



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

OCT 22 2014

SALEM, OR

Part 1 of 4 – Minimum Requirements Checklist

**Application for
 Instream Lease**

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD # _____
	Fee- _____

Pursuant to ORS 537.348(2) and OAR 690-077

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

Yes **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

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

Yes **Part 2 – Completed Instream Lease Application Map Checklist.**

Yes **Part 3 – Completed Water Right and Instream Use Information**
 Include a separate **Part 3** for **each water right**

Yes **Part 4 – Completed Instream Lease Provisions and Signatures**

Yes **How many water rights are leased? 1 List them here: 23068 (See Attachment 1)**
 Include a separate **Part 3** for each **water right**.

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: _____

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: _____)?

Attachments:

Yes **N/A** **Map:** Instream Lease map requirements (see Part 2 of this application)
(See Attachment 2)

Yes **N/A** **Tax 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.
(See Attachment 2)

Yes **N/A** Supporting 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). (See Attachment 3)

Yes **N/A** If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

Part 2 of 4 – Instream Lease Application Map Checklist

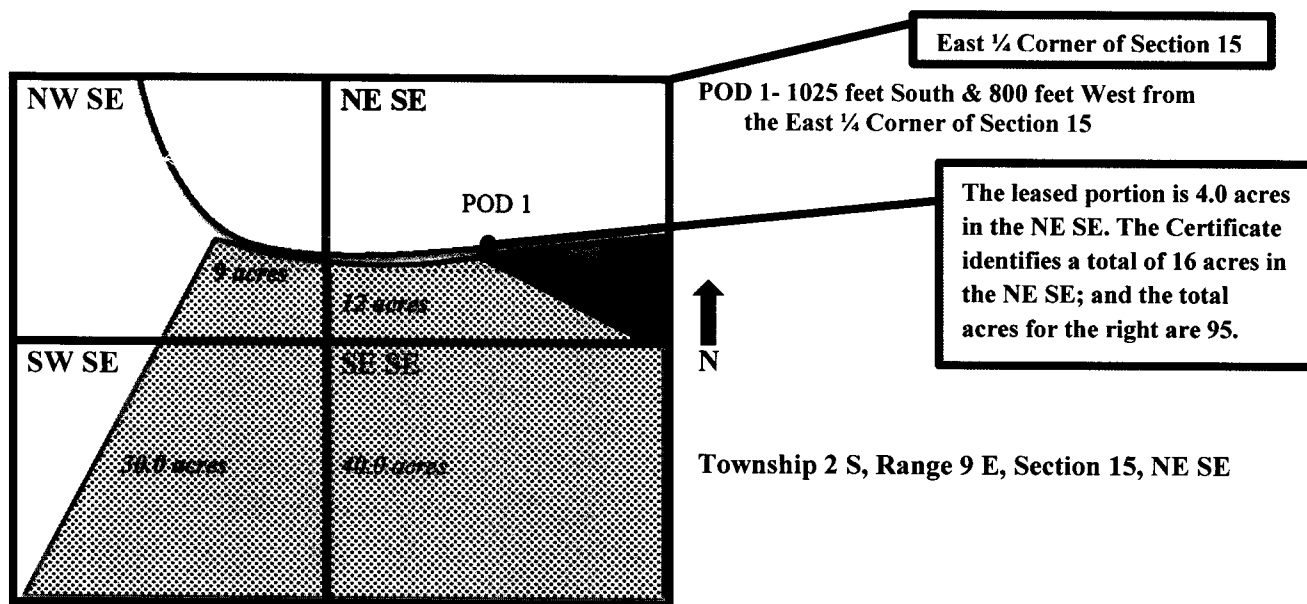
A Map is generally required for each water right not leased in its entirety

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

This should be a simple 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.

- N/A A map is required for each water right not 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.
- 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 hachured 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)



OCT 22 2014

Part 3 of 4 – Water Right and Instream Use Information

SALEM, OR

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

Water Right Information

Water right # 23068

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.

<input checked="" type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated					<input type="checkbox"/> 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)
EXAMPLE										
12/1901	0	2S	2E	15	NE-SE	100	47	4.0	IR	01/1100
4/7/1952 (0.445 cfs) & 5/22/1952 (0.015 cfs)	1	1-N	2-W	35	SW-NW	8300, 6900	48	5.0	IR	N/A
	1	1-N	2-W	35	SE-NW	8300	48	1.5		
	1	1-N	2-W	35	NE-SW	8200, 8300, 8400	48	13.9		
	1	1-N	2-W	35	NW-SW	8200, 8300, 8400, 6900	48	14.3		
	1	1-N	2-W	35	SE-SW	8400	48	1.3		

Total Acres: 36.0

Table 2

To illustrate the totals for the water right proposed to be leased instream						
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)
4/7/1952	1	IR	36.0	N/A	0.4377	90.0 (total)
5/22/1952	1	IR	36.0	N/A	0.0148	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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")
1	1-N	2-W	35	NW-SW	48	Unknown
-	-	-	-	-	-	-

Please check this box if you don't know the location of the POD(s) and want the Department to identify the

Part 3 of 4 cont. – Water Right and Instream Use Information

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Rock Creek</u> , tributary to <u>Tualatin River</u>				River Basin: <u>Willamette River</u>		
<p>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.</p> <p>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
4/7/1952	1	IR	36.0	6/23 – 9/30	0.4377	90.0 (total)
5/22/1952	1	IR	36.0	6/23 – 9/30	0.0148	
<p>Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the 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.</p>						
<p>OR <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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to <u>mouth of the Tualatin River</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from June 23 through September 30</u></p>						
<p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>June</u> year <u>2015</u> and end: month <u>September</u> year <u>2020</u> Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation RECEIVED BY OWRD</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p> <p style="text-align: center;">OCT 22 2014</p> <p style="text-align: center;">SALEM, OR</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><input checked="" 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.</p> <p><input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases, 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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><input 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</p> <p><input checked="" type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p> <p>The subject property is owned by the City of Hillsboro (with portions co-owned by City of Hillsboro and Metro). (See Attachment 3: Supporting Documentation – Property Ownership Map).</p>	

Precedent: 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.

The undersigned declare:

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.



 Signature of Lessor

Date: 10/6/2014

Printed name (and title): _____ Business name, if applicable: City of Hillsboro (Attention: Kristel Fesler)

Mailing Address (with state and zip): 150 E Main Street

Phone number (include area code): 503-615-6702 **E-mail address: Kristel.Fesler@hillsboro-oregon.gov

Attachment 1

Certificate 23068

RECEIVED BY OWRD

OCT 22 2014

SALEM, OR

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify That **DERRELL E. BROWN** of the County of Washington

of **Box 52, Orenco** State of **Oregon** has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **Rock Creek** a tributary of **Tualatin River** for the purpose of irrigation

under Permit No. **21221** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon, that the priority of the right hereby confirmed dates from **April 7, 1952**, for **0.045 c.f.s.** and **May 22, 1952**, for **0.015 c.f.s.**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.06 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE 1/4**, as projected within **Isaac Butler DLC #48**, Section **35**, Township **1 North**, Range **2 West**, **W.M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 1/2** acre feet per acre for each acre irrigated during the irrigation season of each year.

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 5.0 acres in the **SW 1/4**
- 1.5 acres in the **SE 1/4**
- 14.2 acres in the **NE 1/4**
- 14.3 acres in the **NE 1/4**
- 1.6 acres in the **SW 1/4**

All as projected within **Isaac Butler DLC #48**, Section **35**, Township **1 North**, Range **2 West**, **W.M.**

RECEIVED BY OWRD

OCT 22 2014

SALEM, OR

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this **12th** day of **September**, 19 **57**

LEWIS A. STANLEY

State Engineer

Attachment 2

Water Right Instream Leasing and Tax Lot Map

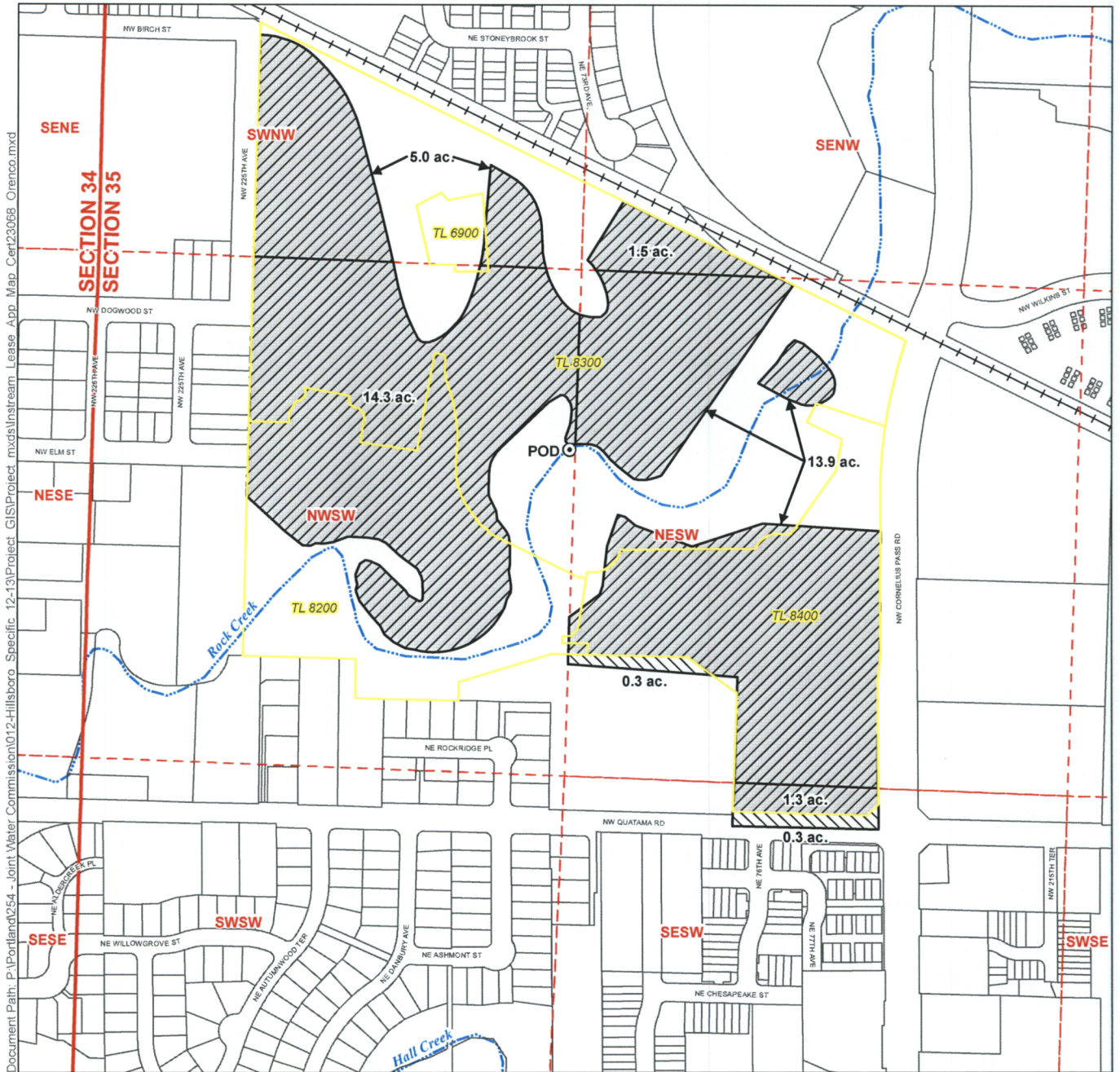
RECEIVED BY OWRD

OCT 22 2014

SALEM, OR

Orenco Woods Water Rights Instream Leasing and Tax Lot Map Certificate 23068, Permit S-21221

Township 1 North, Range 2 West (W.M.)



Document Path: P:\Portland\254 - Joint Water Commission\012-Hillsboro Specific 12-13\Project_GIS\Project_mxd\Instream Lease App Map_Cert23068_Orenco.mxd

LEGEND

- ⊙ Point of Diversion (POD)
- Place of Use (POU)**
- POU To Be Leased
- POU Remaining
- Tax Lots
- Railroad
- Watercourses
- All Other Features**

RECEIVED BY OWRD

OCT 22 2014

SALEM, OR

POD LOCATION DESCRIPTION

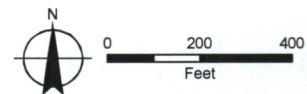
POD
Located in the NW1/4 SW1/4, as Projected with DLC 48,
Section 35, Township 1 North, Range 2 West (W.M.)

Disclaimer

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Map Notes

Date: July 3, 2014
Data Sources: OWRD, METRO RLIS, US BLM
Prepared By: GSI Water Solutions, Inc.



Attachment 3

Supporting Documentation - Property Ownership Map

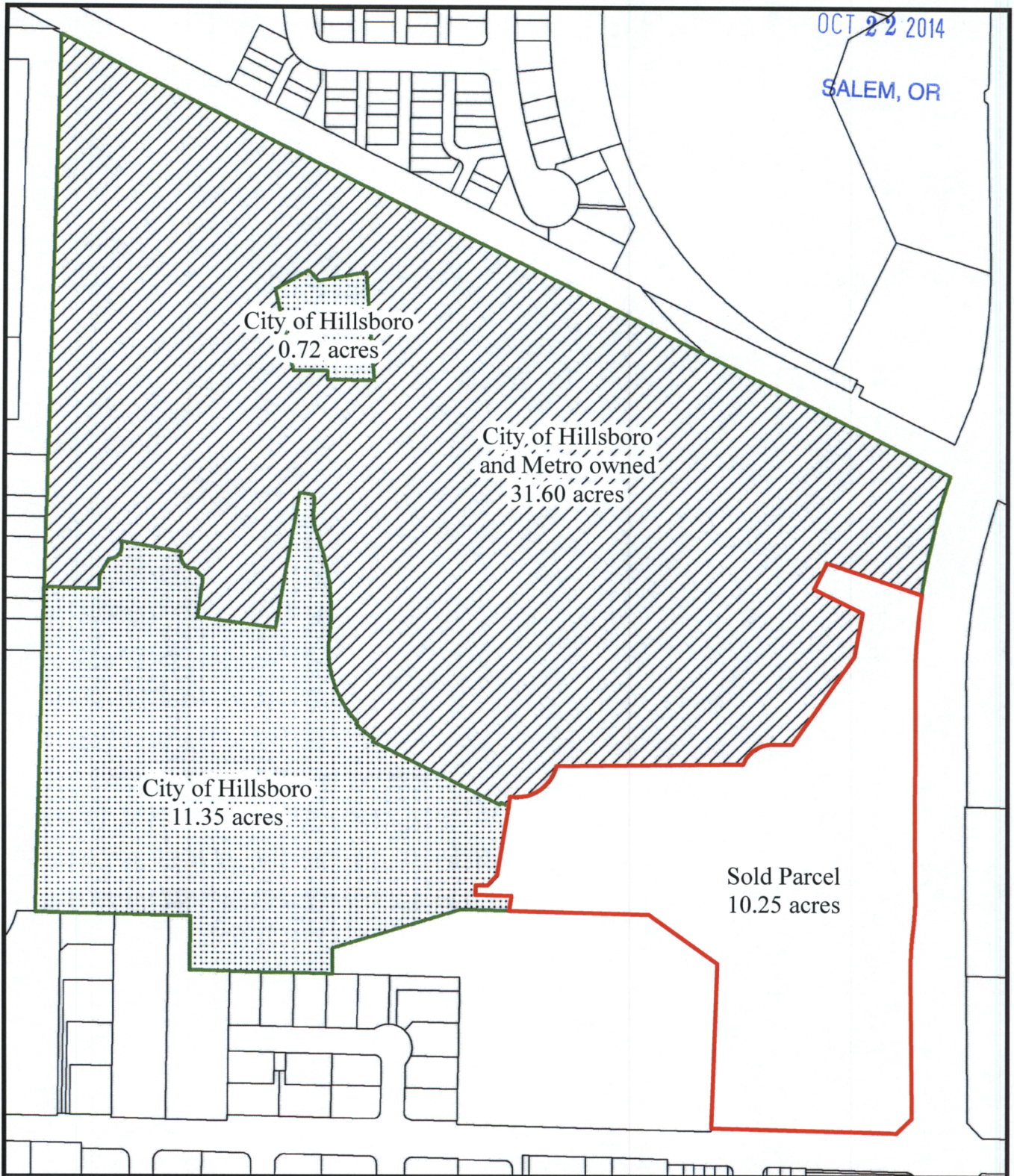
RECEIVED BY OWRD

OCT 22 2014



SALEM, OR

OCT 22 2014

SALEM, OR



Legend

-  Hillsboro Owned
-  Hillsboro and Metro Owned
-  Sold Parcel
-  Other Tax Lots

Contact
 150 E Main Street, Hillsboro, Oregon 97123
 503-615-6702
www.hillsboro-oregon.gov/water

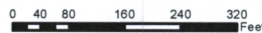
Source
 City of Hillsboro Data:
 Current as of September 11, 2014
 Washington County Data:
 Current as of September 2014
 Metro Data:
 Current as of February 2013
 Plot Date: September 11, 2014

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



**Properties owned by
 City of Hillsboro and Metro**

1 in = 0.05 miles





October 10, 2014

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED BY OWRD

OCT 22 2014

SALEM, OR

Re: Application for Instream Lease – Certificate 23068

Dear Kelly,

The City of Hillsboro is submitting the enclosed Application for Water Right Instream Lease for Certificate 23068. The City requests that Certificate 23068 has an instream rate of 0.452 cfs and an instream use period of June 23 through September 30 from the point of diversion to the mouth of the Tualatin River.

The subject place of use spans tax lots owned by the City of Hillsboro and jointly by the City of Hillsboro and Metro. The City of Hillsboro manages the water rights on the subject place of use. In addition, the City of Hillsboro and Metro recently sold a small portion of the subject place of use in the NESW Quarter Quarter and SESW Quarter Quarter of Section 35, but the City of Hillsboro and Metro retained the water rights, as shown in Attachment 2 in the application.

The City also has enclosed a check to cover the required fee of \$³⁰⁰250 for an instream lease application.

If you need additional information please contact me at 503-615-6735 or Adam Sussman of GSI Water Solutions Inc. at 541-257-9001.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristel Fesler', written in a cursive style.

Kristel Fesler
Water Resources Program Coordinator
City of Hillsboro

Enclosures

Cc: Adam Sussman, GSI Water Solutions, Inc.