

Drought

Application for Instream Lease

Part 1 of 4 - Minimum Requirements Checklist

Complete Part 1 through 4 and include the required attachments OWRD# Fill in or check boxes as indicated. (N/A= Not Applicable) Fee- \$300. Pursuant to ORS 537.348(2) and OAR 690-077 Check all items included with this application. (N/A = Not Applicable)Part 1 - Completed MinimumRequirements Checklist and Application Fee **⊠Yes** \$450.00 for a lease involving four or \$300.00 for all other leases morelandowners or four or more waterrights Check enclosedor Fee Charged to customer account <u>Deschutes River Cons</u> (account name) X Yes Part 2 – Completed Instream Lease Application Map Checklist. X Yes Part 3 - Completed Water Right and Instream Use Information Include a separate Part 3 for each water right X Yes Part 4 - Completed Instream Lease Provisions and Signatures X Yes How many water rights are leased? 3 List them here: 75205, 83370, 83371 Include aseparate Part 3 for each waterright. 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: 76366 not leased ☐ Yes ⊠No Conservation Reserve Enhancement Program (CREP). Are some or all of the lands to be leased part of CREPor another Federal program (list here: _____)? Attachments: Yes N/AMap: Instream Leasemaprequirements (see Part 2 of this application) Yes N/ATax Lot Map: If a portion of the water right not included in the lease is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease. Yes N/ASupporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4). Yes N/A If the Lessor (water right holder) is not the deeded landowner- provide one of the A notarized statement from the landowner 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 which provides authority to pursue the lease absent consent

of the landowner.

Part 2 of 4 – Instream Lease Application Map Checklist

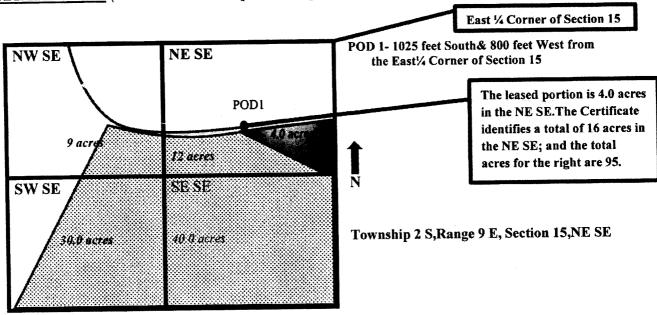
A Map is generally required for each water right not leased in its entirety

The application map (if required) should include all the itemslisted below and match the existing water right(s) of record. Check all boxes that apply.

This should be a <u>simple</u> map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- A map is required <u>for each</u> water rightnot leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- \triangle A North arrow and map scale (no smaller than 1" = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hatchured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

EXAMPLE MAP (the darker shaded portion representing the portion leased instream)



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Part 3 of 4 – Water Right and Instream Use Information

Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right #75205

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

Entirety- If the entire water right is to be leased, skip to Table complete Table 1 as indicated 3. Gov't Lot/DLC Tax Lot USE Previous Lease # (if any) Rng **Priority Date** POD# Twp Acres 43 VIII 80 12/2/1901 TOUR STREET AND STREET AND STREET AND STREET Stanton 1700 **IRR** 14-S 17-E **NW-NE** 0.6 15 1868 Ditch Stanton 14-S 17-E 15 **SW-NE** 1700 3.2 IRR 1868 Ditch Stanton **IRR NW-SE** 1700 14-S 17-E 3 1868 Ditch 9 Eva

Total Acres: 6.8

Water right #<u>83370</u>

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

☑If only leasing a portion of the right - complete Table 1 as indicated				■ Entirety- If the entire water right is to be leased, skip to Table 3.						
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
			724			XAMPLE:	IE 27		15 9 it	11211000 S.
-1527/1901		7.45	S RAIS	l lo	No ST					
1868	Stanton Ditch	14-S	17-E	15	NE-NE	1700		31.5	IRR	
1868	Stanton Ditch	14-S	17-E	15	SE-NE	1700		21.2	IRR	
1868	Stanton Ditch	14-S	17-E	15	NE-SE	1700		13.2	IRR	
1868	Stanton Ditch	14-S	17-E	15	SE-SE	1700		6.4	IRR	
		_	-		-					

Total Acres: 72.3

Water right #83371

JUN 5 0 2014

SALEM, OR

C-83371

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

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- 1	igtimes If only leasing a portion of the right -		Entirety	11.	4 L ~ ~ ~ 4			· ~h+ ·	~ + ^ I		a alree	a +a '	anni.	•
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	Complete Audio I do Microsica	- 1										3 1 THE R. P.	S. 175 ALC: 81	
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Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
16272119(1)		725	4957	11.	131 AS 2	VAINTEAR 100][: ý]	<u></u> (2.40)	a≟, í k. ≃	100 a 100 a 100 a
1868	Stanton Ditch	14-S	17-E	15	SE-SE	1700		3.4	IRR	
1868	Stanton Ditch	14-S	17-E	15	NE-SE	1700		0.6	IRR	
			-		-					
		-	-							
		-	-							

Total Acres: 4

Table 2

나는 그 글이 소스스 등의 생활하였다.					The address of the design of the second control of the second con
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	THE TOURS OF STREET	그 가지 그들 나는 여러 위한 사람들은 나를 다시 다 모든 것	도 하는 사를 받는 사람이를 걸었다. 관심을 하고 있다.	The second secon	24. 1. \$1. \$2. \$2. \$2. \$2. \$2. \$2. \$2. \$2. \$2. \$2
make the property of the control of the same of the second	the second of th	The second secon			The state of the s

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 additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
(75205) 1868	Stntn D	IRR	6.8	Max rate: 0.0125, Max af: 4	0.085	27.20
(83370) 1868	Stntn D	IRR	72.3	Max rate: 0.0125, Max af: 4	0.904	289.20
(83371) 1868	Stntn D	IRR	4	Max rate: 0.0125, Max af: 4	0.05	16.0
				SI see		

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

Any additional information about the right: ____

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Stntn	Evans					
D '	14-S	17-E	15	SE-SE		Cetificate # 75205 SESE, Sect 10, T14S, R17E., WM
Stntn D	14-S	17-E	15	SE-SE		Certificate # 83370 SESE, Sect 10, T14S, R17E., WM
Stntn D	14-S	17-E	15	SE-SE		Certificate # 83371 SESE, Sect 10, T14S, R17E., WM

location of the POD(s	Part 3 of 4 cont. – Water Right and Instream Use Information
	f you don't know the location of the POD(s) and want the Department to identify the for the purpose of the instream lease.

Table 4

Instream Use Created by the Lease										
River/ Stream	Name: Po	<u>OD</u> , trib	utary to]	Mouth of Mill Cree	<u>ek</u> River Basin:	<u>Deschutes</u>				
Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased. If not enough room below, you may addadditional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.										
· · · · · · · · · · · · · · · · · · ·	Priority date POD # Use Acres Period Total instream rate (cfs) Volume (af)									
(75205) 1868	Stntn D	IRR	6.8	June 22-Nov 30	0.085	27.1				
(83370) 1868	Stntn D	IRR	72.3	June 22-Nov 30	0.904	288.6				
(83371) 1868	Stntn D	IRR	4	June 22-Nov 30	eam period, see the ins	16.0				
maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use. OR 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. Instream Reach Proposed Instream Point: A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: Fromthe PODto mouth of Mill Creek										
OR 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 certificate, the lease may be processed to be protected at the POD.)										
Additional Instream Information										
☐Yes ⊠N/AC limitations:list		to avo	id enlarg	gement or injury t	o other water rights,	if any,or other				
Note: The Dep	artment m	ay iden	tify addit	ional conditions to	prevent injury and/or	enlargement.				
Any additional	informati	on abou	t the prop	oosed instream use:	Any additional information about the proposed instream use:					

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Part 4 of 4 - Lease Provisions and Party Signatures

Term of the Lesse (may be from I year up to 5 years);	The state of the s	
The lease is requested to tregin in: monthluneyear 2014an	ad end: monthDacyes (2014	
Note: The begin month is generally the first month of the in the irrigation season. If not an irrigation right, this wou period of allowed use.	imigation season and the end month is the last month	
Public use: Check the public use(s) this lease will serve (as defined by ORS 537.32): Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. Recreation Pollution abatement Navigation	Termination provision (for multiyear leases): The parties to the lease request (chaose one): a. The option of terminating the lease prior to expiration of the full term with written motice to the Department by the Lesser(s) and/or Lessee. b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)	
Additive/Replacing Relationship to other instream was	ter rights: Instream lesses are generally additive to	
other existing instream water rights created as a result of i conserved water. Since instream leases are also generally agency process or conversion of minimum flows, they generally rights.	nergem leases, transfers and/or allocations of senior to other insurant rights greated through a state	
If you would like this lease to relate to other instream wat	errights differently, please shock this box.	
And attach an explanation of your intent. Validity of the Right(s) to be leased (check the approp The water right(s) to be leased have been used under five years or have been leased instream; or The water right(s) have not been used for the last five right(s). However, the water right(s) is not subject to describing why the water right(s) is not subject to for	mints box): the terms and conditions of the right(s) during the last syears according to the terms and conditions of the confeiture under DRS: 540.510(2). Decumentation	
Precedent: If a right which has been leased is later po	roposed to be lessed again or later transferred or dwater project, a new injury review shall be required.	
The undersigned declare:		
1. The Lessor(s) agree during the term of this lesse, to right(s) and under any apportenant primary or supple application, and	suspend use of water allowed under the subject water mental water right(s) not involved in the lease	
2. The Lessor(s) certify that I/we are the water right he lesse application. If not the deeded landowner, I/we application that I/we have authorization to pursue the from the deeded landowner, and	have provided documentation with the lease	
3. All parties affirm that information provided in this !	ease applicationis true and accurate.	
com a A Roy a deld	Date: 6/30/14	
Signature of Lessor	RECEIVED BY	OWR
Printed name (and title): <u>Jim Paytersfeld</u> Busine Mulling Address (with state and zip): <u>5600 NE-MU</u> Phone number (include area code): <u>541-410-4352</u>	ss name, if applicable: Creek Rd-Prinaville OR 07754 JUN 3 0 201	14
See next none for additional clonatures	SALEM, OF	4

Part 4 of 4 – Lease Provisions and Party Signatures

Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month Juneyear 2014 ar		
Note: The begin month is generally the first month of the in the irrigation season. If not an irrigation right, this wou period of allowed use.		
Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332): ☐ Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. ☐ Recreation ☐ Pollution abatement ☐ Navigation	Termination provision (for multiye The parties to the lease request (ch a. The option of terminating the leave prization of the full term with the Department by the Lessor(s b. The option of terminating the leave parties to the lease. c. The parties would not like to in Termination Provision.	ease prior to written notice to and/or Lessee. ease prior to a consent by all aclude a
Additive/Replacing Relationship to other instream was	(See instructions for limitations to the	
other existing instream water rights created as a result of it conserved water. Since instream leases are also generally agency process or conversion of minimum flows, they generally agency process or conversion of minimum flows, they generally. If you would like this lease to relate to other instream wate. And attach an explanation of your intent. Validity of the Right(s) to be leased (check the approposite years or have been leased instream; or The water right(s) have not been used for the last five	instream leases, transfers and/or allocations are senior to other instream rights created nerally replace a portion of these junior ter rights differently, please check this beriate box): the terms and conditions of the right(s)	through a state instream
right(s). However, the water right(s) is not subject to describing why the water right(s) is not subject to for Precedent: If a right which has been leased is later probecome part of an allocation of conserved An instream lease shall not set a precedent.	o forfeiture under ORS 540.610(2). Doorfeiture is provided. roposed to be leased again or later trade water project, a new injury review	ansferred or
*	iii oii a rataro transaction.	
The undersigned declare: 1. The Lessor(s) agree during the term of this lease, to right(s) and under any appurtenant primary or supple application; and 2. The Lessor(s) certify that I/we are the water right he lease application. If not the deeded landowner, I/we application that I/we have authorization to pursue the	emental water right(s) not involved in older(s) of the right(s) described in the have provided documentation with	n the lease nis instream the lease
from the deeded landowner; and	11	
3. All parties affirm that information provided in this l	ease applicationis true and accurate.	
Z	* *	
	Date:	DEALUED DI AND
Signature of Lessor		RECEIVED BY OWR
Printed name (and title): <u>Jim Bauersfeld</u> Busine Mailing Address (with state and zip): <u>5600 NE Mil</u> Phone number (include area code): <u>541-410-8752</u>	ss name, if applicable: l Creek Rd, Prineville, OR 97754 **E-mail address:	JUN 3 0 2014
See next page for additional signatures.		SALEM, OR

	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:
Signature of Lessee	Date: <u>6/3</u> 0/14

Printed name (and title): <u>Genevieve Hubert, program manager</u>

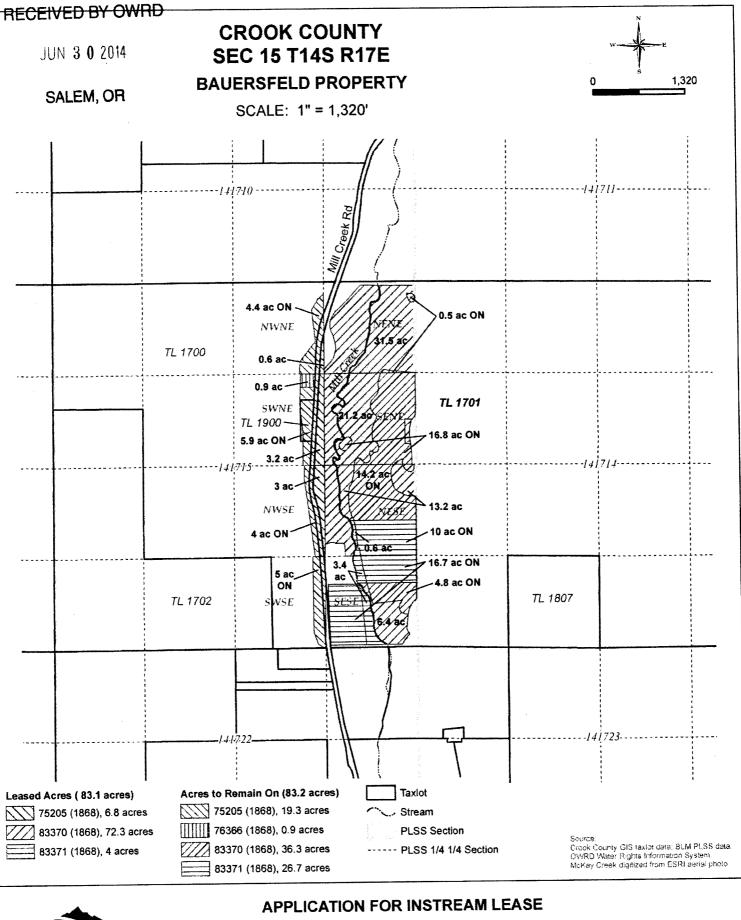
Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St, Bend, OR 97701

Phone number (include area code): 541-382-4077 **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.

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Deschutes River Conservancy

Taxlot #: 1701

Date: 06/27/14

83.1 acres

bauersteid_iease_2014 mkd 6 Quinlan

Bauersfeld

updated 6/30/2014

Lease	Cal	cul	ator
rease	Lai	CUI	acui

certificate	75205	83370	83371	
priority	1868	1868	1868	
total Is acres	6.8	72.3	4.0	
max rate/ac	0.0125	0.0125	0.0125	
max rate total	0.085	0.904	0.050	Table 2, max rate
max af/ac	4.00	4.00	4.00	
max af total	27.20	289.20	16.00	Table 2, max duty

changes to yellow cells will update all associated cells

Г	6/1/2014	12/1/2014	183 days instream
	6/1/2014	11/10/2014	162 days instream
	6/22/2014	11/30/2014	161 days instream

INSTREAM AMOUNT or DUTY LIMITED AMOUNT - TABLE 4, STANDARD FORM

Certificate .	75205 6.8	XXX 0.00 0.00 0.00 0.00 0.00 0.00 0.00	acres			A Committee of the Comm
Lease: cfs/ac		conversion		days	max AF	AF/Ac
0.0125	0.085	1.983471	0.168595035	161	27.1	3.99

Cei Leas e al	The second section is	83370 72 3		acres		4.4		
cfs/ac	2 51/07 - 61/01/04/04/04	max cfs	conversion		davs	max A	.F	AF/Ac
CISTAC	0.0125	0.904	1.983471	1.79256191		61 2	88.6	3.99

	tificate	83371					
Lease a	ll: max	4.u ccfs	conversion	acres af/day	days m	ax AF	AF/Ac
	0.0125	0.050	1.983471	0.09917355	161	16.0	3.99

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