

Application for Surface Water Allocation of Conserved Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

Part 1 of 4 – Surface Water Allocation of Conserved Water Minimum Requirements Checklist

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

- ☐ Part 1 – Completed Minimum Requirements Checklist.
- ☐ Part 2 – Completed Applicant Information and Signature. (**NOTE:** If the applicant is a public agency, corporation or business, trust, or other organization, the title or authority of the person who signs the application on behalf of the entity and evidence of signatory authority or a signed statement that such authority exists must be included.)
- ☐ Part 3 – Completed Groundwater Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: _____.
- ☐ Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- ☐ Fees – Amount enclosed: \$ _____ (https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf).
- ☐ Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- ☐ Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**
Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- ☐ Well Log(s) for both the authorized and, if known, the proposed points of appropriation
- ☐ ☐ N/A Completed Evidence of Use Affidavit and Supporting Documentation.
- ☐ ☐ N/A Affidavit(s) of Consent.
- ☐ ☐ N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- ☐ ☐ N/A Irrigation or Water Control District's adopted policy on allocation of conserved water.
- ☐ ☐ N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- ☐ ☐ N/A Evidence for Fee Waiver
- ☐ ☐ N/A Notice of Completion.
- ☐ ☐ N/A Request for Finalization. (The entire project listed on the application must be complete. No partial finalization will be recognized.)

Part 2 of 4 – Surface Water Allocation of Conserved Water

Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

☐ The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: _____ / _____ / 20_____.

OR

☐ The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located? ☐ Yes ☐ No*

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

LANDOWNER NAME			PHONE NO.
ADDRESS			
CITY	STATE	ZIP	E-MAIL

Representative/Agent Information – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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



Applicant signature

Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable) Date

Is the person(s) signing this application signing on behalf of a public agency, corporation or business, trust, or other organization? ☐ Yes** ☐ No

**If Yes, evidence of signatory authority or a signed statement that such authority exists must be attached to this application.

In your own words tell us what conservation measures you have made or propose to make and the reason for the change(s):



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 4 of 4 – Surface Water Allocation of Conserved Water Mitigation, Proposed Use, Project Schedule, Funding and Fee Calculation

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved.

Describe any mitigation or other measures that are planned to avoid harm to other water rights.

PROPOSED USE:

New Out of Stream Uses:

☐ ☐ N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: _____; Boundaries: _____.

Will the new use require a change or additional point of diversion/appropriation?

☐ Yes ☐ No ☐ Unknown at this time

New Point of Diversion

Twtp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude

New Instream Uses to be Created (State's Portion):

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
TOTAL VOLUME					

* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

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

Note: The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

Location of the proposed instream water right.

☐ Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM ___ to downstream location at the mouth at RM ___) _____.

OR

☐ Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): _____

Public Use for which conserved water right should be managed under an instream right (check at least one box):

- ☐ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- ☐ Recreation and scenic attraction.
- ☐ Water Quality (e.g. pollution abatement).

PROJECT SCHEDULE:

- ☐ ☐ N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date:	Date:	*Date:

* Must be within 5 years from the date of filing the Notice of Completion.

Note: If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.

- ☐ ☐ N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

* Must be within 5 years prior to the date of filing this application.

** Must be within 5 years after the date of filing the Notice of Completion.

FUNDING:

- ☐ ☐ N/A Federal or state public funds that **are not** subject to repayment are to be used or have been used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

- ☐ Source of Funding: ☐ Federal: \$_____ ☐ State: \$_____
- ☐ Total cost for project engineering \$_____ Total cost for construction \$_____.
- ☐ The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$_____.
- ☐ The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$_____.
- ☐ The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$_____.

- ☐ ☐ N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) _____. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? _____. %

- ☐ ☐ N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is_____.

Part 3 of 4 – Surface Water Allocation of Conserved Water

Surface Water - Water Right Information and Conservation Measures

Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

☐ Certificated Right	_____ Certificate Number	_____ Permit Number or Decree Name
☐ Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
☐ Permit for which Proof has been Approved	_____ Permit Number	_____ Special Order Volume ____, Page ____
☐ Transferred Right for which Proper Proof of the change has been filed	_____ Previous Certificate / Transfer Number	_____ Date Claim of Beneficial Use

County: _____

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.*

Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (**“system capacity”**). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty; conversely, if the water is only limited by duty, do not list a rate.)*

PRE-PROJECT DESCRIPTION								
			Column A Water Right of Record				Column B System Capacity	
			Rate		Duty		Rate	Duty
			Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
Originating Water Right #	Priority	Acres						
Totals								

Note: 1 miner's inch = 1/40 cfs

1 cfs = 448.8 gpm

1 cfs = 1.983471 ac-ft/day

CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- ☐ On-Farm efficiency project
- ☐ Distribution project, such as a ditch piping or lining project
- ☐ Other:

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project:*

Existing Point(s) of Diversion

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude

Place of Use Involved in Conservation Measures:

List only the part of the right that will be affected. If the entire right is being affected, just state “entire Certificate.”

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
2	S	9	E	15	NE	NW	153.0	100		EXAMPLE	1/1/1865
Total											

Are there other water right certificates, water use permits, groundwater registrations, or uncertificated decreed rights associated with the above lands? ☐ Yes ☐ No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decreed numbers: _____

Is the project within the boundaries of an irrigation district or water control district? ☐ Yes ☐ No If YES, and applicant is not a District, you must provide a letter of approval from the District.

Table 2: Conserved Water

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., $A - B = C$). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

Conserved Water Description											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
Totals											

Table 3: Allocation of Conserved Water

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., $A + B = C$).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
%			%			100%		

* must be at least 25%

The priority for the conserved water is requested to be:

- ☐ The same as the original right, or
- ☐ One minute junior to the original right.

FEE CALCULATION:

<u>Fee Schedule – ORS 536.050</u> https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf	
\$2,040.00 - Base (1 st Water Right)	Add \$720.00 for each additional right
$\$2,040 + (\text{ } \times \$720) = \text{Total Fee } \$\text{ } \text{ }$	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
	(a) Will be converted to an instream right pursuant to ORS 537.348; or
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
	(d) Enter Percentage from Table 3, Column A = $\text{ } \%$
	(e) Deduct 25% from percentage in (d) above = $\text{ } \%$
	(f) Enter the lesser of (e) above or 50% $\text{ } \%$
	(g) Total Fee x % waived (f) = Fee Waiver \$ $\text{ } \text{ }$
	<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>
	Total Fee \$ $\text{ } \text{ }$ – Fee Waiver (g) \$ $\text{ } \text{ }$ = Amount Due \$ $\text{ } \text{ }$