



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 #	16-1487
	District #	

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 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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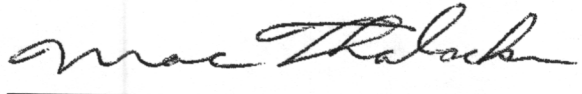
SALEM, OR

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: <u>month July</u> year <u>2015</u> and end: <u>month October</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.



Date: 5/27/2015

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Signature of Co-Lessor

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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

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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.

Genevieve Hubert
Signature of Lessee

Date: 5/27/15

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

Business/organization name: Deschutes River Conservancy Groundwater 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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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 #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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1887	Main	IRR	12.8	.016 -.02 cfs/ac max rate, volume not restricted on cert.	0.205 to 0.256	
1895	Main	IRR	68.7	.016 -.02 cfs/ac max rate, volume not restricted on cert. *rate varies by landowner relative to conservation projects	1.099 to 1.374	
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

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.

Or Proposed Instream Point:
 Instream use 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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1887	Main	IRR	12.8	July 5 through October 7, 2015 / 0.016 cfs per acre	0.205	38.59
1895	Main	IRR	68.7	July 5 through October 7, 2015 / 0.016 cfs per acre	1.099	207.12

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: To be leased instream to create groundwater mitigation credits.

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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	10 E	24	NW NW	200		32.0	IRR		IL-1314 (Patterson)

Any additional information about the right: T-9621 moved acres on nearby quarter quarters

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.


Signature of Lessor

Date: 4/07/15

Printed name (and title): Kay Temple Business name, if applicable: _____
Mailing Address (with state and zip): P.O. Box 1839, Sisters, OR 97759
Phone number (include area code): 541-549-1215 **E-mail address: _____

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Date: _____

Signature of Lessor

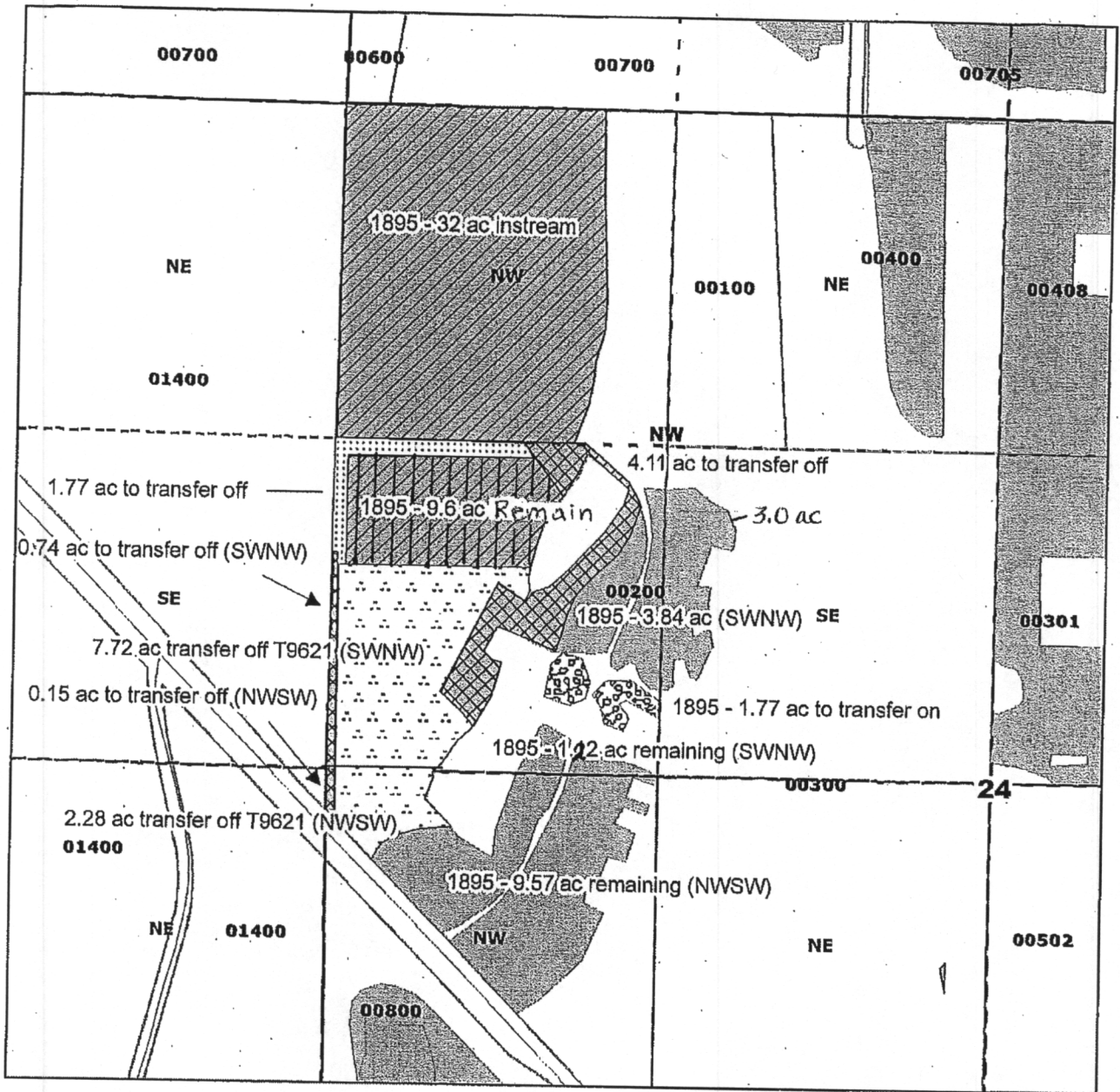
Printed name (and title): _____ Business name, if applicable: _____

Mailing Address (with state and zip): _____

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

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Legend

- Township Range
- Quarter Quarters
- Taxlots
- 1895
- Instream
- Transfer Off - T9621
- To Transfer Off
- To Transfer Off
- To Transfer On

Three Sisters Irrigation District

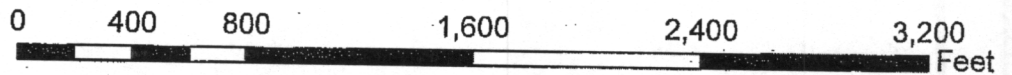
Kay Temple
 32[±] acres instream - 1895
 Certificate 74135
 T15S R10E Sect 24
 Tax Lot 200
 NWNW 32 acres instream

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.

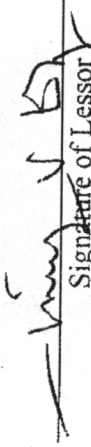
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1895	Main Canal	15	S	11	E	4	SW SW	401	24.1	IRR	IL-1426, IL-1314

Any additional information about the right: T-10900 removed acres

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.

 Date: 4/21/2015

Printed name (and title): James Enger Business name, if applicable: _____
Mailing Address (with state and zip): 68820 Holmes Rd., Sisters, OR 97759
Phone number (include area code): 503-383-6835 **E-mail address: _____

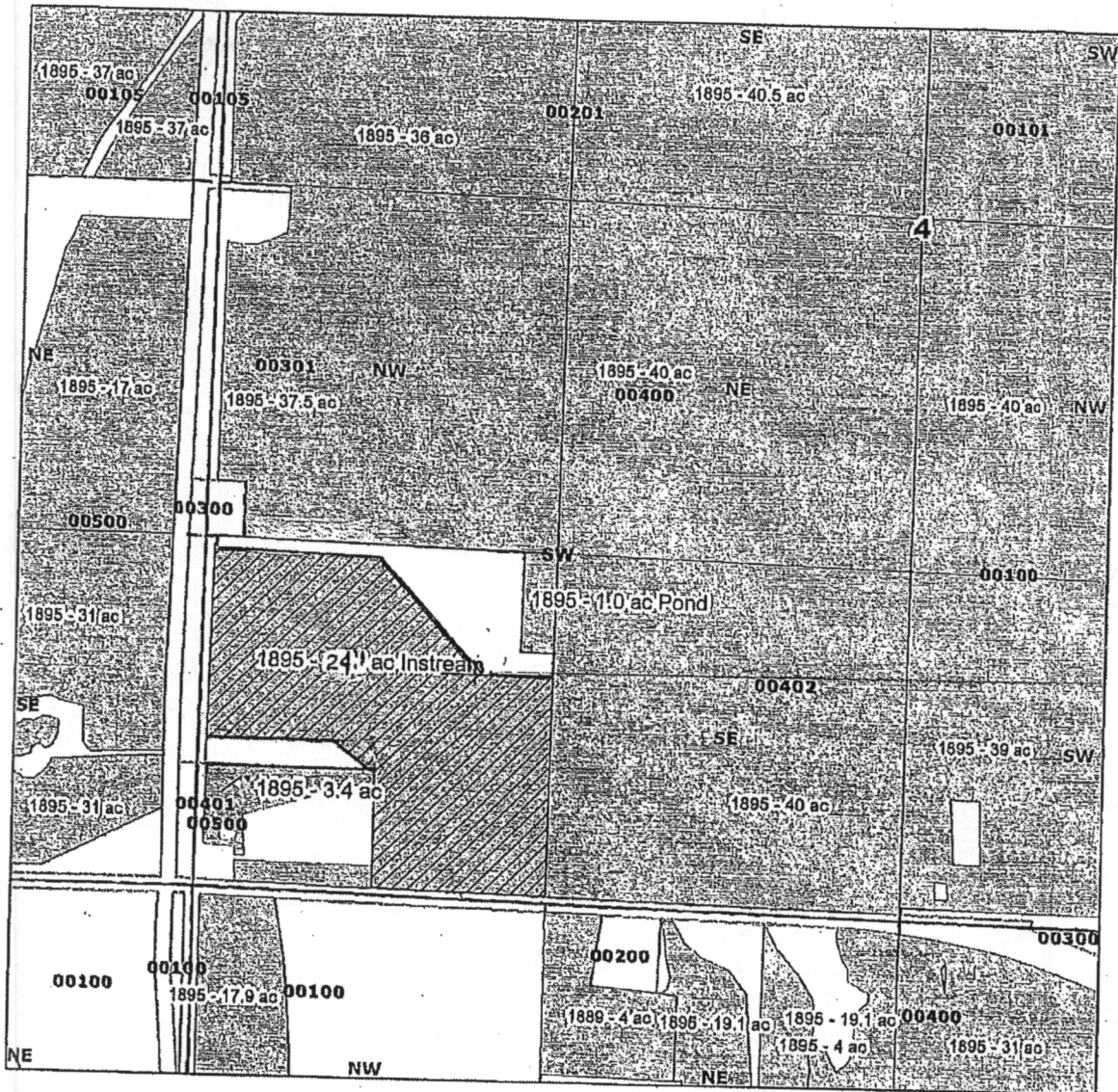
 Date: 4/21/2015

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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Three Sisters Irrigation District

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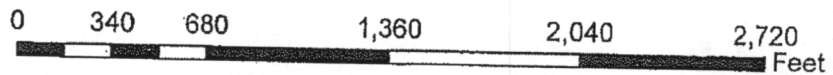
Legend

- Township Range
- Quarter Quarters
- Taxlots
- Primary
- Priority_Date
- 1895
- 1895

James Enger
 24.1 acres Instream - 1895
 Certificate 74135
 T15S R11E Sect 04
 Tax Lot 401
 SWSW 24.1 acres Instream
 1.0 Pond remaining (Tax Lot 401)
 Deschutes County
T-10900 removed 6.5 Ac

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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

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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 #	Typ	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #	
74135	1887	Main Canal	15	S	11	E	6	NE	SW	1200	12.8	IRR	IL-1426

Any additional information about the right: T-10573 removed acres

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.



Signature of Lessor

Date: 5/19/15

Printed name (and title): Jeffrey Fackler Business name, if applicable: _____
 Mailing Address (with state and zip): 38218 Foxglove Ct., North Branch, MN 55056
 Phone number (include area code): 651-674-7467 **E-mail address: huskerjeff@msn.com

Date: _____

Signature of Lessor

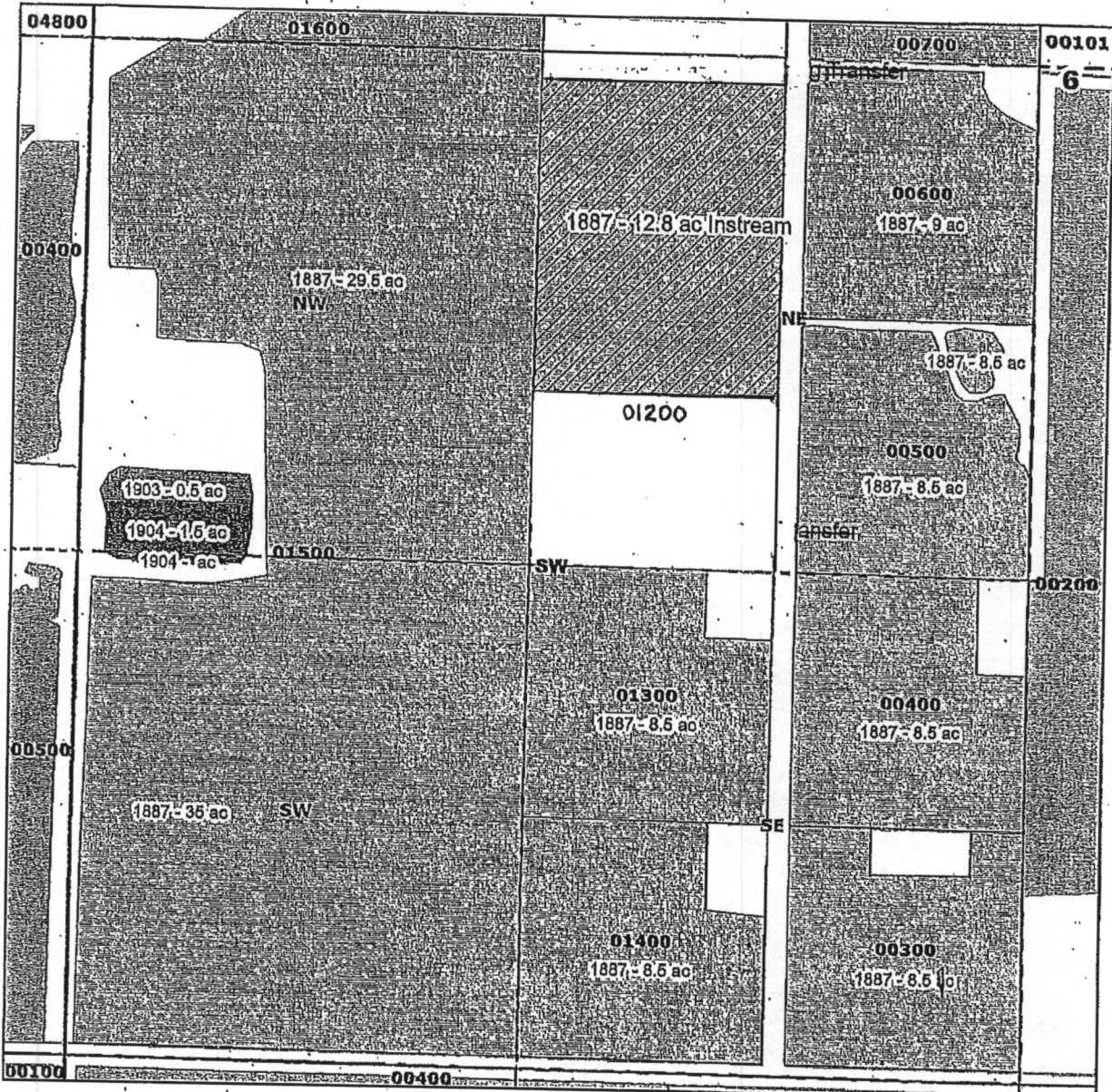
Printed name (and title): _____ Business name, if applicable: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

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

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Legend

- SW Quarter Remaining
- Township Range
- Quarter Quarters
- Taxlots
- Primary**
- Priority_Date**
- 1887
- 1895
- 1903
- 1904

Three Sisters Irrigation District

Jeffrey Fackler
 12.8 acres Instream - 1887
 Certificate 74135

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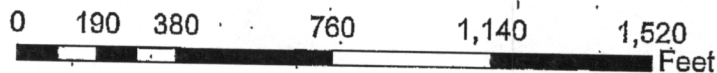
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T15S R11E Sect 06
 Tax Lot 1200
 NESW

SALEM, OR

12.8 acres Instream

NESW < 4.7 ac C-74135-1887 off > T-10573
 1.0 ac C-74135-1895 off



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.

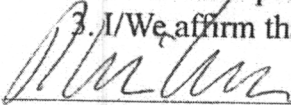
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1895	Main Canal	14 S	10 E	36	SW NE	2400		2.0	IRR		IL-1426
74135	1895	Main Canal	14 S	10 E	36	NW SE	2400		1.0	IRR		IL-1426

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:

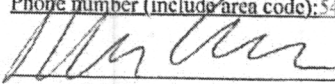
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2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.



Signature of Lessor

Date: 5-13-15

Printed name (and title): Phillip Krohn Business name, if applicable: _____
Mailing Address (with state and zip): P.O. Box 698, Camp Sherman, OR 97730
Phone number (include area code): 541-231-0795 **E-mail address: _____



Signature of Lessor

Date: 5-13-15

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

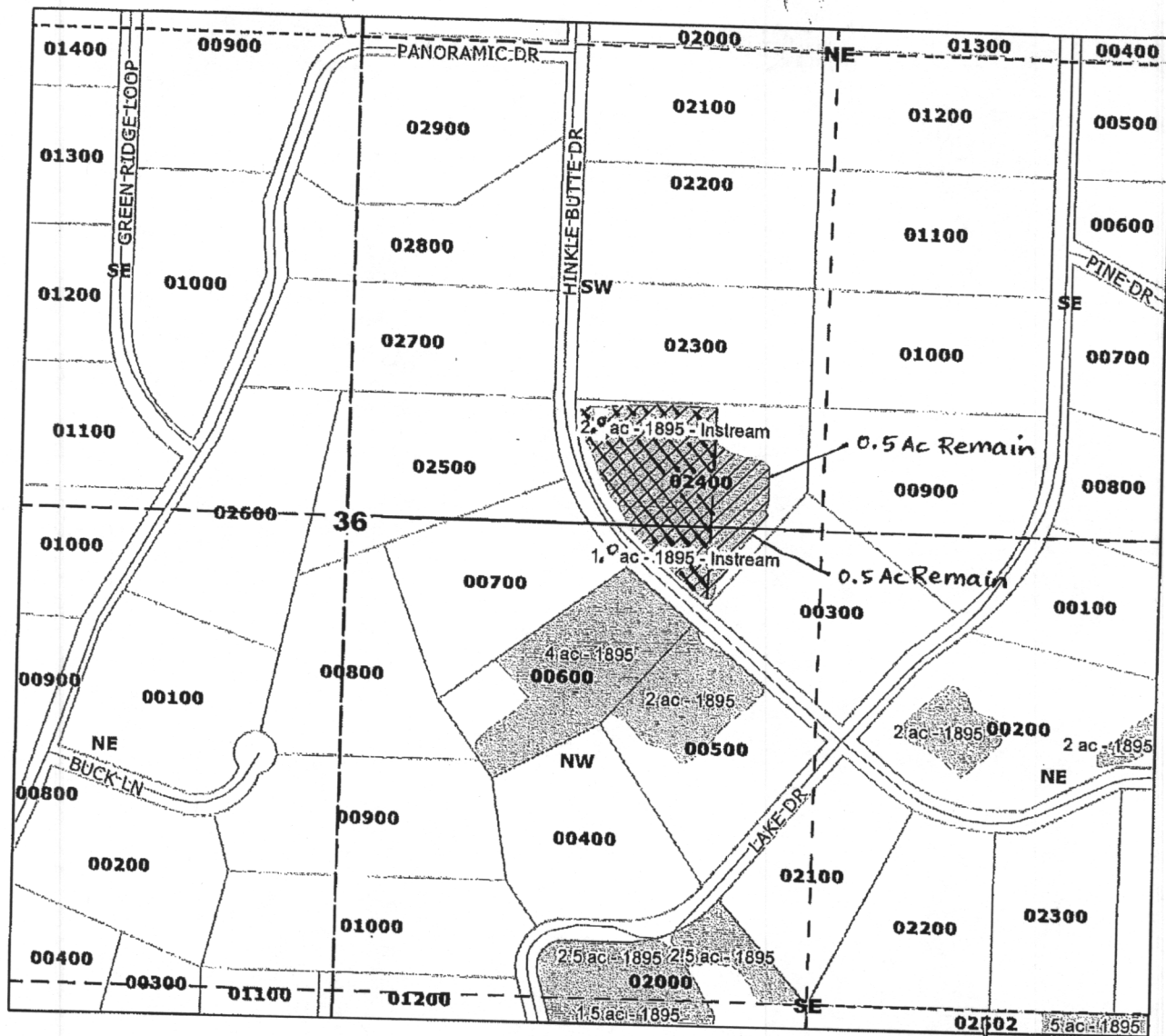
District Instream Lease Application (revised 2/12/2014)

541/231-0795

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Three Sisters Irrigation District

Legend

 1895 Leased Instream
  Remain

Primary

Priority_Date

 1895

 1904

 Township Range

 Quarter Quarters

 Taxlots

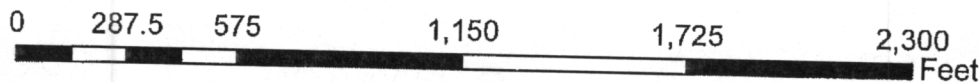
Philip Krohn
 3 acres instream - 1895
 Certificate 74135

T14S R10E S36 Taxlot 2400
 NWSE
 1.0 acres instream 1895
 SWNE
 2.0 acres instream 1895

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Revised 4/7/2015

New max cfs/laf (on some acres) after CW 0.016

TSID season 1	Mitigation Lease			Section 4 Table 3				Section 4 Table 3			previous lease #
	Priority	Certificate	Pg	acres*	cfs/ac	rate*	conv fact	* no. days	duty AF	duty AF	
Fackler	1887	74135	10	12.8	0.016	0.205	1.983471	0.4062149	95.00	38.59	1426
	Subtotal			12.8		0.205				38.59	
Enger	1895	74135	9	24.1	0.016	0.3856	1.983471	0.7648264	95.00	72.66	1426
Temple	1895	74135	10	41.6	0.016	0.6656	1.983471	1.3201983	95.00	125.42	1314
Krohn	1895	74135	2	3	0.016	0.048	1.983471	0.0952066	95.00	9.04	1426
	1895	74135		0	0.02	0	1.983471	0	0.00	0.00	
	Subtotal			68.7		1.099				207.12	
	Totals			81.5		1.304				245.71	

start	end	days instream
7/5/2015	10/7/2015	95.00 Season 1
7/1/2014	10/1/2014	93.00 Season 2

Section 4: Use	Table 2			Table 3	
	acres	max rate	max rate	IS rate	IS duty
1887 Irr	12.8	0.016	0.205	0.205	38.59
1895 Irr	68.7	0.016	1.099	1.099	207.12
1901 Irr	0	0.02	0.000	0.000	0.00
1904 Irr	0	0.02	0.000	0.000	0.00
Total	81.5	0.02	1.304	1.304	245.71

TSID certificate: 74135, duty limited by district rotation - term of lease

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