



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 #	1L-1594
	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 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
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<input type="checkbox"/> Check enclosed or	<i>Deschutes River Conservancy</i> (Account name) <i>Mitigation Bank</i>
<input checked="" type="checkbox"/> Fee Charged to customer account	

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 being used.

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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>2017</u> and end: month <u>Oct 31</u> year <u>2017</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: _____
 Signature of Co-Lessor

Printed name (and title): Jer Camarata
 Business/Organization name: Swalley Irrigation District
 Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97703
 Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com (contact person)

_____ 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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See next page for additional signatures.


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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>2017</u> and end: month <u>Oct 25</u> year <u>2017</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)
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 Signature of Co-Lessor

Date: 3/9/17

Printed name (and title): Jer Camarata
 Business/Organization name: Swalley Irrigation District
 Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97703
 Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com (contact person)

 Signature of Co-Lessor

Date: _____

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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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See next page for additional signatures.

Genevieve Hubert
Signature of Lessee

Date: 3/9/17

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 St., Suite 1, Bend, OR 97703

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
Table 1

Edward & Doris Elkins / SID Instream Lease: 113.45 acres instream

Source: Deschutes River

Certificate	Priority	POD#	Township	Range	Section	QQ	Taxlot	Acres	Type of Use	Cert. Pg	Prev Ls#
74145	9/1/1899	3	17S	12E	7	NESW	503	0.50	IRR	15	L-1218
74145	9/1/1899	3	17S	12E	7	NWSE	500	3.30	IRR	15	L-1218
74145	9/1/1899	3	17S	12E	7	SESW	601	26.50	IRR	15	L-1218
74145	9/1/1899	3	17S	12E	7	SWSE	601	7.80	IRR	15	L-1218
74145	9/1/1899	3	17S	12E	7	SWSE	602	9.55	IRR	15	L-1218
74145	9/1/1899	3	17S	12E	18	NWNE	105	3.20	IRR	21	L-1218
74145	9/1/1899	3	17S	12E	18	SENE	110*	6.60	IRR	21	L-1218
74145	9/1/1899	3	17S	12E	18	SWNE	105	10.57	IRR	21	L-1218
74145	9/1/1899	3	17S	12E	18	NENW	105	3.50	IRR	22	L-1218
74145	9/1/1899	3	17S	12E	18	SENW	105	2.40	IRR	22	L-1218
74145	9/1/1899	3	17S	12E	18	NESW	105	1.20	IRR	22	L-1218
74145	9/1/1899	3	17S	12E	18	NESE	110*	12.99	IRR	22	L-1218
74145	9/1/1899	3	17S	12E	18	NWSE	105	23.36	IRR	22	L-1218
74145	9/1/1899	3	17S	12E	18	NESE	105	1.98	IRR	22	L-1218

Total Leased Acres	113.45
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* Parts of taxlot 105 have changed to taxlot 110

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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												
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:

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.

Edward J. Elkins Date: 03/07/2017
Signature of Lessor

Printed name (and title): Edward J. ELKINS Business name, if applicable: _____
Mailing Address (with state and zip): 63613 O.B. Riley Rd Bend OR 97703
Phone number (include area code): 541-289-9662 **E-mail address: thump442@centurylink.net

Doris E. Elkins Date: 7 Mar 17
Signature of Lessor

Printed name (and title): Doris E. ELKINS Business name, if applicable: _____
Mailing Address (with state and zip): 63613 O.B. Riley Rd. Bend, Oregon 97703
Phone number (include area code): 541-389-4662 **E-mail address: _____

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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

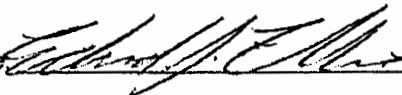
Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal 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 Edward J. Etkin understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature



Date:

03/07/2017

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

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	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9-1-1899	3-mai	IRR	113.45	Season 1	.867	750.28
				Season 2	1.159	
				Season 3	2.189	

Total af from storage, if applicable: _____ AF or N/A

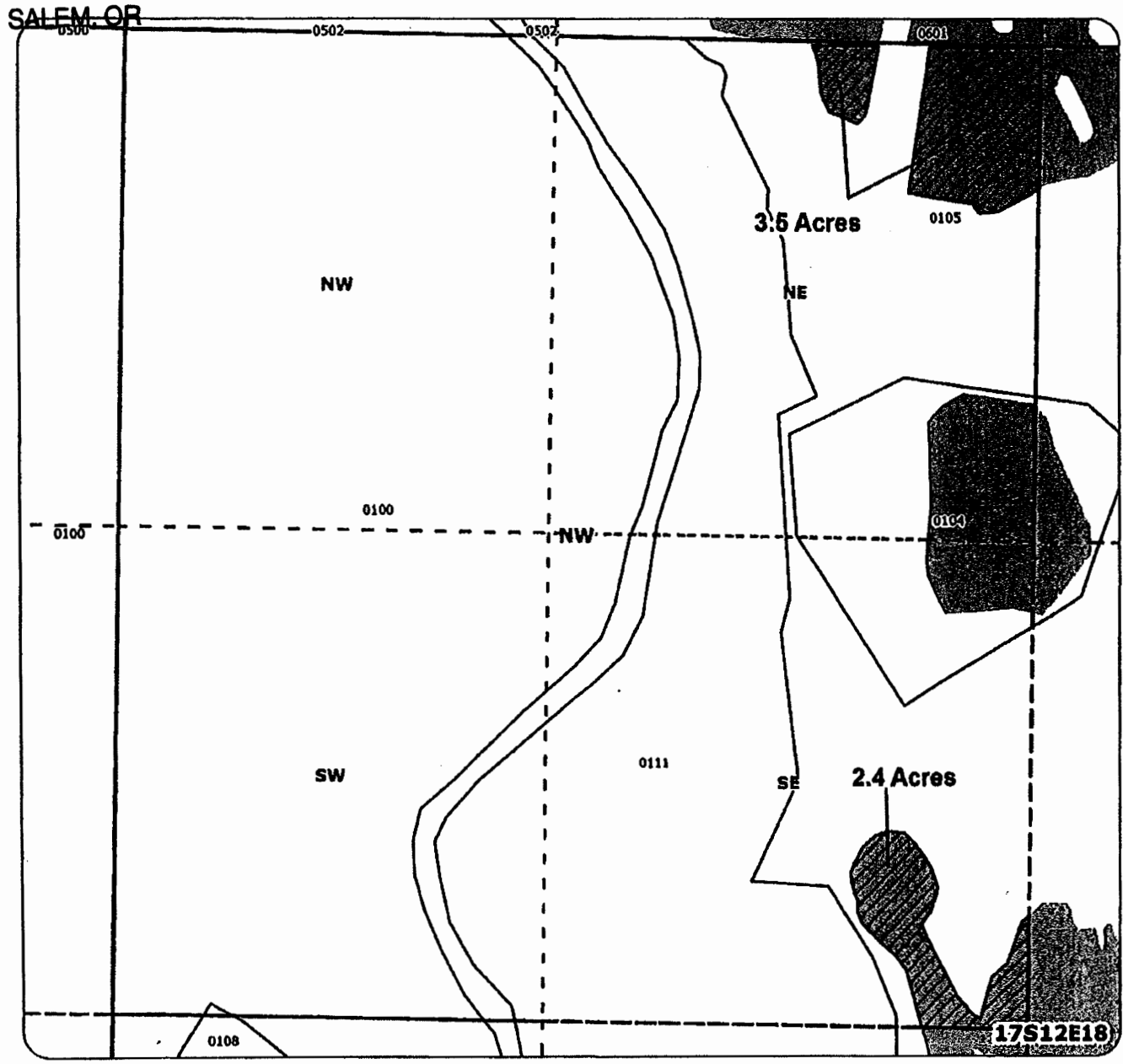
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3


Instream Use created by the lease	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Deschutes, tributary to Columbia</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>3-Main Canal</u> to <u>Lake Billy Chinook</u> River		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
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 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	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9-1-1899	3-Ma	IRR	113.45	Season 1	.779	619.51
				Season 2	1.043	
				Season 3	1.933	
* Mitigation Project *						
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.						
<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>Instream Lease - April 1-Oct 25</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.					RECEIVED BY OWRD	

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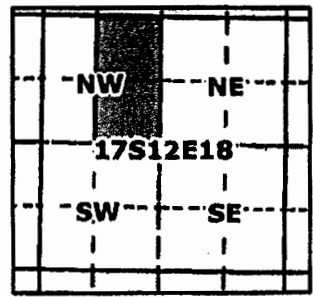
Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

-  Proposed Lease of Irrigation Rights
-  Certificate 74145

For:
 Edward & Dorris Elkins
 Taxlot 105 - 3.5 Acres
 in 17S12E18NENW
 Taxlot 105 - 2.4 Acres
 in 17S12E18SESW
 Total Lease of 5.9 Acres

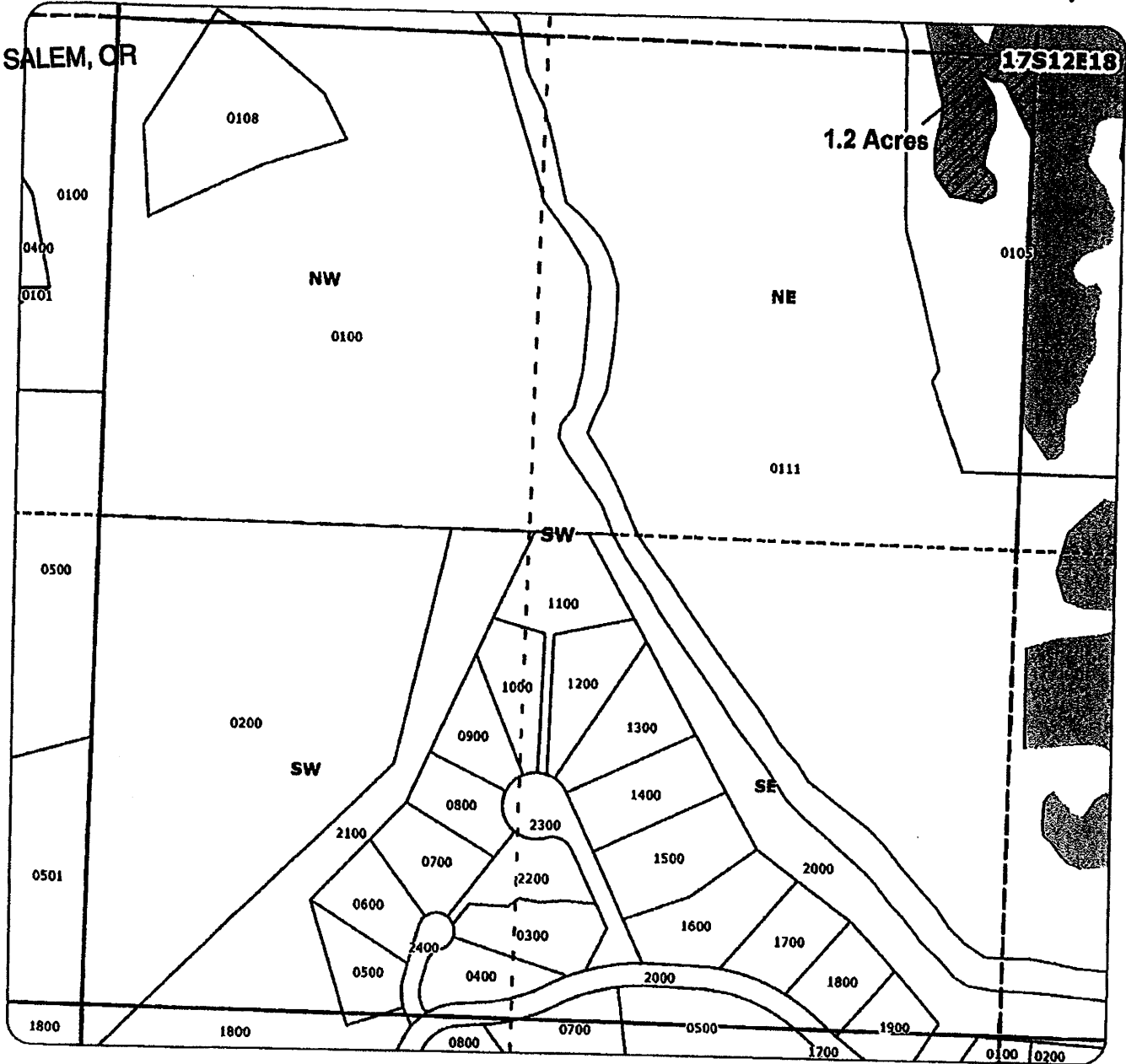



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 1 Inch = 400 feet

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Swalley Irrigation District Instream Lease Map

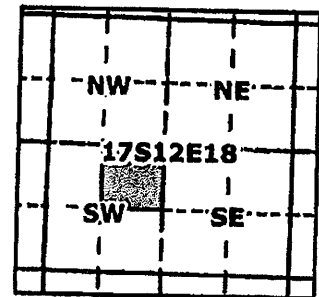


Application for 1-year Instream Lease Primary: Certificate 74145

 Proposed Lease of Irrigation Rights

 Certificate 74145

For:
Edward & Dorris Elkins
Taxlot 105 - 1.2 Acres
in 17S12E18NESW
Total Lease of 1.2 Acres

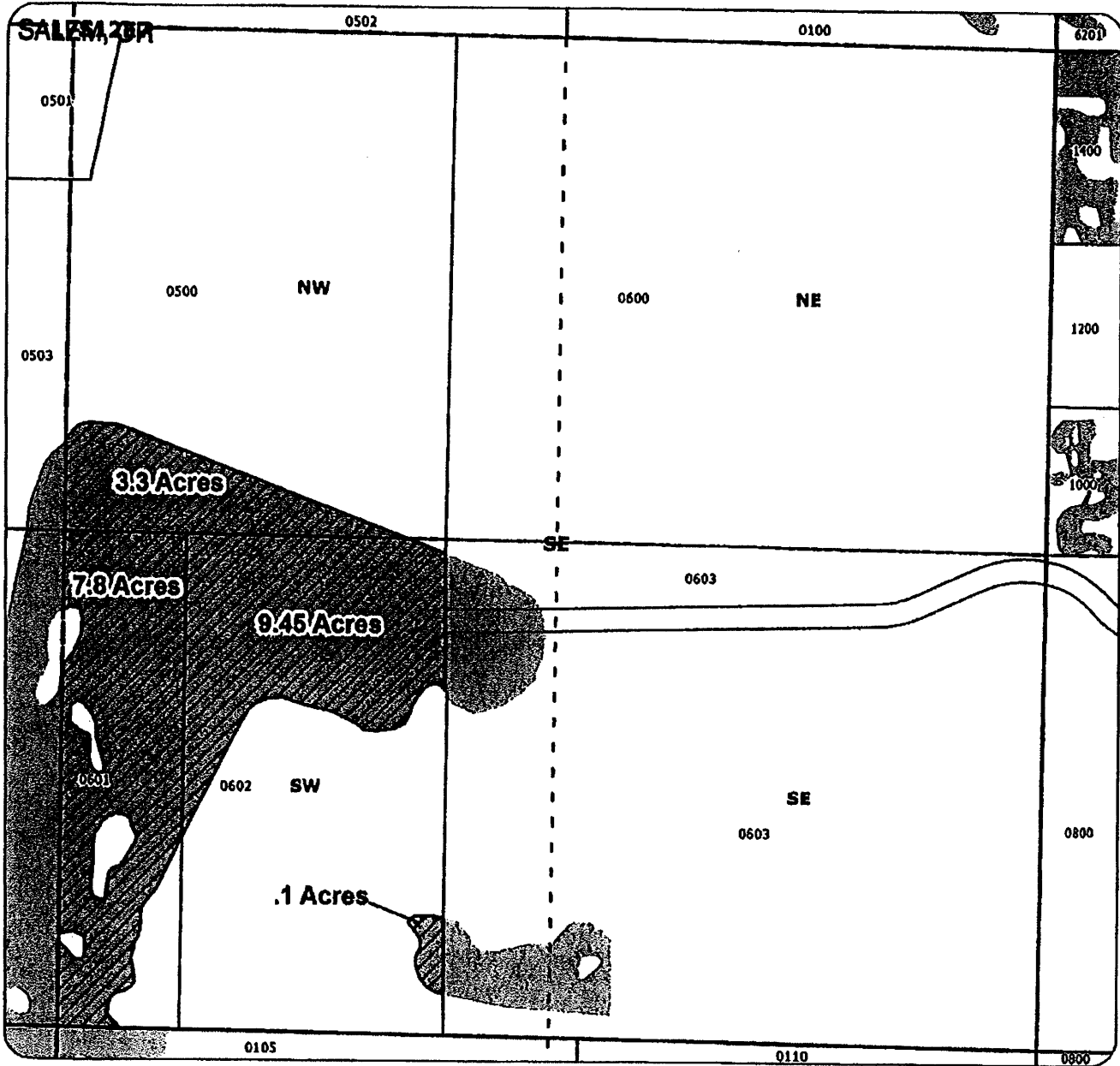


1 inch = 400 feet





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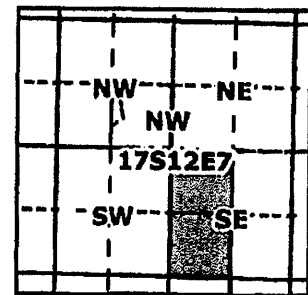
MAR 15 2017 Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

-  Proposed Lease of Irrigation Rights
-  Certificate 74145

For:
 Edward & Dorris Elkins
 Taxlot 500 - 3.3 Acres
 in 17S12E7NWSE
 Taxlot 601 - 7.8 Acres
 Taxlot 602 - 9.55 Acres
 in 17S12E7SWSE
 Total Lease of 20.65 Acres



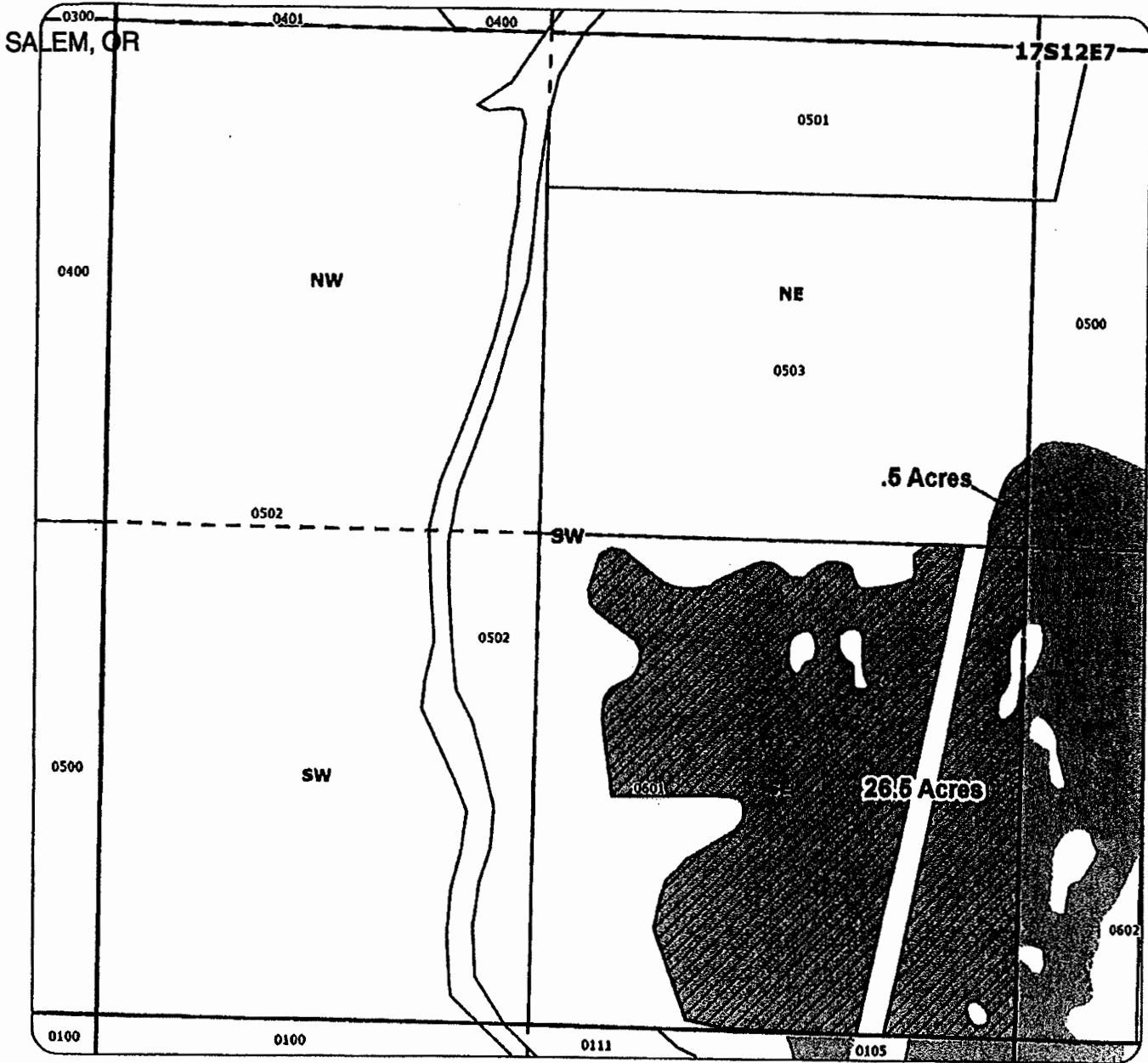
1 inch = 400 feet



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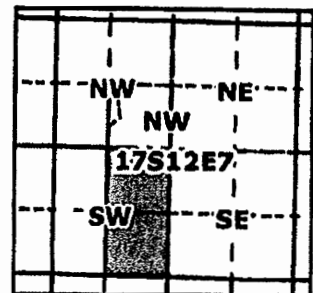
Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

-  Proposed Lease of Irrigation Rights
-  Certificate 74145

For:
 Edward & Dorris Elkins
 Taxlot 503 - .5 Acres
 in 17S12E7NESW
 Taxlot 601 - 26.5 Acres
 in 17S12E7SESW
 Total Lease of 27 Acres



1 inch = 400 feet

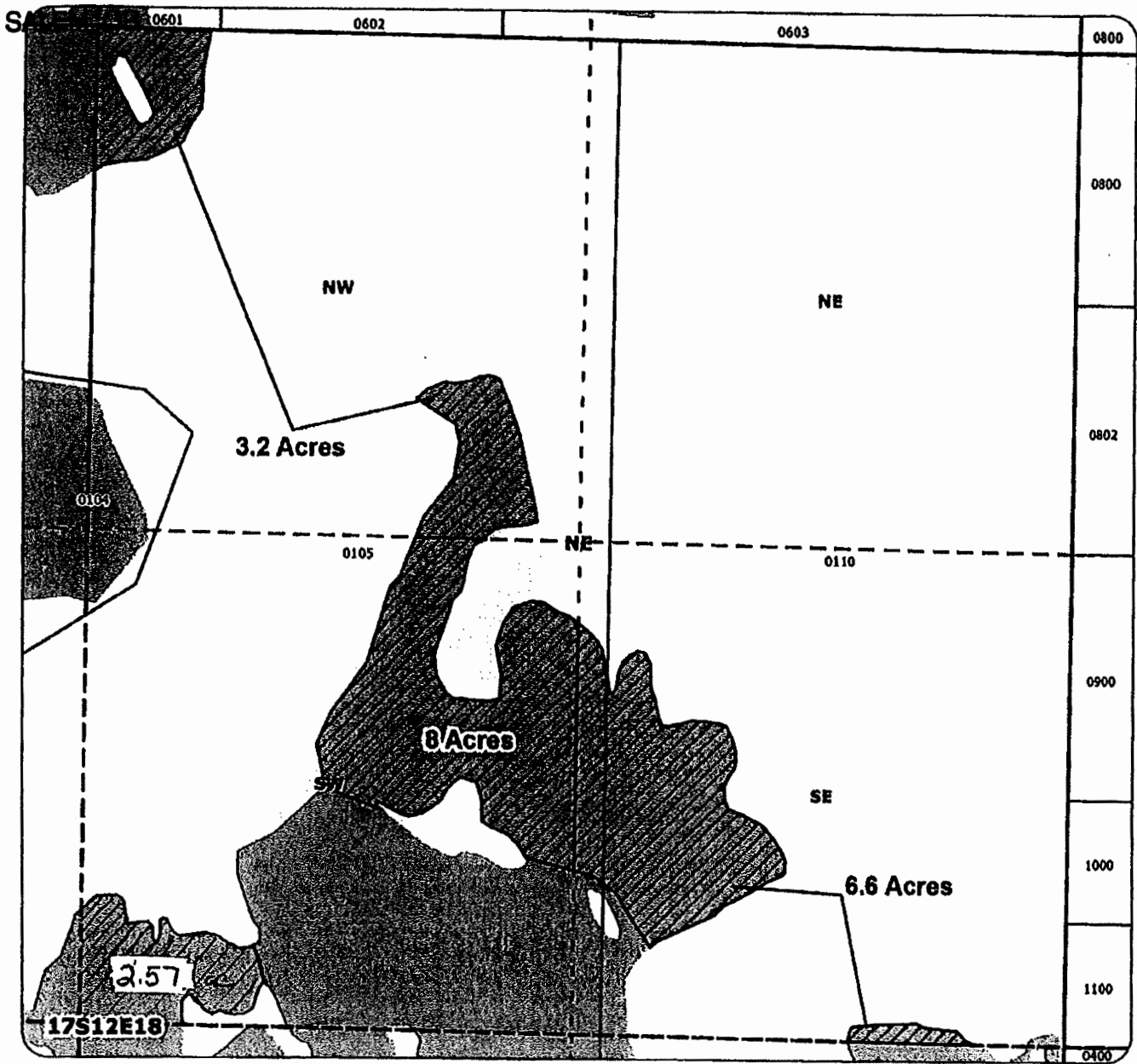


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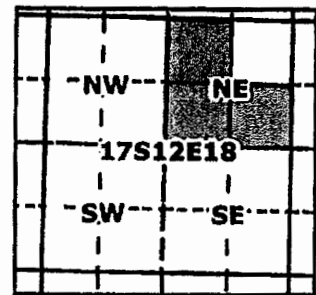
Swalley Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74145

-  Proposed Lease of Irrigation Rights
-  Certificate 74145

For:
 Edward & Dorris Elkins
 Taxlot 105 - 3.2 Acres
 in 17S12E18NWNE
 Taxlot 105 - 10.57 Ac
 in 17S12E18SWNE
 3111 Taxlot 110 - 6.6 Acres
 in 17S12E18SENE
 Total Lease of 20.37 Acres




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↑ N
 1 Inch = 400 feet

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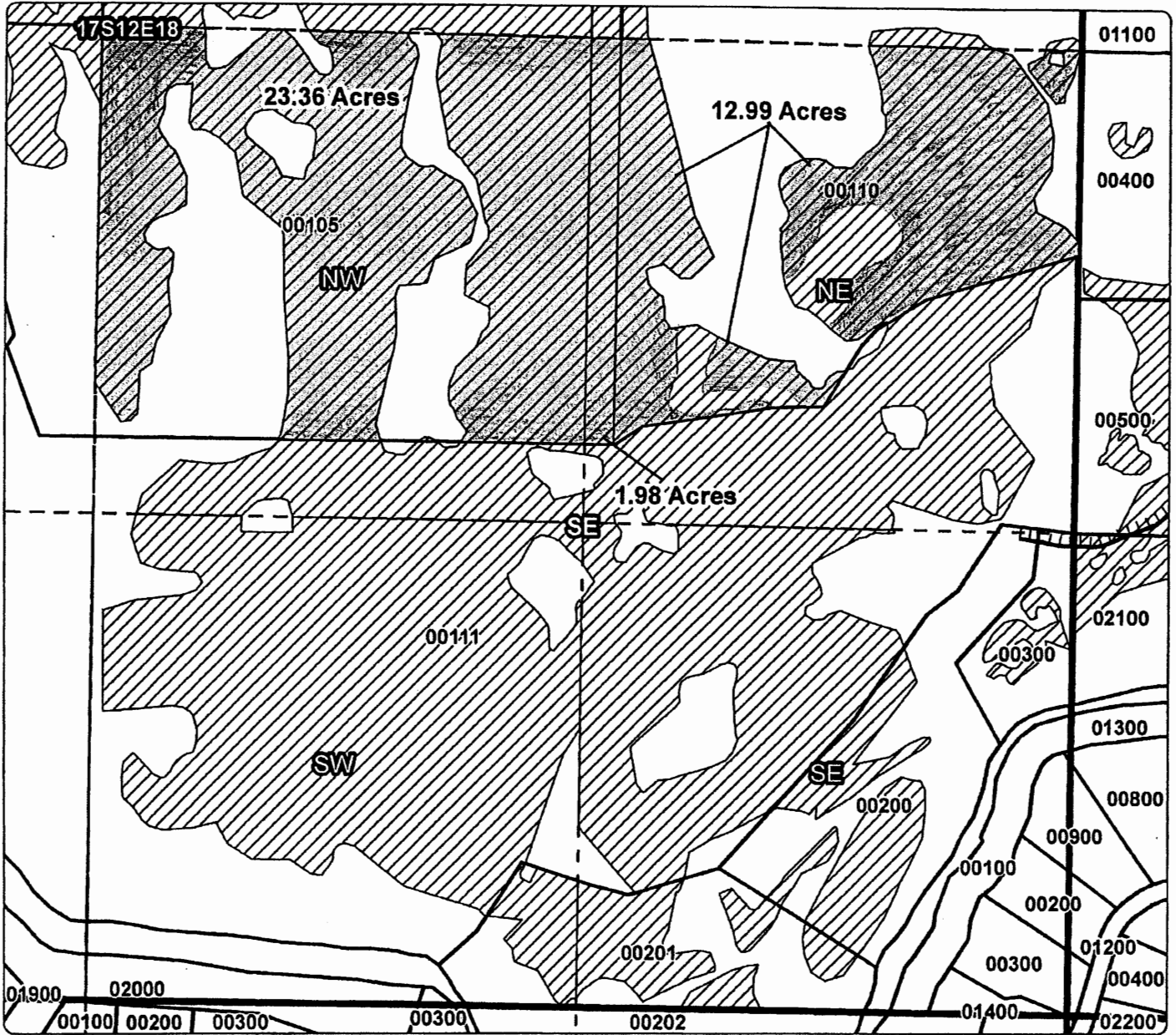
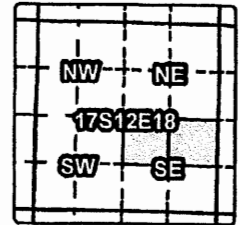
Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Ed & Dorris Elkins

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1 YEAR INSTREAM LEASE MAP

Taxlot 00105, 17S12E18NESE: 1.98 Acres Leased
Taxlot 00110, 17S12E18NESE: 12.99 Acres Leased
Taxlot 00105, 17S12E18NWSE: 23.36 Acres Leased

- Point of Diversion
- TTT Canals
- Taxlots
- ▨ Lease
- ▩ Cert 74145

1 inch = 400 feet
March 2017

