



State of Oregon  
**Water Resources Department**  
 725 Summer Street NE, Suite "A"  
 Salem, Oregon 97301-1271  
 (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: Swalley Irrigation District  
 Address: 64672 Cook Ave., Suite 1  
 Bend, OR 97701  
 Phone(s): 541-388-0658  
 \*Fax: 541-389-0433 \*E-Mail address: [jan@swalley.com](mailto:jan@swalley.com)  
 \*Optional information

## 2. AGENT INFORMATION

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

Name: Deschutes River Conservancy  
 Address: PO Box 1560  
 Bend, OR 97709  
 Phone(s): 541-382-4077 ext. 13  
 \*Fax: 541-382-4078 \*E-Mail address: [andy@deschutesrc.org](mailto:andy@deschutesrc.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:

Swalley Irrigation District  
 64672 Cook Ave., Suite 1  
 Bend, OR 97701

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? 4/19/2005

## 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	74145	Deschutes Decree
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	Certificate Number	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 type="checkbox"/> 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

Provide the following information about the water right of record:

1. Priority Date: September 1, 1899
2. Source of Water: Deschutes River
3. Type of Use: irrigation, dust abatement, industrial use, park maintenance, nursery use, pond maintenance, domestic and stock use

Does the application involve a water right on lands under more than one ownership?

Yes  No

If yes, are all owners applicants to 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): 117.964  
*Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm*
2. Duty\* (acre feet): 40,175.80  
*Note: 1 cfs = 1.98 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): 117.964
2. Duty (acre feet): 40,175.80

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.*

The Swalley Main Canal was constructed between 1899 and 1902. The entire length of the canal is 12.1 miles. This portion of the project will result in piping 1.7 miles of the Main Canal. Completion of the canal was certified by the Secretary of the Interior and a federal right-of-way was granted under the 1891 federal act. The right-of-way is the width of the canal plus 50' from the marginal edge of the canal back on each side of the canal. The average width of the canal is 15'. Therefore the average width of the right-of-way is 115'.

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There are 21 irrigation turnouts providing water delivery along the 1.7 miles. Some of the turnouts provide water to users whose property is not adjacent to the canal. The turnouts deliver water to 36 water users, including some of the 19 rural landowners immediately adjacent to the canal. Some of the 19 property owners are not patrons of the district. The total number of irrigated acres for the 21 turnouts is 161.15 acres. In addition, the Main Canal carries the entire water supply of the district from the main diversion at the Deschutes River, to be eventually delivered to all 710 water users in the district.

**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, \_\_\_\_\_

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 of the project.*

The Swalley Main Canal Piping (Phase I) project proposes to replace approximately 8,976 feet (1.7 miles) of open unlined canal with 48 inch diameter High Density Polyethylene Pipe (HDPE) buried pipe. Turnouts built in to the pipe at current delivery locations will allow customers to pipe their on-farm distribution systems in the future if they so chose to take advantage of pressurized water. By piping the open canal, water seepage through the unlined floor and sides of the canal will be eliminated. The area to be piped begins 3.4 miles into the Main Canal (from diversion at North Canal Dam) and ends at Ft. Thompson Rd., near Highway 97.

C) Place of Use\*: "entire right affected"

Township	Range	Section	Quarter/Quarter	Total No. Acres
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\* 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): season 1 - 43.324 cfs: season 2 - 59.567 cfs: season 3 - 108.964 cfs  
 2. Duty\* (acre feet): 37,017.80 AF

\* 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): season 1 - 4.67 cfs: season 2 - 6.67 cfs: season 3 - 9.00 cfs  
 2. Duty\* (acre feet): season 1 - 565 AF: season 2 - 397 AF: season 3 - 2,196 AF

\* 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  
 season 1 - 4.67 cfs: season 2 - 6.67 cfs: season 3 - 9.00 cfs Rate (cfs)

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season 1 - 565 AF: season 2 - 397 AF: season 3 - 2,196 AF Duty (AF)

2. Portion going to the applicant (list by percent, rate and duty):

N/A 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: \_\_\_\_\_

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: \_\_\_\_\_

\* Water can be temporarily protected instream without filing an OAR 690-077 Short-Term 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.  
N/A

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.

Permanent instream use in the Deschutes River from the North Canal Dam (RM 165) to near Lake Billy Chinook (RM 120).

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.

No effects on other users are expected from this proposed allocation of conserved water. The water to be conserved is lost from the system through seepage and evaporation, and is not available to other appropriators.

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

No harm to other water rights will occur from this project.

**9. FUNDING**

If more than 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. N/A

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

Yes  No

If yes, what is the OWEB project number? # T.B.D.

**10. PROJECT SCHEDULE**

If project is not yet complete:

Proposed date construction has/will begin: November 27, 2006

Proposed date construction will be completed and notice of project completion will be filed: June 31, 2007

Proposed date the project will be finalized: upon completion

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.

**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**

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/TransferAffidavit-2003.pdf>

**Exhibit B – Map**

See OAR 690-018-0040(17) and 690-018-0062(3)(a) and additional information page.

**Exhibit C - Project Funding Description**

Provide if more than 25% of water goes to applicant.

**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 OP&RD**

Letters from ODFW, DEQ, and OP&RD 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 &**

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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>

**Notification of Affected Persons**

- Provide if the application involves water rights for
  - lands under multiple ownerships and not all of the owners 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
 See additional information page. *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.**

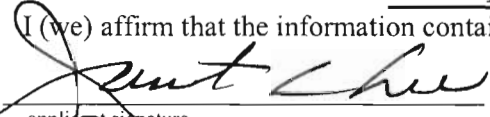
- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).


**Fees:**

- Amount enclosed: \$ 350.00 See OAR 690-018-0040(25) and the Department's Fee Schedule at <http://oregon.gov/OWRD/PUBS/forms.shtml#fees> or call (503) 986-0900.

**13. SIGNATURE**

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

  
 applicant signature

  
 agent signature

Jan Lee, District Manager  
name (print)

11 14 2006  
date

Scott McCaulou, Senior Program Manager  
name (print)

11-14-06  
date

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

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed 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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