



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.

1. APPLICANT INFORMATION

Name: Three Sisters Irrigation District
 Address: P.O. Box 2230, Sisters, Oregon, 97759
 Phone(s): 541.549.8815
 *Fax: 541.549.8070 *E-Mail address: tsid1@uci.net

*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, Bend, OR 97701
 Phone(s): 541.728.8688
 *Fax: 541.382.4078 *E-Mail address: 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:

Three Sisters Irrigation District
P.O. Box 2230
Sisters, OR 97759

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? 7/12/05

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>74135</u> Certificate Number	<u>Squaw Creek Decree</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 type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted
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Name on Permit, Certificate, or Decree: Squaw Creek Irrigation District
 County: Deschutes and Jefferson

Provide the following information about the water right of record:

- Priority Date: 1869, 1885, 1887, 1889, 1893, 1895, 1899, 1900, 1901, 1903, 1904
- Source of Water: Whychus Creek
- Type of Use: Irrigation, Pond Maintenance, Industrial Use, Stock Water

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.)*

- Rate* (cfs): 146.99 cfs (From remaining right described in CW-51 Final Order: 1869-0.96, 1885-1.58, 1887-3.00, 1889-4.03, 1893-0.79, 1895-109.54, 1899-2.06, 1900-1.08, 1901-0.45, 1903-7.21, 1904-16.29)

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm

- Duty* (acre feet): No Duty Assigned to Right

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.)*

- Rate (cfs): 146.99 cfs (From remaining right described in CW-51 Final Order: 1869-0.96, 1885-1.58, 1887-3.00, 1889-4.03, 1893-0.79, 1895-109.54, 1899-2.06, 1900-1.08, 1901-0.45, 1903-7.21, 1904-16.29)

- Duty (acre feet): No Duty Assigned to Right

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.*

Three Sisters Irrigation District (TSID) diverts surface water from Whychus Creek through their open earth Main Canal for approximately 3.8 miles before it reaches Watson Reservoir, where water is stored and released through a series of open and piped canals. The TSID main canal serves all lands within the District and has the capacity to convey their entire water right.

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

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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 the project.*

Approximately 3.8 miles of the open earth TSID Main Canal will be replaced with dual 54" High Density Polyethylene Pipes. Seepage losses through this section of canal will be completely eliminated. The project is expected to yield 6 cfs of conserved water, 100% of which will be dedicated to instream use.

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): 140.99 cfs (1869-0.96, 1885-1.58, 1887-3.00, 1889-4.03, 1893-0.79, 1895-103.54, 1899-2.06, 1900-1.08, 1901-0.45, 1903-7.21, 1904-16.29)

2. Duty* (acre feet): _____

* 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): 6.00 cfs --1895 priority date, 100% protected instream from April 1st--November 1st and any other time TSID is diverting.

2. Duty* (acre feet): _____

* 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 6.00 cfs--1895 priority date, protected from April 1-November 1 and any other time TSID is diverting Rate (cfs) N/A 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: The applicant intends to permanently place 100% of the conserved water instream.

* *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 Three Sisters Irrigation District diversion on Whychus Creek (approx. RM 23.5) to the mouth of Whychus Creek (RM 0) and to RM 120 near Lake Billy Chinook on the middle Deschutes River.

- 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 to other appropriators are expected from the 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 on Whychus Creek.

- 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? 210-4023-7705

10. PROJECT SCHEDULE

If project is not yet complete:

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

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Proposed date construction will be completed and notice of project completion will be filed: April 15, 2012

Proposed date the project will be finalized: Incrementally after each construction season.
We request that the Order be structured so that the applicant or agent has the option to finalize the conserved water incrementally. We expect the entire project will be finalized prior to April 15, 2012.

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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 5 years (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

- 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.*

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-

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

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>

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: \$ 425.00
See OAR 690-018-0040(25) and the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees or call (503) 986-0900.


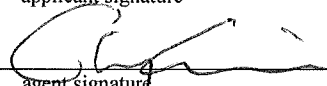
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13. SIGNATURE

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

	Marc Thalacker	12/10/09
applicant signature	name (print)	date
	Andy Fischer	12/9/09
agent signature	name (print)	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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