



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

This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	<u>EL-1447</u>
	District #	<u>Pooled1MP</u>

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 interestholder)

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 Conservancy</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: 74135**

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: \_\_\_\_\_)?

**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:

- 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.

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.

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

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month April year 2015</u> and end: <u>month July year 2015</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 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 checked="" 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) <b>have not been used</b> 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: 3/26/2015  
 Signature of Co-Lessor

Printed name (and title): Marc Thalacker, District Manager  
 Business/Organization name: Three Sisters Irrigation District  
 Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759  
 Phone number (include area code): 541-549-8815 \*\*E-mail address: manager@tsidweb.org

\_\_\_\_\_  
 Signature of Co-Lessor Date: \_\_\_\_\_  
 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.**

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Signature of Lessee

Date: 3/31/2015

Printed name (and title): Genevieve Hubert, Program Manager

Business/organization name: Deschutes River Conservancy Mitigation Bank

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

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**

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**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: Three Sisters 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 #
74135	1895	Main Canal	15	S 11	E 04	nw ne	101		25	IRR	9	1390
74135	1895	Main Canal	15	S 11	E 04	sw ne	101		40	IRR	9	1390

**Any additional information about the right: 65 acres IRR to lease - for MITIGATION CREDIT**

**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 deceded land owner, I/we have obtained consent from the deceded 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.

Karan Swaner Date: 3/9/15

Signature of Lessor

Printed name (and title): Karan Swaner Business name, if applicable: \_\_\_\_\_

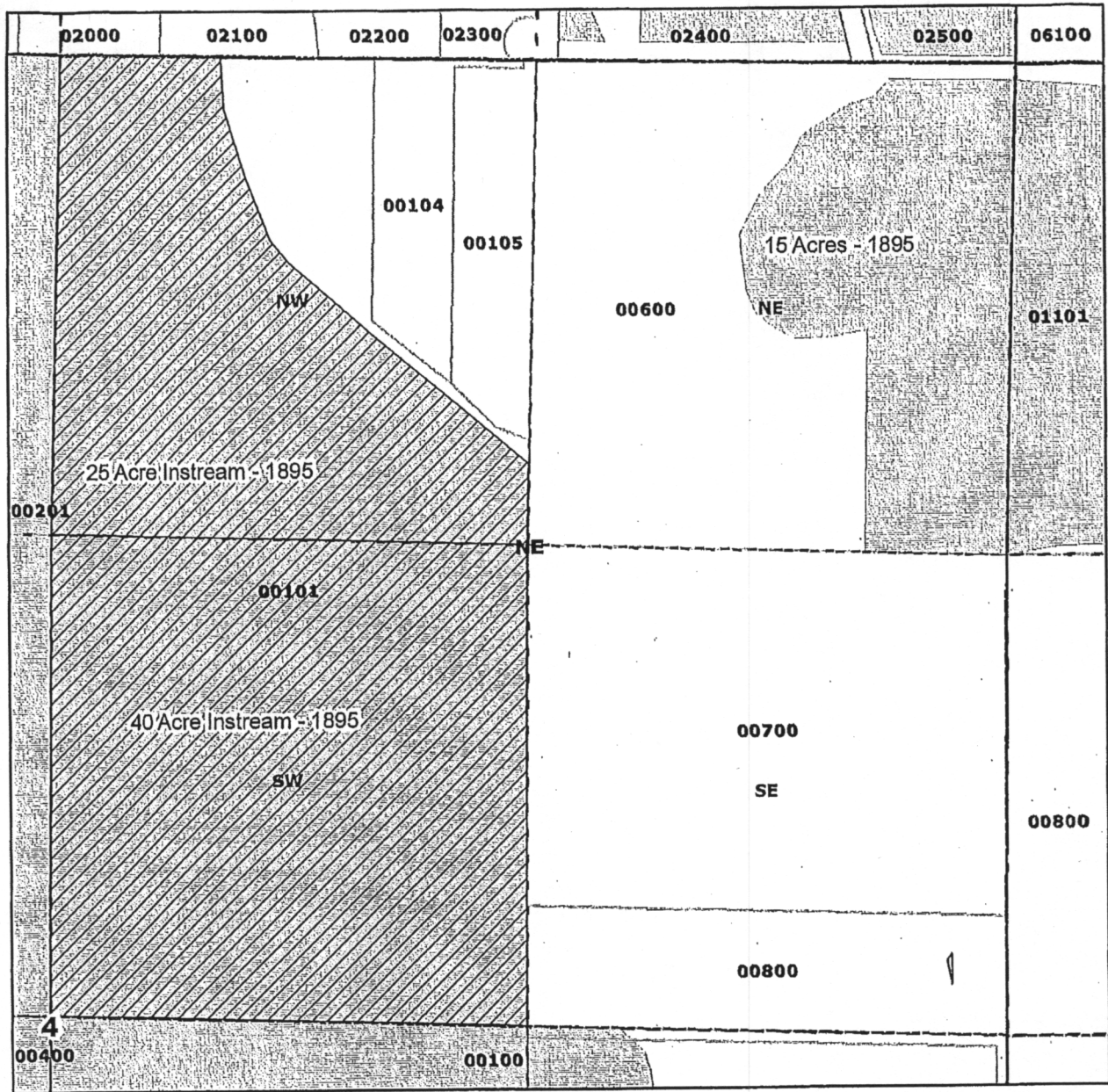
Mailing Address (with state and zip): 18130 Highway 126, Sisters, OR 97759

Phone number (include area code): 541-548-8854 \*\*E-mail address: karanswaner@yahoo.com






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**Legend**

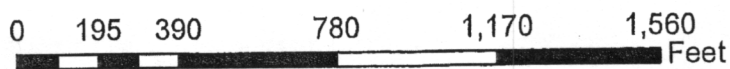
-  Swaner Instream Lease
-  Township Range
-  Quarter Quarters
-  Taxlots
-  1895

**Three Sisters Irrigation District** RECEIVED BY OWRD

Karan Swaner  
 65 acres instream - 1895  
 Certificate 74135  
 T15S R11E Sect 04  
 Tax Lot 101  
 SWNE 40 Acres  
 NWNE 25 Acres  
 0 remaining (Tax Lot 101)  
 Deschutes County

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**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:** Three Sisters 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 #
						ne	se						
74135	1895	Main Canal	15	S 11	E 07	ne	se	600		38.5	IRR	10	1390
74135	1895	Main	15	S 11	E 07	ne	se	600		0.5	Pond	10	1390
74135	1895	Main	15	S 11	E 07	nw	se	600		30.5	IRR	10	1390
74135	1895	Main	15	S 11	E 07	sw	se	600		40	IRR	10	1390
74135	1895	Main	15	S 11	E 07	se	se	600		39	IRR	10	1390

**Any additional information about the right: 148 acres IRR to lease for MITIGATION CREDIT, 0.5 acre pond NOT for mitigation**

**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:

1. 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
2. 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
3. I/We affirm that the information in this application is true and accurate.

*John J. Schaad*  
Signature of Lessor

Date: 3/9/2015

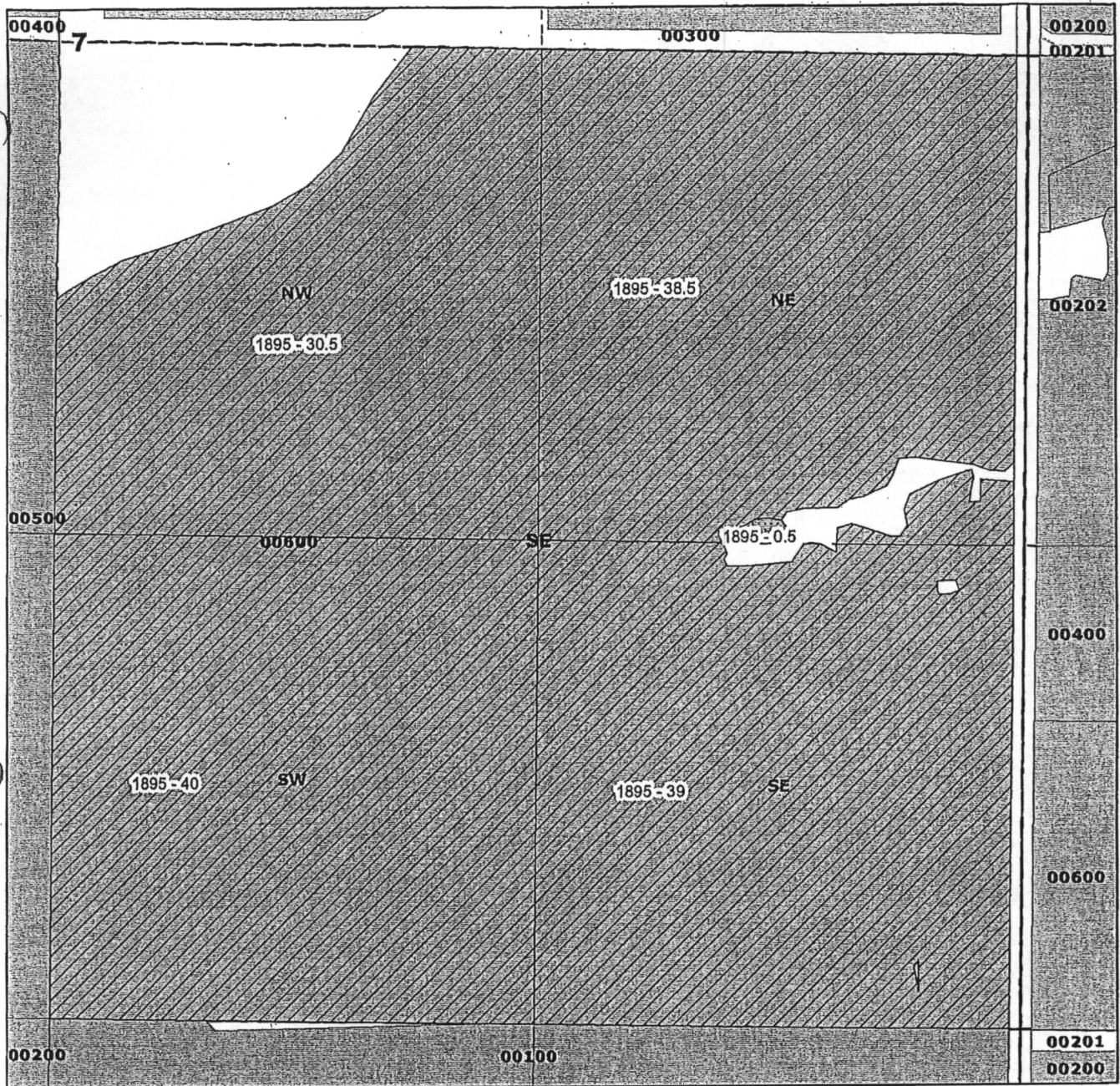
Printed name (and title): John Schaad Business name, if applicable: George & Russ Farm  
Mailing Address (with state and zip): 1170 McLean Blvd., Eugene, OR 97405  
Phone number (include area code): 541-344-5217 \*\*E-mail address: jgschaad@gmail.com

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District Instream Lease Application (revised 2/12/2014)







**Legend**

-  Leased Instream - Pond Maintenance
-  Leased Instream - Irrigation

**Water Rights**

**Priority\_Date**

-  1887
-  1895
-  1903
-  1904

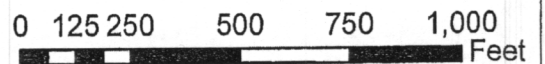
 Quarter Quarters

 Taxlots

John Schaad  
148 acres instream - 1895  
Certificate 74135

T15S R11E Sect 07  
Tax Lot 600  
NESE

38.5 acres instream - 1895  
0.5 acres instream - 1895 (pond maintenance)  
NWSE  
30.5 acres instream -1895  
SWSE  
40 acres instream -1895  
SESE  
39 acres instream - 1895  
Deschutes County



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Three Sisters Irrigation District

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**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** SALEM, OR

**Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right #74135**

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	Acrees	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1895	Main	IRR	213	.016 -.02 cfs/ac max rate, volume not restricted on cert. - Mitigation	3.408 to 4.26	
1895	Main	Pond	0.5	.016 - .02 cfs/ac max rate, volume not restricted on cert. - No mitigation *rate varies by landowner relative to conservation projects	0.008 to 0.01	
Total af from						

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: Main Canal

**Table 3**

**Instream Use created by the lease** River Basin: Deschutes R River/Stream Name: Whychus Cr, tributary to Deschutes R

**Proposed Instream Reach:**  
 A reach typically begins at the POD and ends at the mouth of the source stream: From the POD Main Canal to Lake Billy Chinook  
 Instream use protected at the POD

**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 water right, the lease may be processed to be protected at the POD.)

**Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)**

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	Acrees	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1895	Main	IRR	213	April 1 through July 4, 2015	3.408	642.17
1895	Main	IRR	0.5	April 1 through July 4, 2015	0.008	1.51

**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.

Yes  N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here duty limit for year is 3 AF/ac as set by District, rate instream is max rate after conserved water projects have been accounted for .016 to .02 cfs/ac.



Note: The Department may identify additional conditions to prevent injury and/or enlargement.

**Any additional information about the proposed instream use:** 1895 - 213 acres of IRR are to be leased instream for mitigation credit. The 1895 - 0.5 acre Pond is leased for Restoration only and NOT Mitigation.

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