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Portland, Oregon 97204  
phone (503) 226-9055  
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www.owt.org

May 16, 2008

Bob Rice  
Water Resource Department  
725 Summer St NE, Suite A

Bob,

Here are the original documents in support of the City of Milton Freewater's CWA. I have also included the only map I have been able to find in the file for your reference. I am still waiting on the City to produce a couple more deeds for other parcels included in the application and am also waiting on some answers to my questions to the City about the multiple ownership issue. I will be in touch as soon as I have the remaining necessary documentation and likewise, don't hesitate to contact me for clarification.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "David Pilz".

David Pilz  
Project Manager, Oregon Water Trust

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

# Application for Allocation and Use of Conserved Water

Please type or print in dark ink. If your application is found to be incomplete, inaccurate or does not include the required fees, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question. 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

Name: City of Milton-Freewater (Conact: David Bradshaw)  
 Address: PO Box 6, Milton-Freewater, OR 97862  
 Phone(s): 541-938-8272  
 \*Fax: 541-938-8289 \*E-Mail address: dave.bradshaw@milton-freewater-or.gov

\*Optional information

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## 2. AGENT INFORMATION

The agent listed is authorized to represent the applicant in all matters relating to this allocation of conserved water application.

Name: Oregon Water Trust (C/O David Pilz, Project Manager)  
 Address: 522 SW 5th Avenue Ste. 825, Portland OR, 97204  
 Phone(s): 503-552-9022  
 \*Fax: \_\_\_\_\_ \*E-Mail address: david@owt.org

\*Optional information

## 3. IRRIGATION & WATER CONTROL DISTRICTS

Is the project within the boundaries of an irrigation district or water control district?

Yes  No

If yes, include Exhibit E and list the name and mailing address of the district:

PO Box 248, 323 Evans St., Milton-Freewater, OR 97862

Did an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553 file this allocation of conserved water?

Yes  No

If yes, when was the District's OAR 690-018-0025 allocation of conserved water policy adopted? \_\_\_\_\_

## 4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in Section 4 must be completed for each certificate, permit, decree, or other right involved in the proposed allocation of conserved water.

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

<input checked="" type="checkbox"/> Certificated Right	<u>see attached water rights table</u> Certificate Number	<u>see attached water rights table</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input checked="" type="checkbox"/> Transferred Right for which Proof has been Filed	<u>see attached water rights table</u> Previous Transfer Number	<u>see attached water rights table</u> Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: see attached water rights table  
County: Umatilla

Provide the following information about the water right of record:

1. Priority Date: see attached water rights table
2. Source of Water: see attached water rights table
3. Type of Use: see attached water rights table

Does the application have a water right involving more than one water right holder?

Yes  No

If yes, are all water right holders applying for this allocation of conserved water?

Yes  No. If no, see Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate\* (cfs): see attached water rights table  
*Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm*

2. Duty\* (acre feet): n/a  
*Note: 1 cfs = 1.983471 ac-ft/day*

\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What is the maximum amount of water that can be diverted using the pre-project facilities? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate (cfs): 1.42  
2. Duty (acre feet): n/a

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.*

26 sets of high output, 15-32 gpm sprinkler heads (420 total sprinkler heads). Irrigating the entire golf course during summer would take 9-10 hours with little control over how much water each area of the course recieved. The result was overwatering some areas, and having trouble watering some dry areas. The entire system was fed by two pumps out of the old Milton Ditch through 4" mainline.

### 5. CONSERVATION MEASURES

A) Describe the type of project, check all that apply:

- On-Farm efficiency project  
 Distribution project, such as a ditch piping or lining project  
 Other, New irrigation system including a pond.

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- B) Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, see point of diversion requirement for Exhibit B. *Provide sufficient detail for public noticing the project.*

Water is conserved through a more accurate, and efficient sprinkler system. Each of 560 sprinkler heads can be individually controlled electronically so that we can now irrigate only the areas that need water at any given time. This has shortened the necessary time to irrigate the entire golf course from 9-10 hours to 6-7 hours (~30%). The new system is fed from a 1 acre-foot holding pond supplied with water from the Walla Walla River Irrigation District's Milton Pipeline.

- C) Place of Use\*: see attached water right table

Township	Range	Section	Quarter/Quarter	Total No. Acres
* Not required for a distribution project that does not propose to affect the on-farm rate or duty. If the entire water right is being affected, just state "entire right affected."				

### 6. CONSERVED WATER

- A) What amount of water will be needed for the existing, authorized use after implementing conservation measures? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

1. Rate\* (cfs): 0.95 cfs (also, see attached water right table)

2. Duty\* (acre feet): n/a

\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

- B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system" above.

1. Rate\* (cfs): 0.47 cfs

2. Duty\* (acre feet): n/a

\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

- C) What portions of the conserved water will be allocated to the state and applicant?

1. Portion going to the state (list by percent, rate and duty):  
100 Percent      \_\_\_\_\_ Rate (cfs)      \_\_\_\_\_ Duty (AF)

2. Portion going to the applicant (list by percent, rate and duty):  
0 Percent      \_\_\_\_\_ Rate (cfs)      \_\_\_\_\_ Duty (AF)

- D) The priority for the conserved water is requested to be:

- The same as the original right, or  
 One minute junior to the original right.

- E) If all or part of the applicants' portion of the conserved water is to be used for an out-of-stream use at an identified location:

1. Name and address of the person using the water: \_\_\_\_\_

2. Description of the type of beneficial use of the water: \_\_\_\_\_

3. Legal description of the place of use: \_\_\_\_\_

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- F) If all or part of the applicants' portion of the conserved water is to be leased\*, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right: Applicant requests that 100% of conserved water be dedicated to instream use. The quantity of water to managed instream will be 0.47 cfs at the POD and as much as possible, accounting for channel losses, thereafter.

*\* Water can be temporarily protected instream without filing an OAR 690-077 Instream Lease application.*

### 7. LOCATION OF PROPOSED USE

- A) For new out-of-stream uses, describe the boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right would be located. This is land other than that to which this water right is appurtenant. See Exhibit B.

- B) For instream uses, to the extent possible, identify the stream reach(es) for which the state's portion of the conserved water should be managed under an instream water right. Be as explicit as possible, by giving river miles, or other identifying information that might be included in the instream certificate.

From the POD at approximately RM 48 to the Oregon/Washington state line at RM 39.

- C) Describe the proposed benefit to instream uses.

for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

other, please describe: \_\_\_\_\_

### 8. MITIGATION

- A) Describe any expected effects on other water rights from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved.

There are no expected affects to other water rights. Before conservation was implemented, the water was applied to irrigate the golf course. After project implementation in 2003, the Walla Walla River Irrigation District began to divert less water at the POD to accommodate reduced demand by the golf course. So the water proposed to be conserved has been flowing past the POD in the Walla Walla River.

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B) Describe any mitigation or other measures that are planned to avoid harm to other water rights.

Instream rate in the Walla Walla River to be reduced with a per mile loss factor to account for channel loss.

### 9. FUNDING

If more that 25% of the conserved water is proposed to be allocated to the applicant then provide Exhibit C and identify what portion of project funds (expressed as a percentage) come from federal or state public sources that are not subject to repayment. \_\_\_\_\_

Does the Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project?

Yes  No      If yes, what is the OWEB project number? \_\_\_\_\_

### 10. PROJECT SCHEDULE

If project is not yet complete:

Proposed date construction has/will begin: \_\_\_\_\_

Proposed date construction will be completed and notice of project completion will be filed: \_\_\_\_\_

Proposed date the project will be finalized: \_\_\_\_\_

If project is already complete:

Date it was implemented: \_\_\_\_\_ (Provide Exhibit K)

The applicant requests:

- That the allocation be finalized, or  
 Additional time be granted to prove that the project worked to the applicant's satisfaction before finalizing the allocation of conserved water. Indicate the amount of time desired \_\_\_\_\_ (up to five years after completion of the project may be allocated).

### 11. ACKNOWLEDGMENT OF FORFEITURE

*Complete this if the Certified Water Right Examiner's map shows less acreage has been irrigated over the past five years than allowed under the right.*

I am aware that \_\_\_\_\_ acre(s) have not been irrigated for the last five years and I am abandoning that portion of the water right and make no further claim for the water. I ask that this \_\_\_\_\_ acre(s) portion of the right be permanently canceled.

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## 12. EXHIBITS

Check each of the following attachments included with this application. All attachments are required unless otherwise noted. The application will be returned if all required attachments are not included.

### Exhibit (Form) A – Evidence of Use Affidavits

- Provide if 1) it is an on-farm efficiency project, or 2) specific acreage is being affected by the project. Consult with Department staff regarding the evidence needed for distribution projects. 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. The form is available at [http://www1.wrd.state.or.us/pdfs/Supplemental\\_Form\\_B.pdf](http://www1.wrd.state.or.us/pdfs/Supplemental_Form_B.pdf).

### Exhibit B – Map

- Provide if the entire water right is not part of the conservation project and/or new lands shall receive water. Consult with Department staff if there is any question regarding the need for submittal. See OAR 690-018-0040(17) and 690-018-0062(3)(a).

### Exhibit C - Project Funding Description

- Provide if more than 25% of water goes to applicant. See OAR 690-018-0040(18).

### Exhibit D – Identification and Resolution of Water Right Conflicts

- Provide if construction has begun or been completed and if more than 25% of the project costs have been expended prior to filing this application. See OAR 690-018-0040(19).

### Exhibit E – Letter of Approval from the Irrigation District

- Provide if project is located within boundaries of an irrigation district and the district is not the applicant. See OAR 690-018-0040(20).

### Exhibit F – District Conserved Water Policy

- Provide if applicant is an Irrigation District or Water Control District. See OAR 690-018-0040(21) & 690-018-0025.

### Exhibit G - Land Use Information Form

- See OAR 690-018-0040(22). The land use form is available at: <http://www1.wrd.state.or.us/pdfs/landuseform.pdf>

### Exhibit H - Ownership & Lien Information

- Provide if application involves:
- on-farm efficiency project, and/or
  - distribution project affecting specified lands. Provide a report of ownership and lien information or a current recorded deed to the subject lands.

### Exhibit I – Support Letters from ODFW, DEQ and OPRD

- Letters from ODFW, DEQ, and OPRD indicating that they have been consulted and indicating that at least one of the agencies attests that conserved water is needed to support instream uses. See OAR 690-018-0050(4)(f).

### Exhibit J – Water Right Clarification & Notification of Affected Persons

- Provide if the application involves water rights for
- lands under multiple ownerships and not all of the water right holders are applicants, and the project is not being submitted by a District as a distribution project and/or
  - which the current final proof survey maps for lands involved in the application do not adequately describe the location of the place of use or the associated priority dates of the associated water rights

Consult with Department staff if there is any question regarding the need for submittal.

### Exhibit K – Evidence that the Project was Implemented Within 5 Years.

- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).

### Fees:

- Amount enclosed: \$ 350.00  
See OAR 690-018-0040(25) and the Department's Fee Schedule at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees) or call (503) 986-0900.

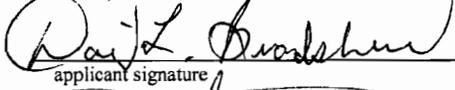
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**13. SIGNATURE**

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

  
applicant signature

David Bradshaw  
name (print)

5/8/08  
date

  
agent signature

David Pilz  
name (print)

~~4/29/08~~ 5/15/08  
date

**Before submitting your application, be sure you have:**

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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City of Milton-Freewater, Golf Course Conserved Water Application: Attachment for Page 1

Name on Water Right	Tax Lot Number	Legal Description	Status of Water Right	Certificate Number	Priority Date	Assessor Tax Lot Acreage	Acres in Water Right	Acres in Project	Max CFS Allowed	New CFS Allowed	CFS In-stream	Source of Water	Type of Use
J.W. Saffig	3500	SE 1/4 SE 1/4 Sec2, T5N, R35E W.M.	Certificated	13037	1885	3.48	3.23	3.23	0.1211	0.0808	0.0404	Walla Walla River	Irrigation
		SW 1/4 SE 1/4 Sec2, T5N, R35E W.M.	Transfer T-8828, not yet certificated	Previous Certificate #13041	1875	42.72	1	6	0.3600	0.2800	0.1000	Walla Walla River	Irrigation
	1900	R35E W.M.					13	0.5	0.0188	0.0125	0.0063	Walla Walla River	Irrigation
Lewanda d. and Zarr S. Hood	1700	SW 1/4 SE 1/4 Sec2, T5N, R35E W.M.						6.06	0.2273	0.1515	0.0758	Walla Walla River	Irrigation
		SE 1/4 SE 1/4 Sec2, T5N, R35E W.M.											
	1700	R35E W.M.	Certificated	12984	1893	42.72	17.21	11.15	0.4181	0.2788	0.1384	Walla Walla River	Irrigation
Frank E. Shelton	1800	SW 1/4 SE 1/4 Sec2, T5N, R35E W.M.											
		SE 1/4 SE 1/4 Sec2, T5N, R35E W.M.						0.9	0.0338	0.0225	0.0113	Walla Walla River	Irrigation
	1800	R35E W.M.	Certificated	13046	1885	1.98	1.1	1.1	0.0413	0.0275	0.0138	Walla Walla River	Irrigation
Frank White	3200	SE 1/4 SE 1/4 Sec2, T5N, R35E W.M.											
		NW 1/4 SE 1/4 Sec2, T5N, R35E W.M.						0.11	0.0041	0.0028	0.0014	Walla Walla River	Irrigation
	3201	R35E W.M.	Certificated	13077	1887	3.59	4.17	3.59	0.1346	0.0898	0.0449	Walla Walla River	Irrigation
Elwood E. Piper	7500												
		R35E W.M.	Certificated	13022	1885	3.16	4.5	3.16	0.1185	0.078	0.0385	Walla Walla River	Irrigation
<b>TOTALS</b>													
							<b>37.8</b>	<b>37.8</b>	<b>1.4176</b>	<b>0.9452</b>	<b>0.4728</b>		

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