

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

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

| 🖡 - 김 - 김 - 영국의 김 🗮 전 개발가 공급, 전자 - 12 및 전 2014, 2014 명령 | through 4 and include the required attachments check boxes as indicated. (N/A= Not Applicable) | OWRD# <u>IL - 1450</u> Fee- 300-2 |
|---|---|--|
| | 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 MinimumRequirements Checklist a | nd Application Fee |
| | Fees \$450.00 for a lease involving four or | S300.00 for all other leases |
| | morelandowners or four or more waterrights | |
| | Check enclosed<u>or</u> Fee Charged to customer account <u>Deschute</u> | es River Conserv. (account name) |
| 🛛 Yes | Part 2 – Completed Instream Lease Application Map Cl | necklist. |
| Yes X | Part 3 – Completed Water Right and Instream Use Inform Include a separate Part 3 for each water right | |
| 🛛 Yes | Part 4 - Completed Instream Lease Provisions and Signa | atures |
| Xes Xes | How many water rights are leased? <u>1</u> List them here: Include aseparate Part 3 for each water right. | |
| ☐ Yes⊠N/A | Other Water Rights, if any, appurtenant to the lands in application and not proposed to be leased instream? List those other water rights here: | SALEM, OR volved in the lease |
| 🗌 Yes 🖾 No | Conservation Reserve Enhancement Program (CREP). to be leased part of CREPor another Federal program (li | |
| Attachments: | | |
| Yes 🗌 N/AM | fap: Instream Leasemaprequirements (see Part 2 of this a | pplication) |
| Xes 🗌 N/AT | ax Lot Map: If a portion of the water right <i>not included</i> lands owned by others, a tax lot map must be included wi tax lot map should clearly show the property involved in | ith the lease application. The |
| □Yes ⊠ N/AS | upporting documentation describing why a right (or portion subject to forfeiture even though the right has not been ex- consecutive years. This information only needs to be pro- been checked to identify that the water right has not been and is not subject to forfeiture (See Part 4 of 4). | cercised for five or more wided if the checkbox has |
| ∏Yes ⊠ N/A | If the Lessor (water right holder) is not the deeded landow following. A notarized statement from the landowner consenting the recorded deed; or. A water right conveyance agreement and a copy of the landowner at the time the water right was conveyed; Other documentation which provides authority to put of the landowner. | g to the lease and a copy of he recorded deed for the or |

Part 2 of 4 – Instream Lease Application Map Checklist

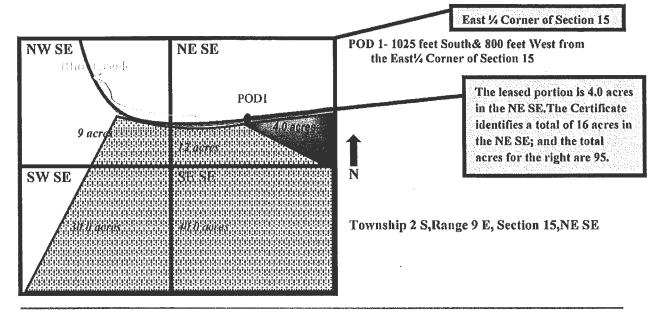
A Map is generally required for each water right not leased in its entirety

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 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.

| ⊠ | 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. |
|-------------|--|
| \boxtimes | 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. |
| \boxtimes | A North arrow and map scale (no smaller than $1^{"} = 1320^{"}$). |
| \boxtimes | 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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Instream Lease Application (revised 2-12-2014)

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

Table 1

Water right #87048

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# | Тур | Rng | Sec | Q-Q | Tax Lot | Gov't Lot/DLC | Acres | USE | Previous Lease # (if any) |
| | | | | | 10 | SAMPLE. | | | | |
| ie <i>nta</i> edh | 3 | 235 | 9/17. | IS I | 86332 | 300 | 1 19 | 480 | 111 | HILINDU. |
| 1897 | | · 22-S | 10-E | 22,23, & 27 | - | multiple | | 93.8 | IRR | 1123 |
| 1902 | | 22-S | 10-E | 22 | - | 101 | | 106.2 | IRR | 1123 |
| | | | - | | | | | | | |

See Attached Detail Table: "Exhibit to Table 1"

Total Acres: 200 ac

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) |
|---------------|------|-----|----------------|---|---------------------|----------------------|
| 1897 | | IRR | 93.8 | $4/1-5/23 \& 8/20-11/1 = 1/80^{\text{th}} \text{ cfs per ac}$ | 1.173 | 375.2 |
| 1897 | | IRR | 93.8 | May 23 to Aug $20 = 1/40^{\text{th}}$ cfs per acre | 2.345 | |
| 1902 | | IRR | 106.2 | 4/1-5/23 & 8/20-11/1 = 1/80th cfs per ac | . 1.328 | 424.8 |
| 1902 | | IRR | 106.2 | May 23 to Aug $20 = 1/40^{\text{th}}$ cfs per acre | 2.655 | |

Any additional information about the right: <u>Duty limited to 4 AF per acre</u>

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 # | Тwp | Rng | Sec | Q-Q | DLC/ Gov't lot | Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown") |
|-------|------|-----|-----|-----|-------------------|--|
| | | | | SW- | | |
| | 23-S | 9-E | 34 | SW | | 550 feet North and 1150 feet East from the SW Corner of Section 34 |
| | - | - | | - | | RECEIVED BY OWRD |

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

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

Instream Use Information

Table 4

| | | | | Use Created by the L | 1 | |
|--------------------------------------|---|--------------------|------------|---|--|-------------------------------|
| River/Stream | Name: L | ittle De | schutes, | tributary to Deschutes | River Basin: | Deschutes |
| date, POD (if n right to be lease | ore than o d. | one), Us | e (if mor | te the instream rate, vol e than one), and acreag dditional rows (see instr | e as appropriate co | onsidering the |
| A | the standard stands in the standard stands and stand stands and standard standard standard standard standard st | | | Please clearly label any | | |
| Priority date | POD # | Use | Acres | Proposed Instream Period | Total instream rate (cfs) | Total instream volume (af) |
| 1897 | | IRR | 93.8 | 4/1-5/22 (.0125 cfs/ac) | 1.173 | 374.02 |
| | | | | 5/23-8/20 (.0156 cfs/ac) | 1.463 | |
| 1902 | | IRR | 106.2 | 4/1-5/22 (.0125 cfs/ac) | 1.328 | 423.56 |
| | | | | 5/23-8/20 (.0156 cfs/ac) olume and/or instream | 1.657 | |
| As part of its re | view proc | cess, the | Departn | ot sure of the proposed nent will identify the ap g leased and instream b | propriate instream | rate, volume and |
| | | | | Instream Reach | | |
| | pically bo nds at the | egins at e mout | h of the | | Proposed Instrea Instream use prote | • |
| within a reach | below the | POD, if | possible | ot sure of the proposed e. (If no reach is identifi ertificate, the lease may | ed or the above bo | ox is not checked, |
| | | | Additio | nal Instream Informa | tion | |
| | | | | gement or injury to ot eriod within duty limit t | | |
| Note: The Dep | artment m | nay iden | tify addi | tional conditions to prev | vent injury and/or | enlargement. |
| Any additional | informati | on abou | t the prop | posed instream use: <u>Subr</u> | nitted as Mitigation | Project |
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| Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: monthApril year2015 | |
|--|---|
| Note: The begin month is generally the first month of the | · · · · · · · · · · · · · · · · · · · |
| in the irrigation season. If not an irrigation right, this would | |
| period of allowed use. | , |
| Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332): | Termination provision (for multiyear leases): The parties to the lease request (choose one): |
| Conservation, maintenance and enhancement of | a. The option of terminating the lease prior to |
| aquatic, fish and wildlife, fish and wildlife habitat and | expiration of the full term with written notice to |
| any other ecological values. | the Department by the Lessor(s) and/or Lessee. |
| Recreation | \boxtimes b. The option of terminating the lease prior to |
| Pollution abatement | expiration of the full term, with consent by all |
| Navigation | parties to the lease. |
| | Termination Provision. |
| | (See instructions for limitations to this provision) |
| Additive/Replacing Relationship to other instream wat | |
| 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 get | |
| rights. | istany replace a portion of these junior insteam |
| If you would like this lease to relate to other instream wat | er rights differently, please check 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 | the terms and conditions of the right(s) during the last |
| five years or have been leased instream; or The water right(s) have not been used for the last five | vears according to the terms and conditions of the |
| 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 pr become part of an allocation of conserved An instream lease shall not set a preceder | d water project, a new injury review shall be required |
| 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 supple application; and | |
| 2. The Lessor(s) certify that I/we are the water right ho | lder(s) of the right(s) described in this instream |
| lease application. If not the deeded landowner, I/we application that I/we have authorization to pursue th | have provided documentation with the lease |

3.All parties affirm that information provided in this lease applicationis true and accurate.

manasins member Date: 4-15-15 11. 12/012 Mult

Signature of Lessor

Printed name (and title): <u>Wendy Potok, Managing Member</u> Business name, if applicable: <u>Wanek Ranch</u>, <u>LLC</u>

Mailing Address (with state and zip): <u>P.O. Box 1098, La Pine, OR 97739</u> Phone number (include area code): <u>541-480-7592</u> **E-mail address:

See next page for additional signatures.

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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: ____

Mulfum Signature of Lessee

Date: 4/17/2015

Printed name (and title): <u>Genevieve Hubert, Program Manager</u> Business/organization name: <u>Deschutes River Conservancy Mitigation Bank</u> Mailing Address (with state and zip): <u>700 NW Hill Street, Bend, OR 97701</u> Phone number (include area code): <u>541-382-4077</u> **E-mail address: <u>gen@deschutesriver.org</u>

** 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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1011205

Wanek Ranches, LLC

2011-2014 Lease

Source: Little Deschutes River

POD: T 23 S, R 9 E, WM, Sect 34, SWSW, 550 feet North and 1150 feet East from the SW corner of Section 34

L-1123

300 acres

| | | | | | | | | | | By Priority | | |
|------------------------|----------|---|--------------|---------------------------------------|------|--|----------------------------|------------------------|-----|---------------|--|-------------------|
| | | | | | 1000 | Certificate | Current | Lease | | QQ AC | Total Ac | Total A |
| rtificate | Priority | Township | Range | Section | QQ | Tax Lot | Tax Lots | Acres | Use | Total | Instream | Remainin |
| 87048 | 1897 | 22 S | 10 E | 22 | SENE | an an ini an ini an an ini | www.engle-ledings-security | 1.13.02244343434343149 | IRR | 28.8 | an mana mana kana kana kana kana kana ka | |
| 87048 | 1897 | 22 S | 10 E | 22 | SENE | 101 | 101 | 22.7 | IRR | | 22.7 | 6. |
| 87048 | 1897 | 22 \$ | 10 E | 22 | NESE | | and States and services | | IRR | 38.7 | | 常常 全国 植物 |
| 87048 | 1897 | 22 S | 10 E | 22 | NESE | 101 | 101 | 30.0 | IRR | | 30.0 | 8. |
| 87048 | 1897 | 22 S | 10 E | 22 | SESE | | | en en statue | IRR | 21.2 | and a start of MIRLAR | |
| 87048 | 1897 | 22 S | 10 E | 22 | SESE | 101 | 101 | 1.2 | IRR | | 1.2 | 19. |
| 87048 | 1897 | 22 S | 10 E | 22 | SESE | 103 | 109 | 0.0 | IRR | | 0.0 | 0. |
| 87048 | 1897 | 22 S | 10 E | 22 | SWSE | | | N Kolta elevenide | IRR | 5.1 | | |
| 87048 | 1897 | 22 S | 10 E | 22 | SWSE | 101 | 101 | 0.0 | IRR | | 0.0 | 3. |
| 87048 | 1897 | 22 S | 10 E | 22 | SWSE | 103 | 109 | 0.0 | IRR | | 0.0 | 1. |
| 87048 | 1897 | 22 S | 10 E | 23 | NWSW | | | | IRR | 9.1 | | |
| 87048 | 1897 | 22 S | 10 E | 23 | NWSW | 2400 | 2400 | 1.0 | IRR | | 1.0 | 0. |
| 87048 | 1897 | 22 S | 10 E | 23 | NWSW | 2401 | 2401 | 8.1 | IRR | | 8.1 | 0. |
| 87048 | 1897 | 22 S | 10 E | 23 | SWSW | | | | IRR | 4.8 | | |
| 87048 | 1897 | 22 S | 10 E | 23 | SWSW | 2401 | 2401 | 4.8 | IRR | | 4.8 | 0. |
| 87048 | 1897 | 22 \$ | 10 E | 27 | NWNE | | | | IRR | 36.8 | | |
| 87048 | 1897 | 22 S | 10 E | 27 | NWNE | 103 | 102 & 103 | 6.4 | IRR | | 6.4 | 30. |
| 87048 | 1897 | 22 S | 10 E | 27 | NENE | | | | IRR | 15.2 | | |
| 87048 | 1897 | 22 S | 10 E | 27 | NENE | 103 | 102 & 103 | 0.0 | IRR | | 0.0 | 15. |
| 87048 | 1897 | 22 S | 10 E | 27 | SWNE | | | eren soland | IRR | 39.6 | Marcal State Cardina St | |
| 87048 | 1897 | 22 S | 10 E | 27 | SWNE | 103 | 104 & 103 | 1.8 | IRR | | 1.8 | 6. |
| 87048 | 1897 | 22 S | 10 E | 27 | SWNE | 103 & 108 | 104 | 9.8 | IRR | | 9.8 | 13. |
| 87048 | 1897 | 22 S | 10 E | 27 | SWNE | 108 | 104 & 108 | 3.7 | IRR | | 3.7 | 4. |
| 87048 | 1897 | 22 S | 10 E | 27 | SENE | 6 | | | IRR | 17.0 | | |
| 87048 | 1897 | 22 S | 10 E | 27 | SENE | 103 | 104 & 103 | 0.0 | IRR | | 0.0 | 5. |
| 87048 | 1897 | 22 \$ | 10 E | 27 | SENE | 108 | 104 & 108 | 0.0 | IRR | | 0.0 | 11. |
| 87048 | 1897 | 22 S | 10 E | 27 | NWSE | a tana ka mata paga ta | | in state with | IRR | 34.2 | | ide szeres térlés |
| 87048 | 1897 | 22 S | 10 E | 27 | NWSE | 108 | 105 & 108 | 3.8 | IRR | | 3.8 | 11. |
| 87048 | 1897 | 22 S | 10 E | 27 | NWSE | 108 | 105 | 0.5 | IRR | | 0.5 | 18.3 |
| 87048 | 1897 | 22 S | 10 E | 27 | NESE | an in the second second | | 47. N | IRR | 5.7 | STATES AND | |
| 87048 | 1897 | 22 S | 10 E | 27 | NESE | 108 | 105 & 108 | 0.0 | IRR | | 0.0 | 5.1 |
| 87048 | 1902 | 22 \$ | 10 E | 22 | SWNE | 101 | 101 | 37.4 | IRR | 37.4 | 37.4 | 0. |
| 87048 | 1902 | 22 S | 10 E | 22 | SENE | 101 | 101 | 1.0 | IRR | 1.0 | 1.0 | 0.1 |
| 87048 | 1902 | 22 S | 10 E | 22 | NWSE | 101 | 101 | 39.3 | IRR | 39.3 | 39.3 | 0.0 |
| 87048 | 1902 | 22 \$ | 10 E | 22 | SWSE | 101 | 101 | 28.5 | IRR | 34.2 | 28.5 | 5.1 |
| | | | | | | Т | otals | 200.0 | | 368.1 | 200.0 | 168. |
| | | | 25 19 19 19 | (BETTE: 1/04/3) | | | | | | | Instream | Remaining |
| 05 Lease 06-2010 Le | 900 | Colored States and the second states of the second | -663 -740 | <u>uren (odes</u> 7/219): 66653 | | Previously L | | | | All 200 inets | 1 eam acres list | ad |

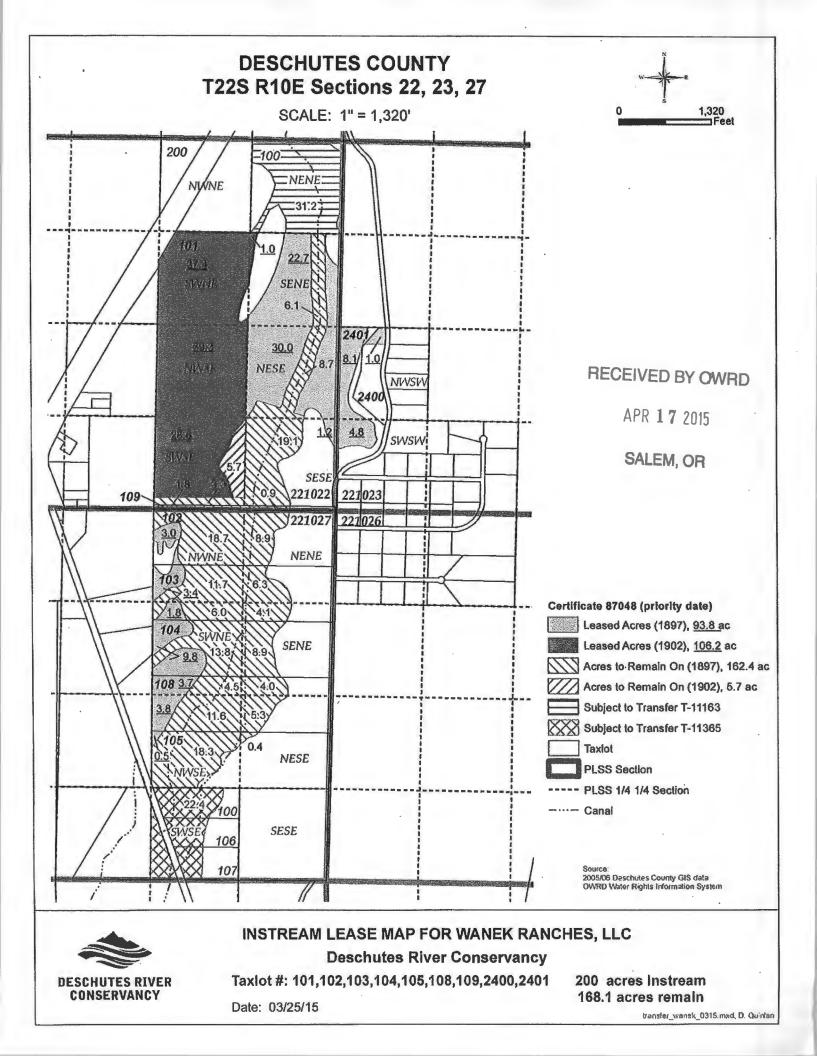
All 200 instream acres listed above were previously leased in L-1123 and prior leases.

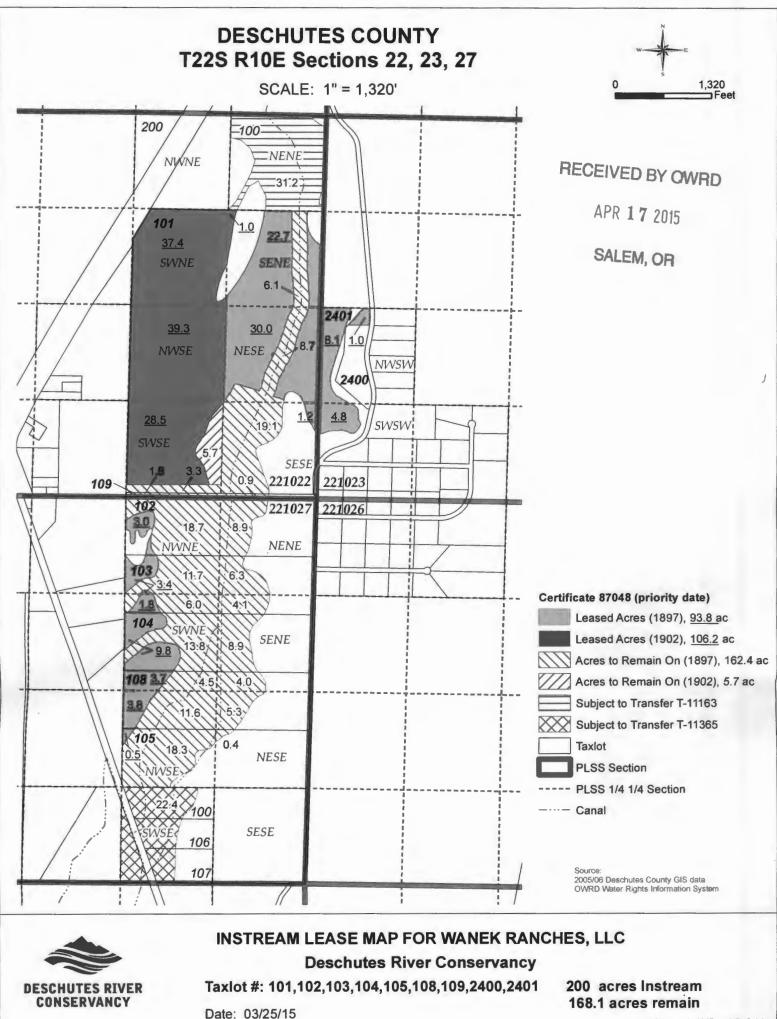
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Deschutes County Oregon

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transfer_wanek_0315.mxd, D. Quinlan