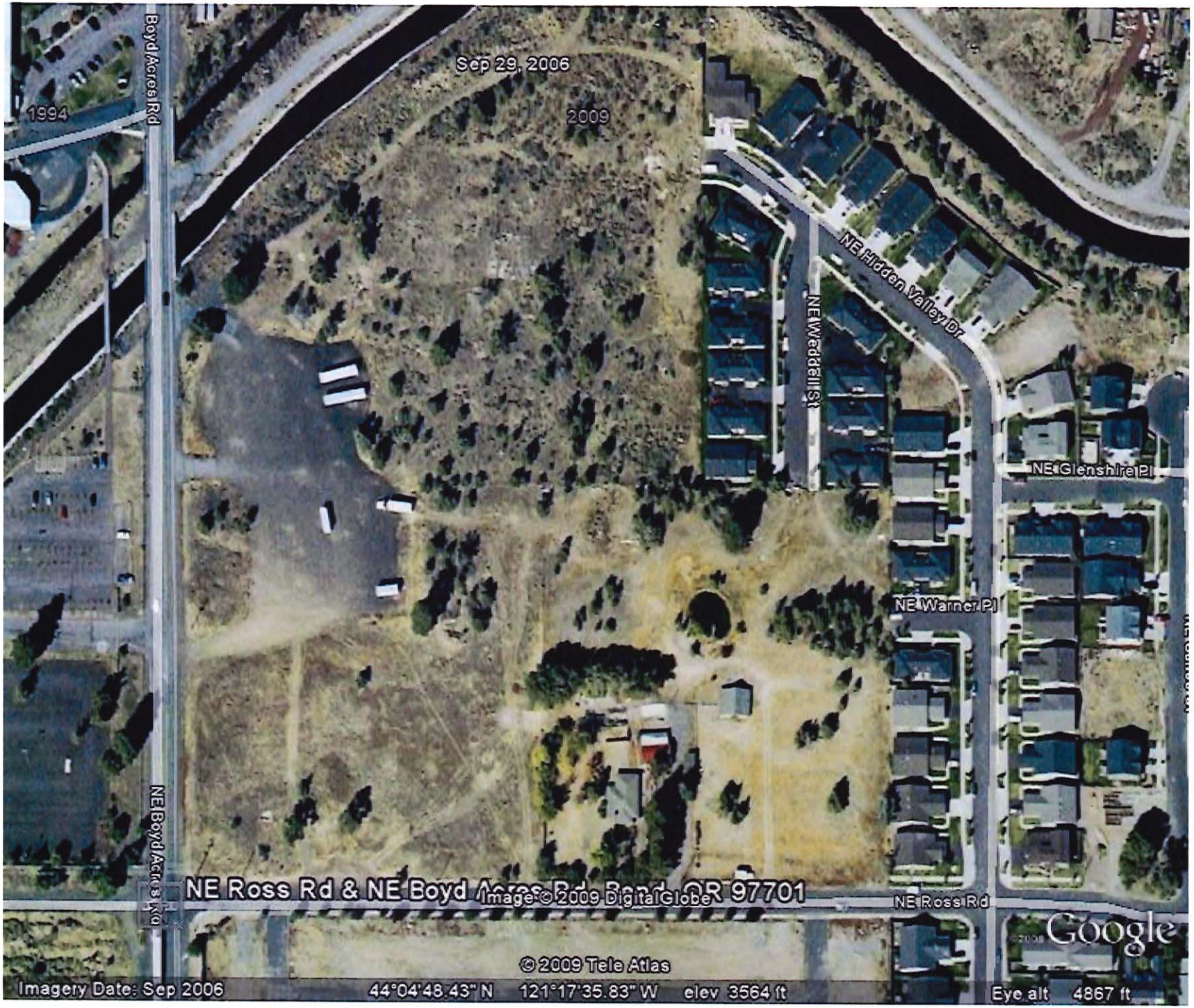
Wire Shelving Unit
Directory of Mfrs of Wire Shelving Find Products, Services & Resources

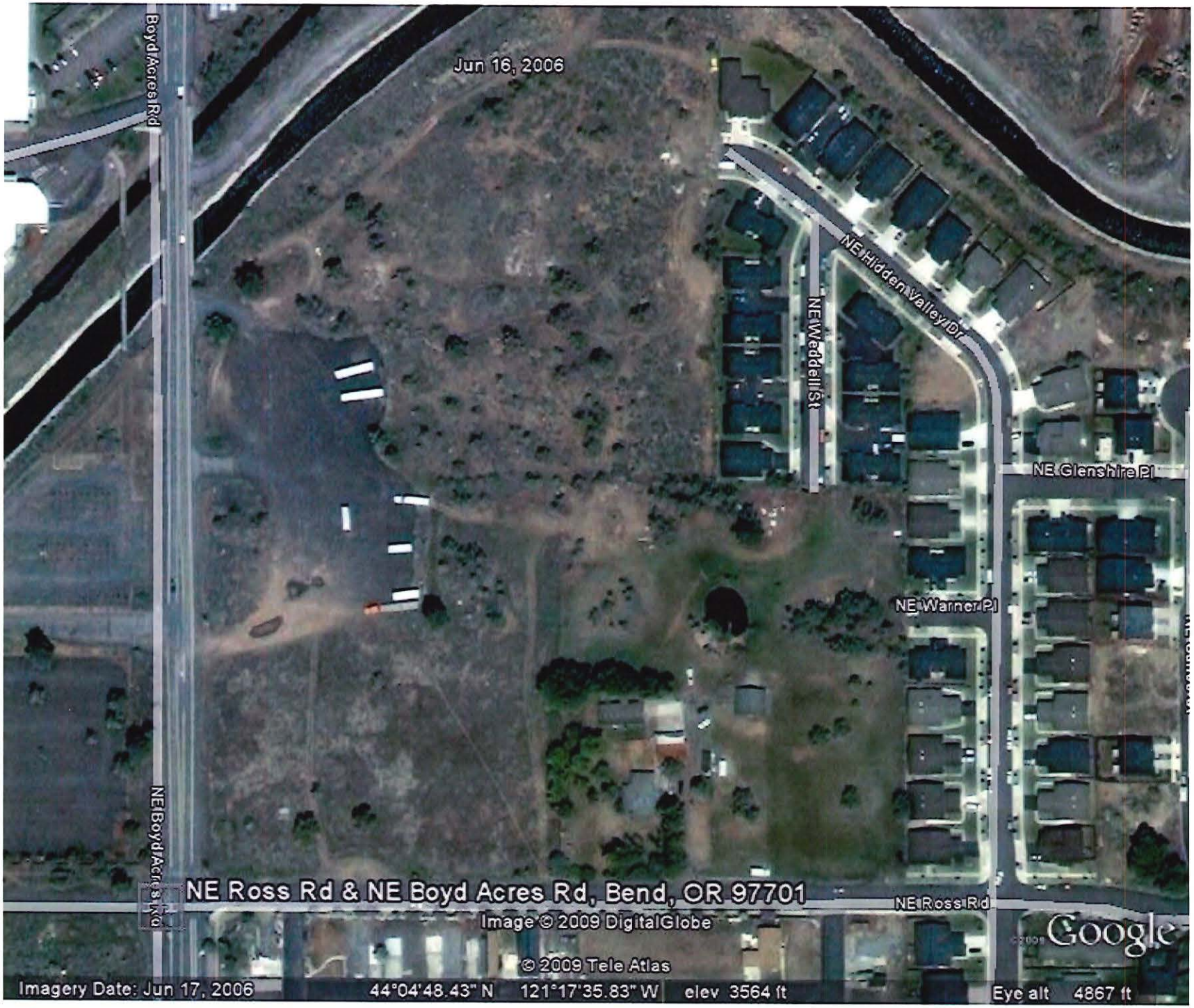
Ads by Google

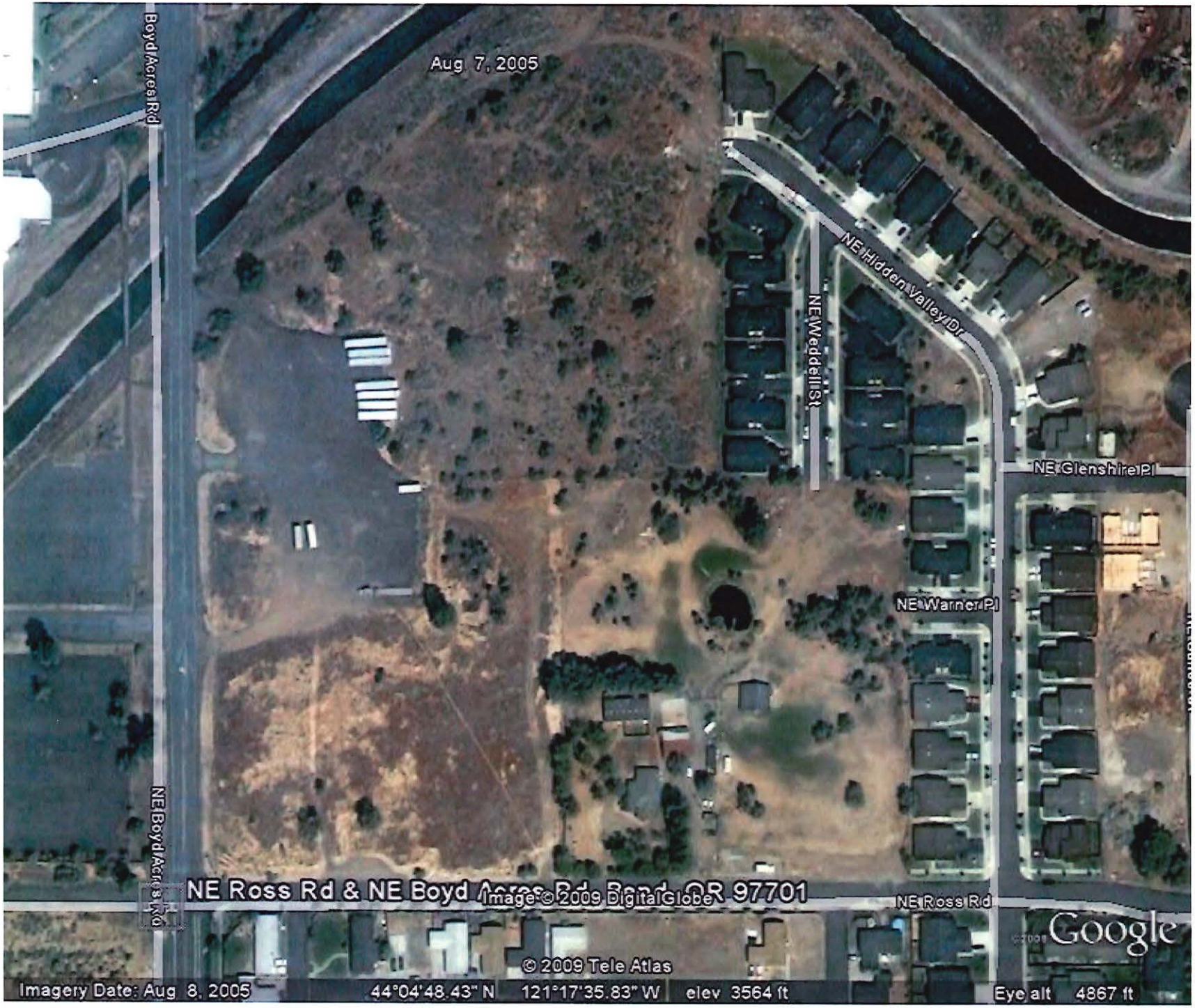
Calculated Results	
Trapezoid Area	218022.2 Square Units

Version 1.1.2

Ads by Google Best Love Calculator Air Cooling Unit HVAC Units Wall Units


Sep 29, 2006
1994
2009
Boyd Acres Rd
NE Hidden Valley Dr
NE Waddell St
NE Glenshire Pl
NE Warner Pl
NE Ross Rd & NE Boyd Acres Rd Bend, OR 97701
Image © 2009 DigitalGlobe
NE Ross Rd
NE Boyd Acres Rd
Google
© 2009 Tele Atlas
Imagery Date: Sep 2006
44°04'48.43" N
121°17'35.83" W
elev 3564 ft
Eye alt 4867 ft


Jun 16, 2006
Boyd Acres Rd
NE Hidden Valley Dr
NE Weddell St
NE Glenshire Pl
NE Warner Pl
NE Ross Rd
NE Boyd Acres Rd
NE Ross Rd & NE Boyd Acres Rd, Bend, OR 97701
Image © 2009 DigitalGlobe
© 2009 Tele Atlas
Google
Imagery Date: Jun 17, 2006
44°04'48.43" N 121°17'35.83" W elev 3564 ft
Eye alt 4867 ft


Aug 7, 2005
Boyd Acres Rd
NE Hidden Valley Dr
NE Weddell St
NE Glenshire Pl
NE Warner Pl
NE Ross Rd
NE Boyd Acres Rd
NE Ross Rd & NE Boyd Acres Rd Bend OR 97701
Image © 2009 DigitalGlobe
© 2009 Tele Atlas
Google
Imagery Date: Aug 8, 2005
44°04'48.43" N
121°17'35.83" W
elev 3564 ft
Eye alt 4867 ft

Oregon Water Resources Web Mapping Application (beta)

Active Layer: Water Rights

Locate a place on the map ▸ Use Basic Map ▸ Help ▸ Links ▸

Map Contents

- OWRD Data
  - Rule Boundaries
  - Political Boundaries
  - Water Availability
  - Water Rights
  - Surface water
- Base Data
  - Political Boundaries
  - PLS
  - Roads
  - Surface water
  - Topography
- Imagery
  - Aerial Photography
  - USGSquads

Results



KDV, LLC

T17S R12E Sec 17 NESW - lot 1300 - 1.9 ac irrig 2.3 ac DA
SESW 0.3 ac irrig 0.5 ac DA (removed from transfer)

2.2 ac of irrigation
2.8 ac equiv of Dust Abatement
5 ac total

QC 10-13-06 - 5 ac of SID use - does not call out irrig or dust abatement specifically
re recorded 3-607
Correct legal
Exhibit A, which id's specific prop
Same in both versions

ROI 10-13-06 - W/in 3 mo of orig recording of QC
ownership matches QC
legal for Tract 16, Glen Vista
tract 16 matches up w/ TL 1300 as desc in QC + as shown on apple map

Affidavit of Use
orig evidence - aerial photo
id'd - no date on photo & low quality
can't see irrig in photo
not sure how demonstrates dust abatement use
- can see riding arena
requested add'l info 4-7-08

* SID use records but only cover NE SW (SE SW removed)

Add'l doc for irrig provided 6-27-08
2005 aerial & SID's compliance records
- 2005 aerial
  - Still can't see irrigation
- SID records - 4.2 ac in 17-12-17 NE SW - one DA
  Use in 2004 & 2005
  does not include 0.8 ac (0.3 irrig & 0.5 ac DA) in 17-12-17 SE SW*

* removed from xfer

Cert for 1300 NE SW 1.9 ac irrig
2.3 ac DA
SE SW 0.3 ac irrig
0.5 ac DA
matches proposed xfer

Add'l doc for dust abate 6-27-08
insufficient.
Sent follow up deficiency ltr
↳ SCR manager provided evaluation

T-1049D

Dust Abatement
- What do we know?

2.7 ac equivalent for dust abatement
S1 = 0.019 cfs
S2 = 0.025 cfs
S3 = 0.046 cfs
Duty = 14.74 af

does not inc transmission loss

Pressurized system - pumped from cistern @ POU
- also used for 2.3 ac irrigation

add'l info
used few days/wk over spring, summer, fall

- this suggests that less than 14.74 af were used

since 14.47 @ allowed rates could allow for 24/7 use
April 1 → Oct 25

if vegetal each day
S1 = 0.04 af/day
or 12,286.15 gallons/day
S2 = 0.05 af/day
= 16,183.88 gpd
S3 = 0.09 af/day
= 29,723.88 gpd

Duration/day
# of days/wk
time of yr
application method
rate of application

Water use by month
April → Oct
some months
more - others less

from diversion @ lands
to arena & areas
around arena

acres - surface
area applied

Use - IRRIGATION (Primary) - 4328.62 acres; Priority Date: 9/1/1899

- **Township: 15.00S-12.00E**
- **Township: 16.00S-12.00**
- **Township: 16.00S-12.00E**
- **Township: 16.00S-13.00E**
- **Township: 17.00S-12.00E**
  - **Section: 3**
  - **Section: 4**
  - **Section: 5**
  - **Section: 6**
  - **Section: 7**
  - **Section: 8**
  - **Section: 9**
  - **Section: 15**
  - **Section: 16**
  - **Section: 17**

QQ	DLC	Gov't Lot	Taxlot	Acres	T-R-S	Status	Linked PODs	Inchoate Info	Remarks
NE NE			100 Gumpert,Lois	25.7	17.00S-12.00E-17	NC			
NW NE			100 Gumpert,Lois	0.6	17.00S-12.00E-17	NC			
NW NE			300 Ross,Lois Patricia	1.25	17.00S-12.00E-17	NC			
NW NE			500 Marshall,Ansel & Martina	0.2	17.00S-12.00E-17	NC			
NW NE			500	1.3	17.00S-12.00E-17	NC		IL-561,Petition:n/a,Notice:n/a	
NW NE			300 Ross,Lois	0.75	17.00S-12.00E-17	NC			
NW NE			100	1.3	17.00S-12.00E-17	NC		IL-642,Petition:n/a,Notice:n/a	
SW NE			400 Brownrigg,Richard A. & Vicki	6.6	17.00S-12.00E-17	NC			
SW NE			2400 Busche,William & Emily	0.3	17.00S-12.00E-17	NC			
SW NE			800 Kiesow,Joan	0.7	17.00S-12.00E-17	NC		IL-561,Petition:n/a,Notice:n/a	
SW NE			700 Marshall,David & Diane	1.3	17.00S-12.00E-17	NC			
SW NE				0.7	17.00S-12.00E-17	NC		IL-642,Petition:n/a,Notice:n/a	
SW NE			500 Marshall,Ansel & Martina	2.5	17.00S-12.00E-17	NC			
SW NE			600 Brownrigg,Richard A. & Vicki	8.8	17.00S-12.00E-17	NC			
NE NW			400 Dickson,David C. & Betty	2.4	17.00S-12.00E-17	NC			
NE NW			401 Dickson,David C. & Betty	0.4	17.00S-12.00E-17	NC			
NE NW			300 Koth,y Ann	3.7	17.00S-12.00E-17	NC			
SW NW			1500 Spencer,Raymond & Peggy	3.0	17.00S-12.00E-17	NC			
SE NW			2000 Rodriguez,Armando & Robin	1.6	17.00S-12.00E-17	NC			
SE NW			300 Koth,y Ann	0.3	17.00S-12.00E-17	NC			
SE NW			2100 Weaver,James & Judith	1.0	17.00S-12.00E-17	NC			
SE NW			1900 McCombs,Stephen & Judy	2.5	17.00S-12.00E-17	NC			
SE NW			2400 Busche,William & Emily	0.7	17.00S-12.00E-17	NC			
SE NW			2201 Weaver,James & Judith	2.1	17.00S-12.00E-17	NC			
SE NW			2300 Kiesow,Joan	1.8	17.00S-12.00E-17	NC			
NE SW			200 Collver,Richard & Letha	3.4	17.00S-12.00E-17	NC			
NE SW			1200 McMahon,Thomas & Margaret	1.5	17.00S-12.00E-17	NC			
NE SW			1201 Smith,Elsie	0.4	17.00S-12.00E-17	NC			
NE SW			400 Kiesow,Daniel	1.2	17.00S-12.00E-17	NC			
NE SW			102 Collver,Richard & Letha	0.2	17.00S-12.00E-17	NC			
NE SW			100 Klein,Greg & Patricia	4.0	17.00S-12.00E-17	NC			
NE SW			1100 Ledbetter,Carol Lynne	1.0	17.00S-12.00E-17	NC			
NE SW			1002 Marsh,William R.	2.25	17.00S-12.00E-17	NC			
NE SW			1101 Harris,Barbara A.	1.7	17.00S-12.00E-17	NC			
NE SW			1102 McCormick,& Christi	2.0	17.00S-12.00E-17	NC			
NE SW			1001 Buchman,William L. & Kitty	2.0	17.00S-12.00E-17	NC			
NE SW			103 Collver,Richard & Letha	0.4	17.00S-12.00E-17	NC			
NE SW			101 Tillman,June	1.0	17.00S-12.00E-17	NC			
NE SW			1300 ; Rim Rock Riders	1.9	17.00S-12.00E-17	NC			
NW SW			300 Perrigan,Lemuel & Vonda	3.6	17.00S-12.00E-17	NC			
NW SW			400 Conner,Nancy	3.5	17.00S-12.00E-17	NC			
NW SW			703 Sherrill,Robert & Mary	3.0	17.00S-12.00E-17	NC			
NW SW			500 Keown,Don & Judy	2.0	17.00S-12.00E-17	NC			
NW SW			700 Cameron,Dean	0.5	17.00S-12.00E-17	NC			
NW SW			701 Norgaard,Edward G.	1.0	17.00S-12.00E-17	NC			
NW SW			702 Ford,Dean W. & Zona	2.0	17.00S-12.00E-17	NC			
NW SW			705 Danison,L.W. & Arlene	0.75	17.00S-12.00E-17	NC			
NW SW			704 Sporalsky,Dennis	1.75	17.00S-12.00E-17	NC			
NW SW			706 Cross,san J.	2.0	17.00S-12.00E-17	NC			
SW SW			601 Thomas,Robert & Bonnie	1.0	17.00S-12.00E-17	NC			
SW SW			800 McCarthy,John M.	2.0	17.00S-12.00E-17	NC			
SW SW			801 Baser,san M.	2.0	17.00S-12.00E-17	NC			
SW SW			600 Cameron,Dean	1.0	17.00S-12.00E-17	NC			
SE SW			1300 ; Rim Rock Riders	0.3	17.00S-12.00E-17	NC			
SE SW			2800 Holt,Dennis E. & Dona R.	1.0	17.00S-12.00E-17	NC			
NE SE			101	3.0	17.00S-12.00E-17	NC			
NE SE			101 Cook,James A. & Ruby	1.0	17.00S-12.00E-17	NC			
NE SE			171217D000599 ; DESCHUTES COUNTY JUSTICE CENTER	2.2	17.00S-12.00E-17	NC			
NE SE			171217D000100 ; DESCHUTES COUNTY JUSTICE CENTER	5.3	17.00S-12.00E-17	NC			
NW SE			201 Schulzke,Richard A. & Mary	2.0	17.00S-12.00E-17	NC			

22.95 ac

-all = 0.0 rr

NW SE			300 Gertz,Robert E.	1.0	17.00S-12.00E-17	NC		IL-556,Petition:n/a,Notice:n/a	
NW SE			400 Kiesow,Daniel	1.3	17.00S-12.00E-17	NC			
NW SE			1201 Smith,Elsie	2.6	17.00S-12.00E-17	NC			
NW SE			500 Kiesow,Daniel	0.55	17.00S-12.00E-17	NC			
NW SE			502 Pearson,Eldon & Donna	2.5	17.00S-12.00E-17	NC			
NW SE			200 Miller,Lynn S. Marcum	2.0	17.00S-12.00E-17	NC			
NW SE			2700	3.8	17.00S-12.00E-17	NC	2		
NW SE			505	1.1	17.00S-12.00E-17	NC			
NW SE			302 Josse,Mary Ann	0.5	17.00S-12.00E-17	NC			
NW SE			401 Kiesow,Daniel	0.3	17.00S-12.00E-17	NC			
NW SE			500 Hanson,Don F. & Anne E.	0.35	17.00S-12.00E-17	NC			
NW SE			501 Defoe,Margery M.	1.5	17.00S-12.00E-17	NC			
SW SE			609 Elliott,Pat	1.5	17.00S-12.00E-17	NC			
SW SE			614 ; Harvest Park LLC	1.2	17.00S-12.00E-17	NC			
SW SE			609 ; Harvest Park LLC	2.5	17.00S-12.00E-17	NC			
SW SE			616 Elliott,Pat	3.3	17.00S-12.00E-17	NC			
SW SE			2700	3.56	17.00S-12.00E-17	NC	2		
SW SE			602 Gardner,Edgar & Jean	2.0	17.00S-12.00E-17	NC			
SE SE			604 Hoey,John E. & Davis Ann	5.5	17.00S-12.00E-17	NC			
SE SE			2700	0.22	17.00S-12.00E-17	NC			
SE SE			615 Nettleton,Don	2.0	17.00S-12.00E-17	NC			
SE SE			609 ; Harvest Park LLC	1.65	17.00S-12.00E-17	NC			
SE SE			609 Elliott,Pat	2.25	17.00S-12.00E-17	NC			
Sum of Acres: 178.53									

- **Section: 18**
- **Section: 20**
- **Section: 21**
- **Section: 22**
- **Section: 28**
- **Section: 29**
- **Section: 32**

- **Use - NURSERY USES (Primary) - 157.0 acres; Priority Date: 9/1/1899**
- **Use - POND MAINTENANCE (Primary) - 23.63 acres; Priority Date: 9/1/1899**
- **Use - POLLUTION ABATEMENT (Primary) - 3.5 acres; Priority Date: 9/1/1899**
  - **Township: 16.00S-13.00E**
  - **Township: 17.00S-12.00E**
    - **Section: 17**

QQ	DLC	Gov't Lot	Taxlot	Acres	T-R-S	Status	Linked PODs	Inchoate Info	Remarks
NE SW			1300 ; Rim Rock Riders	2.3	17.00S-12.00E-17	NC	-all	= 0.0 rr	
SE SW			1300 ; Rim Rock Riders	0.5	17.00S-12.00E-17	NC			
Sum of Acres: 2.8									

NE¼ SW¼	400	IRR	1.200	3 & 15	Kiesow, Daniel
NE¼ SW¼	1001	IRR	2.000	3 & 15	Buchman, William L. & Kitty
NE¼ SW¼	1002	IRR	2.250	3 & 15	Marsh, William R.
NE¼ SW¼	1100	IRR	1.000	3 & 15	Ledbetter, Carol Lynne
NE¼ SW¼	1101	IRR	1.700	3 & 15	Harris, Barbara A.
NE¼ SW¼	1102	IRR	2.000	3 & 15	McCormick, Benedict J. & Christie
NE¼ SW¼	1200	IRR	1.500	3 & 15	McMahon, Thomas & Margaret
NE¼ SW¼	1201	IRR	0.400	3 & 15	Smith, Elsie
NE¼ SW¼	1300	DUST	2.300	3 & 15	Rim Rock Riders
NE¼ SW¼	1300	IRR	1.900	3 & 15	Rim Rock Riders
NW¼ SW¼	300	IRR	3.600	3 & 15	Perrigan, Lemuel & Vonda
NW¼ SW¼	400	IRR	3.500	3 & 15	Conner, Nancy
NW¼ SW¼	500	IRR	2.000	3 & 15	Keown, Don & Judy
NW¼ SW¼	700	IRR	0.500	3 & 15	Cameron, Dean
NW¼ SW¼	701	IRR	1.000	3 & 15	Norgaard, Edward G.
NW¼ SW¼	702	IRR	2.000	3 & 15	Ford, Dean W. & Zona
NW¼ SW¼	703	IRR	3.000	3 & 15	Sherrill, Robert & Mary
NW¼ SW¼	704	IRR	1.750	3 & 15	Sporalsky, Dennis
NW¼ SW¼	705	IRR	0.750	3 & 15	Danison, L.W. & Arlene
NW¼ SW¼	706	IRR	2.000	3 & 15	Cross, Phillip W. & Susan J.
SW¼ SW¼	600	IRR	1.000	3 & 15	Cameron, Dean
SW¼ SW¼	601	IRR	1.000	3 & 15	Thomas, Robert & Bonnie
SW¼ SW¼	800	IRR	2.000	3 & 15	McCarthy, John M.
SW¼ SW¼	801	IRR	2.000	3 & 15	Baser, Joshua B. & Susan M.
SE¼ SW¼	1300	DUST	0.500	3 & 15	Rim Rock Riders
SE¼ SW¼	1300	IRR	0.300	3 & 15	Rim Rock Riders
SE¼ SW¼	2800	IRR	1.000	8	Holt, Dennis E. & Dona R.
NE¼ SE¼	101	IRR	4.000	3 & 15	Cook, James A. & Ruby
NE¼ SE¼	599	IRR	3.000	3 & 15	Cook, Ken & Linda
NW¼ SE¼	200	IRR	2.000	3 & 15	Miller, Lynn S. Marcum
NW¼ SE¼	201	IRR	2.000	3 & 15	Schulzke, Richard A. & Mary
NW¼ SE¼	300	IRR	1.000	3 & 15	Gertz, Robert E.
NW¼ SE¼	302	IRR	0.500	3 & 15	Josse, Mary Ann
NW¼ SE¼	400	IRR	1.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	401	IRR	0.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	500	IRR	6.100	3 & 15	Hanson, Don F. & Anne E.
NW¼ SE¼	501	IRR	1.500	3 & 15	Defoe, Margery M.
NW¼ SE¼	502	IRR	2.500	3 & 15	Pearson, Eldon & Donna
NW¼ SE¼	503	IRR	2.000	3 & 15	Bower, Jack A. & Coraliss
NW¼ SE¼	1201	IRR	2.600	3 & 15	Smith, Elsie
SW¼ SE¼	602	IRR	2.000	3 & 15	Gardner, Edgar & Jean
SW¼ SE¼	606	IRR	2.000	3 & 15	Norris, Walter
SW¼ SE¼	607	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	609	IRR	1.500	3 & 15	Elliott, Pat
SW¼ SE¼	610	IRR	1.500	3 & 15	Berkson, Eve
SW¼ SE¼	612	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	614	IRR	2.200	3 & 15	Elliott, Pat
SW¼ SE¼	616	IRR	3.300	3 & 15	Elliott, Pat
SE¼ SE¼	604	IRR	5.500	3 & 15	Hoey, John E. & Davis Ann
SE¼ SE¼	609	IRR	4.000	3 & 15	Elliott, Pat
SE¼ SE¼	615	IRR	2.000	3 & 15	Nettleton, Don
SE¼ SE¼	700	IRR	0.250	3 & 15	Jamison, James W. & Carol
		Section 17			
NW¼ NE¼	104	IRR	0.700	3 & 15	Elkins, Doris E.
NW¼ NE¼	105	IRR	3.200	3 & 15	Elkins, Doris E.
SW¼ NE¼	104	IRR	0.300	3 & 15	Elkins, Doris E.
SW¼ NE¼	105	IRR	21.000	3 & 15	Elkins, Doris E.
SE¼ NE¼	105	IRR	8.000	3 & 15	Elkins, Doris E.

SEE NEXT PAGE

SE¼ SW¼	107	IRR	0.700	3 & 15	Ereth, William L
SE¼ SW¼	108	IRR	0.500	3 & 15	Scott, Ronald W. & Donna B.
SE¼ SW¼	109	IRR	2.000	3 & 15	Schembari, Joseph
SE¼ SW¼	110	IRR	0.500	3 & 15	Olson, Reuben & Ruth
SE¼ SW¼	111	IRR	0.500	3 & 15	Heinz, Nicholas W.
SE¼ SW¼	112	IRR	3.000	3 & 15	Bichler, Anton & Viola
SE¼ SW¼	127	IRR	0.500	3 & 15	Shipley, Gregory & Doris
SE¼ SW¼	130	IRR	0.300	3 & 15	Ryan, Timothy Scott
SE¼ SW¼	132	IRR	0.330	3 & 15	Ferguson, Duane & Ruby
SE¼ SW¼	137	IRR	0.380	3 & 15	Munson, David A. & Sheila D.
SE¼ SW¼	4200	IRR	0.500	3 & 15	Grossman, Sonnie
NE¼ SE¼	102	IRR	2.000	3 & 15	Thorgeirsson, Ingimar & Judith
NE¼ SE¼	200	IRR	4.500	3 & 15	Lee, Pamela
NE¼ SE¼	400	IRR	0.800	3 & 15	Ager, Donna S.
NE¼ SE¼	2000	IRR	0.400	3 & 15	Cassin, James A & Gertrude
NE¼ SE¼	2100	IRR	3.100	3 & 15	ReMarkable Properties Inc.
NE¼ SE¼	2300	IRR	5.500	3 & 15	ReMarkable Properties Inc.
NW¼ SE¼	400	IRR	0.900	3 & 15	Ager, Donna S.
NW¼ SE¼	500	IRR	1.500	3 & 15	Dimeo, Bill & Vicki
NW¼ SE¼	600	IRR	1.000	3 & 15	Hamilton, Bruce B. & Nancy E.
NW¼ SE¼	700	IRR	2.000	3 & 15	Morris, Phillip
NW¼ SE¼	1900	IRR	0.250	3 & 15	Perlatti, Ronald
SW¼ SE¼	1101	IRR	0.500	3 & 15	Lynn, Hugh S.& Pauline
SW¼ SE¼	1102	IRR	0.250	3 & 15	Russell, Mark
SW¼ SE¼	1200	IRR	2.000	3 & 15	Grogan, Calvin & Jessie
SW¼ SE¼	1300	IRR	4.000	3 & 15	Mills, Kelly
SW¼ SE¼	1400	IRR	0.250	3 & 15	Duncan, Orville D. & Karen K.
SW¼ SE¼	1700	IRR	0.200	3 & 15	Hansen, David & Peggy
SW¼ SE¼	1801	IRR	0.900	3 & 15	Hansen, David & Peggy
SW¼ SE¼	1900	IRR	1.750	3 & 15	Perlatti, Ronald

Section 16

NE¼ NE¼	100	IRR	25.700	3 & 15	Gumpert, Lois
NE¼ NE¼	100	PND	0.600	3 & 15	Gumpert, Lois
NW¼ NE¼	100	IRR	1.900	3 & 15	Gumpert, Lois
NW¼ NE¼	300	IRR	2.000	3 & 15	Ross, Lois Patricia
NW¼ NE¼	500	IRR	1.500	3 & 15	Marshall, Ansel & Martina
SW¼ NE¼	400	IRR	6.600	3 & 15	Brownrigg, Richard A. & Vicki
SW¼ NE¼	500	IRR	2.500	3 & 15	Marshall, Ansel & Martina
SW¼ NE¼	600	IRR	8.800	3 & 15	Brownrigg, Richard A. & Vicki
SW¼ NE¼	700	IRR	2.000	3 & 15	Marshall, David & Diane
SW¼ NE¼	800	IRR	0.700	3 & 15	Kiesow, Joan
SW¼ NE¼	2400	IRR	0.300	3 & 15	Busche, William & Emily
NE¼ NW¼	300	IRR	3.700	3 & 15	Koth, Richard W. & Betty Ann
NE¼ NW¼	400	IRR	2.400	3 & 15	Dickson, David C. & Betty
NE¼ NW¼	401	IRR	0.400	3 & 15	Dickson, David C. & Betty
SW¼ NW¼	1500	IRR	3.000	3 & 15	Spencer, Raymond & Peggy
SE¼ NW¼	300	IRR	0.300	3 & 15	Koth, Richard W. & Betty Ann
SE¼ NW¼	1900	IRR	2.500	3 & 15	McCombs, Stephen & Judy
SE¼ NW¼	2000	IRR	1.600	3 & 15	Rodriguez, Armando & Robin
SE¼ NW¼	2100	IRR	1.000	3 & 15	Weaver, James & Judith
SE¼ NW¼	2201	IRR	2.100	3 & 15	Weaver, James & Judith
SE¼ NW¼	2300	IRR	1.800	3 & 15	Kiesow, Joan
SE¼ NW¼	2400	IRR	0.700	3 & 15	Busche, William & Emily
NE¼ SW¼	100	IRR	4.000	3 & 15	Klein, Greg & Patricia
NE¼ SW¼	101	IRR	1.000	3 & 15	Tillman, June
NE¼ SW¼	102	IRR	0.200	3 & 15	Collver, Richard & Letha
NE¼ SW¼	103	IRR	0.400	3 & 15	Collver, Richard & Letha
NE¼ SW¼	200	IRR	3.400	3 & 15	Collver, Richard & Letha

SEE NEXT PAGE

Water Rights Platcard Report

no underlying layered rights

Meridian: Willamette Township: 17 South Range: 12 East Section: 17 Records per Page: 100 Search

Platcards Maps!
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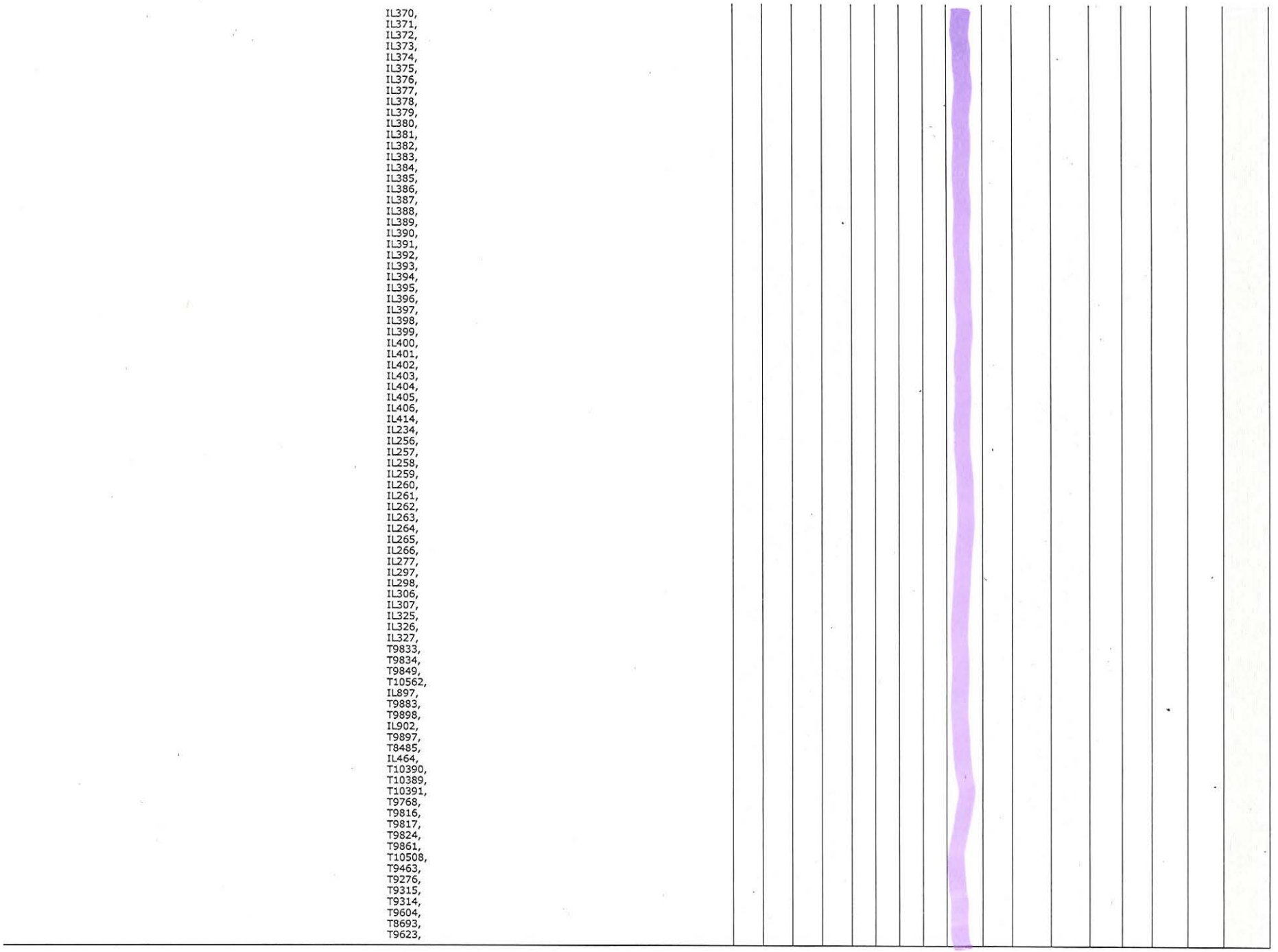
Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select **Cert:29054 CF CN** Additional Info: DESCHUTES RECLAMATION AND IRRIGATION CO. Decree: DESCHUTES RIVER (F) Cert: 29054	IL37, IL45, T2546, T2547, T2577, T2578, T2593, T3774, T3775, T3777, T3823, T3824, T3825, T3826, T2533, T3497, T3151, T2668, T2457, T2491, T2826, T2492, T2503, T2523, T2436, T7463, T5115, T5135, T5697, T5789, T5807, T6363, T3772, T3261, T2435, T2573, M214, N33, K56, T5813, T5836, T5839, T5542, T5655, T5695, T6361, T4531, T4593, T4595, T3962, T6362, T6430, T4520, T4636, T4461, T5347, T6989, T5114, T5132, T5134, T5253, T5328, T5133, T4594, S225, T72, S186, Z8, T3773, P67, P74, R90,	9/1/1899	DOMESTIC	**CN**											2.2								

		T2594, T3262, T3263, T2923, T3046, T3152, T2882, T2544, T2545, T7678																	
Select	**Cert:37689 OR *** Additional Info: LAWRENCE BAKER App: S46134 Permit: S34466 Cert: 37689		8/29/1969	DOMESTIC									*						
Select	**Cert:45872 OR *** Additional Info: DONALD G CORN App: S54140 Permit: S40609 Cert: 45872		4/14/1976	DOMESTIC										*					
Select	**Cert:55662 CF *** Additional Info: DONALD G CORN Decree: DESCHUTES RIVER (F) Cert: 55662		10/10/1903	DOMESTIC										*					
Select	**Cert:85526 OR *** Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526			DOMESTIC	*	*		*				*		*	*	*	*	*	*
Select	**Cert:83571 CF RR CR *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1034, IL1040, IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608, IL1035, IL374, IL1055, IL1046, IL1057, T10292, IL1042, T10778, T10911, IL1050, IL1052,		DOMESTIC									*	*					

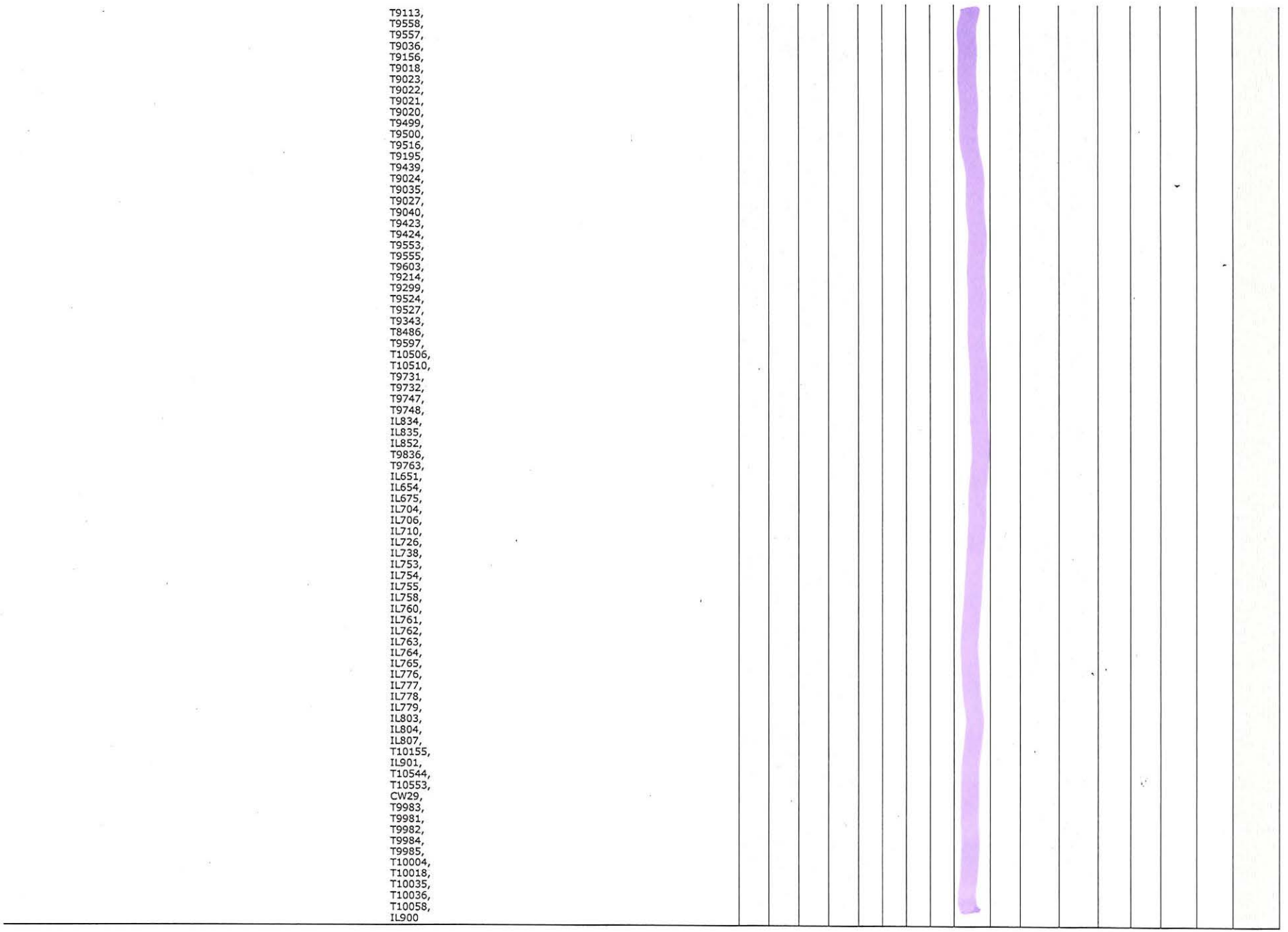
		IL1069, T8982, T10995, T11110																			
Select	**Permit:G 11211 CN** Additional Info: C AND R INVESTMENT App: G11758 Permit: G11211		11/27/1987	GROUP DOMESTIC	**CN**										*	*					
Select	**Cert:29054 CF CN** Additional Info: DESCHUTES RECLAMATION AND IRRIGATION CO. Decree: DESCHUTES RIVER (F) Cert: 29054	IL37, IL45, T2546, T2547, T2577, T2578, T2593, T3774, T3775, T3777, T3823, T3824, T3825, T3826, T2533, T3497, T3151, T2668, T2457, T2491, T2826, T2492, T2503, T2523, T2436, T7463, T5115, T5135, T5697, T5789, T5807, T6363, T3772, T3261, T2435, T2573, M214, N33, K56, T5813, T5836, T5839, T5542, T5655, T5695, T6361, T4531, T4593, T4595, T3962, T6362, T6430, T4520, T4636, T4461, T5347, T6989, T5114, T5132, T5134, T5253, T5328, T5133, T4594, S225, T72, S186, Z8, T3773, P67, P74, R90, T2594, T3262,	9/1/1899	IRRIGATION	**CN**	~~19.4~~	~~14.9~~	6	~~11.3~~	6	~~1~~		~~22.2~~	~~24.3~~	~~3.2~~	~~1~~	~~19.7~~	~~16.4~~	~~3.5~~	~~18~~	

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T10058,
IL900



Select	**Inchoate: T 9463 (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9423 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9424 (DRO) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9553 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9555 (IS) WD** Additional Info: BRIAN STEVENS Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9214 (REG) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9605 CF (REG) WD** Additional Info: COID / BEND METRO PARK & REC DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: T 9597 CF (REG) WD** Additional Info: EAGLE CREST INC. Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~(2.84)~~	~~(2.04)~~					
Select	**Inchoate: IL 755 CF (IL) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**WD**										~~2.84~~	~~2.04~~					
Select	**Inchoate: IL 370 CF (IL) DN** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F)			IRRIGATION	**DN**										~~2.84~~	~~2.04~~					
Select	**Inchoate: CW 43 CF (ACW) *** Additional Info: DESCHUTES RIVER CONSERVANCY Decree: DESCHUTES RIVER (F)		6/20/1885	IRRIGATION																0.22	
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022,	9/1/1899	IRRIGATION		25.7	5.4	20.9		6.5		3	10	22.95	20.1	6	1.3	11.5	19.5	14.06	11.62	

Subject right

Same as paper card

		IL950, IL951, CW54, T10669, T11111																							
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	IRRIGATION	**WD**	~~25.7~~	~~5.4~~	~~20.9~~		~~6.5~~		~~3~~	~~10~~	~~22.95~~	~~20.1~~	6	~~1.3~~	~~4~~	~~19.5~~	~~14.06~~	~~11.62~~					
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	IRRIGATION	**WD**													~~(7.5)~~								
Select	**Cert:83571 CF RR CR *** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT Decree: DESCHUTES RIVER (F) Cert: 83571	IL1034, IL1040, IL1054, T11090, IL1036, IL1039, IL1051, IL1056, IL1060, IL1061, IL1062, IL1063, IL1064, IL631, IL641, IL645, IL1038, IL1049, IL1066, IL1068, T11075, T9150, IL1047, IL372, CW67, T11158, IL1043, IL1037, IL1041, T10992, IL1048, IL1053, IL1070, IL608, IL1035, IL374, IL1055, IL1046, IL1057, T10292, IL1042, T10778, T10911, IL1050, IL1052, IL1069, T8982, T10995, T11110		LIVESTOCK												*	*								
Select	**Cert:68458 OR CN** Additional Info: PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 68458	T7009	10/13/1971	MUNICIPAL USES	**CN**	*	*		*					*		*	*	*	*	*	*					
Select	**Cert:68702 RR CR *** Additional Info: PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 68702		10/13/1971	MUNICIPAL USES		*	*		*					*		*	*	*	*	*	*					
Select	**Cert:79994 OR CN** Additional Info:	T9408	10/13/1971	MUNICIPAL USES	**CN**	*	*		*					*		*	*	*	*	*	*					

	PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 79994																					
Select	**Permit:G 16178 ***	T11138	8/27/1992	MUNICIPAL USES	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
	Additional Info: PATRICK GRIFFITHS App: G13098 Permit: G16178																					
Select	**Permit:G 16177 ***	T11138	8/27/1992	MUNICIPAL USES	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
	Additional Info: PATRICK GRIFFITHS App: G13097 Permit: G16177																					
Select	**Cert:85413 CF ***		10/13/1971	MUNICIPAL USES	*	*		*					*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85413																					
Select	**Cert:85412 CF ***		10/13/1971	MUNICIPAL USES	*	*		*					*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85412																					
Select	**Cert:85414 OR ***		9/7/1990	MUNICIPAL USES	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
	Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G12226 Permit: G11380 Cert: 85414																					
Select	**Cert:85415 OR ***		10/13/1971	MUNICIPAL USES	*	*		*					*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85415																					
Select	**Cert:85526 OR ***			MUNICIPAL USES	*	*		*					*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526																					
Select	**Cert:85559 OR ***		6/30/1989	MUNICIPAL USES	*	*		*					*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND App: G11942 Permit: G11379 Cert: 85559																					
Select	**Cert:85713 OR ***		12/12/1983	MUNICIPAL USES									*		*	*	*	*	*	*		
	Additional Info: CITY OF BEND App: S67983 Permit: S49823 Cert: 85713																					
Select	**Permit:S 49823 ***		12/12/1983	MUNICIPAL USES									*	*	*	*	*	*	*	*		
	Additional Info: PATRICK GRIFFITHS App: S67983 Permit: S49823																					
Select	**Permit:G 11379 ***		6/30/1989	MUNICIPAL USES			*		*	*	*	*		*								
	Additional Info: PATRICK GRIFFITHS App: G11942 Permit: G11379																					

Select	**Permit:G 4435 *** Additional Info: PATRICK GRIFFITHS App: G4677 Permit: G4435		11/8/1968	MUNICIPAL USES		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	POLLUTION ABATEMENT									2.3			0.5						
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	POLLUTION ABATEMENT	**WD**								2.3			0.5						
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	POND MAINTENANCE		0.6																
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	POND MAINTENANCE	**WD**	~~0.6~~																
Select	**Permit:G 8565 *** Additional Info: PATRICK GRIFFITHS App: G8695 Permit: G8565		12/22/1978	QUASI-MUNICIPAL USES		*	*		*				*		*	*	*	*	*	*		
Select	**Inchoate: T 9463 CF (ALT) WD** Additional Info: CENTRAL OREGON IRRIGATION DISTRICT App: S13180		2/28/1913	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**WD**										~~(2.84)~~	~~(2.04)~~						

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Laura Snedaker

From: Laura Snedaker
Sent: Tuesday, March 11, 2008 2:22 PM
To: Dorothy Pedersen; Doug Parrow
Subject: Transfer question - dust abatement

Afternoon:

I've got a reimbursement transfer (instream) where a portion of the right requested to be transferred is from dust abatement.

The contractor is asking if there is any criteria for demonstrating that a dust abatement right has been used (evidence of use). Wanted to run this past you guys to see what we've accepted in the past.

I wanted to also get feedback on how we determine what portion of the right is available for transfer (beneficial use without waste). This used to be an irrigation right that was transferred to dust abatement so it has a rate and duty. The duty would allow about 5.5 AF per acre equivalent per irrigation season. Are there certain questions that we should be asking ourselves or the applicant? Doug, I know you've run into one of these before. This is also a mitigation project and what we identify as being available for transfer to instream use will also affect what may be available for mitigation purposes.

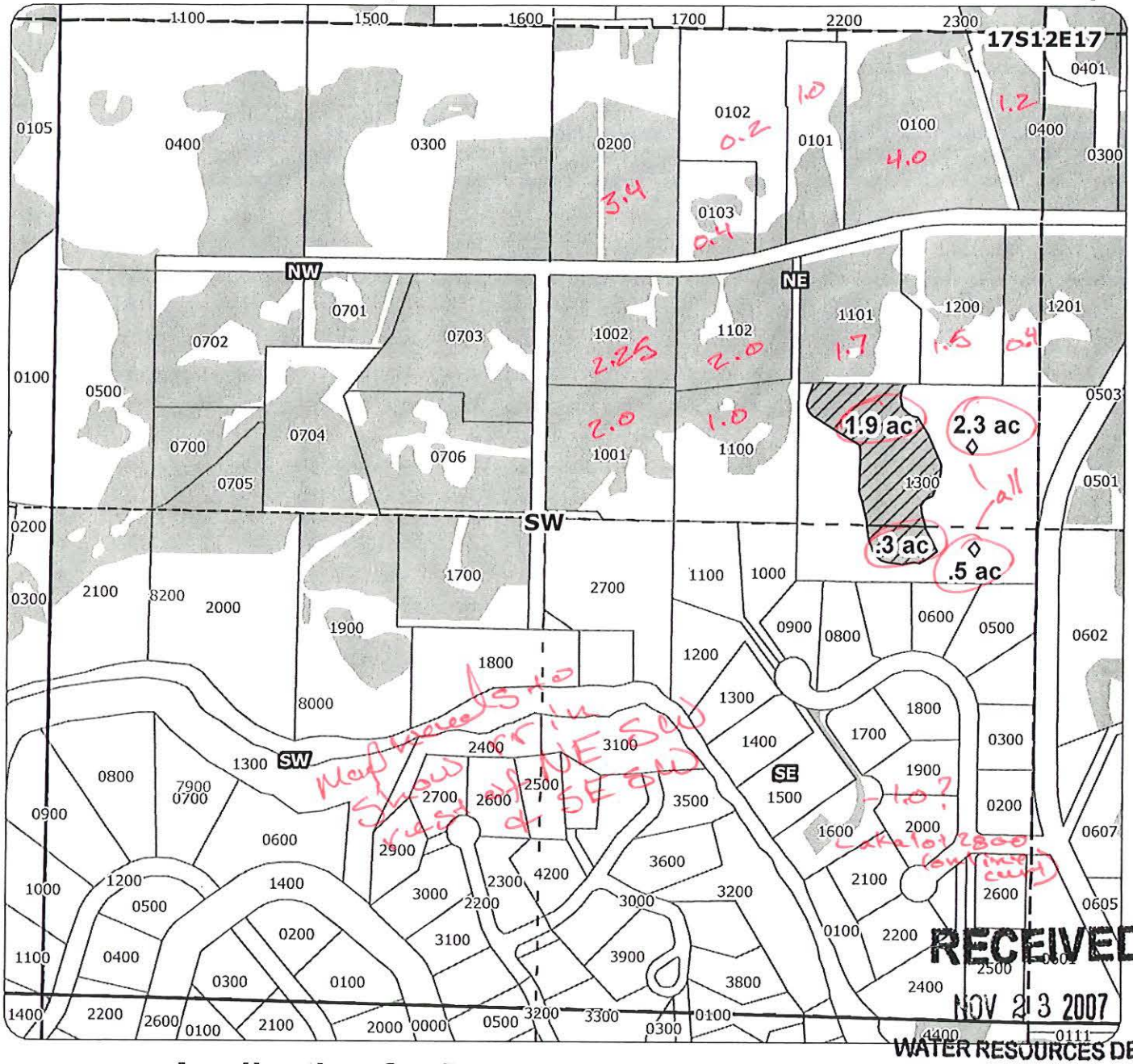
Thanks,
Laura

See T-9640

Laura Snedaker
Senior Water Resources Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

T-10490

2008 Swalley Irrigation District and Deschutes River Conservancy Permanent Instream Transfer Map



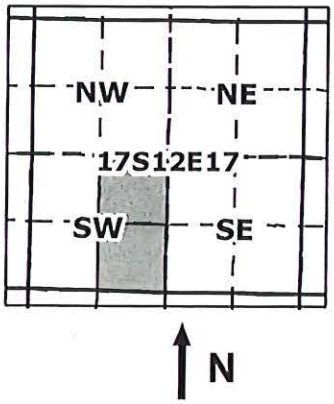
Application for Permanent Instream Transfer

Proposed Transfer of Irrigation Rights

Proposed Trasnfer of Dust Abatement Rights*
*Diamond denotes Unmapped Water Right

Water Rights

for
Swalley Irrigation District
1.9 acres of Irrigation Rights
2.3 acres of Dust Abatement Rights
taxlot 1300
(171217NESW)
.3 acres of Irrigation Rights
.5 acres of Dust Abatement Rights
taxlot 1300
(171217SESW)



1 inch equals 400 feet

Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: October 2007

17.00S-12.00E-17	NE SW			100 Klein,Greg & Patricia	4.0	NC		
17.00S-12.00E-17	NE SW			101 Tillman,June	1.0	NC		
17.00S-12.00E-17	NE SW			102 Coliver,Richard & Letha	0.2	NC		
17.00S-12.00E-17	NE SW			103 Coliver,Richard & Letha	0.4	NC		
17.00S-12.00E-17	NE SW			200 Coliver,Richard & Letha	3.4	NC		
17.00S-12.00E-17	NE SW			400 Klesow,Daniel	1.2	NC		
17.00S-12.00E-17	NE SW			1001 Buchman,William L. & Kitty	2.0	NC		
17.00S-12.00E-17	NE SW			1002 Marsh,William R.	2.25	NC		
17.00S-12.00E-17	NE SW			1100 Ledbetter,Carol Lynne	1.0	NC		
17.00S-12.00E-17	NE SW			1101 Harris,Barbara A.	1.7	NC		
17.00S-12.00E-17	NE SW			1102 McCormick,& Christi	2.0	NC		
17.00S-12.00E-17	NE SW			1200 McMahon,Thomas & Margaret	1.5	NC		
17.00S-12.00E-17	NE SW			1201 Smith,Elsie	0.4	NC		
17.00S-12.00E-17	NE SW			1300 ; Rim Rock Riders	1.9	NC		

17.00S-12.00E-17	SE SW			1300 ; Rim Rock Riders	0.3	NC		
17.00S-12.00E-17	SE SW			2800 Holt,Dennis E. & Dona R.	1.0	NC		

Use - POLLUTION ABATEMENT (Primary) - 3.5 acres; Priority Date: 9/1/1899

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
16.00S-13.00E-6	SW SW			400 Resnick,Bruce & Tracy	0.7	NC		
17.00S-12.00E-17	NE SW			1300 ; Rim Rock Riders	2.3	NC		
17.00S-12.00E-17	SE SW			1300 ; Rim Rock Riders	0.5	NC		
Sum of Acres: 3.5								

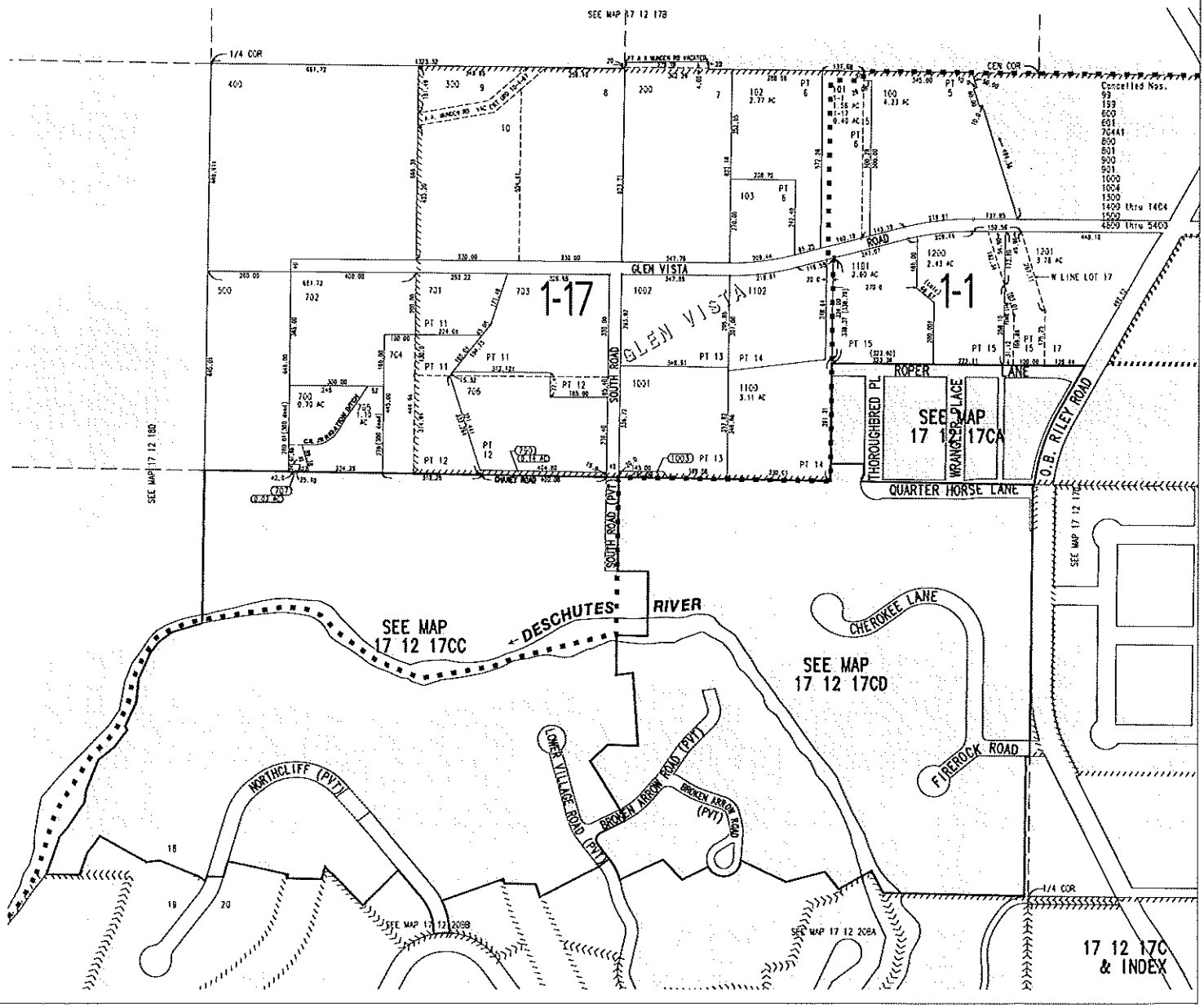
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 07/02/2007

SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

17 12 17C & INDEX



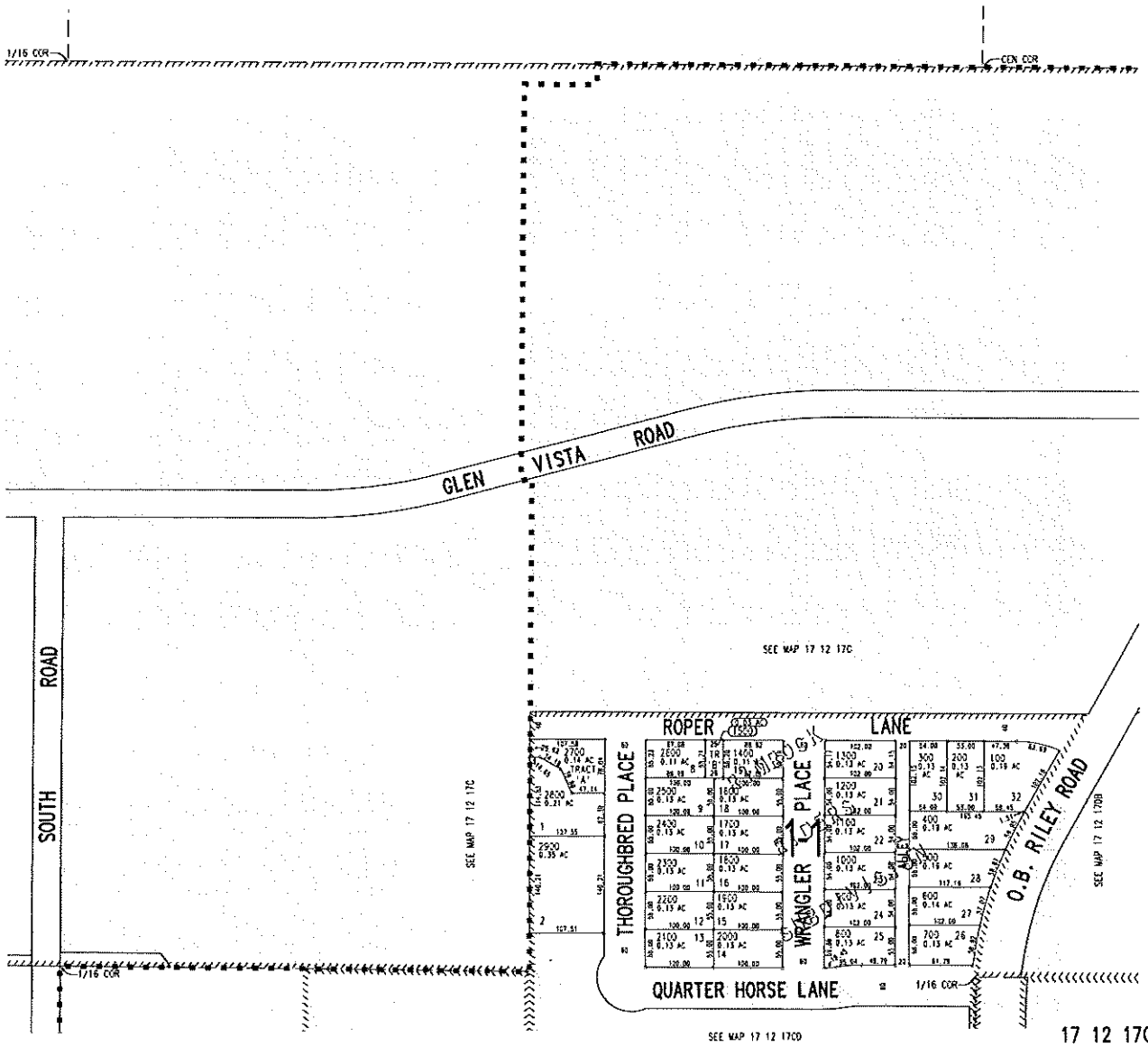
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 07/02/2007

NE1/4 SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

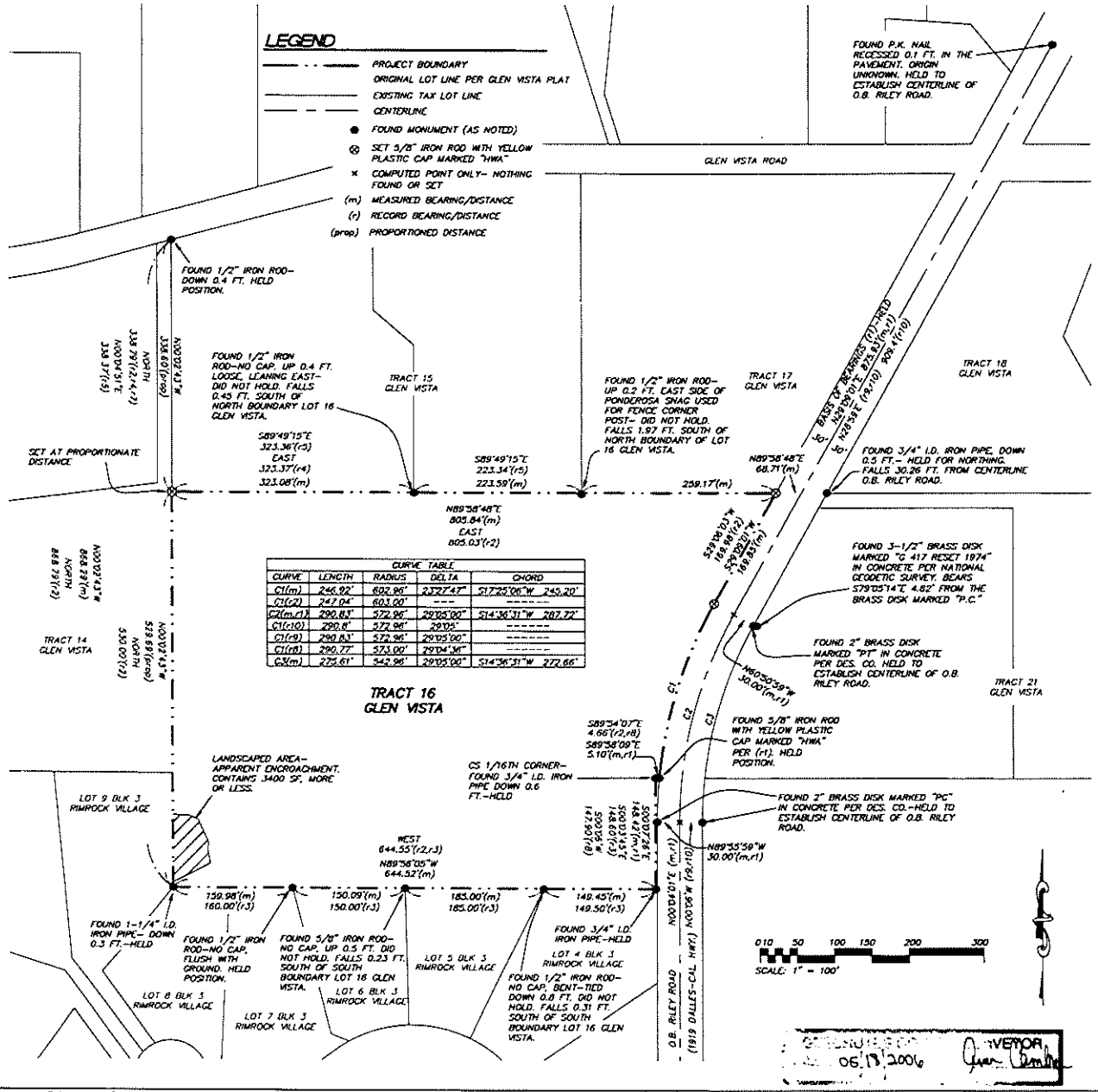
1" = 100'

17 12 17CA



17 12 17CA

RECORD OF SURVEY OF TRACT 16 OF THE PLAT OF GLEN VISTA
LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 17, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1(m)	246.92'	602.96'	23°27'47"	S17°25'06"W 245.20'
C1(r2)	247.04'	603.00'	---	------
C2(m,r1)	290.83'	572.96'	29°05'00"	S14°36'31"W 287.72'
C1(r10)	290.6'	572.96'	29°05'	------
C1(r9)	290.83'	572.96'	29°05'00"	------
C1(r8)	290.77'	573.00'	29°04'36"	------
C3(m)	275.61'	542.96'	29°05'00"	S14°36'31"W 272.66'

NARRATIVE:

WE WERE RETAINED BY HARRIS KIMBLE TO MONUMENT THE BOUNDARY OF TRACT 16 OF THE PLAT OF GLEN VISTA (r2).

THE PORTION OF O.B. RILEY ROAD THAT AFFECTS THIS SURVEY WAS ESTABLISHED IN 1920 AS THE DALLES-CALIFORNIA HIGHWAY (60 FOOT WIDE RIGHT-OF-WAY) PER ORDER RECORDED MARCH 26, 1920 IN COMMISSIONER'S JOURNAL 1, PAGE 242. THE ROAD WAS SURVEYED IN 1919 AS SHOWN PER OREGON STATE HIGHWAY DEPARTMENT DRAWING "LOCATED LINE, "B" DALLES-CALIFORNIA HIGHWAY BEND-JEFFERSON COUNTY LINE SECTION (r10). IN 1974, THE DESCHUTES COUNTY ROAD DEPARTMENT IMPROVED A PORTION OF O.B. RILEY ROAD (r9). MONUMENTS WERE SET PER THIS PROJECT, BUT NO SURVEYS WERE RECORDED. WE HOLD THE TWO BRASS CAPS FOUND PER SAID ROAD DEPARTMENT PROJECT ON THE EAST RIGHT-OF-WAY LINE, THE P.K. NAIL FOUND ON THE CENTERLINE, AND THE 1919 RECORD CENTERLINE DATA TO ESTABLISH THE LOCATION OF O.B. RILEY ROAD.

THE EAST BOUNDARY OF TRACT 16 WAS ESTABLISHED BY HOLDING ABOVE ESTABLISHED LOCATION OF O.B. RILEY ROAD, THE 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA" PER (r1) MARKING THE SOUTH END OF CURVE C1, THE 1/2" INSIDE DIAMETER (I.D.) IRON PIPE MARKING THE CS 1/16TH CORNER OF SECTION 17, AND THE 1-1/4" I.D. IRON PIPE MARKING THE SOUTHWEST CORNER OF SAID LOT 16.

THE NORTHWEST CORNER OF SAID TRACT 16 WAS SET AT PROPORTIONATE DISTANCE BETWEEN SAID 1-1/4" I.D. IRON PIPE AND THE 1/2" IRON ROD MARKING THE NORTHWEST CORNER OF LOT 15 OF SAID PLAT OF GLEN VISTA.

THE NORTHEAST CORNER OF SAID TRACT 16 WAS ESTABLISHED BY INTERSECTING A LINE BETWEEN SAID NORTHWEST CORNER WITH THE 3/4" I.D. IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 18 OF SAID PLAT OF GLEN VISTA WITH THE WESTERLY RIGHT-OF-WAY LINE OF O.B. RILEY ROAD.

THE CROSS HATCHED AREA SHOWN ON THIS SURVEY IS AN APPARENT LANDSCAPING ENCROACHMENT FROM LOT 9 BLOCK 3 OF THE PLAT OF RIMROCK VILLAGE.

BEARINGS ARE CENTRAL OREGON COORDINATE SYSTEM GRID BEARINGS BASED ON THE BEARING OF A PORTION OF THE CENTERLINE OF O.B. RILEY ROAD PER (r1) AS BEING NORTH 29°09'01" EAST AS SHOWN ON SAID SURVEY.

REFERENCES:

(r1) RECORD OF SURVEY BY PETER MANLEY FILED MAY 5, 2006 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS16880.

(r2) PLAT OF GLEN VISTA BY ROBERT COULD RECORDED OCTOBER 8, 1930 IN PLAT CABINET A, PAGE 256 IN THE OFFICE OF THE DESCHUTES COUNTY CLERK-CS07275.

(r3) PLAT OF RIMROCK VILLAGE BY GEORGE COOK RECORDED JULY 11, 1969 IN PLAT CABINET A, PAGE 197 IN THE OFFICE OF THE DESCHUTES COUNTY CLERK-CS09267.

(r4) RECORD OF SURVEY BY GEORGE COOK FILED NOVEMBER 4, 1964 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS07264.

(r5) RECORD OF SURVEY BY ROBERT KARL FILED MARCH 13, 1981 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS07282.

(r6) RECORD OF SURVEY BY ROBERT KARL FILED MARCH 7, 1996 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS12508.

(r7) RECORD OF SURVEY BY JOHN EATON FILED AUGUST 22, 1970 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS07278.

(r8) RECORD OF SURVEY BY JOHN EATON FILED JULY 25, 1959 IN THE OFFICE OF THE DESCHUTES COUNTY SURVEYOR-CS07281.

(r9) PLAN AND PROFILE SHEETS FOR PORTION OF O.B. RILEY ROAD HIGHWAY 97 TO GLEN VISTA BY THE DESCHUTES COUNTY ROAD DEPARTMENT DATED 1974.

(r10) OREGON STATE HIGHWAY DEPARTMENT DRAWING OF LOCATED LINE, "B" DALLES-CALIFORNIA HIGHWAY-DESCHUTES, BEND-JEFFERSON COUNTY LINE SECTION DATED MAY 30, 1919.

5-8-06
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 17, 1998 PETER A. MANLEY 2214
RENEWAL DATE: 12/31/08

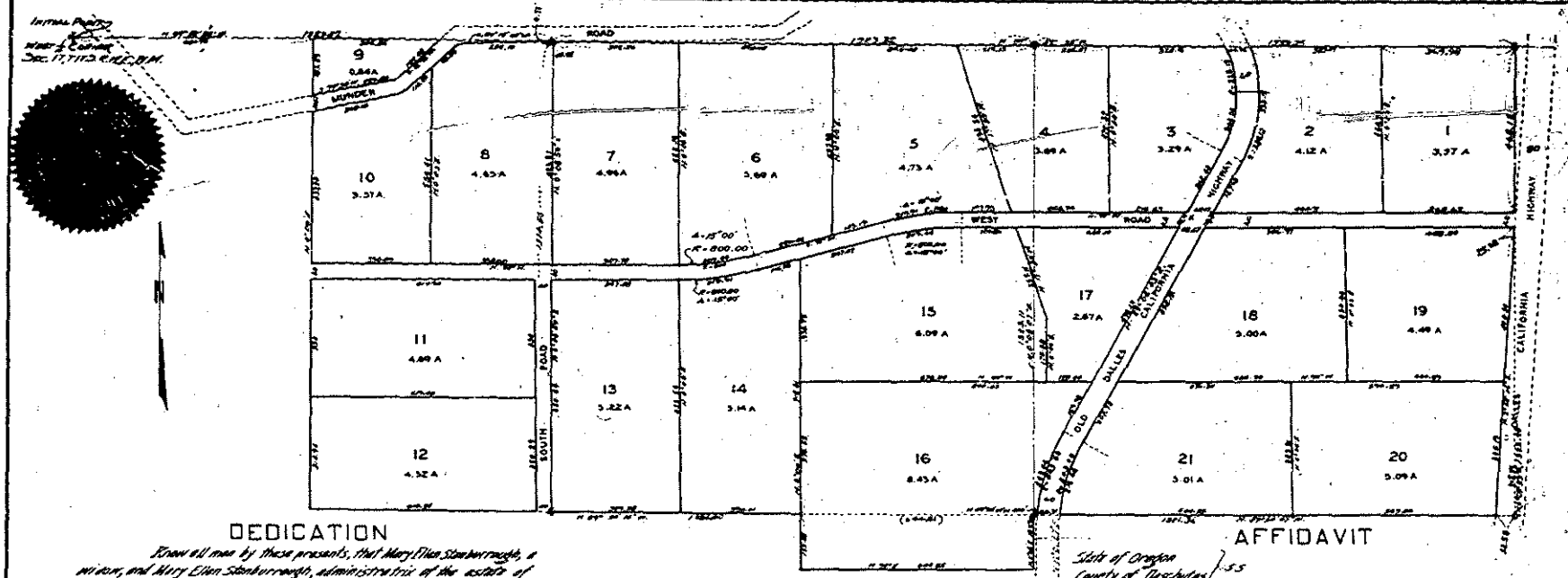
05/17/2006

PREPARED BY:
HWA SURVEYORS, ENGINEERS & PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC
[illegible] PHONE (541) [illegible]

SHEET 1 OF 1
05042BRSvy.DWG

CS16900

A-256



DEDICATION

Know all men by these presents, that Mary Ellen Stanborrough, a widow, and Mary Ellen Stanborrough, administratrix of the estate of Charles A. Stanborrough and D. Lee Lellon and Margaret Zoe McLellon, his wife, being the owners in fee simple of the lands shown on this plat, caused said land to be surveyed and platted into streets and tracts as shown on said plat, and do hereby submit for approval and record said plat, and do hereby dedicate to the use of the public forever all streets as shown on said plat, and do hereby declare said plat to be plat of Glen Vista, and hereafter to be so known and designated.

In witness whereof, we have hereunto set our hands and seal, this 29th day of September 1930.

Mary Ellen Stanborrough
Mary Ellen Stanborrough
Administratrix of the estate of
Charles A. Stanborrough.
D. Lee Lellon
Margaret Zoe M. Lellon

Witness.
Witness.

ACKNOWLEDGMENT

State of Oregon } ss
County of Multnomah }

On this 29th day of September 1930, before me appeared Mary Ellen Stanborrough and Mary Ellen Stanborrough, administratrix of the estate of Charles A. Stanborrough, — and D. L. McLellon and Margaret Zoe McLellon, his wife, all to me personally known who acknowledged that they executed the above dedication freely and voluntarily for the purpose therein set forth.

In testimony whereof, I have hereunto set my hand and affixed my official seal, this, the day and year first in this my certificate written.

Notary Public in and for the State of Oregon.
My Commission Expires Oct 29, 1930.

PLAT OF

GLEN VISTA

DESCHUTES COUNTY OREGON

SCALE
1-IN. = 200 FT.

ROBERT B. GOULD
CIVIL ENGINEER

1930

APPROVAL

Examined and Approved this 8th day of Dec 1930.

County Judge.

County Commissioner.

County Commissioner.

Examined and Approved this 4th day of October 1930.

County Assessor.

Approved this 6th day of September 1930.

County Surveyor.

I hereby certify that all taxes on this property have been paid.

Sheriff.

FILED

AFFIDAVIT

State of Oregon } ss
County of Deschutes }

I, Robert B. Gould, being first duly sworn, do hereby certify that I have correctly surveyed and marked with proper monuments, the lands represented upon this plat; that at the west quarter corner of Section 17, T. 17 S., R. 12 E., W.M., I buried a steel bar, 1½ inches in diameter and 30 inches in length, six inches below ground, for the initial point of said plat; and that the following is a correct description of the lands contained within said plat: All of the N.E.¼ of the S.W.¼ of Section 17, T. 17 S., R. 12 E., W.M. and all of the N.W.¼ of the S.E.¼ of said Section 17 and all of that portion of the N.W.¼ of the S.W.¼ of said Section 17 lying easterly from a line described as follows: Beginning at a point on the east and west quarter line of said Section 17, which point is located S. 89°52'28" E. a distance of 661.72 feet from the west quarter corner of said section and extending S. 0°00' E. to the southerly boundary of said forty acre tract; and a portion of the S.E.¼ of the S.W.¼ of said Section 17, described as follows: Beginning at the Northwest corner of the said S.E.¼ of the S.W.¼ of Section 17; thence S. 0°06' W. for 147.90 feet; thence N. 90°00' W. for 644.55 feet; thence N. 0°00' E. for 153.48 feet to the north boundary of said forty acre tract; thence S. 89°30'15" E. for 644.91 feet to the point of beginning.

Robert B. Gould

Subscribed and sworn before me this 29th day of September, 1930.

L. M. Foss
Notary Public in and for the State of Oregon.

My Commission Expires Sept 12th 1934

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2006-68688

$36.00

10/13/2006 02:25:23 PM

D-D Cnt=1 Stn=23 JS
$10.00 $11.00 $10.00 $5.00

After Recording Return To:
SWALLEY IRRIGATION DISTRICT
64672 Cook Avenue, Suite 1
Bend, Oregon 97701

QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, KDV, LLC releases and quitclaims to **Swalley Irrigation District (SID)** all rights, title and interest in the following: By this agreement and signed transfer application form, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for **5.00 acres** of Swalley Irrigation District water right that are appurtenant to the lands listed in **Exhibit A**, to Swalley Irrigation District. Swalley Irrigation District may elect to complete the transfer application and submit it to the Water Resources Department for approval of use of the water right at a new location and/or use. Swalley Irrigation District may attach this agreement to the Oregon Water Resources Department's lease form and file with the District's annual Short Term Water Right Lease Agreement.

By entry of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A that grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject land; and that upon completion of a transfer, by election of SID, the subject land no longer will have an appurtenant water right, if the transfer includes a change in the place of use.

Furthermore, upon signing of this agreement and the accompanying transfer application KDV, LLC shall no longer be liable for any district assessment or charges pertaining to the **5.00** acres of water right incurred after the date of signing. The water right in question is further described as a portion of certificate # 74145, priority of 1899, located:
T17S-R12E,WM-SEC16-NE/NE-00100 & T17S- R12E,WM-SEC16-NW/NE-00100

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.
Consideration for this Quitclaim is $5,000.00.

Grantor:

_____ Date 8/4/06

_____ Date _____

State of Oregon SS.
County of Deschutes

Personally appeared Tim Vezie, and acknowledged the forgoing instrument to be his / ~~her voluntary act and deed.~~

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGON
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 2010

Kathy Ferguson

My commission expires 1-5-2010

~~Swalley Irrigation District~~

_____ Date 8/4/06

Janet L. Lee, Manager

State of Oregon SS.
County of Deschutes

Personally appeared, Janet L. Lee as Manager for Swalley Irrigation District, and acknowledged the forgoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
KATHY FERGUSON
NOTARY PUBLIC – OREGC
COMMISSION NO. 400990
MY COMMISSION EXPIRES JANUARY 5, 201

Kathy Ferguson

My commission expires 1-5-2010

Tax statement: No change.

EXHIBIT A

Acct# [redacted]

Total Water Rights: 5.00

Legal Description:	Taxlot	Serial#	WR Acres:
T17S-12E-WM-SEC17-NE/SW-01300	171217CA01300		4.20
T17S-12E-WM-SEC17-SE/SW-01300	171217CD01300		.80

Laura Wilke

From: Kyle Gorman
Sent: Thursday, August 20, 2009 10:08 AM
To: Debbie Colbert
Cc: Laura Wilke
Subject: Rimrock Riders transfer to instream
Attachments: Dust abatement calculation.xls

Debbie,

I have attached a spreadsheet that I used to calculate the amount of water that the DRC is proposing to transfer to instream for mitigation that involved dust abatement at the Rimrock Riders riding area within the Swalley Irrigation District. On the low side it was 0.88 acre-feet per acre and the high side was 1.64 ac-ft/acre. I also looked at a transfer that involved dust abatement in the Umatilla Basin. The Department allowed 1.2 AF/acre in that transfer from dust abatement to quasi-municipal use (T-9640). From the data available, which is sparse, I think that they can make a case for having used up to 1.64 AF/acre beneficially and likely close to 100% consumptive. I am trying to arrive at the transferrable amount. I think 1.6 AF/acre would be the max amount. Zach has a lot riding on this because he already told the purchaser they are going to get 1.8 AF/acre before even discussing with us.

Please let me know what you think and if you have any questions.

Thanks,
Kyle

Kyle Gorman

Region Manager

541-388-6669

Kyle.G.Gorman@wrd.state.or.us

Be water wise - water isn't all you save

Assumptions:	6	gpm/acre	7.5	gpm/acre
	2.5	acres	2.5	acres
rate	15	gpm	18.75	gpm
	0.03	cfs	0.04	cfs
	8	hours/day	9	hours/day
	0.02	af/day	0.03	af/day
	5	days/week	6	days/week
	20	weeks/yr	22	weeks/yr
	2.20	AF	4.09	AF
	0.88	ac-ft/acre	1.64	ac-ft/acre

Oregon Water Resources Web Mapping Application (beta)

Active Layer: Water Rights

Locate a place on the map ▸ Use Basic Map ▸ Help ▸ Links ▸

Map Contents

- OWRD Data
  - Rule Boundaries
  - Political Boundaries
  - Water Availability
  - Water Rights
  - Surface water
- Base Data
  - Political Boundaries
  - PLS
  - Roads
  - Surface water
  - Topography
- Imagery
  - Aerial Photography
  - USGSquads

Results



T-10490 · Walley Main Canal
replacement acres

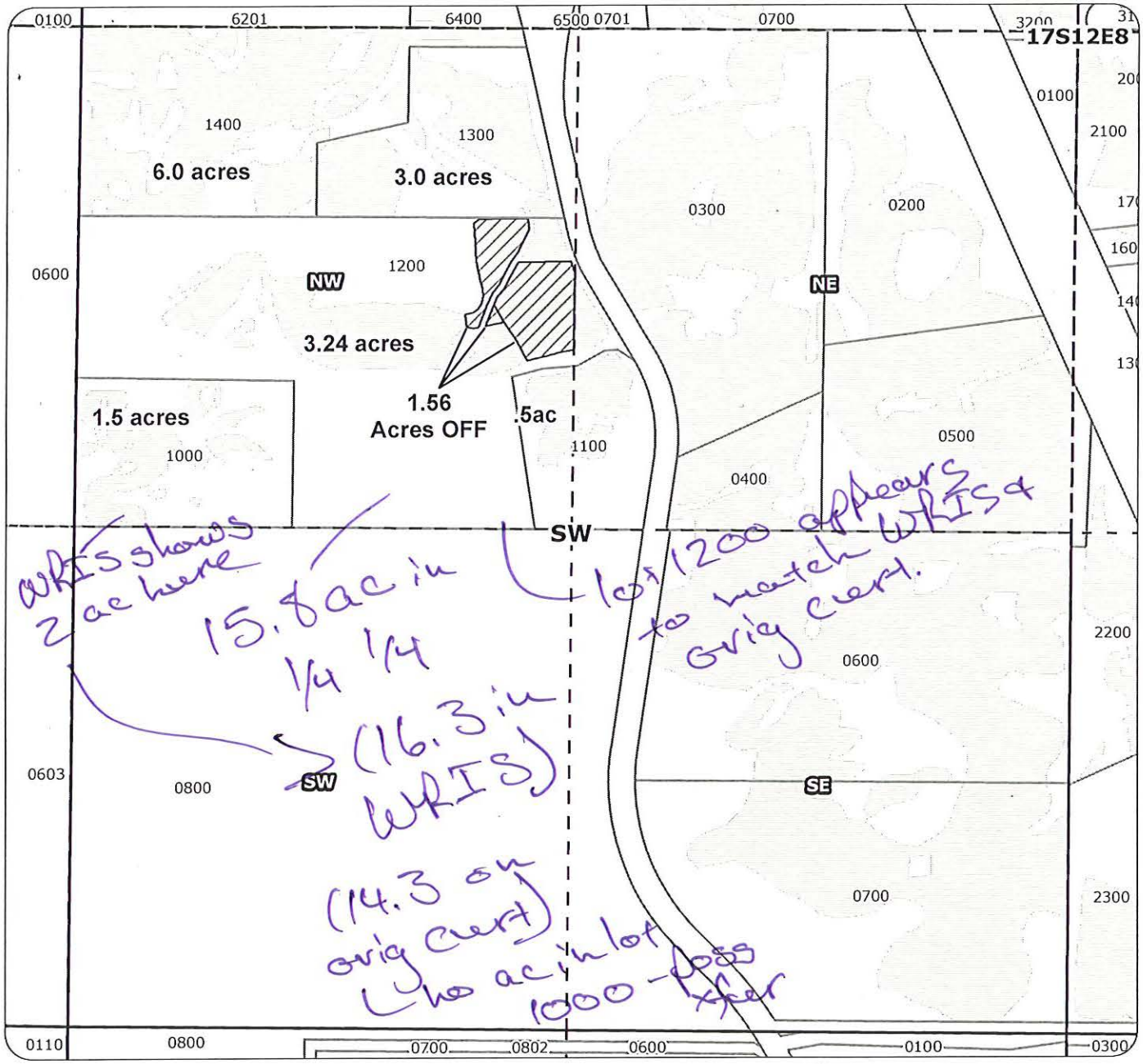
OK Ownership report
QC recorded 1-15-08
ROI effective date 1-15-08 } OK
ownership matches grantors on QC
Legal matches property shown on apple map & tax lot 1200 + QC (lot 1200)

End of Use
* ✓ - affidavit id's district docs as support not attached
- there is an aerial - somewhat difficult to discern details
needs to be 2003-07 period
- Zach (DRC) contact SID to obtain Dist support doc.
- copy received e-mailed
* ✓ need original w/orig signature

orig received 10-5-10
support doc received 10-6-10

Map - OK
Clerk - OK

2010 Swalley Irrigation District Transfer Map

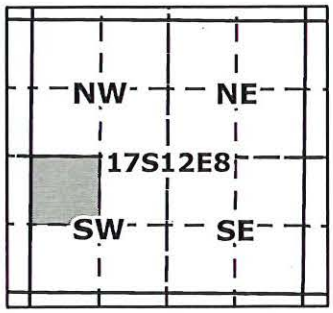


Application for Permanent District Transfer - Cert 74145

OFF

Water Rights

for
Ray Ruppel
Taxlot 01200- 1.56 Acres OFF
in 17S12E8NWSW
Total Remaining Water Right
in Taxlot 01200- 3.24 Acres
in 17S12E8NWSW
No change in taxlot from 3111 map



1 inch equals 400 feet

GSS Geo-Spatial Solutions

Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: September 2010

Water Rights Platcard Report

No underlying ~~#~~ layered rights

Meridian: Willamette Township: 17 South Range: 12 East Section: 8 Records per Page: 100 Search

Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	PLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select **Cert:29054 CF CN** Additional Info: DESCHUTES RECLAMATION AND IRRIGATION CO. Decree: DESCHUTES RIVER (F) Cert: 29054	IL37, IL45, T2546, T2547, T2577, T2578, T2593, T3774, T3775, T3777, T3823, T3824, T3825, T3826, T2533, T3497, T3151, T2668, T2457, T2491, T2826, T2492, T2503, T2523, T2436, T7463, T5115, T5135, T5697, T5789, T5807, T6363, T3772, T3261, T2435, T2573, M214, N33, K56, T5813, T5836, T5839, T5542, T5655, T5695, T6361, T4531, T4593, T4595, T3962, T6362, T6430, T4520, T4636, T4461, T5347, T6989, T5114, T5132, T5134, T5253, T5328, T5133, T4594, S225, T72, S186, Z8, T3773,	9/1/1899	IRRIGATION	**CN**				~~24~~	~~22~~	~~37~~	~~21~~	~~19.5~~		~~7~~	~~23.5~~	~~19.8~~	~~2.5~~		~~20.5~~	~~12.5~~	~~8.9~~	~~18.4~~	~~16~~	

		P67, P74, R90, T2594, T3262, T3263, T2923, T3046, T3152, T2882, T2544, T2545, T7678																				
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	IRRIGATION		23.2	20.14	23.9	25.4	15.19		8	7.03	20.7	16.3		20.5	7.1	14.8	15.1	20.5	
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	IRRIGATION							(1)											
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	IRRIGATION	**WD**	~~23.2~~	~~20.14~~	~~23.9~~	~~25.4~~	~~15.19~~	~~1~~	~~2~~	~~7.03~~	~~20.7~~	~~16.3~~		~~20.5~~	~~1.9~~	~~14.8~~	~~15.1~~	~~20.5~~	
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	IRRIGATION	**WD**							~~(6)~~						~~(5.2)~~				
Select	**Cert:85414 OR *** Additional Info:		9/7/1990	MUNICIPAL USES										*	*	*	*	*	*	*	*	

Subject right

	CITY OF BEND; PUBLIC WORKS DEPARTMENT App: G12226 Permit: G11380 Cert: 85414																					
Select	**Permit:G 11379 *** Additional Info: PATRICK GRIFFITHS App: G11942 Permit: G11379		6/30/1989	MUNICIPAL USES									*	*	*	*	*	*	*	*		
Select	**Permit:G 4435 *** Additional Info: PATRICK GRIFFITHS App: G4677 Permit: G4435		11/8/1968	MUNICIPAL USES									*	*	*	*	*	*	*	*		
Select	**Cert:74145 CF RR *** Additional Info: JANET LEE Decree: DESCHUTES RIVER, 1958 Cert: 74145	IL623, IL1013, IL643, IL642, T10490, SL11, IL1058, SL10, IL622, T10463, T10713, IL980, IL1089, IL978, IL1000, IL554, IL818, IL819, IL820, IL798, IL813, IL1022, IL950, IL951, CW54, T10669, T11111	9/1/1899	POND MAINTENANCE		0.2																	
Select	**Inchoate: IL 951 CF RR (IL), SL 10 (SLP) {Changes WR} WD** Additional Info: Decree: DESCHUTES RIVER, 1958	SL10	9/1/1899	POND MAINTENANCE	**WD**	~~0.2~~																
Select	**Cert:65353 OR CN** Additional Info: AVION WATER CO. INC. App: G10242 Permit: G9269 Cert: 65353	T7779	4/1/1981	QUASI-MUNICIPAL USES	**CN**						*	*	*	*									
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC. App: G10184 Permit: G9946			QUASI-MUNICIPAL USES		(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)		
Select	**Cert:82415 CF CN** Additional Info: AVION WATER CO. INC. Permit: G9269 Cert: 82415	T10205	4/1/1981	QUASI-MUNICIPAL USES	**CN**						*	*	*	*									
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC. Permit: G9948		7/2/1981	QUASI-MUNICIPAL USES		(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)		
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC.		6/16/1981	QUASI-MUNICIPAL USES		(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)		

	App: G10378 Permit: G9975																					
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC. Permit: G9217	2/11/1981	QUASI-MUNICIPAL USES	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)	
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC. Permit: G9269	4/1/1981	QUASI-MUNICIPAL USES	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)	
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC.	5/11/1981	QUASI-MUNICIPAL USES	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)	
Select	**Inchoate: T 10205 CF (REG) *** Additional Info: AVION WATER CO. INC. Permit: G9976	7/13/1981	QUASI-MUNICIPAL USES	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)			(*)			(*)	
Select	**Permit:G 16025 *** Additional Info: AVION WATER CO. INC. App: G15851 Permit: G16025	10/9/2002	QUASI-MUNICIPAL USES	*	*	*	*	*	*	*	*	*	*			*			*	
Select	**Permit:G 16026 *** Additional Info: AVION WATER CO. INC. App: G16060 Permit: G16026	7/28/2003	QUASI-MUNICIPAL USES	*	*	*	*	*	*	*	*	*	*			*			*	
Select	**Cert:84975 OR *** Additional Info: AVION WATER CO. INC. App: G12924 Permit: G12788 Cert: 84975		QUASI-MUNICIPAL USES	*	*	*	*	*	*	*	*									

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

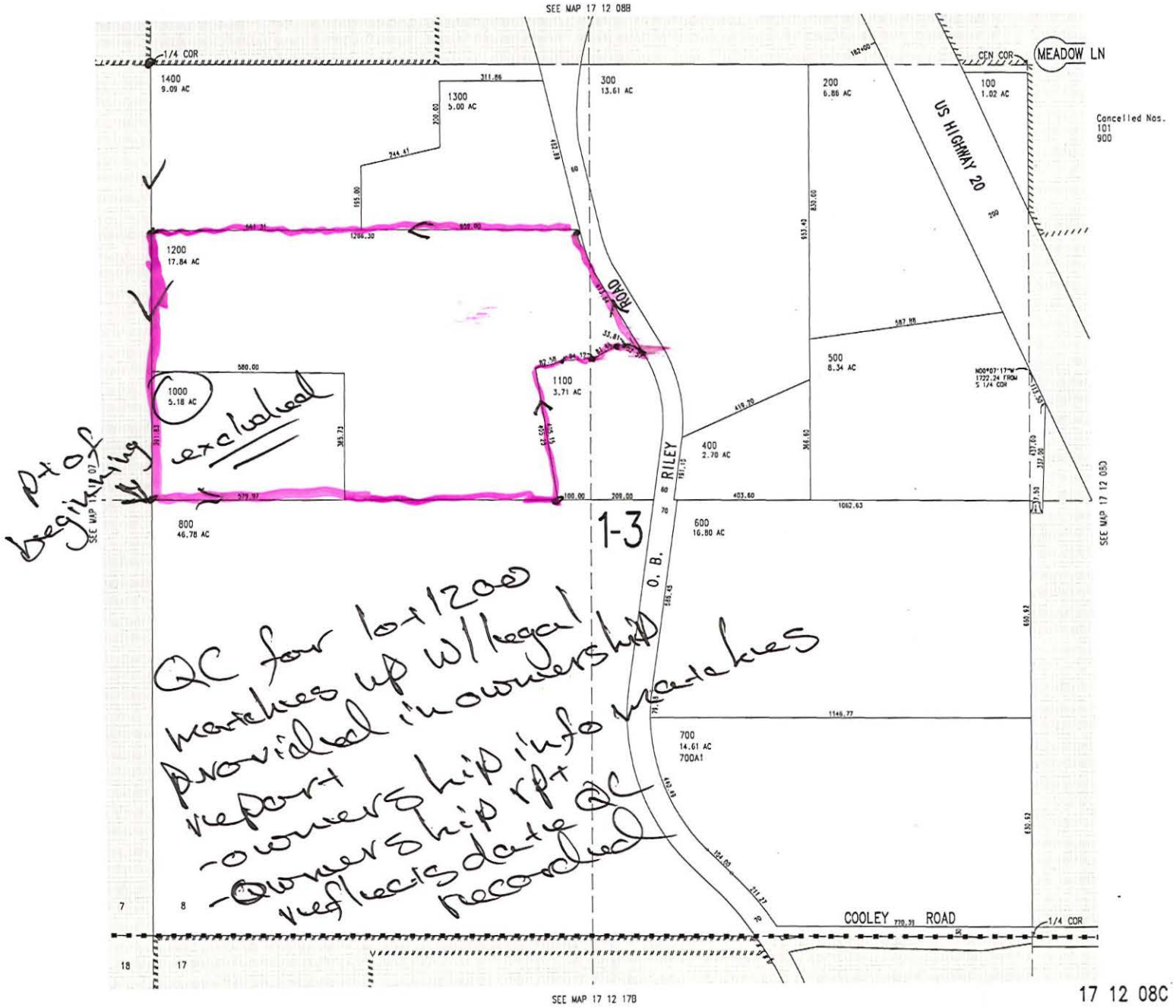
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 04/06/2005

SW1/4 SEC. 08 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

17 12 08C

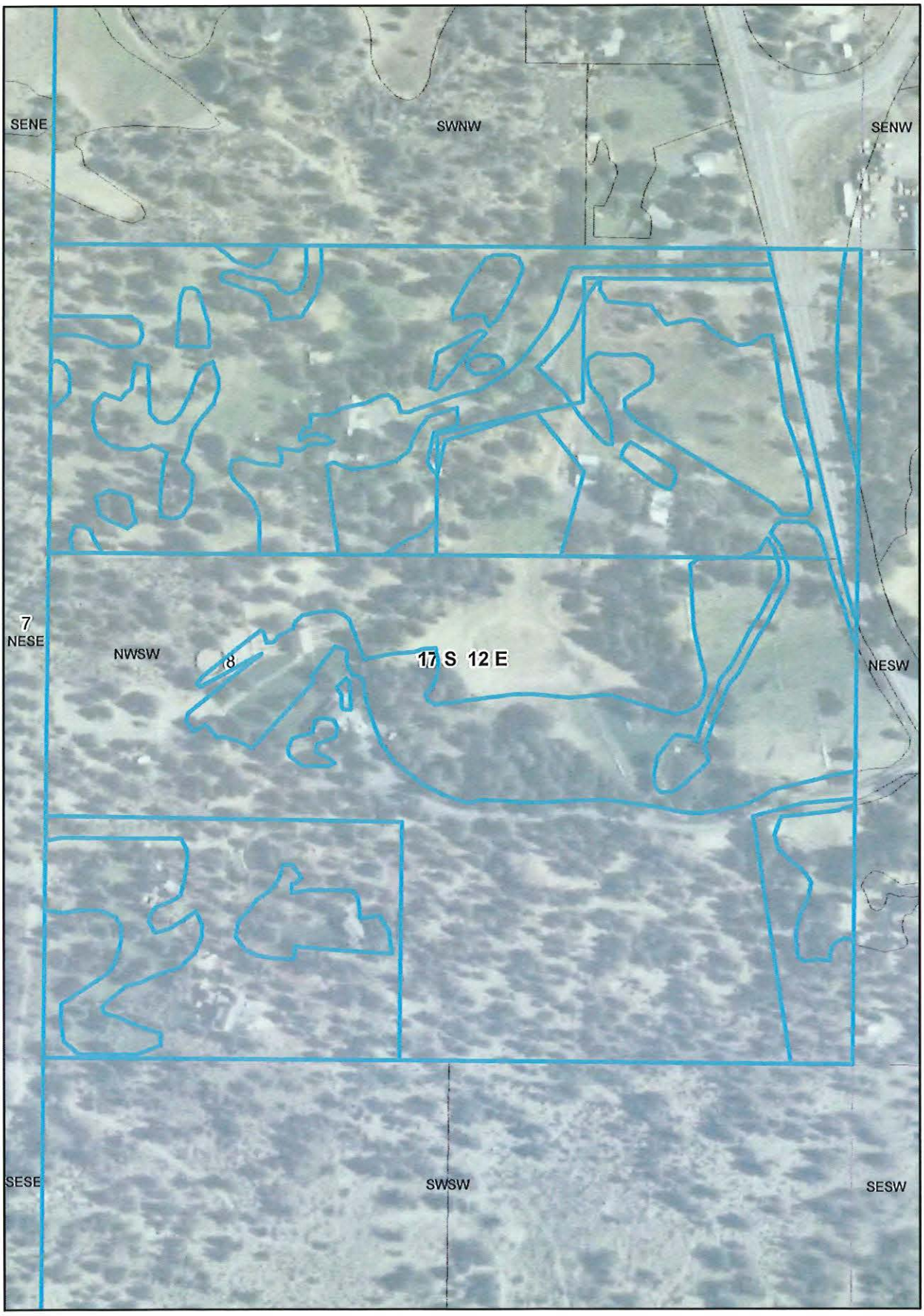


p+o of beginning excluded

QC for lot 1200 matches up w/ legal provided in ownership report
- ownership info matches ownership rpt
- Ownership reflects date recorded @ QC

17 12 08C


IR, 14.3


SENE
SWNW
SENW
7
NESE
NWSW
8
17 S 12 E
NESW
SESE
SWSW
SESW

Oregon Water Resources Web Mapping Application (beta)

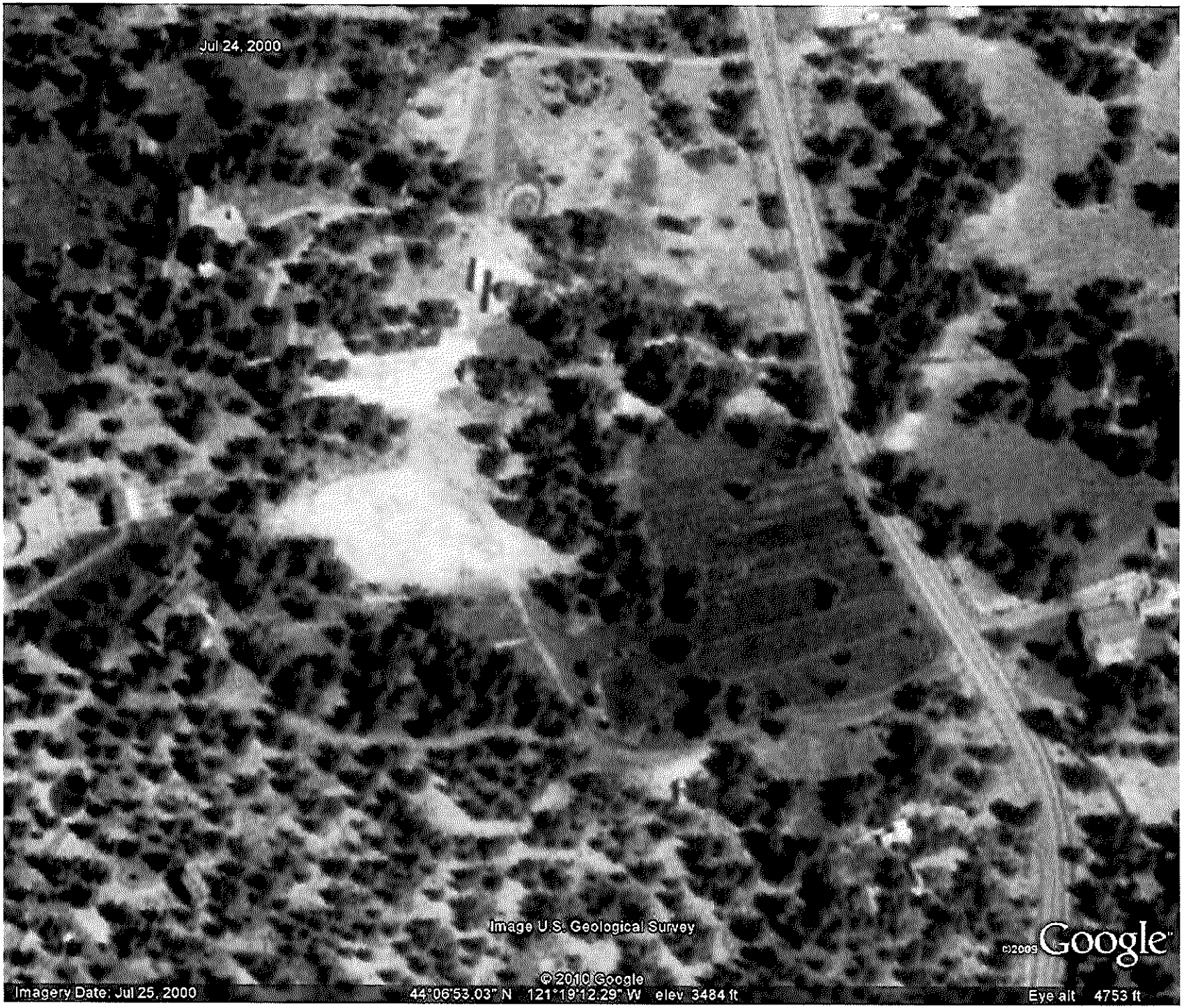


2005 Photography


Sep 29, 2006
Image © 2010 DigitalGlobe
©2009 Google
© 2010 Google
Imagery Date: Aug 31, 2006
44°06'53.03" N 121°19'12.29" W elev 3484 ft
Eye alt 4753 ft


Jun 16, 2006
Image © 2010 DigitalGlobe
©2009 Google
© 2010 Google
Imagery Date: Jun 17, 2006
44°06'53.03" N 121°19'12.29" W elev 3484 ft
Eye alt 4753 ft


Aug 7, 2005
Image © 2010 DigitalGlobe
©2009 Google
© 2010 Google
Imagery Date: Aug 8, 2005
44°06'53.03" N 121°19'12.29" W elev 3484 ft
Eye alt 4753 ft


Jul 24, 2000
Image U.S. Geological Survey
©2009 Google
© 2010 Google
Imagery Date: Jul 25, 2000
44°06'53.03" N 121°19'12.29" W elev 3484 ft
Eye alt 4753 ft


May 7, 1994
Image U.S. Geological Survey
©2009 Google
© 2010 Google
Imagery Date: May 8, 1994
44°06'53.03" N 121°19'12.29" W elev 3484 ft
Eye alt 4753 ft

Water Right Information Query Results

Contact Information

Current contact Information

OWNER:
SWALLEY IRRIGATION DISTRICT
JANET LEE
64672 COOK AVE SUITE 1
BEND, OR 97701

Water Right Information

Status: Non-Cancelled
County: Deschutes
File Folder Location: Salem

Documents

View all scanned documents

Decree: DESCHUTES RIVER, 1958 document
- Volume-Page: 16-1
- Signature: 10/2/1958

Decree: DESCHUTES RIVER (S) MODIFIED, 1933 document
- Volume-Page: 12-282
- Signature: 4/5/1933

Certificate: 74145 document
- Signature: 6/19/1997
- Type: Confirming Remaining

Order(s)

Volume-Page	Signature	Description
51-719	6/19/1997	APPROVES HB 3111 SWALLEY ID

Transfer(s)

Transfer	Transfer type	Status
CW54 (Changes this right)	Conserved Water	Approved
IL554 (Changes this right)	Instream Lease	Completed
IL622 (Changes this right)	Instream Lease	Completed
IL623 (Changes this right)	Instream Lease	Approved
IL642 (Changes this right)	Instream Lease	Completed
IL643 (Changes this right)	Instream Lease	Completed
IL798 (Changes this right)	Instream Lease	Completed
IL813 (Changes this right)	Instream Lease	Completed
IL818 (Changes this right)	Instream Lease	Terminated
IL819 (Changes this right)	Instream Lease	Terminated
IL820 (Changes this right)	Instream Lease	Terminated
IL950 (Changes this right)	Instream Lease	Completed
IL951 (Changes this right)	Instream Lease	Withdrawn
IL978 (Changes this right)	Instream Lease	Approved
IL980 (Changes this right)	Instream Lease	Approved
IL1000 (Changes this right)	Instream Lease - Pooled	Approved
IL1013 (Changes this right)	Instream Lease	Approved
IL1022 (Changes this right)	Instream Lease - Pooled	Denied
IL1058 (Changes this right)	Instream Lease	Approved
IL1089 (Changes this right)	Instream Lease	Approved
SL10 (Changes this right)	Split Season Lease - Pooled	Completed
SL11 (Changes this right)	Split Season Lease	Completed
T10463 (Changes this right)	Instream Transfer	Under Review
T10490 (Changes this right)	Instream Transfer	Under Review
T10649 ()	District Temporary Transfer	Approved
T10669 (Changes this right)	Regular	Approved
T10713 (Changes this right)	Instream Transfer	Approved
T11111 (Changes this right)	Instream Transfer	Under Review

Unable to view right in new web mapping because this water right is not currently mapped.
View Places of Use from Water Rights in the Same Area

Point(s) of Diversion

- **POD 1 - DESCHUTES R > COLUMBIA R**
- **POD 2 - DESCHUTES R > COLUMBIA R**
- **POD 3 - DESCHUTES R > COLUMBIA R**
- **POD 3 - DESCHUTES R > COLUMBIA R**
- **POD 3 - DESCHUTES R > COLUMBIA R**
- **POD 4 - DESCHUTES R > COLUMBIA R**
- **POD 5 - DESCHUTES R > COLUMBIA R**
- **POD 6 - DESCHUTES R > COLUMBIA R**
- **POD 7 - DESCHUTES R > COLUMBIA R**
- **POD 8 - DESCHUTES R > COLUMBIA R**
- **POD 9 - DESCHUTES R > COLUMBIA R**
- **POD 10 - DESCHUTES R > COLUMBIA R**
- **POD 11 - DESCHUTES R > COLUMBIA R**
- **POD 12 - DESCHUTES R > COLUMBIA R**
- **POD 13 - DESCHUTES R > COLUMBIA R**
- **POD 14 - DESCHUTES R > COLUMBIA R**
- **POD 15 - DESCHUTES R > COLUMBIA R**

▸ POD 16 - DESCHUTES RIVER > COLUMBIA RIVER

Place(s) of Use

Remove TRS grouping

▸ Use - INDUSTRIAL/MANUFACTURING USES (Primary) - 25.46 acres; Priority Date: 9/1/1899

▸ Use - RECREATION (Primary) - 2.8 acres; Priority Date: 9/1/1899

▾ Use - IRRIGATION (Primary) - 4328.62 acres; Priority Date: 9/1/1899

- ▸ Township: 15.00S-12.00E
- ▸ Township: 16.00S-12.00
- ▸ Township: 16.00S-12.00E
- ▸ Township: 16.00S-13.00E
- ▾ Township: 17.00S-12.00E
  - ▸ Section: 3
  - ▸ Section: 4
  - ▸ Section: 5
  - ▸ Section: 6
  - ▸ Section: 7
  - ▾ Section: 8

QQ	DLC	Gov't Lot	Taxlot	Acres	T-R-S	Status	Linked PODs	Inchoate Info	Remarks
NE NE			1600 Hunt,David & Ruth	2.2	17.00S-12.00E-8	NC			
NE NE			300 Lower,John H. & Karen C.	2.5	17.00S-12.00E-8	NC			
NE NE			100 Walsh,James & Bobbie	3.0	17.00S-12.00E-8	NC			
NE NE			200 Bratton,Dana & Nancy	3.9	17.00S-12.00E-8	NC			
NE NE			1500 Rucker,Everett & Beverly	3.0	17.00S-12.00E-8	NC			
NE NE			1400 Roderick,Alexandra	3.0	17.00S-12.00E-8	NC			
NE NE			400 Sturgess,Brian T. & Romana	4.0	17.00S-12.00E-8	NC			
NE NE			1300 Aines,Philip & Ann	1.6	17.00S-12.00E-8	NC			
NW NE			1700 Pickett,Jan & Alice	0.34	17.00S-12.00E-8	NC			
NW NE			1800 McCormick,Thomas L.	2.0	17.00S-12.00E-8	NC			
NW NE			4500 Murphy,Joseph & Debbie	2.2	17.00S-12.00E-8	NC			
NW NE			4600 Young,Phil	3.0	17.00S-12.00E-8	NC			
NW NE			4900 Carpenter,Robert & Christine	1.0	17.00S-12.00E-8	NC			
NW NE			4800 Robinson,. & Dorot	1.6	17.00S-12.00E-8	NC			
NW NE			2000 Sonnenburg,Robert & Anna	3.0	17.00S-12.00E-8	NC			
NW NE			4700 Slater,& Ester	2.0	17.00S-12.00E-8	NC			
NW NE			2200 Wells,Steven H. & Sharon	3.0	17.00S-12.00E-8	NC			
NW NE			4900	1.0	17.00S-12.00E-8	NC			
NW NE			1900 Green,Platt & Judy	1.0	17.00S-12.00E-8	NC			
SW NE			3700 Franks,Don & Beverly	1.0	17.00S-12.00E-8	NC			
SW NE				0.75	17.00S-12.00E-8	NC			
SW NE			2700 Tornbom,Oliver J.	1.0	17.00S-12.00E-8	NC			
SW NE			2200 Wells,Steven H. & Sharon	1.0	17.00S-12.00E-8	NC			
SW NE			3600 Dempsey,C.J. & Edna	1.0	17.00S-12.00E-8	NC			
SW NE			3500 Tromblee,William F.	1.0	17.00S-12.00E-8	NC			
SW NE			3100 Wells,George & Roma	0.8	17.00S-12.00E-8	NC			
SW NE			3900 Trus,Donna C.	1.0	17.00S-12.00E-8	NC			
SW NE			3400 Dowd,Tracy H.	0.5	17.00S-12.00E-8	NC			
SW NE			2600 Johnson,Dorothy	0.25	17.00S-12.00E-8	NC			
SW NE			3800 Young,Vern S.	0.8	17.00S-12.00E-8	NC			
SW NE			4300 Marsh,Gary & Sherrie	1.0	17.00S-12.00E-8	NC			
SW NE			4100 Mattox,Charles & Elouise	0.3	17.00S-12.00E-8	NC			
SW NE			4400 Zelenka,W. James & Sue A	1.2	17.00S-12.00E-8	NC			
SW NE			2500 Newman,Richard & Karen	1.0	17.00S-12.00E-8	NC			
SW NE			3000 Milkowski,Bertha E.	1.0	17.00S-12.00E-8	NC			
SW NE			4200 Marsh,Gary & Sherrie	1.0	17.00S-12.00E-8	NC			
SW NE			4000 Mattox,Charles & Elouise	1.0	17.00S-12.00E-8	NC			
SW NE			4500 Murphy,Joseph & Debbie	0.8	17.00S-12.00E-8	NC			
SW NE			2300 Wells,Marilyn Stivers	4.5	17.00S-12.00E-8	NC			
SW NE			2400 Marling,George & Adeana M.	1.0	17.00S-12.00E-8	NC			
SW NE			2800 Tepper,Nick & Karen	1.0	17.00S-12.00E-8	NC			
SW NE			2900 Schutz,Charles	1.0	17.00S-12.00E-8	NC			
SE NE			501 Burks,Floyd & Pamela	3.0	17.00S-12.00E-8	NC			
SE NE			1300 Aines,Philip & Ann	0.2	17.00S-12.00E-8	NC			
SE NE			900 Volny,oan M.	4.0	17.00S-12.00E-8	NC			
SE NE			500 Deggendorfer,Frank & Kathleen H	3.0	17.00S-12.00E-8	NC			
SE NE			1000 Kennel,Brian & Sandra	5.0	17.00S-12.00E-8	NC			
SE NE			1100 Young,Dan D.	2.0	17.00S-12.00E-8	NC			
SE NE			1200 Paul,Ervil & Lillian	1.0	17.00S-12.00E-8	NC			
SE NE			700 Ettinger,Richard & Margorie	4.2	17.00S-12.00E-8	NC			

SE NE			800 Sommerfeldt,R.W.	3.0	17.00S-12.00E-8	NC			
NE NW			300 Easter,Marie	3.0	17.00S-12.00E-8	NC			
NE NW			400 Jensen,James & Catherine	2.19	17.00S-12.00E-8	NC			
NE NW			1000 Elkin,n Lynn	4.0	17.00S-12.00E-8	NC			
NE NW			100 Moor,na E.	3.0	17.00S-12.00E-8	NC			
NE NW			200 Hopson,Mack B. & Diana L.	3.0	17.00S-12.00E-8	NC			
NW NW			6100 Aimone,Edward	1.0	17.00S-12.00E-8	NC		T-8998,Petition:n/a,Notice:n/a	
SW NW			171208B006200 Gisler,n/a	6.0	17.00S-12.00E-8	NC			
SW NW			6200 DeBroekert,Jim	1.0	17.00S-12.00E-8	NC			
SW NW			6400 Moore,Ronald & Patricia	1.0	17.00S-12.00E-8	NC			
SE NW			3400 Dowd,Tracy H.	0.5	17.00S-12.00E-8	NC			
SE NW			3200 Hiler,Everett C. &	1.0	17.00S-12.00E-8	NC			
SE NW			3100 Wells,George & Roma	0.2	17.00S-12.00E-8	NC			
SE NW			500 Cundy,Dennis & Loretta	2.13	17.00S-12.00E-8	NC			
SE NW			700 Suydam,Norman & Sylvia	2.0	17.00S-12.00E-8	NC			
SE NW			3300 Edwards,Helen	1.0	17.00S-12.00E-8	NC			
SE NW			4100 Mattox,Charles & Elouise	0.2	17.00S-12.00E-8	NC			
NE SW			1200 Ruppel,Ray and Sharon	0.2	17.00S-12.00E-8	NC			
NE SW			200 Keep,F.H. & Darwin	3.2	17.00S-12.00E-8	NC			
NE SW			300 Hendrix,Louis & Betty Jean	8.0	17.00S-12.00E-8	NC		IL-914,Petition:n/a,Notice:n/a	
NE SW			400 McCoy,Clarence E. & Donna	2.0	17.00S-12.00E-8	NC			
NE SW			500 Keep,F.H. & Darwin	6.8	17.00S-12.00E-8	NC			
NE SW			1100 Hurst,George & Audrey J.	0.5	17.00S-12.00E-8	NC			
NW SW			1300 Klippenstein,Kent & Marcia G.	3.0	17.00S-12.00E-8	NC			
NW SW			1400 Snipes,Thomas & Linda	6.0	17.00S-12.00E-8	NC			
NW SW			1000	2.0	17.00S-12.00E-8	NC			
NW SW			1100 Hurst,George & Audrey J.	0.5	17.00S-12.00E-8	NC			
NW SW			1200 Ruppel,Ray & Sharon	4.8	17.00S-12.00E-8	NC			
SE SW			600 Grogan,Ralph & Kay	12.0	17.00S-12.00E-8	NC			
SE SW			700 Brittain,Gary	2.5	17.00S-12.00E-8	NC			
SE SW			700 Brittain,Gary	6.0	17.00S-12.00E-8	NC			
NE SE			101 ; Reorganized Latter Day Saints Ch	1.4	17.00S-12.00E-8	NC			
NE SE			102 ; Reorganized Latter Day Saints Ch	0.5	17.00S-12.00E-8	NC			
NE SE			171208D000200 Whitney,Steve	5.2	17.00S-12.00E-8	NC			
NW SE			1900 Reed,Lloyd & Wanda	0.3	17.00S-12.00E-8	NC			
NW SE			1100 Swee,Raymond & Stephanie	1.2	17.00S-12.00E-8	NC			
NW SE			1400 Klodzinski,Stanley J. & Gail	0.5	17.00S-12.00E-8	NC			
NW SE			1500 Ruck,Daryl	0.5	17.00S-12.00E-8	NC			
NW SE			1800 Judd,Harold K. & Avis	1.0	17.00S-12.00E-8	NC			
NW SE			2100 Brecount,Hubert & Audria	1.0	17.00S-12.00E-8	NC			
NW SE			500 Ezell,Robert L.	2.0	17.00S-12.00E-8	NC			
NW SE			2200 Bettencourt,Douglas	0.1	17.00S-12.00E-8	NC			
NW SE			300 Meyer,Robert	1.5	17.00S-12.00E-8	NC			
NW SE			1600 Saul,Margaret	1.0	17.00S-12.00E-8	NC			
NW SE			1700 Mack,Jerry	1.0	17.00S-12.00E-8	NC			
NW SE			1300 Hoefling,Nancy	1.0	17.00S-12.00E-8	NC			
NW SE			400 Shuey,Thressa P.	2.0	17.00S-12.00E-8	NC			
NW SE			2000 Reed,Lloyd & Wanda	0.7	17.00S-12.00E-8	NC			
NW SE			1200 Karns,James W. & Donna L.	1.0	17.00S-12.00E-8	NC			
SW SE			1000 Erdman,Henry	3.4	17.00S-12.00E-8	NC			
SW SE			1100 Swee,Raymond & Stephanie	0.8	17.00S-12.00E-8	NC			
SW SE			900 Abbott,Averill J.	4.0	17.00S-12.00E-8	NC			
SW SE			2300 Wilson,Roger Alan	5.0	17.00S-12.00E-8	NC			
SW SE			2200 Bettencourt,Douglas	1.9	17.00S-12.00E-8	NC			
SE SE			102 ; Reorganized Latter Day Saints Ch	3.6	17.00S-12.00E-8	NC			
SE SE			600 Samuel,Gary	8.0	17.00S-12.00E-8	NC			
SE SE			700 Samuel,Gary	8.9	17.00S-12.00E-8	NC			
Sum of Acres: 238.86									

16.3 total

xfer 1.56 - rv = 3.24 ac

Same as on paper clerk 74145

- **Section: 9**
- **Section: 15**
- **Section: 16**
- **Section: 17**
- **Section: 18**
- **Section: 20**
- **Section: 21**
- **Section: 22**
- **Section: 28**
- **Section: 29**

- **Section: 32**

- **Use - NURSERY USES (Primary) - 157.0 acres; Priority Date: 9/1/1899**
- **Use - POND MAINTENANCE (Primary) - 23.63 acres; Priority Date: 9/1/1899**
- **Use - POLLUTION ABATEMENT (Primary) - 3.5 acres; Priority Date: 9/1/1899**
- **Use - INSTREAM USES (Primary) - 438.09 acres; Priority Date: 9/1/1899**

Water Right Genealogy

Cert:74145 CF CN

View Water Rights in same Family

Help understanding and working with the Water Rights Information System

Report Errors with Water Right Data

Return to WRIS Query

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND OR 97708-5126

confirms the right to use the waters of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 4351.22 ACRES, 3.50 ACRES-EQUIVALENT FOR DUST ABATEMENT, 24.285 ACRES-EQUIVALENT FOR INDUSTRIAL USE, 2.80 ACRES-EQUIVALENT FOR PARK MAINTENANCE, 157.00 ACRES-EQUIVALENT FOR NURSERY USE, 22.30 ACRES-EQUIVALENT FOR POND MAINTENANCE, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The use is limited to 125.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

1 - SE¼ NE¼, Section 32, T. 17 S., R. 12 E., W.M.; 100 feet South and 50 feet East from the most Northerly corner of tax lot 4100.

2 - SW¼ SE¼, Section 29, T. 17 S., R. 12 E., W.M.; 540 feet West from the SE corner of Section 29.

3 - Swalley main canal: SE¼ NE¼, Section 29, T. 17 S., R. 12 E., W.M.; 985 feet North and 617 feet West from the East ¼ Corner of Section 29.

4 - NW¼ SE¼, Section 20, T. 17 S., R. 20 E., W.M.; 1980 feet North and 1980 feet West from the SE Corner of Section 20.

5 - SE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; N. 60° W., 117 feet from the center of Section 20.

6 - NE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; 998.86 feet West and 156.37 feet North from the SE Corner of the NE¼ NW¼, Section 20.

7 - NE¼ NW¼, Section 20, T. 17 S., R. 12 E., W.M.; 590 feet South and 1920 feet East from the NW Corner of Section 20.

8 - SE¼ SW¼, Section 17, T. 17 S., R. 12 E., W.M.; 375 feet North and 302 feet West from the S ¼ Corner of Section 17.

9 - NW¼ SE¼, Section 6, T. 17 S., R. 12 E., W.M.; N. 27° 1' E., 678 feet from the SW Corner of the NW¼ SE¼, Section 6.

10 - SE¼ SE¼, Section 30, T. 16 S., R. 12 E., W.M.; 192 feet North and 1069 feet West from the SE Corner of Section 30.

SEE NEXT PAGE

T-8385 T-8154 T-8044 T 8018

T 7875 74-75

11 - SE¼ SE¼, Section 30, T. 16 S., R.12 E., W.M.; 1248.59 feet North and 38 feet West from the SE corner of Section 30.

12 - SW¼ NW¼, Section 20, T. 16 S., R. 12 E., W.M.; 130 feet North and 340 feet West from the SE Corner of the SW¼ NW¼, Section 20.

13 - NW¼ NW¼, Section 20, T. 16 S., R. 12 E., W.M.; 880 feet South and 1010 feet East from the NW Corner of Section 20.

14 - SE¼ NW¼, Section 16, T. 16 S., R. 12 E., W.M.; 390 feet North and 475 feet West from the Center of Section 16.

15 - Additional district diversion: NW¼ SE¼, Section 14, T. 15 S., R. 12 E., W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & Oct. 1 to Nov. 1	1 cfs to 83.0 acres
May 1 to May 15 & Sept. 15 to Oct.1	1 cfs to 62.0 acres
May 15 to Sept. 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

A description of the place of use to which this right is appurtenant is as follows:

Lot	qtr/Qtr	Tax lot	Use	Acres	Div. Pt.	Ownership
	SW¼ SW¼	1000	IRR	0.300	3 & 15	Eagle Crest Partners Ltd.
			Section 13			
	NW¼ SE¼	1000	IRR	6.600	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	800	IRR	6.500	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1000	IRR	2.000	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1100	IRR	6.300	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1200	IRR	3.100	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1200	PND	7.700	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1300	IRR	1.100	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1400	IRR	1.700	3 & 15	Eagle Crest Partners Ltd.
	SW¼ SE¼	1500	IRR	3.000	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	134	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1000	IRR	9.100	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1300	IRR	23.300	3 & 15	Eagle Crest Partners Ltd.
	SE¼ SE¼	1400	IRR	3.600	3 & 15	Eagle Crest Partners Ltd.
			Section 14			

SEE NEXT PAGE

NW¼ NE¼	4900	IRR	1.000	3 & 15	Carpenter, Robert & Christine
SW¼ NE¼	2200	IRR	1.000	3 & 15	Wells, Steven H. & Sharon
SW¼ NE¼	2300	IRR	4.500	3 & 15	Wells, Marilyn Stivers
SW¼ NE¼	2400	IRR	1.000	3 & 15	Marling, George & Adeana M.
SW¼ NE¼	2500	IRR	1.000	3 & 15	Newman, Richard & Karen
SW¼ NE¼	2600	IRR	1.000	3 & 15	Johnson, Dorothy
SW¼ NE¼	2700	IRR	1.000	3 & 15	Tornbom, Oliver J.
SW¼ NE¼	2800	IRR	1.000	3 & 15	Tepper, Nick & Karen
SW¼ NE¼	2900	IRR	1.000	3 & 15	Schutz, Charles
SW¼ NE¼	3000	IRR	1.000	3 & 15	Milkowski, Donald L. & Bertha E.
SW¼ NE¼	3100	IRR	0.800	3 & 15	Wells, George & Roma
SW¼ NE¼	3400	IRR	0.500	3 & 15	Dowd, Tracy H.
SW¼ NE¼	3500	IRR	1.000	3 & 15	Tromblee, William F.
SW¼ NE¼	3600	IRR	1.000	3 & 15	Dempsey, C.J. & Edna
SW¼ NE¼	3700	IRR	1.000	3 & 15	Franks, Don & Beverly
SW¼ NE¼	3800	IRR	0.800	3 & 15	Young, Vern S.
SW¼ NE¼	3900	IRR	1.000	3 & 15	Trus, Donna C.
SW¼ NE¼	4000	IRR	1.000	3 & 15	Mattox, Charles & Elouise
SW¼ NE¼	4100	IRR	0.300	3 & 15	Mattox, Charles & Elouise
SW¼ NE¼	4200	IRR	1.000	3 & 15	Marsh, Gary & Sherrie
SW¼ NE¼	4300	IRR	1.000	3 & 15	Marsh, Gary & Sherrie
SW¼ NE¼	4400	IRR	1.200	3 & 15	Zelenka, W. James & Sue A
SW¼ NE¼	4500	IRR	0.800	3 & 15	Murphy, Joseph & Debbie
SE¼ NE¼	500	IRR	3.000	3 & 15	Deggendorfer, Frank & Kathleen H.
SE¼ NE¼	501	IRR	3.000	3 & 15	Burks, Floyd & Pamela
SE¼ NE¼	700	IRR	4.200	3 & 15	Ettinger, Richard & Margorie
SE¼ NE¼	800	IRR	3.000	3 & 15	Sommerfeldt, R.W.
SE¼ NE¼	900	IRR	4.000	3 & 15	Volny, Norbert J. & Joan M.
SE¼ NE¼	1000	IRR	5.000	3 & 15	Kennel, Brian & Sandra
SE¼ NE¼	1100	IRR	2.000	3 & 15	Young, Dan D.
SE¼ NE¼	1200	IRR	1.000	3 & 15	Paul, Ervil & Lillian
SE¼ NE¼	1300	IRR	0.200	3 & 15	Aines, Philip & Ann
NE¼ NW¼	100	IRR	3.000	3 & 15	Moor, Daniel W. & Suzanna E.
NE¼ NW¼	200	IRR	3.000	3 & 15	Hopson, Mack B. & Diana L.
NE¼ NW¼	300	IRR	3.000	3 & 15	Easter, Marie
NE¼ NW¼	400	IRR	2.190	3 & 15	Jensen, James & Catherine
NE¼ NW¼	1000	IRR	4.000	3 & 15	Elkin, Harley K. & Ann Lynn
SW¼ NW¼	6200	IRR	1.000	3 & 15	DeBroekert, Jim
SW¼ NW¼	6400	IRR	1.000	3 & 15	Moore, Ronald & Patricia
SE¼ NW¼	500	IRR	2.130	3 & 15	Cundy, Dennis & Loretta
SE¼ NW¼	700	IRR	2.000	3 & 15	Suydam, Norman & Sylvia
SE¼ NW¼	800	IRR	3.000	3 & 15	Tumalo First Baptist Church
SE¼ NW¼	3100	IRR	0.200	3 & 15	Wells, George & Roma
SE¼ NW¼	3200	IRR	1.000	3 & 15	Hiler, Everett C. &
SE¼ NW¼	3300	IRR	1.000	3 & 15	Edwards, Helen
SE¼ NW¼	3400	IRR	0.500	3 & 15	Dowd, Tracy H.
SE¼ NW¼	4100	IRR	0.200	3 & 15	Mattox, Charles & Elouise
NE¼ SW¼	200	IRR	3.200	3 & 15	Keep, F.H. & Darwin
NE¼ SW¼	300	IRR	8.000	3 & 15	Hendrix, Louis & Betty Jean
NE¼ SW¼	400	IRR	2.000	3 & 15	McCoy, Clarence E. & Donna
NE¼ SW¼	500	IRR	6.800	3 & 15	Keep, F.H. & Darwin
NE¼ SW¼	1100	IRR	0.500	3 & 15	Hurst, George & Audrey J.
NE¼ SW¼	1200	IRR	0.200	3 & 15	Ruppel, Ray & Sharon
NW¼ SW¼	1100	IRR	0.500	3 & 15	Hurst, George & Audrey J.
NW¼ SW¼	1200	IRR	4.800	3 & 15	Ruppel, Ray & Sharon
NW¼ SW¼	1300	IRR	3.000	3 & 15	Klippenstein, Kent & Marcia G.
NW¼ SW¼	1400	IRR	6.000	3 & 15	Snipes, Thomas & Linda
SE¼ SW¼	600	IRR	12.000	3 & 15	Grogan, Ralph & Kay
SE¼ SW¼	700	IRR	8.500	3 & 15	Brittain, Gary

14.3 –

– same as on tabular rep of Water right

SEE NEXT PAGE

SE¼ NW¼	4100	IRR	1.000	1	Bend Metro Park & Recreation Dist.

Section 32
Township 17 South, Range 12 East, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm changes in use and place of use approved by an order of the Water Resources Department Director entered JUN 1 9 1997, approving the Swalley Irrigation District petition for water rights mapping under ORS 541.325 to 541.331.

This certificate is also issued to confirm changes in points of diversion approved by orders of the Water Resources Director entered March 7, 1997 and prior, affirmed by the order approving the Swalley Irrigation District petition for water rights mapping.

This certificate supersedes certificates of water right numbered 29054 and 29056, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 1 9 1997.

Martha O. Pagel, Director

KEY TO USES:

IRR = irrigation
PND = pond maintenance
MNT = park maintenance
NUR = nursery
IND = industrial
DUST = dust abatement

* This industrial use may be used anywhere within the district boundaries.

partial instream lease
to 10-31-00 V54 P 242

Canceled Sp.Or.Vol. 53 P. 1173

Canceled Sp.Or.Vol. 52 874 P. & 885

Recorded in State Record of Water Right Certificates numbered 74145.

modified by V52 P1104

HB-3111.BWB

T 8018

Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers

Transfer # T-10490 Applicant: DRC/Swalley ID

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The following items have been submitted electronically*:

- [x] Contact List
- [x] Draft Preliminary Determination (DPD) incomplete
- [ ] DPD Cover Letter
- [ ] PD Notice
- [ ] PD Cover Letter
- [ ] Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- [ ] Instream Water Right Certificate (if required)

*NOTE: Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- [x] Marked copy of transfer application
- [ ] (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- [ ] (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- [x] Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- [ ] Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

- [ ] **Signature of Contractor:** _____ **Date:** 4-2-10

For WRD use only:

WRD approval by: _____ **Date:** _____

Review Checklist **T-10490** **Processor: Laura Snedaker/RA**

Application

- [x] The type of change is clearly indicated.
- [x] The application is appropriately signed. SID signature on file at OWRD.
- [ ] Appropriate fees were paid. [ ] If overpayment, Refund Request to be sent with FO
- [ ] Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- [ ] Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- [ ] All required attachments received.

Water right subject to transfer

- [x] Certificated right or Proof accepted "to the satisfaction…."
- [ ] The right been exercised according to terms & conditions of certificate.
- [ ] Delivery system has the capacity to fully divert the rate/duty of the right.
- [ ] No information in record that suggests forfeiture.
- [ ] No conflicts identified on the plat cards and plat card reports printed.
- [ ] Affidavits prepared for rights that need to be canceled or diminished.

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Application Map Waiver approved

- [ ] The map has an original CWRE signature.
- [ ] The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- [ ] All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- [ ] Metes and bounds for the POD's/POA's are properly described on the map.
- [ ] The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- [x] Map acres match the tabulation on the certificate.
- [x] Have final proof maps/decree maps for the rights. [ ] Application map matches certificate FPS. No
- [x] Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- [x] *Only* the authorized POD's/POA's and POUs to be transferred are listed.
- [x] Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- [ ] Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- [x] The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- [x] Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- [ ] The applicant is the owner of the "from" lands. No - OC to SID
- [ ] *All* owners on the deed/ROLI have signed the application.
- [ ] If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- [ ] If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- [ ] Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

[ ] **application** complete	[ ] **map**	[ ] **FPS**	[ ] evidence of use	[ ] land-use form
[ ] deed/ROLI	[ ] **certificate**	[ ] fees paid	[ ] well logs	[ ] **plat card**
[ ] **audit**	[ ] **dpd**			

Reviews/comments/conditions received? [ ] Watermaster [ ] ODFW [ ] GW

Headgate	[ ] When in the judgment	[ ] Prior to diverting	[x] Existing and maintain
Measuring Devices	[ ] When in the judgment	[ ] Prior to diverting	[x] Existing and maintain
Fish Screen Devices	[ ]		

Injury: Y (N) Enlargement: Y (N)

Conditions to avoid enlargement/injury –

T-10490 / MP-111 C-74145

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Notes / issues

- need SID co-sign b&c/ Quit Claim goes to them rec'd by LKS
- why are fees ÷2 ? SID, DEC ?
- need copy of notice rec'd - dated 12/11/07
- missing exhibit from Affidavit deficiency ltr √rec'd
- is POD correct for Wr in Sec 28 ? ~~deficiency ltr~~ Affidavit says pipeline...
  verify POU for IWR ~~deficiency ltr~~
- is mapped right consistent w/ FPS ? deficiency ltr
- does dust abatement require proof of use? what criteria ? deficiency ltr
  - see Kyle's calcs
- [Supp form Q period of instream use = 4/1 – 11/1 ← this would create enlargement
  Exhibit B " " = 4/1 – 10/25 Δ by LKS]
- no evidence that POD 3 / SID serves Sec 28 ⇒ could not verify ~~deficiency ltr~~
- IRPM does not show any Wr in ~~Sec 28~~ NW NE Sec 28 " IWRD checked and verified 5.0 ac on lands proposed for trfr
- Enhanced mapping shows ~~some~~ Wr all over the place
- watermaster report is for another trfr – T-10463 rec'd correct one dated 12/14/07
- affidavit on TC 1300 is from Aug '06
- noticed Local govts: Jeff Co DesCo Zach noticed via email on 10-15-09 Marion (LW says to note in DPD when notice was made)
  no LWIFs City Bend Skamania Co Wasco
- ODFW review?
- no proper description of conveyance system beyond diversion

*** TRANSMISSION ERROR REPORT ***

MAR 3,2008 01:15 Model # Lexmark X6100 Series 000-000-00000

START TIME	SENT TO	PAGES	RESULT
01:14	5034347447	0	ERROR

Terrance Anthony

From: "Laura Wilke" <snedaklk@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Tuesday, October 13, 2009 4:03 PM
Subject: RE: T 10490

I think we can use the information from the Department's regional manager as a basis for a finding. I'm planning to run whatever we put together in terms of a finding by Kyle and Jeremy (Watermaster) before we send the DPD along to the applicant. Make sure we're all on the same page and comfortable with the determination. I think we can put this as, "based upon additional information from the SCR Manager, the Department has determined....." Or something like that. Use T-9640 as an example transfer. That one has a bit more meat in the FO but is still a good template.

I think at this point, we need to focus on what, if anything, else we need to wrap up the application review. For example, I noticed that the additional information they provided for evidence of use (SID water use records) didn't cover the portion of the right in the SE SW of Section 17. They also supplied a 2005 aerial photo but I don't see any evidence of irrigation use just based on looking at the photo. Let me know what you think.

So, let's look to see if we need to follow up with another deficiency letter or do we have everything we need, with the info from Kyle, to proceed to DPD.

Does this help. Give me a call if you want to chat about this one.

Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Tuesday, October 13, 2009 2:09 PM
To: Laura Wilke
Subject: Re: T 10490

Laura,

Kyle's calcs seem straightforward, but is there at least some bit of evidence to justify each of these figures? For example, Kyle assumes 8 hours per day of use at least 5 days a week, suggesting it runs continuously, while the prior owner says in his letter simply 'it was used several days a week'. There seems to be very little to base a "finding" on...is there something you could suggest?

Other than that, I have put in 14.0 hours with 7.0 remaining on my estimate. I haven't gone through the deficiency response letter in any methodical way yet. Should I proceed to work on the DPD?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

> ----- Original Message -----
> **From:** Laura Wilke

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To: Terrance Anthony
Sent: Monday, October 05, 2009 12:43 PM
Subject: RE: T 10490

Hi Terry – You might not remember this transfer but it's still on our to-do list. Do you still have any $ time left available for this transfer? We just got in some additional information needed to address a deficiency (we needed info on how water was used for dust abatement from the applicant). I thought this might be a good point to assess where we are in the process and where you are.

10490 dust abatement calculations .xls

Attached is the additional info from Kyle Gorman (Regional Manager) that addresses the dust abatement issue and how much may be available for transfer. I'm going to spend an hour or so this afternoon refreshing myself on this transfer. Please give me a call, if needed, and we can touch base.

Also – here's an excerpt from Kyle's e-mail

"I have attached a spreadsheet that I used to calculate the amount of water that the DRC is proposing to transfer to instream for mitigation that involved dust abatement at the Rimrock Riders riding area within the Swalley Irrigation District. On the low side it was 0.88 acre-feet per acre and the high side was 1.64 ac-ft/acre. I also looked at a transfer that involved dust abatement in the Umatilla Basin. The Department allowed 1.2 AF/acre in that transfer from dust abatement to quasi-municipal use (T-9640). From the data available, which is sparse, I think that they can make a case for having used up to 1.64 AF/acre beneficially and likely close to 100% consumptive. I am trying to arrive at the transferrable amount. I think 1.6 AF/acre would be the max amount. Zach has a lot riding on this because he already told the purchaser they are going to get 1.8 AF/acre before even discussing with us."

Thanks, Laura

Laura Wilke
Flow Restoration Program Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Sunday, August 24, 2008 11:40 AM
To: Laura Snedaker
Subject: T 10490

Hi Laura,

I noticed that the deadline is approaching for DRC to respond to our most recent deficiency letter re: T 10490. In the event you receive something, please know that I'll be out all of this coming week on vacation but that I'll reply as soon as I return. If you don't see anything from them by end of the month, could I ask you to inquire where they are at? -Thanks.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

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T-10490 - Dust abatement calculation.xls (per Kyle Gorman)

Assumptions:	6 gpm/acre	7.5 gpm/acre
	2.5 acres	2.5 acres
rate	15 gpm	18.75 gpm
	0.03 cfs	0.04 cfs
	8 hours/day	9 hours/day
	0.02 af/day	0.03 af/day
	5 days/week	6 days/week
	20 weeks/yr	22 weeks/yr
	2.20 AF	4.09 AF
	0.88 ac-ft/acre	1.64 ac-ft/acre

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Terrance Anthony

From: "Laura Wilke" <snedaklk@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Monday, October 19, 2009 9:15 AM
Subject: FW: Proposed instream transfer (T-10490)

Looks like Zach didn't provide notice to the planning department's for Maupin and Wasco county until last week.

Applicants for instream transfers are required to provide notice to affected local governments prior to submission of the transfer application.

We should make note of when notice was provided in the DPD.

Laura

From: Zach Tillman [mailto:zach@deschutesriver.org]
Sent: Thursday, October 15, 2009 2:12 PM
To: maupincity@centurytel.net; ToddC@co.wasco.or.us
Cc: Laura Wilke
Subject: Proposed instream transfer (T-10490)

Hello,

We are notifying you of our intent to transfer a water right to instream use. We have submitted an application to the Oregon Water Resources Department changing the place of use to the Deschutes River, from the city of Bend to Lake Billy Chinook.

We propose to transfer approximately 0.17 cfs instream, with a priority date of September 1st, 1899. If you have questions regarding this application or are interested in receiving additional information, please call me at the number below. The Oregon Water Resources Department will provide you with additional notice of this transfer once it has been submitted for review. Thanks very much.

Zachary Tillman, DRC
541-382-4077, x.21
zach@deschutesriver.org

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Terrance Anthony

From: "Laura Wilke" <snedaklk@wrd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Wednesday, November 18, 2009 1:24 PM
Subject: RE: T10490 - TL 1300 issues

Hi Terry – got a chance to review your thoughts. I'm basically on the same page but I think we need to follow up with another deficiency letter. The Department usually takes the one, two, three strike approach.

Here's what I see.

Tax Lot 3400 in T17S R12E Sec 28 NW NE – we needed them to provide evidence of use. Originally we had an undated aerial photo that was of poor quality. On 6/27/2008, the DRC provided additional information in response to the first deficiency letter. In the response, we received a 2006 aerial photo which seemed to show at least partial irrigation. DRC also noted that photo showed "partial" irrigation. The bar is to demonstrate "full" use. But they also included SID use records. Those records appear to identify that there was full use in 2003, 2004, and 2005, which meets the bar for showing use in the five years prior to the transfer being submitted.

The issue here, which Kyle Gorman has identified, is that there is not likely 5 acres of irrigation possible on this parcel. The tax lot is five acres in size. The application map itself shows areas with no irrigation hatchured. This appears to be a driveway, buildings, shrubs and a pond. Kyle, in an e-mail dated 8/1/2008, suggested that there is potentially only 4.5 acres of irrigation.

This isn't a deficiency issue at this point, but is something we need to weave into the DPD findings. However, if we send a follow up deficiency letter, it would be worthwhile pointing this issue out. Perhaps this is something that could resolve. Otherwise, we can move forward based on reduced acres if they can't show for sure that there are 5.0 acres of irrigation.

Tax Lot 1300 in T17S R12E Sec 17 NE SE and SE SW – we needed them to provide additional evidence of use and information regarding the dust abatement use. The aerial photo originally provided was undated and poor quality. On 6/27/2008, the DRC provided a 2005 aerial photo. Photo didn't do the job as far as demonstrating that irrigation had occurred on the property. Again, the photo is poor quality and appears to show trees, as you noted, in the areas where irrigation is supposed to be located. See also aerial photo (2005 photography) on Department's web page via interactive mapper. Could see the riding arena where the dust abatement probably occurred. The bar for showing use in the five years prior to the transfer being submitted for Dust Abatement is met.

The DRC also provided SID water use records. Records appear to identify that full use occurred for 4.2 ac of water right in the NE SW in 2004 and 2005. It appears that the 4.2 acre accounts for the 1.9 acre of irrigation and 2.3 acre of dust abatement, which totals 4.2 acres. For the irrigation use, this appears to meet the bar for showing use in the five years prior to the transfer being submitted. And I don't think that the letter from Bobbi Elliot contradicts this. She identified that irrigation water was "primarily" used for dust abatement, which doesn't suggest that all of the water was used for dust abatement.

I think the TL 1300 record that you referred to higher up on their water use summary is just an accounting thing for the 1.9 acre of irrigation that was quit claimed. I think they've met the bar as far as the application requirements go but the information isn't the greatest as you pointed out.

I also did a gut check with Kyle and Jeremy on this property back in August 2008. Here's what Kyle said about this parcel: "for the areas on tax lot 1300 of sec 17, this was a horse riding facility and dust control was definitely used there. I know there was irrigation. I've ridden my bike by this place at least 20 times per summer since 1996 and can always recall use on the property. Now it has been turned into a subdivision so all previous evidence is gone."

I think here we'll want to make a finding in the DPD suggesting that it's not clear that full irrigation occurred on the place of use described but that there's isn't sufficient information to cancel. See supplemental findings document for appropriate finding.

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4/2/2010

However, the records from SID do not cover, as you pointed out, the SE SW of Sec 17. This is a deficiency item that we should address in a follow up deficiency letter. If they can meet the bar here, then we should be able to move forward.

We also asked them to provide info on the dust abatement use. In response we received a letter from Bobbi Elliot, past president Rim Rock Riders, indicating that most of the irrigation water was used for dust abatement. But the letter didn't go into sufficient details on the dust abatement use. So we asked for further info on the dust abatement use on 7/25/2009.

Kyle Gorman sent us additional information for the dust abatement use on 8/20/2009.

If you need additional time, considering we need to put together a very short deficiency letter, contact Salem to start working through that process.

Give me a buzz if you have questions after getting a chance to read through this.

Laura

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Friday, November 13, 2009 12:19 PM
To: Laura Wilke
Subject: T10490 - TL 1300 issues

Laura,

Take a look at Zach's response to the first deficiency letter (dated June 26 2008-attached). Under item 2 he says that the aerial photo shows irrigation, and this is backed up by the SID watermaster's records (both are attached to the letter).

My findings are that this is not the case. First, the 'area under irrigation', which should conform to the irrigation POU, appears to have a land cover identical to the tax lot to the north. In the tax lot to the north, which is not cluttered with overlaid plat info, it much easier to see that these are trees (probably juniper), not grass. I wouldn't think that anyone would irrigate junipers... Second, the line highlighted in the watermaster's records is only part of the story. There is another reference to TL 1300 a little higher on the page that shows NO evidence of use. This piece is 1.9 acres-same as the irrigation right in the NE SW. There are no records shown for the SE SW where the other 0.3 acres of irrigation are. The highlighted section (4.2 ac) could refer to dust abatement, though it is considerably more than the 2.3 acres allowed in that QQ. Again, there are no records for SE SW where the other 0.5 ac of dust rights are located. Finally, Bob Elliot's letter does not contain any reference to water being used for irrigation. If you re-read the first line of Bob Elliot's letter, what it says is that the irrigation rights were really used for dust control.

Unfortunate as it may be, the above would suggest at least a partial denial of the transfer. Please give me a call to let me know how you want to handle that. I can probably do a partial approval (i.e. for TL 3400) or a full denial DPD with the time I have left. However if we get into another round of deficiency letters, I'll need to request more time.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

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4/2/2010

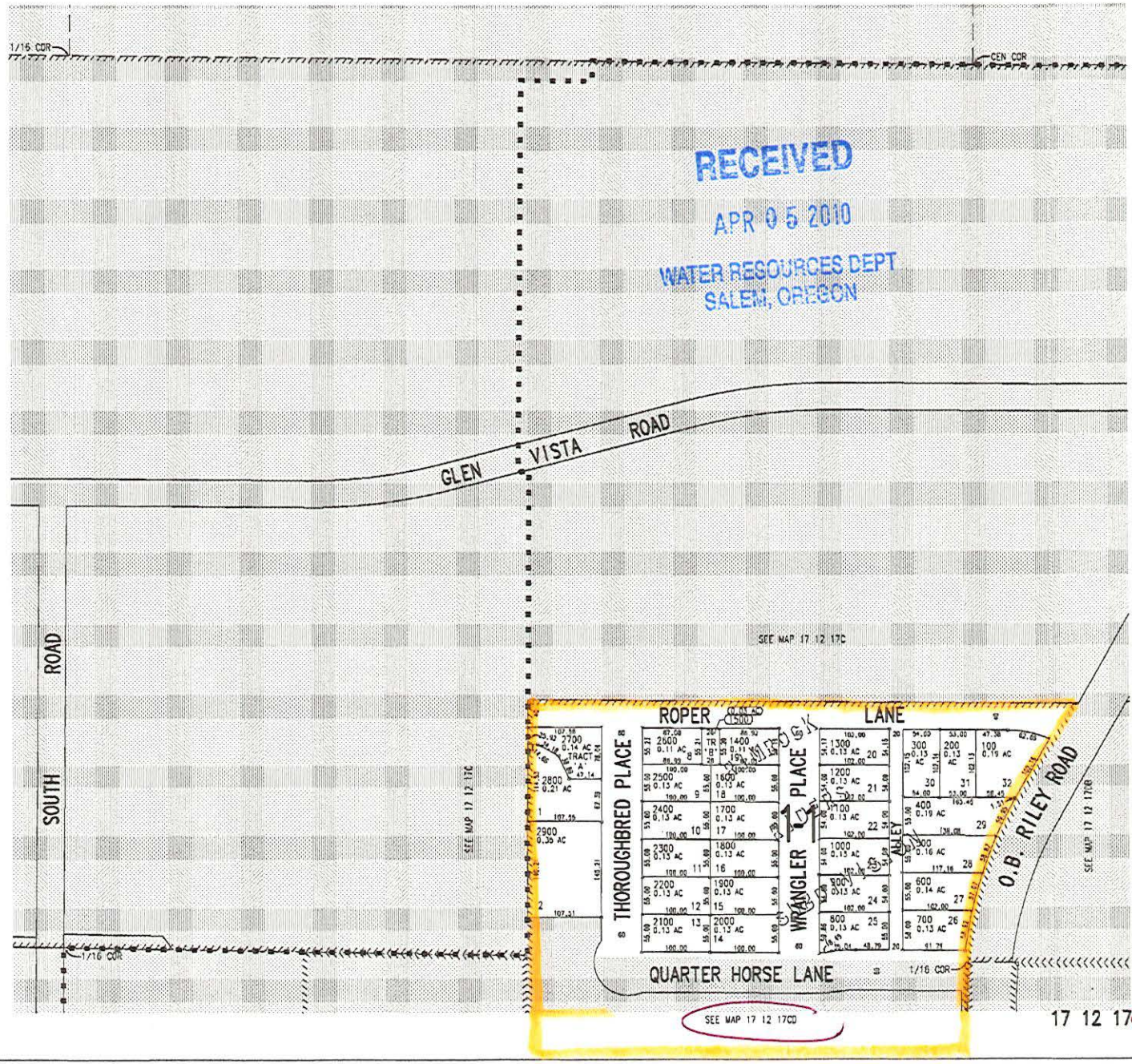
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

REVISED: 07/02/2007

NE1/4 SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

17 12 17CA

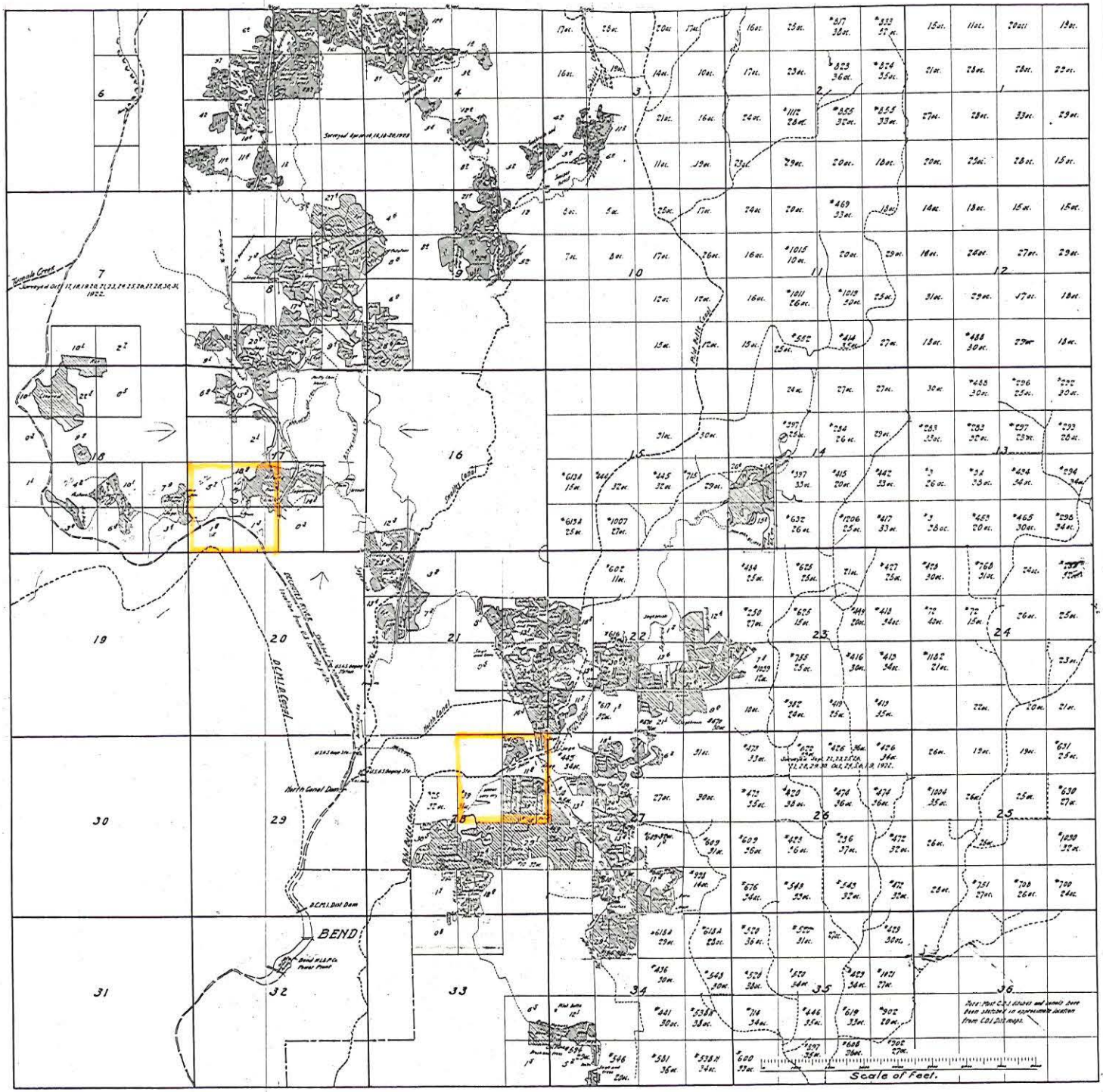


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17 12 17CA

T-16450

Township 17 S, Range 12 E. 30-1-3



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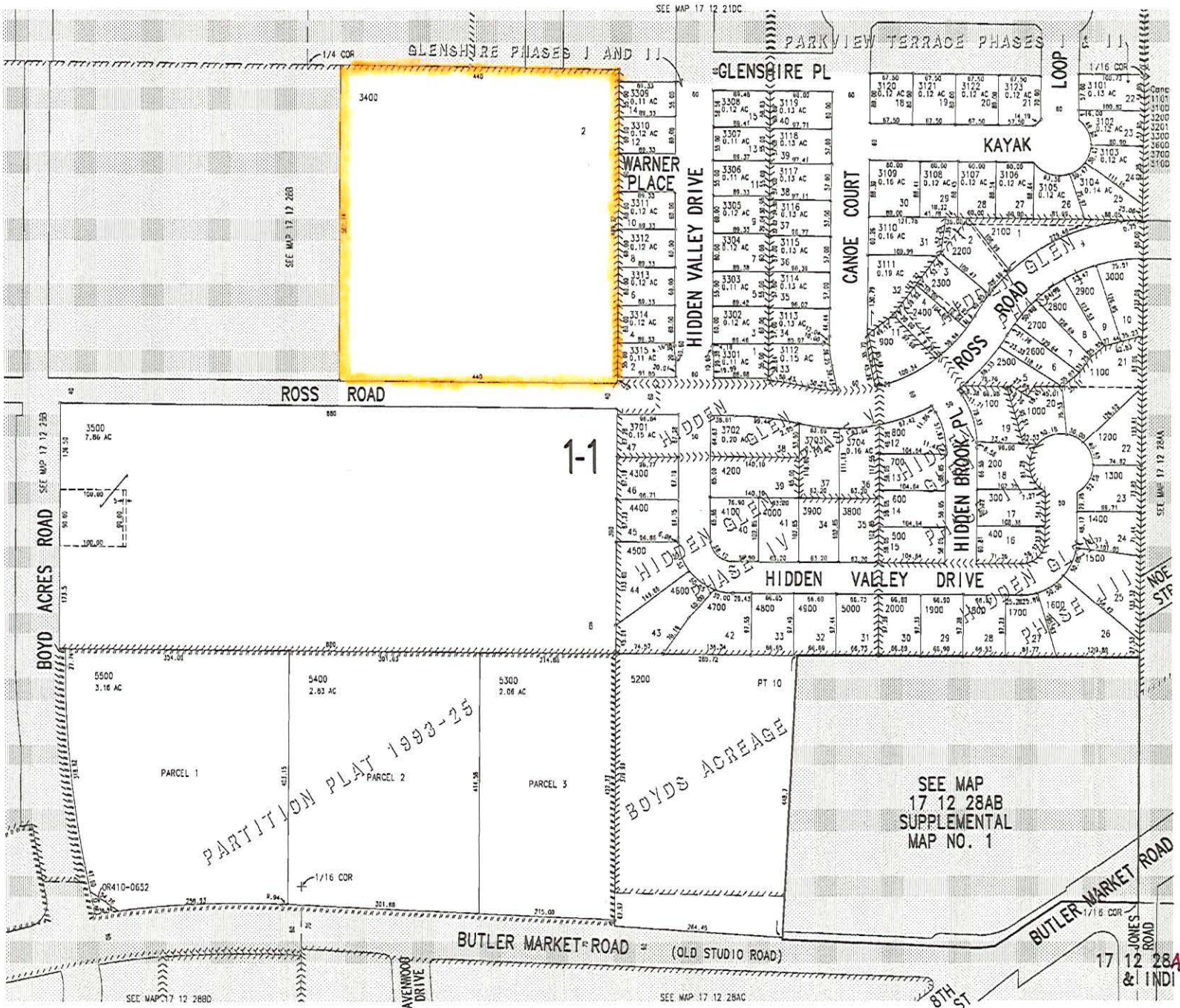
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REVISED: 10/24/2003

NW1/4 NE1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

17 12 28AB & INDI



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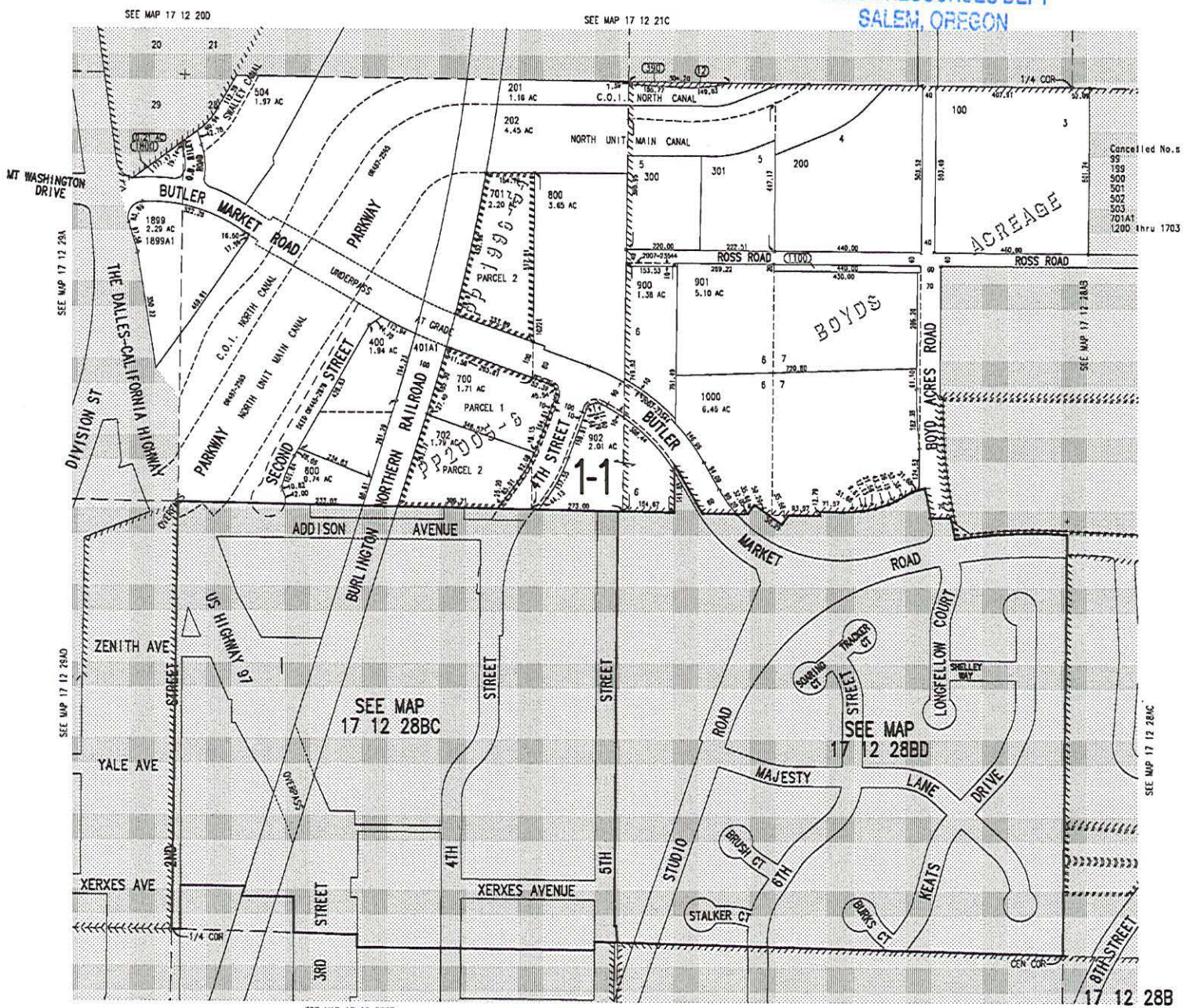
REVISED: 05/03/2007

NW1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

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17 12 28B & INDEX



17 12 28B & INDEX

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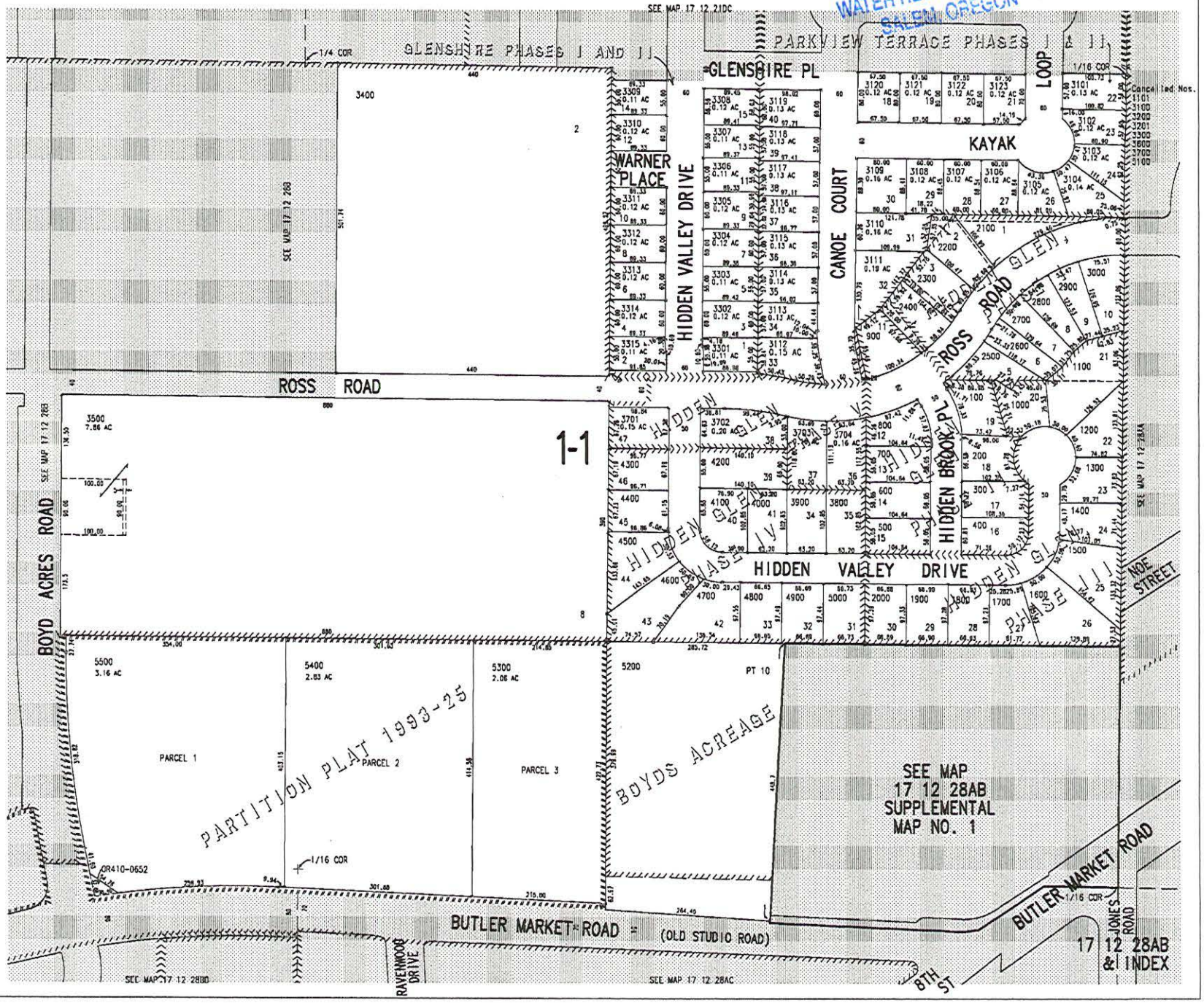
REVISED: 10/24/2003

NW1/4 NE1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

17 12 28AB & INDEX

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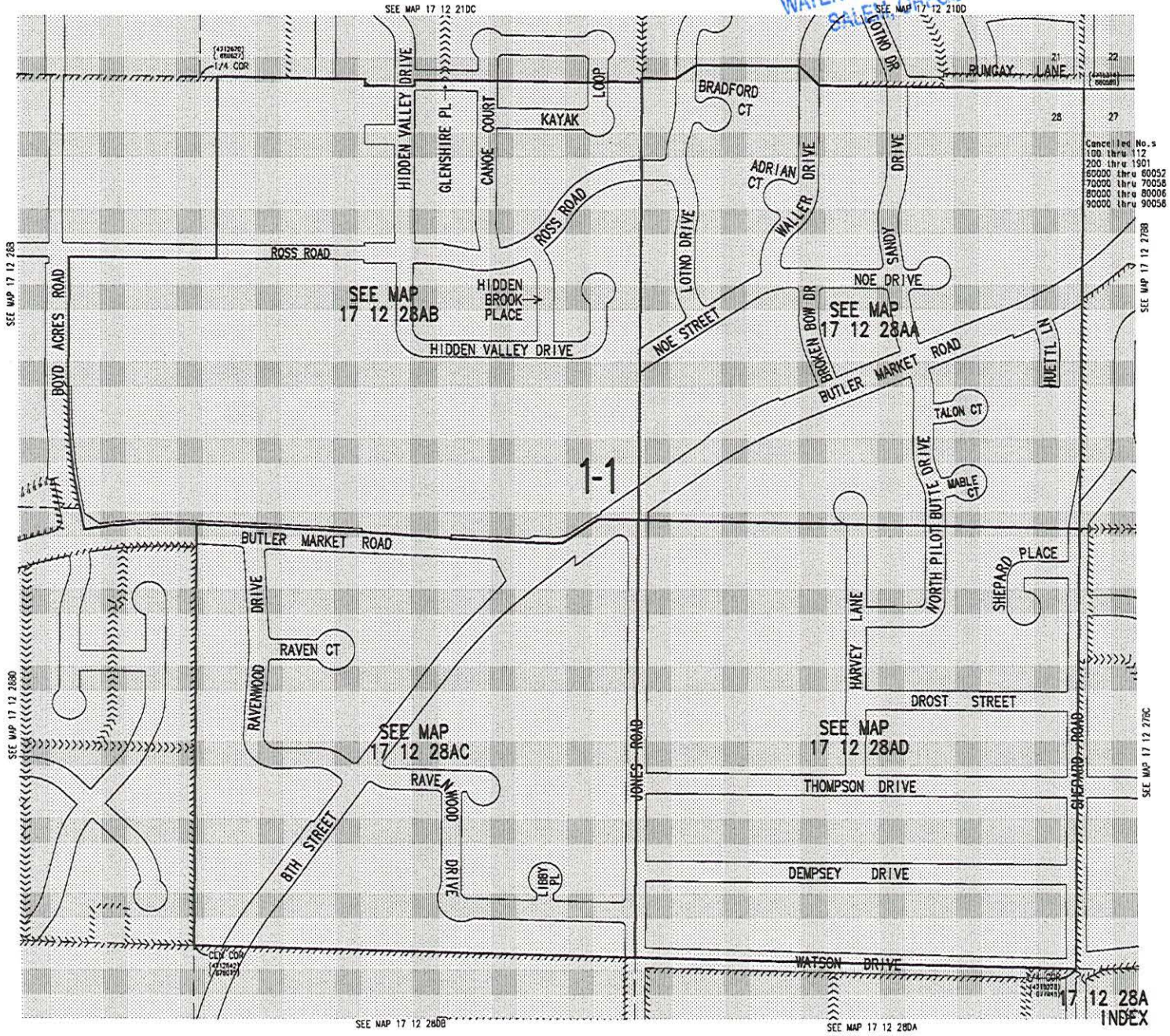
REVISED: 09/05/2006

NE1/4 SEC. 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

17 12 28A
INDEX

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17 12 28A
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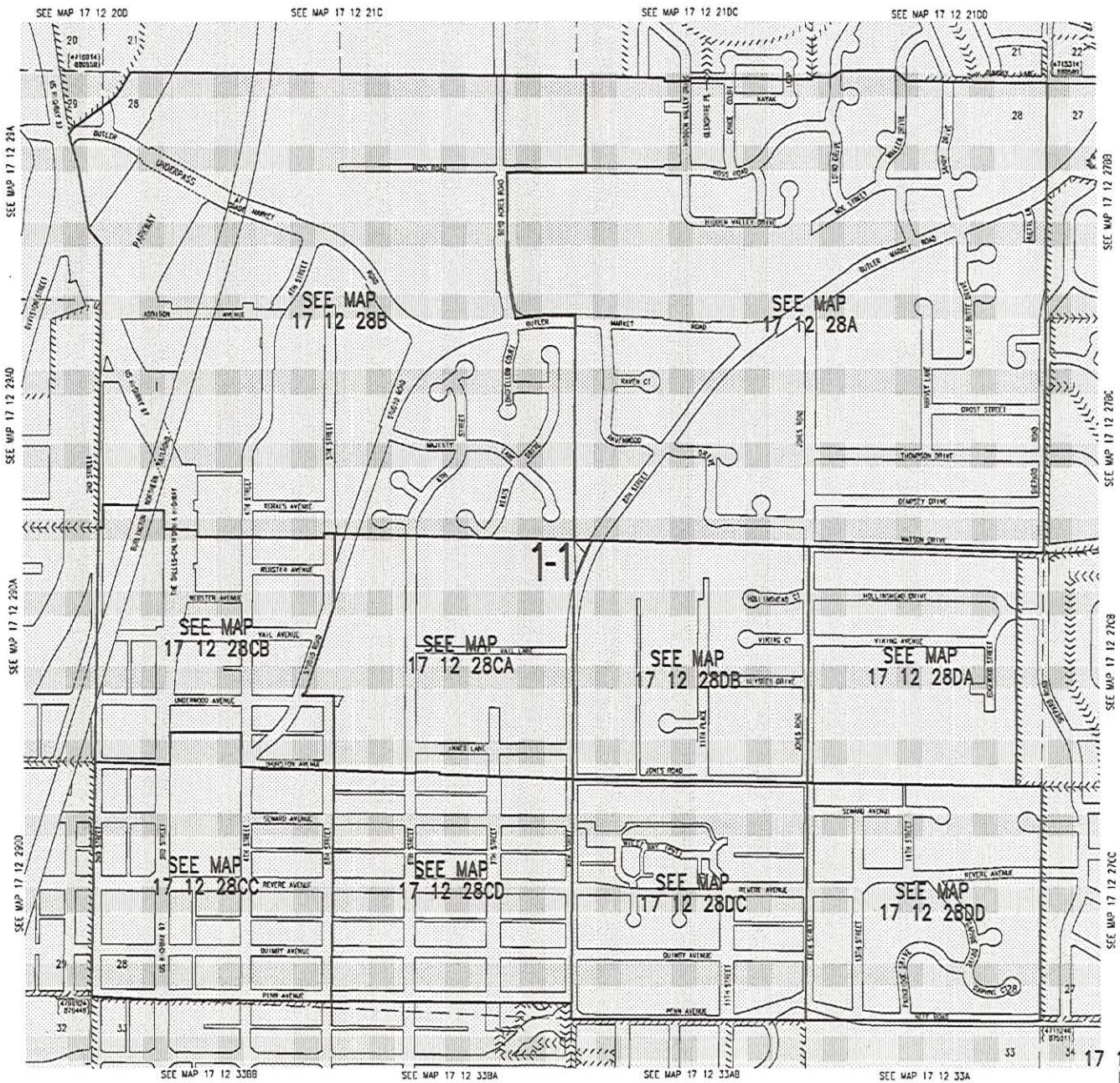
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REVISED: 08/24/2006

SECTION 28 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 400'

17 12 28
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INDEX

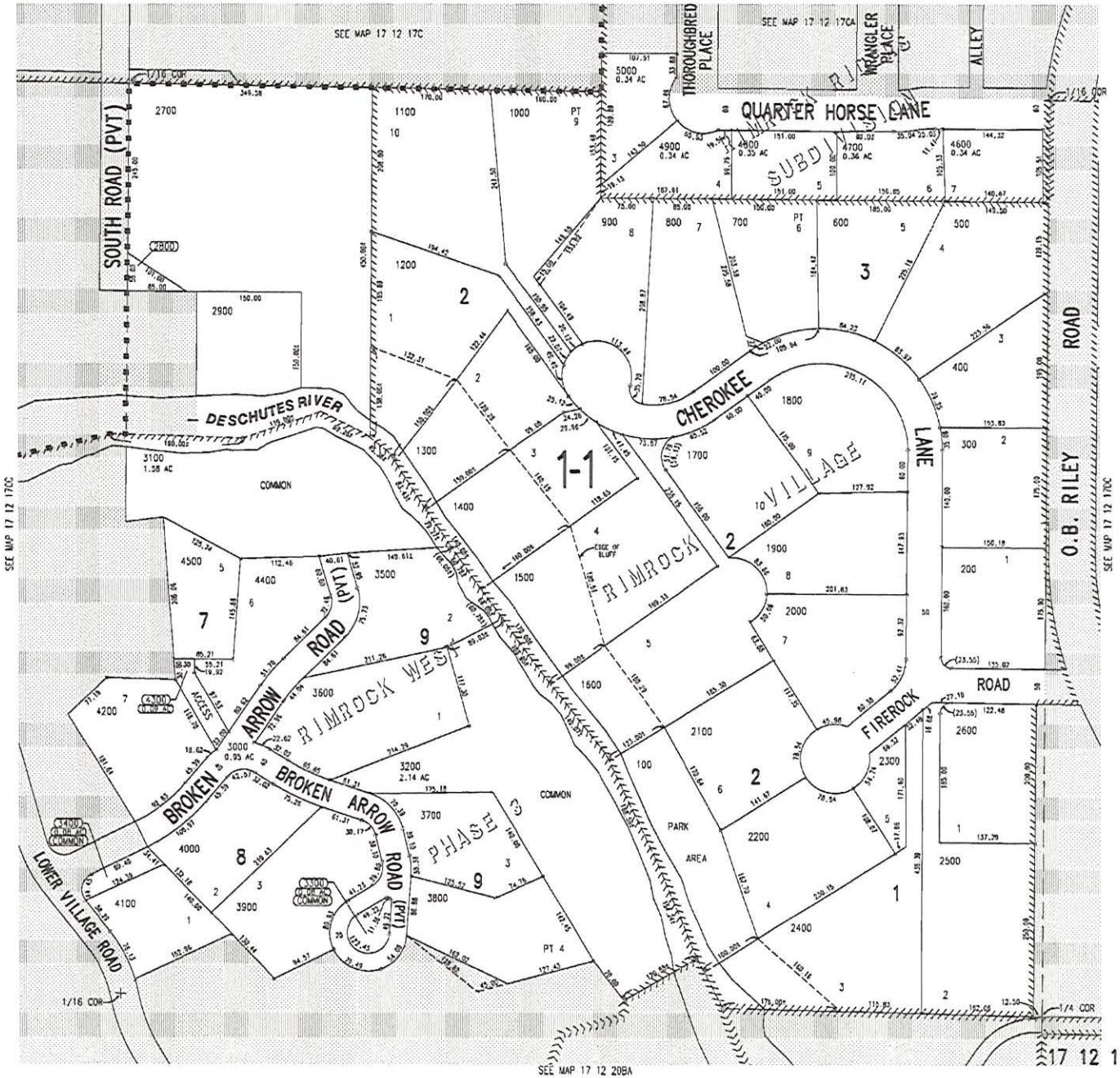
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REVISED: 07/02/2007

SE1/4 SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

17 12 17CD



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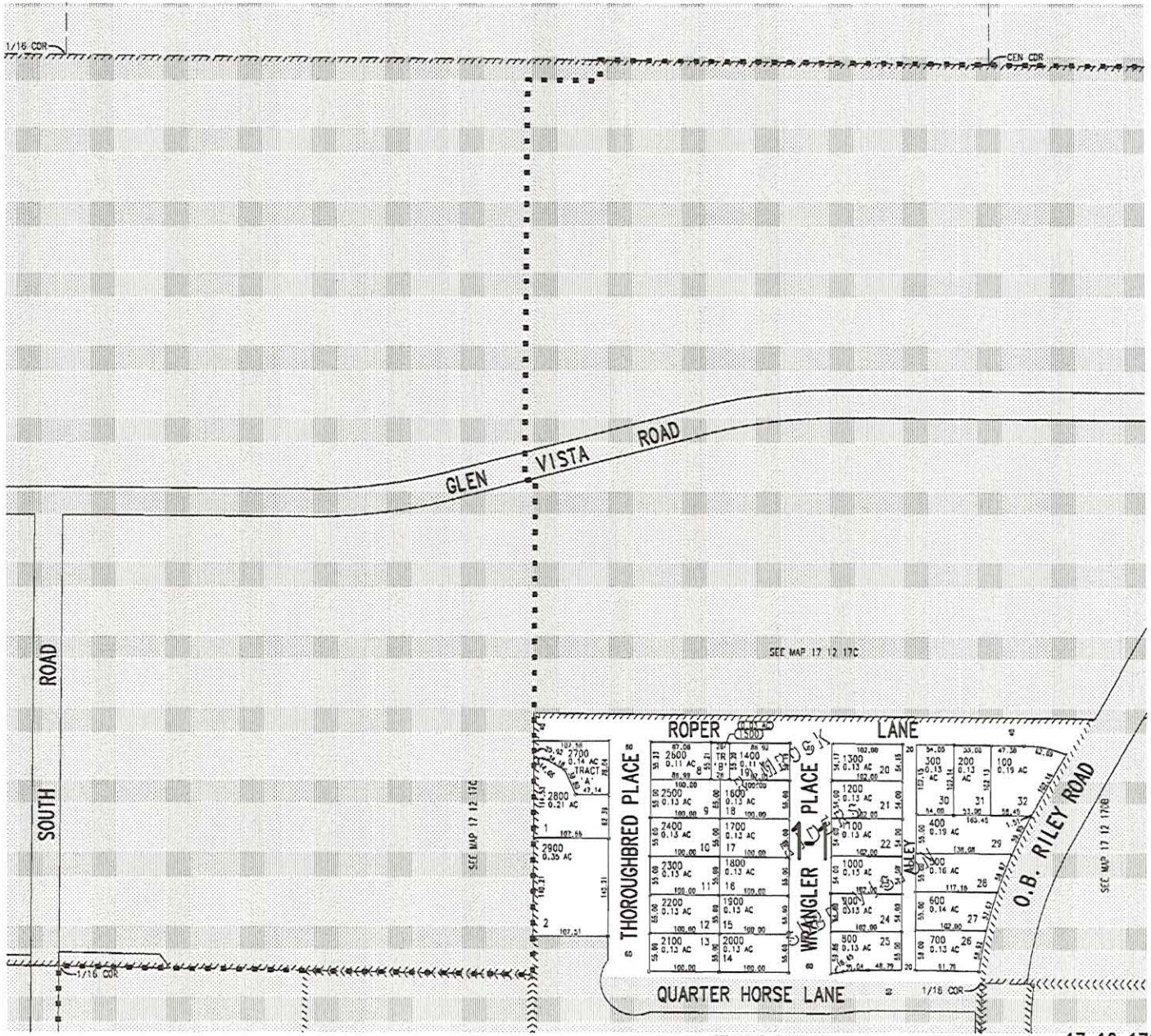
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REVISED: 07/02/2007

NE1/4 SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

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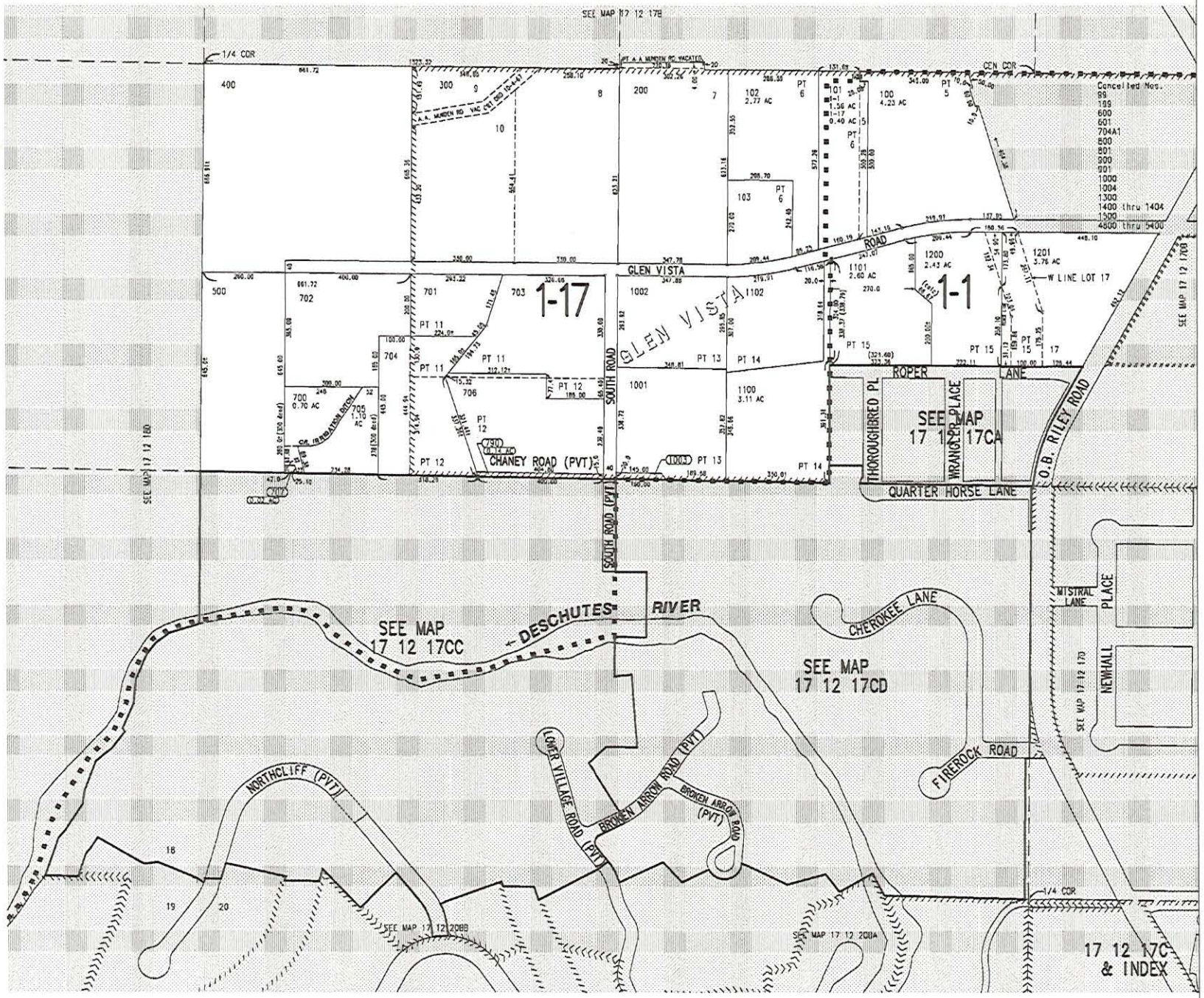
REVISED: 11/07/2007

SW1/4 SEC. 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

17 12 17C & INDEX

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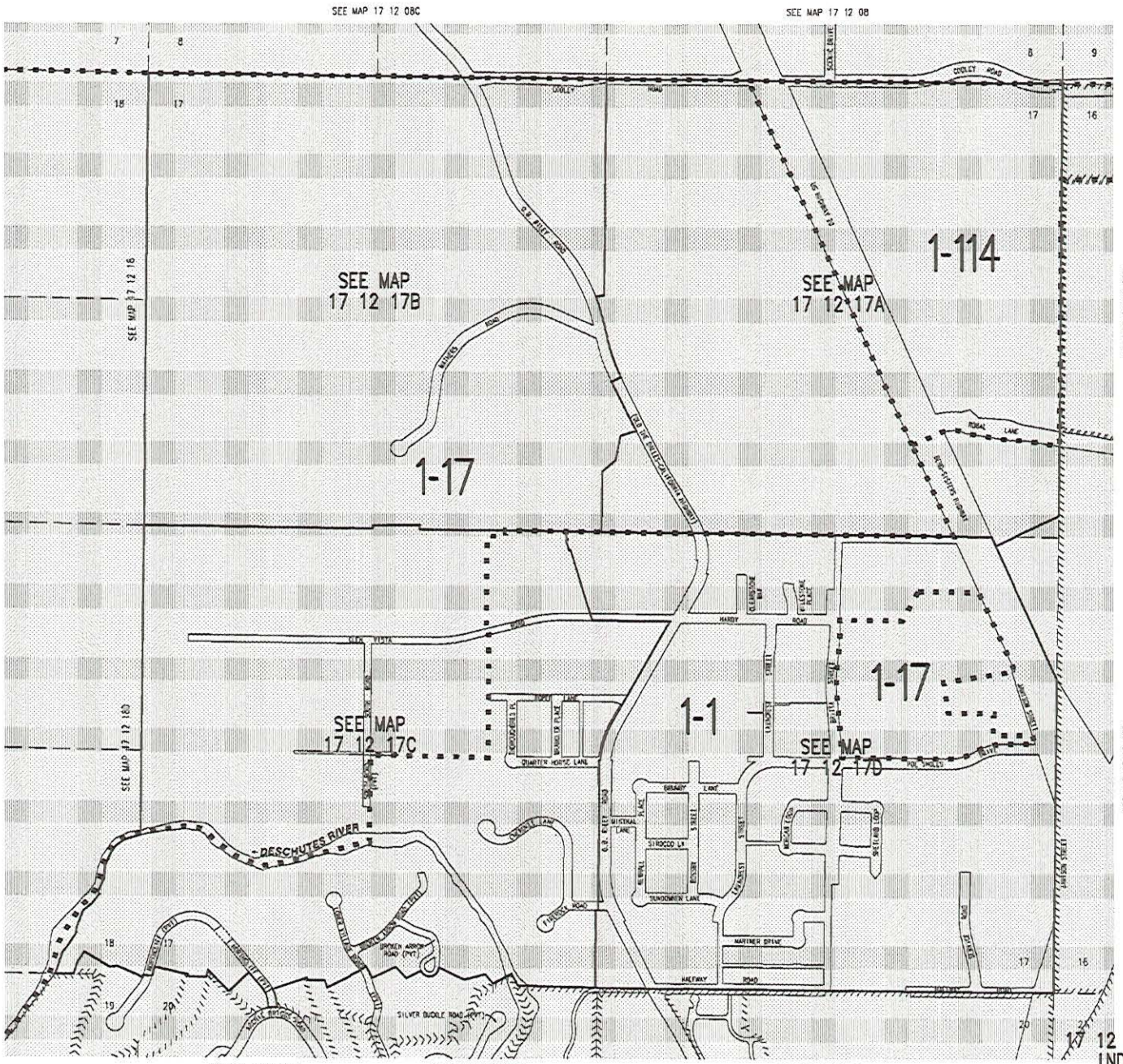
REVISED: 12/10/2007

SECTION 17 T.17S. R.12E. W.M.
DESCHUTES COUNTY

1" = 400'

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Mitigation Project

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

Application for Water Right
Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

- ☑ Permanent Transfer
- ☐ Temporary Transfer (1 to 5 yrs.)
  - total number of years: ____
  - (begin year: _____)
  - (end year: _____)
- ☑ Instream Transfer
  - ☑ Permanent
  - ☐ Time-Limited
- ☐ Drought Transfer
- ☐ Other

2. APPLICANT INFORMATION

Name: Deschutes River Conservancy & Swalley Irrigation District
(First / Last)

Address: 700 NW Hill St.

Bend (City) OR (State) 97701 (Zip)

Phone: (541) 382-4077 x.21
(Home / Work / Other)

Fax: (541) 382-4078 E-Mail address: zach@deschutesriver.org

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: _____
(First / Last)

Address: _____

_____
(City / State / Zip)

Phone: _____
(Home / Work / Other)

Fax: _____ E-Mail address: _____

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- If an agent is listed above, please check ***one*** of the following:
  - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; **or**
  - ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.			C - 74145
2.			
3.			
4.			
5.			
6.			

- Attach a **separate** ***Supplemental Form A*** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

☑ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion

☑ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA

☑ Instream Transfer ☐ Surface Water POD to Ground Water POA

☐ Substitution of Supplemental Groundwater right for Primary Surface water right

☐ Historic POD change ☐ Other

- Reason(s) for change(s): Permanent Instream Transfer

5. WATER DELIVERY SYSTEM

- Describe the ***current*** water delivery system ***or*** the system that ***was in place*** at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

See Exhibit A

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- System capacity: 12.5 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☑ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☑ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☑ No

*If "**Yes**", for any of the above, list the name and mailing address of the district, agency and/or entity:*

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8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Deschutes County Planning Dept
117 NW Lafayette Ave
Bend, OR 97701

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☐ No

  *If "**No**", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

  Names of Current Landowner(s): See quitclaim packets & supporting docs
  First Last

  Address: _____

  _____
  City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

  ☐ Yes ☐ No ☑ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

  *If "**No**", provide the following information:*

  Names of Receiving Landowner(s): _____
  First Last

  Address: _____

  _____
  City State Zip

- Check ***one*** of the following:

  ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☑ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

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10. Other Remarks (optional)

_____

_____

_____

_____

_____

_____

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11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A – Description of Proposed Change(s) to a Water Right

☑ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** water right to be affected by this transfer.

Supplemental Form B – Evidence of Use Affidavit(s)

☑ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), **<u>and</u>**

☑ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation.**

Map

☑ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need **<u>not</u>** be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

☐ N/A. The application does **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

☑ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

☐ Land Use Information Form is enclosed; ***or***

☐ **<u>All</u>** of the following criteria are met, therefore a Land Use Information Form is not required:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

Fees:

($400 + $400) ÷ 2

☑ Amount enclosed: $ 400
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

<u>Instream Water Right Transfers, also include:</u>

Supplemental Form C – Instream Water Right Transfer

☑ Complete this form to describe the desired nature and attributes for the proposed instream water right.

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<u>Temporary Transfers, also include:</u>

Recorded Deed:

☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

▪ **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☐ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted*; **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☑ **I (we) affirm that interest in the water right has been conveyed to someone other than the landowner**, and documents, **including a water right conveyance agreement**, report of ownership and lien information, and any required lienholder notification **are enclosed**, demonstrating that I am (we are) authorized to pursue the transfer. **I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.**

☐ **I (we) affirm that 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.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*

☐ **I (we) affirm that this is a temporary transfer and a copy of the deed** for the "from" land (and affidavits of consent from any other landowners, if applicable) **is enclosed.**

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

applicant signature	name *and title if applicable* (print)	date
[signature]	Zachary Tillman DRC Transfers Mgr.	11-15-07
applicant signature	name *and title if applicable* (print)	date

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

*List only **one** water right per page. A **separate Supplemental Form A** must be completed for **each** certificate, permit, decree, or other right involved in the proposed transfer.*

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 74145

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ **Change** (The old point of diversion or appropriation will **not** be used for the portion of the water right affected by the transfer.)	☐ **All of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	Proposed new use: ☐ **Irrigation** ☐ **Municipal** ☐ **Quasi-municipal** ☐ **Commercial** ☐ **Industrial**
☐ **Additional** (Both the old ***and*** new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	☒ **Only a portion of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	☒ **Instream** (complete and attach ***Supplemental Form C***)
☐ **Historic Point of Diversion or Appropriation Change** (Unauthorized point of diversion or appropriation used for more than 10 years.)		☐ **Domestic** (indicate number of households) _____
☐ **Surface Water to Ground Water** (A new point of appropriation will be used **instead of** the old point of diversion. The old point of diversion will **not** be used.)		☐ **Other** _____
☐ **Point of Diversion Change due to Government Action** (The old point of diversion or appropriation can no longer be used due to government action.)		☐ **Substitution** (A supplemental ground water right will be substituted for a primary surface water right.)
☐ **Exchange** (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		☐ **Supplemental Use to Primary Use** (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

NA

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2. CURRENT WATER RIGHT INFORMATION

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

☑	Certificated Right	C-74145 Certificate Number	Permit Number or Decree Name
☐	Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐	Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Swalley Irrigation District
- County: Deschutes
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 1, 1899

  *If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Deschutes R.

  Tributary to: Columbia R.

  *If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights,** Permits or Ground Water Registrations associated with this land?

  ☐ Yes ☑ No ☐ N/A – *No Change in Place of Use or Character of Use*

  *If "**Yes**", what are the Permit, Registration or Certificate Numbers?* _____

  *Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: 74145

*The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Deschutes R. 9-1-1899	17 S.	12 E.		29	SE NE		985 Ft. North, 617 Ft. West from East corner of Section 29

- Does the water right being transferred involve a ground water source(s)?
  ☐ Yes ☑ No *(Surface water source only.)*

POD #3 Swalley Main Canal

*If "**Yes**", for each authorized point of appropriation (well) involved, you must either:*

*A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

or

*B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

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Construction of Existing Authorized Point(s) of Appropriation – *(Only needed if no well log is available.)*
*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Will the ENTIRE water right be affected by this transfer? ☐ Yes ☑ No

*If **"Yes"**, the remainder of this page does not need to be completed. Go on to the next page.*

*If **"No"**, the following information **must be provided** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Deschutes 9-1-1899	17	12		28	NW NE	03400	5.0
	17	12		17	NE SW	01300	4.2
	17	12		17	SE SW	01300	0.8

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3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) ☑ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☑ N/A - *No proposed well(s) listed above.*

  *If "**Yes**", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

  *If "**No**", describe the anticipated construction for the proposed well(s) in the following table:*

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Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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- Certificate Number or other identifying number: 74145

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: *(i.e., the "TO" lands)* ☑ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

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Remarks:

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Water Right Transfer Supplemental Form C
INSTREAM WATER RIGHT TRANSFER

☑ **Permanent Instream Transfer** *or* ☐ **Time-Limited Instream Transfer**

Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

1. Identify the public use for which the instream right is requested ***(check one).***

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

☑ Recreation

☐ Navigation

☑ Pollution Abatement

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2. Instream use proposed to be created by the instream transfer:

Originating Water Right Number *(as identified in the transfer application)*	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
C-74145	9-1-1899	Deschutes R.	4/1 → 11/1	0.17	55.35
				See Exhibit B	
			Total Volume:		

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

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

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

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Additional information: _____

3. 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), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description*): _____

_____

☑ 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*): POD → Lake Billy Chinook (RM 165 → RM 120)

_____

4. 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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5. Are there any existing instream water rights at the same point or within the same requested reach(es) or lake, or on a portion thereof:

☐ No ☑ Yes (identify other instream water rights): _____

OWRD maintains a current list of instream water rights

New instream water rights generally (but not always) are 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 below.

_____

_____

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 Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).*

6. 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 aforementioned 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.)*

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7. 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 _____

☐ The time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____

_____

Exhibit A
SID #3, 10.0 acres, Mitigation Project

All water rights being transferred are diverted at Swalley Irrigation District's Main Diversion (Headworks) structure.

The Swalley Irrigation District Main Diversion is located at Township 17 South, Range 12 East, Section 29 (SENE); 985 Feet North and 617 Feet West from the East ¼ Corner of Section 29.

The Head Works is constructed of concrete and steel with a radial arm flow control structure. There is a fish screen and a fish bypass device. Flow is diverted into a 56" (interior) diameter steel pipe with a capacity of 125 cubic feet per second.

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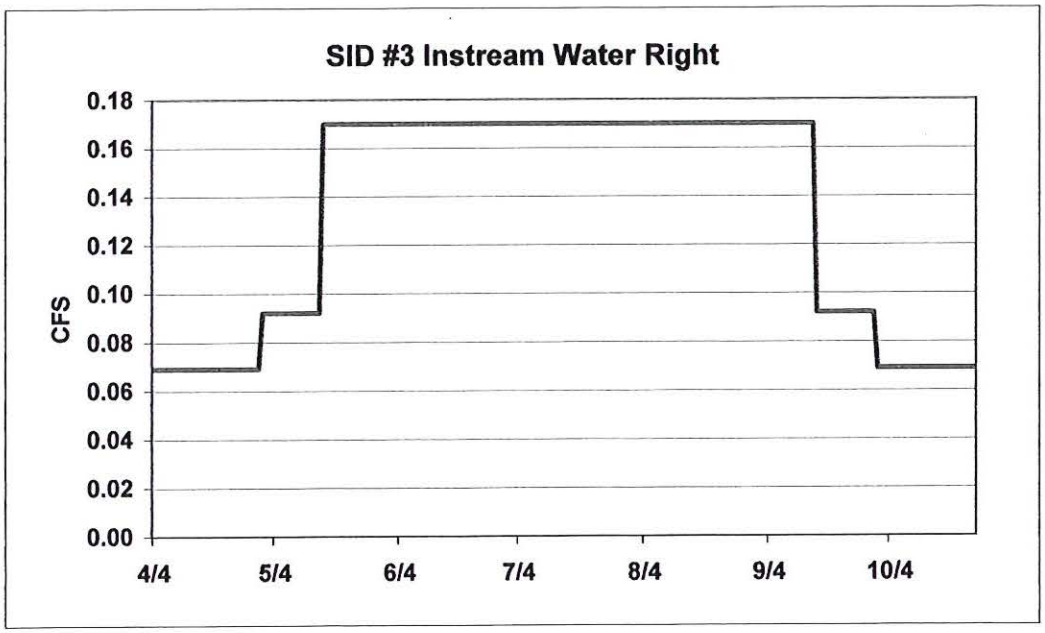
Exhibit B

Instream Water Right
SID#3

Instream Rates	1900
Season 1	0.069 CFS
Season 2	0.092 CFS
Season 3	0.170 CFS

Instream Duty 55.35 Acre-Feet

Seasons are as follows:	
Season 1	4-1 through 5-1 & 10-1 through 10-25
Season 2	5-1 through 5-15 & 9-15 through 10-1
Season 3	5-15 though 9-15



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10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District
Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	10.760
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

- W/ 0.5 ac cancelled

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	**Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form**	
Season 1*	**0.082**		
Season 2*	**0.110**	**Duty AF/Acre* =**	**6.61**
Season 3*	**0.207**		**71.17**

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		**Volume (AF) leased instream for Section 2.2 of the Lease Application Form**	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		**Duty (decree) AF/Acre =**	**5.46**
		Total =	58.76
	Full Rate	**# of Days in each Season**	**AF/ Season**
Season 1	**0.074**	61	8.95
Season 2	**0.099**	30	5.89
Season 3	**0.183**	123	44.65
			59.49

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	8.07	
Season 2	30	5.89	
Season 3	123	44.65	
Season total =	208	**58.61**	Does not exceed duty
	Water protected instream:	**April 1 through October 25**	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	7.960
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for	
Season 1*	0.061	Section 1.5 of the Lease Application Form	
Season 2*	0.081	Duty AF/Acre* =	6.61
Season 3*	0.153		52.65

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	43.47
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.055	61	6.65
Season 2	0.073	30	4.34
Season 3	0.136	123	33.18
			44.17

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	6.00	
Season 2	30	4.34	
Season 3	123	33.18	
Season total =	208	43.52	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

Start Point Accounts for
CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

10/23/2009

This table will calculate flow rate factors and duty for Swalley Irrigation District Instream Leases & Transfers

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	4.500
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	
Starting Point - Direct Diversion total acres	105.310
Starting Point - Canal Diversion total acres	4415.625

Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	34.466	0.723	33.743
Season 2	46.089	0.968	45.121
Season 3	86.844	1.795	85.049
Duty	29779.810	575.056	29,204.75

*Approximate starting point

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

For Primary Water Right - Certificate 74145
For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*	0.034		
Season 2*	0.046	Duty AF/Acre* =	6.61
Season 3*	0.087		29.76

* Note - The rates and duty identifed have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	24.57
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.031	61	3.75
Season 2	0.041	30	2.44
Season 3	0.077	123	18.79
			24.98

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	3.38	
Season 2	30	2.44	
Season 3	123	18.79	
Season total =	208	24.61	Does not exceed duty
Water protected instream:		April 1 through October 25	

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right.
The instream rates identified in this section are based upon the face value of the water right minus 43%.

Start Point Accounts for CW-13
T-8519
T-8154
CW-40
CW-41
CW-47
CW-43
CW-48
T-10356
CW-54 - 1st increment
CW-54 - 2nd increment
T-10669 - xfer to DD
T-10713 - iswr

0.009 & 3.7 af
- DSSI (all season)
0.015 cfs & 6.2 af
for 3.46 ac below
Tum St Park

0.024 cfs & 9.9 af

Consumptive Use Calculation

# acres leased *	cu per acre	total cu	
3.46	1.8	6.23	
	irrigation season or period requested instream		
begin	4/1/2011		
end	10/25/2011	208	# days
reduced rate to cover entire period requested or irrigation season			
total AF /	# of days =	AF per day	
6.23	208	0.029942308	
AF per day /	AF/DAY @ 1cfs	CFS rate	
0.029942308	1.983471	0.015	

INTEROFFICE MEMO

DATE: November 26, 2007

TO: Sarah Henderson

FROM: Laura Snedaker

SUBJECT: Acceptance of IS Transfer Application/Mitigation Project MP-111

The attached IS transfer application is ok to accept. Please do the following as applicable:

☐ Please debit $_____ from _____ account.

☒ Please accept application and fees.

☐ Refund Due: _____

☒ Please put IS transfer application in a transfer file folder.

☒ Please make copy of the IS transfer for the Watermaster.

☒ Please make copy of IS transfer (including attachments – unless otherwise specified) and put in dark blue Mitigation Project file folder.

☒ Please scan IS transfer application and save to appropriate transfer file folder as T-*****-application-MP111

☒ Please put copy of this page in IS transfer file folder.

☒ Watermaster Review needed from: District 11

☒ In addition to those local governments identified in the application, also provide notice of the application to: Jefferson County and City of Bend

Notes: Other items needed to complete application: signature by SID on application, copies of notice of intent to file transfer sent to affected local governments

Other items that may need to be addressed during transfer process - the aerial photo attached to each affidavit of use does not appear to be a dated photo (clarity is also low) and one of the affidavits identifies additional documentation that was not attached.

T 10490

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before January 10, 2008. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

```
County:              Deschutes
Transfer:            T -10490
Water Right:         Cert: 74145 CF *
Priority Date:       1899
Name:                DESCHUTES RIVER CONSERVANCY
                     SWALLEY IRRIGATION DISTRICT

Address:             700 NW HILL ST, BEND, OR, 97701

Change:              USE, POU, POD
Source:              DESCHUTES RIVER > COLUMBIA RIVER
Authorized USE:      IRRIGATION
Proposed   USE:      INSTREAM
Authorized POU:      T17S R12E 17,28
Proposed   POU:      POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
Authorized POD:      T17S R12E 29
Proposed   POD:      POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
```

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 12/11/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

```
County:          Deschutes
Transfer:        T -10490
Water Right:     Cert: 74145 CF *
Priority Date:   1899
Name:            DESCHUTES RIVER CONSERVANCY
                 SWALLEY IRRIGATION DISTRICT
Address:         700 NW HILL ST, BEND, OR, 97701
Change:          USE, POU, POD
Source:          DESCHUTES RIVER > COLUMBIA RIVER
Authorized USE:  IRRIGATION
Proposed   USE:  INSTREAM
Authorized POU:  T17S R12E 17,28
Proposed   POU:  POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
Authorized POD:  T17S R12E 29
Proposed   POD:  POD TO LAKE BILLY CHINOOK - RM 165 TO RM 120
```

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 10, 2007

DESCHUTES RIVER CONSERVANCY
SWALLEY IRRIGATION DISTRICT
700 NW HILL STREET
BEND, OR 97701

Reference: Instream Transfer 10490

On November 23, 2007 we received your water right transfer application. The application was accompanied by $400.00. Our receipt 90723 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

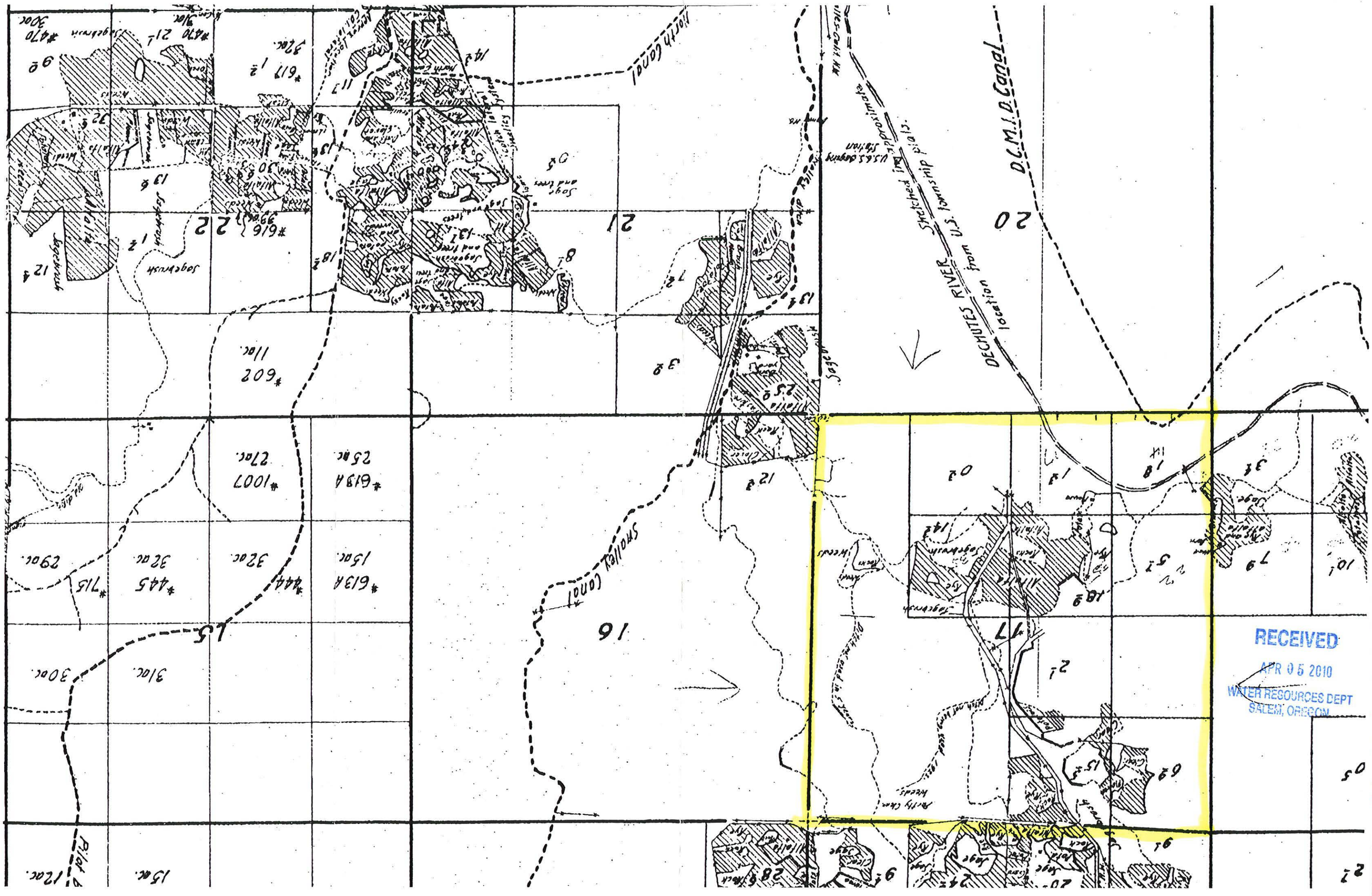
Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

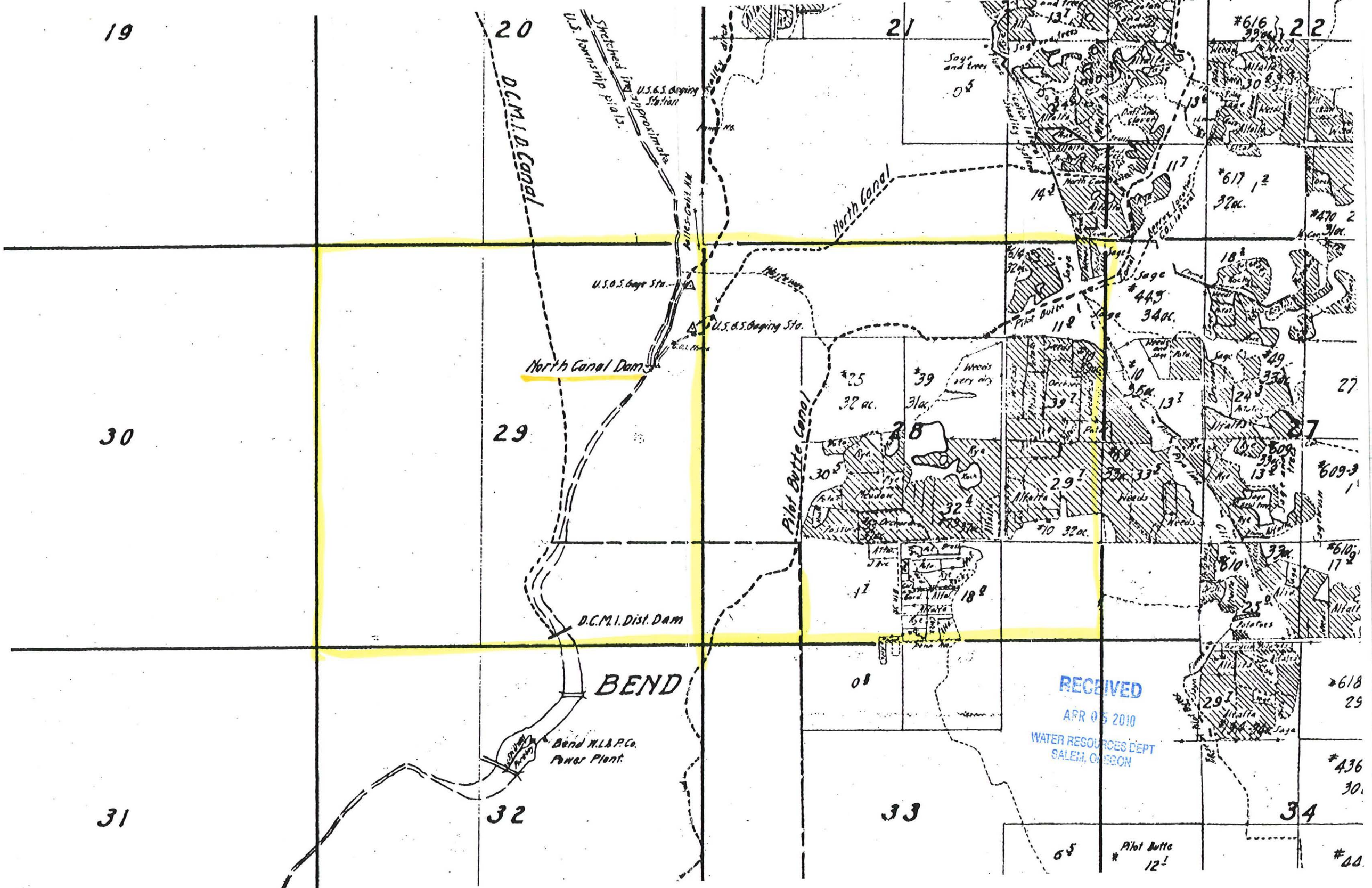
We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #11
Steve Marx, ODFW

enclosure


DESCHUTES RIVER
Location from U.S. Township plats.
Sketched in approximate
USGS Quad Station
North Canal
Shoalley Cond
Pilot Butte Canal
20
21
16
Sagebrush
Juniper
Bitterbrush
Rabbitbrush
Meadows
Willows
Alfalfa
Grass
Irrigated
Dry Farm
Fallow
Pasture
Hay
Grain
Potatoes
Corn
Alfalfa Seed
Mint
Row Crops
Orchard
Vineyard
Berries
Truck Crops
Idle


19
20
21
22
30
29
28
27
31
32
33
34
D.C.M.I.D. Canal
Sketched in approximate U.S. Township plats.
U.S.G.S. Gaging Station
Miles-Galloway
North Canal
U.S.G.S. Gage Sta.
U.S.G.S. Gaging Sta.
North Canal Dam
Pilot Butte Canal
D.C.M.I. Dist. Dam
BEND
Bend W.L.& P.Co. Power Plant
Sage and trees
Sage
Alfalfa
Weeds
Potatoes
Pilot Butte
RECEIVED
APR 05 2010
WATER RESOURCES DEPT
SALEM, OREGON