



**DESCHUTES RIVER  
CONSERVANCY**

June 12, 2009

Mr. Kody Thurgood  
Water Resources Department  
725 Summer Street NE, Suite "A"  
Salem, OR 97301-1271

Dear Kody,

Enclosed please find an application for an Allocation and Use of Conserved Water for a project known as the "Juniper Ridge Piping Project." The Deschutes River Conservancy (DRC) is the Agent for the Central Oregon Irrigation District (COID) on this application and is acting as the primary point of contact for comments and questions that you may have. In addition to the complete application, I have enclosed the following Exhibits for your information.

- Exhibit A: Evidence of Water Use
- Exhibit B: Map of the Piping Project
- Exhibit F: COID Conserved Water Policy
- Exhibit G: Land-Use Notification
- Exhibit I: Letters of Support (please note that ODEQ has a standing letter of support)

Please deduct the \$350 fee from our account with OWRD. If you find you have any questions about the application please feel free to contact me at 541.728.8688, or [andy@deschutesriver.org](mailto:andy@deschutesriver.org).

Thank You,

Andy Fischer  
Conservation Project Manager

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WATER RESOURCES DEPT  
SALEM, OREGON

June 12, 2009

700 NW Hill Street • Bend, Oregon 97701  
(P.O. Box 1560 • 97709)  
541.382.4077 • Fax 541.382.4078  
[www.deschutesriver.org](http://www.deschutesriver.org) / [info@deschutesriver.org](mailto:info@deschutesriver.org)



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: Central Oregon Irrigation District  
 Address: 1055 SW Lake Ct.  
 Redmond, OR 97756  
 Phone(s): 541- 548-6047  
 \*Fax: 541-548-0243 \*E-Mail address: [stevej@coid.org](mailto:stevej@coid.org)  
 \*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: 700 NW Hill St.  
 Bend, OR 97701  
 Phone(s): 541-728-8688  
 \*Fax: 541-382-4078 \*E-Mail address: [andy@deschutesriver.org](mailto:andy@deschutesriver.org)  
 \*Optional information

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## 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:

Central Oregon Irrigation District  
 1055 SW Lake Ct.  
 Redmond, OR 97756

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? 5/10/2005

## 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	<u>83571</u>	<u>Deschutes Decree</u>
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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: Central Oregon Irrigation District

County: Deschutes

Provide the following information about the water right of record:

1. Priority Date: 10/31/1900 and 12/02/1907 for balance allowed by Decree
2. Source of Water: Deschutes River
3. Type of Use: irrigation, municipal, quasi-municipal, dust abatement, industrial use, park maintenance, 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): 590.145 (POD #11, Incl. Inchoate, 10/31/1900 & 12/02/1907)  
Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm
2. Duty\* (acre feet): 189,480.68 (POD #11, Incl. Inchoate, 10/31/1900 & 12/02/1907)  
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): 590.145 (POD #11/North Canal, Incl. Inchoate)
2. Duty (acre feet): 189,480.68 (POD #1/North Canal, Incl. Inchoate)

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.

Central Oregon Irrigation District is planning to pipe approximately 2.5 miles of an open earth main canal known as the North Canal or Pilot Butte Canal. The project name is the Juniper Ridge Piping Project. The COID North Canal Diversion is located near Bend on the Deschutes River (RM 165) at SE 1/4, NE 1/4, Sec 29, T.17 S., R.12 E., W.M. Water is diverted at North Dam and travels approximately 25 miles northeast. The canal bottom consists of highly permeably basalt and open earth. The canal serves approximately 18,518.347 acres to 1759 patrons. These water rights were beneficially delivered through

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the COID North Canal or temporarily leased through the OWRD Instream Lease Program during the last 5 years. According to the Upper Deschutes River Basin Water Conservation Study (1997) conducted by the Bureau of Reclamation, the canal capacity near the turnout is about 600 cfs (p.45).

**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 Juniper Ridge Piping project proposes to replace approximately 2.5 miles of open unlined canal with 108' inch diameter steel buried pipe. The District chose to pipe this canal because it is difficult to manage, is rapidly urbanizing and has a high seepage rate. By piping the open canal, water seepage through the unlined floor and sides of the canal will be eliminated.

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 -219.406 cfs: season 2 -299.081 cfs: season 3 -570.545 cfs
- 2. Duty\* (acre feet): 181,161.21 AF

\*Represent rates and duty of COID Diversion #11/COID North Canal after conservation measures, including inchoate rights, and priority dates Oct. 31, 1900 & Dec. 2 1907

\* 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):  
Oct. 31, 1900: season 1- 13.992 cfs: season 2-13.992 cfs: season 3- 13.992 cfs  
Dec. 2, 1907: season 1- 5.608 cfs: season 2- 5.608 cfs: season 3- 5.608 cfs
- 2. Duty\* (acre feet):  
Oct. 31, 1900: season 1- 1,692.94 AF: season 2- 832.60 AF: season 3- 3,413.64  
Dec. 2, 1907: season 1 - 678.49 AF: season 2 - 333.69 AF: season 3 - 1,368.11 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

Oct. 31, 1900: season 1- 13.992 cfs: season 2-13.992 cfs: season 3- 13.992 cfs

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Dec. 2, 1907: season 1- 5.608 cfs: season 2- 5.608 cfs: season 3- 5.608 cfs Rate (cfs)  
Oct. 31, 1900: season 1- 1,692.94 AF: season 2- 832.60 AF: season 3- 3,413.64  
Dec. 2, 1907: season 1 - 678.49 AF: season 2 - 333.69 AF: season 3 - 1,368.11 AF  
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: \_\_\_\_\_

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: The applicant intends to place 100% of the conserved water instream.

*\* 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 middle Deschutes River from the POD at North Canal Dam in Bend (approximately 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.

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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 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. 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? TBD

**10. PROJECT SCHEDULE**

If project is not yet complete:

Proposed date construction has/will begin: December 1, 2009

Proposed date construction will be completed and notice of project completion will be filed: Upon completion. We request that the Order be structured so that the applicant has the option to finalize the conserved water incrementally. We anticipate completion of the conservation measures occurring by approximately April 15, 2010.

Proposed date the project will be finalized: Upon Completion

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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.*

<p><b>Exhibit (Form) A – Evidence of Use Affidavits</b></p> <p><input checked="" type="checkbox"/> 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</p>	<p><b>Exhibit H - Ownership &amp; Lien Information</b></p> <p><input type="checkbox"/> Provide if application involves:</p> <ul style="list-style-type: none"> <li>• on-farm efficiency project, and/or</li> <li>• distribution project affecting specified lands.</li> </ul> <p>Provide a report of ownership and lien information or a current recorded deed to the subject lands.</p>
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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. 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 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 & 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 rightsSee 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.**

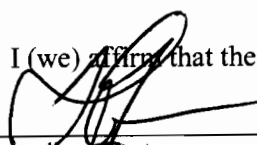
- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).

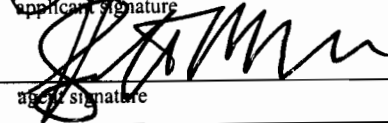
**Fees:**

- 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

Steve Johnson, COID District Manager  
\_\_\_\_\_  
name (print)

  
\_\_\_\_\_  
date

Scott McCaulou, Program Director  
\_\_\_\_\_  
name (print)

6/12/09  
\_\_\_\_\_  
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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# Exhibit A: Evidence of Use Affidavit

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CONSERVED WATER APPLICATION  
JUNIPER RIDGE PIPING PROJECT

**Water Right Transfer Supplemental Form B**  
**AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
County of Deschutes )

I, Cary D. Penhollow, in my capacity as District Watermaster, mailing address 1055 SW Lake Court; Redmond, OR 97756, telephone number (541) 548-6047, being first duly sworn depose and say:

COID NORTH CANAL

POD #11 – 17-12-29 SE NE: 850 FEET NORTH AND 630 FEET WEST FROM E ¼ CORNER OF SECTION 29

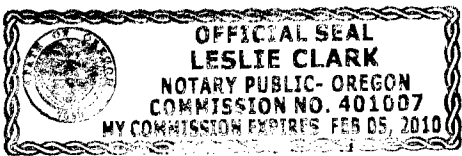
Water is diverted at this POD at a seasonal rate with a maximum 590.145 cfs during season 3 per Certificate #83571. The POD currently delivers 18,518.347 acres of water right to 1759 Patrons. These water rights were beneficially delivered through the COID North Canal or temporarily leased through the OWRD Instream Lease Program during the last 5 years.

Cary D. Penhollow  
Cary D. Penhollow, District Watermaster

2/17/09  
Date

Signed and sworn to (or affirmed) before me this 17 day of February, 2009.

Leslie Clark  
Notary Public for Oregon



My Commission Expires: Feb. 05, 2010

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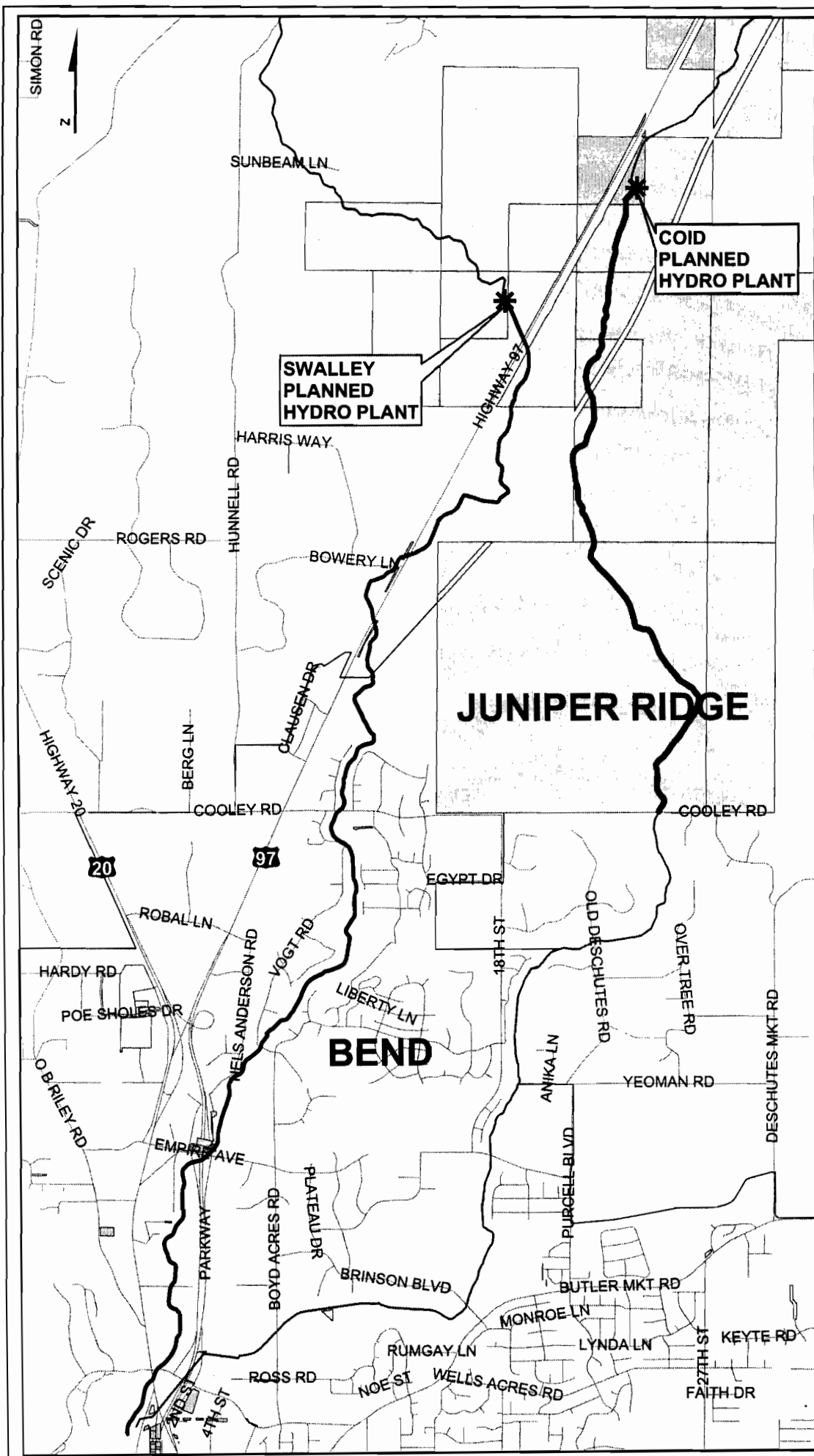
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# Exhibit B: Map

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# CENTRAL OR. IRRIGATION DISTRICT AND SWALLEY IRRIGATION DISTRICT PIPING AND HYDRO PLANT PROJECTS

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### Pilot Butte Canal (COID)

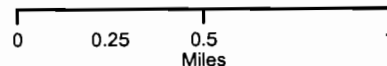
- PB Canal Piping
- PB CANAL

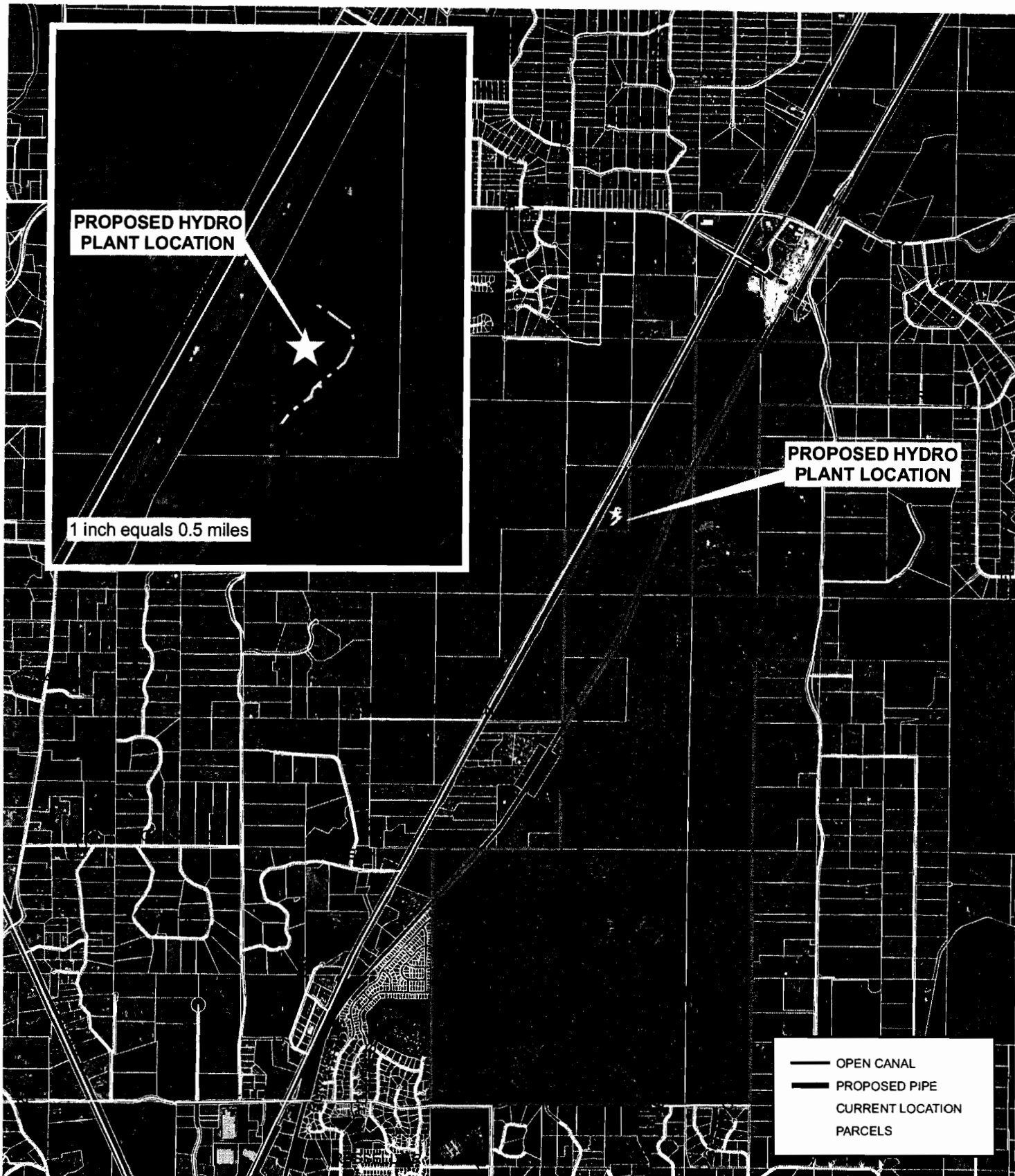
### SWALLEY CANAL

- Swalley Canal Piping Ph1
- Swalley Canal Piping Ph 2
- Swalley Canal

### State & County Lands

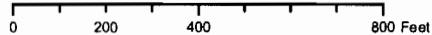
- DESCHUTES COUNTY
- STATE OF OREGON





**WATER RIGHTS MAP**

**SITE OF PROPOSED  
JUNIPER RIDGE HYDRO  
ELECTRIC PLANT**



National Agriculture Imagery Program  
2005 Aerial Photography  
Courtesy of USDA Aerial Photography Field Office  
Resolution: 1 M  
Map Scale/Accuracies: 1 meter ground sample distance  
with a horizontal accuracy that matches w/i 5 meters  
of referenced ortho imagery  
Datum: NAD 83/91 Oregon State Plane South Zone  
Date of Photography: Summer, 05

# Exhibit F: District Conserved Water Policy

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# Central Oregon Irrigation District

## Conserved Water Policy

Adopted: 10 May, 2005

**A. Authority & Purpose.** The Board of Directors (the “**Board**”) of the Central Oregon Irrigation District (the “**District**”) is required to adopt this Conserved Water Policy (this “**Policy**”) pursuant to Oregon Administrative Rule (“**OAR**”) 690-018-0025. The rule requires that if the District seeks allocations of conserved water pursuant to ORS 537.455 to 537.500, then it must adopt a policy that, at a minimum:

- Describes how water saved by conservation measures will be allocated by the District
- Describes how the District will address the allocation of conserved water percentages under ORS 537.470
- Provides District patrons the opportunity to fund a share of the conservation project that is proportionate to the patron’s share of the water rights involved in the allocation of conserved water and to receive a corresponding share of the conserved water
- Provides District patrons an opportunity to petition for a vote by all District patrons on this Policy
- Provides District patrons an opportunity to appeal a proposed District conservation project to the Board for failure to follow this Policy

The purpose of this Policy is to provide District patrons with the information required by OAR 690-018-0025 and to set the procedures by which this Policy will be implemented.

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**B. Definitions.** The following definitions shall apply in this Policy.

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1. “**Commission**” means the Water Resources Commission.
2. “**Conservation**” means the reduction of the amount of water diverted to satisfy an existing beneficial use achieved either by improving the technology or method for diverting, transporting, applying or recovering the water or by implementing other approved conservation measures.
3. “**Conserved Water**” means that amount of water that results from conservation measures, measured as the difference between:

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- a. The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and

- b. The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.
- 4. **“District Allocation”** means the amount of Conserved Water allocated to the District by the Commission.
- 5. **“Funding Patron”** means a patron of the District that funds all or a portion of a water conservation project as provided in paragraph C of this Policy.

**C. Policy of Board. Conservation Measures**

- 1. Conserved water projects undertaken for the purposes of filing applications under ORS 537.455-500 are to address the following purpose:
  - a. Reducing certificated transmission loss within COID conveyance system on a cost effective basis.
    - 1. Allocation priority will be for establishing new acres of irrigation on a maximum 75% to irrigation and 25% to in-stream requirement, or as per Oregon Revised Statutes if different.
    - 2. Board shall reserve the right to altering the irrigation allocation based on the funding of the project by potential project partners for purposes other than irrigation for some for the allocation if found to bin in the best interest of the District.
- 2. **Patrons May Fund Part of Water Conservation Project.** Patrons may fund a water conservation project in an amount that is proportionate to the patron’s share of the water rights involved in the allocation of Conserved Water. Patrons that provide funding to the District for a water conservation project in advance, or within one year of, the District first making expenditures for the conservation project shall be a Funding Patron and receive the portion of the District Allocation to which Funding Patron is entitled under this Policy. Proportionate costs will include all costs associated not only with the completion of the project, but those costs associated with the planning and design of the project, all accompanying and necessary application and processing fees, including but not limited to legal and consulting fees to secure the Final Order from the Oregon Water Resources Department, and/or to respond to any legal challenges subsequent to receipt of the Final Order until conclusively resolved as determined by the Board of Directors:

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<b>Example Project:</b>	Total Project Cost	\$200,000
	Total Conserved Water	300 acre feet
	Minimum In-stream Contribution (25%)	75 acre feet
	Net Available	225 acre feet
	Cost per Acre foot	\$889/acre foot

- 3. **Allocation of Conserved Water.** Except for a Funding Patron, no patron shall be entitled to any of the District Allocation other than the amount necessary to maintain the patron’s full rate and duty at its regular turn out(s). A Funding Patron shall be

entitled to a portion of the District Allocation equal to the percentage of the funding for the water conservation project paid to the District by the Funding Patron.

**D. Petitions to Vote on Policy.** District patrons may petition the Board to hold a vote of all District patrons on the approval of this Policy. The petition must be signed by fifteen (15) percent of the total number of votes that may be cast in an election for a director pursuant to ORS 545.189(1) to be valid and to cause the District to hold a vote. Upon receiving a valid petition, the District shall hold a vote of all District patrons. The vote shall be whether to approve or reject this Policy. The vote shall be conducted according to the laws and procedures that govern District elections.

**E. Appeal of Water Conservation Projects.** Proposed water conservation projects shall be discussed and approved by the Board at any one of its regularly scheduled Board meetings. Patrons may comment on the proposed water conservation project during the Board meeting at which it is discussed. If the Board approves the proposed water conservation project, any patron in good standing may appeal the Board's decision in writing within two weeks from the date of the Board's decision. The appeal shall include the name, address, and telephone number of the patron appealing the Board's decision, a concise statement of the reasons the patron believes the proposed water conservation project does not comply with this Policy, and a concise statement of how the water conservation project should be modified to comply with this Policy. The Board shall consider a properly filed appeal at its next regularly scheduled meeting. The Board shall limit its consideration to whether the proposed water conservation project complies with this Policy. The patron appealing the Board's decision shall have an opportunity to address the Board concerning the patron's appeal. The Board may take any of the following actions: (1) grant the appeal and reject the proposed water conservation project, (2) modify the proposed water conservation project as proposed by the appealing patron to comply with this Policy, (3) direct the District Manager to modify the proposed water conservation project so as to comply with this Policy, or (4) reject the appeal and approve the proposed water conservation project as proposed.

**F. Policy Review and Updates.** The Board shall review and update this Policy at the first regularly scheduled Board meeting following every fifth anniversary of the Board either adopting or reviewing and updating this Policy. The Board may, in its sole discretion, review and update this Policy at any other Board meeting. The Board shall follow the process and provisions of this Policy, as required by OAR 690-018-0025(2), whenever reviewing and updating this Policy.

**G. Applicability.** This Policy applies only to applications for allocations of conserved water filed with the Oregon Water Resources Department by the District after November 5, 2004. This Policy does not apply to applications for allocations of conserved water filed by individuals, including District patrons.

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WATER RESOURCES DEPT  
SALEM, OREGON



Exhibit G: Land Use Information  
Notification

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WATER RESOURCES DEPT  
SALEM, OREGON



Date: 6/12/2009

TO: Jefferson Planning Department  
66 SE "D" Street  
Madras, OR 97741

FROM: Andy Fischer  
The Deschutes River Conservancy  
700 NW Hill St.  
Bend, OR 97701

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 Deschutes River from North Canal Dam in Bend (RM 165) to Lake Billy Chinook (RM 120).

The project is known as the "Juniper Ridge Piping Project," is occurring on the Pilot Butte Canal within Central Oregon Irrigation District. As a result of irrigation canal piping, we propose to transfer approximately 19.6 cfs instream with an October 31, 1900 and December 2, 1907 priority dates. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541.728.8688.

Sincerely,

Andy Fischer  
Conservation Project Manager  
The Deschutes River Conservancy

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JUN 15 2009

WATER RESOURCES DEPT  
SALEM, OREGON



**DESCHUTES RIVER  
CONSERVANCY**

Date: 6/12/2009

TO: Deschutes County Planning Department  
1300 NW Wall Street, Suite 200  
Bend, OR 97701-1947

FROM: Andy Fischer  
The Deschutes River Conservancy  
700 NW Hill St.  
Bend, OR 97701

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 Deschutes River from North Canal Dam in Bend (RM 165) to Lake Billy Chinook (RM 120).

The project is known as the "Juniper Ridge Piping Project," is occurring on the Pilot Butte Canal within Central Oregon Irrigation District. As a result of irrigation canal piping, we propose to transfer approximately 19.6 cfs instream with an October 31, 1900 and December 2, 1907 priority dates. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541.728.8688.

Sincerely,

Andy Fischer  
Conservation Project Manager  
The Deschutes River Conservancy

**RECEIVED**

JUN 15 2009

WATER RESOURCES DEPT  
SALEM, OREGON



**DESCHUTES RIVER  
CONSERVANCY**

Date: 6/12/2009

TO: City of Bend—Planning Division  
710 NW Wall St.  
Bend, OR 97701

FROM: Andy Fischer  
The Deschutes River Conservancy  
700 NW Hill St.  
Bend, OR 97701

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 Deschutes River from North Canal Dam in Bend (RM 165) to Lake Billy Chinook (RM 120).

The project is known as the “Juniper Ridge Piping Project,” is occurring on the Pilot Butte Canal within Central Oregon Irrigation District. As a result of irrigation canal piping, we propose to transfer approximately 19.6 cfs instream with an October 31, 1900 and December 2, 1907 priority dates. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at 541.728.8688.

Sincerely,

Andy Fischer  
Conservation Project Manager  
The Deschutes River Conservancy

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WATER RESOURCES DEPT  
SALEM, OREGON

# Exhibit I: Support Letters from ODFW, DEQ and OP&RD

\*Note: DEQ has a standing letter of support

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**WATER RESOURCES DEPT  
SALEM, OREGON**



# Oregon

Theodore R. Kulongoski, Governor

## Parks and Recreation Department

725 Summer Street NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

FAX: (503) 986-0794

[www.oregonstateparks.org](http://www.oregonstateparks.org)

September 26, 2008

Andy Fischer  
Conservation Project Manager  
Deschutes River Conservancy  
P.O. Box 1560  
Bend, OR 97709



Nature  
HISTORY  
Discovery

RE: Conserved Water Project

Dear Mr. Fischer,

Thank you for the opportunity to comment on the Central Oregon Irrigation (COID) District - Juniper Ridge Piping conserved water project

According to the information provided for comment, COID intends to pipe 2.25 miles of the Pilot Butte Canal to eliminate seepage losses. The material specified is 9' diameter steel pipe. The project expects to produce up to 19.6 cfs, of which COID will place 100% instream. The saved water will be transferred instream using the Oregon Conserved Water Statute (see ORS 537.455 to 537.500). In addition to canal piping, COID is planning to capture the natural pressure or "head" created in the pipeline to generate hydroelectric power.

COID also assures that all of the conserved water will be protected permanently instream from COID's diversion at Bend to Lake Billy Chinook (RM 120-165) from April 1st-November 1st. The instream water will not be for mitigation purposes but rather for restoration only. The project expects to benefit native trout and improve water quality conditions in the middle Deschutes River.

The Oregon Parks and Recreation Department (OPRD) is generally supportive of projects that permanently protect water for instream uses. The OPRD does support the COID - Juniper Ridge Piping project for the purposes of the conserved water program.

Sincerely,

Jan E. Houck  
Program Coordinator

/jeh

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SALEM, OREGON





# Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

High Desert Region

61374 Parrell Road

Bend, OR 97702

(541) 388-6363

FAX (541) 388-6281

September 29, 2006

Andy Fischer  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, Oregon 97701

Re: Central Oregon Irrigation District Conserved Water Application (Juniper Ridge)

Dear Andy;

The Oregon Department of Fish and Wildlife (ODFW) is writing in support of the conserved water application for the Juniper Ridge piping project proposed for implementation in the Central Oregon Irrigation District (COID).

It is ODFW's understanding that the piping project will result in piping of 2.25 miles of the COID Pilot Butte Canal beginning at the point of diversion located in Bend at River Mile 165. The applicant and agent propose to transfer and protect 19.6 cfs (100%) of the conserved water instream from the point of diversion downstream to Lake Billy Chinook for the benefit of fish, wildlife, and other aquatic resources. Flows would be protected from April 1 through November 1, during the normal irrigation season. This instream transfer will result in improved habitat for redband trout, brown trout, bull trout, summer steelhead and spring Chinook in the Deschutes River.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in cursive script that reads "Brett Hodgson".

Brett Hodgson  
District Fisheries Biologist

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JUN 15 2009

WATER RESOURCES DEPT  
SALEM, OREGON