



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) Complete Parts 1 through 4 and any required attachments	OWRD #	12-1424
	District #	11

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 checked="" type="checkbox"/> \$450.00 for a lease involving four or more landowners or four or more water rights	Or <input 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)

- 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: 74145

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

Term of the Lease: The lease is requested to begin in: month <u>April</u> year <u>2015</u> and end: month <u>Oct</u> year <u>2015</u> .	
Public use: 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	Termination provision (for multiyear leases): The parties to the lease request (choose one): <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 type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
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 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.	
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.	
Validity of the rights to be leased: <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.

Kathy Ferguson
Signature of Co-Lessor

Date: 5-14-15

Printed name (and title): Kathy Ferguson, Office Manger

Business/Organization name: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97701

Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com

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: _____

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Page 2

Genevieve Hubert

Signature of Lessee

Date: 5/22/15

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

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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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: Swalley 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 #
74145	9-1-1899'	3	16	12	20	NE SE	01300		1.09	IRR	6	

Any additional information about the right: _____

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.

Bert Lukens
Signature of Lessor

Date: 3-12-15

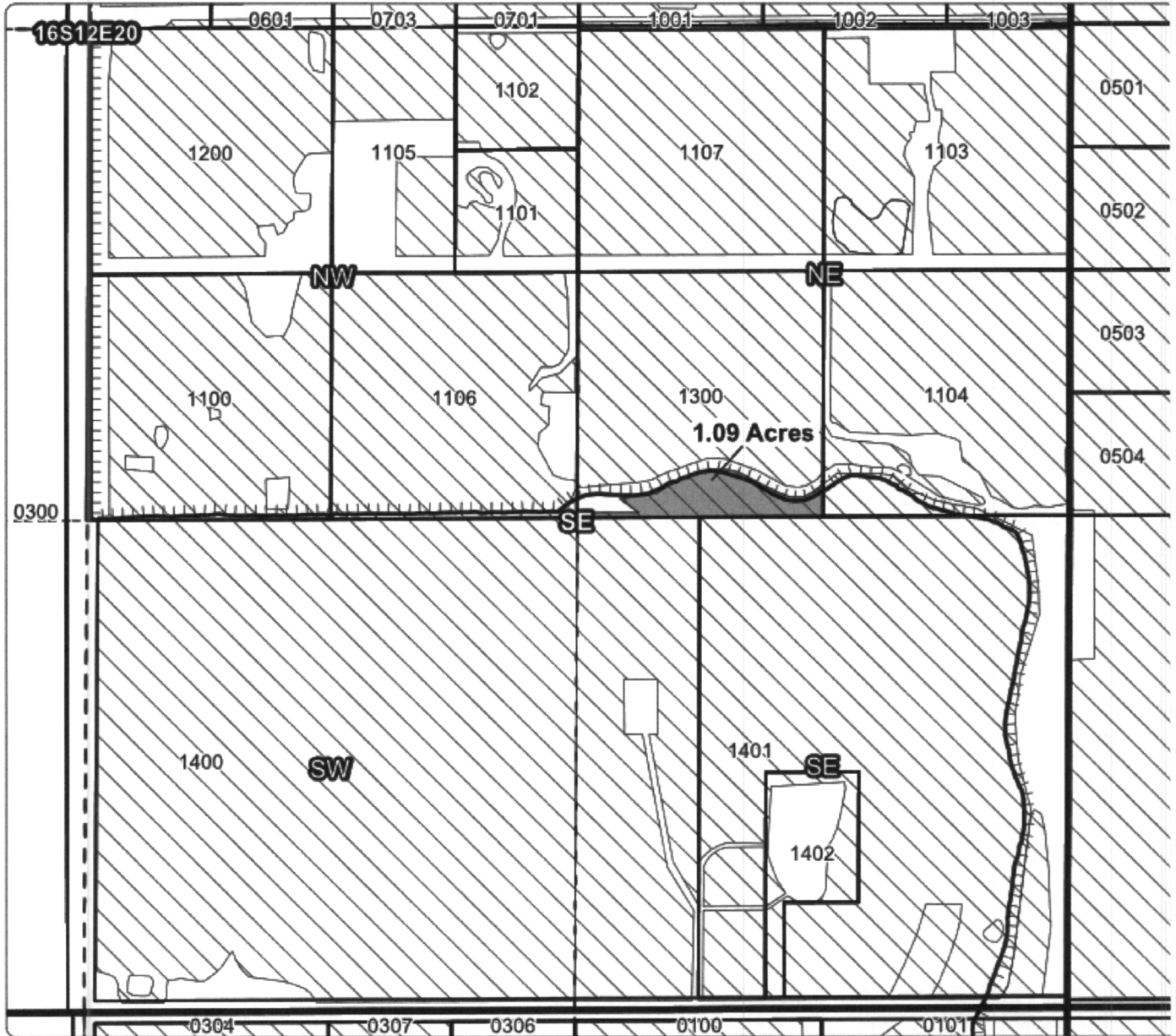
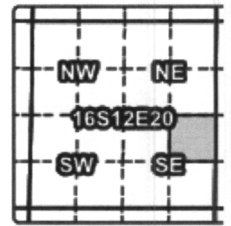
Printed name (and title): BERT A. LUKENS Business name, if applicable: N/A
 Mailing Address (with state and zip): 20315 BIRDSONE LN BEND OR 97701
 Phone number (include area code): 541-330-0277 **E-mail address: _____

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

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Swalley Irrigation District Application for Instream Lease

Cert #: 74145
For: Bert Lukens



1 YEAR INSTREAM LEASE MAP

Taxlot 1300, 16S12E20NESE: 1.09 Acres Leased, 7.11 Acres Remaining

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SALEM, OR

- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145



EXHIBIT C

Deschutes River Conservancy 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

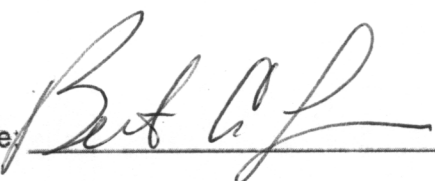
Farm Deferral Notice

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: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, BERT A. LUKENS understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 5-19-15

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

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1

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: Swalley 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 #
74145	9-1-1899'	3	17	12	05	NW NE	02000		.87	IRR	14	

Any additional information about the right: _____

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.

Jill Hurd _____ Date: March 18, 2015

Signature of Lessor

Printed name (and title): Ted Hurd Business name, if applicable: _____

Mailing Address (with state and zip): 64310 Old Bend Redmond Hwy Bend, Oregon 97701

Phone number (include area code): 541-382-0544 **E-mail address: _____

Date: _____

Signature of Lessor

Printed name (and title): _____ Business name, if applicable: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: _____

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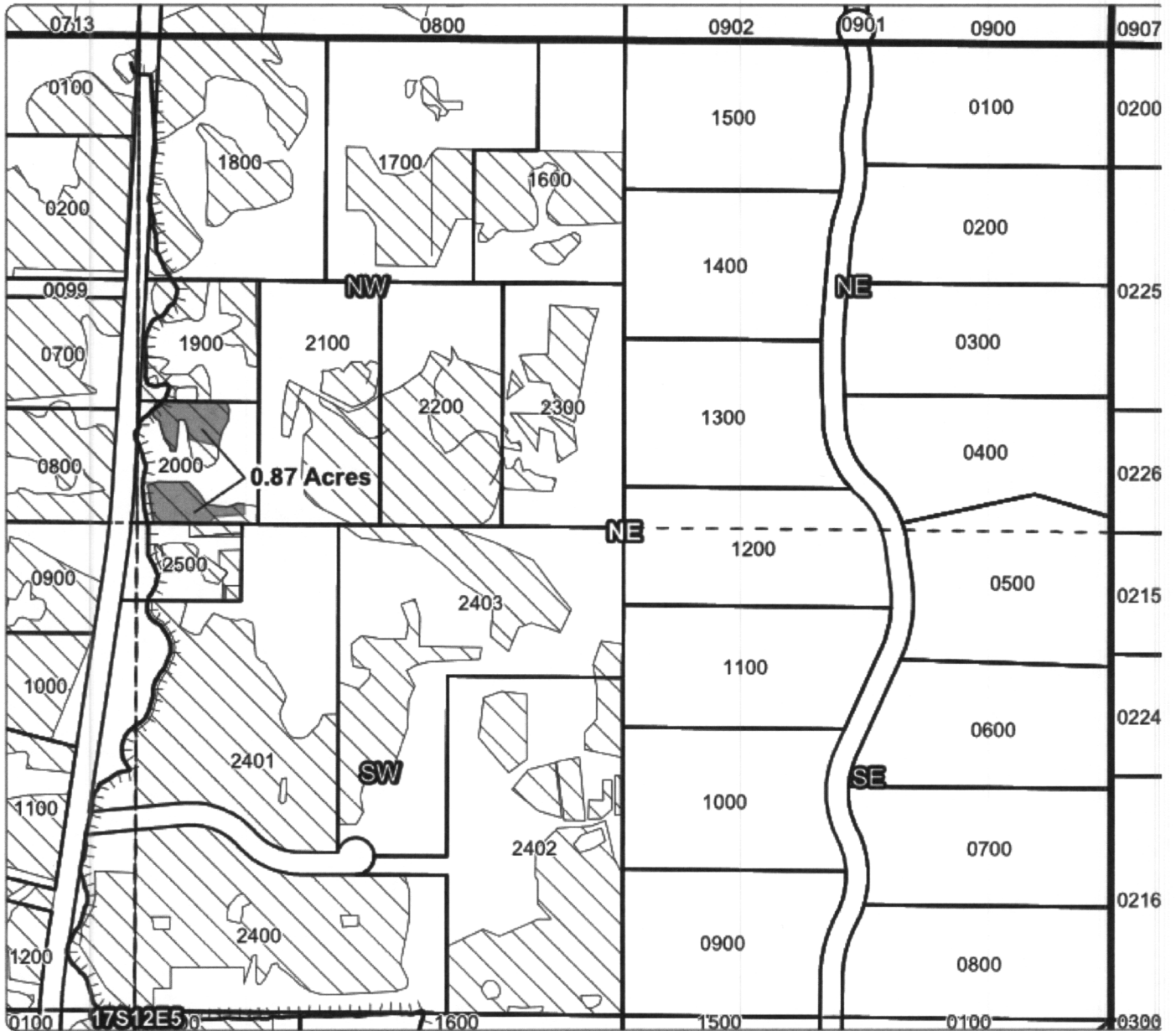
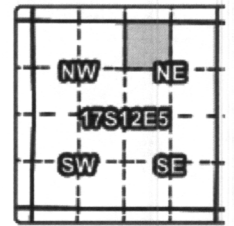
SALEM, OR

Swalley Irrigation District

Application for Instream Lease

Cert #: 74145

For: Ted Hurd



1 YEAR INSTREAM LEASE MAP

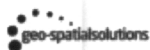
Taxlot 2000, 17S12E05NWNE: 0.87 Acres Leased, 0.13 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

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1 inch = 400 feet
April 2015



SALEM, OR

EXHIBIT C

**Deschutes River Conservancy
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: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Ted Hurd understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: Jheri Hurd Date: March 18, 2015

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

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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: Swalley 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.

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Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899'	3	17	12	09	NE NE	00800		2.39	IRR	17	

Any additional information about the right: _____

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:

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- I/We affirm that the information in this application is true and accurate.

Peggy Jo Spencer Date: 3-17-15
Signature of Lessor

Printed name (and title): Peggy Jo Spencer Business name, if applicable: _____
Mailing Address (with state and zip): P.O. Box 6361, Bend OR 97708
Phone number (include area code): 541-389-0780 **E-mail address: _____ RECEIVED BY OWRD
Date: _____ MAY 26 2015

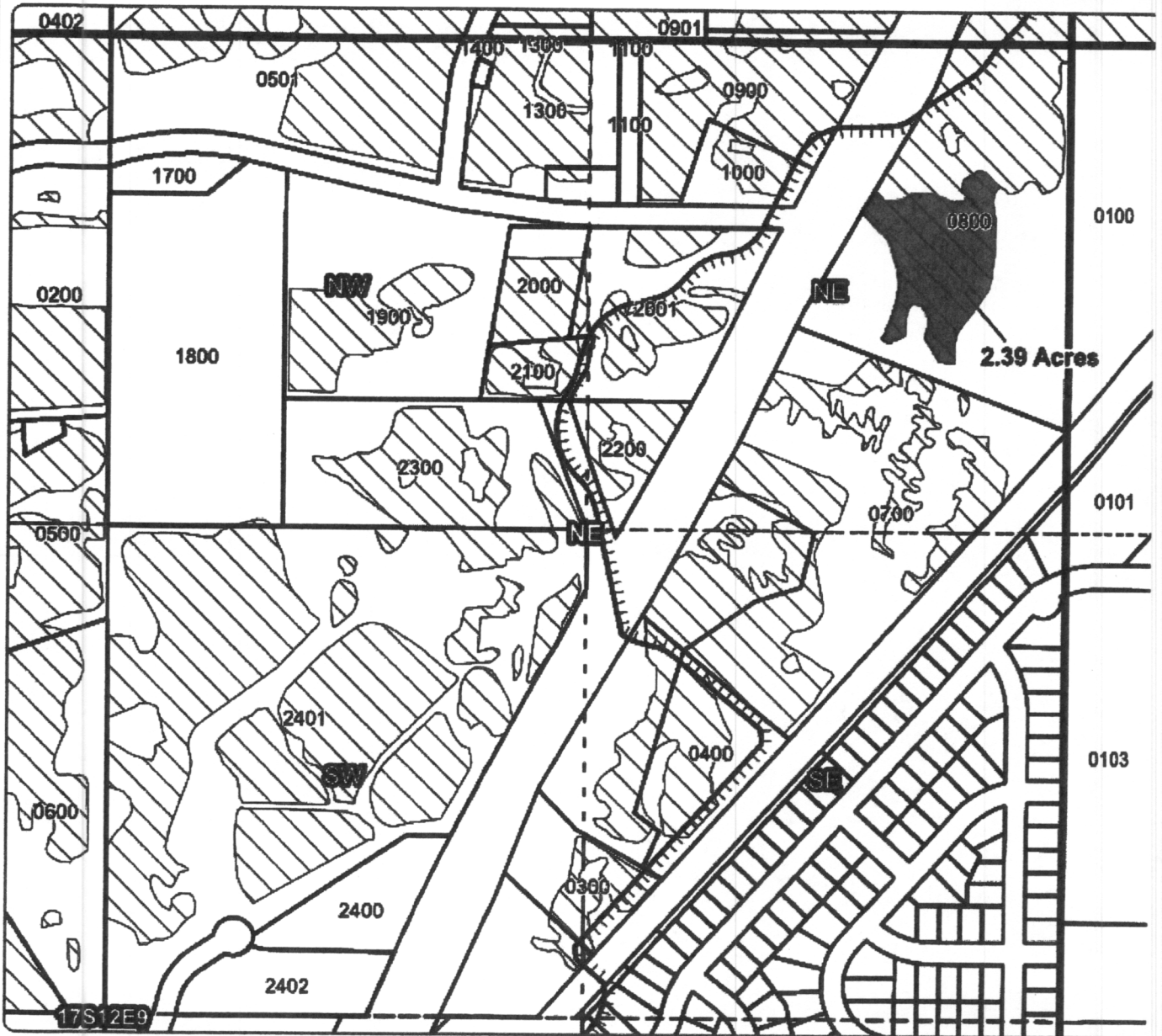
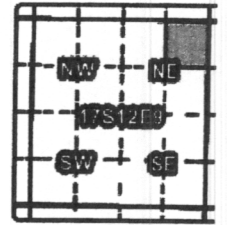
Signature of Lessor _____ Business name, if applicable: _____ SALEM, OR
Printed name (and title): _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

Swalley Irrigation District

Application for Instream Lease

Cert #: 74145

For: Peggy Jo Spencer








1 YEAR INSTREAM LEASE MAP

Taxlot 800, 17S12E09NENE: 2.39 Acres Leased, 4.01 Acres Remaining

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SALEM, OR

-  Point of Diversion
-  Canals
-  Taxlots
-  Lease
-  Cert 74145



1 inch = 400 feet
April 2015



EXHIBIT C

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Information and Resources Attached

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Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Peggy J Spencer understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: Peggy J Spencer Date: 3-20-15

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

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1

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

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Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9-1-1899	3	16	12	34	NW	00301		15.46	IRR	13	

Any additional information about the right:

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- I/We affirm that the information in this application is true and accurate.

Richard S. Matusiewicz Date: 3/16/15
Signature of Lessor

Printed name (and title): RICHARD J. MATUSEWICZ Business name, if applicable: _____
Mailing Address (with state and zip): 64785 HALF MILE LAKE BEND, OR. 97701
Phone number (include area code): 541-633-7629 **E-mail address: _____

Glenda S. Matusiewicz
Signature of Lessor

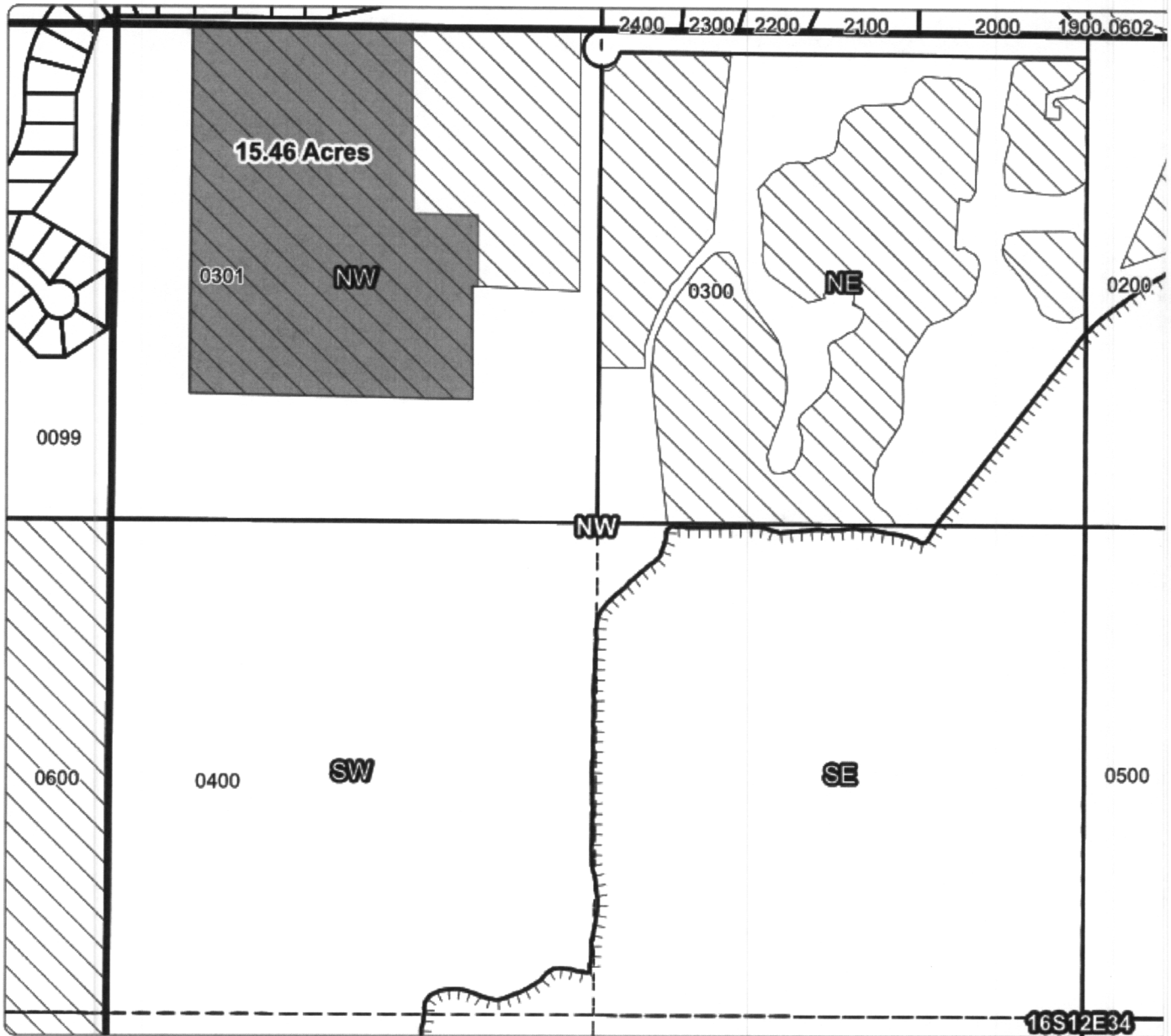
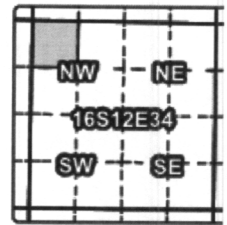
Date: 3-16-15 RECEIVED BY OWRD

Printed name (and title): Glenda S. Matusiewicz Business name, if applicable: _____
Mailing Address (with state and zip): 64785 Half Mile Lane Bend Oregon 97701 MAY 26 2015
Phone number (include area code): _____ **E-mail address: _____

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Richard & Glenda Matusewicz

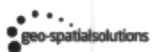


1 YEAR INSTREAM LEASE MAP

Taxlot 301, 16S12E34NWNW: 15.46 Acres Leased, 7.54 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

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April 2015



SALEM, OR

EXHIBIT C

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Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
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Information and Resources Attached

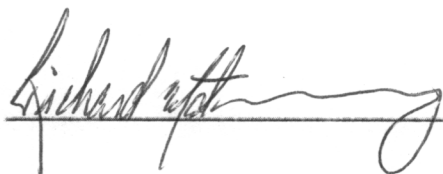
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Information and Resources Attached

Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, RICHARD MATUSEWICZ understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 3/20/15

This form must be signed and returned with state lease form. RECEIVED BY OWRD

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SALEM, OR

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 # 74145

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	Acreage	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9-1-1899	3-Main	IRR	19.81	Season 1	.151	131.01
				Season 2	..202	
				Season 3	.382	

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:

Table 3

Instream Use created by the lease River Basin: Deschutes River/Stream Name: Deschutes, tributary to Columbia

Proposed Instream Reach: **Or Proposed Instream Point:**

A reach typically begins at the POD and ends at the mouth of the source stream: From the POD Main Canal to the mouth of the Deschutes River

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	Acreage	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9-1-1899	3-Main	IRR	8.06	Season 1	.136	108.13
				Season 2	.182	
				Season 3	.338	

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:** FF City of Portland Ordinance: list here Instream Apr 1 +Oct 25

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

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Any additional information about the proposed instream use: _____

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