



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease Renewal

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

The undersigned entered into Instream Lease Number IL-931 involving Water Right Certificate(s) 82739 on September 4, 2008, which terminated on September 30, 2008.

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number IL-931 be renewed. Lessor and Lessee warrant that, to the best of their knowledge, circumstances have not changed and all matters involved with or affected by the instream lease and the subject water right(s) remain as they were when the lease was first entered into, including but not limited to water right holder interest, the acres from which the right is leased, and the public instream benefit provided as a result of this instream lease.

The terms and conditions of instream lease IL-931 are hereby incorporated by reference in their entirety, with the following exception(s):

- The term of the lease shall commence on 6/1/2012 (not before execution by the parties) and continue through September 30, 2016 (See attached, 3.5).

**CREP.** Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program?

Yes  No or other Federal Program: \_\_\_\_\_

**Fees.** Pursuant to ORS 536.050, the following fee is included:

\$100 for an instream lease renewal application.

Lessor Signature: Sharon Coxen Date: 5/25/12  
 Print Name: Sharon Coxen  
 City, State, Zip: Mt. Vernon, OR 97865  
 Telephone Number: 541-932-4958  
 E-mail address\*\*: sharilyn@ortelco.net

Lessor Signature: Fran Coxen Date: 5/25/12  
 Print Name: Fran Coxen  
 City, State, Zip: Mt. Vernon, OR 97865  
 Telephone Number: 541-932-4958  
 E-mail address\*\*: fran309@live.com

For additional Lessors, type in space for signature and date.

Lessee Signature: [Signature] Date: 5/25/12  
 Lessee Organization: The Freshwater Trust  
 Phone Number: 503-222-9091  
 E-mail address\*\*: tony@thefreshwatertrust.org

- 2.3 **Term of lease.** This lease shall terminate on 9/30/2016.
- 2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

**~III~ Other Information**

- 3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 **Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.