

Application for Water Right Instream Transfer

Mitigation
Project



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Completed Instream Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Instream Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: c.75486 and c.75488.
- Part 5 – Completed Instream Transfer Application - Proposed Instream Use Information.

Attachments:

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: **\$ 800 (\$900 + \$700 = \$1600 - 50% = \$800).**
See the Department’s Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

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SALEM, OREGON

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(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Land use notice not included or incomplete
___ Additional signature(s) required	___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ___ / ___ / ___

Part 2 of 5 – Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit.

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Part 3 of 5 – Applicant Information and Signature

Type of Instream Transfer	
<input checked="" type="checkbox"/> Permanent Instream Transfer	or
	<input type="checkbox"/> Time-Limited Instream Transfer

Applicant Information

APPLICANT/BUSINESS NAME City of Prineville Attn: Jerry Brummer – Public Works Superintendent		PHONE NO. 541-447-5627	ADDITIONAL CONTACT NO.
ADDRESS 387 NE 3rd Street			FAX NO. 541-447-5628
CITY Prineville	STATE OR	ZIP 97754	E-MAIL jbrummer@cityofprineville.com

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

APPLICANT/BUSINESS NAME GSI Water Solutions, Inc. Attn: Adam Sussman		PHONE NO. 541-753-0745	ADDITIONAL CONTACT NO.
ADDRESS 1600 Western Blvd., Suite			FAX NO. 541-754-4211
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@gsiws.com

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.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Check one box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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

Jerry Brummer
Applicant signature

Jerry Brummer
Name (and title if applicable) (print)

6/29/2010
Date

In your own words tell us what change(s) you want made and the reason for the change(s): **The City is proposing to transfer two irrigation rights instream; the resulting transfer will be used to generate mitigation credits.**

Check the following boxes that apply:

- Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (Tip: Complete and attach Supplemental Form D.) **Water rights to be transferred instream are located within district boundaries but they are not district rights; therefore no Supplemental Form D is included.*

IRRIGATION DISTRICT NAME Peoples Irrigation District*	ADDRESS 615221 O'Neil Highway	
CITY Prineville	STATE OR	ZIP 97754

- Check here if water for any of the rights is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

ENTITY NAME Crook County	ADDRESS 300 NE 3rd Street, Rm. #11	
CITY Prineville	STATE OR	ZIP 97754

ENTITY NAME City of Prineville	ADDRESS 387 NE 3rd Street	
CITY Prineville	STATE OR	ZIP 97754

ENTITY NAME Jefferson County	ADDRESS 85 Southeast D Street	
CITY Madras	STATE OR	ZIP 97741

ENTITY NAME Wasco County	ADDRESS 2705 East 2nd Street	
CITY The Dalles	STATE OR	ZIP 97058

ENTITY NAME City of Maupin	ADDRESS 408 Deschutes Avenue	
CITY Maupin	STATE OR	ZIP 97037

ENTITY NAME Confederated Tribes of the Warm Springs	ADDRESS 1233 Veterans Street	
CITY Warm Springs	STATE OR	ZIP 97761

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Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 75486

Name on Certificate: Claude P. Williams

Date(s) of Priority: September 11, 1934

Source(s) of Water to be Affected by the Transfer: Crooked River

Description of Water Delivery System

System capacity: *** See Attachment E** cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. *** See Attachment E.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Supplemental water right certificate 83850, which is being transferred to City land with a similar primary.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name or Number	Date of Diversion	Section	Range	Meridian	Section	Range	Meridian	Section	Description
Williams POD	9/11/1934	14	S	15	E	26	SE	SE	At the SE corner of Section 26

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Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 6 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Part 4 of 5 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 75488

Name on Certificate: Claude P. Williams

Date(s) of Priority: March 28, 1935

Source(s) of Water to be Affected by the Transfer: Crooked River

Description of Water Delivery System

System capacity: **** See Attachment E*** cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **** See Attachment E.***

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the “from” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Supplemental water right c.83850, which is being transferred to City land with a similar primary.**



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

POD Name	Date	Section	Range	Meridian	Section	Range	Meridian	Section	Description
Williams POD	9/11/1934	14	S	15	E	26	SE	SE	At the SE corner of Section 26

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Will the proposed instream transfer affect the entire water right?

- Yes Then Table 2 on Page 6 does not need to be completed.
- No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Part 5 of 5 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

Instream use proposed to be created by the instream transfer:

Originating Water Right Number (as identified in Part 4)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
75486	9/11/1934	Crooked R.	5/6 – 10/31	0.25	80.0
75488	3/28/1935	Crooked R.	5/6 – 10/31	0.213	68.0
TOTAL VOLUME					148.0

***Tip:** 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

****Tip:** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: _____.

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) – use the POD Name or Number from Table 1): _____.

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): **from authorized POD to Lake Billy Chinook (~RM 120).**

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Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

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- 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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Are there any existing instream water rights on 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 list of all instream water rights for the identified reach.**

Note: New instream water rights are generally (but not always) 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 Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

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 afore mentioned 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.

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
- Time-limited instream transfer is to terminate based upon other conditions:
Conditions: _____

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WATER RESOURCES DEPT
SALEM, OREGON

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STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLAUDE P. WILLIAMS
PRINEVILLE, OREGON 97754

confirms the right to use the waters of THE CROOKED RIVER, a tributary of THE DESCHUTES RIVER, for IRRIGATING 20.0 ACRES.

This right was perfected under Permit 11411. The date of priority is SEPTEMBER 11, 1934. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.25 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T. 14 S., R. 15 E., W.M.; AT THE SE CORNER OF SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 acres
Section 26
Township 14 South, Range 15 East


This certificate describes that portion of the water right confirmed by Certificate 33010, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 18 1998, 1998, and recorded in Special Order Volume 52, Page 41, approving a petition by People's Irrigation Company under ORS 541.325 to 541.333 for mapping water rights within a district and supersedes certificate of water right numbered 33010.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEB 18 1998

T 11102


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75486 .

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SALEM, OREGON

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STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLAUDE P. WILLIAMS
PRINEVILLE, OREGON 97754

confirms the right to use the waters of THE CROOKED RIVER, a tributary of THE DESCHUTES RIVER, for IRRIGATING 17.0 ACRES.

This right was perfected under Permit 11619. The date of priority is MARCH 28, 1935. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 26, T. 14 S., R. 15 E., W.M.; AT THE SE CORNER OF SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.0 acres
Section 35
Township 14 South, Range 15 East, W.M.

This certificate describes that portion of the water right confirmed by Certificate 33011, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 18 1998, 1998, and recorded in Special Order Volume 52, Page 141, approving a petition by People's Irrigation Company under ORS 541.325 to 541.333 for mapping water rights within a district and supersedes certificate of water right numbered 33011.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEB 18 1998

M MARTHA O. PAGEL

Martha O. Pagel, Director

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Recorded in State Record of Water Right Certificates numbered 75488.

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Attachment A

Transfer Maps and Signed Map Waiver

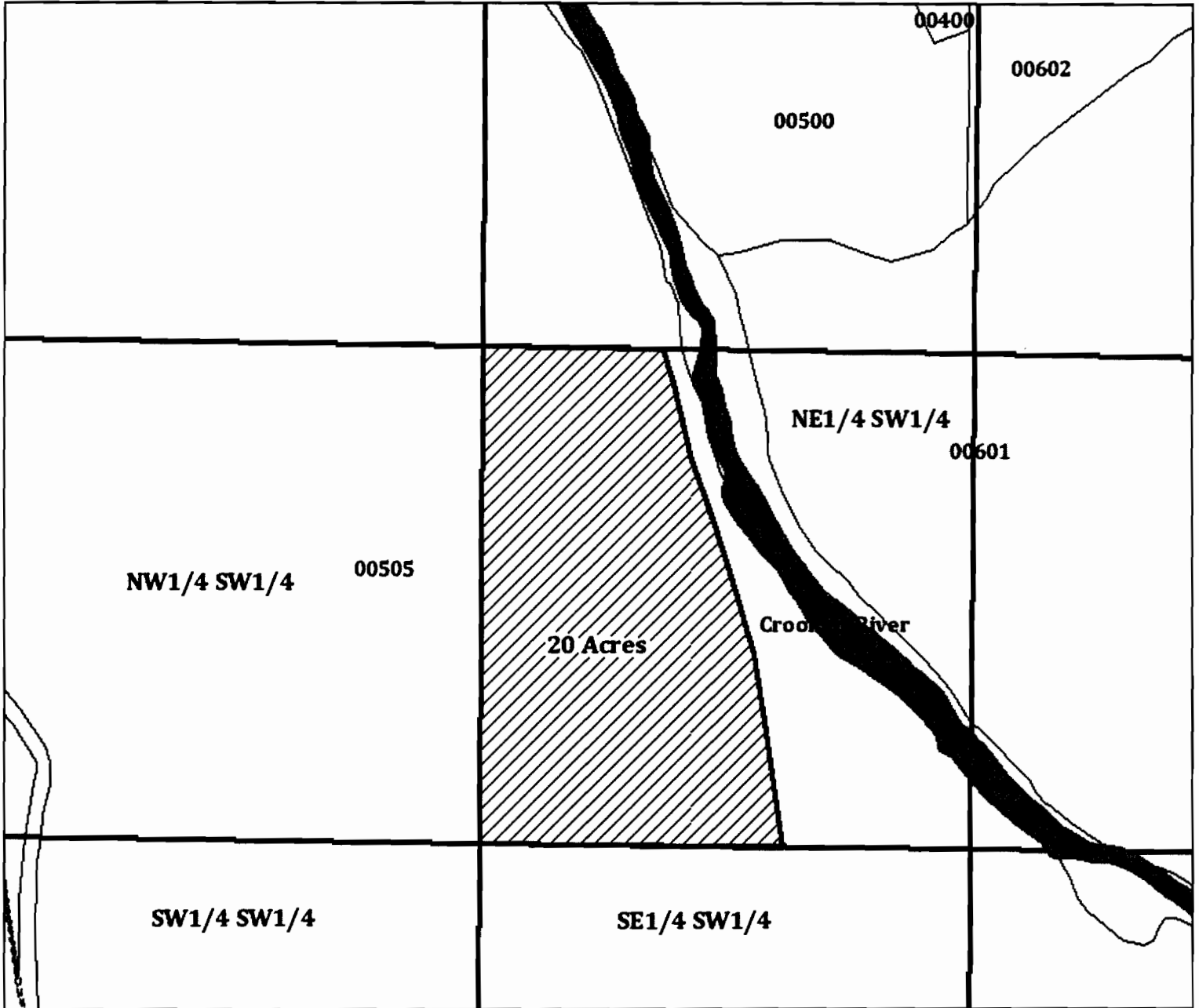
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SALEM, OREGON

Application for an Instream Transfer
Certificate 75486
Township 14 South, Range 15 East, (W.M) Sec. 26



T 11102

Legend

- ROADS
- Water Courses
- "Off" Lands
- Tax lots

Map Information
 Projection: Oregon State Plane South
 Datum: North American Datum 1983
 Date: June 21, 2010
 Prepared By: City of Prineville

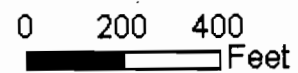
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Data Source
 Crook County GIS

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 SALEM, OREGON

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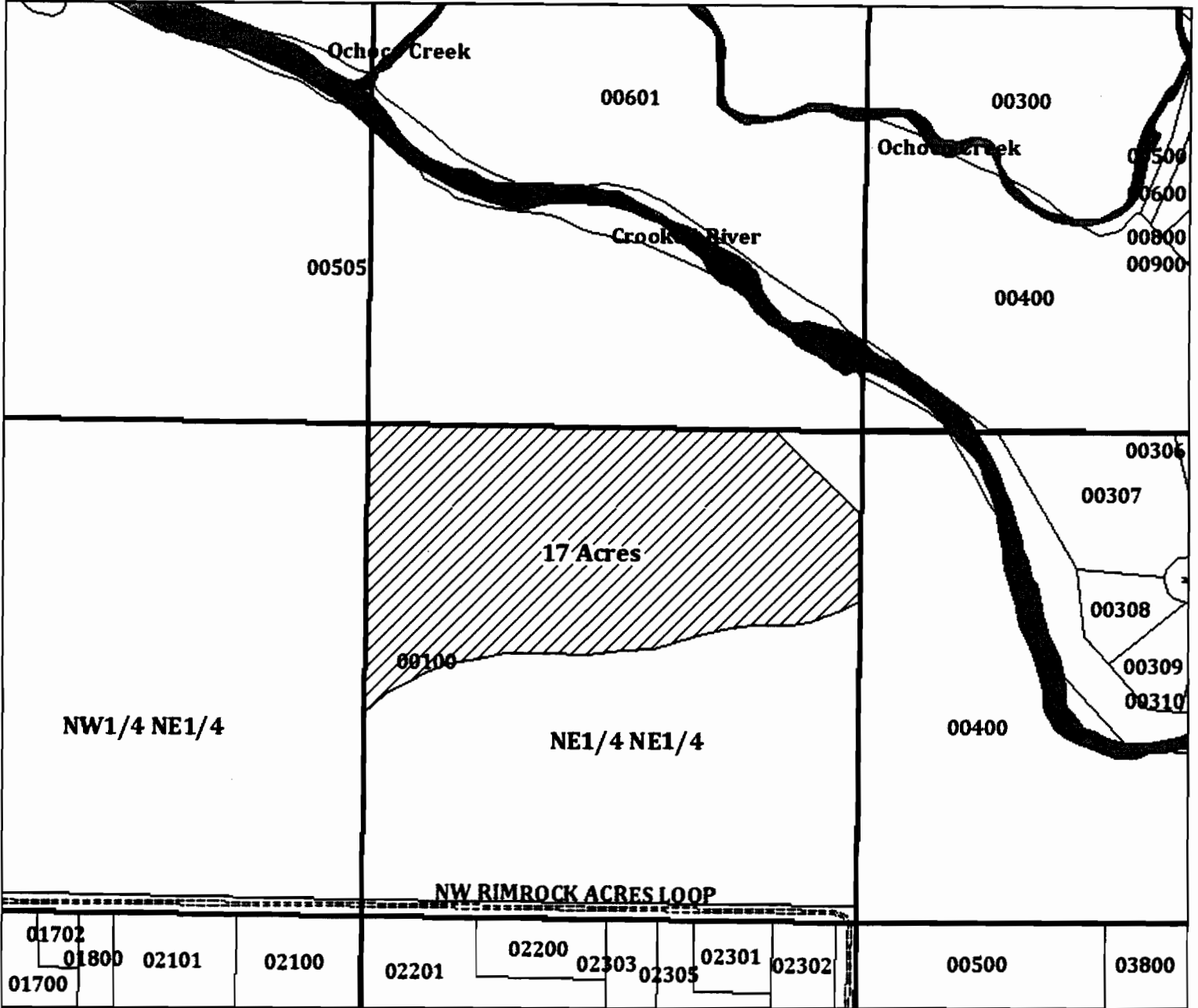


1 inch = 400 feet



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Application for an Instream Transfer
Certificate 75488
Township 14 South, Range 15 East, (W.M) Sec. 35



Legend

- ROADS
- Water Courses
- "Off" Lands
- Tax lots

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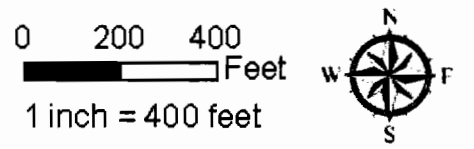
T 11102

Map Information
 Projection: Oregon State Plane South
 Datum: North American Datum 1983
 Date: June 21, 2010
 Prepared By: City of Prineville

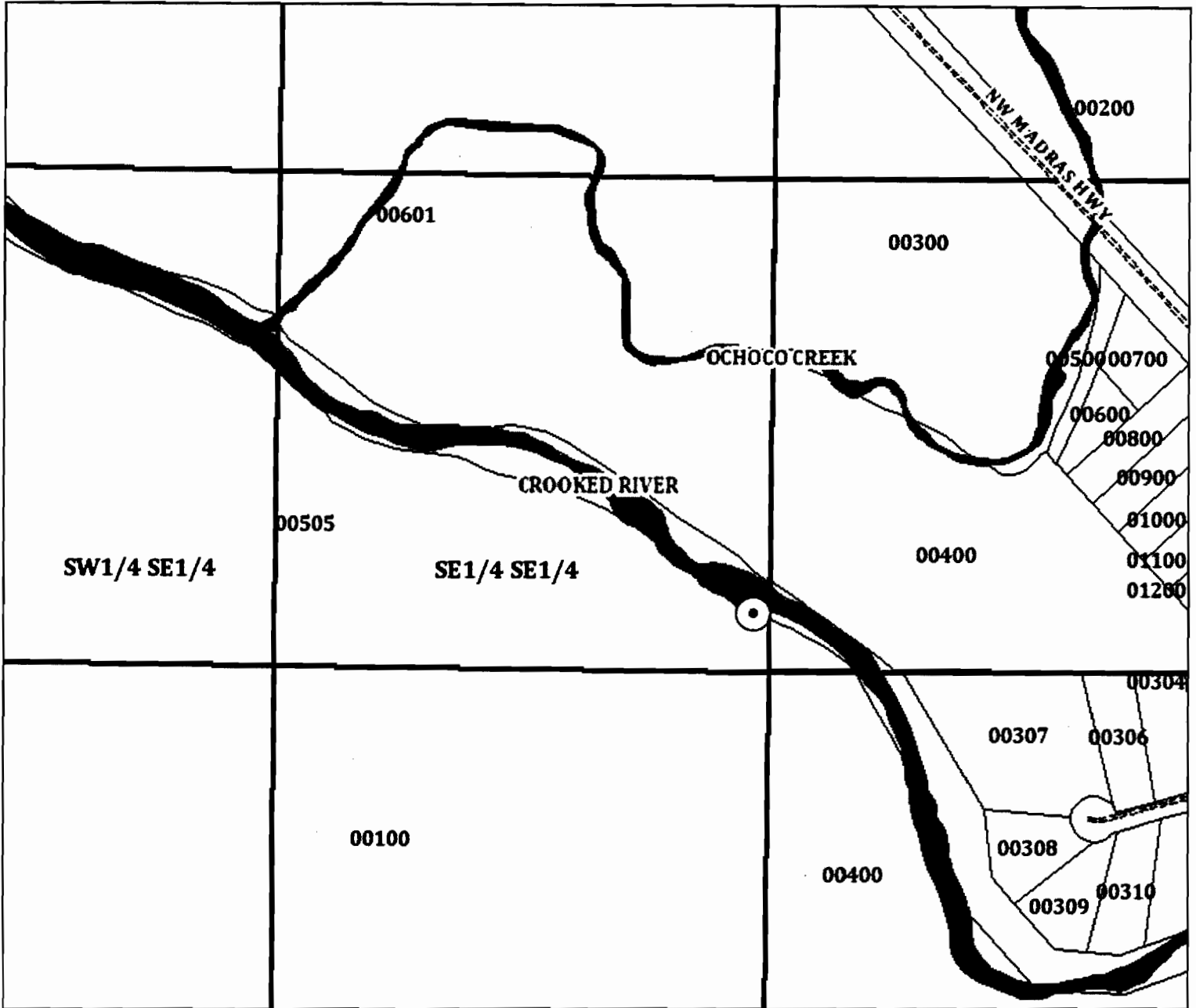
Data Source
 Crook County GIS

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WATER RESOURCES DEPT JUL 07 2010
 SALEM, OREGON



Application for a Water Right Transfer
Certificates 75486 & 75488
Township 14 South, Range 15 East, (W.M) Sec. 26



Legend

-  Authorized Point of Diversion
-  Tax lots
-  Water Courses
-  Roads

0 200 400
 Feet
 1 inch = 400 feet



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WATER RESOURCES DEPT
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Map Information

Projection: Oregon State Plane South
 Datum: North American Datum 1983
 Date: June 21, 2010
 Prepared By: City of Prineville

Data Source

Crook County GIS

POD Location Description

"SE 1/4 SE 1/4, Section 26, T 14 S, R 15 E, W.M.; T 11102
 at the SE corner of Section 26"

Disclaimer: CROOK COUNTY MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER MATTER. THE COUNTY IS NOT RESPONSIBLE FOR POSSIBLE ERRORS, OMISSIONS, MISUSE, OR MISINTERPRETATION. COUNTY DIGITAL INFORMATION IS PREPARED FOR REFERENCE PURPOSES ONLY AND SHOULD NOT BE USED, AND IS NOT INTENDED FOR, SURVEY OR ENGINEERING PURPOSES OR THE AUTHORITY AND/OR PRECISE LOCATION OF BOUNDARIES, FIXED HUMAN WORKS, AND/OR THE SHAPE AND CONTOUR OF THE EARTH. NO REPRESENTATION IS MADE CONCERNING THE LEGAL STATUS OF ANY APPARENT ROUTE OF ACCESS IDENTIFIED IN DIGITAL OR HARD COPY MAPPING OF GEOSPATIAL INFORMATION OR DATA. DATA FROM THE CROOK COUNTY ASSESSORS OFFICE MAY NOT BE CURRENT. DATA IS UPDATED AS SCHEDULES AND RESOURCES PERMIT. PLEASE NOTIFY CROOK COUNTY GIS OF ANY ERRORS (541) 416-3930.



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: City of Prineville

Water Right(s) to be transferred: 75486 and 75488

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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FSD Last Revised 3/6/2006

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: 6-28-10
OWRD Regional Manager, SC Region

for certificates 75486 & 75488
in their entirety.

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Attachment B

Evidence of Use Affidavit & Supporting Documentation

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SALEM, OREGON

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of CROOK)

I, JERRY BRUMMER, in my capacity as PUBLIC WORKS SUPERINTENDENT,

mailing address 387 NE 3RD STREET PRINEVILLE, OR 97754

telephone number (541)447-5627, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

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OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: IL-1065 & IL-541 (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

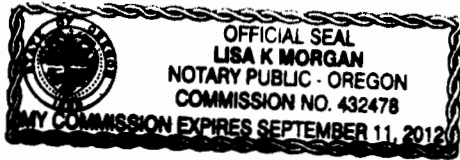
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3. The water right was used for: (e.g., crops, pasture, etc.): _____
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Jay M. Beumer
Signature of Affiant

6/29/2010
Date

Signed and sworn to (or affirmed) before me this 29th day of June, 2010.



Lisa K Morgan
Notary Public for Oregon

My Commission Expires: 9-11-2012

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Instream Lease Application) DETERMINATION and
 IL-1065 and Preliminary and Final Award) FINAL ORDER ON PROPOSED
 of Mitigation Credits, Certificates 75486) INSTREAM LEASE and MITIGATION
 and 75488, Crook County) CREDIT PROJECT

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

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.

Lessor

City of Prineville
 387 NE 3rd St.
 Prineville, OR 97754

Lessee

Deschutes River Conservancy (DRC)
 Mitigation Bank
 P.O. Box 1560
 Bend, Oregon 97709
gen@deschutesriver.org

Findings of Fact

1. On April 6, 2010, the DRC Mitigation Bank and City of Prineville filed an application to lease all of Certificates 75486 and 75488 for instream use. The Department assigned the application number IL-1065.
2. The first right to be leased is as follows:

Certificate: 75486 in the name of Claude P. Williams
Use: Irrigation of 20.0 acres
Priority Date: September 11, 1934
Quantity: **Rate:** 0.25 Cubic Foot per Second (CFS)
Duty: 80.0 Acre-Feet (AF)
Limit: One-eightieth CFS per acre, not to exceed 4.0 AF per acre per year
Source: Crooked River, tributary to the Deschutes River

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 SALEM, OREGON

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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 Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	15 E	W.M.	26	SE SE	AT THE SE CORNER OF SECTION 26

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	15 E	W.M.	26	NE SW	20.0

3. The second right to be leased is as follows:

Certificate: 75488 in the name of Claude P. Williams T 11102
Use: Irrigation of 17.0 acres
Priority Date: March 28, 1935
Quantity: **Rate:** 0.21 Cubic Foot per Second (CFS)
Duty: 68.0 Acre-Feet (AF)
Limit: One-eightieth CFS per acre, not to exceed 4.0 AF per acre per year
Source: Crooked River, tributary to the Deschutes River

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	15 E	W.M.	26	SE SE	AT THE SE CORNER OF SECTION 26

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	15 E	W.M.	35	NE NE	17.0

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4. Certificates 75486 and 75488 do not specify an irrigation season. However, the decreed irrigation season for the area is February 1 to December 1. For the purposes instream leasing, an irrigation season of February 1 to December 1, consistent with the Crooked River Decree, shall be used to establish when water may be protected instream.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The Lessor and Lessee have requested to protect water instream from the POD on the Crooked River to Lake Billy Chinook. A portion of the water diverted at the POD returns to the Crooked 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 return flows immediately below the POD. At this time, the Department estimates that return flows are 5% of the amount diverted.
7. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:
Crooked River, tributary to the Deschutes River

Instream Point: At the POD (as described in Findings of Fact #2 & #3)

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
75486	9/11/1934	0.25	80.0	May 6 through October 15
75488	3/28/1935	0.21	68.0	May 6 through October 15

Instream Reach: From immediately below the POD to Lake Billy Chinook

Certificate	Priority Date	Instream Rate (cfs)	Instream Volume (AF)	Period Protected Instream
75486	9/11/1934	0.24	76.79	May 6 through October 15
75488	3/28/1935	0.20	64.50	May 6 through October 15

8. There is a supplemental water right, Certificate 83850, appurtenant to all or a portion of the lands described in Findings of Fact #2 and #3. The Lessor and Lessee have requested that this water right not be included as part of this lease application. During the term of the lease, water use under this right will also be suspended.
9. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
10. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
11. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
12. The Lessor has requested that the lease terminate on October 31, 2013. However, the last day of the irrigation season for the area is November 30. Instream leases generally terminate on the last day of the period of allowed use. Therefore, the lease may terminate on November 30, 2014. The lease will commence the date the final order is signed and on February 1 (first day of the irrigation season) of each succeeding calendar year that the lease is in place.
13. The Lessor has requested the option of terminating the lease early with written notice to the Department.

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SALEM, OREGON

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Preliminary Award of Deschutes Basin Mitigation Credits

14. The Lessee, a mitigation bank chartered by the Water Resources Commission, has requested that the portion of the right to be protected instream be used to generate mitigation credits.
15. The Department assigned this mitigation credit project number MP-134.
16. The Department provided notice of the mitigation credit project pursuant to OAR 690-521-0300 (6). The Department also provided notice of the mitigation credit project to the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, 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). Comments were received from the Oregon Parks and Recreation Department. These comments identified the additional instream flow in the Crooked River will potentially benefit aquatic resources and improve the fisher resource.

17. No modifications were made to the lease based on the comments received.
18. The proposed lease of 37.0 acres of irrigation use to instream use will provide 66.6 AF of mitigation water. Therefore, the Department finds that 66.6 mitigation credits may be awarded to this mitigation credit project and assigned to the DRC Mitigation Bank. 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 Crooked River and General Zones of Impact.
19. The mitigation credits expire on December 31, 2014.
20. The use and maintenance of the mitigation credits is subject to the terms and conditions of the DRC Mitigation Bank Charter.
21. 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 the Final Order approving the proposed instream lease shall result in completion of the project and verification that the project is complete.
22. No precedent is set by this Final Order as to the amount of mitigation credits that may be generated by a subsequent mitigation credit project.

CONCLUSIONS OF LAW

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

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

ORDER

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. The former place of use will no longer receive water as part of these rights, any supplemental rights (including Certificate 83850), or any other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lease will terminate on November 30, 2014. For multiyear leases, the Lessor shall have the option of terminating the lease with written notice to the Department provided to both the Salem office and Watermaster office. Written notice of termination of a lease must be

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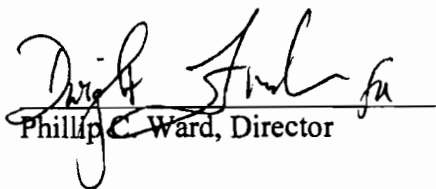
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SALEM, OREGON

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provided by all Lessors and the Lessee. The written notice to Salem office must include original signatures. The notice to the Watermaster office may be made by fax or e-mail. The lease may be terminated at any time during a calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use (May 6 through October 15) or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur.

4. **Final Award of Deschutes Basin Mitigation Credits:** Issuance of this Final Order results in completion of the project and verification by the Department that the project is complete. The Department concludes that the mitigation credit project is awarded mitigation credits, as described above, pursuant to OAR 690-521-0400 and ORS 537.746. Mitigation Credits, in the amount of 66.6 credits, as described herein, are awarded to this mitigation project and assigned to the DRC Mitigation Bank. Mitigation Credits may be used to satisfy a mitigation obligation of a ground water permit applicant and/or ground water permit/certificate holder in the Crooked River and General Zones of Impact.
5. Mitigation credits are valid until used (or until they expire or are terminated) 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.
6. The mitigation credits shall expire on December 31, 2014.
7. The use and maintenance of the mitigation credits shall be subject to the terms and conditions of the DRC Mitigation Bank Charter.

Dated at Salem, Oregon this 9 day of June, 2010.


Phillip C. Ward, Director

This document was prepared by Laura Wilke and if you have any questions, please call 503-986-0884.

Mailing date: JUN 10 2010

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SALEM, OREGON
JUL 07 2010

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Short-Term) DETERMINATION and
Lease of Existing Water Rights for Instream) FINAL ORDER ON
Use, Certificates 75488 and 75486, Crook) PROPOSED INSTREAM
County, Oregon) LEASE

FINDINGS OF FACT

1. On April 19, 2004, a Short-Term Lease Application, which proposed to lease a portion of certificates 75488 and 75486 for instream purposes was submitted to the Department by:

Lessor
City of Prineville
400 NE Third Street
Prineville, OR 97754

2. The Department assigned this lease agreement number L-541.
3. The lease is intended to provide mitigation for Limited License application LL-765.
4. The lease application includes the required information under OAR 690-077-0077(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(6). No comments were received.
5. The right to be leased, as requested by the applicant, is as follows:

Certificate: 75488
Priority Date: March 28, 1935
Use: Irrigation
Acres: 17.0
Season of Use: February 1 to December 1
Quantity: Rate (limited to 1/80th Cubic Foot per Second (CFS) per acre): 0.21 CFS
Duty (limited to 4.0 Acre-Feet (AF) per acre): 68.0 AF
Source: Crooked River, tributary to the Deschutes River

The applicant is requesting to lease the entire right instream.

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SALEM, OREGON
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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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Point of Diversion (POD):

Township		Range		Meridian	Sec	¼ ¼		Location
14	S	15	E	W.M.	26	SE	SE	at the SE Corner of Section 26

Authorized Place of Use:

Township		Range		Meridian	Sec	1/4 1/4		Priority Date	Acres
14	S	15	E	W.M.	35	NE	NE	3/28/1935	17.0

Certificate: 75486
Priority Date: September 11, 1934
Use: Irrigation
Acres: 20.0 acres
Season of Use: February 1 to December 1
Quantity: Rate (limited to 1/80th Cubic Foot per Second (CFS) per acre): 0.25 CFS
 Duty (limited to 4.0 Acre-Feet (AF) per acre): 80.0 AF
Source: Crooked River, tributary to the Deschutes River

The applicant is requesting to lease the entire right instream.

Authorized Point of Diversion (POD):

Township		Range		Meridian	Sec	¼ ¼		Location
14	S	15	E	W.M.	26	SE	SE	at the SE Corner of Section 26

Authorized Place of Use:

Township		Range		Meridian	Sec	1/4 1/4		Priority Date	Acres
14	S	15	E	W.M.	26	NE	SW	9/11/1934	20.0

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6. The application proposes to lease water for instream as follows:

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Reach: From the POD (SE SE, Section 26, T14S, R15E, W.M., at the SE Corner of Section 26 on the Crooked River to Lake Billy Chinook.

WATER RESOURCES DEPT
SALEM, OREGON

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
75488	3/28/1935	0.21 CFS	March 1 through August 9	162	68.0 AF
75486	9/11/1934	0.25 CFS	March 1 through August 9	162	80.0 AF
Totals		0.46 CFS			148.0 AF

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7. The Department finds that water may be protected instream at the rate and volume requested for Certificate 75488 for a period of 163 days, which is one day longer than the original time period requested. Terry Sprecher, agent for the applicant, has requested that the period that water may be protected instream be lengthened by one day to March 1 through August 10.
8. The Department finds that water may be protected instream at the rate and volume requested for Certificate 75486 for a period of 161 days, which is one day shorter than the original time

period requested. Terry Sprecher, agent for the applicant, has requested that the period that water may be protected instream be shortened by one day to March 1 through August 8.

9. Based on the above findings, the Department finds that the application water may be leased instream as follows (changes shown in bold text):

Reach: From the POD (SE SE, Section 26, T14S, R15E, W.M., at the SE Corner of Section 26 on the Crooked River to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
75488	3/28/1935	0.21 CFS	March 1 through August 10	163	68.0 AF
75486	9/11/1934	0.25 CFS	March 1 through August 8	161	80.0 AF
Totals		0.46 CFS			148.0 AF

10. Based upon review of the application and information provided by the Department's Watermaster, the Department finds that the lease, as proposed and modified above, will not result in injury or enlargement.
11. The lease will terminate on November 30, 2008. The lessor has requested the option of terminating the lease early, with written notice to the Department.

CONCLUSIONS OF LAW

The Department concludes that the lease, as modified above, will not result in injury or enlargement, OAR 690-077-0077.

ORDER

Therefore, it is ORDERED:

1. That the Short-Term Lease described herein is APPROVED.
2. The authorized place of use shall not be irrigated during the term of this lease.
3. Water is leased instream as follows:

Reach: From the POD (SE SE, Section 26, T14S, R15E, W.M., at the SE Corner of Section 26 on the Crooked River to Lake Billy Chinook.

Certificate	Priority Date	Rate Instream	Period Protected Instream	Days Instream	Volume Instream
75488	3/28/1935	0.21 CFS	March 1 through August 10	163	68.0 AF
75486	9/11/1934	0.25 CFS	March 1 through August 8	161	80.0 AF
Totals		0.46 CFS			148.0 AF

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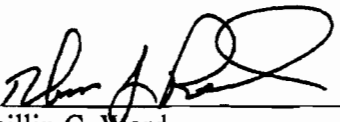
WATER RESOURCES DEPT
SALEM, OREGON

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4. The lease will terminate on November 30, 2008. The lessor shall have the option of terminating the lease each year, prior to the lease being exercised (March 1), with 30 days written notice to the Department.

Dated at Salem, Oregon this 2nd day of June, 2004.



Phillip C. Ward
Acting Director

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WATER RESOURCES DEPT
SALEM, OREGON

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Short-Term Lease of) FINAL ORDER TO
Existing Water Right for Instream Use,) TERMINATE
Certificates 75488 and 75486, Crook County,) INSTREAM LEASE
Oregon

FINDINGS OF FACT

1. On April 19, 2004, a Short-Term Lease Application, which proposed to lease a portion of certificates 76358 (primary) and 76714 (supplemental) for instream purposes and to provide mitigation for Limited License LL-765 was submitted to the Department by:

Lessor
City of Prineville
400 NE Third Street
Prineville, OR 97754

2. The Department assigned this lease agreement number L-541.
3. The lease application requested to protect water instream for five years, terminating on November 30, 2008. A Final Order approving this lease was issued by the Department on June 2, 2004, as evidenced by Special Order Volume 60, Page 171. The final order contains a condition allowing the Lessor to terminate the lease prior to water being protected instream in any year that the lease is in effect.
4. On February 17, 2006, the Department received a request from the Lessor to terminate the lease prior to any water being protected instream within the 2006 irrigation season.
5. The lease was exercised through the 2005 water use period, ending on November 30, 2005.

CONCLUSIONS OF LAW

The Department concludes that terminating the lease in advance of any water being protected instream during the 2006 irrigation season is consistent with OAR 690-077.

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.

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SALEM, OREGON
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ORDER

Therefore, it is ORDERED that the Short-Term Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this 24th day of February, 2006.

Phillip C. Ward

FWR Phillip C. Ward
Director

Date Mailed FEB 27 2006

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SALEM, OREGON

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SALEM, OREGON

Attachment C

Property Information

T 11102

Data for Parcels

Click on the "Property Res" button for more reports

MAPTAXLOT	1415260000505
TOWNSHIP	14
RANGE	15
ACRES	262.57
SUBDIVISION	
TAX PAYER	PRINEVILLE CITY OF
ADDRESS	387 NE 3RD ST
CITY	PRINEVILLE
ADDRESS2	OR, 97754, USA
ODF	
Parks and Rec	YES
IMPROVED	YES
In City	
zone	EFU2



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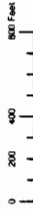
14S15E26

CANCELLED:
04
503
504

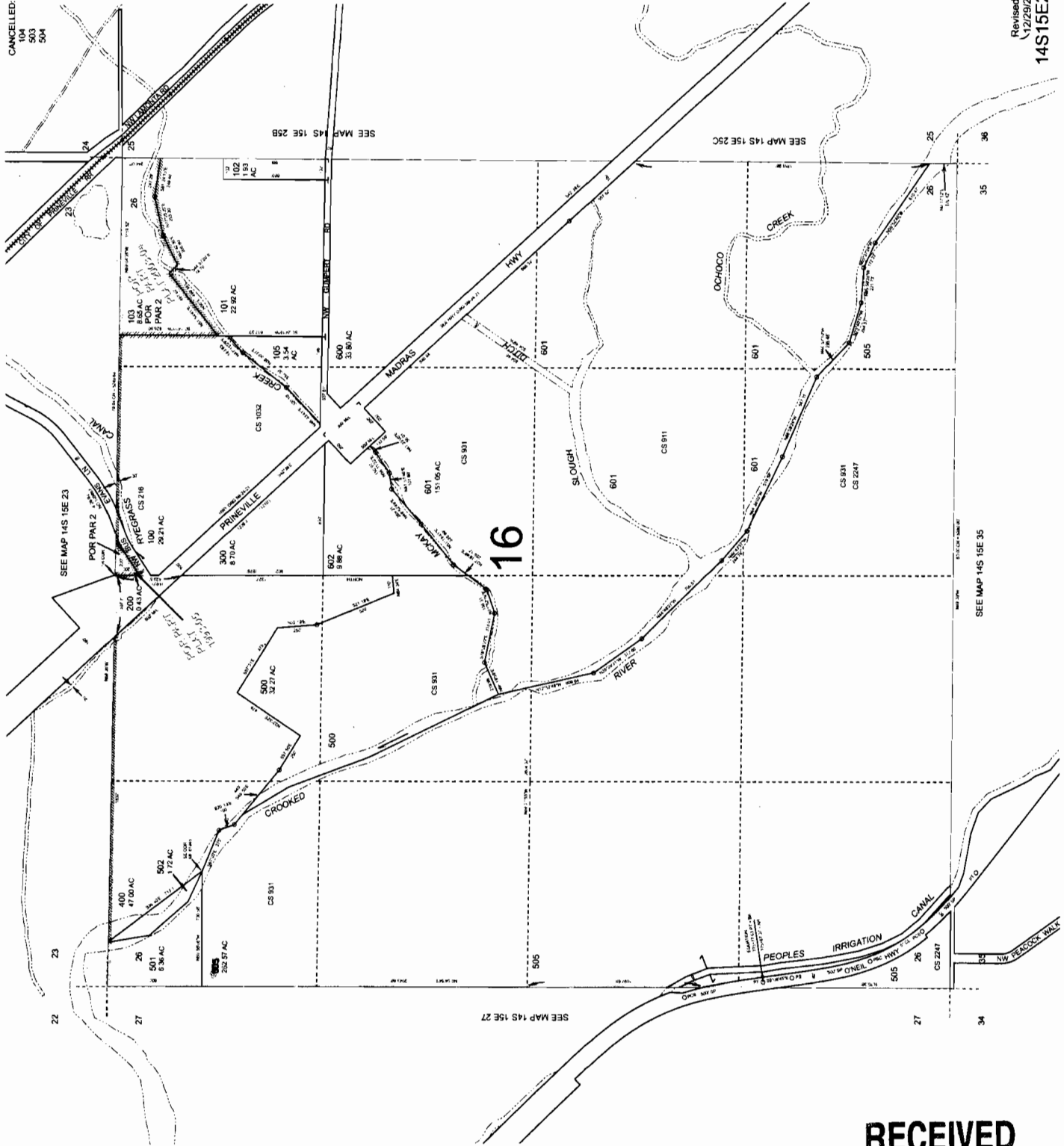
Revised: JK
1/2/29/2009
14S15E26

SECTION 26 T.14S. R.15E. W.M.
CROOK COUNTY

1" = 400'



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



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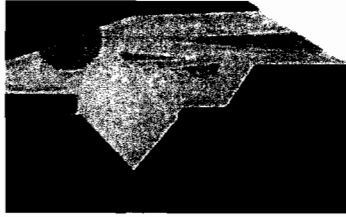
JUL 07 2010

Attachment D

Land Use Notification Letter

T 11102

City of
PRINEVILLE



PUBLIC WORKS

June 24, 2010

City of Prineville Planning Division 387 NE 3 rd Street Prineville, OR 97754	Crook County Planning Division 300 NE 3 rd Street, Rm. #11 Prineville, OR 97754
City of Maupin 408 Deschutes Avenue Maupin, OR 97037	Jefferson County Planning Division 85 Southeast D St. Madras, OR 97741
Wasco County Planning Division 2705 East 2 nd Street The Dalles, OR 97058	Confederated Tribes of the Warm Springs 1233 Veterans Street Warm Springs, OR 97761

Re: Proposed Instream Water Right Transfer

The City of Prineville is providing notification of our intent to transfer two water rights to instream use. The transfer application is requesting to change water right certificates 75486 and 75488 to instream use; being protected from the authorized Point of Diversion (SE ¼ SE ¼, Section 26, T 14 S, R 15 E, WM; 1920 feet North and 340 feet east from the SW corner of Section 8) on the Crooked River to Lake Billy Chinook (~RM 120).

The proposed transfer will place approximately 0.463 cubic feet per second instream with 1934 and 1935 priority dates. If you have any questions regarding the proposed transfer application, or are interested in receiving additional information please call me at 541-447-5627.

Sincerely,

Jerry Brummer
Public Works Superintendent

Cc – Laura Wilke, Oregon Water Resources Department

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SALEM, OREGON

JUL 07 2010

City of Prineville • Department of Public Works • 387 NE 3rd Street • Prineville, OR 97754
phone 541-447-7844 • fax 541-416-2406 • www.cityofprineville.com

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Attachment E

Water System Delivery Description

WATER DELIVERY SYSTEM DESCRIPTION

Certificate # 83850 POD for Supplemental Irrigation of 37 acres

The point of diversion is located as follows:

Peoples Ditch #13 and Direct Diversion #13 POD

NW ¼ SW 1/4, SECTION 8, T.15 S., R. 16 E., W.M.; 1920 FEET NORTH AND 340 FEET EAST FROM THE SW CORNER OF SECTION 8

Water is diverted from the Crooked River at the Point of Diversion as shown on the attached map (Attachment A). Water is then conveyed by the Peoples Irrigation Ditch to serve the Place of Use of a number of water rights, including the City's irrigation water rights proposed for transfer in this application. Water is diverted from the Peoples Irrigation Ditch by an 8 inch headgate to a pond from which the water is then pumped by three 100hp pumps for a maximum rate of 2300gpm to a 6 inch sprinkler irrigation system for pasture that the City leases for livestock grazing.

Certificate #75486 and *Certificate #75488* POD for Primary Irrigation of 37 acres

The point of diversion is located as follows:

SE ¼ SE 1/4, SECTION 26, T. 14 S., R. 15 E., W.M.; AT THE SOUTH EAST CORNER OF SECTION 26

Water is pumped from the Crooked River at the described POD as shown on the attached map (Attachment A). Water is conveyed to serve the Place of Use of a number of water rights, including the City's irrigation water rights proposed for transfer in this application. Water is pumped from the diversion point through a 24 inch pipe by a 40hp pump for a maximum rate of 2500gpm to a wet well. Pumping from there is done by two 60hp pumps to 8 inch irrigation or one 20hp pump to 6 inch irrigation for pasture that the City leases for livestock grazing.

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