

Name Tumalo Irrigation District S-88478  
 By Attn: Ken Rieck  
 Address 64697 Cook Avenue  
Bend, OR 97703

Application No. S-88478

Permit No. \_\_\_\_\_

Certificate No. \_\_\_\_\_

Date

DENIED \_\_\_\_\_

MISFILED \_\_\_\_\_

WITHDRAWN \_\_\_\_\_

CANCELLED \_\_\_\_\_

Volume Page

### FEES PAID

Date	Amount	Receipt No.
11/29/17	\$3,326.00	125296

Cert. Fee

### FEES REFUNDED

Date	Amount	Receipt No.

Priority NOVEL 29, 2017

County KLAMATH, DOUGLAS, LACINE WM# 11

### RELATED FILES

### ASSIGNMENTS

Date	To Whom	Address

### DEVELOPMENT

Date

Completion \_\_\_\_\_

Extended to \_\_\_\_\_

Final Proof received \_\_\_\_\_

Proposed Cert. Mailed \_\_\_\_\_

REMARKS \_\_\_\_\_

MAP LOCATION \_\_\_\_\_

JS 12/1/2017



### Establishment of Mitigation Credits in the Deschutes Basin

ORS 537.746 authorizes the Department to award mitigation credits in the Deschutes Basin to approved mitigation projects. Mitigation credits may be used in the Deschutes Basin, specifically the Deschutes Ground Water Study Area, to mitigate for the impacts of ground water use on surface water flows. Pursuant to OAR Chapter 690, Division 521, upon receipt of notification of a mitigation project, the Department shall give public notice of the intent to establish mitigation credits.

The public is invited to comment on establishment of mitigation credits for the project(s) described below. Comments must be received within 21 days of the date of this public notice. Comments should address the award of mitigation credits to the proposed project and its use for mitigation purposes. Included in this public notice is a preliminary determination as to the amount of mitigation credits that may be available from the proposed project.

<b>Mitigation Project #:</b>	MP-227, Deschutes County
<b>Project Applicant:</b>	Tumalo Irrigation District
<b>Mitigation Project And Process:</b>	Water Right Application S-88478
<b>Subbasin/Source:</b>	Crescent Lake, constructed under Permits R-102 and R-2744
<b>Amount of Water:</b>	up to 1000 acre-feet
<b>Current Use:</b>	for Fish Life and Wildlife for downstream use in Crescent Creek, the Little Deschutes River, and the main stem Deschutes River.
<b>Credits Assigned to:</b>	Tumalo Irrigation District
<b>Preliminary Mitigation Credit Determination:</b>	Up to 1000 Mitigation Credits may be available for use in the General and Middle Zones of Impact
<b>Contact:</b>	Sarah Henderson 503-986-0890



**FRENCH Kim R \* WRD**

---

**From:** HENDERSON Sarah A \* WRD  
**Sent:** Monday, February 12, 2018 12:01 PM  
**To:** FAUCERA Danette L; HODGSON Brett L; TAYLOR Trevor \* OPRD;  
laurel.hillman@state.or.us; LAMB Bonnie; NIGG Eric; MEHTA Smita; MATTER Margaret A;  
ZUMWALT Shawn  
**Cc:** GIFFIN Jeremy T \* WRD  
**Subject:** Deschutes Mitigation Project Review Request for MP-227 (Water Right Application  
S-88478)  
**Attachments:** agency review form (mit credits).doc; ISWR's for Little Deschutes River.xls; ISWR's for  
Deschutes River.xls

Greetings Everyone:

This is a request for evaluation of a mitigation credit project, MP-227. The Department is seeking your input on how best to protect water instream (shaping), including considering the instream needs of where water is proposed to be protected instream in order to make the most effective use of the project and the mitigation water.

Attached to this e-mail is a summary of the proposed project and agency evaluation form. A copy of the project application can be found by opening the application materials file folder at:

[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_details.aspx?snp\\_id=195218](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=195218)

Please let me know if you have any questions or trouble accessing any of the documents. If you have a comment please send it to me..

Thank you for your time and input on these projects.

Sarah Henderson

\*\*\*\*\*  
**Sarah Henderson** | Transfer Specialist, Transfer and Conservation Division  
**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503.986.0890 | Fax: 503.986.0901  
Email: [sarah.a.henderson@oregon.gov](mailto:sarah.a.henderson@oregon.gov) | Web: <http://www.oregon.gov/owrd>

\*\*\*\*\*



**DESCHUTES GROUND WATER MITIGATION CREDIT PROJECT REVIEW SHEET**

The Oregon Water Resources Department is requesting an evaluation of the mitigation credit project described below pursuant to OAR 690-521-0300 (7) and OAR 690-505-0630 (2)

**Project Summary (the following is to be filled out by WRD):**

Date: 4/3/18 21 Day Deadline Date: Mitigation Credit Project ID #: MP-227

Project Applicant's Name: Tumalo Irrigation District

Type of Mitigation Project: In Stream Water Right Transfer  
Project Duration: permanent

Project ID #(ie transfer applic): T-12698

Potential Mitigation Credits that may be awarded to the project: 1000 (1 mitigation credit = 1 AF)

If the project were awarded mitigation credits, the credits could be used to mitigate a ground water use(s) in the following zone(s) of impact:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> General Zone of Impact                | <input type="checkbox"/> Metolius River Zone of Impact                    |
| <input checked="" type="checkbox"/> Middle Deschutes River Zone of Impact | <input type="checkbox"/> Upper Deschutes River Zone of Impact             |
| <input type="checkbox"/> Crooked River Zone of Impact                     | <input checked="" type="checkbox"/> Little Deschutes River Zone of Impact |

**Water Right to be protected instream:**

Water Source: The drainage area draining into Crescent Lake, a tributary of Crescent Creek and Little Deschutes River, in Crescent Lake Reservoir

Water Right: Certificate 76683

Use: Multiple Purpose Uses

Duty: 1000 acre-feet

Released from Storage: Between November 1 and March 31

Priority Date: March 20, 1911

**Instream use to be created by the project:**

Reach: From the authorized POD, Crescent Dam, to Lake Billy Chinook, certificate 76683 does not describe the location of Crescent Dam. The center of the dam is located 450 feet North and 2,380 feet East from the Southwest Corner of Section 11, Township 24S, Range 6 East, WM.

The applicant has requested to account for channel losses, an 18% loss factor shall be applied between the mouth of Crescent Creek on the Little Deschutes River to Benham Falls on the Deschutes River. And a 7% loss factor shall be applied on the Deschutes River between Benham Falls and the City of Bend. Therefore, of the 1000 acre-feet (average 3.317cfs) protected under this right at Crescent Creek Gage No. 14060000, 820 acre-feet (average 2.719cfs) would be protectable at Benham Falls and 762.6 acre-feet (2.529cfs) would be protectable at Bend.

The applicant has requested to protect water during the period: November 1 through March 31.

Identify any issues that would limit when water could be protected instream during the irrigation season: not determined

Frequency that new use will likely be met within described reach: 100%

**Other Instream Water Rights within the same Reach:**

Identify any instream Water Rights within the same reach as requested by the applicant: Certificates 84352, 87440, 88992, 91923 are for the same reach identified above (Crescent dam to Lake Billy Chinook.) There are numerous other instream water rights within a portion of the proposed reach.

WRD Project Contact: Sarah Henderson, Transfer and Conservation Section

Phone: (503)-986-0890 / Fax: (503)-986-0901 / e-mail sarah.a.henderson@oregon.gov



**Mitigation Project (MP-230 (T-12698)) Review Section:**

The following is to be completed by the WRD Watermaster, DEQ, ODFW, Parks, Agriculture and DSL:

1. Will the proposed mitigation project provide a resource benefit within the above identified zone(s) of impact? YES / NO (circle one)

Please explain and if the project will provide a resource benefit, please identify the specific resource that will benefit:

\_\_\_ The project, as currently proposed, will provide seasonal benefits to native fish populations and ecological resources in Crescent Creek, the Little Deschutes River, and the Deschutes River from the confluence with the Little Deschutes downstream to Lake Billy Chinook. However, the flow-related impacts to these resources from groundwater withdrawals in the basin are year round and occur throughout all zones. The release of stored water from Crescent Lake during the non-irrigation season (November 1 – March 31) will mitigate for groundwater withdrawal within the Little Deschutes River and General Zones of Impact only during those months; it will not provide resource benefits during the critical spring and summer months when native redband trout are spawning and rearing. As such, this serves as incomplete mitigation for year-round impacts, and ODFW recommends that impacts be accompanied by alternative sources of mitigation.

How can the proposed mitigation project be conditioned to enhance resource benefits and to make the most effective use of the mitigation project and mitigation water pursuant to OAR 690-521-0300 (7)? (i.e. time period water should be protected instream)

Please describe: To fully mitigate for the flow-related impacts of year-round groundwater withdrawal, ODFW recommends the release and instream protection of 1,000 acre feet of stored water from Crescent Lake during November 1 – March 31 be coupled with complementary mitigation projects providing water instream from April 1 – October 31. As such, ODFW recommends future year-round groundwater applications not be approved until year-round mitigation is secured.

2. Other comments on the above referenced mitigation project:

\_\_\_ As currently designed, the Deschutes Groundwater Mitigation Program mitigates year-round groundwater withdrawals with irrigation season water. This type of mitigation does provide for more instream water during the irrigation season, but also will eventually reduce flows in the lower river during the non-irrigation season. Critical fish life history components occur outside of the irrigation season, particularly during "shoulder months" at the beginning and end of the irrigation season (March/April and October/November). ODFW recognizes the release of stored water during the non-irrigation season as a valuable tool for supplementing the existing mitigation credits that are currently limited to the irrigation season. ODFW recommends winter reservoir releases used as mitigation be complementary to the current implementation of the Mitigation Program rather than additive.

Agency Representative: Brett Hodgson Date: April 3, 2018

Agency: Oregon Department of Fish and Wildlife



# Application for Secondary Water Right Permit Tumalo Irrigation District

Crescent Lake Dam Location

Klamath County, Oregon

Township 24 South, Range 6 East (W.M.)



## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

**Dam Outlet**  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: September 8, 2017

Data Sources: BLM, ESRI, Klamath Co., USGS

**RECEIVED**

NOV 29 2017

**OWRD**



0 660 1,320  
1 inch = 1,320 feet



580478



**Division 33 Agency Review's Synthesis Form**

Application #	S-88478
Applicant	Tumalo Irrigation District
Application Specialist	Kim French
Division 33 Geographic Code	334 Upper Columbia Statewide
Listed Threatened or Endangered Fish Species	Middle Columbia Steelhead, Bull Trout
ODFW Listed Sensitive Fish Species	Redband Trout

**Division 33 Review Findings:**

ODFW	ODEQ
The proposed use will occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species, however the impacts to fish and or wildlife habitat from the proposed use is expected to be inconsequential. The biologically necessary flows found in certificate 73226 must be met prior to appropriation.	ODEQ found that the proposed use complies with existing state and federal water quality standards and that no conditions are needed for compliance. The review was not sent to ODA.

**Recommended Conditions:**

ODFW – No conditions

OWRD – No conditions

ODEQ – No conditions



# Oregon Department of Fish and Wildlife's WATER RIGHT APPLICATION REVIEW SHEET Upper Columbia Basin (Above Bonneville Dam)

The Oregon Department of Fish and Wildlife (ODFW) provides the following recommendations to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. Mitigation recommendations are to be consistent with the goals and standards in ODFW's OAR 635-415 (Fish and Wildlife Habitat Mitigation Policy) and other applicable law. The information is requested by the Oregon Department of Water Resources (OWRD) for the purposes of consultation pursuant to OAR 690-33 (Additional Public Interest Standards for New Appropriations), OAR 690-310 (Water Rights Application Processing), OAR 690-400 (State Water Resources Policy), and OAR 690-410 (Statewide Water Resource Management).

## Section 1: Proposed Use

Proposed period of use (from application): November 1 – March 31

Basin: Deschutes

Stream: Crescent Creek, Little Deschutes River, Deschutes River

Tributary to: Little Deschutes River, Deschutes River, Columbia River

TRSQQ: type here (optional)

## Section 2: Sensitive, Threatened, and/or Endangered (STE) Fish Species Present

- A) ☐ No STE fish species are present at the location of the proposed use nor will be impacted by the proposed use. (Skip to Section 6)
- B) ☒ The following STE fish species are present at the location of the proposed use or will be impacted by the proposed use:

STE Species	Listing Status			Life Stage Present		
	Sensitive	Threatened	Endangered	Egg	Juvenile	Adult
Redband trout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bull Trout	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mid-C Steelhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>type here</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



### Section 3: Potential Impacts to STE Fish Species

*Note: Impacts identified below may be determined by professional judgment. Recommended mitigation for identified impacts is outlined in Section 7. See Section 8 for complete "condition" language.*

#### 3.1 Instream Flow

*Note: Supporting information can be found in the associated Excel file for this application.*

- A) ☐ ODFW has not identified biologically necessary flows within the impacted reach. However, based on best professional judgment, impacts to STE fish habitat from the proposed reduction in flow are expected to be inconsequential, and no compensation for a reduction in flow is recommended. (Skip to Section 3.2)
- B) ☒ There is an instream water right(s) (ISWR) that supports biological base flows for STE fish species at the Point of Diversion or downstream.  
Certificate(s): C 73226
- C) ☐ ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit STE fish species at the Point of Diversion or downstream.  
Source: type here
- D) Are the biologically necessary flows identified above (Questions B and C) **available**<sup>1</sup> during the period of impact (see Tables 1 and 2 in the associated Excel file for supporting information)?
- ☐ YES; "Maintain Flow"  
A further reduction in flow from the proposed use will **not** impair the identified biologically necessary flows for STE fish as long as the identified biologically necessary flows remain satisfied.  
*Note: Mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is unnecessary, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.*
- ☐ NO; The proposed use **will impair** the identified biologically necessary flows for STE fish wholly or partially during the period of impact.
- ☒ NO; However, the proposed instream use **will support** the identified biologically necessary flows for STE fish.

#### 3.2 Fish Passage and Screening

- A) Would the proposed use potentially create or maintain an artificial obstruction<sup>2</sup> to fish passage for STE native migratory fish currently or historically present *at the point of diversion* per ORS 509.585?
- ☐ YES; "Passage"
- ☒ NO
- B) Would STE fish species benefit from fish screening per ORS 498.306?
- ☐ YES; "Screen"

<sup>1</sup> Based on information WRD's Water Availability Reporting System (WARS)

<sup>2</sup> "Artificial obstruction" means any dam, diversion, dike, berm, levee, tide or flood gate, road, culvert or other human-made device placed in the waters of this state that precludes or prevents the migration of native migratory fish.



☒ NO☐ "Future Protection"

Fish screening will not currently benefit STE fish species but may be beneficial in the future if conditions within the watershed change. Please describe current conditions within the watershed: type here

### 3.3 Other Ecological Functions Important to STE Fish

Are there other impacts to ecological functions important to STE fish during the period of impact (see Table 3 in the associated Excel file for supporting information)?

☐ YES; Mitigation will be recommended in Section 7, Part 3.

☐ The proposed dam or reservoir will detrimentally inundate a wetland.

☐ Development of the point of diversion may reduce/degrade the riparian area.

☐ The proposed use will limit access to or directly impair cold-water refuges.

☐ Other impacts to STE fish: type here

☒ NO

## Section 4: ODFW Findings Regarding Threatened and Endangered Fish Species (under OWRD's Division 33 Upper Columbia Rules)

### Overarching Question 1:

**Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?**

☐ Not applicable; threatened and endangered fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 5.**

☒ YES: ODFW did not identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions important to protection or recovery of threatened and endangered fish (Page 3, Section 3.3), or impacts to threatened and endangered fish habitat.

☐ NO; Based on ODFW's knowledge, the proposed use is inconsistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program<sup>3</sup> due to impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or to impacts to ecological functions important to threatened and endangered fish (Page 3, Section 3.3).

### Overarching Question 2:

**Can the use be conditioned or mitigated to achieve consistency with the Fish and Wildlife Program?**

In addition, the document includes a recommendation to "halt further issuance of consumptive water rights unless a finding can be made, in consultation with fish agencies and tribes, that existing instream flows meet anadromous fish needs for all life-stages" (Recommendation No.: 7-2).



- ☐ NO; ODFW found the proposed use will impact irreplaceable, essential habitat for a threatened or endangered fish species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

*Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.*

- ☐ YES:

- ☐ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of threatened or endangered fish and/or the proposed use will otherwise impact habitat or ecological functions important to threatened or endangered fish. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to threatened or endangered fish. ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined in Section 7, and other conditions recommended below (from Section 3 and 4), to compensate for any potential impact from the proposed use.

- ☐ In addition to conditions identified in Section 3 and mitigation outlined in Section 7, ODFW recommends the following:

Flow

1) Inconsequential or De Minimis Uses

- ☐ **"Restrictor"**

ODFW has determined that compensation for a reduction in flow is not necessary. However, a restrictor valve should be placed on the diversion system to ensure the permitted amount is not exceeded.

2) Surface Water or Groundwater Uses

- ☐ **"Biologically Necessary Flows"**

To protect beneficial uses, ODFW recommends the biologically necessary flows identified in Section 3.1 B or C [see OAR 690-410-0070(2)(h)] be met or the use mitigated for (see Recommended Mitigation Obligation in Section 7) prior to diversion of water.

*Note: Mitigation may be also be recommended [Section 7, Part 3] for impacts identified in Section 3.3.*

3) Reservoir Uses

*Note: Specific mitigation for a reduction in biologically necessary flows [Section 7, Part 1 and 2] is not being recommended beyond the following condition, but mitigation may be recommended [Section 7, Part 3] for other impacts identified in Section 3.3.*

- ☐ **"Bypass Flows"** (pass-through flows for reservoirs that directly divert from surface water)

- ☐ **plus a net benefit** (for reservoirs that directly divert from Habitat Category 2)

Other Ecological Functions

- ☐ **"Riparian"**

- ☐ Site-specific condition(s), including those related to **Other Ecological Functions Important to STE Fish** (Section 3.3): type here



## Section 5: ODFW Findings Regarding Sensitive Fish Species (under OWRD's Division 33 Statewide Rules)

### Overarching Question 1:

Will the proposed use result in no net loss of essential habitat of a sensitive fish species?

- ☐ Not applicable; sensitive fish are not present at the location of the proposed use nor will be impacted by the proposed use. **Skip to Section 6.**
- ☒ YES: ODFW did **not** identify impairment of biologically necessary flows (Page 2, Section 3.1, Question D), impacts to ecological functions essential to sensitive fish (Page 3, Section 3.3).
- ☐ NO; ODFW has found impairment of biologically necessary flows (Page 2, Section 3.1, Question D) or impacts to ecological functions (Page 3, Section 3.3) essential to sensitive fish species during the period of impact.

*Note: For impacts to habitat identified as non-essential (i.e., Habitat Categories 3B-6), impacts may be identified in Section 6.*

### Overarching Question 2:

Can the use be conditioned to result in no net loss of essential habitat of a sensitive fish species?

- ☐ NO; ODFW found the proposed use will impact irreplaceable, essential habitat for a sensitive fish species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided. Otherwise, the proposed use would harm the species.

*Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.*

- ☐ YES:

☐ Same conditions and mitigation as outlined in Sections 3, 4, and 7.

- ☐ In addition to conditions identified in Section 3 (and 4) and mitigation outlined in Section 7, ODFW recommends the following:

#### Flow

- ☐ "Maintain Flow"
- ☐ "Restrictor"
- ☐ "Biologically Necessary Flows"
- ☐ "Bypass Flows"

#### Passage and Screening

- ☐ "Passage"
- ☐ "Screen"
- ☐ "Future Protection"

#### Other Ecological Functions [Section 3.3]



- ☐ plus a net benefit
- ☐ Site-specific condition(s): type here

- ☐ "Riparian"
- ☐ Site-specific condition(s): type here

### Overarching Question 1:

**Will the proposed use impair or be detrimental to the public interest, welfare, safety and health in regards to protection of commercial and game fishing, fish, wildlife, or recreation, or any other beneficial use to which the water may be applied for which it may have a special value to the public?**

*Note: Comment on STE wildlife species or other fish or wildlife species not already discussed.*

## Section 6: ODFW's Public Interest Findings (under OWRD's Division 310)

### ☐ YES:

- ☐ Fish or wildlife not yet addressed in this review in Sections 1 – 5 are present during the period of impact.  
Wildlife species present: type here  
Additional fish species present: type here  
Additional comments: type here
- ☐ Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish or wildlife, and/or the proposed use will otherwise impact habitat, commercial and game fishing, or recreation. Without appropriate mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat.
- ☐ There are other impacts to ecological functions important to fish or wildlife during the period of impact that have not been addressed (see Table 3 in the associated Excel file for supporting information). Mitigation will be recommended in Section 7, Part 3.
- ☐ The proposed dam or reservoir will detrimentally inundate a wetland.
  - ☐ Development of the point of diversion may reduce/degrade the riparian area.
  - ☐ The proposed use will limit access to or directly impair cold-water refugia.
  - ☐ Other impacts to STE fish: type here

- ☒ NO; Additional commercial and game fishing, fish, wildlife, or recreation will not be detrimentally impacted by the proposed use. However, it is ODFW's understanding that the proposed instream use is to be used for future mitigation. ODFW has previously provided comments on how this release could be used as mitigation to best benefit fish and wildlife. The proposed instream release, as currently proposed, will provide seasonal benefits to native fish populations and ecological resources in Crescent Creek, the Little Deschutes River and the Deschutes River from the confluence with the Little Deschutes downstream to Lake Billy Chinook. However, the impacts to these resources from groundwater withdrawal are year round and throughout the zones of impact. The release of stored water from Crescent Lake during the non-irrigation season (November 1 – March 31) will mitigate for groundwater withdrawal within the Little Deschutes River and General Zones of Impact during those same months; it will not provide resource benefits during the critical spring and summer months when native redband trout are spawning and rearing. As such, this release of stored water serves as incomplete mitigation for new groundwater uses and should be accompanied by alternative sources of mitigation for April 1



– October 31. Otherwise, the overall result will continue to be a net loss during the winter months.

### Overarching Question 2:

Can the proposed use be conditioned to overcome the impairment or detriment?

- ☐ NO; The proposed use will impact irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species that is limited on either a physiographic province or site-specific basis (i.e., **Category 1 Habitat**). ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.

*Note: This finding may prohibit the application from moving forward as proposed, so consult with the Water Quality/Quantity Program Manager prior to making this recommendation. Check Box A on page 8 and sign the document on page 11 prior to submitting the review to WRD.*

- ☐ YES; ODFW recommends the following:

- ☐ The next steps and recommended conditions provided in this review thus far (i.e., Findings under WRD's Division 33) compensate for habitat impacts for the fish and/or wildlife species present. Additional conditions are **NOT** necessary.

- ☐ In addition to conditions identified in Section 3 (and 4 and mitigation outlined in Section 7, ODFW recommends the following to protect commercial and game fishing, fish, wildlife, or recreation:

#### Flow

- ☐ "Maintain Flow"  
☐ "Restrictor"  
☐ "Biologically Necessary Flows"  
☐ "Bypass Flows"

☐ plus a net benefit

- ☐ Site-specific condition(s): type here

#### Passage and Screening

- ☐ "Passage"  
☐ "Screen"  
☒ "Future Protection"

#### Other Ecological Functions [Section 3.3]

- ☐ "Riparian"

- ☐ Site-specific condition(s): type here



## Section 7: ODFW Mitigation Recommendations

### ODFW's Recommended Mitigation Obligation

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish, wildlife, or habitats and/or the proposed use will otherwise impact habitat. The proposed use may diminish physical habitat and alter the flow regime to which fish and wildlife are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish, wildlife, and/or their habitat without appropriate mitigation.

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other conditions recommended in Sections 3-6. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

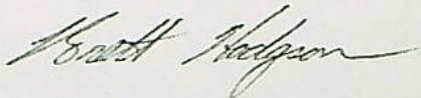
- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

#### Choose A, B, or C:

- A) ☐ Mitigation is not an option. ODFW recommends avoidance of the impact through alternatives to the proposed use or no authorization of the proposed use if impacts cannot be avoided.
- B) ☒ Impacts to fish and/or wildlife habitat from the proposed use are expected to be inconsequential. Therefore, ODFW has determined that mitigation is not necessary.
- C) ☐ Based on ODFW's knowledge of applicable Subbasin Plans, Recovery Plans, Regional Restoration Plans, or other documents, the proposed use appears inconsistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program<sup>4</sup> or would otherwise be detrimental to the protection and/or recovery of STE fish species, non-listed fish species, or wildlife. Therefore, ODFW recommends the mitigation obligation, consistent with OAR 635-415, outlined below. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation reach and legally protected and maintained for the life of the permit and subsequent certificate.

ODFW Representative's Signature:



Date: January 14, 2019

Name: Brett Hodgson

Phone: 541-388-6009

Email: brett.l.hodgson@state.or.us

<sup>4</sup> Water Resources Department's document number 94-2



## Part 1: Flow Mitigation

### Reservoir Uses

- ☐ ODFW has recommended a bypass flow condition for the proposed reservoir, but not a specific mitigation obligation. However, the applicant may propose mitigation, as outlined below, based on a specified fill rate which will become part of the permit and subsequent certificate.

### Surface Water or Groundwater Uses

- ☐ ODFW recommends the applicant provide water-for-water mitigation, as outlined below.

A) Water Quantity: type here (cfs or AF; equals amount requested or equivalent % PSI)

- ☐ **plus a net benefit** (for Habitat Category 2)
- ☐ The applicant may show that replacement of only the consumptive use portion achieves no net loss of habitat quality or quantity. However, the applicant must agree to maintain the consumptive portion as proposed for the life of the permit and subsequent certificate.
- ☐ The applicant may propose an amount less than the requested use or equivalent % PSI if the benefit is greater than the impact (e.g., a smaller amount of water protected for a longer distance).

B) Months (when biologically-necessary flows are not met during the period of impact): type here

C) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion
- ☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
- ☐ within the watershed of the impacted population(s)
- ☐ benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: type here



## Part 2: Habitat Restoration

Does the Mitigation Goal also allow habitat restoration as a mitigation option?

- ☐ YES; In lieu of providing "water-for water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation, as outlined below, through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action.
- ☐ NO; Skip to Part 3, if applicable.

A) Habitat Structure and Function in Need of Replacement:

- ☐ spawning   ☐ rearing   ☐ migration  
☐ other: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity  
☐ Other: type here

D) Location of Mitigation:

*Note: If water for water mitigation is not provided within the impacted reach, the proposed use may trigger requirements for fish passage (ORS 509.585) by creating an artificial obstruction due to low flow.*

- ☐ within the watershed **at or above** the point of diversion  
☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)  
☐ within the watershed of the impacted population(s)  
☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

## Part 3: Other Ecological Functions Mitigation

- ☐ ODFW recommends the applicant provide the following mitigation, including, but not limited to, mitigation for "Other Impacts to Ecological Functions" or impacts to wildlife.

### Concern 1

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity  
☐ Other: type here

D) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion  
☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)  
☐ within the watershed of the impacted population(s)  
☐ within the home range of the impacted population(s): type here  
☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here



**Concern 2**

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity  
☐ Other: type here

D) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion  
☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)  
☐ within the watershed of the impacted population(s)  
☐ within the home range of the impacted population(s): type here  
☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here

**Concern 3**

A) Habitat Structure and Function in Need of Replacement: type here

B) Describe the habitat quantity and quality to be replaced: type here

C) Months:

- ☐ In Perpetuity  
☐ Other: type here

D) Location of Mitigation:

- ☐ within the watershed **at or above** the point of diversion  
☐ at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)  
☐ within the watershed of the impacted population(s)  
☐ within the home range of the impacted population(s): type here  
☐ anywhere benefitting the impacted population(s) and/or higher priority species: list species here

E) Additional comments: type here



## Section 8: ODFW's Recommended Condition Language

### Biologically Necessary Flows

To protect beneficial uses [OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be met or the use mitigated for prior to diversion of water.

### Bypass Flows (for reservoirs that directly divert from surface water)

The Oregon Department of Fish and Wildlife (ODFW) recommends 1) all live flow be passed downstream at a rate equal to the inflow anytime the biologically necessary flows identified in Section 3.1 are not available immediately upstream of the impacted area or 2) bypass (pass-through) flows be passed downstream at a minimum **equal to** the biologically necessary flows identified in Section 3.1 when live flow immediately upstream of the impacted area is greater than or equal to the biologically necessary flows identified in Section 3.1 [OAR 690-410-0070(2)(c)] **(plus a net benefit to the resource for Habitat Category 2, if identified)**. Once the facility has reached the permitted capacity, ODFW recommends all live flow be passed downstream at a rate equal to the inflow. If a water right with a senior priority date is purchased upstream and legally protected and maintained instream down to the reservoir to augment any portion of the biologically necessary flows identified in Section 3.1 not available, ODFW recommends the permittee store water at a rate equal to inflow minus the amount of water purchased. ODFW recommends the permittee submit a Bypass Proposal to the Oregon Water Resources Department for its approval prior to diversion of water, which describes the method by which the permittee will bypass the recommended flows and how the permittee will quantify and document inflow and outflow. ODFW also recommends the bypass flow data be available upon request by ODFW, WRD, DEQ, or ODA.

### Future Protection

The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is not necessary at the time of permit issuance, but the permittee may be required in the future to install, maintain, and operate fish screening per ORS 498.306 to prevent harm to fish from the proposed diversion. ODFW may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification from ODFW that a fish screen is required. Once installed, the water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

### Maintain Flow

To protect beneficial uses [see OAR 690-410-0070(2)(h)], the Oregon Department of Fish and Wildlife recommends the biologically necessary flows identified in Section 3.1 be maintained at the point of diversion or the use be regulated until the identified flows are available.

### Mitigation

The Oregon Department of Fish and Wildlife (ODFW) recommends the permittee comply with terms of the associated Mitigation Proposal on file at the Water Resources Department to compensate for detrimental impacts to fish, wildlife, and/or their habitat. The Mitigation Proposal is fully incorporated into the requirements of this permit and may only be altered by written mutual agreement of all parties. ODFW recommends (1) the mitigation provided be legally protected and maintained for the life of the permit and subsequent certificate and (2) regulation of the use and/or cancellation of the permit or subsequent certificate(s) if the required mitigation is not maintained.



**Passage**

As required by ORS 509.585, the permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish passage facility, waiver, or exemption must be obtained prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow, and the permittee shall submit proof to ODFW that fish passage has been implemented per the plan, waiver, or exemption prior to diversion of water. The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.601) as per the approved plan, waiver, or exemption. If ODFW determines adequate passage of native migratory fish is not being provided, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that adequate fish passage is being provided. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

**Restrictor**

The permittee shall install, maintain, and operate a restrictor valve on the diversion system to limit use to the permitted amount. The valve shall be in place and functional, and approved by the local Watermaster, prior to diversion of water.

**Riparian**

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to diversion of water, the permittee shall submit a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to diverting water.

**Screen**

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.



**Section 9: ODFW's Review of the Mitigation Proposal**

Because the mitigation is site- and species-specific, ODFW recommends written approval of the Proposal by ODFW prior to issuance of a Proposed Final Order. ODFW finds the following:

☐ ODFW **supports** the Mitigation Proposal with the following condition(s):

☐ "Mitigation"

☐ Site-specific condition(s): type here

Additional information:

☐ A Fish Passage Waiver or Exemption has been granted for the proposed POD that fulfills the fish passage requirements for this use.

☐ Comments: type here

☐ ODFW **cannot support** the Mitigation Proposal because it is not consistent with the criteria in OAR 635-415.

☐ The proposed mitigation will result in a net loss of essential habitat for: list species here

☐ Habitat goals and standards not met: type here and explain why not met

ODFW Representative's Signature: \_\_\_\_\_ Date: type here

Name: type here

Phone: type here

Email: type here



Application #: S-88478

Applicant: Tumalo Irrigation District

### DEQ Water Right Review

Basin & Subbasin: Deschutes Basin

What are the names of the surface water source and the nearest receiving waterbody? *Crescent Creek, Little Deschutes, Deschutes*

Requested water amount: 1000AF

Requested time period: November 1<sup>st</sup> to March 31<sup>st</sup>

The purpose of OAR Chapter 690, Division 33 is to aid the Oregon Water Resources Department (OWRD) in determining whether a proposed use will impair or be detrimental to the public interest with regard to listed sensitive, threatened, or endangered (ST&E) fish species. Oregon's stream temperature, dissolved oxygen, pH and several other standards are based on the life cycle needs of salmonids and other resident fish and aquatic life. Exceedances of the standards can disrupt the life cycle of a ST&E fish species and may even cause death. Refer to DEQ's Water Right Application Review Procedures document for additional information. In addition, OWRD must consider water quality impacts as part of a public interest review, OAR 690-310-0120. Note: Water quality impacts and conditions unrelated to ST&E species should be noted as "Division 310" in the recommendations to OWRD.

**For Proposed Uses in the Columbia River Basin,** reviews must determine whether a proposed use complies with existing state and federal water quality standards. Upper Columbia applications require applicants to provide evidence, when they apply, that the proposed use complies with existing state and federal water quality standards. Geographic scope: Columbia River Basin and any waterbody that ultimately drains into the Columbia River.

**For Proposed Uses outside of the Columbia River Basin,** reviews must determine whether a proposed use may affect ST&E fish species habitat. Geographic scope: all other areas outside the Columbia River Basin geographic scope where OWRD determines ST&E fish species are present.

---

#### Upper and Lower Columbia

Based on the review completed below, does the proposed use comply with existing state and federal water quality standards or may conditions be applied to bring the use into compliance? ☐ No ☒ Yes

List the conditions, mitigation or restrictions required for the proposed use to comply with existing state and federal water quality standards whenever possible; if no conditions can be recommended to meet the standards, write "none":

#### Statewide

Will the proposed use result in water quality impacts that will cause either "loss" or "net loss" of essential habitat of ST&E fish species? ☐ No ☐ Yes

What conditions are recommended so that the proposed use will not result in "loss" or "net loss" of essential habitat of ST&E fish species? If conditions cannot be recommended to protect water quality to meet the standards of either "loss" or "net loss", write "none".

DEQ review prepared by: Smita Mehta

Date prepared: 12/17/2018

ODA review requested: ☒ No ☐ Yes

Date review sent to ODA:



ODA reviewer:

ODA review date:

Comments:

---

**THE SECTION BELOW IS FOR DEQ INTERNAL USE ONLY**

---

1. DEQ's antidegradation policy (OAR 340-041-0004) is designed to protect water from further degradation from new or increased sources of pollution and protects, maintains, and enhances surface water quality to protect existing beneficial uses. Oregon's Antidegradation rule states that certain uses are allowed without an antidegradation review.

Is the proposed activity a temporary use in response to an emergency, a restoration activity that the Department of Environmental Quality has determined provides a net ecological benefit, or a temporary use to protect human health and welfare (less than six months), for which the applicant has demonstrated that they will minimize adverse effects to threatened and endangered species?

☒ No. ☐ Yes. Approve application and identify conditions necessary to protect the water quality for the habitat of ST&E fish species.

2. Will the proposed activity result in a permanent withdrawal directly from the **Outstanding Resource Water** with critical habitat for ST&E fish species?

☒ No. ☐ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation is likely needed to maintain ORW.

3. Is this source **Water Quality Limited** water or tributary to a water quality limited water (limit downstream review to 6<sup>th</sup> field HUC) for parameters that are commonly affected by flow (temperature, dissolved oxygen, pH, etc.)?

☐ No ☒ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation is likely needed to maintain water quality conditions during season of impairment. *Although the listings are year round, the data indicate that the critical period is outside of the Nov-March proposed season of use.*

**Table 1: Integrated Report/ 303(d) listings**

Water Body (Stream/Lake)	River Miles	Parameter	Season	Criteria	Beneficial Uses	Status
Crescent Creek	11-30.1	Temperature	Year round	12C	Bull trout spawning and juvenile rearing	Category 5, TMDL needed
Crescent Creek	0-11	Temperature	Year round	18C	Salmon and trout rearing and migration	Category 5, TMDL needed



To determine, select the effective Integrated Report at: <http://www.oregon.gov/deq/wq/Pages/2012-Integrated-Report.aspx> and under Listing Status, select "Water Quality Limited – All (Categories 3B, 4, and 5)". May also document existing water quality data that may not be included in the integrated report.

4. Is a **Total Maximum Daily Load** established for parameters identified as being affected by hydromodification?

☒ No ☐ Yes. List TMDL and identify the load allocation and if hydromodification is a limiting factor.

Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation is likely needed to maintain water quality conditions during season of impairment.

5. Is it likely that the cumulative withdrawals in the Water Availability Basins (WAB), including the proposed activity, will result in a lowering of water quality that will impair ST&E species habitat?

☒ No ☐ Yes. Describe how the use does or does not comply with existing state and federal water quality standards and how the use may affect ST&E fish species habitat. Consider if water quality can be protected by modifying the use volume, season of use, or other permit conditions. Select appropriate condition from the conditions list. Flow mitigation may be considered. *Water is not proposed to be withdrawn, rather water is proposed to be released instream. In November through March, expected flow is diminished with respect to natural flow. Additional flow from this proposed use would support a more natural hydrograph which in turns supports water quality.*

Consider the cumulative impact of consumptive withdrawals in the OWRD WAB.

- Open OWRD's Water Availability Reporting System.
- Search for the water availability basin of interest. Select 50% exceedance, this represents that the calculated mean monthly flow, "natural flow", will be available 50% of the time.
- After the water availability report is generated, select the highest nesting order WAB that contains the POD.
- Download to Excel. To calculate "percent of flow" divide the "consumptive use" by the "natural stream flow" and multiply by 100. You may choose to add the consumptive portion or storage amount of the proposed use.

**Table 2. Percent of natural flow.** Monthly flow in Cubic Feet per Second (CFS). Annual flow in Acre Feet (AF).

Watershed ID	Exceedance Level	Month	Natural Stream Flow	Consumptive Use	Expected Stream Flow	Instream Requirement	Net Water Available	Percent of Flow
70757	50	JAN	204	50.8	153	0	200	-46.8
70757	50	FEB	244	44.8	199	0	200	-0.84
70757	50	MAR	236	33.4	203	0	236	-33.4
70757	50	APR	331	33.2	298	0	240	57.8
70757	50	MAY	388	50.7	337	0	240	97.3
70757	50	JUN	311	18.8	292	0	200	92.2
70757	50	JUL	126	12.4	114	0	126	-12.4
70757	50	AUG	74.5	7.89	66.6	0	74.5	-7.89
70757	50	SEP	92.2	7.44	84.8	0	92.2	-7.44
70757	50	OCT	116	42.7	73.3	0	116	-42.7



70757	50	NOV	164	64.8	99.2	0	164	-64.8
70757	50	DEC	196	70.8	125	0	196	-70.8
70757	50	ANN	150000	26400	123000	0	126000	14900

In making the determination, all water withdrawals in a water availability basin should be considered. Consider the percent of natural flow left instream in each month (see right-most column in Table 1). Based on best professional judgment, evaluate if the cumulative withdrawal is likely to cause impairment to aquatic life or water quality. Water quality standards are established to protect aquatic life.

Antidegradation rule applies, 340-041-0004: Withdrawals cannot cumulatively increase a waterbody's temperature by more than 0.5 degrees Fahrenheit or cause a 0.1 mg/l decrease in dissolved oxygen from the upstream end of a stream reach to the downstream end of the reach so long as it has no adverse effects on threatened and endangered species. See OAR 340-041-0004(3)-(5) for a description in rule of activities that do not result in lowering of water quality.

In scientific literature, researchers have identified ecological harm occurring when flows are reduced by >6-35% of daily flow<sup>1</sup>. Consider the seasonality of any listings and season of withdrawal to determine impact for each month of the year.

Consider if hydromodification, due to cumulative withdrawals, is likely a limiting factor in the waterbody at certain times of the year. Temperature and dissolved oxygen are flow-related parameters. When streamflow is reduced, assimilative capacity is reduced. As a waterbody heats up, dissolved oxygen concentrations decline. By reducing stream flows (or groundwater recharge and resulting streamflow), it is likely to exacerbate the temperature and/or dissolved oxygen impairments.

Increases in temperature or a reduction in dissolved oxygen adversely impacts ST&E fish. Fish require different temperature and concentrations of dissolved oxygen based on species and life history stage. Oregon's temperature and dissolved oxygen limits are based on the most sensitive species and the life history stage of those species at the location and season of concern. Additional heat or reduction in dissolved oxygen concentrations will further impact these species habitat. Reduced flows can also increase the concentrations of phosphorous, bacteria, pesticides and metals.

6. Is the use in compliance or can compliance with state and federal water quality standards be assured and ST&E habitat loss prevented by modifying the amount diverted, season of use, or by imposing permit condition(s)?

☐ No. ☒ Yes. Select appropriate condition from the conditions list.

If no, can flow mitigation be implemented to ensure compliance with state and federal water quality standards and prevent loss of ST&E habitat?

☐ No. ☐ Yes.

<sup>1</sup> Richter BD, Davis MM, Apse C, Konrad C. 2011. *Short Communication, A Presumptive Standard For Environmental Flow Protection*. River Research and Applications. Published online in Wiley Online Library (wileyonlinelibrary.com), DOI: 10.1002/rra.1551



7. ORS 468B.025 prohibits pollution of waters of the state. Is there potential that the post diversion use (handling or water management) will degrade surface water or groundwater quality? (Example: release of thermally degraded stored water.) Or are there additional water-quality impairments that would result from this proposed use?

☒ No ☐ Yes. Provide basis for conclusion and note if the impacts would impact fish habitat:

8. Can permit conditions be implemented to prevent water quality degradation?

☐ Yes. Select conditions from the conditions list. Send review to ODA if conditions are recommended for agricultural use.

☐ No. Provide basis for conclusion:

---

### CONDITIONS

Reviewer may modify stock condition language to meet site and project needs.

---

**Flow Mitigation.** DEQ recommends that the applicant mitigate anticipated impacts to water quality for the habitat of ST&E fish species by providing suitable replacement water. Additional mitigation may be required from other IRT members (example: OWRD may require mitigation for periods when water is not available). Surface flow mitigation is unlikely to provide the same benefit groundwater provides to gaining stream reaches. However, if groundwater mitigation is unavailable within the same aquifer, surface water mitigation will provide suitable mitigation.

**Mitigation obligation:** Prior to issuance of a permit, the applicant shall provide mitigation water that is of no less volume than the permitted use. Mitigation water shall be sourced upstream of the point of appropriation, or the uppermost point on the stream at which Potential for Surface water Interference occurs. If surface water is used for mitigation, it shall be instream for the *month - month time period* and of similar water quality. The applicant should contact their OWRD caseworker to discuss flow mitigation options.

**Reduced Withdrawal:** Water withdrawal is limited to *Enter CFS or AF for the defined period, or a month by month rate or volume.*

**Period of Use:** Water withdrawal is limited to the period: *start date through end date.*

**Limit Withdrawal:** No water shall be diverted under this right unless the flow in the *waterbody name* is at or above *CFS* cubic foot per second, as determined at Gaging Station ID .

**Riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to diversion of water, the permittee shall submit a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to diverting water.

**Pond releases:** Permittee shall not release polluted off-channel stored water into waters of the state, unless under emergency situations. For routine maintenance, the Permittee shall land apply stored water or provide treatment prior to releasing it *include dates when releases are allowed.* Permittee shall comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.

**Pond construction:** Permittee must construct pond off channel, *identify waterbody and set back to prevent stream capture and justification for distance selected.*



**Reservoir Flow Releases:** To prevent pollution downstream the permittee shall not discharge water from the reservoir when the flow at Gaging Station ID \_\_\_\_\_ (*gage name*) is below Mean Daily Discharge of CFS \_\_\_\_\_ (discharge which was equaled or exceeded for 90% percent of the time) except when release is directed by the State Engineer to prevent dam failure.

**Lining:** Permittee must line the pond with *include material or allowable infiltration rate* to minimize seepage and protect groundwater quality per OAR 340-040. The liner is to be in place and inspected and approved in writing by the DEQ prior to storage of water.\* If the liner fails, it must be replaced within one calendar year.

**Water Quality:** The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards.

**Prohibited Activities:** Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality determines that pollution of waters of the state is occurring, the permit holder is not in compliance with ORS 468B.025(1), DEQ shall notify OWRD of the violation.

**Agricultural Water Quality Management Area Rules:** Permittee must comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.

**Live Flow:** Once the allocated volume has been stored, all live flow must be passed downstream at a rate equal to that of the inflow in a method that protects instream water quality.

**Site-Specific Condition:**

---

\* OAR 690-410-0010(2)(a), OAR 690-310-0120, OAR 690-310-0140



C-76683 → STORAGE

C-76520-2NDARY

SEE APP 5-88402

AS EXAMPLE

MANAGED & FORECASTED  
ON WATER YEAR OCT-SEPT



Reminder: use a different colored pen for changes and Date and Initial changes.

PFO Checklist for Standard Application

Application # S-88478 Applicant: TUMALO IRRIGATION DISTRICT  
Basin # 5 WM 11

IR requested additional information? ☒ NA ☐ Yes

Add'l info received? ☒ NA ☐ Yes

IR Date 2/2/18 Noticed on 2/6/18 Comment Deadline 3/8/18

Electronic /Written comments? ☒ No ☐ Yes Comment Eval? ☒ NA ☐ No ☐ Yes

Allowed Use/Rate/Season F19 W1; 1000 AF; 11/1-3/31 MIT CREDITS Limit: \_\_\_\_\_ Duty: \_\_\_\_\_

GW Rev ☒ NA ☐ will likely be available ☐ will not likely be available ☐ will, if conditioned

☐ No PSI ☐ Yes PSI WELL \_\_\_\_\_ Has PSI with \_\_\_\_\_

PSI caused from: ☐ 1/4 mile ☐ > 5CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

Groundwater Conditions: \_\_\_\_\_

Well construction meets minimum standards? ☒ NA (proposed well) ☐ Yes ☐ No (propose to deny)

Conditions \_\_\_\_\_  
☐ Small  $\leq 0.1$  CFS  $\leq 9.2$  AF ☐ Medium  $> 0.1$  CFS but  $< 0.25$  CFS.  $> 9.2$  AF but  $< 100$  AF ☒ Large  $\geq 0.25$  CFS  $\geq 100$  AF

SWW ☐ NA ☒ above ☐ within DESCHUTES SWW If GW, add 7J ☐

SW availability ☒ NA ☐ 80% ☐ 50% STORAGE  $\rightarrow$  R-1024 R-2744

Division 33 ☐ NA ☐ No ☒ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120 (DIV331)  
☐ LOWER COLUMBIA OAR 690-033-0220 (DIV332)  
☐ STATEWIDE OAR 690-033-0330 (DIV333)  
☐ UPPER COLUMBIA AND STATEWIDE (DIV334)  
☐ LOWER COLUMBIA AND STATEWIDE (DIV335)

Land Use ☒ allowed outright ☐ decision obtained ☐ being pursued ☐ not being pursued

MU or QM: ☒ NA ☐ change construction condition to 20 years in Draft Permit

Needed before permit: ☐ NA ☒ Fees ☐ LU ☐ easement ☐ plans/ specs ☐ storage contract

Changes from IR determinations

Notes \$154 REC FEE

Specialist: Kim R. French Date: 4/2/19 Peer Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_  
Manager: \_\_\_\_\_ Date: \_\_\_\_\_



Copy to:

☐ NCR

☒ WM II

☒ Agent

ADAM SUSSMAN

☐ CWRE

☐ A.L.O.

☐ Commenter(s)

☒ SW Section (If SW, GW w/PSI, or SWW (include copy of yellow sheet))

EXAM FEE REQUIRED	<u>2690</u>	RECORDING FEE REQUIRED	<u>520</u>
EXAM FEE PAID	<u>2690</u>	RECORDING FEE PAID	<u>366</u>
STILL OWED	<u>8</u>	STILL OWED	<u>154</u>

The purpose of this check list is to be used as a working document by the Department staff to aid in the production of the related Initial Review, Proposed Final Order or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



IR Checklist for Standard Application

Reminder: use a different colored pen for changes and Date and Initial changes.

Application #: S-88478 Applicant TUMALO IRRIGATION DISTRICT

Basin # 5 Priority Date: November 29, 2017

Requested Use/Rate/Season F1+WI ; 100DAF ; 11/1-3/31 Limit \_\_\_\_\_ Duty \_\_\_\_\_

Allowed use/Rate/Season F1+WI ; 100DAF ; 11/1-3/31 Limit \_\_\_\_\_ Duty \_\_\_\_\_

DIV 9: ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly condition...

☐ No PSI OR ☐ well \_\_\_\_\_ has PSI with \_\_\_\_\_

PSI caused from: ☐ 1/4 mile ☐ > 5 CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

☐ Reduce rate to avoid PSI

☐ GW conditions \_\_\_\_\_

Conditions \_\_\_\_\_

☐ Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF ☐ Medium  $> 0.1$  CFS but  $< 0.25$  CFS,  $> 9.2$  AF but  $< 100$  AF ☒ Large  $\geq 0.25$  CFS,  $\geq 100$  AF

• use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water.

• use Large for: Tenmile Lake, NU or other temp control, and gov. entities, HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA; Large-7g, Large-7i for 7g/7i.

ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)

Stream is withdrawn ☒ NA ☐ No ☐ yes, allows use/season \_\_\_\_\_

Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact LAD - 525-0000

SW availability ☐ NA ☐ 80% ☐ 50% ST - R-102 + R-2744 WID: \_\_\_\_\_

☐ Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIVISION 33: ☐ NA ☐ No ☒ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120

☐ LOWER COLUMBIA OAR 690-033-0220

☐ STATEWIDE OAR 690-033-0330

Use is within a Priority WAB? ☐ NA ☐ No ☒ Yes

4D Rules apply? ☐ NA ☒ No ☐ Yes

SWW: ☐ NA ☒ above ☒ within DESCHUTES SWW

POU conflict? ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate

☐ Yes \_\_\_\_\_

Use is supplemental, checked for primary rights w/ diff source ☒ NA ☐ No ☐ yes, limits \_\_\_\_\_

App w/in a District boundary ☐ No ☒ Yes, cc: \_\_\_\_\_

Land use: ☒ allowed ☒ outright ☐ not allowed ☐ being pursued ☐ not being pursued ☐ decision obtained

☐ receipt only ☐ N/A

MU or QM: ☒ NA ☐ will complete construction within 20 years

☐ Chris or Kerri reviewed and added recommendations \_\_\_\_\_

Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained \_\_\_\_\_

POD is within North Umpqua or Tenmile Lake for domestic use and the spreadsheet was updated ☒ NA ☐ Yes

Forms: ☒ NA ☐ HC except (receipts/well logs attached) ☐ spring description ☐ Form M



Application #: S-88478 Applicant TUMALO IRRIGATION DISTRICT

✓ Authorized agent specified ☐ No ☒ Yes GSI- ADAM SUSSMAN  
✓ Copy to ☐ SWR ☒ WM # 11 ☐ ALO ☐ City \_\_\_\_\_  
☐ NCR ☒ agent ☐ district (w/in 5-mile muni wells)  
☒ Hydrographic (if SW, GW with PSI, or SWW) ☐ CWRE \_\_\_\_\_

✓ Fees \_\_\_\_\_ CFS Base 930  
1000 AF Up to 1 CFS \_\_\_\_\_  
\_\_\_\_\_ Add'l CFS \_\_\_\_\_  
\_\_\_\_\_ well(s)/POD(s) Up to 20 AF 700  
980 Add'l AF @ \$1 980  
2 use(s) Add'l \_\_\_\_\_ POD/POA \_\_\_\_\_ use + 350  
Exam Fee Required 2960 Rec Fee Req'd 520  
Exam Fee Paid 2960 Rec Fee Paid 366  
Still Owed/Refund 0 Owed before Permit 154

✓ App/map meet min. required ☒ Yes ☐ No ☐ ALO info ☐ map ☐ legal \_\_\_\_\_  
✓ Req'd before PFO: ☒ NA ☐ LU approve/pursue ☐ ALO info ☐ exam fees  
✓ Req'd before permit: ☐ NA ☒ recording fees ☐ well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract  
✓ Letter format: ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity  
✓ Scanned images exist for application form and map

Name: Kim R. French Date Completed: 1/23/18 Initials: \_\_\_\_\_ Peer Reviewer Lisa G. Date: 1-29-18

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Revised 8/24/17





## Oregon Water Resources Department Point of Diversion Characteristics

[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

### Point of Diversion Characteristics

Right:	App: S 88478 *
Name:	TUMALO IRRIGATION DISTRICT

TRSQQ: 12.00S-12.00E-29-NWSE

County: Jefferson

Basin: Deschutes

WM District: 11

WM Region: SC

Withdrawn Area:

WAB: DESCHUTES R > COLUMBIA R - AB SHITIKE CR (30530643)

Priority WAB: DESCHUTES R ab SHITIKE CR (OWRD: Good, ODFW: Moderate)  
(30530643)

Rule 4D:

Groundwater Restricted  
Area: Groundwater Mitigation - Upper Deschutes

Scenic Water Way: ABOVE The Deschutes Scenic Waterway, WITHIN The Deschutes  
Scenic Waterway

Division 33: UPPER COLUMBIA

Water Quality Limited: Yes



# WATER RESOURCES DEPARTMENT

## DIVISION 505

### DESCHUTES BASIN PROGRAM

690-505-0000

#### Upper Deschutes Basin

##### (1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Upper Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, **wildlife and fish life uses** and the waters of the Upper Deschutes River Basin are hereby so classified with the following exception: The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Upper Deschutes River Basin, **except for Crescent Lake**, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife and fish life uses and the waters of the natural lakes, Upper Deschutes River Basin, **except for Crescent Lake**, are hereby so classified;

##### (2) Minimum Perennial Streamflows:

(a) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws, 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the Upper Deschutes River and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to:

(A) Human and livestock consumption;

(B) **Water legally released from storage.**



E-2

## Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Deschutes City, Jefferson County,

Application S-88478 County Klamath Priority Date 11-29-17Township 24S Range 6E Section 11,13Amount 1000 AF Use Downstream wildlife and fish life use WM Dist. # 11Applicant Name Tumalo Irrigation District ATTN: KEN RIECKReceipt No. 125296 Caseworker Assigned: ☐ Barbe ☒ Kim ☐ Lisa ☐ Scott☒ Contact info: Applicant/Organization Name and Mailing Address☒ Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).☒ Property ownership: Does the applicant own all the land for the proposed project? Y / (N)If No: IRRIg. District S37. 211(6)☐ The affected landowner's name and mailing address must be listed☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☒ For a SW Application: Source of water must be indicated.☒ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2)(ORS 537.147).

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued? (Y) / NPermit or Certificate # 76683 & 76637☐ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)☒ Proposed water use☒ Amount of water from each source in GPM, CFS, or (AF) 1000 AF☒ Period of use indicated 11/1 - 3/31N/A If for supplemental irrigation, primary acreage or underlying permit or certificate number listed

(Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section (Estimates if the water system has not been designed)

NOV 29 2017

☒ Resource Protection Section (N/A for Groundwater)

OWRD

N/A For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.☒ Project schedule (If system is already completed, indicate "existing.")

076683 &amp; 76637

RECEIVED  
OVER THE COUNTER

RECEIVED



- ☐ Supplemental data sheets enclosed (if needed)
  - ☐ Form M (Municipal or Quasi-Municipal)
  - ☐ Spring Description Sheet (if source is a spring)

☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

☒ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

☒ The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.*

☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.

- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use, 1/4-1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- ☒ Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- ☒ Reference corner on map
- ☒ North Directional Symbol
- ☒ Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture
- ☒ For a standard reservoir application to store  $\geq 9.2$  acre feet AND having a dam height  $\geq 10$  feet, map must be prepared by a CWRE

☒ **Fees:** Print out from Fee Calculator

Total Fees	\$3326 <sup>-</sup>
Fee Paid	\$3326 <sup>-</sup>
Amount Due	\$ 0

Reviewed by: Jessica Joy

Date: 11/29/17

**RECEIVED**

NOV 29 2017

**OWRD**



Oregon Water Resources Department  
Water Right Services Division

USED  
AS  
EXAMPLE

Water Rights Application  
Number S-88402

Prior to the issuance of a permit, the Department must receive the balance of the permit recording fees in the amount of \$350.00. Please include the application number on a check made out to the Oregon Water Resources Department.

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Findings of Fact*

1. On March 10, 2017, U.S. Bureau of Reclamation (BOR) submitted an application to the Department for the following water use permit:
  - Amount of Water: 5100.0 acre-feet (CFS) each year
  - Use of Water: establish flow augmentation for wildlife and fish life; and to establish mitigation credits under the Deschutes Ground Water Mitigation Program for the City of Prineville
  - Source of Water: Prineville Reservoir, constructed under permit R-2223, a tributary of Crooked River
  - Area of Proposed Use: In the Crooked River from Bowman Dam downstream to Lake Billy Chinook within Crook, Deschutes and Jefferson Counties
2. On April 21, 2017, the Department mailed the applicant notice of its Initial Review, determining that "*The diversion of 5100.0 AF of water from Prineville Reservoir, constructed under permit R-2223, a tributary of Crooked River for year-round wildlife and fish life use is allowable.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On April 25, 2017, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.



In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
  - applicable statutes, administrative rules, and case law
  - the amount of water available
  - the rate and duty for the proposed use
  - pending senior applications and existing water rights of record
  - any applicable comprehensive plan or zoning ordinance
  - recommendations by other state agencies
  - the Scenic Waterway requirements of ORS 390.835
  - any comments received
4. The Deschutes Basin Program allows the use of water for wildlife and fish life; (OAR 690-505-0030).
  5. Senior water rights exist on Prineville Reservoir, constructed under permit R-2223, a tributary of Crooked River, or on downstream waters.
  6. Prineville Reservoir, constructed under Permit R-2223, a tributary of Crooked River is above the Deschutes River State Scenic Waterway.
  7. The federal legislation under the Crooked River Collaborative Water Security and Jobs Act of 2014 and the final order incorporating settlement agreement approving a Change in Character of Use under Transfer T-12239 (recorded at Sp. Or. Vol. 103, Pg. 732) dedicated 5100 AF of stored water to the City of Prineville for mitigation consistent with State of Oregon statutes and rules. Therefore stored water is available for further appropriation from water legally stored in Prineville Reservoir, constructed under Permit R-2223, a tributary of Crooked River.
  8. The Department finds that the amount of water requested, 5100.0 AF, is an acceptable amount.
  9. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
  10. In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff.



*Preliminary Award of Deschutes Basin Mitigation Credits*

- OAR 690-521-0100 to 690-521-0600 establishes the process in which
1. anyone may submit a water-mitigation project to the Department for the purpose of establishing mitigation credits in the Deschutes Ground Water Study Area.
  2. The U.S. Bureau of Reclamation has requested this surface-water application be used to establish mitigation credits in the Deschutes Ground Water Study Area. The applicant has requested that any mitigation credits generated from this project be assigned to the City of Prineville.  
The Department assigned this mitigation-credit project number
  3. MP-222.
  4. The Department consulted with representatives from ODFW, DEQ, 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) on May 8, 2017. No comments were received from other agencies.  
The Department provided notice of the mitigation-credit project
  5. pursuant to OAR 690-521-0300(6) on May 9, 2017. No public comments were received in response to this notice.  
The proposed surface-water application is intended to provide
  6. 5100.0 AF of stored water for flow augmentation, and will provide 5100.0 AF of mitigation water. Therefore, 5100.0 mitigation credits (1.0 mitigation credit = 1.0 AF of mitigation water) may be awarded to this mitigation-credit project and assigned to the City of Prineville. The mitigation credits may be used to mitigate for offsetting impacts to surface water, related to groundwater production by the City of Prineville, providing mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505, within the General and Crooked River Zones of Impact.  
Based on federal legislation under the Crooked River Collaborative
  7. Water Security and Jobs Act of 2014 and the Final Order incorporating Settlement Agreement approving a change in Character of Use under Transfer T-12239 (recorded Sp, Or. Vol. 103, Pg. 732) that dedicated 5100 AF of stored water to the City of Prineville



for mitigation consistent with State of Oregon statutes and rules, the Department has determined that these credits, once awarded, may only be used by the City of Prineville and cannot be conveyed to any other person or mitigation bank.

In the event that a volume of water less than 5100.0 AF is

8.

released for mitigation use under this permit, the number of mitigation credits available that year will be reduced proportionally.

The Department shall award final mitigation credits and a

9.

certificate upon completion of the approved project by the applicant, and verification by the Department that the project is complete. Credits may be available for use by the City of Prineville when the project is deemed complete by the Department.

#### *Conclusions of Law*

1. Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
2. The proposed use requested in this application is allowed in the Deschutes Basin Program.
3. Stored water is available for the proposed use from Prineville Reservoir, constructed under Permit R-2223, a tributary of Crooked River.
4. The proposed use will not injure other water rights.
5. The application is in compliance with the State Agency Coordination Program regarding land use.
6. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
7. For these reasons, the required presumption has been established.



8. Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:
  - A. One or more of the criteria for establishing the presumption are not satisfied; or
  - B. The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
    - a. The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
    - b. Specifically how the identified public interest would be impaired or detrimentally affected.
9. In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.
10. The Department therefore concludes that the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.
11. When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.
12. Mitigation credit project MP-222 appears to result in mitigation credits pursuant to ORS 537.746 and OAR 690-521-0300 and 690-521-0400.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.



Establishment of Mitigation Credits

1. Preliminary award of mitigation credits may be made upon approval of this application and issuance of the water-use permit associated with this mitigation project. Final award of mitigation credits may be made upon completion of the project and verification by the Department that the project has been completed as proposed. If completed as proposed, mitigation credits, in the amount of up to 5100.0 credits, as described and conditioned herein, may be awarded to this mitigation project and assigned to the City of Prineville. Mitigation credits awarded may be used to mitigate impacts to surface water related to groundwater production by the City of Prineville in the General and/or Crooked River Zones of Impact.
2. Upon final award, mitigation credits are valid until used to satisfy a mitigation obligation of a groundwater permit or certificate held by the City of Prineville within the Deschutes Ground Water Study Area pursuant to the Deschutes Ground Water Mitigation Rules. Mitigation credits are used when documentary evidence that valid credits has been obtained and assigned to satisfy a mitigation obligation have been submitted to the Department.
3. This flow augmentation permit shall be identified as a mitigation-credit project for the City of Prineville. Upon final award, the flow augmentation certificate will include the number of mitigation credits, and the zone of impact in which the mitigation credits were generated and may be used.

DATED July 11, 2017

*E. Timothy Wall.*

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director



## Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **August 25, 2017**. Protests must be in writing, and must include the following:

- a. Your name, address, and telephone number;
- b. A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- c. A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- d. A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- e. Any citation of legal authority to support your protest, if known;
- f. To affect the Department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) the specific public interest in ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified public interest in ORS 537.170(8) would be impaired or be detrimentally affected;
- g. If you are the applicant, the protest fee of \$410 required by ORS 536.050; and
- h. If you are not the applicant, the protest fee of \$810 required by ORS 536.050 and proof of service of the protest upon the applicant.



- i. If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

#### Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **August 25, 2017**. Requests for standing must be in writing, and must include the following:

- j. The requester's name, mailing address and telephone number;
- k. If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- l. A statement that the requester supports the Proposed Final Order as issued;
- m. A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- n. A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- o. upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or



- p. the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is:  
<http://legalassistance.law.af.mil>

*This document was prepared by Scott Grew. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0899. If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820. If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*



DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTIES OF JEFFERSON, CROOK AND DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

U.S. BUREAU OF RECLAMATION  
1917 MARSH ROAD  
YAKIMA, WA 98901-2058

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88402

SOURCE OF WATER: PRINEVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT  
R-2223, A TRIBUTARY OF CROOKED RIVER

PURPOSE OR USE: FLOW AUGMENTATION FOR WILDLIFE AND FISH LIFE; AND TO  
ESTABLISH MITIGATION CREDITS UNDER THE DESCHUTES GROUND WATER  
MITIGATION PROGRAM FOR THE CITY OF PRINEVILLE

MAXIMUM VOLUME: 5100.0 ACRE-FEET EACH YEAR

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: MARCH 10, 2017

POINT OF DIVERSION LOCATION: BOWMAN DAM - SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SECTION 11, T17S,  
R16E, W.M.; 2350 FEET SOUTH AND 650 FEET EAST FROM NW CORNER, SECTION  
11

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IN THE CROOKED RIVER, FROM BOWMAN DAM DOWNSTREAM TO LAKE BILLY CHINOOK

Measurement Devices, and Recording/Reporting of Annual Water  
Conditions

- A. Before water use may begin under this permit, the permittee  
shall install a suitable measuring device at each point of



diversion. The permittee shall maintain the device in good working order.

- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Mitigation Credit Conditions:

Preliminary Award of Mitigation Credits: Preliminary award and

1. use of mitigation credits under mitigation-credit project MP-222 shall be consistent with OAR 690-521-0400. If completed as described and conditioned herein, mitigation in the amount of up to 5100.0 credits may be awarded to MP-222 and assigned to the City of Prineville. Mitigation credits awarded may be used to satisfy a mitigation obligation of a groundwater permit or certificate held by the City of Prineville in the General and/or Crooked River Zones of Impact.  
Mitigation credits awarded under mitigation-credit project MP-222
2. may be used only by the City of Prineville, and cannot be conveyed to any other person or mitigation bank.
3. By January 1 of each calendar year, BOR must provide notice to OWRD of how much water will be released from storage under this permit during the following year. In the event that an annual volume of less than 5100.0 AF will be released for mitigation use by the City of Prineville under this permit, the number of mitigation credits available that year will be reduced proportionally. The Department and the BOR may jointly agree to an alternate forecasting schedule.
4. The BOR shall, in writing, notify the watermaster of the dates and volumes that water will be released from storage under this water right.



### STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.



Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director



# Mailing List for PFO Copies

Application #S-88402

PFO Date: July 11, 2017

Original mailed via CERTIFIED MAIL to applicant:

U.S. BUREAU OF RECLAMATION  
ATTN: DAWN WIEDMEIER  
1917 MARSH ROAD  
YAKIMA, WA 98901-2058

## SENT VIA EMAIL:

1. WRD - Watermaster # 11
2. Agent - Adam Sussman - [asussman@gsiws.com](mailto:asussman@gsiws.com)
3. ODFW - Rick Kepler - [rick.j.kepler@oregon.gov](mailto:rick.j.kepler@oregon.gov)
4. ODFW - Amy Stewart - [amy.m.stuart@oregon.gov](mailto:amy.m.stuart@oregon.gov)
5. ODFW - Brett Hodgson - [brett.l.hodgson@oregon.gov](mailto:brett.l.hodgson@oregon.gov)
6. DEQ - Bonnie Lamb - [bonnie.lamb@oregon.gov](mailto:bonnie.lamb@oregon.gov)
7. DEQ - Eric Nigg - [eric.nigg@oregon.gov](mailto:eric.nigg@oregon.gov)
8. DOA - James Johnson - [jjohnson@oregon.gov](mailto:jjohnson@oregon.gov)
9. DOA - Paul Measeles - [pmeaseles@oregon.gov](mailto:pmeaseles@oregon.gov)
10. DSL - Shawn Zumwalt - [shawn.sumwalt@oregon.gov](mailto:shawn.sumwalt@oregon.gov)
11. OWRD - Jeremy Giffin - [jeremy.t.giffin@oregon.gov](mailto:jeremy.t.giffin@oregon.gov)
12. OWRD - Laura Wilke - [laura.k.wilke@oregon.gov](mailto:laura.k.wilke@oregon.gov)

## Copies sent to:

1. WRD - Hydrographics

## PFO and Map Sheet Copies sent to:

1. WRD - File # S-88402
2. Regional Manager: Oregon State Parks ODFW District Biologist:
3. Columbia River Intertribal Fish Commission
4. USFW
5. NW Power Planning Council
6. DEQ: Dick Nichols (Eastern Region)
7. DOA: Jim Johnson

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

Protest/  
Standing Dates  
checked  
\_\_\_\_\_

CASEWORKER : Scott Grew





**Oregon**  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

## Water Right Application Initial Review

February 2, 2018

TUMALO IRRIGATION DISTRICT  
ATTN: KEN RIECK  
64697 COOK AVENUE  
BEND OR 97703

Reference: S-88478

Application S-88478 proposes the diversion of 1000.0 acre-feet (AF) of stored water from Crescent Lake, constructed under Permit R-102 and Permit R-2744, for fish life and wildlife, November 1 through March 31 of each year.

### Summary

Because of the favorable determinations described herein, the diversion of 1000.0 AF of water from Crescent Lake, constructed under Permit R-102 and Permit R-2744, for fish life and wildlife, November 1 through March 31 of each year is allowable. Application S-88478 can move to the next phase of the water-rights application review process, which includes a public interest review. This initial review does not address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

This initial review does not address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

**At this time, you must decide whether to proceed or to withdraw the application.**



### Proceed

If you choose to proceed with the application you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

### Withdraw

You may withdraw the application and receive a refund (minus a \$260 processing charge per application). You must notify the Department in writing by **Friday, February 16, 2018**. For your convenience you may use the enclosed "STOP PROCESSING" form.

### Initial Review Preliminary Determinations (Oregon Administrative Rule (OAR) 690-310-0080)

1. The application proposed the diversion of 1000.0 AF of water from Crescent Lake, constructed under Permits R-102 and R-2744, for fish life and wildlife, November 1 through March 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Fish life and wildlife uses are allowed under the Deschutes Basin Program (OAR 690-505).
4. Water is determined to be available for further appropriation from water legally stored in Crescent Lake, constructed under Permits R-102 and R-2744.
5. The proposed use is located above and within the Deschutes Scenic Waterway, as designated under Oregon Revised Statute 390.826.
6. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)

### If a Permit is Issued it will Likely Include the Following Conditions:

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. You may be required to install, maintain, and operating fish screening and/or by-pass devices consistent with current ODFW standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass shall be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. A permit is subject to cancellation proceeding if water use begins before installation of fish screening and or by-pass devices.



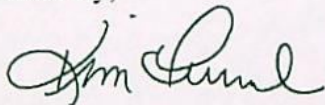
3. **Measurement Devices and Recording/Reporting of Annual Water Usage Conditions:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

If you have any questions:

Feel free to contact me at Kim.R.French@oregon.gov or 503-986-0816 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Kim French, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French  
Water Right Application Specialist  
Oregon Water Resources Department

Enclosures: Application Process Description and Stop Processing Request Form  
S-88478  
WAB: 30530643



# APPLICATION FACT SHEET

Application File Number: S-88478

Applicant: TUMALO IRRIGATION DISTRICT

County: DESCHUTES, JEFFERSON, KLAMATH

Watermaster: JEREMY GIFFIN, 11, SCR

Priority Date: NOVEMBER 29, 2017

Source: CRESCENT LAKE, CONSTRUCTED UNDER PERMITS R-102 AND R-2744

Use of the Stored Water: FISH LIFE AND WILDLIFE

Basin Name & Number: Deschutes, # 5

WAB: DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	6 E	WM	11	SE SW	450 NORTH AND 21380 FEET EAST FROM THE SW CORNER OF SECTION 11

Place of Use

Twp	Rng	Mer	Sec	Q-Q
12 S	12 E	WM	29	NE SW
12 S	12 E	WM	29	SE SW
12 S	12 E	WM	29	NW SE
12 S	12 E	WM	32	NE NW
12 S	12 E	WM	32	SE NW
12 S	12 E	WM	32	NE SW
12 S	12 E	WM	32	SW SW
12 S	12 E	WM	32	SE SW
13 S	12 E	WM	5	NE NW
13 S	12 E	WM	5	SW NW

Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	5	SE NW
13 S	12 E	WM	5	NW SW
13 S	12 E	WM	5	SW SW
13 S	12 E	WM	6	SE SE
13 S	12 E	WM	7	NE NE
13 S	12 E	WM	7	SE NE
13 S	12 E	WM	8	SW NW
13 S	12 E	WM	8	NW SW
13 S	12 E	WM	8	SW SW
13 S	12 E	WM	8	SE SW



Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	8	SW SE
13 S	12 E	WM	17	NE NE
13 S	12 E	WM	17	NW NE
13 S	12 E	WM	17	SW NE
13 S	12 E	WM	17	NE SE
13 S	12 E	WM	17	NW SE
13 S	12 E	WM	17	SW SE
13 S	12 E	WM	20	NE NE
13 S	12 E	WM	20	NW NE
13 S	12 E	WM	20	SE NE
13 S	12 E	WM	20	NE SE
13 S	12 E	WM	21	NE SW
13 S	12 E	WM	21	NW SW
13 S	12 E	WM	21	SE SW
13 S	12 E	WM	21	SW SE
13 S	12 E	WM	27	SW NW
13 S	12 E	WM	27	NW SW
13 S	12 E	WM	28	NE NE
13 S	12 E	WM	28	NW NE
13 S	12 E	WM	28	SE NE
13 S	12 E	WM	28	NE SE
13 S	12 E	WM	28	SW SE
13 S	12 E	WM	28	SE SE
13 S	12 E	WM	33	NW NE
13 S	12 E	WM	33	SW NE

Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	33	SE NW
13 S	12 E	WM	33	NE SE
13 S	12 E	WM	33	NW SE
13 S	12 E	WM	33	SE SE
13 S	12 E	WM	34	SW SW
14 S	12 E	WM	3	NW SW
14 S	12 E	WM	3	SW SW
14 S	12 E	WM	4	NE NE
14 S	12 E	WM	4	SE NE
14 S	12 E	WM	4	NE SE
14 S	12 E	WM	4	NW SE
14 S	12 E	WM	4	SE SE
14 S	12 E	WM	9	NE NE
14 S	12 E	WM	9	SE NE
14 S	12 E	WM	9	NE SE
14 S	12 E	WM	9	NW SE
14 S	12 E	WM	9	SW SE
14 S	12 E	WM	9	SE SE
14 S	12 E	WM	10	NW NW
14 S	12 E	WM	11	SE SW
14 S	12 E	WM	11	SW SE
14 S	12 E	WM	14	NW NE
14 S	12 E	WM	14	SW NE
14 S	12 E	WM	14	NE NW
14 S	12 E	WM	14	NW NW



Twp	Rng	Mer	Sec	Q-Q
14 S	12 E	WM	14	SW NW
14 S	12 E	WM	14	NW SE
14 S	12 E	WM	14	SW SE
14 S	12 E	WM	15	NE NE
14 S	12 E	WM	15	SW NE
14 S	12 E	WM	15	SE NE
14 S	12 E	WM	15	NW NW
14 S	12 E	WM	15	SW NW
14 S	12 E	WM	15	SE NW
14 S	12 E	WM	15	NE SW
14 S	12 E	WM	15	NW SW
14 S	12 E	WM	16	NE NE
14 S	12 E	WM	16	NW NE
14 S	12 E	WM	16	SE NE
14 S	12 E	WM	23	NW NE
14 S	12 E	WM	23	NE NW
14 S	12 E	WM	23	SW NW
14 S	12 E	WM	23	SE NW
14 S	12 E	WM	23	NW SW
14 S	12 E	WM	23	SW SW
14 S	12 E	WM	26	SW NE
14 S	12 E	WM	26	NW NW
14 S	12 E	WM	26	SW NW
14 S	12 E	WM	26	SE NW
14 S	12 E	WM	26	NE SW

Twp	Rng	Mer	Sec	Q-Q
14 S	12 E	WM	26	NW SE
14 S	12 E	WM	26	SW SE
14 S	12 E	WM	26	SE SE
14 S	12 E	WM	35	NE NE
14 S	12 E	WM	36	NW NW
14 S	12 E	WM	36	SW NW
14 S	12 E	WM	36	SE NW
14 S	12 E	WM	36	NE SW
14 S	12 E	WM	36	NE SE
14 S	12 E	WM	36	NW SE
14 S	12 E	WM	36	SE SE
15 S	12 E	WM	1	NE NE
15 S	12 E	WM	1	SW NE
15 S	12 E	WM	1	SE NE
15 S	12 E	WM	1	SE SW
15 S	12 E	WM	1	NE SE
15 S	12 E	WM	1	NW SE
15 S	12 E	WM	1	SW SE
15 S	12 E	WM	11	NE NE
15 S	12 E	WM	11	SE NE
15 S	12 E	WM	11	NE SE
15 S	12 E	WM	11	SW SE
15 S	12 E	WM	11	SE SE
15 S	12 E	WM	12	NE NW
15 S	12 E	WM	12	NW NW



Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	13	NW SW
15 S	12 E	WM	13	SW SW
15 S	12 E	WM	14	NW NE
15 S	12 E	WM	14	SW NE
15 S	12 E	WM	14	NE SE
15 S	12 E	WM	14	NW SE
15 S	12 E	WM	24	NW NW
15 S	12 E	WM	24	SW NW
15 S	12 E	WM	24	NW SW
15 S	12 E	WM	24	SW SW
15 S	12 E	WM	25	NW NW
15 S	12 E	WM	25	SW NW
15 S	12 E	WM	25	NW SW
15 S	12 E	WM	25	SW SW
15 S	12 E	WM	25	SE SW
15 S	12 E	WM	26	NE NE
15 S	12 E	WM	26	SE NE
15 S	12 E	WM	35	SE NE
15 S	12 E	WM	35	NE SE
15 S	12 E	WM	35	NW SE
15 S	12 E	WM	35	SW SE
15 S	12 E	WM	36	NE NW
15 S	12 E	WM	36	NW NW
15 S	12 E	WM	36	SW NW
16 S	12 E	WM	2	SW NW

Twp	Rng	Mer	Sec	Q-Q
16 S	12 E	WM	2	NW SW
16 S	12 E	WM	3	NE SE
16 S	12 E	WM	3	SW SE
16 S	12 E	WM	3	SE SE
16 S	12 E	WM	9	SE SW
16 S	12 E	WM	9	NE SE
16 S	12 E	WM	9	NW SE
16 S	12 E	WM	9	SW SE
16 S	12 E	WM	10	NW NE
16 S	12 E	WM	10	NE NW
16 S	12 E	WM	10	SE NW
16 S	12 E	WM	10	NE SW
16 S	12 E	WM	10	NW SW
16 S	12 E	WM	10	NW SE
16 S	12 E	WM	16	NE NW
16 S	12 E	WM	16	SE NW
16 S	12 E	WM	16	NE SW
16 S	12 E	WM	16	NW SW
16 S	12 E	WM	16	SW SW
16 S	12 E	WM	17	SE SW
16 S	12 E	WM	17	SW SE
16 S	12 E	WM	17	SE SE
16 S	12 E	WM	20	NE NW
16 S	12 E	WM	20	NW NW
16 S	12 E	WM	20	SW NW



Twp	Rng	Mer	Sec	Q-Q
16 S	12 E	WM	20	NE SW
16 S	12 E	WM	20	NW SW
16 S	12 E	WM	20	SE SW
16 S	12 E	WM	29	NE NW
16 S	12 E	WM	29	NW NW
16 S	12 E	WM	29	SW NW
16 S	12 E	WM	29	NW SW
16 S	12 E	WM	30	NE SE
16 S	12 E	WM	30	SE SE
16 S	12 E	WM	31	NE NE
16 S	12 E	WM	31	NW NE
16 S	12 E	WM	31	SE NE
16 S	12 E	WM	31	NE SE
16 S	12 E	WM	31	SW SE
16 S	12 E	WM	31	SE SE
17 S	12 E	WM	6	NW NE
17 S	12 E	WM	6	SW NE
17 S	12 E	WM	6	SE NE
17 S	12 E	WM	6	NE SW
17 S	12 E	WM	6	SE SW
17 S	12 E	WM	6	NW SE
17 S	12 E	WM	6	SW SE
17 S	12 E	WM	7	NW NE
17 S	12 E	WM	7	SW NE
17 S	12 E	WM	7	SE NW

Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	7	NE SW
17 S	12 E	WM	7	NW SW
17 S	12 E	WM	7	SW SW
17 S	12 E	WM	17	SW SW
17 S	12 E	WM	17	SE SW
17 S	12 E	WM	18	NE NW
17 S	12 E	WM	18	NW NW
17 S	12 E	WM	18	SW NW
17 S	12 E	WM	18	SE NW
17 S	12 E	WM	18	NE SW
17 S	12 E	WM	18	NW SW
17 S	12 E	WM	18	SE SW
17 S	12 E	WM	18	SW SE
17 S	12 E	WM	18	SE SE
17 S	12 E	WM	19	NE NE
17 S	12 E	WM	19	NW NE
17 S	12 E	WM	20	NE NW
17 S	12 E	WM	20	SE NW
17 S	12 E	WM	20	NE SW
17 S	12 E	WM	20	NE SE
17 S	12 E	WM	20	NW SE
17 S	12 E	WM	20	SE SE
17 S	12 E	WM	29	NE NE
17 S	12 E	WM	29	SW NE
17 S	12 E	WM	29	SE NE



Twp	Rng	Mer	Sec	Q-Q
17 S	12 E	WM	29	NW SE
17 S	12 E	WM	29	SW SE
17 S	12 E	WM	31	NE SE
17 S	12 E	WM	31	SE SE
17 S	12 E	WM	32	NW NE
17 S	12 E	WM	32	NE NW
17 S	12 E	WM	32	SW NW
17 S	12 E	WM	32	SE NW
17 S	12 E	WM	32	NW SW
17 S	12 E	WM	32	SW SW
18 S	11 E	WM	12	SE SE
18 S	11 E	WM	13	NE NE
18 S	11 E	WM	13	NW NE
18 S	11 E	WM	13	SW NE
18 S	11 E	WM	13	SE NW
18 S	11 E	WM	13	NE SW
18 S	11 E	WM	13	SW SW
18 S	11 E	WM	13	SE SW
18 S	11 E	WM	14	SE SE
18 S	11 E	WM	22	NE SE
18 S	11 E	WM	22	SE SE
18 S	11 E	WM	23	NE NE
18 S	11 E	WM	23	SW NE
18 S	11 E	WM	23	SE NE
18 S	11 E	WM	23	SW NW

Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	23	SE NW
18 S	11 E	WM	23	NE SW
18 S	11 E	WM	23	NW SW
18 S	11 E	WM	27	NE NE
18 S	11 E	WM	27	NW NE
18 S	11 E	WM	27	NE NW
18 S	11 E	WM	27	SE NW
18 S	11 E	WM	27	NE SW
18 S	11 E	WM	27	NW SW
18 S	11 E	WM	27	SW SW
18 S	11 E	WM	28	SE SE
18 S	11 E	WM	33	NE NE
18 S	11 E	WM	33	SE NE
18 S	11 E	WM	33	NE SE
18 S	11 E	WM	33	NW SE
18 S	11 E	WM	33	SW SE
18 S	11 E	WM	33	SE SE
18 S	11 E	WM	34	SW NW
18 S	12 E	WM	5	NE NW
18 S	12 E	WM	5	NW NW
18 S	12 E	WM	5	SE NW
18 S	12 E	WM	5	NE SW
18 S	12 E	WM	5	NW SW
18 S	12 E	WM	6	NE SE
18 S	12 E	WM	6	NW SE



Twp	Rng	Mer	Sec	Q-Q
18 S	12 E	WM	6	SW SE
18 S	12 E	WM	7	NW NE
18 S	12 E	WM	7	SW NE
18 S	12 E	WM	7	SE NW
18 S	12 E	WM	7	NE SW
18 S	12 E	WM	7	SW SW
18 S	12 E	WM	7	SE SW
19 S	11 E	WM	4	NE NE
19 S	11 E	WM	4	SW NE
19 S	11 E	WM	4	SE NE
19 S	11 E	WM	4	SE NW
19 S	11 E	WM	4	NE SW
19 S	11 E	WM	4	SE SW
19 S	11 E	WM	8	NE NE
19 S	11 E	WM	8	SE NE
19 S	11 E	WM	8	NE SE
19 S	11 E	WM	9	NE NW
19 S	11 E	WM	9	NW NW
19 S	11 E	WM	9	NE SW
19 S	11 E	WM	9	NW SW
19 S	11 E	WM	9	NW SE
19 S	11 E	WM	9	SW SE
19 S	11 E	WM	9	SE SE
19 S	11 E	WM	16	NE NE
19 S	11 E	WM	16	NW NE

Twp	Rng	Mer	Sec	Q-Q
19 S	11 E	WM	16	SW NE
19 S	11 E	WM	16	SE NE
19 S	11 E	WM	16	NE NW
19 S	11 E	WM	16	NW NW
19 S	11 E	WM	16	SW NW
19 S	11 E	WM	16	SE NW
19 S	11 E	WM	17	NE NE
19 S	11 E	WM	17	SW NE
19 S	11 E	WM	17	SE NE
19 S	11 E	WM	17	SW NW
19 S	11 E	WM	17	SE NW
19 S	11 E	WM	18	SE NE
19 S	11 E	WM	18	NE SE
19 S	11 E	WM	18	SE SE
19 S	11 E	WM	19	NE NE
19 S	11 E	WM	19	SE NE
19 S	11 E	WM	20	SW NW
19 S	11 E	WM	20	NW SW
19 S	11 E	WM	20	SW SW
19 S	11 E	WM	29	NW NW
19 S	11 E	WM	29	SW NW
19 S	11 E	WM	30	NE NE
19 S	11 E	WM	30	SE NE
19 S	11 E	WM	30	NE SE
19 S	11 E	WM	30	NW SE



Twp	Rng	Mer	Sec	Q-Q
19 S	11 E	WM	30	SW SE
19 S	11 E	WM	30	SE SE
19 S	11 E	WM	31	NE NE
19 S	11 E	WM	31	NW NE
19 S	11 E	WM	31	SW NE
19 S	11 E	WM	31	SE NE
19 S	11 E	WM	31	NE NW
19 S	11 E	WM	31	SW NW
19 S	11 E	WM	31	SE NW
19 S	11 E	WM	31	NE SW
19 S	11 E	WM	31	NW SW
19 S	11 E	WM	31	SW SW
19 S	11 E	WM	31	SE SW
19 S	11 E	WM	31	SW SE
20 S	11 E	WM	6	NE NW
20 S	11 E	WM	6	NW NW
20 S	11 E	WM	6	SW NW
20 S	11 E	WM	6	SE NW
20 S	11 E	WM	6	NE SW
20 S	11 E	WM	6	NW SW
20 S	11 E	WM	6	SW SW
20 S	11 E	WM	6	SE SW
20 S	11 E	WM	6	SW SE
20 S	11 E	WM	7	NW NE
20 S	11 E	WM	7	SW NE

Twp	Rng	Mer	Sec	Q-Q
20 S	11 E	WM	7	NE NW
20 S	11 E	WM	7	SE NW
20 S	11 E	WM	7	NE SW
20 S	11 E	WM	7	NE SE
20 S	11 E	WM	7	NW SE
20 S	11 E	WM	8	NW SW
20 S	11 E	WM	8	SW SW
20 S	11 E	WM	17	NW NW
20 S	11 E	WM	17	SW NW
20 S	11 E	WM	17	NW SW
20 S	11 E	WM	17	SW SW
20 S	11 E	WM	18	NE SE
20 S	11 E	WM	18	SE SE
20 S	11 E	WM	19	NE NE
20 S	11 E	WM	19	SE NE
20 S	11 E	WM	19	NE SE
20 S	11 E	WM	19	SW SE
20 S	11 E	WM	19	SE SE
20 S	11 E	WM	20	NW NW
20 S	11 E	WM	20	SW NW
20 S	11 E	WM	20	NW SW
20 S	11 E	WM	20	SW SW
20 S	11 E	WM	30	NE NE
20 S	11 E	WM	30	NW NE
20 S	11 E	WM	30	SW NE



Twp	Rng	Mer	Sec	Q-Q
20 S	11 E	WM	30	SE NE
20 S	11 E	WM	30	NE SE
20 S	11 E	WM	30	NW SE
20 S	11 E	WM	30	SW SE
20 S	11 E	WM	30	SE SE
20 S	11 E	WM	31	NW NE
20 S	11 E	WM	31	SW NE
20 S	11 E	WM	31	SE NW
20 S	11 E	WM	31	NE SW
20 S	11 E	WM	31	NW SW
20 S	11 E	WM	31	SW SW
20 S	11 E	WM	31	SE SW
21 S	10 E	WM	1	SE NE
21 S	10 E	WM	1	NE SE
21 S	10 E	WM	1	SW SE
21 S	10 E	WM	1	SE SE
21 S	10 E	WM	12	NW NE
21 S	10 E	WM	12	SW NE
21 S	10 E	WM	12	NE NW
21 S	10 E	WM	12	SE NW
21 S	10 E	WM	12	NE SW
21 S	10 E	WM	12	SW SW
21 S	10 E	WM	12	SE SW
21 S	10 E	WM	13	NE NW
21 S	10 E	WM	13	NW NW

Twp	Rng	Mer	Sec	Q-Q
21 S	10 E	WM	13	SW NW
21 S	10 E	WM	13	NW SW
21 S	10 E	WM	14	SE NE
21 S	10 E	WM	14	NE SE
21 S	10 E	WM	14	SW SE
21 S	10 E	WM	14	SE SE
21 S	10 E	WM	23	NE NE
21 S	10 E	WM	23	NW NE
21 S	10 E	WM	23	SW NE
21 S	10 E	WM	23	SE NE
21 S	10 E	WM	23	NE SE
21 S	10 E	WM	23	NW SE
21 S	10 E	WM	23	SW SE
21 S	10 E	WM	26	NE NE
21 S	10 E	WM	26	NW NE
21 S	10 E	WM	26	SW NE
21 S	10 E	WM	26	SE NE
21 S	10 E	WM	26	NE SE
21 S	10 E	WM	26	NW SE
21 S	10 E	WM	26	SW SE
21 S	10 E	WM	26	SE SE
21 S	10 E	WM	35	NE NE
21 S	10 E	WM	35	NW NE
21 S	10 E	WM	35	SW NE
21 S	10 E	WM	35	SE NW



Twp	Rng	Mer	Sec	Q-Q
21 S	10 E	WM	35	NE SW
21 S	10 E	WM	35	SE SW
21 S	10 E	WM	35	NW SE
21 S	11 E	WM	6	NE NW
21 S	11 E	WM	6	NW NW
21 S	11 E	WM	6	SW NW
21 S	11 E	WM	6	NW SW
22 S	9 E	WM	24	NE NE
22 S	9 E	WM	24	SW NE
22 S	9 E	WM	24	SE NE
22 S	9 E	WM	24	NW SE
22 S	9 E	WM	24	SW SE
22 S	9 E	WM	25	NW NE
22 S	9 E	WM	25	SW NE
22 S	9 E	WM	25	NE NW
22 S	9 E	WM	25	SE NW
22 S	9 E	WM	25	NE SW
22 S	9 E	WM	25	NE SE
22 S	9 E	WM	25	NW SE
22 S	9 E	WM	25	SW SE
22 S	9 E	WM	25	SE SE
22 S	9 E	WM	36	NE NE
22 S	9 E	WM	36	NW NE
22 S	9 E	WM	36	SW NE
22 S	9 E	WM	36	SE NW

Twp	Rng	Mer	Sec	Q-Q
22 S	9 E	WM	36	NE SW
22 S	9 E	WM	36	NW SW
22 S	9 E	WM	36	SW SW
22 S	9 E	WM	36	SE SW
22 S	9 E	WM	36	NW SE
22 S	10 E	WM	2	NE NW
22 S	10 E	WM	2	NW NW
22 S	10 E	WM	2	SW NW
22 S	10 E	WM	2	NE SW
22 S	10 E	WM	2	NW SW
22 S	10 E	WM	2	SW SW
22 S	10 E	WM	9	SW SW
22 S	10 E	WM	9	SE SW
22 S	10 E	WM	9	NE SE
22 S	10 E	WM	9	NW SE
22 S	10 E	WM	9	SW SE
22 S	10 E	WM	9	SE SE
22 S	10 E	WM	10	NE NE
22 S	10 E	WM	10	NW NE
22 S	10 E	WM	10	SW NE
22 S	10 E	WM	10	SE NE
22 S	10 E	WM	10	SW NW
22 S	10 E	WM	10	SE NW
22 S	10 E	WM	10	NE SW
22 S	10 E	WM	10	NW SW



Twp	Rng	Mer	Sec	Q-Q
22 S	10 E	WM	11	NW NW
22 S	10 E	WM	16	NE NW
22 S	10 E	WM	16	NW NW
22 S	10 E	WM	17	NE NE
22 S	10 E	WM	17	NW NE
22 S	10 E	WM	17	SW NE
22 S	10 E	WM	17	SW NW
22 S	10 E	WM	17	SE NW
22 S	10 E	WM	17	NW SW
22 S	10 E	WM	18	SE NE
22 S	10 E	WM	18	SW SW
22 S	10 E	WM	18	SE SW
22 S	10 E	WM	18	NE SE
22 S	10 E	WM	18	SW SE
22 S	10 E	WM	18	SE SE
22 S	10 E	WM	19	NW NW
23 S	9 E	WM	1	NW NW
23 S	9 E	WM	1	SW NW
23 S	9 E	WM	2	SE NE
23 S	9 E	WM	2	NE SE
23 S	9 E	WM	2	SW SE
23 S	9 E	WM	2	SE SE
23 S	9 E	WM	11	NE NE
23 S	9 E	WM	11	NW NE
23 S	9 E	WM	11	SW NE

Twp	Rng	Mer	Sec	Q-Q
23 S	9 E	WM	11	SE NE
23 S	9 E	WM	11	NE SE
23 S	9 E	WM	11	NW SE
23 S	9 E	WM	11	SW SE
23 S	9 E	WM	14	NW NE
23 S	9 E	WM	14	SW NE
23 S	9 E	WM	14	NE NW
23 S	9 E	WM	14	SE NW
23 S	9 E	WM	14	NW SE
23 S	9 E	WM	14	SW SE
23 S	9 E	WM	23	NW NE
23 S	9 E	WM	23	SW NE
23 S	9 E	WM	23	NW SE
23 S	9 E	WM	23	SW SE
23 S	9 E	WM	26	NW NE
23 S	9 E	WM	26	SW NE
23 S	9 E	WM	26	NE NW
23 S	9 E	WM	26	SE NW
23 S	9 E	WM	26	NE SW
23 S	9 E	WM	26	NW SW
23 S	9 E	WM	26	SW SW
23 S	9 E	WM	26	SE SW
23 S	9 E	WM	33	SW SE
23 S	9 E	WM	33	SE SE
23 S	9 E	WM	34	SW NE



Twp	Rng	Mer	Sec	Q-Q
23 S	9 E	WM	34	SE NE
23 S	9 E	WM	34	NE SW
23 S	9 E	WM	34	NW SW
23 S	9 E	WM	34	SW SW
23 S	9 E	WM	34	SE SW
23 S	9 E	WM	34	NW SE
23 S	9 E	WM	35	NW NW
23 S	9 E	WM	35	SW NW
24 S	6 E	WM	1	NE SW
24 S	6 E	WM	1	SW SW
24 S	6 E	WM	1	SE SW
24 S	6 E	WM	1	NE SE
24 S	6 E	WM	1	NW SE
24 S	6 E	WM	1	SE SE
24 S	6 E	WM	11	NE NE
24 S	6 E	WM	11	SW NE
24 S	6 E	WM	11	SE NE
24 S	6 E	WM	11	NE SW
24 S	6 E	WM	11	SE SW
24 S	6 E	WM	11	NW SE
24 S	6 E	WM	12	NW NW
24 S	7 E	WM	6	SW SW
24 S	7 E	WM	7	NW NW
24 S	7 E	WM	7	SW NW
24 S	7 E	WM	7	SE NW

Twp	Rng	Mer	Sec	Q-Q
24 S	7 E	WM	7	NE SW
24 S	7 E	WM	7	NW SW
24 S	7 E	WM	7	SE SW
24 S	7 E	WM	13	NE NE
24 S	7 E	WM	13	SW NE
24 S	7 E	WM	13	SE NE
24 S	7 E	WM	13	SW NW
24 S	7 E	WM	13	SE NW
24 S	7 E	WM	14	SW NE
24 S	7 E	WM	14	SE NE
24 S	7 E	WM	14	SW NW
24 S	7 E	WM	14	SE NW
24 S	7 E	WM	14	NE SW
24 S	7 E	WM	15	SE NE
24 S	7 E	WM	15	NE SW
24 S	7 E	WM	15	NW SW
24 S	7 E	WM	15	SW SW
24 S	7 E	WM	15	NE SE
24 S	7 E	WM	15	NW SE
24 S	7 E	WM	16	SE SE
24 S	7 E	WM	17	NW SW
24 S	7 E	WM	17	SW SW
24 S	7 E	WM	17	SE SW
24 S	7 E	WM	18	NW NE
24 S	7 E	WM	18	SW NE



Twp	Rng	Mer	Sec	Q-Q
24 S	7 E	WM	18	NE NW
24 S	7 E	WM	18	NE SE
24 S	7 E	WM	18	NW SE
24 S	7 E	WM	18	SW SE
24 S	7 E	WM	18	SE SE
24 S	7 E	WM	20	NE NE
24 S	7 E	WM	20	NW NE
24 S	7 E	WM	20	NE NW
24 S	7 E	WM	21	NE NE
24 S	7 E	WM	21	NW NE
24 S	7 E	WM	21	NE NW
24 S	7 E	WM	21	NW NW
24 S	7 E	WM	21	SW NW
24 S	7 E	WM	21	SE NW
24 S	8 E	WM	7	SW SW
24 S	8 E	WM	7	SE SW
24 S	8 E	WM	7	SW SE
24 S	8 E	WM	7	SE SE
24 S	8 E	WM	8	SW SW
24 S	8 E	WM	8	SE SW
24 S	8 E	WM	8	NE SE
24 S	8 E	WM	8	NW SE
24 S	8 E	WM	8	SW SE
24 S	8 E	WM	8	SE SE
24 S	8 E	WM	9	SW SW

Twp	Rng	Mer	Sec	Q-Q
24 S	8 E	WM	9	SE SW
24 S	8 E	WM	9	SW SE
24 S	8 E	WM	9	SE SE
24 S	8 E	WM	10	SW SW
24 S	8 E	WM	11	SE SE
24 S	8 E	WM	12	SE NE
24 S	8 E	WM	12	SW SW
24 S	8 E	WM	12	SE SW
24 S	8 E	WM	12	NE SE
24 S	8 E	WM	12	NW SE
24 S	8 E	WM	12	SW SE
24 S	8 E	WM	12	SE SE
24 S	8 E	WM	13	NE NW
24 S	8 E	WM	13	NW NW
24 S	8 E	WM	14	NE NE
24 S	8 E	WM	14	NW NE
24 S	8 E	WM	14	SW NE
24 S	8 E	WM	14	SE NW
24 S	8 E	WM	14	NE SW
24 S	8 E	WM	14	SW SW
24 S	8 E	WM	14	SE SW
24 S	8 E	WM	14	NW SE
24 S	8 E	WM	15	NW NW
24 S	8 E	WM	15	SW NW
24 S	8 E	WM	15	NE SW



Twp	Rng	Mer	Sec	Q-Q
24 S	8 E	WM	15	NW SW
24 S	8 E	WM	15	NE SE
24 S	8 E	WM	15	NW SE
24 S	8 E	WM	15	SW SE
24 S	8 E	WM	15	SE SE
24 S	8 E	WM	16	NE NE
24 S	8 E	WM	16	NW NE
24 S	8 E	WM	16	NE NW
24 S	8 E	WM	18	NW NW
24 S	8 E	WM	23	NW NW
24 S	9 E	WM	4	NE NE
24 S	9 E	WM	4	NW NE
24 S	9 E	WM	4	NE NW
24 S	9 E	WM	4	NW NW

Twp	Rng	Mer	Sec	Q-Q
24 S	9 E	WM	4	SW NW
24 S	9 E	WM	5	SE NE
24 S	9 E	WM	5	NE SW
24 S	9 E	WM	5	NW SW
24 S	9 E	WM	5	SW SW
24 S	9 E	WM	5	NE SE
24 S	9 E	WM	5	NW SE
24 S	9 E	WM	6	SE SE
24 S	9 E	WM	7	NE NE
24 S	9 E	WM	7	NW NE
24 S	9 E	WM	7	NE NW
24 S	9 E	WM	7	NW NW
24 S	9 E	WM	7	SW NW

**PUBLIC NOTICE DATE: Tuesday, February 6, 2018**

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 16, 2018**

**30 DAY COMMENT DEADLINE DATE: Thursday, March 8, 2018**



## APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our web site at [www.wrd.state.or.us](http://www.wrd.state.or.us)

### *1. Pre-application considerations*

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference contact the Department's Water Rights Customer Service Group at (503) 986-0801.

### *2. Application filing*

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

### *3. Initial Review (IR)*

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Contact the Caseworker if you have questions about the IR.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.
- **An administrative hold** may be requested in writing by Applicant.

### *4. Proposed Final Order (PFO)*

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

### *5. Final Order (FO)*

- If no protest is filed, Final Order is issued.

### *The protest process*



If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- proposed Order;
- period of time to file exceptions; or
- Possible hearing by Water Resources Commission.
- Final Order is issued.

*Permit holder responsibilities*

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply



**STOP PROCESSING REQUEST FORM**  
**FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR**  
**APPLICATIONS**

---

- Stop processing deadline is within 14 days of Initial Review.
- Applicant may request no further action and fee refund of all but \$260.
- Applicant notification to withdraw Water Right Application **S-88478**.
- After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$260 examination fee.) I understand that without a valid permit I may not legally use the water as requested in my application.
- Signature \_\_\_\_\_ Date \_\_\_\_\_
- Signature \_\_\_\_\_ Date \_\_\_\_\_
- Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped and all filing fees (except \$260 examination fee) be returned.
- This notice must be received at Water Resources Department by:

**Friday, February 16, 2018**

- Return the notice to:

OWRD, Water Right Services Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A,  
Salem OR, 97301-1271

---



# Mailing List for IR Copies

---

Application S-88478

IR Date: February 2, 2018

Original and map mailed by CERTIFIED MAIL to applicant:

TUMALO IRRIGATION DISTRICT  
ATTN: KEN RIECK  
64697 COOK AVENUE  
BEND OR 97703

SENT VIA AUTO EMAIL:

1. WRD – Watermaster Jeremy Giffin # 11
2. ODFW
3. DEQ
4. AGENT – Adam Sussman - [asussman@gwiws.com](mailto:asussman@gwiws.com)

Copies sent to:

5. WRD – Hydrographics

IR, Map, and Fact Sheet Copies sent to:

6. WRD - File S-88478

SPECIALIST: Kim French

Copies Mailed

By: SP

(SUPPORT STAFF)

2-2-18



# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	

RECEIVED

NOV 29 2017

### Organization Information

NAME TUMALO IRRIGATION DISTRICT ATTN: KEN RIECK		PHONE 541 382-3052	FAX
ADDRESS 64697 COOK AVENUE		CELL	
CITY BEND	STATE OR	ZIP 97703	E-MAIL * KEN@TUMALO.ORG

OWRD

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

AGENT / BUSINESS NAME GSI WATER SOLUTION, INC. ATTN: ADAM SUSSMAN		PHONE 541 257-9001	FAX
ADDRESS 1600 SW WESTERN BOULEVARD, SUITE 240		CELL 541 602-5188	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * ASUSSMAN@GSIWS.COM

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (Paper copies of the final order documents will also be mailed.)

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.
- I have not provided my social security number in any of the materials submitted to the Department.



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

Applicant Signature

Ken Rieck, Manager

Print Name and title if applicable

Date

11-20-2017

App. No. 5-88479

For Department Use  
Permit No. \_\_\_\_\_

Date \_\_\_\_\_



## SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☐ Yes

☐ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No The Applicant is an irrigation district and considered a public corporation for the purposes of ORS 537.211(6).

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A – The applicant is an irrigation district and considered a public corporation for the purposes of ORS 537.211(6).

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3 Any property on which the water is to be used as depicted on the map. Tumalo Irrigation district is a public corporation for the purposes of ORS 537.211(6). The location of the dam and the proposed place of use are shown in Attachment A. The master title and use plat is included in Attachment D.

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Crescent Reservoir

Tributary to: Crescent Creek

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Certificates 76683 and 76637. See Attachment E.

RECEIVED

NOV 29 2017

### B. Applications to Use Stored Water

OWRD

Do you, or will you, own the reservoir(s) described in item 3A above?

☒ Yes. See Attachment F. The district operates the reservoir and has an easement for the dam and the reservoir.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)



If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☒ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Crescent Reservoir	Downstream wildlife and fish life use	November 1 through March 31	1,000 acre-feet

#### For irrigation use only: N/A

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: \_\_\_\_\_ Acres      Supplemental: \_\_\_\_\_ Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
 \_\_\_\_\_

RECEIVED

NOV 29 2017

OWRD



## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☐ Pump (give horsepower and type): \_\_\_\_\_

☒ Other means (describe): Water will be released from Crescent Reservoir outlet into Crescent Creek to be protected to the mouth of Crescent Creek, then into the Little Deschutes River to the confluence with the Deschutes River, then into the Deschutes River to Lake Billy Chinook.

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

N/A – the released stored water will remain instream for mitigation.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

N/A

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

- The proposed use of stored water will provide a public benefit to waters downstream of Crescent Reservoir.

- The amount of water released from storage between November 1 and March 31 will be measured at the Crescent Creek gage (14060000)

## SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☐ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: N/A – the proposed use of stored water is downstream wildlife and fish life use. The water will not be diverted.

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: N/A - the proposed use of stored water will not require excavation or clearing of banks.

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: N/A - the proposed use of stored water will not require operation of equipment in a water body.

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: N/A - the proposed use of stored water will not cause erosion or run-off of chemical products.

RECEIVED

NOV 29 2017

OWRD

WR



## SECTION 7: PROJECT SCHEDULE

Date construction will begin: No construction is required for the proposed use.

Date construction will be completed: No construction is required for the proposed use.

Date beneficial water use will begin: Within five years of permit issuance.

## SECTION 8: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. N/A – The applicant is the irrigation district.

Irrigation District Name	Address	
City	State	Zip

## SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

Tumalo Irrigation District is applying for a secondary water right for 1,000 acre-feet for downstream wildlife and fish life use in Crescent Creek, the Little Deschutes River, and the main stem Deschutes River in order to obtain mitigation credits. Water is stored in the reservoir under Certificate 76637. Tumalo Irrigation District requests that this application be processed as a mitigation project for mitigation credits under OAR 690-521-0300(1)(d). The applicant requests the following conditions to avoid impairing existing water rights and to ensure the reliability of the water right established through this application:

- To account for channel losses, an 18 percent loss factor shall be applied between the mouth of Crescent Creek on the Little Deschutes River and Benham Falls on the Deschutes River. A 7 percent loss factor shall be applied on the Deschutes River between Benham Falls and the City of Bend. Therefore, of the 1,000 AF (average 3.317 cfs) released under this right at Crescent Creek Gage No. 14060000, 820 AF (average 2.719 cfs) would be available at Benham Falls and 762.6 AF (average 2.529 cfs) would be available at Bend.
- The applicant shall release the full volume of water under this permit in addition to instream water rights for stored water from Crescent Reservoir established through CW-37.

The proposed place of use under this application (the instream reaches) are identical to the authorized place of use under Certificate 91923.

RECEIVED

NOV 29 2017

OWRD



Date \_\_\_\_\_

(For staff use only)



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

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

- ☐ SECTION 1: \_\_\_\_\_
- ☐ SECTION 2: \_\_\_\_\_
- ☐ SECTION 3: \_\_\_\_\_
- ☐ SECTION 4: \_\_\_\_\_
- ☐ SECTION 5: \_\_\_\_\_
- ☐ SECTION 6: \_\_\_\_\_
- ☐ SECTION 7: \_\_\_\_\_
- ☐ SECTION 8: \_\_\_\_\_
- ☐ SECTION 9: \_\_\_\_\_
- ☐ Land Use Information Form \_\_\_\_\_
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees \_\_\_\_\_

RECEIVED

NOV 29 2017

OWRD

**MAP**

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☐ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines, or flumes (if well is outside of the area of use)
- ☐ Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



RECEIVED

NOV 29 2017

OWRD

Attachment A  
Application Maps  
Tumalo Irrigation District

---

S-88478



## Owen McMurtrey

**From:** SAUTER Jerry K \* WRD <Jerry.K.Sauter@oregon.gov>  
**Sent:** Thursday, September 28, 2017 12:55 PM  
**To:** Owen McMurtrey  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** RE: Map Scale Waiver Request

Hi Owen,

Most certainly. As an instream right application we do not need mapping to that detail. We do need to know the starting point and endpoint of the reach(s)

JK

### JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST

WATER RESOURCES DEPARTMENT - 725 SUMMER STREET NE, SUITE A - SALEM OREGON 97301

PH. 503-986-0817 FAX 503-986-0901

EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: HTTP://WWW.OREGON.GOV

---

**From:** Owen McMurtrey [mailto:OMcMurtrey@gsiws.com]  
**Sent:** Thursday, September 28, 2017 12:16 PM  
**To:** SAUTER Jerry K \* WRD  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** RE: Map Scale Waiver Request

Thanks, Jerry

The place of use for the instream water right will be identical to that of other secondary instream water rights for Crescent Lake created through CW-37 (e.g., Certificate 91923). If I include a table with that POU as a separate attachment, would that meet your requirements?

Thanks,

## Owen McMurtrey

**Staff Water Resources Consultant | GSI Water Solutions, Inc.**

direct: 541-257-9005 | cell: 541-740-5619

1600 SW Western Blvd., Suite 240, Corvallis, OR 97333

[www.gsiws.com](http://www.gsiws.com) | [omcmurtrey@gsiws.com](mailto:omcmurtrey@gsiws.com)

RECEIVED

NOV 29 2017

OWRD

---

**From:** SAUTER Jerry K \* WRD [mailto:Jerry.K.Sauter@oregon.gov]  
**Sent:** Thursday, September 28, 2017 9:52 AM  
**To:** Owen McMurtrey <OMcMurtrey@gsiws.com>  
**Cc:** CLARK Gerald E \* WRD <Gerald.E.Clark@oregon.gov>  
**Subject:** RE: Map Scale Waiver Request

Hello Owen,

I understand your problem. The only issue I have is that our staff will need to know every section and quarter quarter section for review and data entry. If we can figure that out I would not have an issue with the map.

JK

### JERRY (JK) SAUTER - WATER RIGHTS PROGRAM ANALYST

WATER RESOURCES DEPARTMENT - 725 SUMMER STREET NE, SUITE A - SALEM OREGON 97301

PH. 503-986-0817 FAX 503-986-0901

EMAIL: JERRY.K.SAUTER@OREGON.GOV WEB: HTTP://WWW.OREGON.GOV

5-00478



---

**From:** Owen McMurtrey [<mailto:OMcMurtrey@gsiws.com>]  
**Sent:** Tuesday, September 26, 2017 11:21 AM  
**To:** SAUTER Jerry K \* WRD  
**Subject:** Map Scale Waiver Request

Hi Jerry,

GSI is preparing a secondary water right application on behalf of Tumalo Irrigation District. The proposed place of use does not meet the Department's map scale requirements, as the place of use will span from Crescent Lake to Lake Billy Chinook. I'm requesting a map scale waiver for the proposed place of use map. I've also attached a map showing the location of the dam, which is to scale.

I also want to confirm that the Department will accept the map without section boundaries. We didn't include section boundaries because they tended to obscure the rest of the map, but we can figure out a way to include them if needed.

Sincerely,

**Owen McMurtrey**  
**Staff Water Resources Consultant | GSI Water Solutions, Inc.**  
direct: 541-257-9005 | cell: 541-740-5619  
1600 SW Western Blvd., Suite 240, Corvallis, OR 97333  
[www.gsiws.com](http://www.gsiws.com) | [omcmurtrey@gsiws.com](mailto:omcmurtrey@gsiws.com)



Attachment B  
Place of Use Table  
Tumalo Irrigation District

---

RECEIVED

NOV 29 2017

OWRD

S-88478



Township	Range	Section	1/4 - 1/4
12S	12E	29	NE SW
12S	12E	29	SE SW
12S	12E	29	NW SE
12S	12E	32	NE NW
12S	12E	32	SE NW
12S	12E	32	NE SW
12S	12E	32	SW SW
12S	12E	32	SE SW
13S	12E	5	NE NW
13S	12E	5	SW NW
13S	12E	5	SE NW
13S	12E	5	NW SW
13S	12E	5	SW SW
13S	12E	6	SE SE
13S	12E	7	NE NE
13S	12E	7	SE NE
13S	12E	8	SW NW
13S	12E	8	NW SW
13S	12E	8	SW SW
13S	12E	8	SE SW
13S	12E	8	SW SE
13S	12E	17	NE NE
13S	12E	17	NW NE
13S	12E	17	SW NE
13S	12E	17	NE SE
13S	12E	17	NW SE
13S	12E	17	SW SE
13S	12E	20	NE NE
13S	12E	20	NW NE
13S	12E	20	SE NE
13S	12E	20	NE SE
13S	12E	21	NE SW
13S	12E	21	NW SW
13S	12E	21	SE SW
13S	12E	21	SW SE
13S	12E	27	SW NW
13S	12E	27	NW SW
13S	12E	28	NE NE
13S	12E	28	NW NE
13S	12E	28	SE NE
13S	12E	28	NE SE
13S	12E	28	SW SE
13S	12E	28	SE SE
13S	12E	33	NW NE
13S	12E	33	SW NE
13S	12E	33	SE NW

Township	Range	Section	1/4 - 1/4
13S	12E	33	NE SE
13S	12E	33	NW SE
13S	12E	33	SE SE
13S	12E	34	SW SW
14S	12E	3	NW SW
14S	12E	3	SW SW
14S	12E	4	NE NE
14S	12E	4	SE NE
14S	12E	4	NE SE
14S	12E	4	NW SE
14S	12E	4	SE SE
14S	12E	9	NE NE
14S	12E	9	SE NE
14S	12E	9	NE SE
14S	12E	9	NW SE
14S	12E	9	SW SE
14S	12E	9	SE SE
14S	12E	10	NW NW
14S	12E	11	SE SW
14S	12E	11	SW SE
14S	12E	14	NW NE
14S	12E	14	SW NE
14S	12E	14	NE NW
14S	12E	14	NW NW
14S	12E	14	SW NW
14S	12E	14	NW SE
14S	12E	14	SW SE
14S	12E	15	NE NE
14S	12E	15	SW NE
14S	12E	15	SE NE
14S	12E	15	NW NW
14S	12E	15	SW NW
14S	12E	15	SE NW
14S	12E	15	NE SW
14S	12E	15	NW SW
14S	12E	16	NE NE
14S	12E	16	NW NE
14S	12E	16	SE NE
14S	12E	23	NW NE
14S	12E	23	NE NW
14S	12E	23	SW NW
14S	12E	23	SE NW
14S	12E	23	NW SW
14S	12E	23	SW SW
14S	12E	26	SW NE
14S	12E	26	NW NW

5-88478

RECEIVED  
JUN 29 2017



Township	Range	Section	1/4 - 1/4
14S	12E	26	SW NW
14S	12E	26	SE NW
14S	12E	26	NE SW
14S	12E	26	NW SE
14S	12E	26	SW SE
14S	12E	26	SE SE
14S	12E	35	NE NE
14S	12E	36	NW NW
14S	12E	36	SW NW
14S	12E	36	SE NW
14S	12E	36	NE SW
14S	12E	36	NE SE
14S	12E	36	NW SE
14S	12E	36	SE SE
15S	12E	1	NE NE
15S	12E	1	SW NE
15S	12E	1	SE NE
15S	12E	1	SE SW
15S	12E	1	NE SE
15S	12E	1	NW SE
15S	12E	1	SW SE
15S	12E	11	NE NE
15S	12E	11	SE NE
15S	12E	11	NE SE
15S	12E	11	SW SE
15S	12E	11	SE SE
15S	12E	12	NE NW
15S	12E	12	NW NW
15S	12E	13	NW SW
15S	12E	13	SW SW
15S	12E	14	NW NE
15S	12E	14	SW NE
15S	12E	14	NE SE
15S	12E	14	NW SE
15S	12E	24	NW NW
15S	12E	24	SW NW
15S	12E	24	NW SW
15S	12E	24	SW SW
15S	12E	25	NW NW
15S	12E	25	SW NW
15S	12E	25	NW SW
15S	12E	25	SW SW
15S	12E	25	SE SW
15S	12E	26	NE NE
15S	12E	26	SE NE
15S	12E	35	SE NE

Township	Range	Section	1/4 - 1/4
15S	12E	35	NE SE
15S	12E	35	NW SE
15S	12E	35	SW SE
15S	12E	36	NE NW
15S	12E	36	NW NW
15S	12E	36	SW NW
16S	12E	2	SW NW
16S	12E	2	NW SW
16S	12E	3	NE SE
16S	12E	3	SW SE
16S	12E	3	SE SE
16S	12E	9	SE SW
16S	12E	9	NE SE
16S	12E	9	NW SE
16S	12E	9	SW SE
16S	12E	10	NW NE
16S	12E	10	NE NW
16S	12E	10	SE NW
16S	12E	10	NE SW
16S	12E	10	NW SW
16S	12E	10	NW SE
16S	12E	16	NE NW
16S	12E	16	SE NW
16S	12E	16	NE SW
16S	12E	16	NW SW
16S	12E	16	SW SW
16S	12E	17	SE SW
16S	12E	17	SW SE
16S	12E	17	SE SE
16S	12E	20	NE NW
16S	12E	20	NW NW
16S	12E	20	SW NW
16S	12E	20	NE SW
16S	12E	20	NW SW
16S	12E	20	SE SW
16S	12E	29	NE NW
16S	12E	29	NW NW
16S	12E	29	SW NW
16S	12E	29	NW SW
16S	12E	30	NE SE
16S	12E	30	SE SE
16S	12E	31	NE NE
16S	12E	31	NW NE
16S	12E	31	SE NE
16S	12E	31	NE SE
16S	12E	31	SW SE

RECEIVED  
NOV 29 2017  
OWRD



Township	Range	Section	1/4 - 1/4
16S	12E	31	SE SE
17S	12E	6	NW NE
17S	12E	6	SW NE
17S	12E	6	SE NE
17S	12E	6	NE SW
17S	12E	6	SE SW
17S	12E	6	NW SE
17S	12E	6	SW SE
17S	12E	7	NW NE
17S	12E	7	SW NE
17S	12E	7	SE NW
17S	12E	7	NE SW
17S	12E	7	NW SW
17S	12E	7	SW SW
17S	12E	17	SW SW
17S	12E	17	SE SW
17S	12E	18	NE NW
17S	12E	18	NW NW
17S	12E	18	SW NW
17S	12E	18	SE NW
17S	12E	18	NE SW
17S	12E	18	NW SW
17S	12E	18	SE SW
17S	12E	18	SW SE
17S	12E	18	SE SE
17S	12E	19	NE NE
17S	12E	19	NW NE
17S	12E	20	NE NW
17S	12E	20	SE NW
17S	12E	20	NE SW
17S	12E	20	NE SE
17S	12E	20	NW SE
17S	12E	20	SE SE
17S	12E	29	NE NE
17S	12E	29	SW NE
17S	12E	29	SE NE
17S	12E	29	NW SE
17S	12E	29	SW SE
17S	12E	31	NE SE
17S	12E	31	SE SE
17S	12E	32	NW NE
17S	12E	32	NE NW
17S	12E	32	SW NW
17S	12E	32	SE NW
17S	12E	32	NW SW
17S	12E	32	SW SW

Township	Range	Section	1/4 - 1/4
18S	11E	12	SE SE
18S	11E	13	NE NE
18S	11E	13	NW NE
18S	11E	13	SW NE
18S	11E	13	SE NW
18S	11E	13	NE SW
18S	11E	13	SW SW
18S	11E	13	SE SW
18S	11E	14	SE SE
18S	11E	22	NE SE
18S	11E	22	SE SE
18S	11E	23	NE NE
18S	11E	23	SW NE
18S	11E	23	SE NE
18S	11E	23	SW NW
18S	11E	23	SE NW
18S	11E	23	NE SW
18S	11E	23	NW SW
18S	11E	27	NE NE
18S	11E	27	NW NE
18S	11E	27	NE NW
18S	11E	27	SE NW
18S	11E	27	NE SW
18S	11E	27	NW SW
18S	11E	27	SW SW
18S	11E	28	SE SE
18S	11E	33	NE NE
18S	11E	33	SE NE
18S	11E	33	NE SE
18S	11E	33	NW SE
18S	11E	33	SW SE
18S	11E	33	SE SE
18S	11E	34	SW NW
18S	12E	5	NE NW
18S	12E	5	NW NW
18S	12E	5	SE NW
18S	12E	5	NE SW
18S	12E	5	NW SW
18S	12E	6	NE SE
18S	12E	6	NW SE
18S	12E	6	SW SE
18S	12E	7	NW NE
18S	12E	7	SW NE
18S	12E	7	SE NW
18S	12E	7	NE SW
18S	12E	7	SW SW

5-88478

RECEIVED  
JUN 29 2017  
OWBD



Township	Range	Section	1/4 - 1/4
18S	12E	7	SE SW
19S	11E	4	NE NE
19S	11E	4	SW NE
19S	11E	4	SE NE
19S	11E	4	SE NW
19S	11E	4	NE SW
19S	11E	4	SE SW
19S	11E	8	NE NE
19S	11E	8	SE NE
19S	11E	8	NE SE
19S	11E	9	NE NW
19S	11E	9	NW NW
19S	11E	9	NE SW
19S	11E	9	NW SW
19S	11E	9	NW SE
19S	11E	9	SW SE
19S	11E	9	SE SE
19S	11E	16	NE NE
19S	11E	16	NW NE
19S	11E	16	SW NE
19S	11E	16	SE NE
19S	11E	16	NE NW
19S	11E	16	NW NW
19S	11E	16	SW NW
19S	11E	16	SE NW
19S	11E	17	NE NE
19S	11E	17	SW NE
19S	11E	17	SE NE
19S	11E	17	SW NW
19S	11E	17	SE NW
19S	11E	18	SE NE
19S	11E	18	NE SE
19S	11E	18	SE SE
19S	11E	19	NE NE
19S	11E	19	SE NE
19S	11E	20	SW NW
19S	11E	20	NW SW
19S	11E	20	SW SW
19S	11E	29	NW NW
19S	11E	29	SW NW
19S	11E	30	NE NE
19S	11E	30	SE NE
19S	11E	30	NE SE
19S	11E	30	NW SE
19S	11E	30	SW SE
19S	11E	30	SE SE

Township	Range	Section	1/4 - 1/4
19S	11E	31	NE NE
19S	11E	31	NW NE
19S	11E	31	SW NE
19S	11E	31	SE NE
19S	11E	31	NE NW
19S	11E	31	SW NW
19S	11E	31	SE NW
19S	11E	31	NE SW
19S	11E	31	NW SW
19S	11E	31	SW SW
19S	11E	31	SE SW
19S	11E	31	SW SE
20S	11E	6	NE NW
20S	11E	6	NW NW
20S	11E	6	SW NW
20S	11E	6	SE NW
20S	11E	6	NE SW
20S	11E	6	NW SW
20S	11E	6	SW SW
20S	11E	6	SE SW
20S	11E	6	SW SE
20S	11E	7	NW NE
20S	11E	7	SW NE
20S	11E	7	NE NW
20S	11E	7	SE NW
20S	11E	7	NE SW
20S	11E	7	NE SE
20S	11E	7	NW SE
20S	11E	8	NW SW
20S	11E	8	SW SW
20S	11E	17	NW NW
20S	11E	17	SW NW
20S	11E	17	NW SW
20S	11E	17	SW SW
20S	11E	18	NE SE
20S	11E	18	SE SE
20S	11E	19	NE NE
20S	11E	19	SE NE
20S	11E	19	NE SE
20S	11E	19	SW SE
20S	11E	19	SE SE
20S	11E	20	NW NW
20S	11E	20	SW NW
20S	11E	20	NW SW
20S	11E	20	SW SW
20S	11E	30	NE NE

RECEIVED  
NOV 29 2017  
OWPD



Township	Range	Section	1/4 - 1/4
20S	11E	30	NW NE
20S	11E	30	SW NE
20S	11E	30	SE NE
20S	11E	30	NE SE
20S	11E	30	NW SE
20S	11E	30	SW SE
20S	11E	30	SE SE
20S	11E	31	NW NE
20S	11E	31	SW NE
20S	11E	31	SE NW
20S	11E	31	NE SW
20S	11E	31	NW SW
20S	11E	31	SW SW
20S	11E	31	SE SW
21S	10E	1	SE NE
21S	10E	1	NE SE
21S	10E	1	SW SE
21S	10E	1	SE SE
21S	10E	12	NW NE
21S	10E	12	SW NE
21S	10E	12	NE NW
21S	10E	12	SE NW
21S	10E	12	NE SW
21S	10E	12	SW SW
21S	10E	12	SE SW
21S	10E	13	NE NW
21S	10E	13	NW NW
21S	10E	13	SW NW
21S	10E	13	NW SW
21S	10E	14	SE NE
21S	10E	14	NE SE
21S	10E	14	SW SE
21S	10E	14	SE SE
21S	10E	23	NE NE
21S	10E	23	NW NE
21S	10E	23	SW NE
21S	10E	23	SE NE
21S	10E	23	NE SE
21S	10E	23	NW SE
21S	10E	23	SW SE
21S	10E	26	NE NE
21S	10E	26	NW NE
21S	10E	26	SW NE
21S	10E	26	SE NE
21S	10E	26	NE SE
21S	10E	26	NW SE

Township	Range	Section	1/4 - 1/4
21S	10E	26	SW SE
21S	10E	26	SE SE
21S	10E	35	NE NE
21S	10E	35	NW NE
21S	10E	35	SW NE
21S	10E	35	SE NW
21S	10E	35	NE SW
21S	10E	35	SE SW
21S	10E	35	NW SE
21S	11E	6	NE NW
21S	11E	6	NW NW
21S	11E	6	SW NW
21S	11E	6	NW SW
22S	9E	24	NE NE
22S	9E	24	SW NE
22S	9E	24	SE NE
22S	9E	24	NW SE
22S	9E	24	SW SE
22S	9E	25	NW NE
22S	9E	25	SW NE
22S	9E	25	NE NW
22S	9E	25	SE NW
22S	9E	25	NE SW
22S	9E	25	NE SE
22S	9E	25	NW SE
22S	9E	25	SW SE
22S	9E	25	SE SE
22S	9E	36	NE NE
22S	9E	36	NW NE
22S	9E	36	SW NE
22S	9E	36	SE NW
22S	9E	36	NE SW
22S	9E	36	NW SW
22S	9E	36	SW SW
22S	9E	36	SE SW
22S	9E	36	NW SE
22S	10E	2	NE NW
22S	10E	2	NW NW
22S	10E	2	SW NW
22S	10E	2	NE SW
22S	10E	2	NW SW
22S	10E	2	SW SW
22S	10E	9	SW SW
22S	10E	9	SE SW
22S	10E	9	NE SE
22S	10E	9	NW SE

S-88478

RECEIVED  
NOV 29 2017  
OWBPD



Township	Range	Section	1/4 - 1/4
22S	10E	9	SW SE
22S	10E	9	SE SE
22S	10E	10	NE NE
22S	10E	10	NW NE
22S	10E	10	SW NE
22S	10E	10	SE NE
22S	10E	10	SW NW
22S	10E	10	SE NW
22S	10E	10	NE SW
22S	10E	10	NW SW
22S	10E	11	NW NW
22S	10E	16	NE NW
22S	10E	16	NW NW
22S	10E	17	NE NE
22S	10E	17	NW NE
22S	10E	17	SW NE
22S	10E	17	SW NW
22S	10E	17	SE NW
22S	10E	17	NW SW
22S	10E	18	SE NE
22S	10E	18	SW SW
22S	10E	18	SE SW
22S	10E	18	NE SE
22S	10E	18	SW SE
22S	10E	18	SE SE
22S	10E	19	NW NW
23S	9E	1	NW NW
23S	9E	1	SW NW
23S	9E	2	SE NE
23S	9E	2	NE SE
23S	9E	2	SW SE
23S	9E	2	SE SE
23S	9E	11	NE NE
23S	9E	11	NW NE
23S	9E	11	SW NE
23S	9E	11	SE NE
23S	9E	11	NE SE
23S	9E	11	NW SE
23S	9E	11	SW SE
23S	9E	14	NW NE
23S	9E	14	SW NE
23S	9E	14	NE NW
23S	9E	14	SE NW
23S	9E	14	NW SE
23S	9E	14	SW SE
23S	9E	23	NW NE

Township	Range	Section	1/4 - 1/4
23S	9E	23	SW NE
23S	9E	23	NW SE
23S	9E	23	SW SE
23S	9E	26	NW NE
23S	9E	26	SW NE
23S	9E	26	NE NW
23S	9E	26	SE NW
23S	9E	26	NE SW
23S	9E	26	NW SW
23S	9E	26	SW SW
23S	9E	26	SE SW
23S	9E	33	SW SE
23S	9E	33	SE SE
23S	9E	34	SW NE
23S	9E	34	SE NE
23S	9E	34	NE SW
23S	9E	34	NW SW
23S	9E	34	SW SW
23S	9E	34	SE SW
23S	9E	34	NW SE
23S	9E	35	NW NW
23S	9E	35	SW NW
24S	6E	1	NE SW
24S	6E	1	SW SW
24S	6E	1	SE SW
24S	6E	1	NE SE
24S	6E	1	NW SE
24S	6E	1	SE SE
24S	6E	11	NE NE
24S	6E	11	SW NE
24S	6E	11	SE NE
24S	6E	11	NE SW
24S	6E	11	SE SW
24S	6E	11	NW SE
24S	6E	12	NW NW
24S	7E	6	SW SW
24S	7E	7	NW NW
24S	7E	7	SW NW
24S	7E	7	SE NW
24S	7E	7	NE SW
24S	7E	7	NW SW
24S	7E	7	SE SW
24S	7E	13	NE NE
24S	7E	13	SW NE
24S	7E	13	SE NE
24S	7E	13	SW NW

RECEIVED  
NOV 29 2017  
OWPRD



Township	Range	Section	1/4 - 1/4
24S	7E	13	SE NW
24S	7E	14	SW NE
24S	7E	14	SE NE
24S	7E	14	SW NW
24S	7E	14	SE NW
24S	7E	14	NE SW
24S	7E	15	SE NE
24S	7E	15	NE SW
24S	7E	15	NW SW
24S	7E	15	SW SW
24S	7E	15	NE SE
24S	7E	15	NW SE
24S	7E	16	SE SE
24S	7E	17	NW SW
24S	7E	17	SW SW
24S	7E	17	SE SW
24S	7E	18	NW NE
24S	7E	18	SW NE
24S	7E	18	NE NW
24S	7E	18	NE SE
24S	7E	18	NW SE
24S	7E	18	SW SE
24S	7E	18	SE SE
24S	7E	20	NE NE
24S	7E	20	NW NE
24S	7E	20	NE NW
24S	7E	21	NE NE
24S	7E	21	NW NE
24S	7E	21	NE NW
24S	7E	21	NW NW
24S	7E	21	SW NW
24S	7E	21	SE NW
24S	8E	7	SW SW
24S	8E	7	SE SW
24S	8E	7	SW SE
24S	8E	7	SE SE
24S	8E	8	SW SW
24S	8E	8	SE SW
24S	8E	8	NE SE
24S	8E	8	NW SE
24S	8E	8	SW SE
24S	8E	8	SE SE
24S	8E	9	SW SW
24S	8E	9	SE SW
24S	8E	9	SW SE
24S	8E	9	SE SE

Township	Range	Section	1/4 - 1/4
24S	8E	10	SW SW
24S	8E	11	SE SE
24S	8E	12	SE NE
24S	8E	12	SW SW
24S	8E	12	SE SW
24S	8E	12	NE SE
24S	8E	12	NW SE
24S	8E	12	SW SE
24S	8E	12	SE SE
24S	8E	13	NE NW
24S	8E	13	NW NW
24S	8E	14	NE NE
24S	8E	14	NW NE
24S	8E	14	SW NE
24S	8E	14	SE NW
24S	8E	14	NE SW
24S	8E	14	SW SW
24S	8E	14	SE SW
24S	8E	14	NW SE
24S	8E	15	NW NW
24S	8E	15	SW NW
24S	8E	15	NE SW
24S	8E	15	NW SW
24S	8E	15	NE SE
24S	8E	15	NW SE
24S	8E	15	SW SE
24S	8E	15	SE SE
24S	8E	16	NE NE
24S	8E	16	NW NE
24S	8E	16	NE NW
24S	8E	18	NW NW
24S	8E	23	NW NW
24S	9E	4	NE NE
24S	9E	4	NW NE
24S	9E	4	NE NW
24S	9E	4	NW NW
24S	9E	4	SW NW
24S	9E	5	SE NE
24S	9E	5	NE SW
24S	9E	5	NW SW
24S	9E	5	SW SW
24S	9E	5	NE SE
24S	9E	5	NW SE
24S	9E	6	SE SE
24S	9E	7	NE NE
24S	9E	7	NW NE

5-88478

RECEIVED  
NOV 29 2017  
OWPD



Township	Range	Section	1/4 - 1/4
24S	9E	7	NE NW
24S	9E	7	NW NW
24S	9E	7	SW NW

RECEIVED

NOV 29 2017

OWRD



RECEIVED

NOV 29 2017

OWRD

Attachment C  
Land Use Information Forms  
Tumalo Irrigation District

---

5-88478



# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED

NOV 29 2017

OWRD



# Land Use Information Form



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

Applicant(s): Tumalo Irrigation District

Mailing Address: 64697 Cook Avenue

City: Bend

State: OR

Zip Code: 97703

Daytime Phone: 541 382-3052

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
Please see attached maps					—	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Mitigation for groundwater pumping (downstream wildlife and fish life use)

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County  
Deschutes County  
Jefferson County  
City of La Pine  
City of Bend

RECEIVED

RECEIVED

NOV 9 2017

NOV 9 2017

OWRD

OWRD

RECEIVED

NOV 29 2017

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water    ☐ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1,000    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☒ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is requesting a permit for 1,000 acre-feet of stored water from Crescent Lake Reservoir for downstream wildlife and fish life use. The "place of use" for the permit is in Crescent Creek, then into the Little Deschutes River, and then into the Deschutes River from Crescent Reservoir to Lake Billy Chinook. This permit will be used by Tumalo Irrigation District to obtain mitigation credits that can be used for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year between November 1 and March 31, 1,000 acre-feet of stored water will be released for downstream wildlife and fish life use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →



# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

**RECEIVED**

NOV 29 2017

**OWRD**



# Land Use Information Form



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

Applicant(s): Tumalo Irrigation District

Mailing Address: 64697 Cook Avenue

City: Bend

State: OR

Zip Code: 97703

Daytime Phone: 541 382-3052

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>Please see attached maps</u>					_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wildlife and fish life use in Little Deschutes River and Deschutes River downstream of Crescent Reservoir</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County  
Deschutes County  
Jefferson County  
City of La Pine  
City of Bend

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water   
 ☐ Water Right Transfer   
 ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License   
 ☐ Allocation of Conserved Water   
 ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond   
☐ Ground Water   
☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1,000   
☐ cubic feet per second   
☐ gallons per minute   
☒ acre-feet

Intended use of water:   
☐ Irrigation   
☐ Commercial   
☐ Industrial   
☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal   
☐ Quasi-Municipal   
☒ Instream   
☐ Other \_\_\_\_\_

Briefly describe:

The applicant is requesting a permit for 1,000 acre-feet of stored water from Crescent Lake Reservoir for downstream wildlife and fish life use. The "place of use" for the permit is in Crescent Creek, then into the Little Deschutes River, and then into the Deschutes River from Crescent Reservoir to Lake Billy Chinook. This permit will be used by Tumalo Irrigation District to obtain mitigation credits that can be used for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year between November 1 and March 31, 1,000 acre-feet of stored water will be released for downstream wildlife and fish life use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED

NOV 29 2017

OWRD

WR / FS



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Wildlife habitat improvement is not regulated by Klamath County.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Mark Gallagher Title: Planning Director  
 Signature: Mark Gallagher Phone: 541-851-7667 Date: 10-27-17  
 Government Entity: Klamath County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED

NOV 29 2017

OWRD

WR / FS



# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

**RECEIVED**

NOV 29 2017

**OWRD**



# Land Use Information Form



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

Applicant(s): Tumalo Irrigation District

Mailing Address: 64697 Cook Avenue

City: Bend

State: OR

Zip Code: 97703

Daytime Phone: 541 382-3052

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>Please see attached maps</u>					_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wildlife and fish life use in Little Deschutes River and Deschutes River downstream of Crescent Reservoir</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County  
Deschutes County  
Jefferson County  
City of La Pine  
City of Bend

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water    ☐ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1,000    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☒ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is requesting a permit for 1,000 acre-feet of stored water from Crescent Lake Reservoir for downstream wildlife and fish life use. The "place of use" for the permit is in Crescent Creek, then into the Little Deschutes River, and then into the Deschutes River from Crescent Reservoir to Lake Billy Chinook. This permit will be used by Tumalo Irrigation District to obtain mitigation credits that can be used for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year between November 1 and March 31, 1,000 acre-feet of stored water will be released for downstream wildlife and fish life use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED

NOV 29 2017

OWRD



# For Local Government Use Only

RECEIVED

NOV 29 2017

OWRD

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

## Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: 1222 Liu Title: Assistant Planner  
 Signature: [Signature] Phone: 541-388-6554 Date: November 14, 2017  
 Government Entity: Deschutes County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

## Receipt for Request for Land Use Information

Applicant name: Bruce Body - Heine  
 City or County: Deschutes County Staff contact: Kyle Collins  
 Signature: [Signature] Phone: 541 383 4427 Date: 10/25/2017

5-88478



# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED

NOV 29 2017

OWRD



# Land Use Information Form



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

Applicant(s): Tumalo Irrigation District

Mailing Address: 64697 Cook Avenue

City: Bend

State: OR

Zip Code: 97703

Daytime Phone: 541 382-3052

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>Please see attached maps</u>						<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wildlife and fish life use in Little Deschutes River and Deschutes River downstream of Crescent Reservoir</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County  
Deschutes County  
Jefferson County  
City of La Pine  
City of Bend

RECEIVED

NOV 29 2017

OWRD

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water   
 ☐ Water Right Transfer   
 ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License   
 ☐ Allocation of Conserved Water   
 ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1,000    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☒ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is requesting a permit for 1,000 acre-feet of stored water from Crescent Lake Reservoir for downstream wildlife and fish life use. The "place of use" for the permit is in Crescent Creek, then into the Little Deschutes River, and then into the Deschutes River from Crescent Reservoir to Lake Billy Chinook. This permit will be used by Tumalo Irrigation District to obtain mitigation credits that can be used for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year between November 1 and March 31, 1,000 acre-feet of stored water will be released for downstream wildlife and fish life use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

88078



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

**RECEIVED**  
NOV 29 2017  
**OWRD**

Name: Jefferson Spencer Title: Planning Director  
 Signature: [Signature] Phone: 541-475-4462 Date: 11-8-17  
 Government Entity: Jefferson County Community Development

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: Tumalo Irrigation District  
 City or County: Jefferson County Staff contact: Jefferson Spencer  
 Signature: Kate Weitz Phone: 541-475-4462 Date: 11/8/17



# Land Use Information Form



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

Applicant(s): Tumalo Irrigation District

Mailing Address: 64697 Cook Avenue

City: Bend

State: OR

Zip Code: 97703

Daytime Phone: 541 382-3052

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>Please see attached maps</u>					_____	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Wildlife and fish life use in Little Deschutes River and Deschutes River downstream of Crescent Reservoir</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Klamath County  
Deschutes County  
Jefferson County  
City of La Pine  
City of Bend

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water    ☐ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1,000    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☒ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The applicant is requesting a permit for 1,000 acre-feet of stored water from Crescent Lake Reservoir for downstream wildlife and fish life use. The "place of use" for the permit is in Crescent Creek, then into the Little Deschutes River, and then into the Deschutes River from Crescent Reservoir to Lake Billy Chinook. This permit will be used by Tumalo Irrigation District to obtain mitigation credits that can be used for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year between November 1 and March 31, 1,000 acre-feet of stored water will be released for downstream wildlife and fish life use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

RECEIVED

NOV 29 2017

OWRD



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

No land use or development proposals/projects are requested/applicable.

Name: Beth LaFleur Title: Associate Planner  
 Signature: Beth LaFleur Phone: 541.330.4019 Date: 10/25/17  
 Government Entity: City of Bend

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: GSI Water Solutions  
 City or County: City of Bend Staff contact: Beth LaFleur  
 Signature: Beth LaFleur Phone: 541.330.4019 Date: 10/25/17

PZ-17-0747

RECEIVED

NOV 29 2017

OWRD



RECEIVED

NOV 29 2017

OWRD

Attachment D  
Master Title/Use Plat  
Tumalo Irrigation District

---

P-88479







RECEIVED

NOV 29 2017

OWRD

Attachment E  
Water Right Certificates 76683 and 76637  
Tumalo Irrigation District

---

S-88478



STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO  
TUMALO IRRIGATION DISTRICT  
64697 COOK AVE  
BEND, OREGON 97701

confirms the right to store the waters of THE DRAINAGE AREA DRAINING INTO CRESENT LAKE, a tributary of CRESENT CREEK AND LITTLE DESCHUTES RIVER, in CRESENT LAKE RESERVOIR, for MULTIPLE PURPOSE USES AS PROVIDED BY DECREE OF THE CIRCUIT COURT OF DESCHUTES COUNTY, OREGON, DATED FEBRUARY 10, 1928 AS MODIFIED, IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS TO THE USE OF THE WATERS OF THE DESCHUTES RIVER AND ITS TRIBUTARIES, A TRIBUTARY OF COLUMBIA RIVER.

The right to store these waters was perfected under Reservoir Permit R-102. The date of priority is MARCH 20, 1911. The amount of water entitled to be stored each year under this right is not more than 35,000 ACRE- FEET AND THE MAXIMUM QUANTITY OF WATER STORED AT ANY TIME SHALL NOT EXCEED 86,050 ACRE- FEET.

The reservoir is located as follows:

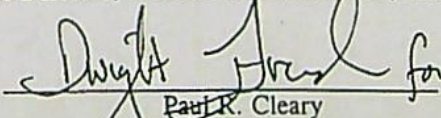
SE 1/4 SW 1/4	W 1/2 W 1/2
SW 1/4 SE 1/4	SECTION 24
SECTION 11	
W 1/2 SW 1/4	N 1/2 NE 1/4
SECTION 13	SW 1/4 NE 1/4
	NW 1/4
	NW 1/4 SW 1/4
ALL (EXCEPT NW 1/4 NW 1/4)	SECTION 26
SECTION 14	
S 1/2 NE 1/4	N 1/2
NE 1/4 SW 1/4	SW 1/4
S 1/2 SW 1/4	N 1/2 SE 1/4
SE 1/4	SECTION 27
SECTION 15	
S 1/2 SE 1/4	N 1/2
SECTION 20	N 1/2 S 1/2
	SECTION 28
ALL	NE 1/4
SECTIONS 22 AND 23	NE 1/4 SW 1/4
NE 1/4 NE 1/4	SE 1/4
S 1/2 NE 1/4	SECTION 29
S 1/2	TOWNSHIP 24 SOUTH, RANGE 6 EAST, WM
SECTION 21	
W 1/2 W 1/2	
SECTION 24	
TOWNSHIP 24 SOUTH, RANGE 6 EAST, WM	

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

This certificate is issued to confirm a change in USE approved by an order of the Water Resources Director entered OCTOBER 11, 2000, and supersedes Certificate 12072, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed DECEMBER 15, 2000.

  
Paul R. Cleary

T-8556A

Recorded in State Record of Water Right Certificates numbered 76683.

RECEIVED

NOV 29 2017

OWRD

S-88479



STATE OF OREGON  
COUNTY OF KLAMATH  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TUMALO IRRIGATION DISTRICT  
64697 COOK AVE  
BEND, OREGON 97701

confirms the right to store the waters of CRESENT LAKE, a tributary of CRESENT CREEK AND LITTLE DESCHUTES RIVER, in CRESENT LAKE RESERVOIR, appropriated under Permit 27841, for MULTIPLE PURPOSE USES.

The right to store these waters was perfected under Reservoir Permit R-2744. The date of priority is DECEMBER 8, 1961. The amount of water entitled to be stored each year under this right is not more than 51,050 ACRE-FEET.

The reservoir is located as follows:

SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 11

W 1/2 SW 1/4  
SECTION 13

ALL (EXCEPT NW 1/4 NW 1/4)  
SECTION 14

S 1/2 NE 1/4  
NE 1/4 SW 1/4  
S 1/2 SW 1/4  
SE 1/4  
SECTION 15

S 1/2 SE 1/4  
SECTION 20

ALL  
SECTIONS 22 AND 23

NE 1/4 NE 1/4  
S 1/2 NE 1/4  
S 1/2  
SECTION 21

W 1/2 W 1/2  
SECTION 24

TOWNSHIP 24 SOUTH, RANGE 6 EAST, WM

W 1/2 W 1/2  
SECTION 24

N 1/2 NE 1/4  
SW 1/4 NE 1/4  
NW 1/4  
NW 1/4 SW 1/4  
SECTION 26

N 1/2  
SW 1/4  
N 1/2 SE 1/4  
SECTION 27

N 1/2  
N 1/2 S 1/2  
SECTION 28

NE 1/4  
NE 1/4 SW 1/4  
SE 1/4  
SECTION 29

TOWNSHIP 24 SOUTH, RANGE 6 EAST, WM

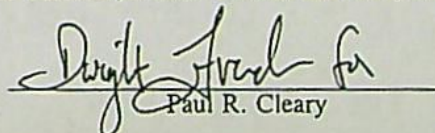
RECEIVED  
NOV 29 2017  
OWRD

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

This certificate is issued to confirm a change in USE approved by an order of the Water Resources Director entered OCTOBER 11, 2000, and supersedes Certificate 76451, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed DECEMBER 15, 2000.

  
Paul R. Cleary

T-8556B

Recorded in State Record of Water Right Certificates numbered 76637.





RECEIVED  
OF RECLAMATION  
L. OFFICE, REGION 1  
BOISE, IDAHO

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
WASHINGTON 25, D. C.

420

OCT 11 AM 9:31

OCT - 7 1954

400	115	10/11
150	45	11/1
FILE		

To: Regional Director, Boise, Idaho

From: Chief, Irrigation Division

Subject: Present rights of the Deschutes County Municipal  
Improvement District in Crescent Lake Dam and  
Reservoir

Please refer to your letter of August 13, requesting a  
copy of the permit for the subject reservoir.

A copy of the General Land Office's letter of March 24,  
1913, approved by the Secretary on the same date, together  
with a copy of the approved right-of-way map is enclosed for  
your information.

*[Handwritten signature]*

8556

Enclosures 2

RECEIVED

NOV 29 2017

OWRD

RECEIVED

JUN 27 2000

WATER RESOURCES  
SALEM, OREGON

5-88478





UNITED STATES  
DEPARTMENT OF THE INTERIOR

BOHEAN RESERVOIR  
GENERAL LAND OFFICE  
WASHINGTON 25, D.C.

March 24, 1913.

T-8556

Crescent Lake Reservoir, : Submitting map for approval.  
Deschutes Land Company. :

The Secretary

of the Interior.

Sir:

RECEIVED

NOV 29 2017

OWRD

The Deschutes Land Company has made application under the provisions of the Act of Congress of March 3, 1891 (26 Stat., 1095) and Section 2 of the act of May 11, 1898 (30 Stat., 404) for reservoir easement embracing Crescent Lake, Oregon, in T. 24 S., R. 6 E., W. M., Lakeview, Oregon, land district. The articles of incorporation, proofs of organization, etc., have been filed and the company is duly authorized thereby to construct a reservoir at the site proposed.

Prima facie evidence of water right also accompanies the application. The map filed in connection with the application substantially conforms to the township plats except for a delineation and numbering of all of the

RECEIVED

JUN 27 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



lots affected. This is a minor correction, however, which can readily be made in this office.

The reservoir proposed is included within the limits of a national forest, and also affects lands withdrawn under the first form by the Secretary of the Interior on April 26, 1909, under the act of June 17, 1902 (32 Stat., 388).

The Acting Secretary of Agriculture in a letter dated January 16, 1911, states that the company has executed the stipulations required by the Department of Agriculture for the protection of the national-forest interests, and that, therefore, that Department has no objection to the approval of the map filed by the company.

The Acting Director of the Geological Survey in reporting on this application, under date of June 10, 1910, states-

"It is the intention of this company to construct a reservoir by enlarging the present Crescent Lake, and there accompanies the application a stipulation in which the company agrees to turn over its right of way to the Government in case the right of way is needed for additional irrigation. In view of this stipulation it is believed that the interests of the Government are fully protected and I therefore recommend the approval of this application."

The Director of the U. S. Reclamation Service in reporting on this application, under date of April 1, 1910, states that the company-

"has executed the stipulation mentioned in office letter to you of February 17 and that there is therefore no longer any reason for withholding the approval of this application."

RECEIVED

NOV 29 2017  
JUN 27 2000

OWRD

WATER RESOURCES DEPT  
SALEM, OREGON

S-88478



In his report to the Department dated February 22, 1913, on the operations of the Deschutes Land Company, Mr. Edward W. Dixon, Special Inspector, states, with respect to the Crescent Lake Reservoir feature of the company's project-

T-8556

"There is, in my judgment, no reason why the company's application for easement for the Crescent Lake Reservoir should not be passed upon, and I therefore recommend that it be approved."

Crescent Lake forms one of the sources of supply of the Deschutes River, and in pursuance of the present practice instituted by Departmental instructions of February 27, 1913, with respect to applications which involve the use of the waters of the Deschutes River and its tributaries, the application was referred to the Director of the Reclamation Service for report as to its possible conflict with plans that may be developed as a result of the co-operative investigation to be conducted by representatives of the Federal Government and the State of Oregon for the purpose of developing plans for the most beneficial use of the waters of the Deschutes River and its tributaries. In a letter to the Secretary of the Interior, dated March 13, 1913, the director of the U. S. Reclamation Service, after quoting excerpts from Mr. Dixon's report, states-

RECEIVED

NOV 29 2017

OWRD

"Relying upon the thorough manner in which Mr. Dixon has gone into the matter, I believe that prompt action should be taken without incurring further delay or referring these papers back to Oregon for consideration by the local men as to whether or not they may interfere with possible future plans. I concur, therefore, in Mr. Dixon's recommendation."

RECEIVED

-3-JUN 27 2000

WATER RESOURCES DEPT  
SALEM OREGON



Mr. Dixon's recommendation, with respect to this application, has heretofore been quoted. Both Mr. Dixon's report and the report of the Director of the U. S. Reclamation Service are hereto attached. As will be seen, Mr. Dixon's report was made at a date prior to Departmental instructions regarding the Deschutes River drainage.

T 8556

Attention is called to paragraph 3 of the contract between the State of Oregon and the United States, dated February 27, 1913, which reads as follows:

"The Secretary of the Interior shall take such action as is authorized by law to prevent the attachment of any rights to the public lands which could interfere with the proposed development of the Deschutes River Basin herein provided for, and the State Engineer of Oregon shall likewise secure such action as is authorized by law to withdraw and hold from appropriation any unappropriated water which may be required for carrying out any projects for development of the water resources within the Deschutes River Basin."

Aside from the Deschutes River drainage question, no good reason appears on the records of this office why this application should not be allowed at this time, and if, in the opinion of the Department, this application is one which falls outside of those contemplated by paragraph 3 of the contract, above quoted, it is recommended that the map, herewith, showing the location of the proposed reservoir site, be approved, subject to all valid existing rights, and subject to the stipulations entered into by the company with the Department of Agriculture with respect to the national-forest interests affected, and with the Department of the

RECEIVED

RECEIVED

NOV 29 2000

JUN 27 2000

OWRD

WATER RESOURCES DEPT.  
SALEM, OREGON

S-88470



Interior with respect to the operations of the Reclamation  
Service; and reserving right of way for canals or ditches  
constructed by authority of the United States.

Very respectfully,

Fred Dennett  
Commissioner.

March 24, 1913

Approved: Franklin K. Lane

Secretary.

RECEIVED

NOV 29 2017

OWRD

One copy to Geological Survey.

RECEIVED

5

JUN 27 2000

RESOURCES DEPT.  
SALEM, OREGON





United States Department of the Interior  
BUREAU OF RECLAMATION



Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise ID 83706-1234

NOV 03 1999

PN-3908  
LND-3.00

Mr. William Hopp, Jr.  
Hopp & Paulson, LLP  
Attorneys at Law  
168 NW. Greenwood  
Bend OR 97701

Subject: Ownership Issues, Crescent Lake Reservoir, Oregon

Dear Mr. Hopp:

Enclosed is a copy of an October 7, 1954, memorandum containing the location map you requested and other pertinent information in its enclosures. The map contains the approval of the Secretary of the Interior which established Tumalo Irrigation District's (District) right-of-way for Crescent Lake Reservoir. We apologize for the poor quality of the map and suggest that you might be able to obtain a better copy in the archived General Land Office records through the Bureau of Land Management.

To summarize the information presented to you at the recent meeting held in your office, we provide the following:

Article 22 of the September 20, 1954, Repayment Contract between Reclamation and the District (Contract No. 14-06-100-566) provided as follows:

"(a) Title to that part of the present Crescent Lake Dam and Reservoir and all other works, rights of way and appurtenances which will be utilized in reconstructing the project works, shall be conveyed to the United States. Title to any part of the present irrigation system of the District not so utilized may be retained by the District. Title to all works constructed, reconstructed, or repaired in accordance with this contract shall be vested in the United States.

(b) Title shall be conveyed to the United States as provided in (a) of this article by an instrument providing for, among other things, the revesting of title in the District, including works to be constructed, reconstructed, or repaired in accordance with this contract, on the termination of this contract as provided in article 7."

Article 7 read: "This contract shall become effective upon its execution by the Secretary, and shall remain in effect until the District has paid to the United States, in full, its construction charge obligation and any and all other amounts owing to the United States under this contract."

RECEIVED

NOV 29 2017

OWRD

S-88478



There is no record of any conveyance instrument from the District to the United States conveying its right-of-way or easement interest, and the District's obligation under the repayment contract was paid out in June 1998. Reclamation's position is that the ownership of the property is no different than existed prior to the Repayment Contract:

(1) Fee title to the entire reservoir area, including the location of the damsite, remains in the name of the United States of America and is presently under a Reclamation withdrawal.

(2) The District holds a right of way as set forth by the following approval on the map submitted by their predecessor under the Act of March 3, 1891:

"Department of the Interior  
March 24, 1913

Pursuant to the Act of Congress of March 3, 1891 (26 Stat. 1095) and Sec. 2 of the Act of May 11, 1898 (30 Stat. 404) this map of location is approved subject to all valid existing rights and subject to the terms of the stipulations entered into with the Dept. of Agriculture and with the Dept. of the Interior and the withdrawal of April 26, 1909 under the first form, Act of June 17, 1902 (32 Stat. 388) is modified accordingly; right of way is also reserved for canals or ditches constructed by authority of the United States.

(signed) Franklin K. Lane  
Secretary"

(The language of the Act of March 3, 1891, codified as 43 U.S.C. 946, is enclosed for your reference and reflects the grant of the right-of-way upon such approval.)

The Reclamation withdrawn lands lie within the boundaries of the Deschutes National Forest and, since a 1969 Memorandum of Agreement (Agreement) between Reclamation and the Forest Service, those lands identified as being outside the "Reclamation Zone" have been administered by the Forest Service. The Agreement also provides that the lands within the "Reclamation Zone" are operated and maintained by the District as specified under its repayment contract with Reclamation.

We have started internal discussions to determine what actions Reclamation may need to take in regard to this matter and to determine what it believes should be the relationship between the District and Reclamation. We will keep you informed of those discussions and will consult with you as we move forward. We realize that we should have mutual agreement on the future relationship.

RECEIVED

NOV 29 2017

OWRD



If you have any questions regarding the technical aspects of this matter, please contact Kraig Howe, Realty Specialist, at 208-378-5324. You should continue to work with Eric Glover on the policy issues related to this matter.

Sincerely,

*s/ Diana Cross*  
*for* J. William McDonald  
Regional Director

Enclosure

cc: Mr. Phil Cruz  
District Ranger  
Crescent Ranger District  
Deschutes National Forest  
PO Box 208  
Crescent OR 97733

Mr. Elmer G. McDaniels  
Manager  
Tumalo Irrigation District  
64697 Cook Avenue  
Bend OR 97701-9034 (both w/cy of encl.)

bc: LCA-1000 (Glover)  
BFO-3000 (Busch)  
PN-3300 (Patterson)  
(all w/cy of encl.)

WBR:KHowe:rdw 10-28-99 crescent lake letter\khowe

RECEIVED

NOV 29 2017

OWRD

S-88478





IN REPLY REFER TO:

LCA-1000  
LND-3.00

## United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Region  
Lower Columbia Area Office  
825 NE Multnomah Street, Suite 1110  
Portland, Oregon 97232-2135

MAY 4 2000

MAY 2 2000

Carl William Hopp, Jr.  
Hopp & Paulson, LLP  
168 NW. Greenwood  
Bend, OR 97701

Subject: Crescent Lake Special Inspection, Crescent Lake Project, Oregon

Dear Mr. Hopp:

I regret the delay in responding to your letter of April 11. We have discussed the items raised in that letter, and we have begun processes to deal with them. We are, for instance, searching files for the records that you mentioned, and we will provide copies of those records to you. We are also aware of outstanding concerns that relate primarily to the U.S. Forest Service concession near the dam. We are trying to develop strategies that would help resolve those matters.

The last sentence of your letter states the following:

"Once these items are resolved, the District is prepared to assume control of Crescent Lake."

While I appreciate the intent of this statement, I remind you that Reclamation's only property interest at Crescent Lake is with a withdrawal of Forest Service land. It has no property interest in either the dam or the water right. I also understand that the Tumalo Irrigation District has an easement from the Forest Service for the dam and reservoir. Although I have not consulted with our attorney, I am of the opinion that the District controls Crescent Lake and not Reclamation. The activities in which Reclamation is now involved are to clear its internal administrative procedures which were established under the assumption that Reclamation had title to Crescent Lake Dam. I intend, to the best that I can, to make this internal process beneficial to the Tumalo Irrigation District. I do this for two reasons. First, it is the right thing to do. Second, I, and others within Reclamation, appreciate the working relationship that we have had, and hope to continue, with the District—we do it as friends.

RECEIVED

NOV 29 2017

OWRD



I have asked Leo Busch to coordinate this work for us. He may delegate the task to another employee within his group. I encourage you to work with Leo and his staff. You may always contact me if you have questions or concerns.

Sincerely,



J. Eric Glover  
Area Manager

cc: BFO-3000

RECEIVED

NOV 29 2017

OWRD

5-88470





**Water Solutions, Inc.**

November 29, 2017

Dwight French, Administrator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Application for a secondary permit to use surface water from Crescent Lake Reservoir

Dear Dwight,

Please find enclosed an application for a secondary permit to use stored water from Crescent Lake Reservoir for fish life and wildlife use, submitted on behalf of Tumalo Irrigation District. The application proposes to use 1,000 acre-feet of stored water for downstream fish life and wildlife use in Crescent Creek, the Little Deschutes River, and the main stem Deschutes River. Tumalo Irrigation District requests that this application be processed as a mitigation project for mitigation credits in accordance with OAR 690-521-0300(1)(d).

Also enclosed is the required fee of \$3,326.

If you have any questions about the enclosed materials, please contact me at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman  
Principal, GSI Water Solutions, Inc.

Enclosures

**RECEIVED**

NOV 29 2017

**OWRD**

5-00478



# Application for a Permit to Use Surface Water



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law.oar](http://www.oregon.gov/owrd/law.oar)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

### 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

RECEIVED

NOV 29 2017



# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: source of water requested
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: resource protection
- ☒ SECTION 7: project schedule
- ☒ SECTION 8: within a district
- ☒ SECTION 9: remarks

RECEIVED

NOV 29 2017

OWRD

### Attachments:

- ☒ Land Use Information Form with approval and signature of local planning department(*must be an original*) or signed receipt. See Attachment C
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. See Attachment D for Master Title/Use Plat for Crescent Lake Dam
- ☒ Fees - Amount enclosed: \$ 3,326.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included:

#### See Attachment A.

- ☒ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.) See Attachment A for map scale waiver.
- ☒ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots Not shown on Proposed Place of Use Map. See Attachment A for map scale waiver and Attachment B for Place of Use table.
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☐ Indicate the area of use by Quarter/Quarter and tax lot clearly identified N/A – application is for an instream use. See Attachment A for map scale waiver.
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery. N/A – application is not for irrigation
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use) N/A
- ☐ Other:





Oregon Water Resources Department  
Apply for a Permit to Appropriate Surface Water

[Main](#)   [Help](#)  
[Return](#)   [Contact Us](#)

Today's Date: Wednesday, November 29, 2017

Base Application Fee for use of Surface and optionally Stored Water.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	<del>3.317</del>	<del>\$1,400.00</del>
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	0	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	1000	\$1,876.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		<del>\$4,726.00</del>

OWRD Fee Schedule

Fee Calculator Version: B20170117

3326.00

RECEIVED

NOV 29 2017

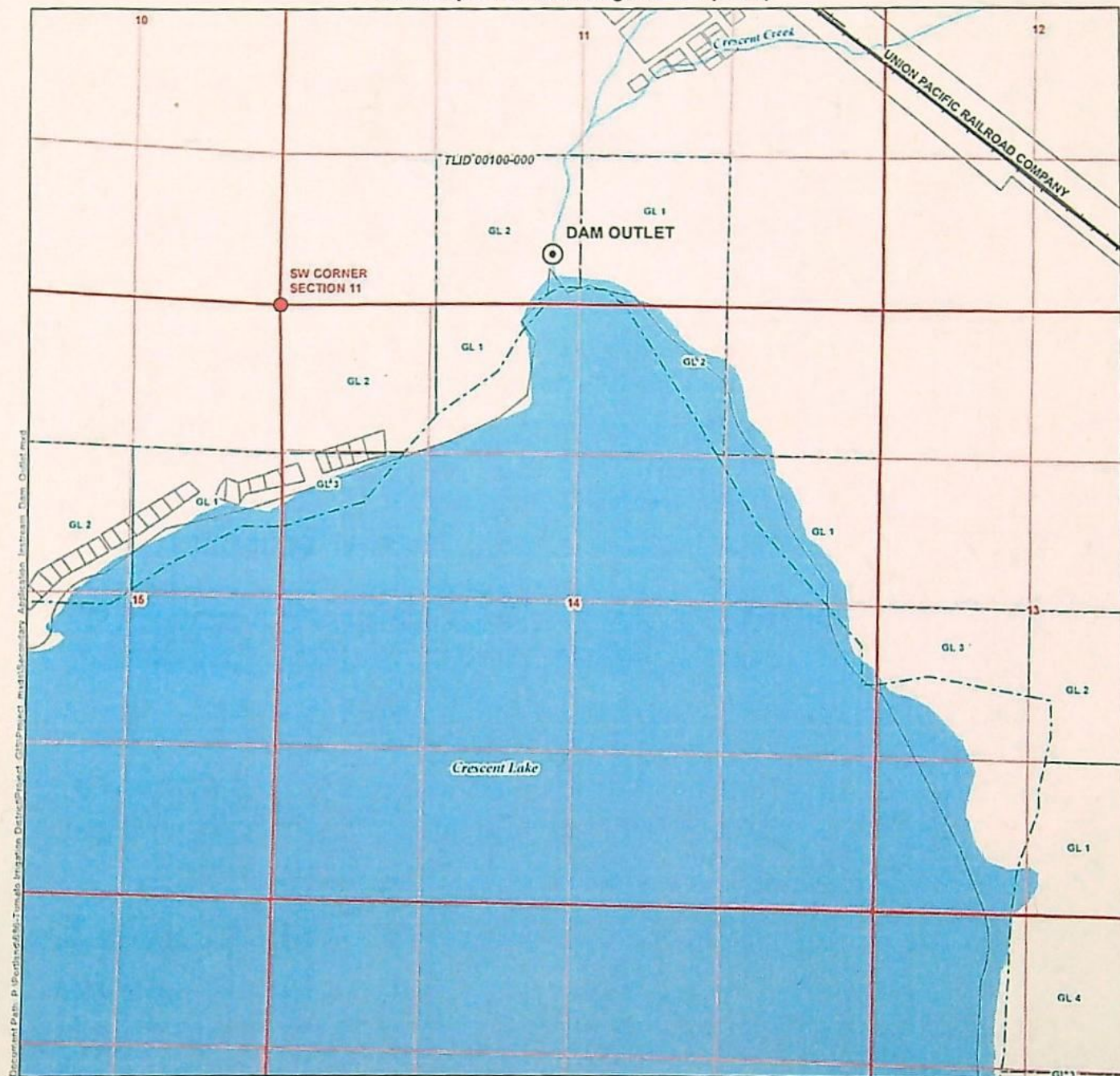
OWRD

5-88478



# Application for Secondary Water Right Permit Tumalo Irrigation District

Crescent Lake Dam Location  
Klamath County, Oregon  
Township 24 South, Range 6 East (W.M.)



## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

Dam Outlet  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

RECEIVED

NOV 29 2017

OWRD

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: September 8, 2017  
Data Sources: BLM, ESRI, Klamath Co., USGS

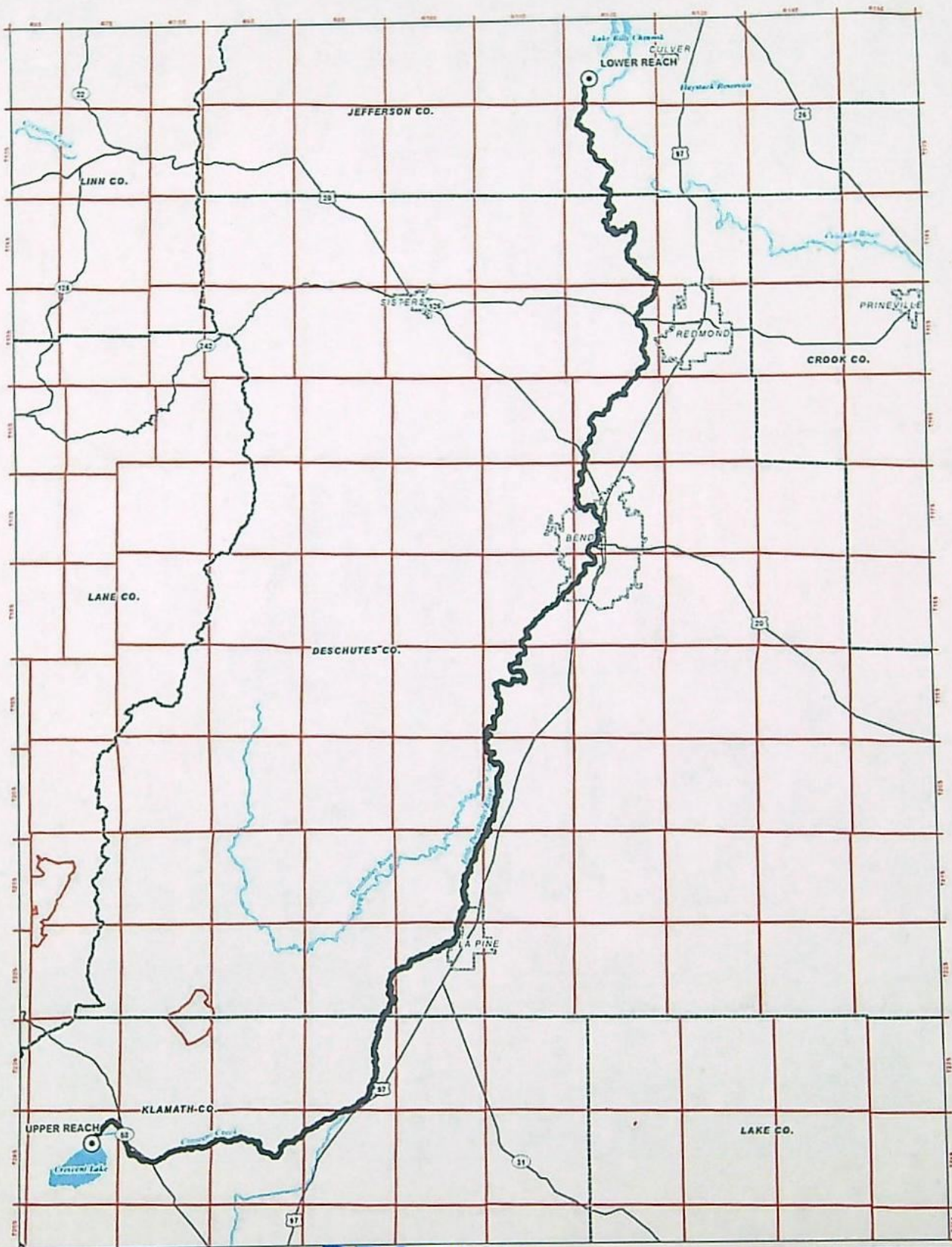


0 660 1,320  
1 inch = 1,320 feet



5-68478





#### LEGEND

- Place of Use (POU)
- County
- City
- Highway
- River
- Lake or Reservoir

#### REACH DESCRIPTIONS

(Identical to Instream Certificate 91923)

Upper Reach: 24 South, 6 East, Section 11, SESW

Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 11.0)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 28, 2017

Data Sources: Creek Co. GIS, USGS, OGC

Document Path: P:\Portland\655-Tumalo Irrigation District Project\GIS\Project\_reach\Secondary\_Instream\_Water\_App\_POU.mxd

**RECEIVED**

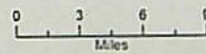
NOV 29 2017

**OWRD**

Application for Secondary Instream  
Water Right Permit in the Name of  
Tumalo Irrigation District

Place of Use Map

Deschutes, Jefferson, and Klamath Counties, Oregon





# Application for Secondary Water Right Permit Tumalo Irrigation District

RECEIVED

NOV 29 2017

Crescent Lake Dam Location  
Klamath County, Oregon  
Township 24 South, Range 6 East (W.M.)

OWRD



## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

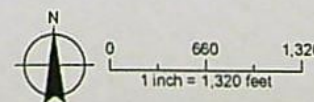
Dam Outlet  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

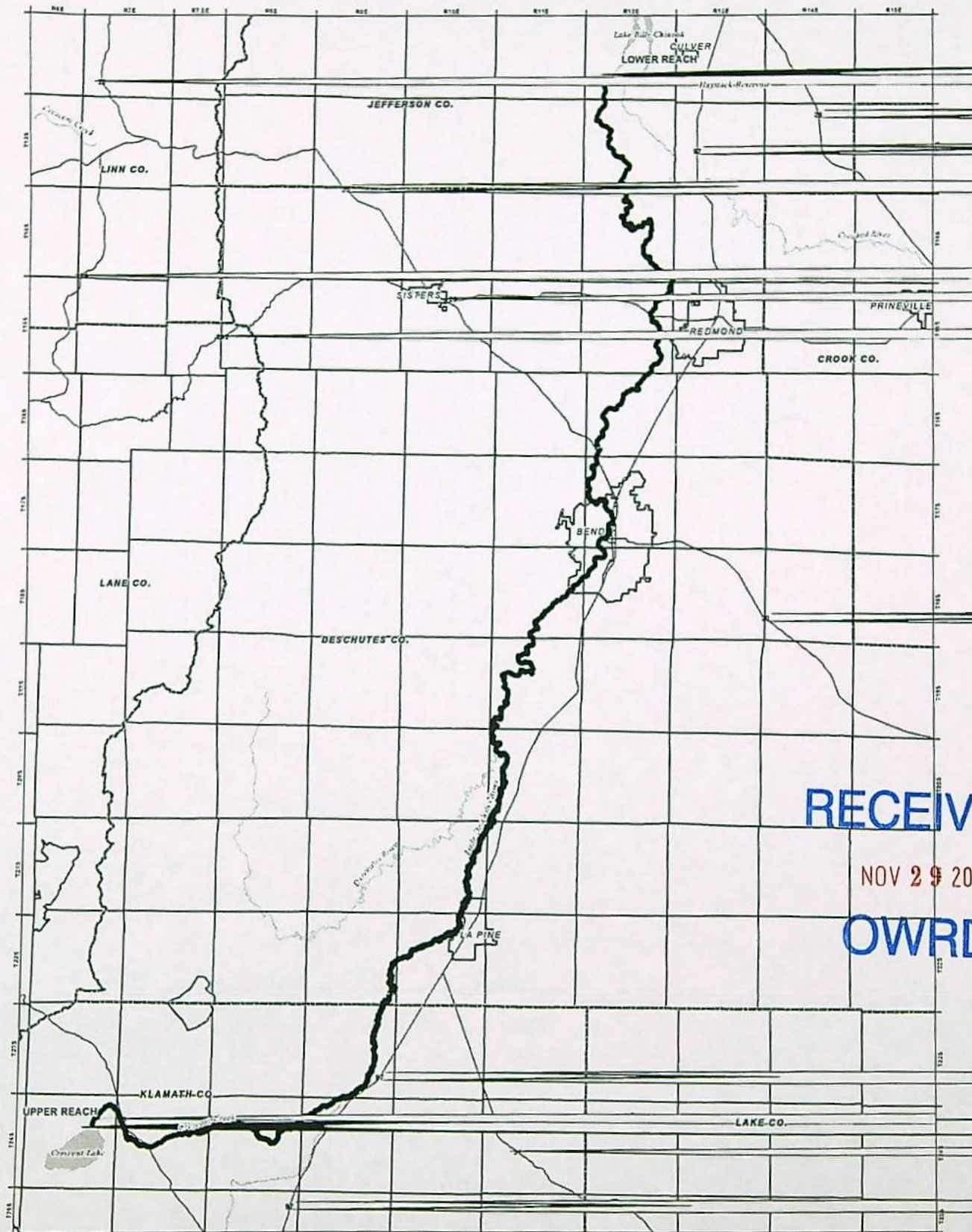
## MAP NOTES

Date: September 8, 2017  
Data Sources: BLM, ESRI, Klamath Co., USGS



S-880479





RECEIVED

NOV 29 2017

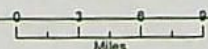
OWRD

- Place of Use (POU)
- County
- City
- Highway
- River
- Lake or Reservoir

**REACH DESCRIPTIONS**  
 (Identical to Instream Certificate 91923)  
 Upper Reach: 24 South, 6 East, Section 11, SESW  
 Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 120)

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 26, 2017  
 Data Sources: Data Sources: Crook Co. GIS, USGS, OGC

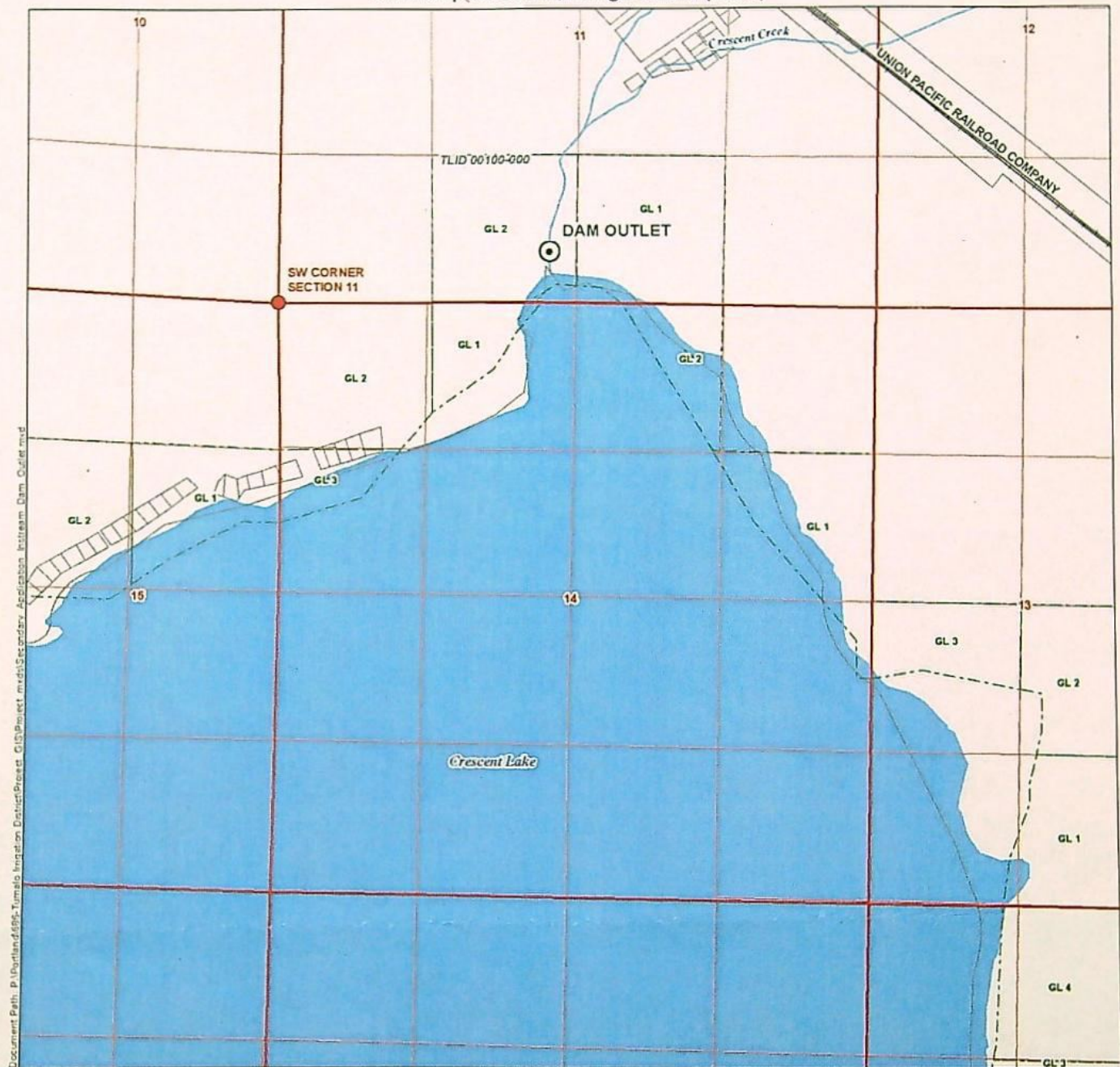


S-88478



# Application for Secondary Water Right Permit Tumalo Irrigation District

Crescent Lake Dam Location  
Klamath County, Oregon  
Township 24 South, Range 6 East (W.M.)



## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

Dam Outlet  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: September 8, 2017  
Data Sources: BLM, ESRI, Klamath Co., USGS

RECEIVED

NOV 29 2017

OWRD

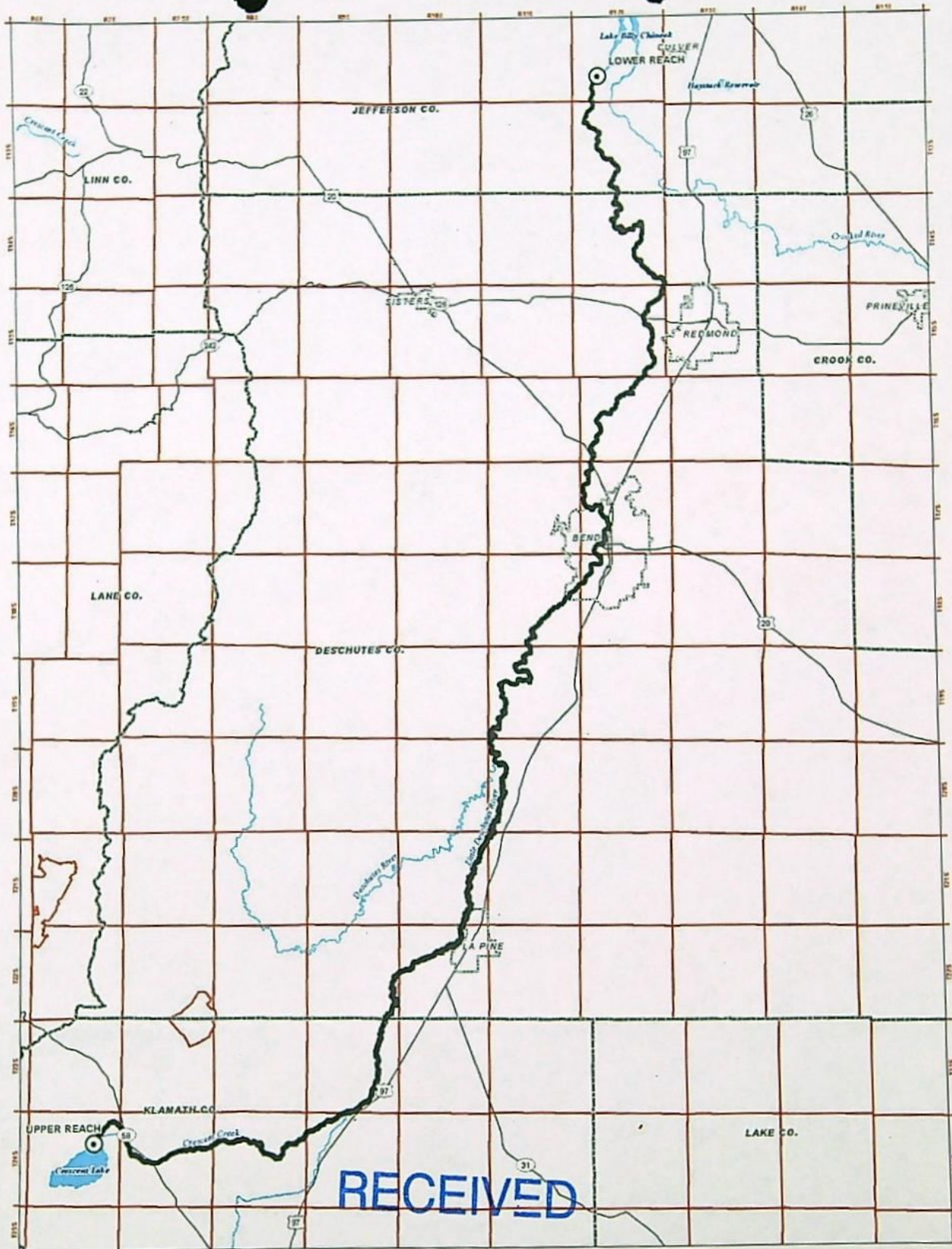


0 660 1,320  
1 inch = 1,320 feet



S-88478





NOV 29 2017

OWRD

#### LEGEND

- Place of Use (POU)
- Highway
- County
- River
- City
- Lake or Reservoir

#### REACH DESCRIPTIONS

(Identical to Instream Certificate 91923)

Upper Reach: 24 South, 6 East, Section 11, SESW

Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 120)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

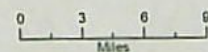
Date: September 26, 2017

Data Sources: Data Sources: Crook Co. GIS, USGS, OHC

Application for Secondary Instream  
Water Right Permit in the Name of  
Tumalo Irrigation District

Place of Use Map

Deschutes, Jefferson, and Klamath Counties, Oregon

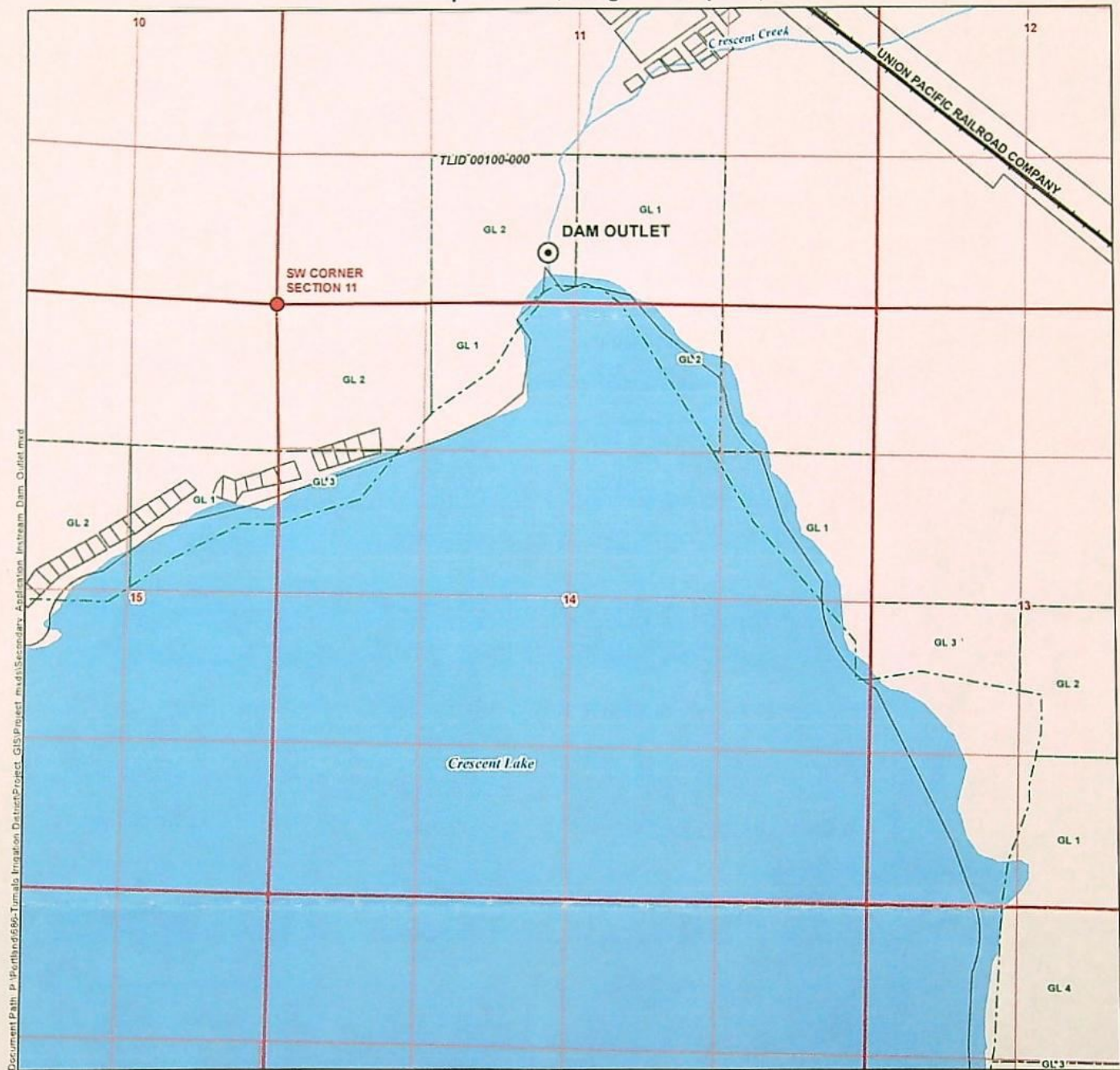


S-08470



# Application for Secondary Water Right Permit Tumalo Irrigation District

Crescent Lake Dam Location  
Klamath County, Oregon  
Township 24 South, Range 6 East (W.M.)



## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

**Dam Outlet**  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: September 8, 2017

Data Sources: BLM, ESRI, Klamath Co., USGS

RECEIVED

NOV 29 2017

OWRD

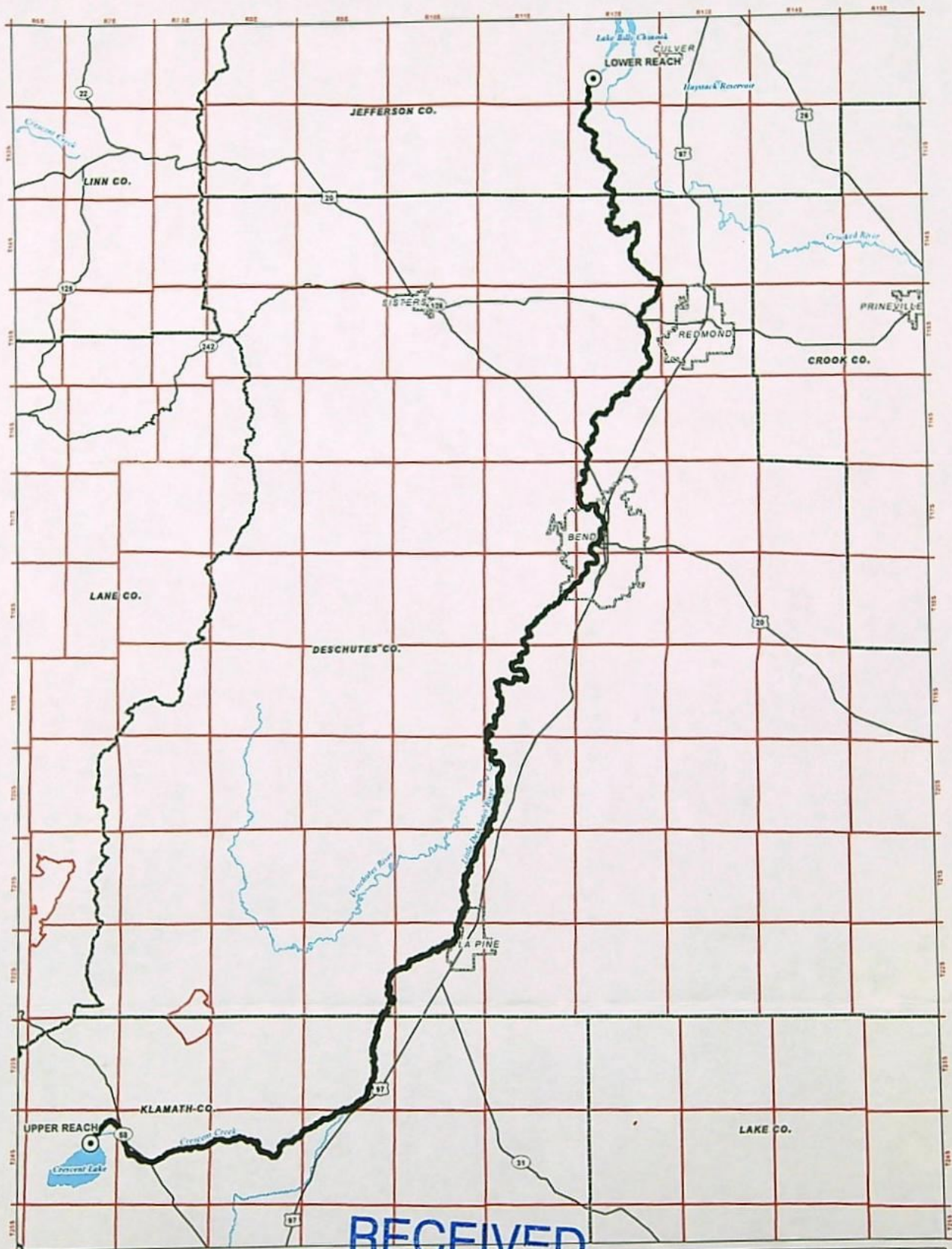


0 660 1,320  
1 inch = 1,320 feet



5-88478





#### LEGEND

- Place of Use (POU)
- Highway
- County
- River
- City
- Lake or Reservoir

#### REACH DESCRIPTIONS

(Identical to Instream Certificate 91923)  
 Upper Reach: 24 South, 6 East, Section 11, SESW  
 Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 120)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 28, 2017  
 Data Sources: Crook Co. GIS, USGS, OGIC

Document Path: P:\Portland\655-Tumalo Irrigation District\Project\_GIS\Project\_mxd\Secondary\_instream\_WR\_App\_POU.mxd

NOV 29 2017

OWRD

Application for Secondary Instream  
 Water Right Permit in the Name of  
 Tumalo Irrigation District  
 Place of Use Map

Deschutes, Jefferson, and Klamath Counties, Oregon



0 3 6 9  
 Miles

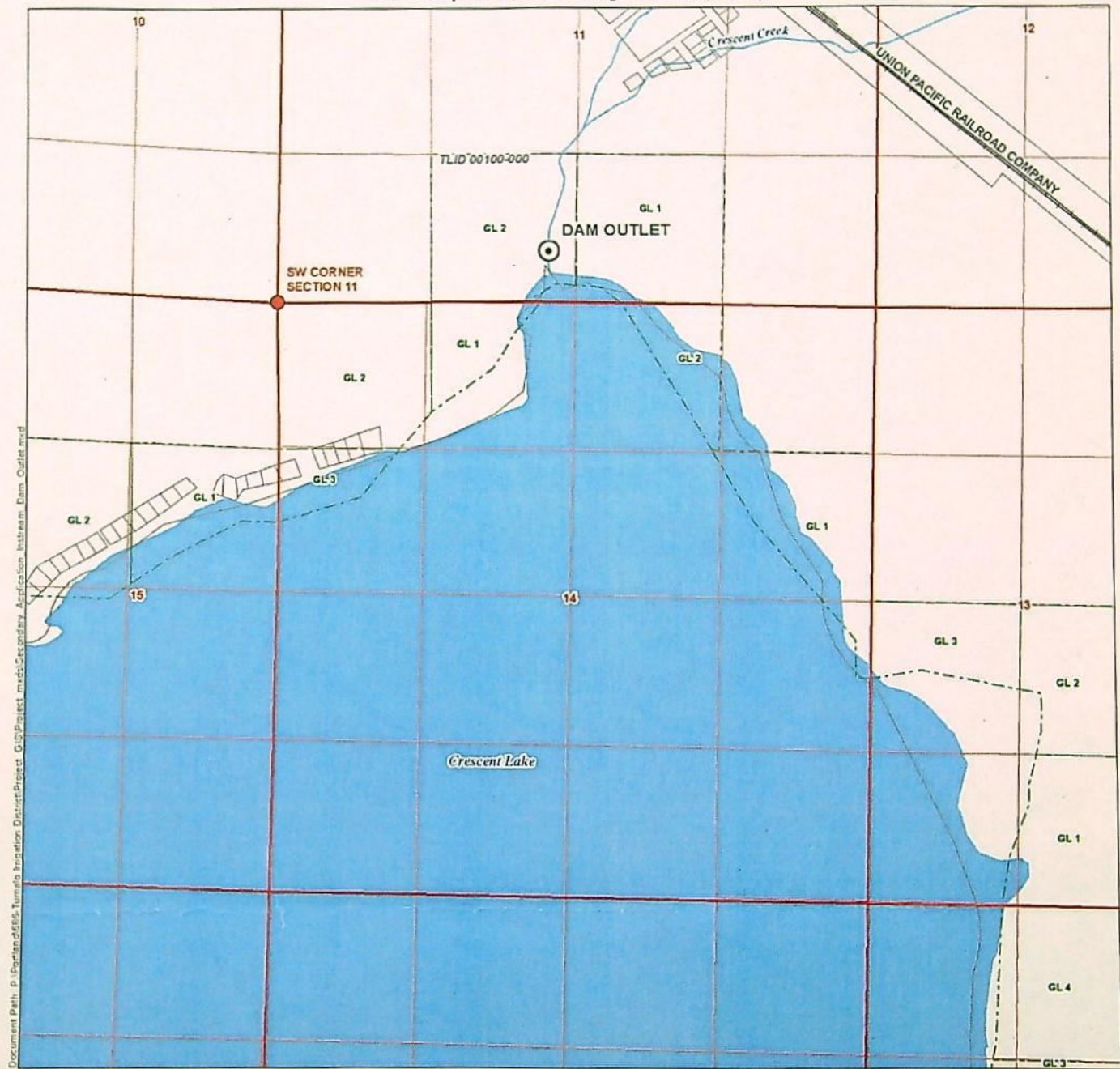


2-88479



# Application for Secondary Water Right Permit Tumalo Irrigation District

Crescent Lake Dam Location  
Klamath County, Oregon  
Township 24 South, Range 6 East (W.M.)



Document Path: P:\Spartan\4886 Tumalo Irrigation District\Project GSD\Project.mxd; Secondary Application; Instream; Dam Outlet.mxd

## LEGEND

- Dam Outlet
- Government Lot (GL)
- Tax Lot
- Railroad
- Major Road
- Watercourse
- Waterbody

## OUTLET LOCATION DESCRIPTION

Dam Outlet  
Located 450 feet North and 2,380 feet East from the SW corner of Section 11, Township 24 South, Range 6 East (W.M.)

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

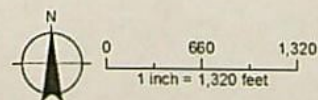
## MAP NOTES

Date: September 8, 2017  
Data Sources: BLM, ESRI, Klamath Co., USGS

RECEIVED

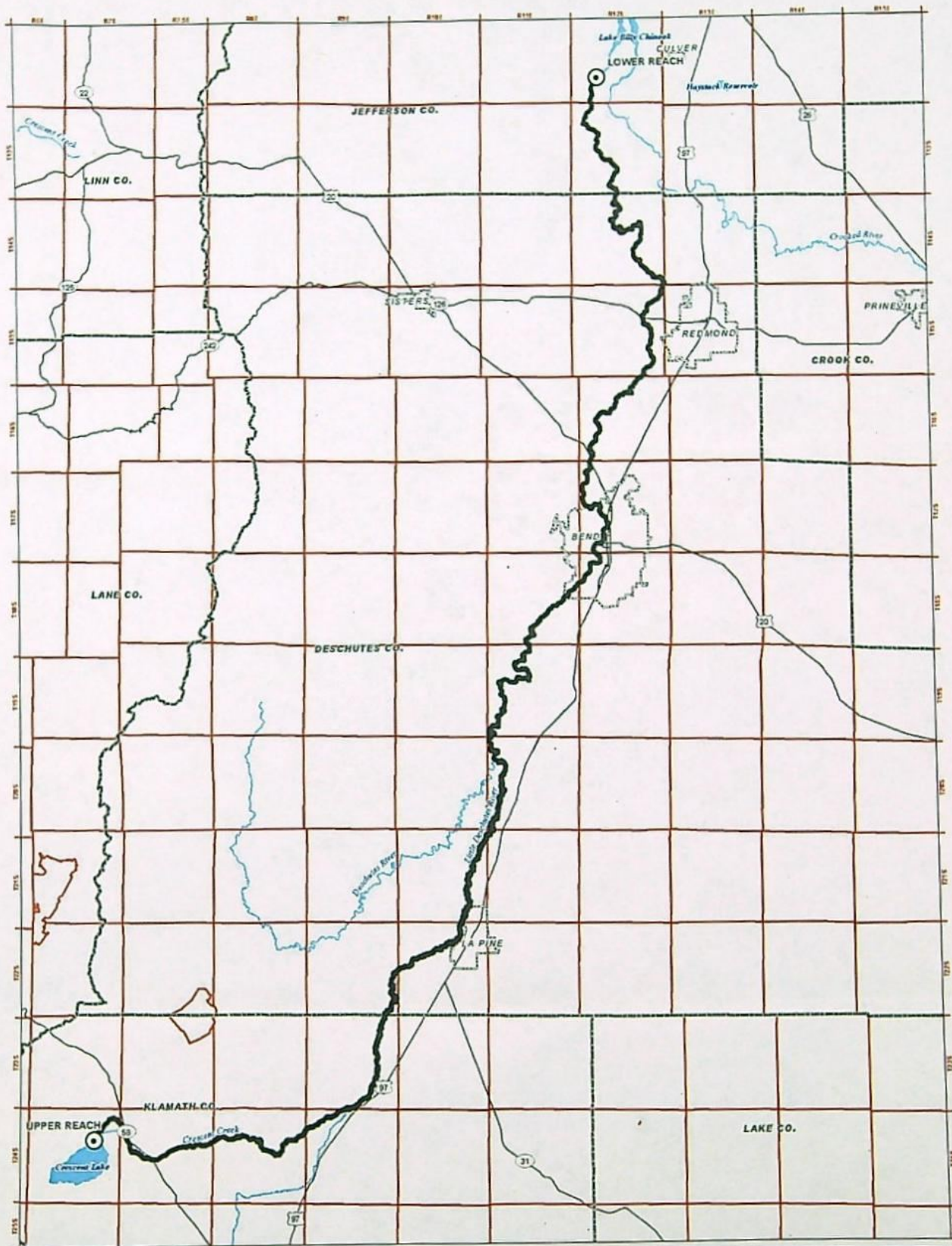
NOV 29 2017

OWRD



S-88478





#### LEGEND

- Place of Use (POU)
- Highway
- County
- River
- City
- Lake or Reservoir

#### REACH DESCRIPTIONS

(Identical to Instream Certificate 91923)  
 Upper Reach: 24 South, 6 East, Section 11, SESW  
 Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 120)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 26, 2017  
 Data Sources: Data Sources: Crook Co. GIS, USGS, OAC

**RECEIVED**

NOV 29 2017

**OWRD**

Application for Secondary Instream  
 Water Right Permit in the Name of  
 Tumalo Irrigation District

Place of Use Map

Deschutes, Jefferson, and Klamath Counties, Oregon



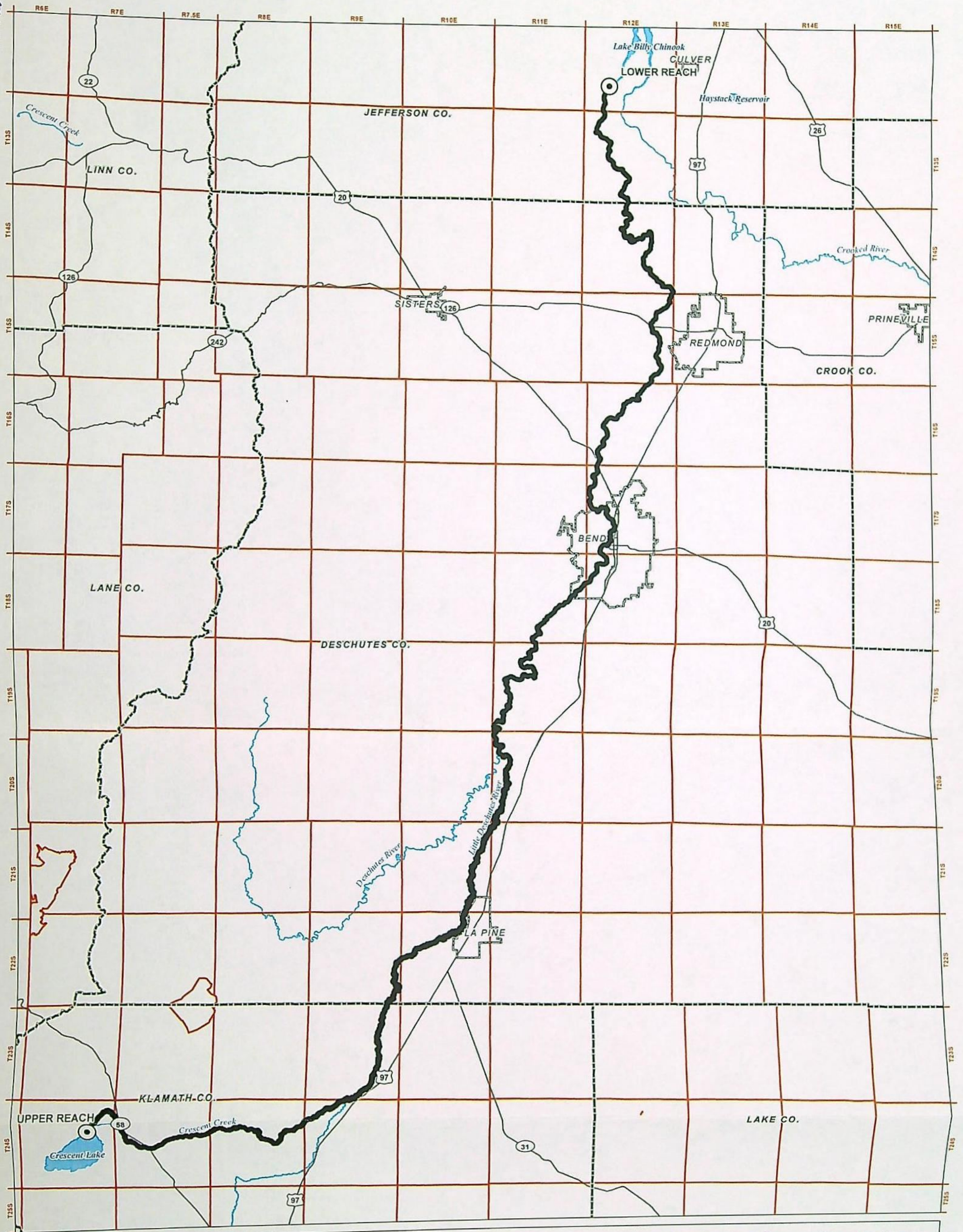
0 3 6 9  
 Miles



88478



867288-5



#### LEGEND

- Place of Use (POU)
- County
- City
- Highway
- River
- Lake or Reservoir

#### REACH DESCRIPTIONS

(Identical to Instream Certificate 91923)

Upper Reach: 24 South, 6 East, Section 11, SESW

Lower Reach: 12 South, 12 East, Section 29, NWSW (Deschutes River mile 120)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 26, 2017

Data Sources: Data Sources: Crook Co. GIS, USGS, OGIC

Document Path: P:\Portland\586-Tumalo Irrigation District\Project\_GIS\Project\_mxd\Secondary\_Instream\_WR\_App\_POU.mxd

OWRPD

NOV 29 2017

RECEIVED

### Application for Secondary Instream Water Right Permit in the Name of Tumalo Irrigation District

#### Place of Use Map

Deschutes, Jefferson, and Klamath Counties, Oregon



0 3 6 9  
Miles





S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703

S-88478

Tumalo Irrigation District  
Attn: Ken Rieck  
64697 Cook Avenue  
Bend, OR 97703



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **125296**

INVOICE # \_\_\_\_\_

RECEIVED FROM: BSI Water Solutions, Inc.

APPLICATION 5-88478

BY: \_\_\_\_\_

PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH: ☐ CHECK: # 19952 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 3,326.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER EXAM FEE \$ 2806.00 0202 RECORD FEE \$ 520.00  
0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_  
0205 TRANSFER \$ \_\_\_\_\_

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY**

**OTHER / RDX RECEIVED  
OVER THE COUNTER**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **125296**

DATED: 11/29/17 BY: Atweck