



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Limited Water Use License

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

License No. LL-1192

Applicant(s): Deschutes Land Trust

Contact Person: Amanda Egertson

Mailing Address: 210 NW Irving Avenue, Suite 102, Bend, OR, 97701

Telephone No: 541-330-0017

I (We) make application for a Limited License to use or store the following described surface waters or groundwater-not otherwise exempt, or to use stored water of the State of Oregon for a use of a short-term or fixed duration:

1. SOURCE(S) OF WATER for the proposed use: Whychus Creek a tributary of Deschutes River.

2. TOTAL AMOUNT OF WATER to be diverted: 2.23 cubic feet per second, or 1,000 gallons per minute. If water is to be used from more than one source, give the quantity from each: _____.

3. INTENDED USE(S) OF WATER: (check all that apply)
 Road construction or maintenance;
 General construction;
 Forestland and rangeland management; or
 Other: Stream Restoration (See Attached)

4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the intended place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

See Attached

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5. PROJECT SCHEDULE: (List day, month, and year)

Date water use will begin May 1, 2009

Date project will be completed May 1, 2014

Date water use will be completed May 1, 2014

PLEASE READ CAREFULLY

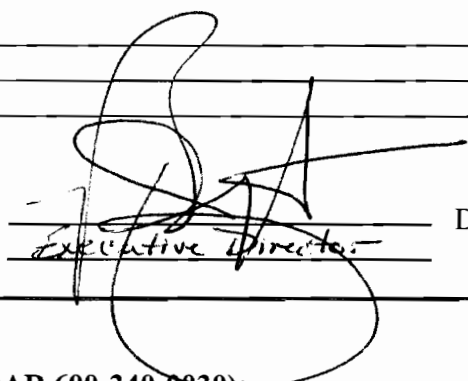
NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$150 for the first point of diversion plus \$15 for each additional point of diversion. *Failure to provide any of the required information will result in return of your application.* The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is a well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

REMARKS: _____

SIGNATURE of Applicant: _____



Title: Executive Director

DATE: 3/5/09

Mapping Requirements (OAR 690-340-0030):

(1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:

(c) A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:

(A) The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;

(B) The general course of the source for the proposed use, if applicable;

(C) Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

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WTR

Application for Limited Water Use License

Whychus Creek Restoration Project at Camp Polk Preserve

Background

In an effort to prevent flooding, the U.S Army Corps of Engineers channelized approximately 1.5 miles of Whychus Creek as it flows through the Camp Polk meadow in the 1960s. The channelization effort moved the creek from its naturally meandering path through the meadow to a straightened and deepened channel along the margins of the canyon. The result was a net loss of approximately 0.5 mile of stream length, an increase in erosion and a significant loss of in-stream fish habitat, wetlands and floodplain area.

The Deschutes Land Trust (DLT) acquired the Camp Polk Meadow Preserve in October 2000. Since acquisition, the DLT has been interested in restoring the channelized reach of Whychus Creek by relocating the creek to its natural dimension, pattern and profile through the meadow. In 2004, the Upper Deschutes Watershed Council began working on behalf of DLT to design the comprehensive restoration of Whychus Creek at the Preserve. The project design and implementation have been funded and peer reviewed by a team of partners including Oregon Department of Fish and Wildlife, US Fish and Wildlife Service, The Nature Conservancy, Oregon Watershed Enhancement Board, Confederated Tribes of Warm Springs, Portland General Electric and many others.

Whychus Creek was historically one of the most important spawning areas in the upper Deschutes Basin, responsible for up to 40% of the steelhead spawning, with the potential for up to 9,000 spawning fish (ODFW 2000). Historical accounts of spawning in Whychus Creek have identified the Camp Polk reach as one of the most productive spawning areas on Whychus Creek prior to the development of the dams and the channelization of the creek (ODFW 2000). However, in its current condition, Whychus Creek provides very poor habitat because the channelization has decreased quality fish habitat, increased channel incision and eliminated the connection between the stream channel and the floodplain. Without significant stream channel restoration, Whychus Creek will not reach its full potential for spawning fish.

Creek Restoration Project Description

The Whychus Creek restoration project at Camp Polk Meadow proposes to enhance approximately 1,500 feet of the current channel alignment on Whychus Creek, and construct approximately 7,300 feet (1.4 miles) of highly sinuous new channel and approximately 1,000 feet of new side channel. The total channel restoration project length will be approximately 8,800 feet (1.7 miles).

The project will allow peak flow to access approximately 500 feet of existing relic channels. Additional side channels could develop naturally in the future when riparian vegetation has become well established across the valley.

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It is anticipated that a significant portion of the water directed into the new channel will return to the existing channel once a stable water table level between ground water and surface water is reached. This will occur either via ground water flow or surface flow through the newly constructed channel where it flows back into the existing channel at the end of project. The US Fish and Wildlife Service, a major project funder, technical reviewer and project partner, has finalized their Biological Assessment completed under the ESA Section 7 provisions. The Biological Assessment concluded that no significant impacts to Steelhead trout are anticipated during the four year period (Phase I) where water will be flowing through both the existing and the new channel. The Biological Opinion from the National Marine Fisheries Service is due out in April 2009.

Phase II: Old Channel Elimination (2013)

Phase II will be initiated after riparian vegetation along the length of the newly constructed meadow channel has developed a strong root system that is stable enough to withstand the entire creek streamflow. Phase II is anticipated to begin in the spring of 2013. The first portion of Phase II implementation will involve the removal of the temporary piping system and water will no longer be diverted into the pipe from the existing channel. The beginning of Phase II will mark the end of this limited license. Phase II will involve plugging the existing channel of Whychus Creek and the entire creek flow will be directed into the new channel.

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Deschutes Land Trust Limited License Number: LL-1192

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain: Every Summer I regulate back to 1895 Priority, Both ISWR'S 73223 and 73224 Are not met in this stretch for much of the Summer.

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

ON OCCASION, when the ISWR'S Are met.

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

Below the Three Sisters Irrigation District diversion @ Km 25.1 the Flows drop dramatically and All of the water is legally protected AS InStream leases and conserved water and permanent in-stream transfers.

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

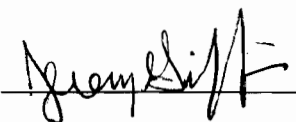
A Headgate that can control the Side channel Flow when protected Flows Are not being met.

5. Any other recommendations you would like to make?

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Signature  WM District #: 11 Date: 3/11/09



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1266

503-986-0900

FAX 503-986-0904

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 jurisdictions 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.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for 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.

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Oregon Water Resources Department
Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: DESCHUTES LAND TRUST (AMANDA EGERTSON)
Mailing Address: 210 NW IRVING AVENUE, SUITE 102
City: BEND State: OR Zip: 97701 Day Phone: 541-330-0017

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Includes handwritten entries for tax lots 2805, 29, 39, and 35.

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

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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, Exchange of Water, Allocation of Conserved Water, Limited Water Use License, Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond, Ground Water, Surface Water (name) WHYTECHUS CREEK

Estimated quantity of water needed: 2.23 cubic feet per second

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-municipal, Instream, Other RIVER RESTORATION

Briefly describe: SEE ATTACHED

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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 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 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 checked="" type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input checked="" 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.

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Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: _____

DESCHUTES COUNTY PLANNING DIVISION

* * LAND USE APPLICATION * *

PS0915 Taxmap 14-10-0000 2805 SERIAL 186511 16:57:49 10 MAR 2009
Request PERMIT SIGN OFF FOR STREAM RESTORATION
DESCHUTES LAND TRUST, AMANDA EGERSTON
Location 69825 CAMP POLK RD, SI
Zone FP AS EFUSC LM
Other affected property NONE

Submitted date 03/10/09 Accepted date _____ Assigned Planner NONE
Expiration date _____ 120th day _____ Counter Person KLM

Applicant DESCHUTES LAND TRUST, AMANDA EGERSTON Owner DESCHUTES BASIN LAND TRU
Address 210 NW IRVING AVE SUITE 102 Phone 330-0017
City BEND, OR 97701
Receipts 440284 Amount Paid 45.00

Status Status date _____ Other Permit's 0 Permits
TN Due to staff _____ Due in mail _____ Mailed _____
Notice Due to staff _____ Due in mail _____ Mailed _____
Admn decision due _____ Due Plan Dir _____
Admn dec Admn decision mailed _____ Admin decision appealed _____

HO Hearing date _____ Staff rpt due _____ Staff rpt mailed _____
HO decision _____ HO Decision mailed _____ Appealed _____

BOC hearing _____ BOC decision _____
BOC decision mailed _____ BOC decision appealed _____

OTHER LAND USE APPLICATIONS ON THIS PROPERTY
LUA ID ACCPT DATE REQUEST
LL023 01/22/02 LOT LINE ADJUSTMENT

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DESCHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW LAFAYETTE
BEND, OREGON 97701
(541) 388-6575

* * RECEIPT * RECEIPT * RECEIPT * RECEIPT * RECEIPT * RECEIPT * RECEIPT * *

RECEIPT# 440284 BATCH 5540 INIT KLM 16:57:44 10 MAR 2009 Page 1
TRANSIT# PS0915

Taxmap# 14-10-0000 2805 Serial# 186511
Situs: 69825 CAMP POLK RD,SI

DESCRIPTION	FEE
PLANNING FEE	45.00

CREDIT AMOUNT	45.00	VISA UPPER DESCHUTES WATERSHED COUNCIL
TOTAL AMOUNT RECEIVED	45.00	

NAME _____

This is a receipt and does NOT constitute a permit or license

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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 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 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:	
CONDITIONAL USE	CHAPTER 18.128.270 (FILL AND REMOVAL)	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input checked="" 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.

RELOCATION OF THE WHYCHUS CREEK
 CENTERLINE WILL REQUIRE A FUTURE
 COMPREHENSIVE PLAN MAP AMENDMENT
 TO IDENTIFY THE LANDSCAPE MANAGEMENT
 ZONE BOUNDARY.

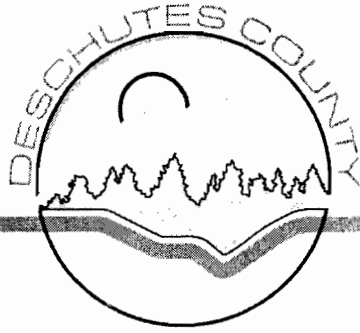
Name: CHRIS B BEDSAUL Title: ASSOCIATE PLANNER
 Signature: [Signature] Phone: (503) 333-6719 Date: 3-18-09
 Government Entity: DESCHUTES COUNTY

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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

March 18, 2009

Deschutes Land Trust
Att: Amanda Egertson
210 NW Irving Avenue, Suite 102
Bend OR 97701

Re: Realignment of Whychus Creek
OWRD Application for Limited Water Use
Map 14-10-00-000-2805

I have reviewed and conditionally signed the above noted Oregon Water Resource Department (OWRD) land use form for 2.23 cubic feet per second of water to be diverted from Whychus Creek for enhancement, realignment and new channel construction of approximately 8,800 feet of Whychus Creek.

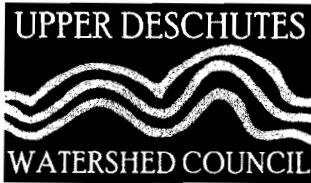
If you have any further questions or need additional information, please contact me.

Sincerely,

Chris B. Bedsaul
Associate Planner

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PS915
DESCHUTES LAND TRUST



March 24, 2009

Jerry Sauter
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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SALEM, OREGON

RE: Application LL-1192 Land Use Compatibility Statement

Dear Mr. Sauter,

Please find attached to this letter the original signed Land Use Compatibility Statement from Deschutes County.

Please do not hesitate to contact me or Amanda Egertson at the DLT should you have any questions concerning the application.

Sincerely,

A handwritten signature in cursive script that reads "Mathias Perle".

Mathias Perle
Project Manager
Upper Deschutes Watershed Council