



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

# Application for District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>This Application to be used for water rights in the name of or conveyed by          an Irrigation District (or similar organization)          Complete Parts 1 through 4 and any required attachments</b>	OWRD #	IL-1348
	District #	IL-14-24

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

Yes  N/A Pooled Lease—a lease with more than one Lessor (Landowner/water right interest holder)

Fee in the amount of:

<input type="checkbox"/> \$450.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$300.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Cons.</u> (Account name)	

- Part 1 – Completed Minimum Requirements Checklist
- Part 2 – Completed District and Other Party Signature Page
- Part 3 – Completed Place of Use and Lessor Signature Page  
(Include a separate Part 3 for each Lessor.)
- Part 4 – Completed Water Right and Instream Use Information  
(Include a separate Part 4 for each Water Right.)
- How many Water Rights are included in the lease application? 1 (# of rights)  
List each water right to be leased instream here: 83571

Yes  N/A Other water rights, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream.  
List those other water rights here: 76714

Yes  No Conservation Reserve Enhancement Program CREP – Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**Required Attachments:**

Yes  N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

RECEIVED BY OWRD

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

APR 15 2014

SALEM, OR

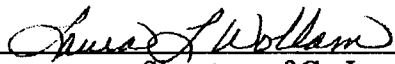
- Yes  N/A If the Lessor(s) is **not** the deeded land owner, include one of the following:
  - A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
  - A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
  - Other documentation.
- Yes  N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

**Part 2 of 4 – District and other party Signature**

<b>Term of the Lease:</b> The lease is requested to begin in: month <u>April</u> year <u>2014</u> and end: month <u>October</u> year <u>2014</u> .	
<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input checked="" type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
<b>Validity of the rights to be leased:</b> <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

**SIGNATURES**

The undersigned declare that the information contained in this application is true and accurate.

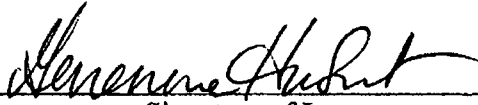
  
 \_\_\_\_\_ Date: 04/09/14  
 Signature of Co-Lessor  
 Printed name (and title): Laura Wollam, Water Use Specialist  
 Business/Organization name: Central Oregon Irrigation District  
 Mailing Address (with state and zip): 1055 SW Lake Ct, Redmond, OR 97756  
 Phone number (include area code): 541-504-7577 \*\*E-mail address: lauraw@coid.org

\_\_\_\_\_ Date: \_\_\_\_\_  
 Signature of Co-Lessor  
 Printed name (and title): \_\_\_\_\_  
 Business/Organization name: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

See next page for additional signatures.

RECEIVED BY OWRD

APR 15 2014

  
Signature of Lessee

Date: 4/15/2014

Printed name (and title): Gen Hubert, Water Leasing Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): PO Box 1560, Bend, OR 97709

Phone number (include area code): 541-382-4077 x16 \*\*E-mail address: gen@deschutesriver.org

**\*\* BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR**

RECEIVED BY OWRD

APR 15 2014

Page 3  
SALEM, OR

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1. Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**  
Irrigation District or other Water Purveyor Name: Central Oregon Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.  
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.


Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
83571	10/31/1900			S	E							

**Any additional information about the right: See attached Exhibit A for list of water rights totaling 88.70 acres.**

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

- I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
- I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- I/We affirm that the information in this application is true and accurate.

 Date: 3/18/14  
Signature of Lessor

Printed name (and title): Mary Ruby Business name, if applicable: NNP IV-NCR, LLC  
Mailing Address (with state and zip): % Newland Communities, LLC, 16701 SE McGillivray Blvd, Ste 150, Vancouver, WA 98683  
Phone number (include area code): 541-389-0700 \*\*E-mail address: mruby@newlandco.com

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

District Instream Lease Application (revised 2/12/2013)

**RECEIVED BY OWRD**

APR 15 2014

**SALEM, OR**

**NNP IV-NCR, LLC**  
**1 year Instream Lease - 2014**  
**Exhibit A**

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
83571	10/31/1900	1	17 S	12 E	24	NE NW	300		3.10	Irrigation	44	
83571	10/31/1900	1	17 S	12 E	24	NE NW	301		4.50	Irrigation	44	
83571	10/31/1900	1	17 S	12 E	24	NE NW	302		4.20	Irrigation	44	
83571	10/31/1900	1	17 S	12 E	24	NE NW	304		4.90	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	SE NW	304		0.50	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	NE NW	305		4.90	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	NW NW	401		12.00	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	NW NW	405		4.50	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	SW NW	406		37.00	Irrigation	44	IL-1276
83571	10/31/1900	1	17 S	12 E	24	SE NW	406		13.10	Irrigation	44	IL-1276

**Total Irrigation Acres for Lease: 88.70**

RECEIVED BY OWRD

APR 15 2014

SALEM, OR

**EXHIBIT C**

**Deschutes River Conservancy  
2014 Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

**Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

**Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

NNP IV-NCR, LLC

I, Mary Ruby Print Name (VP) understand the DRC weed policy and have been informed about farm deferral and donations.

Signature: Mary Ruby, V.P. NNP IV-NCR, LLC Date: 3.14.14

**This form must be signed and returned with state lease form.**

RECEIVED BY OWRD

# DESCHUTES COUNTY SEC.24 T17S R12E





APR 15 2014

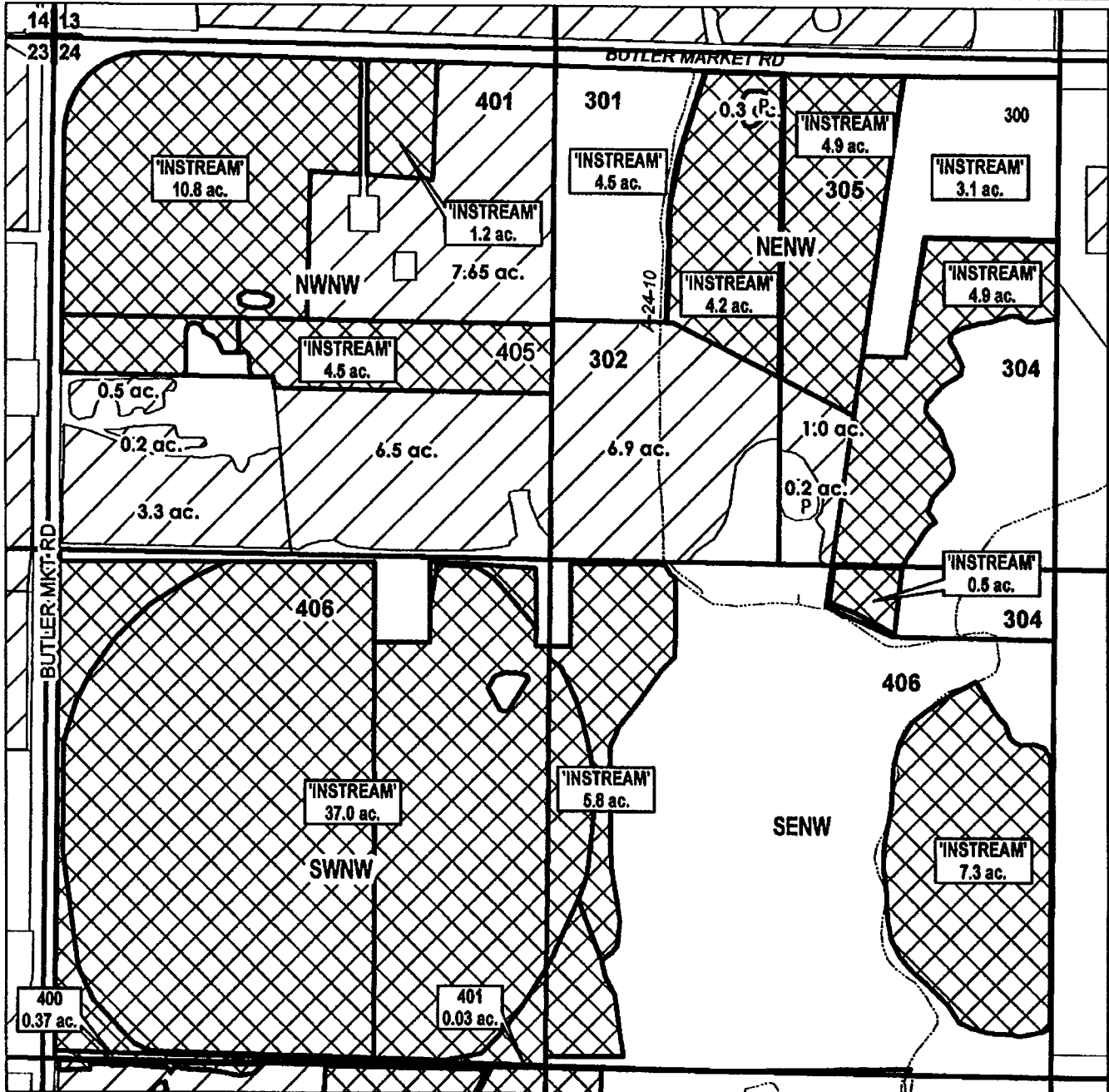
SALEM, OR

SCALE - 1" = 400'



NW 1/4

-  EXISTING WATER RIGHTS
-  INSTREAM LANDS
-  INSTREAM PARCELS
-  PARCELS W/ WATER RIGHTS



## APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: NNP IV-NCR, LLC

TAXLOT #: 300, 301, 302, 304, 305, 401, 405, 406

88.7 ACRES

DATE: 03-24-14

FILE: I:\TRANSFER\INSTREAM\INSTRM14\1 YEAR\171224\_NW

**Part 4 of 4 – Water Right and Instream Use Information**

Use a separate Part 4 for each water right to be leased instream

**Table 2**

**Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right # 83571**

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)			Rate (cfs)	Volume (af)
				Season 1 Rate / Total Volume	Season 2 Rate	Season 3 Rate		
10/31/1900	1	Irrig	88.70				1.103	874.17
10/31/1900	1	Irrig	88.70				1.471	
10/31/1900	1	Irrig	88.70				1.944	
12/02/1907	1	Irrig	88.70				0.779	

Total af from storage, if applicable: AF or  N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described: POD # 1

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> Deschutes	<b>River/Stream Name:</b> Deschutes River, tributary to Columbia River				
<b>Proposed Instream Reach:</b>	<b>Or Proposed Instream Point:</b>					
<input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD # 1 to Mouth of Deschutes River (RM 0)	<input type="checkbox"/> Instream use protected at the POD					
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
10/31/1900	1	Irrig	88.70	Season 1 Rate / Total Maximum Volume	0.610	483.46
10/31/1900	1	Irrig	88.70	Season 2 Rate	0.813	
10/31/1900	1	Irrig	88.70	Season 3 Rate	1.506	
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>N/A</b> <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here</b> The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26.						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____						
<b>RECEIVED BY OWRD</b>						