

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

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). 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.

RECEIVED

MAR 10 2017

OWRD

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 \$200. 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. 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 \$350.00 for the applicant and \$700.00 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.

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

Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
See Attachment A: Land Use Information Forms
 - 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 B: Legal Description for the point of diversion (Arthur R. Bowman Dam)
 - Fees - Amount enclosed: \$ 6,580.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: **See Attachment C: Application Maps**

- 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
- N/A Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- N/A Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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 U.S. BUREAU OF RECLAMATION, ATTN: DAWN WIEDMEIER**		PHONE 509-575-5848	FAX
**SEE SECTION 9 (REMARKS) AND ATTACHMENT E			
ADDRESS 1917 MARSH ROAD			CELL
CITY YAKIMA	STATE WA	ZIP 98901-2058	E-MAIL * WIEDMEIER, DAWN A (DWIEDMEIER@USBR.GOV)

Representative Information

REPRESENTATIVE / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: ADAM SUSSMAN		PHONE 541-257-9001	FAX
ADDRESS 1600 WESTERN BLVD., 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 (we) affirm that the information contained in this application is true and accurate.

Dawn Wiedmeier
Applicant Signature

Dawn Wiedmeier, Area Manager
Print Name and title if applicable

3/6/17
Date

App. No. _____	For Department Use Permit No. _____	Date _____
----------------	--	------------

RECEIVED

MAR 10 2017

OWRD
WR

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 the federal government 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 the federal government.

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. See Attachment B for the legal description of the property where water is to be diverted.

SEE ATTACHMENT B.

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: Prineville Reservoir

Tributary to: Crooked River

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).

Transfer T-12239, See Attachment D

B. Applications to Use Stored Water

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

- Yes.
- 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
N/A-The Applicant is the Reservoir owner and operator.

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
Prineville Reservoir	Mitigation for City of Prineville ground-water pumping (downstream fish life and wildlife use)	Year-round as determined by the Bureau of Reclamation in consultation with other agencies, in accordance with section 4 of the Crooked River Collaborative Water Security and Jobs Act of 2014, which adds section 7(b) to the Act of August 6, 1956.	5,100 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only: N/A
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: _____ Acres Supplemental: _____ Acres
 List 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: N/A**
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction: N/A

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance
 What equipment will you use to pump water from your source?

RECEIVED
 MAR 10 2017
OWRD

Pump (give horsepower and type):

Other means (describe): Water will be released from the Prineville Reservoir outlet into the Crooked River for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use).

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 for ground water pumping (downstream fish life and wildlife use).

B. Application Method

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

N/A: the released stored water will remain instream for mitigation for groundwater pumping (downstream fish life and wildlife use).

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 released stored water will provide a public benefit from Prineville Reservoir to Lake Billy Chinook.

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 release of stored water will not use a diversion.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The proposed release of stored water will not require evacuation or clearing of banks.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: The proposed release of stored water will not require operating equipment in a water body.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: The proposed release of stored water will not involve erosion or run-off of waste or chemical product.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: N/A: no construction is necessary for the proposed use.

Date construction will be completed: N/A: no construction is necessary for the proposed use.

Date beneficial water use will begin: Within 5 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 point of diversion is a federal project owned and operated by the U.S. Bureau of Reclamation and the place of use is within the Crooked River. Water will not be served by a district.

Irrigation District Name N/A	Address	
City	State	Zip

SECTION 9: REMARKS

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

**The Applicant, the U.S. Bureau of Reclamation, will hold this secondary right for the benefit of the City of Prineville consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014, Section 3 City of Prineville Water Supply.

The proposed use of 5,100 acre-feet of stored water from Prineville Reservoir is for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), from Prineville Reservoir dam to Lake Billy Chinook. This secondary water right is a mitigation project under OAR Chapter 690, Division 521 and the Applicant intends to use this mitigation project to establish 5,100 mitigation credits. In each year, 5,100 acre-feet of water stored for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use) will be released for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), even if in a given year less than 5,100 acre-feet of stored water is required to mitigate for the amount of groundwater actually pumped by the City in that year. The rate of release of the 5,100 acre-feet, including the shaping of the release shall be determined by the Bureau of Reclamation in consultation with other agencies. (See Attachment E - Crooked River Collaborative Water Security and Jobs Act of 2014, Section 3 City of Prineville Water Supply (amending Section 4 of the Act of August 6, 1956) and Section 4 (adding Section 7(b) Annual Release Schedule to the Act of August 6, 1956)). Reclamation intends to manage the releases such that the release of the 5,100 acre-feet in combination with other releases from Prineville Reservoir and natural streamflow does not exceed 3,000 cfs measured at gage PRVO, Crooked River near Prineville (<http://www.usbr.gov/pn/hydromet/destea.html>).

RECEIVED

MAR 10 2017

OWRD

RECEIVED

MAR 10 2017

OWRD

Attachment A

Land Use Information Forms

Application for a Permit to Use Surface Water – U.S. Bureau of Reclamation

S-88402

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): U.S. Bureau of Reclamation, Attn: Dawn Wiedmeier

Mailing Address: 1917 Marsh Road

City: Yakima

State: WA

Zip Code: 98901-2058

Daytime Phone: 509-575-5848

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>Mitigation for groundwater pumping (downstream fish life and wildlife use)</u>

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

Jefferson County

RECEIVED
MAR 10 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 Prineville Reservoir
 Ground Water
 Surface Water (name)

Estimated quantity of water needed: 5,100
 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 Mitigation for groundwater pumping (downstream fish life and wildlife use).

Briefly describe:

The Applicant is requesting a permit for 5,100 acre-feet of stored water from Prineville Reservoir for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use). The "place of use" for the permit is in the Crooked River from Prineville Reservoir to Lake Billy Chinook. This permit will be used by the City of Prineville as mitigation for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year, 5,100 acre-feet of water stored for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use) will be released for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), even if in a given year less than 5,100 acre-feet of stored water is required to mitigate for the amount of groundwater actually pumped by the City in that year.

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. →

S-88402

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): 419.2
- 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

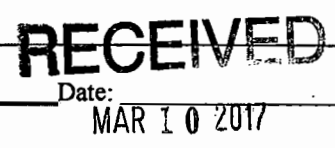
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Jefferson Spencer Title: Planning Director
 Signature: [Signature] Phone: 541-475-4462 Date: 2/27/17
 Government Entity: Jefferson 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: _____



S-88402

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): U.S. Bureau of Reclamation, Attn: Dawn Wiedmeier

Mailing Address: 1917 Marsh Road

City: Yakima

State: WA

Zip Code: 98901-2058

Daytime Phone: 509-575-5848

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	<u>Mitigation for groundwater pumping (downstream fish life and wildlife use)</u>

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

Crook County

RECEIVED

MAR 10 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 Prineville Reservoir
 Ground Water
 Surface Water (name)

Estimated quantity of water needed: 5,100
 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 Mitigation for groundwater pumping (downstream fish life and wildlife use).

Briefly describe:

The Applicant is requesting a permit for 5,100 acre-feet of stored water from Prineville Reservoir for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use). The "place of use" for the permit is in the Crooked River from Prineville Reservoir to Lake Billy Chinook. This permit will be used by the City of Prineville as mitigation for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year, 5,100 acre-feet of water stored for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use) will be released for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), even if in a given year less than 5,100 acre-feet of stored water is required to mitigate for the amount of groundwater actually pumped by the City in that year.

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. →

5-88402

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.

Name: Ann Beier Title: Asst Planning Dir
 Signature: A Beier Phone: 541 447 3211 Date: 2/27/2017
 Government Entity: Crook County Community Devel.

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: MAR 10 2017

RECEIVED

OWRD

5-88402

Receipt for Request for Land Use Information

Applicant name: US Bureau of Reclamation (Yakima office)

City or County: Deschutes Staff contact: Cynthia Smidt

Signature: Cynthia Smidt Phone: 541-317-3150 Date: Feb. 15, 2017

... will be released for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), even if in a given year less than 5,100 acre-feet of stored water is required to mitigate for the amount of groundwater actually pumped by the City in that year.

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. →

Revised 2/8/2010

Land Use Information Form - Page 2 of 3

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

Applicant(s): U.S. Bureau of Reclamation, Attn: Dawn Wiedmeier

Mailing Address: 1917 Marsh Road

City: Yakima

State: WA

Zip Code: 98901-2058

Daytime Phone: 509-575-5848

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	<u>Mitigation for groundwater pumping (downstream fish life and wildlife use)</u>

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

Deschutes County

RECEIVED

MAR 10 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 Prineville Reservoir
 Ground Water
 Surface Water (name)

Estimated quantity of water needed: 5,100
 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 Mitigation for groundwater pumping (downstream fish life and wildlife use).

Briefly describe:

The Applicant is requesting a permit for 5,100 acre-feet of stored water from Prineville Reservoir for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use). The "place of use" for the permit is in the Crooked River from Prineville Reservoir to Lake Billy Chinook. This permit will be used by the City of Prineville as mitigation for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. In each year, 5,100 acre-feet of water stored for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use) will be released for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), even if in a given year less than 5,100 acre-feet of stored water is required to mitigate for the amount of groundwater actually pumped by the City in that year.

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. →

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.

RECEIVED

MAR 10 2017

OWRD

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: _____

5-88402

RECEIVED

MAR 10 2017

OWRD

Attachment B
Legal Description

Application for a Permit to Use Surface Water – U.S. Bureau of Reclamation

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
 OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 1

100

17 16	TAX LOT NO. 1	SECTION	TOWNSHIP 17 S.	RANGE 16 E.W.M.	AERIAL PHO
ACCOUNT NUMBER		BLOCK NO.		ADDITION CITY	

5386 LEGAL DESCRIPTION P-R

INDENT EACH NEW COURSE TO THIS POINT

DATE OF ENTRY DEED RECORD VOLUME PAGE ACRES REMAINING

All	Sec 1	640.77			
All	" 2	642.32			
All	" 3	642.16			
All	" 4	642.80			
All	" 5	640.40			
All	" 6	640.83			
All	" 7	640.00			
All	" 8	640.00			
All	" 9	640.00			
All	" 10	640.00			
N $\frac{1}{2}$ M $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$					
N $\frac{1}{2}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	" 11	520.00			
All	" 13	640.00			
All	" 14	640.00			
All	" 15	640.00			
All	" 16	640.00			
All	" 17	640.00			
All	" 18	640.32			
All	" 19	642.52			
All	" 20	640.00			
N $\frac{1}{2}$, SW $\frac{1}{4}$	" 21	480.00			
N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$	" 22	400.00			
E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$	" 23	560.00			
All	" 24	640.00			
W $\frac{1}{2}$; W $\frac{1}{2}$ E $\frac{1}{2}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$	" 25	520.00			
E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$	" 26	360.00			
N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	" 28	120.00			
NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$	" 29	240.00			
N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	" 30	564.20			
NW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$	" 31	323.36			

Over

RECEIVED
 MAR 10 2017
 OWRD

5-0040?

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO.

17	16	TAX LOT NO. 100	SECTION _____	TOWNSHIP _____ S.	RANGE _____	E.W.M. _____	AERIAL PHO _____
ACCOUNT NUMBER		ADDITION _____			CITY _____		
BLOCK NO. _____							

INDENT EACH NEW COURSE TO THIS POINT	5386	LEGAL DESCRIPTION	DATE OF ENTRY	DEED RECORD		ACRES REMAINING
				VOLUME	PAGE	
		SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	Sec 35 120.00 " 36 240.00			
		United States	1-1-58	67581 53559		17099.0
		Less Road				17020.0
		Also: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Formerly TL 2 Cancelled) 200	Sec 11 80.00	9-8-67	80 527	
		Also: NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Formerly TL 3 Cancelled) 300	Sec 11 40.00	9-8-67	81 52	
		Also: S $\frac{1}{2}$ SW $\frac{1}{4}$ (Formerly TL 4 Cancelled) 400	Sec 12 80.00	9-8-67	81 52	17220.0
		Also: (All Hwy. & Road R/W added back to original acreage due to relocation of Hwys & roads)	79.07	9-8-67		17299.0
		V#13943		9-13-68		
		Exc: Parcel 100M1	JC62679	3-31-93	Letter	4-30-
		EXC Co Rd	0.35	4-2-96	96-1507	17299.

BUNE PUBLISHING CO., PRINEVILLE

RECEIVED

MAR 10 2017

OWRD

S-88402

RECEIVED

MAR 10 2017

OWRD

Attachment C

Application Maps

Application for a Permit to Use Surface Water— U.S. Bureau of Reclamation

S-88402

Ingria Jones

From: SAUTER Jerry K * WRD <Jerry.K.Sauter@oregon.gov>
Sent: Thursday, January 26, 2017 2:33 PM
To: Ingria Jones
Subject: RE: Request: Map Scale Waiver

Thanks Ingria,
All instream so the map waiver is fine, thanks,
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrds.state.or.us

From: Ingria Jones [<mailto:ijones@gsiws.com>]
Sent: Thursday, January 26, 2017 2:28 PM
To: SAUTER Jerry K * WRD
Subject: RE: Request: Map Scale Waiver

Hi Jerry,

The proposed use of the stored water is for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use), consistent with Transfer T-12239.

~Ingria

From: SAUTER Jerry K * WRD [<mailto:Jerry.K.Sauter@oregon.gov>]
Sent: Thursday, January 26, 2017 8:39 AM
To: Ingria Jones <ijones@gsiws.com>
Subject: RE: Request: Map Scale Waiver

Hello Ingria,
What is the proposed use of the stored water?
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrds.state.or.us

From: Ingria Jones [<mailto:ijones@gsiws.com>]
Sent: Wednesday, January 25, 2017 2:41 PM
To: SAUTER Jerry K
Subject: Request: Map Scale Waiver

Dear Mr. Sauter,

RECEIVED

MAR 10 2017

OWRD

GSI Water Solutions is preparing a Secondary Water Right Application on behalf of the City of Prineville. The Proposed Place of Use Map we have prepared does not meet the Department's map scale requirements, due to the large place of use (from Prineville Reservoir to Lake Billy Chinook).

I am requesting a map scale waiver for the Application's Proposed POU Map, which is attached to this email.

Please let me know if you have any questions.

Sincerely,

Ingria

RECEIVED

MAR 10 2017

OWRD

RECEIVED

MAR 10 2017

OWRD

Attachment D
Transfer T-12239

Application for a Permit to Use Surface Water – U.S. Bureau of Reclamation

S-88402

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

In the Matter of Transfer Application) **FINAL ORDER**
T-12239, Crook County) **INCORPORATING SETTLEMENT**
) **AGREEMENT APPROVING A**
) **CHANGE IN CHARACTER OF USE**

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

U.S. BUREAU OF RECLAMATION
ATTN: CAROLYN R. CHAD
1917 MARSH RD
YAKIMA, WA 98901

RECEIVED

MAR 10 2017

OWRD

Findings of Fact

1. On January 14, 2016, U.S. BUREAU OF RECLAMATION filed an application to change the character of use under Certificate 57612. The Department assigned the application number T-12239.
2. Notice of the application for transfer was published on January 19, 2016, pursuant to OAR 690-380-4000. The following summarizes the comments that were filed in response to the notice:
 - a. On February 17, 2016, WaterWatch of Oregon commented that the changes the Bureau of Reclamation is seeking to Certificate 57612 are inconsistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 (the 2014 Act); the transfer application proposes conditions that go far beyond what is contemplated by state transfer statutes; and the transfer application would put the Water Resources Department in the position of acting contrary to past agency practices in issuing transfer for storage rights.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- b. On February 17, 2016, The Confederated Tribes of the Warm Springs Reservation of Oregon commented that the proposed transfer application may not be consistent with the 2014 Act.
 - c. On February 18, 2016, Trout Unlimited, the United States Department of Commerce, National Oceanic and Atmospheric Administration, and the United States Department of the Interior, Fish and Wildlife Service commented that the proposed transfer application is not consistent with the 2014 Act.
 - d. On February 18, 2016, the Oregon Department of Fish and Wildlife (ODFW) submitted comments that the proposed transfer application is not consistent with the 2014 Act. On April 11, 2016, ODFW submitted additional comments intended to clarify ODFW's initial comments.
3. The comments summarized in Findings of Fact No. 2(a)-(d) raise the issue that the transfer application is not consistent with the 2014 Act. The Department reviewed the proposed change in character of use in accordance with ORS 540.530(1)(a).
 4. The comments summarized in Finding of Fact No. 2(a) above raise the issue that "the application proposes conditions that go far beyond what is contemplated by state transfer statutes." The application form itself prompts the applicant to describe what the applicant proposes to accomplish with the transfer application. The comments provided by an applicant in the application form are not viewed by the Department as conditions to be imposed upon the transfer.
 5. The comments summarized in Finding of Fact No. 2(a) above raise the issue that "the transfer application would put the Water Resources Department in the position of acting contrary to past agency practice in issuing transfers for storage rights." The Department reviewed the proposed change in character of use in accordance with ORS 540.530(1)(a).
 6. On May 5, 2016, the applicant amended the application to narrow the proposed change in character of use to 5100.0 acre feet (AF) of storage for downstream fish life and wildlife use and 78887.0 AF of storage for irrigation and downstream fish life and wildlife use.
 7. On February 22, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12239 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 23, 2016, for the applicant to respond. On April 19, 2016, Adam Sussman, agent for the applicant requested additional time for the applicant to respond to the draft Preliminary Determination. The Department granted the additional time for the applicant to respond with a new deadline of May 6, 2016. On May 5, 2016, the applicant amended the transfer application and provided suggested revisions to the draft Preliminary Determination. The Department agreed with the revisions and incorporated them into the draft Preliminary Determination. On May 6, 2016, the applicant requested that the Department proceed with issuance of a Preliminary Determination.

RECEIVED

MAR 10 2017

8. On June 22, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12239 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 28, 2016, and in the Bend Bulletin newspaper on June 25 and July 2, 2016, pursuant to ORS 540.520 and OAR 690-380-4020.
9. On July 28, 2016, a protest was received from WaterWatch of Oregon, 213 SW Ash St., Suite 208, Portland, OR 97204.
10. On July 28, 2016, a protest was received from Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302.
11. On August 1, 2016, a standing statement and request for party status was received from David E. Filippi, attorney, Stoel Rives LLP, on behalf of North Unit Irrigation District, Ochoco Irrigation District, and the City of Prineville.
12. On June 8, 2016, the applicant requested five years to complete the transfer per OAR 690-380-5140(3).
13. The portion of the right to be transferred is as follows:

Certificate: 57612 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit R-2223)
Use: STORAGE FOR IRRIGATION
Priority Date: APRIL 8, 1914
Quantity: 83,987 ACRE-FEET (AF)
Source: CROOKED RIVER, tributary to the DESCHUTES RIVER

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
16 S	16 E	WM	36	SE SE
16 S	17 E	WM	13	NE SE
16 S	17 E	WM	13	SW SE
16 S	17 E	WM	13	SE SE
16 S	17 E	WM	23	SW NE
16 S	17 E	WM	23	SE NE
16 S	17 E	WM	23	NE SE
16 S	17 E	WM	23	NW SE
16 S	17 E	WM	23	SW SE
16 S	17 E	WM	23	SE SE
16 S	17 E	WM	24	NE NE
16 S	17 E	WM	24	NW NE
16 S	17 E	WM	24	SW NE
16 S	17 E	WM	24	SE NW
16 S	17 E	WM	24	NE SW
16 S	17 E	WM	24	NW SW
16 S	17 E	WM	26	NE NE
16 S	17 E	WM	26	NW NE
16 S	17 E	WM	26	SW NE
16 S	17 E	WM	26	NE NW
16 S	17 E	WM	26	NW NW

RECEIVED

MAR 10 2017

OWRD

Twp	Rng	Mer	Sec	Q-Q
16 S	17 E	WM	26	SW NW
16 S	17 E	WM	26	SE NW
16 S	17 E	WM	26	NE SW
16 S	17 E	WM	26	NW SW
16 S	17 E	WM	27	SE NE
16 S	17 E	WM	27	NW SW
16 S	17 E	WM	27	SW SW
16 S	17 E	WM	27	SE SW
16 S	17 E	WM	27	NE SE
16 S	17 E	WM	27	NW SE
16 S	17 E	WM	27	SW SE
16 S	17 E	WM	27	SE SE
16 S	17 E	WM	28	SW SE
16 S	17 E	WM	28	SE SE
16 S	17 E	WM	31	SW NE
16 S	17 E	WM	31	NE SW
16 S	17 E	WM	31	SW SW
16 S	17 E	WM	31	SE SW
16 S	17 E	WM	31	NW SE
16 S	17 E	WM	31	SW SE
16 S	17 E	WM	31	SE SE
16 S	17 E	WM	32	SW SE
16 S	17 E	WM	32	SE SE
16 S	17 E	WM	33	NE NE
16 S	17 E	WM	33	NW NE
16 S	17 E	WM	33	SW NE
16 S	17 E	WM	33	SE NE
16 S	17 E	WM	33	SW SW
16 S	17 E	WM	33	SE SW
16 S	17 E	WM	33	NE SE
16 S	17 E	WM	33	NW SE
16 S	17 E	WM	33	SW SE
16 S	17 E	WM	33	SE SE
16 S	17 E	WM	34	NE NE
16 S	17 E	WM	34	NW NE
16 S	17 E	WM	34	NE NW
16 S	17 E	WM	34	NW NW
16 S	17 E	WM	34	SW NW
16 S	17 E	WM	34	NW SW
16 S	18 E	WM	18	NW SW
16 S	18 E	WM	18	SW SW
17 S	16 E	WM	1	SE NE
17 S	16 E	WM	1	NE SE
17 S	16 E	WM	11	SW NE
17 S	16 E	WM	11	SE NE
17 S	16 E	WM	11	SW NW
17 S	16 E	WM	11	SE NW
17 S	16 E	WM	11	NE SW
17 S	16 E	WM	11	SE SW
17 S	16 E	WM	11	NE SE
17 S	16 E	WM	11	NW SE
17 S	16 E	WM	11	SW SE

RECEIVED

MAR 10 2017

OWRD

Twp	Rng	Mer	Sec	Q-Q
17 S	16 E	WM	11	SE SE
17 S	16 E	WM	12	SW NW
17 S	16 E	WM	12	NE SW
17 S	16 E	WM	12	NW SW
17 S	16 E	WM	12	SW SW
17 S	16 E	WM	12	SE SW
17 S	16 E	WM	12	NE SE
17 S	16 E	WM	12	SW SE
17 S	16 E	WM	12	SE SE
17 S	16 E	WM	13	NE NE
17 S	16 E	WM	13	NW NE
17 S	16 E	WM	13	SW NE
17 S	16 E	WM	13	SE NE
17 S	16 E	WM	13	NE NW
17 S	16 E	WM	13	NE SE
17 S	16 E	WM	13	NW SE
17 S	16 E	WM	13	SW SE
17 S	16 E	WM	13	SE SE
17 S	16 E	WM	24	NE NE
17 S	16 E	WM	24	NW NE
17 S	16 E	WM	24	SE NE
17 S	17 E	WM	3	NW NW
17 S	17 E	WM	3	SW NW
17 S	17 E	WM	3	NW SW
17 S	17 E	WM	3	SW SW
17 S	17 E	WM	4	NE NE
17 S	17 E	WM	4	NW NE
17 S	17 E	WM	4	SW NE
17 S	17 E	WM	4	SE NE
17 S	17 E	WM	4	NE NW
17 S	17 E	WM	4	NW NW
17 S	17 E	WM	4	SW NW
17 S	17 E	WM	4	SE NW
17 S	17 E	WM	4	NE SW
17 S	17 E	WM	4	NW SW
17 S	17 E	WM	4	SW SW
17 S	17 E	WM	4	SE SW
17 S	17 E	WM	4	NE SE
17 S	17 E	WM	4	NW SE
17 S	17 E	WM	4	SW SE
17 S	17 E	WM	4	SE SE
17 S	17 E	WM	5	NE NE
17 S	17 E	WM	5	NW NE
17 S	17 E	WM	5	SW NE
17 S	17 E	WM	5	SE NE
17 S	17 E	WM	5	NE NW
17 S	17 E	WM	5	NW NW
17 S	17 E	WM	5	SW NW
17 S	17 E	WM	5	SE NW
17 S	17 E	WM	5	NE SW
17 S	17 E	WM	5	NW SW
17 S	17 E	WM	5	SW SW

RECEIVED

MAR 10 2017

OWRD

Twp	Rng	Mer	Sec	Q-Q
17 S	17 E	WM	5	NE SE
17 S	17 E	WM	5	NW SE
17 S	17 E	WM	6	NE NE
17 S	17 E	WM	6	NW NE
17 S	17 E	WM	6	SW NE
17 S	17 E	WM	6	SE NE
17 S	17 E	WM	6	NE NW
17 S	17 E	WM	6	NW NW
17 S	17 E	WM	6	SW NW
17 S	17 E	WM	6	SE NW
17 S	17 E	WM	6	NE SW
17 S	17 E	WM	6	NW SW
17 S	17 E	WM	6	SE SW
17 S	17 E	WM	6	NE SE
17 S	17 E	WM	6	NW SE
17 S	17 E	WM	6	SW SE
17 S	17 E	WM	6	SE SE
17 S	17 E	WM	7	NE NE
17 S	17 E	WM	7	NW NE
17 S	17 E	WM	7	SW NE
17 S	17 E	WM	7	SE NE
17 S	17 E	WM	7	NE NW
17 S	17 E	WM	7	SE NW
17 S	17 E	WM	7	NE SW
17 S	17 E	WM	7	NW SW
17 S	17 E	WM	7	SW SW
17 S	17 E	WM	7	SE SW
17 S	17 E	WM	7	NE SE
17 S	17 E	WM	7	NW SE
17 S	17 E	WM	8	NW NW
17 S	17 E	WM	8	SW NW
17 S	17 E	WM	9	NE NW
17 S	17 E	WM	9	SE NW
17 S	17 E	WM	18	NW NW
17 S	17 E	WM	19	SW NE
17 S	17 E	WM	19	NW SW
17 S	17 E	WM	19	SW SW

RECEIVED

MAR 10 2017

OWRD

14. On December 7, 2016, by agreement of the Parties, the Districts and the City, Transfer Application T-12239 now proposes to change the character of use of:
- a) 5100 AF to storage for mitigation for City of Prineville groundwater pumping (downstream fish life and wildlife use).
 - b) 10,000 AF to storage for irrigation and downstream fish life and wildlife use, and
 - c) 68,887 AF to storage for downstream fish life and wildlife use.
15. The Parties, the Districts and the City signed a settlement agreement resolving the protests on January 11, 2017. The agreement is incorporated herein by reference in its entirety and attached hereto.

7-20040

Transfer Review Criteria [OAR 690-380-4010(2)]

16. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A dam structure sufficient to store the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12239.
18. The proposed change would not result in enlargement of the right.
19. The proposed change would not result in injury to other water rights.


Conclusions of Law

The change in character of use proposed in Transfer Application T-12239 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-12239 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 57612 and any related decree.
3. Water Right Certificate 57612 is cancelled. Certificate 92200 is issued describing that portion of the right not affected by this transfer.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 25 day of January, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RECEIVED
MAR 10 2017
OWRD

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

IN THE MATTER OF TRANSFER APPLICATION)	
T-12239, IN THE NAME OF U.S. BUREAU OF)	SETTLEMENT AGREEMENT
RECLAMATION,)	
<i>Applicant</i>)	
)	
OREGON DEPARTMENT OF FISH AND WILDLIFE;)	
WATERWATCH OF OREGON, INC.,)	
<i>Protestants</i>)	

The Oregon Water Resources Department (“Department”), U.S. Bureau of Reclamation (“Bureau”), Oregon Department of Fish and Wildlife (“ODFW”), and WaterWatch of Oregon, Inc. (“WaterWatch”) (collectively, the “Parties”) do hereby stipulate and agree in this Settlement Agreement (“Agreement”) as follows:

A. Background

1. On January 14, 2016, the U.S. Bureau of Reclamation filed Transfer Application T-12239.
2. On June 22, 2016, the Department issued a Preliminary Determination recommending approval of Application T-12239.
3. On July 28, 2016, the Oregon Department of Fish and Wildlife and WaterWatch of Oregon each filed a timely protest.
4. On August 1, 2016, North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville filed a Standing Statement and Request For Party Status.
5. The Parties agree that North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville (collectively, the “Signatories”) should be signatories to this Agreement. The Districts and City agree to be bound by the Agreement, to the same extent as the Bureau, ODFW, WaterWatch, and the Department.
6. The Parties and Signatories agree that the protests are resolved solely on the terms set forth in this Agreement.

B. Consent

1. Each Party and Signatory to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.

RECEIVED
MAR 10 2017
RECEIVED BY OWRD
JAN 06 2017
Page 1 of 4
OWRD
SALEM, OR

C-28407

2. Each Party and Signatory to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the Parties with respect to the subject matter of this Agreement.
3. Each Party and Signatory to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protests.
4. Effective upon the signing of this Agreement by the Parties and Signatories, the Bureau, ODFW, WaterWatch, and Signatories waive any and all rights to petition for judicial review of this Agreement, and waive any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement issued by the Department.

C. Terms of the Agreement

1. Each Party and Signatory understands and agrees that the final order on T-12239 changes the character of use of certain quantities of water authorized to be stored in Prineville Reservoir and identifies the purpose for which the water is to be stored.
2. Each Party and Signatory understands and agrees that the Bureau will be the holder of the certificate issued confirming T-12239 and that the Bureau is also the reservoir owner.
3. Each Party and Signatory understands and agrees that the Bureau will manage the reservoir and the identified storage purposes consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 ("2014 Act").
4. Each Party and Signatory understands and agrees that the Water Resources Department will regulate for the total quantity stored.
5. Each Party and Signatory understands and agrees that some or all of the 68,887 acre feet (AF) of stored water stored for downstream fish life and wildlife use in one year could be considered stored for irrigation in a subsequent year in accordance with Section 4 of the 2014 Act, as it amends the Act of August 6, 1956 ("1956 Act") by adding Sections 6(b) and Section 7(c) to the 1956 Act. Each Party and Signatory agrees that Oregon law allows this.
6. Each Party and Signatory understands and agrees that 10,000 AF of stored water stored for irrigation and downstream fish life and wildlife use could be released for downstream fish life and wildlife use consistent with Section 4 of the 2014 Act, as it amends the 1956 Act by adding Section 6(a)(3), and Section 6(c) of the 2014 Act. Each Party and Signatory agrees that Oregon law allows this.

RECEIVED

MAR 10 2017

RECEIVED BY OWRD

OWRD

7. Once each Party and Signatory has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
8. Each Party and Signatory to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party or Signatory and bind that Party or Signatory to the terms of this Agreement.
9. Each Party and Signatory to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties and Signatories agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.

 Dwight French, Administrator,
 Water Right Services Division
for Thomas M. Byler, Director

 Date

 U.S. Bureau of Reclamation

 Date

 Oregon Department of Fish and Wildlife

 Date


 WaterWatch of Oregon, Inc.

 Date **RECEIVED**

MAR 10 2017

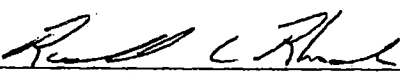
RECEIVED BY OWRD

OWRD



North Unit Irrigation District

1/3/2017
Date



Ochoco Irrigation District

12/19/2016
Date



City of Prineville

12/20/16
Date

RECEIVED

MAR 10 2017

OWRD

RECEIVED BY OWRD

JAN 06 2017

SALEM, OR

S-88402

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

IN THE MATTER OF TRANSFER APPLICATION)
T-12239, IN THE NAME OF U.S. BUREAU OF)
RECLAMATION,)
Applicant)

OREGON DEPARTMENT OF FISH AND WILDLIFE;)
WATERWATCH OF OREGON, INC.,)
Protestants)

SETTLEMENT AGREEMENT

RECEIVED

MAR 10 2017

OWRD

The Oregon Water Resources Department ("Department"), U.S. Bureau of Reclamation ("Bureau"), Oregon Department of Fish and Wildlife ("ODFW"), and WaterWatch of Oregon, Inc. ("WaterWatch") (collectively, the "Parties") do hereby stipulate and agree in this Settlement Agreement ("Agreement") as follows:

A. Background

1. On January 14, 2016, the U.S. Bureau of Reclamation filed Transfer Application T-12239.
2. On June 22, 2016, the Department issued a Preliminary Determination recommending approval of Application T-12239.
3. On July 28, 2016, the Oregon Department of Fish and Wildlife and WaterWatch of Oregon each filed a timely protest.
4. On August 1, 2016, North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville filed a Standing Statement and Request For Party Status.
5. The Parties agree that North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville (collectively, the "Signatories") should be signatories to this Agreement. The Districts and City agree to be bound by the Agreement, to the same extent as the Bureau, ODFW, WaterWatch, and the Department.
6. The Parties and Signatories agree that the protests are resolved solely on the terms set forth in this Agreement.

B. Consent

1. Each Party and Signatory to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.

2. Each Party and Signatory to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the Parties with respect to the subject matter of this Agreement.
3. Each Party and Signatory to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protests.
4. Effective upon the signing of this Agreement by the Parties and Signatories, the Bureau, ODFW, WaterWatch, and Signatories waive any and all rights to petition for judicial review of this Agreement, and waive any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement issued by the Department.

C. Terms of the Agreement

1. Each Party and Signatory understands and agrees that the final order on T-12239 changes the character of use of certain quantities of water authorized to be stored in Prineville Reservoir and identifies the purpose for which the water is to be stored.
2. Each Party and Signatory understands and agrees that the Bureau will be the holder of the certificate issued confirming T-12239 and that the Bureau is also the reservoir owner.
3. Each Party and Signatory understands and agrees that the Bureau will manage the reservoir and the identified storage purposes consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 ("2014 Act").
4. Each Party and Signatory understands and agrees that the Water Resources Department will regulate for the total quantity stored.
5. Each Party and Signatory understands and agrees that some or all of the 68,887 acre feet (AF) of stored water stored for downstream fish life and wildlife use in one year could be considered stored for irrigation in a subsequent year in accordance with Section 4 of the 2014 Act, as it amends the Act of August 6, 1956 ("1956 Act") by adding Sections 6(b) and Section 7(c) to the 1956 Act. Each Party and Signatory agrees that Oregon law allows this.
6. Each Party and Signatory understands and agrees that 10,000 AF of stored water stored for irrigation and downstream fish life and wildlife use could be released for downstream fish life and wildlife use consistent with Section 4 of the 2014 Act, as it amends the 1956 Act by adding Section 6(a)(3), and Section 6(c) of the 2014 Act. Each Party and Signatory agrees that Oregon law allows this.

RECEIVED

MAR 10 2017

OWRD

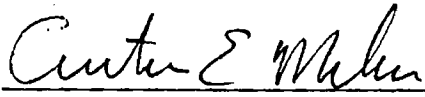
7. Once each Party and Signatory has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
8. Each Party and Signatory to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party or Signatory and bind that Party or Signatory to the terms of this Agreement.
9. Each Party and Signatory to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties and Signatories agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.

Dwight French, Administrator,
Water Right Services Division
for Thomas M. Byler, Director

Date

U.S. Bureau of Reclamation

Date



Oregon Department of Fish and Wildlife

12/19/2016
Date

WaterWatch of Oregon, Inc.

Date

RECEIVED

MAR 10 2017

OWRD
Page 3 of 4

North Unit Irrigation District

Date

Ochoco Irrigation District

Date

City of Prineville

Date

RECEIVED

MAR 10 2017

OWRD

5-88407

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

IN THE MATTER OF TRANSFER APPLICATION)
T-12239, IN THE NAME OF U.S. BUREAU OF)
RECLAMATION,)
Applicant)

OREGON DEPARTMENT OF FISH AND WILDLIFE;)
WATERWATCH OF OREGON, INC.,)
Protestants)

SETTLEMENT AGREEMENT

RECEIVED

MAR 10 2017

OWRD

The Oregon Water Resources Department ("Department"), U.S. Bureau of Reclamation ("Bureau"), Oregon Department of Fish and Wildlife ("ODFW"), and WaterWatch of Oregon, Inc. ("WaterWatch") (collectively, the "Parties") do hereby stipulate and agree in this Settlement Agreement ("Agreement") as follows:

A. Background

1. On January 14, 2016, the U.S. Bureau of Reclamation filed Transfer Application T-12239.
2. On June 22, 2016, the Department issued a Preliminary Determination recommending approval of Application T-12239.
3. On July 28, 2016, the Oregon Department of Fish and Wildlife and WaterWatch of Oregon each filed a timely protest.
4. On August 1, 2016, North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville filed a Standing Statement and Request For Party Status.
5. The Parties agree that North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville (collectively, the "Signatories") should be signatories to this Agreement. The Districts and City agree to be bound by the Agreement, to the same extent as the Bureau, ODFW, WaterWatch, and the Department.
6. The Parties and Signatories agree that the protests are resolved solely on the terms set forth in this Agreement.

B. Consent

1. Each Party and Signatory to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.

RECEIVED BY OWRD

C-2841-

2. Each Party and Signatory to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the Parties with respect to the subject matter of this Agreement.
3. Each Party and Signatory to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protests.
4. Effective upon the signing of this Agreement by the Parties and Signatories, the Bureau, ODFW, WaterWatch, and Signatories waive any and all rights to petition for judicial review of this Agreement, and waive any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement issued by the Department.

C. Terms of the Agreement

1. Each Party and Signatory understands and agrees that the final order on T-12239 changes the character of use of certain quantities of water authorized to be stored in Prineville Reservoir and identifies the purpose for which the water is to be stored.
2. Each Party and Signatory understands and agrees that the Bureau will be the holder of the certificate issued confirming T-12239 and that the Bureau is also the reservoir owner.
3. Each Party and Signatory understands and agrees that the Bureau will manage the reservoir and the identified storage purposes consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 ("2014 Act").
4. Each Party and Signatory understands and agrees that the Water Resources Department will regulate for the total quantity stored.
5. Each Party and Signatory understands and agrees that some or all of the 68,887 acre feet (AF) of stored water stored for downstream fish life and wildlife use in one year could be considered stored for irrigation in a subsequent year in accordance with Section 4 of the 2014 Act, as it amends the Act of August 6, 1956 ("1956 Act") by adding Sections 6(b) and Section 7(c) to the 1956 Act. Each Party and Signatory agrees that Oregon law allows this.
6. Each Party and Signatory understands and agrees that 10,000 AF of stored water stored for irrigation and downstream fish life and wildlife use could be released for downstream fish life and wildlife use consistent with Section 4 of the 2014 Act, as it amends the 1956 Act by adding Section 6(a)(3), and Section 6(c) of the 2014 Act. Each Party and Signatory agrees that Oregon law allows this.

RECEIVED BY OWRD **RECEIVED**

DEC 27 2016

MAR 10 2017

SALEM, OR

Page 3 of 4 **OWRD**

7. Once each Party and Signatory has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
8. Each Party and Signatory to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party or Signatory and bind that Party or Signatory to the terms of this Agreement.
9. Each Party and Signatory to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties and Signatories agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.

 Dwight French, Administrator,
 Water Right Services Division
 for Thomas M. Byler, Director

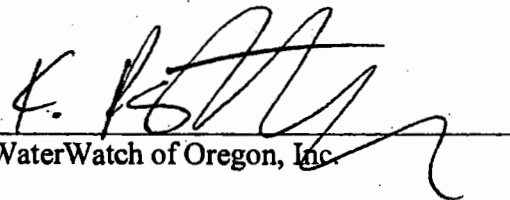
 Date

 U.S. Bureau of Reclamation

 Date

 Oregon Department of Fish and Wildlife

 Date



 WaterWatch of Oregon, Inc.

12-19-16

 Date

RECEIVED BY OWRD

RECEIVED

DEC 27 2016

MAR 10 2017

SALEM, OR

OWRD

North Unit Irrigation District

Date

Ochoco Irrigation District

Date

City of Prineville

Date

RECEIVED

MAR 10 2017

OWRD

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

S-88407



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058

IN REPLY REFER TO:

CCA-1002
ADM-13.00

DEC 22 2016

Oregon Water Resources Department
ATTN: Ms. Patricia E. McCarty
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED

MAR 10 2017

OWRD

Subject: Settlement Agreement for Transfer Application

Dear Ms. McCarty:

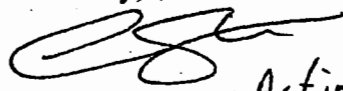
Enclosed is the signed hard-copy of the Settlement Agreement for Transfer Application T-12239. The Bureau of Reclamation's legal counsel had concerns with the generally broad nature of paragraph B.4. In order to clarify Reclamation's interpretation of this paragraph, we are providing the following disclaimer, which we believe is consistent with the intent of paragraph B.4. but provides clarification of Reclamation's interests. We ask that this letter be included with the Settlement Agreement when it is filed.

Reclamation Disclaimer

The United States as represented by the Bureau of Reclamation, interprets paragraph B.4. to bind Reclamation to this settlement agreement involving both transfer application T-12239, executed by Reclamation on December 21, 2016, and the corresponding final order T-12239, entered on December 2016 implementing in part, Public Law 113-244, the Crooked River Collaborative Water Security and Jobs Act of 2014, as a full and final settlement without a right of appeal. Reclamation does not waive its right to protect any other legal interest or right that arises from associated water rights, which arises under federal law, or which is not specifically precluded by this agreement.

Thank you for the Department's assistance in helping us resolve the appeals to this transfer application and for coordinating and facilitating the settlement discussions. If you have any further questions regarding this matter, please feel free to contact Ms. Carolyn Chad, Deputy Area Manager, at 509-575-5848, extension 255.

Sincerely,



Acting for

Dawn A. Wiedmeier
Columbia-Cascades Area Manager

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

Enclosure

cc: See next page.

S-88407

cc: Ms. Kathleen Carr
Office of the Field Solicitor
550 W. Fort Street MSC 020
Boise, ID 83724
(w/copy of enclosure)

Mr. Tom Paul
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(w/copy of enclosure)

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

RECEIVED

MAR 10 2017

OWRD

5-8840-

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

IN THE MATTER OF TRANSFER APPLICATION)
T-12239, IN THE NAME OF U.S. BUREAU OF) SETTLEMENT AGREEMENT
RECLAMATION,)
Applicant)
OREGON DEPARTMENT OF FISH AND WILDLIFE;)
WATERWATCH OF OREGON, INC.,)
Protestants)

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

The Oregon Water Resources Department ("Department"), U.S. Bureau of Reclamation ("Bureau"), Oregon Department of Fish and Wildlife ("ODFW"), and WaterWatch of Oregon, Inc. ("WaterWatch") (collectively, the "Parties") do hereby stipulate and agree in this Settlement Agreement ("Agreement") as follows:

A. Background

1. On January 14, 2016, the U.S. Bureau of Reclamation filed Transfer Application T-12239.
2. On June 22, 2016, the Department issued a Preliminary Determination recommending approval of Application T-12239.
3. On July 28, 2016, the Oregon Department of Fish and Wildlife and WaterWatch of Oregon each filed a timely protest.
4. On August 1, 2016, North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville filed a Standing Statement and Request For Party Status.
5. The Parties agree that North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville (collectively, the "Signatories") should be signatories to this Agreement. The Districts and City agree to be bound by the Agreement, to the same extent as the Bureau, ODFW, WaterWatch, and the Department.
6. The Parties and Signatories agree that the protests are resolved solely on the terms set forth in this Agreement.

B. Consent

1. Each Party and Signatory to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.

RECEIVED

MAR 10 2017
Page 1 of 4

OWRD

2. Each Party and Signatory to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the Parties with respect to the subject matter of this Agreement.
3. Each Party and Signatory to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protests.
4. Effective upon the signing of this Agreement by the Parties and Signatories, the Bureau, ODFW, WaterWatch, and Signatories waive any and all rights to petition for judicial review of this Agreement, and waive any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement issued by the Department.

C. Terms of the Agreement

1. Each Party and Signatory understands and agrees that the final order on T-12239 changes the character of use of certain quantities of water authorized to be stored in Prineville Reservoir and identifies the purpose for which the water is to be stored.
2. Each Party and Signatory understands and agrees that the Bureau will be the holder of the certificate issued confirming T-12239 and that the Bureau is also the reservoir owner.
3. Each Party and Signatory understands and agrees that the Bureau will manage the reservoir and the identified storage purposes consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 ("2014 Act").
4. Each Party and Signatory understands and agrees that the Water Resources Department will regulate for the total quantity stored.
5. Each Party and Signatory understands and agrees that some or all of the 68,887 acre feet (AF) of stored water stored for downstream fish life and wildlife use in one year could be considered stored for irrigation in a subsequent year in accordance with Section 4 of the 2014 Act, as it amends the Act of August 6, 1956 ("1956 Act") by adding Sections 6(b) and Section 7(c) to the 1956 Act. Each Party and Signatory agrees that Oregon law allows this.
6. Each Party and Signatory understands and agrees that 10,000 AF of stored water stored for irrigation and downstream fish life and wildlife use could be released for downstream fish life and wildlife use consistent with Section 4 of the 2014 Act, as it amends the 1956 Act by adding Section 6(a)(3), and Section 6(c) of the 2014 Act. Each Party and Signatory agrees that Oregon law allows this.

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

RECEIVED

MAR 10 2017

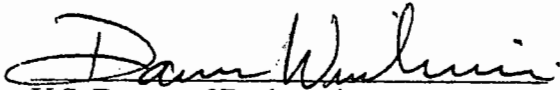
Page 2 of 4

OWRD

7. Once each Party and Signatory has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
8. Each Party and Signatory to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party or Signatory and bind that Party or Signatory to the terms of this Agreement.
9. Each Party and Signatory to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties and Signatories agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.

 Dwight French, Administrator,
 Water Right Services Division
 for Thomas M. Byler, Director

 Date


 U.S. Bureau of Reclamation

12/21/16
 Date

 Oregon Department of Fish and Wildlife

 Date

 WaterWatch of Oregon, Inc.

Date **RECEIVED**

RECEIVED BY OWRD

MAR 10 2017

DEC 27 2016

OWRD

SALEM, OR

Page 3 of 4

North Unit Irrigation District

Date

Ochoco Irrigation District

Date

City of Prineville

Date

RECEIVED

MAR 10 2017

OWRD

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

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

IN THE MATTER OF TRANSFER APPLICATION)
T-12239, IN THE NAME OF U.S. BUREAU OF)
RECLAMATION,)
Applicant)

SETTLEMENT AGREEMENT

OREGON DEPARTMENT OF FISH AND WILDLIFE;)
WATERWATCH OF OREGON, INC.,)
Protestants)

RECEIVED

MAR 10 2017

OWRD

The Oregon Water Resources Department (“Department”), U.S. Bureau of Reclamation (“Bureau”), Oregon Department of Fish and Wildlife (“ODFW”), and WaterWatch of Oregon, Inc. (“WaterWatch”) (collectively, the “Parties”) do hereby stipulate and agree in this Settlement Agreement (“Agreement”) as follows:

A. Background

1. On January 14, 2016, the U.S. Bureau of Reclamation filed Transfer Application T-12239.
2. On June 22, 2016, the Department issued a Preliminary Determination recommending approval of Application T-12239.
3. On July 28, 2016, the Oregon Department of Fish and Wildlife and WaterWatch of Oregon each filed a timely protest.
4. On August 1, 2016, North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville filed a Standing Statement and Request For Party Status.
5. The Parties agree that North Unit Irrigation District, Ochoco Irrigation District, and City of Prineville (collectively, the “Signatories”) should be signatories to this Agreement. The Districts and City agree to be bound by the Agreement, to the same extent as the Bureau, ODFW, WaterWatch, and the Department.
6. The Parties and Signatories agree that the protests are resolved solely on the terms set forth in this Agreement.

B. Consent

1. Each Party and Signatory to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.

2. Each Party and Signatory to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the Parties with respect to the subject matter of this Agreement.
3. Each Party and Signatory to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protests.
4. Effective upon the signing of this Agreement by the Parties and Signatories, the Bureau, ODFW, WaterWatch, and Signatories waive any and all rights to petition for judicial review of this Agreement, and waive any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement issued by the Department.

C. Terms of the Agreement

1. Each Party and Signatory understands and agrees that the final order on T-12239 changes the character of use of certain quantities of water authorized to be stored in Prineville Reservoir and identifies the purpose for which the water is to be stored.
2. Each Party and Signatory understands and agrees that the Bureau will be the holder of the certificate issued confirming T-12239 and that the Bureau is also the reservoir owner.
3. Each Party and Signatory understands and agrees that the Bureau will manage the reservoir and the identified storage purposes consistent with the Crooked River Collaborative Water Security and Jobs Act of 2014 ("2014 Act").
4. Each Party and Signatory understands and agrees that the Water Resources Department will regulate for the total quantity stored.
5. Each Party and Signatory understands and agrees that some or all of the 68,887 acre feet (AF) of stored water stored for downstream fish life and wildlife use in one year could be considered stored for irrigation in a subsequent year in accordance with Section 4 of the 2014 Act, as it amends the Act of August 6, 1956 ("1956 Act") by adding Sections 6(b) and Section 7(c) to the 1956 Act. Each Party and Signatory agrees that Oregon law allows this.
6. Each Party and Signatory understands and agrees that 10,000 AF of stored water stored for irrigation and downstream fish life and wildlife use could be released for downstream fish life and wildlife use consistent with Section 4 of the 2014 Act, as it amends the 1956 Act by adding Section 6(a)(3), and Section 6(c) of the 2014 Act. Each Party and Signatory agrees that Oregon law allows this.


RECEIVED

MAR 10 2017

OWRD

Page 2 of 4

7. Once each Party and Signatory has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
8. Each Party and Signatory to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party or Signatory and bind that Party or Signatory to the terms of this Agreement.
9. Each Party and Signatory to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
10. The Parties and Signatories agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
11. This Agreement may be signed in counterparts.



 Dwight French, Administrator,
 Water Right Services Division
 for Thomas M. Byler, Director

1-11-17

 Date

 U.S. Bureau of Reclamation

 Date

 Oregon Department of Fish and Wildlife

 Date

 WaterWatch of Oregon, Inc.

RECEIVED
 MAR 10 2017
OWRD

5-2000

North Unit Irrigation District

Date

Ochoco Irrigation District

Date

City of Prineville

Date

RECEIVED

MAR 10 2017

OWRD

C-00447

RECEIVED

MAR 10 2017

OWRD

Attachment E

**Crooked River Collaborative Water Security and Jobs Act of 2014
Application for a Permit to Use Surface Water – U.S. Bureau of Reclamation**

S-22407

One Hundred Thirteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Friday,
the third day of January, two thousand and fourteen*

An Act

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crooked River Collaborative Water Security and Jobs Act of 2014".

SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (72) and inserting the following:

"(72) CROOKED, OREGON.—

"(A) IN GENERAL.—The 14.75-mile segment from the National Grassland boundary to Dry Creek, to be administered by the Secretary of the Interior in the following classes:

"(i) The 7-mile segment from the National Grassland boundary to River Mile 8 south of Opal Spring, as a recreational river.

"(ii) The 7.75-mile segment from a point ¼-mile downstream from the center crest of Bowman Dam, as a recreational river.

"(B) HYDROPOWER.—In any license or lease of power privilege application relating to non-Federal hydropower development (including turbines and appurtenant facilities) at Bowman Dam, the applicant, in consultation with the Director of the Bureau of Land Management, shall—

"(i) analyze any impacts to the scenic, recreational, and fishery resource values of the Crooked River from the center crest of Bowman Dam to a point ¼-mile downstream that may be caused by the proposed hydropower development, including the future need to undertake routine and emergency repairs;

"(ii) propose measures to minimize and mitigate any impacts analyzed under clause (i); and

"(iii) propose designs and measures to ensure that any access facilities associated with hydropower development at Bowman Dam shall not impede the free-flowing nature of the Crooked River below Bowman Dam."

RECEIVED

MAR 10 2017

OWRD

SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954) is amended—

(1) by striking "SEC. 4. In order" and inserting the following:

"SEC. 4. CITY OF PRINEVILLE WATER SUPPLY.

"(a) **IN GENERAL.**—In order";

(2) in subsection (a) (as so designated), by striking "during those months" and all that follows through "purpose of the project"; and

(3) by adding at the end the following:

"(b) **ANNUAL RELEASE.**—

"(1) **IN GENERAL.**—Without further action by the Secretary of the Interior, beginning on the date of enactment of the Crooked River Collaborative Water Security and Jobs Act of 2014, 5,100 acre-feet of water shall be annually released from the project to serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the water.

"(2) **PAYMENTS.**—The City of Prineville shall make payments to the Secretary of the Interior for the water released under paragraph (1), in accordance with applicable Bureau of Reclamation policies, directives, and standards.

"(c) **ADDITIONAL QUANTITIES.**—Consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws, the Secretary of the Interior may contract exclusively with the City of Prineville for additional quantities of water, at the request of the City of Prineville."

SEC. 4. ADDITIONAL PROVISIONS.

The Act of August 6, 1956 (70 Stat. 1058; 73 Stat. 554; 78 Stat. 954), is amended by adding at the end the following:

"SEC. 6. FIRST FILL STORAGE AND RELEASE.

"(a) **IN GENERAL.**—Other than the 10 cubic feet per second release provided for in section 4, and subject to compliance with the flood curve requirements of the Corps of Engineers, the Secretary shall, on a 'first fill' priority basis, store in and when called for in any year release from Prineville Reservoir, whether from carryover, infill, or a combination of both, the following:

"(1) Not more than 68,273 acre-feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011.

"(2) Not more than 2,740 acre-feet of water annually to supply the McKay Creek land, in accordance with section 5 of the Crooked River Collaborative Water Security and Jobs Act of 2014.

"(3) Not more than 10,000 acre-feet of water annually, to be made available first to the North Unit Irrigation District, and subsequently to any other holders of Reclamation contracts existing as of January 1, 2011 (in that order) pursuant to Temporary Water Service Contracts, on the request of the North Unit Irrigation District or the contract holders, consistent with the same terms and conditions as prior such contracts between the Bureau of Reclamation and District or contract holders, as applicable.

RECEIVED

MAR 10 2017

OWRD

S-88407

"(4) Not more than 5,100 acre-feet of water annually to mitigate the City of Prineville groundwater pumping under section 4, with the release of this water to occur not based on an annual call, but instead pursuant to section 4 and the release schedule developed pursuant to section 7(b).

"(b) CARRYOVER.—Except for water that may be called for and released after the end of the irrigation season (either as City of Prineville groundwater pumping mitigation or as a voluntary release, in accordance with section 4 of this Act and section 6(c) of the Crooked River Collaborative Water Security and Jobs Act of 2014, respectively), any water stored under this section that is not called for and released by the end of the irrigation season in a given year shall be—

"(1) carried over to the subsequent water year, which, for accounting purposes, shall be considered to be the 1-year period beginning October 1 and ending September 30, consistent with Oregon State law; and

"(2) accounted for as part of the 'first fill' storage quantities of the subsequent water year, but not to exceed the maximum 'first fill' storage quantities described in subsection (a).

"SEC. 7. STORAGE AND RELEASE OF REMAINING STORED WATER QUANTITIES.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary shall store in and release from Prineville Reservoir sufficient quantities of remaining stored quantities to be released pursuant to the annual release schedule under subsection (b) and to provide instream flows consistent, to the maximum extent practicable, with the recommendations for in-channel strategies in the plan prepared by the Northwest Power and Conservation Council entitled 'Deschutes Subbasin Plan' and dated March 24, 2005, for flow between Bowman Dam and Lake Billy Chinook.

"(2) REQUIREMENTS.—In calculating the quantity of released water under paragraph (1), the Secretary shall—

"(A) comply with the flood curve requirements of the Corps of Engineers; and

"(B) credit toward the requirements of paragraph (1) the instream flow benefits provided by—

"(i) the quantities released under section 4;

"(ii) the 'first fill' quantities released under section 6; and

"(iii) any quantities released to comply with the flood curve requirements of the Corps of Engineers.

"(3) USE OF UNCONTRACTED WATER.—If a consultation conducted under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or an order of a court in a proceeding under that Act requires releases of stored water from Prineville Reservoir for fish and wildlife downstream of Bowman Dam, the Secretary shall use uncontracted water under paragraph (1).

"(4) STATE WATER LAW.—All releases and downstream uses authorized under paragraph (1) shall be in accordance with Oregon State water law.

"(b) ANNUAL RELEASE SCHEDULE.—The Commissioner of Reclamation, in consultation with the Assistant Administrator of Fisheries of the National Marine Fisheries Service and the Director of the United States Fish and Wildlife Service, shall develop annual

RECEIVED

MAR 10 2017

OWRD

5-88407

release schedules for the remaining stored water quantities (including the quantities described in subsection (a) and the water serving as mitigation for City of Prineville groundwater pumping pursuant to section 4) that maximizes, to the maximum extent practicable, benefits to downstream fish and wildlife.

"(c) CARRYOVER.—Any water stored under subsection (a) in 1 water year that is not released during the water year—

"(1) shall be carried over to the subsequent water year; and

"(2)(A) may be released for downstream fish and wildlife resources, consistent with subsection (b), until the reservoir reaches maximum capacity in the subsequent water year; and

"(B) once the reservoir reaches maximum capacity under subparagraph (A), shall be credited to the 'first fill' storage quantities, but not to exceed the maximum 'first fill' storage quantities described in section 6(a).

"(d) EFFECT.—Nothing in this section affects the authority of the Commissioner of Reclamation to perform all other traditional and routine activities associated with the Crooked River Project.

"SEC. 8. RESERVOIR LEVELS.

"The Commissioner of Reclamation shall—

"(1) project reservoir water levels over the course of the year; and

"(2) make the projections under paragraph (1) available to—

"(A) the public (including fisheries groups, recreation interests, and municipal and irrigation stakeholders);

"(B) the Assistant Administrator of Fisheries of the National Marine Fisheries Service; and

"(C) the Director of the United States Fish and Wildlife Service.

"SEC. 9. EFFECT.

"Except as otherwise provided in this Act, nothing in this Act—

"(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

"(2) amends or reopens contracts referred to in paragraph (1); or

"(3) modifies any rights, obligations, or requirements that may be provided or governed by Federal or Oregon State law."

SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—

(1) **IN GENERAL.**—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District, Oregon (referred to in this section as the "district"), may repay, at any time, the construction costs of the project facilities allocated to the land of the landowner within the district.

(2) **EXEMPTION FROM LIMITATIONS.**—Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all land of the landowner in the district, the land shall not be subject to the ownership and full-cost pricing limitations of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

RECEIVED

MAR 10 2017

OWRD

S-88402

(b) **CERTIFICATION.**—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to the land of the landowner within the district, the Secretary of the Interior shall provide the certification described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) **CONTRACT AMENDMENT.**—On approval of the district directors and notwithstanding project authorizing authority to the contrary, the Reclamation contracts of the district are modified, without further action by the Secretary of the Interior:—

(1) to authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) to include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) to classify as irrigable approximately 685 acres within the approximately 2,742 acres of included land in the vicinity of McKay Creek, with those approximately 685 acres authorized to receive irrigation water pursuant to water rights issued by the State of Oregon if the acres have in the past received water pursuant to State water rights; and

(4) to provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of land added within the district boundary and classified as irrigable under paragraphs (2) and (3), with the stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the issuance of water rights by the State of Oregon for the use of stored water.

(d) **LIMITATION.**—Except as otherwise provided in subsections (a) and (c), nothing in this section—

(1) modifies contractual rights that may exist between the district and the United States under the Reclamation contracts of the district;

(2) amends or reopens the contracts referred to in paragraph (1); or

(3) modifies any rights, obligations, or relationships that may exist between the district and any owner of land within the district, as may be provided or governed by Federal or Oregon State law.

SEC. 6. DRY-YEAR MANAGEMENT PLANNING AND VOLUNTARY RELEASES.

(a) **PARTICIPATION IN DRY-YEAR MANAGEMENT PLANNING MEETINGS.**—The Bureau of Reclamation shall participate in dry-year management planning meetings with the State of Oregon, the Confederated Tribes of the Warm Springs Reservation of Oregon, municipal, agricultural, conservation, recreation, and other interested stakeholders to plan for dry-year conditions.

(b) **DRY-YEAR MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Bureau of Reclamation shall

RECEIVED

MAR 10 2017

OWRD

5-88402

develop a dry-year management plan in coordination with the participants referred to in subsection (a).

(2) REQUIREMENTS.—The plan developed under paragraph (1) shall only recommend strategies, measures, and actions that the irrigation districts and other Bureau of Reclamation contract holders voluntarily agree to implement.

(3) LIMITATIONS.—Nothing in the plan developed under paragraph (1) shall be mandatory or self-implementing.

(c) VOLUNTARY RELEASE.—In any year, if North Unit Irrigation District or other eligible Bureau of Reclamation contract holders have not initiated contracting with the Bureau of Reclamation for any quantity of the 10,000 acre feet of water described in subsection (a)(3) of section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4), by June 1 of any calendar year, with the voluntary agreement of North Unit Irrigation District and other Bureau of Reclamation contract holders referred to in that paragraph, the Secretary may release that quantity of water for the benefit of downstream fish and wildlife as described in section 7 of that Act.

SEC. 7. HYDROPOWER DECISION.

Not later than 3 years after the date of enactment of this Act, the Commissioner of Reclamation shall determine the applicability of the jurisdiction of the Commissioner of Reclamation to non-Federal hydropower development pursuant to—

(1) the Memorandum of Understanding between the Federal Energy Regulatory Commission and the Bureau of Reclamation, Department of the Interior, entitled "Establishment of Processes for the Early Resolution of Issues Related to the Timely Development of Non-Federal Hydroelectric power at the Bureau of Reclamation Facilities" and signed November 6, 1992 (58 Fed. Reg. 3269); or

(2) any memorandum of understanding that is subsequent or related to the memorandum of understanding described in paragraph (1).

SEC. 8. RELATION TO EXISTING LAWS AND STATUTORY OBLIGATIONS.

Nothing in this Act (or an amendment made by this Act)—

(1) provides to the Secretary the authority to store and release the "first fill" quantities provided for in section 6 of the Act of August 6, 1956 (70 Stat. 1058) (as added by section 4) for any purposes other than the purposes provided for in that section, except for—

(A) the potential instream use resulting from conserved water projects and temporary instream leasing as provided for in section 5(c)(1);

(B) the potential release of additional amounts that may result from voluntary actions agreed to through the dry-year management plan developed under section 6(b); and

(C) the potential release of the 10,000 acre feet for downstream fish and wildlife as provided for in section 6(c); or

RECEIVED

MAR 10 2017

OWRD

H. R. 2640—7

(2) alters any responsibilities under Oregon State law or Federal law, including section 7 of the Endangered Species Act (16 U.S.C. 1536).

Speaker of the House of Representatives.


*Vice President of the United States and
President of the Senate.*

RECEIVED

MAR 10 2017

OWRD

S-8840-2



Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

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

Today's Date: Friday, March 10, 2017

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	5100	\$5,680.00
Permit Recording Fee. ***		\$450.00
*** 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		\$6,580.00

OWRD Fee Schedule

Fee Calculator Version: B20130709



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058

IN REPLY REFER TO:
CCA-1002
PRJ-3.00

MAR 9 2017

Mr. Tim Wallin
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Application for a Permit to Use Surface Water – U.S. Bureau of Reclamation

Dear Mr. Wallin:

I am submitting the enclosed Application for a Permit to Use Surface Water on behalf of Reclamation. The application requests a permit to use 5,100 acre-feet of stored water from Prineville Reservoir for mitigation for groundwater pumping (downstream fish life and wildlife use) from Prineville Reservoir to Lake Billy Chinook. The requested water right will be used by the City of Prineville to establish mitigation credits for groundwater pumping under the Deschutes Basin Groundwater Mitigation Rules. The storage is authorized under Transfer T-12239.

Reclamation owns and operates the Arthur R. Bowman Dam, which impounds water in Prineville Reservoir. The Crooked River Collaborative Water Security and Jobs Act of 2014 describes Reclamation's obligations with respect to the release of stored water to serve as mitigation for the City of Prineville's groundwater pumping. Pursuant to this law, Reclamation will hold this secondary right for the benefit of the City of Prineville.

Enclosed is the required application fee of \$6,580, which was calculated as follows:

\$ 450 – Base Fee
\$ 5,680 – \$30 per AF x 20 AF (\$600) plus \$1 each additional AF x 5,080 AF (\$5,080).
\$ 450 – Permit Recording Fee
Total = \$6,580

If you have any questions or concerns regarding this application, please contact Mr. Adam Sussman of GSI Water Solutions, Inc. at 541-257-9001. Adam is an authorized representative

RECEIVED

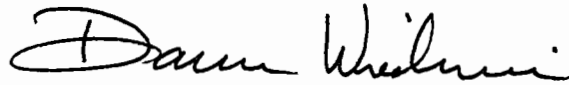
MAR 10 2017

OWRD

5-88402

for the purposes of this application. I look forward to hearing from you soon.

Sincerely,



Dawn A. Wiedmeier
Columbia-Cascades Area Manager

Enclosures: Water Right Application
Check for application fee

cc: Mr. Adam Sussman
Principal Water Resources Consultant
GSI Water Solutions
8019 W. Quinault Avenue, #201
Kennewick, WA 99336
(w/o enclosures)

Mr. Eric Klann
City Engineer
City of Prineville
387 NE Third Street
Prineville, OR 97754
(w/o enclosures)

RECEIVED

MAR 10 2017

OWRD

5-88402