

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-1677
	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 type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed <u>or</u>	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Cons.</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: 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: <u>month April year 2018</u> and end: <u>month Nov year 2018</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.



 Signature of Co-Lessor

Date: 4/17/2018

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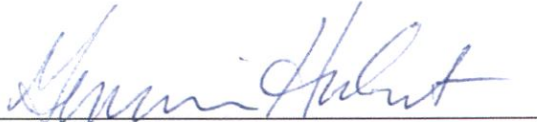
Printed name (and title): Jer Camarata, General Manager
 Business/Organization name: Swalley Irrigation District
 Mailing Address (with state and zip): 64672 Cook Ave., Ste 1, Bend, OR 97703
 Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com

 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.



Signature of Lessee

Date: 4/17/2018

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St., Ste #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 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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
9/1/1899	Main	IR	20.17	Season 1 / 2 / 3 rates and diverted duty is limited to 6.61 AF /ac	0.154/0.206/0.389	133.39
9/1/1899	Main	NUR	72.1	Season 1 / 2 / 3 rates and diverted duty is limited to 6.61 AF /ac	0.551/0.737/1.391	476.82
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>Main Canal POD</u> to Deschutes mouth at RM 0	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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/1/1899	Main	IR	20.17	Season 1 / 2 / 3 rates and on farm duty is limited to 5.46 AF/ac	0.139/0.185/0.344	110.09
		NUR	72.1	Season 1 / 2 / 3 rates and on farm duty is limited to 5.46 AF/ac	0.495/0.663/1.229	393.29
		total	92.27	Total	0.634/0.848/1.573	503.38

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Acres IR	Acres NUR	Landowners:
6.0 ac	61.92 ac	Bend Metro Parks and Recreation District
14.17 ac		Starwood Association
	10.18 ac	USDA Forest Service – Deschutes NF

Total acres

20.17 ac 72.10 ac = 92.27 ac

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Pend Parks

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.

Table with 13 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Contains 10 rows of data for water rights 74145.

Any additional information about the right: 61.92 acres nursery, 6.0 ac IR, 67.92 ac total. Nursery tax lot 104 was previously tax lot 102. New tax lots were also created in the SE quarter of section 18.

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.

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.

{Signature Page Follows}

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→ Don Horton Date: 4/17/18
Signature of Lessor

Printed name (and title): Don Horton, Executive Director Business name, if applicable: Bend Metro Parks and Recreation District
Mailing Address (with state and zip): 1675 NW Simpson, Bend, OR 97702
Phone number (include area code): 541-389-7275 **E-mail address: Dave Crowther / dave@bendparksandrec.org

Signature of Lessor Date: _____

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

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

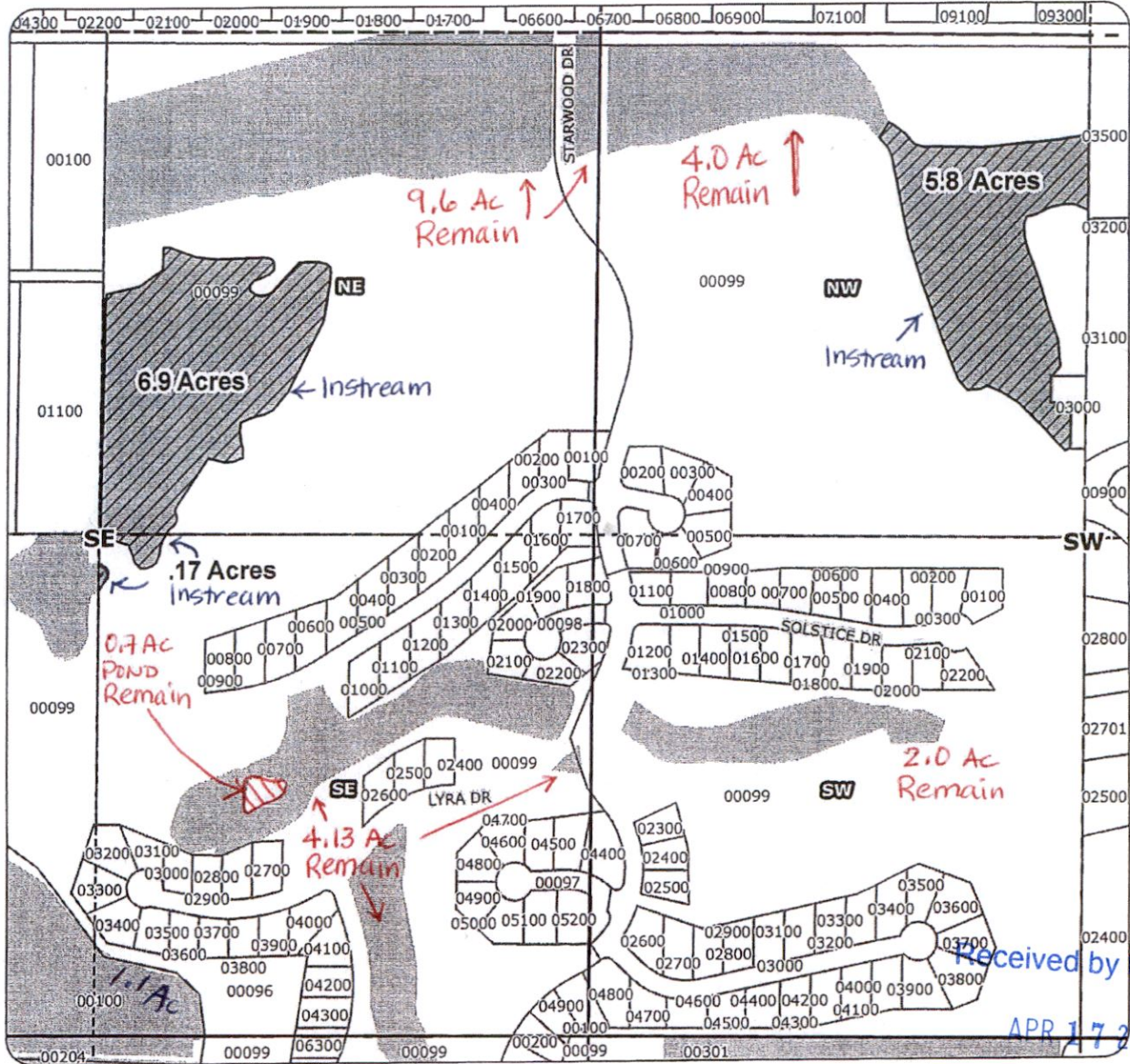
Donated Leases: Leases of less than 5 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

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

→ Signature: D. Harton Date: 4/17/18

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

2018 Swalley Irrigation District Instream Lease Map



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Application for Instream Lease



Salem, OR

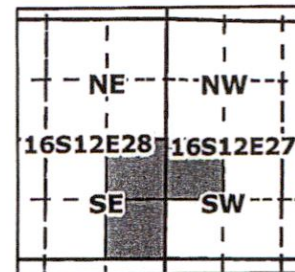
for

Starwood Homeowner's Association

taxlot 99- 5.8 acres
in 161227NWSW
taxlot 99- 6.9 acres
in 161228NESE
taxlot 99- .17 acres
in 161228SESE

Total lease of
12.87 acres

-  Proposed Lease of Irrigation Rights
-  Water Rights



Geo-Spatial Solutions, Inc.

www.geospatialsolutions.com

Date Created: March 2008

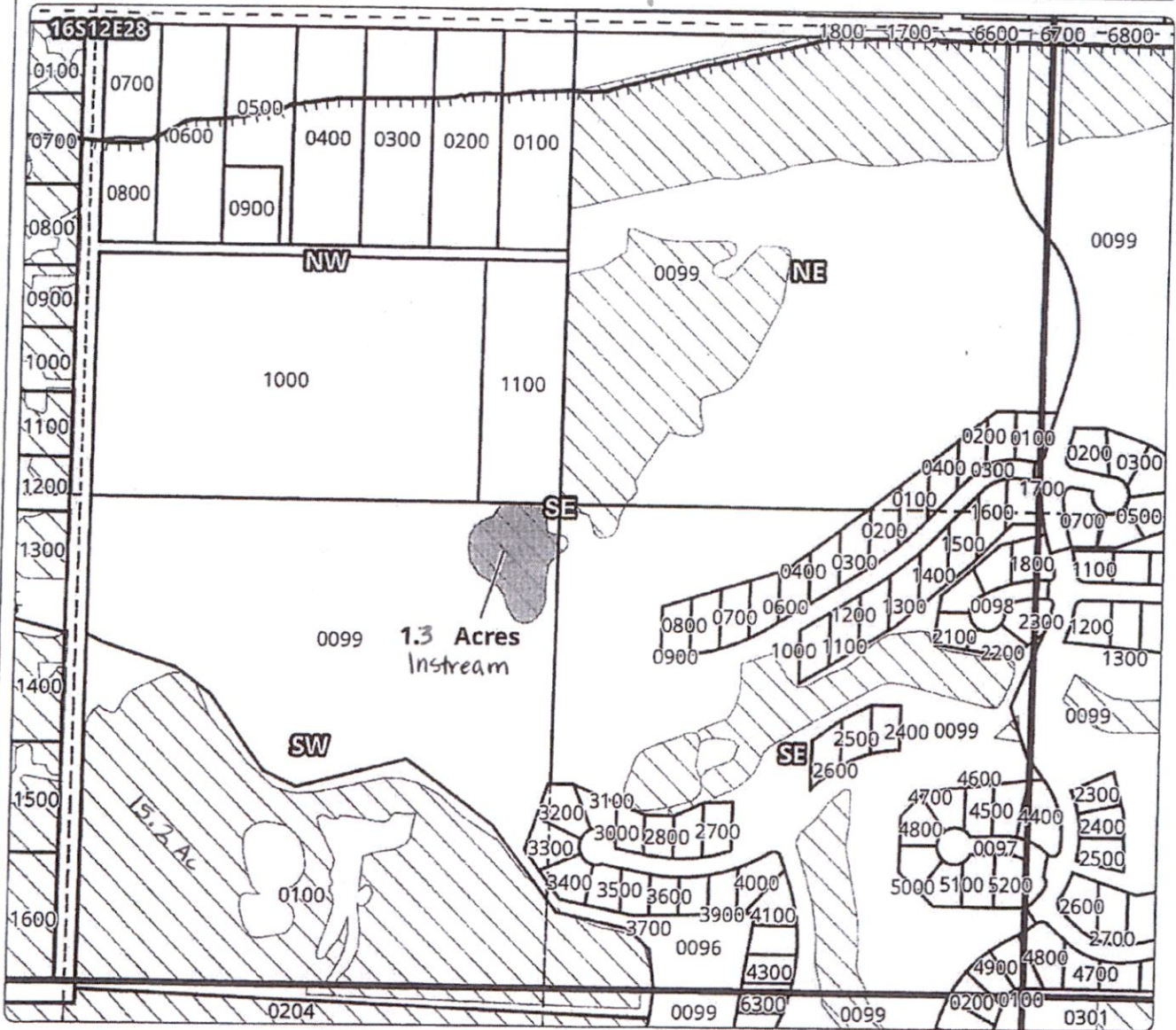
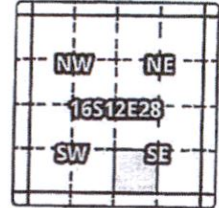


1 inch equals 400 feet

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Starwood Homeowner's Association



1 YEAR INSTREAM LEASE MAP

Taxlot 99, 16S12E28SWSE: 1.3 Acres OFF, 0 Acres Remaining

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

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1 inch = 400 feet
April 2018



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U.S. Forest

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

Table with 13 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Includes rows for water rights 74145 and 10.18 acres nursery.

Any additional information about the right: 10.18 acres nursery
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.

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.

Signature of Lessor Date: 4-17-18

Printed name (and title): Business name, if applicable: USDA Forest Service - Deschutes National Forest
Mailing Address (with state and zip): 63095 Deschutes Market Road, Bend, OR 97701
Phone number (include area code): 541-383-5512 **E-mail address: jpallen@fs.fed.us

Signature of Lessor Date:
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 7/28/2017)

Salem, OR APR 17 2018

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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.

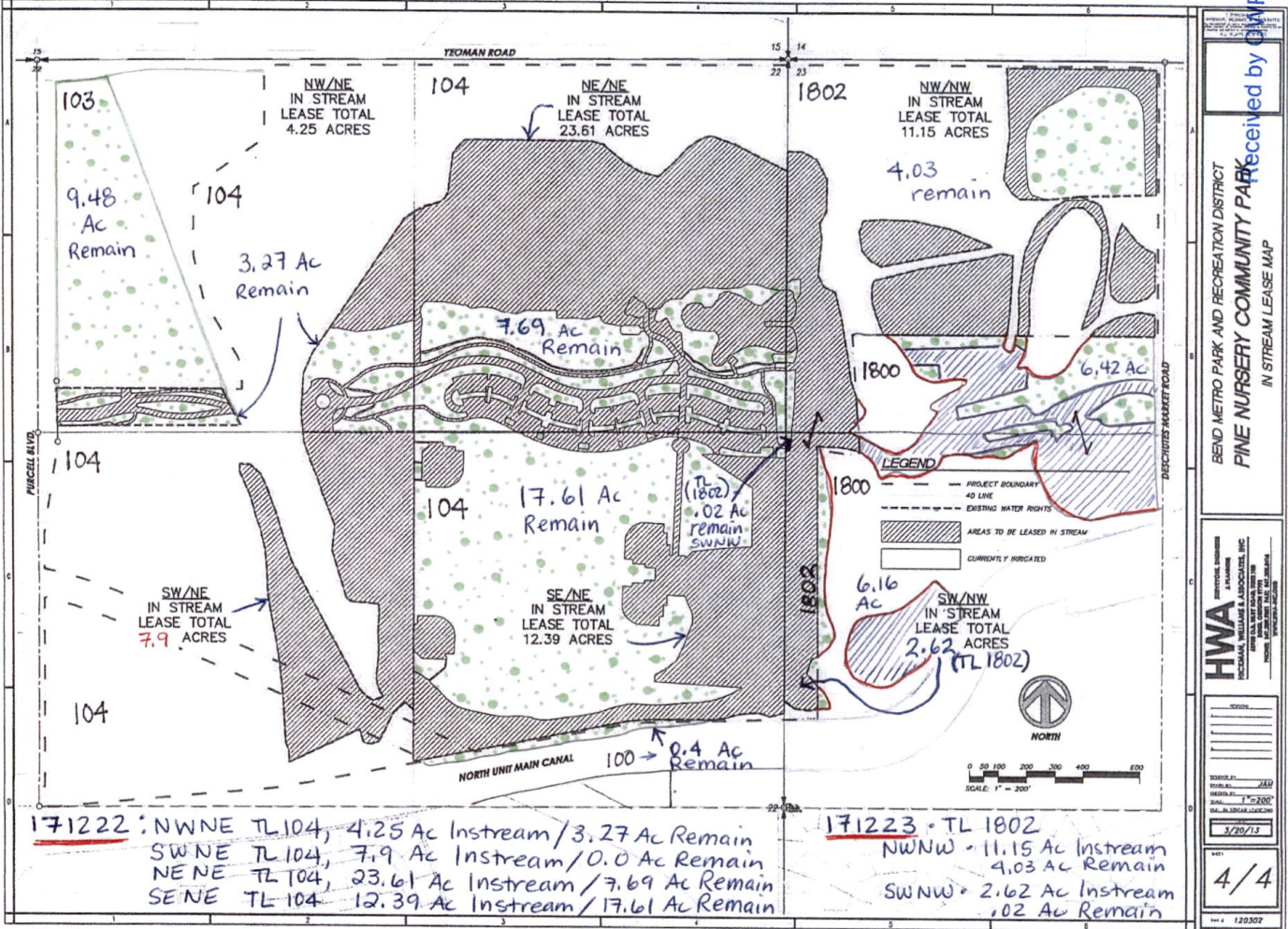
I, JOHN ALLEN understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

→ Signature:  Date: 4-17-18

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

2013

Bend Metro Parks & Rec Dist



171222 : NWNE TL 104, 4.25 Ac Instream / 3.27 Ac Remain
 SWNE TL 104, 7.9 Ac Instream / 0.0 Ac Remain
 NENE TL 104, 23.61 Ac Instream / 7.69 Ac Remain
 SENE TL 104, 12.39 Ac Instream / 17.61 Ac Remain

171223 • TL 1802
 NWNW • 11.15 Ac Instream
 4.03 Ac Remain
 SWNW • 2.62 Ac Instream
 .02 Ac Remain

▨ Instream ▩ Remain * ((See USFS Map - In same lease for 171223 • TL 1800))

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 BEND METRO PARK AND RECREATION DISTRICT
 PINE NURSERY COMMUNITY PARK
 IN STREAM LEASE MAP
 HWA
 3/26/12
 4/4
 129302

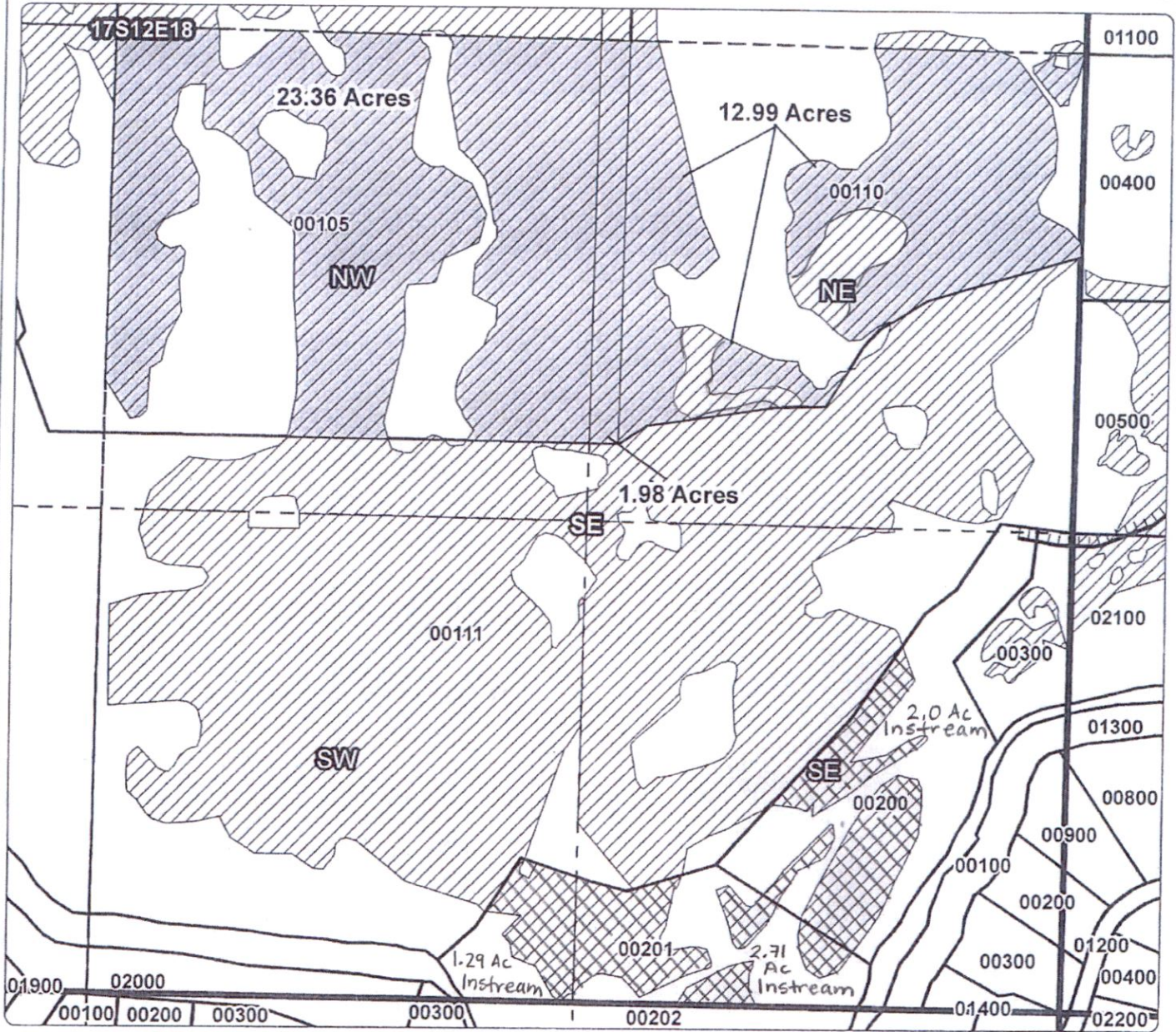
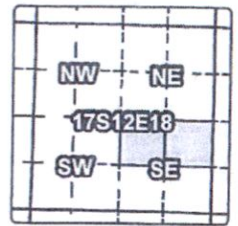
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Swalley Irrigation District

Application for Instream Lease

Cert #: 74145

For: Bend Metro Parks & Recreation Dist



1 YEAR INSTREAM LEASE MAP

Taxlot 00201, 17S12E18 SWSE 1.29 Ac Instream
 Taxlot 00201, 17S12E18 SESE 2.71 Ac Instream
 Taxlot 00200, 17S12E18 SESE 2.0 Ac Instream



- Point of Diversion
- Canals
- Taxlots
- Lease (previous)
- Cert 74145

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1 inch = 400 feet
 March 2017



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.

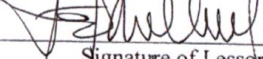
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74145	9/1/1899	Main	16 S	12 E	27	nw sw	00099		5.8	IR	8	IL-1291
74145	9/1/1899	Main	16 S	12 E	28	sw se	00099		1.3	IR	10	IL-1291
74145	9/1/1899	Main	16 S	12 E	28	ne se	00099		6.9	IR	10	IL-1291
74145	9/1/1899	Main	16 S	12 E	28	se se	00099		0.17	IR	10	IL-1291

Any additional information about the right: 14.17 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 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: 4/17/18
Signature of Lessor

Printed name (and title): STEVE MULKEY Business name, if applicable: Starwood Homeowners Association
Mailing Address (with state and zip): 64915 Starwood Drive, Bend, OR 97703
Phone number (include area code): _____ **E-mail address: _____

Signature of Lessor Date: _____

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 7/28/2017)

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Minutes of Special Meeting
Starwood Association Board or Directors
Monday, January 22, 2018
Swalley Conference Room

Meeting called to order by Laura Thompson-Ball at 7:38 PM.

Directors Present:
Laura Thompson-Ball (LTB)
Steve Mulkey (SM)
Aaron Loukonen (AL)
Robert Curzon (RC)

Also present:
Anna Phelps (AP)
Mike Kentley (MK)
Bob Townes (BT)

Several members also present.

A motion was made by SM to appoint Anna Phelps to fill the remaining term of Alisa Jeffries, who resigned in June 2017. The term will expire as of the 2019 Annual Meeting. Second by LTB.

Ayes - LTB, SM, AL, RC
Nays - None

Motion carried.

The board felt that increasing the size of the board would give it the increased ability to oversee committees and produce better communication with homeowners. The Oregon Planned Communities Act was studied and there was found to be no restriction as to the number of board members.

A motion was made by RC to appoint Mike Kentley and Bob Townes as additional members of the board. Their terms will expire as of the 2019 Annual Meeting. Second by AL.

Ayes - LTB, SM, AL, RC
Nays - None

Motion carried.

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Board members were then selected to serve for one year in the following capacities:

President - Steve Mulkey
Vice President - Laura Thompson-Ball
Secretary - Anna Phelps
Treasurer - Aaron Loukonen
At-Large - Mike Kentley
At-Large - Bob Townes
At-Large - Robert Curzon

After discussion, it was determined that committees will be appointed at the next regular meeting of the board on Tuesday, February 20, 2018. They are to include:

ARC
Security
Common Areas
Communication
RV Corral

Board members were given a list of Starwood items to address in 2018 as drafted by the remaining 2017 members of the board SM and LTB. New members were asked to consider the items on the list and to provide input to be discussed at future board meetings.

Discussion on need for increased communication with the homeowners, need board member to be able to access the Starwood website, and publishing a newsletter.

Discussion on ongoing issues and expenses related to green dump, currently in good shape after 2017 cleaning of space. Issue remains around keeping non-residence from using dump.

Discussion of common areas, water rights, and farming operation in front fields. Need for board member to approve pasture and landscaping time cards, and getting a board member positioned in the committee to communicate with farmer.

Motion to adjourn by MK, second by RC.

Meeting was adjourned at 9:15 PM.

Respectfully Submitted,
Laura Thompson-Ball
Steve Mulkey

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APR 17 2018

Salem, OR

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Instream Leasing Program**

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Information and Resources Attached

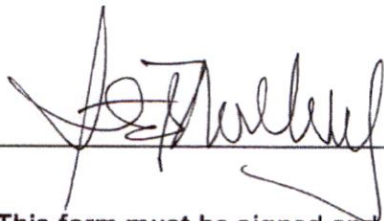
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I, STEVE MULKEY understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 4/17/18

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

Received by OWRD

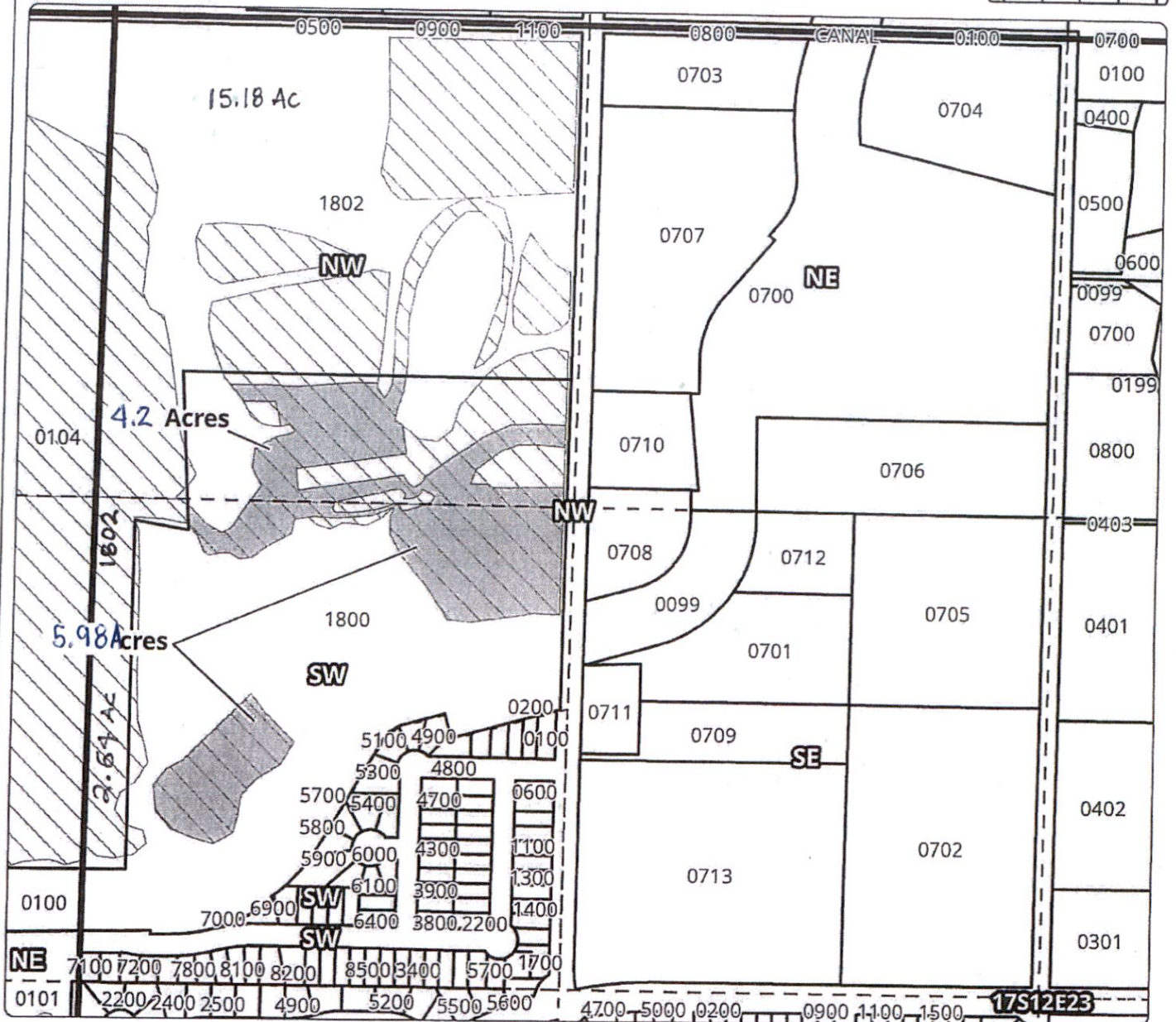
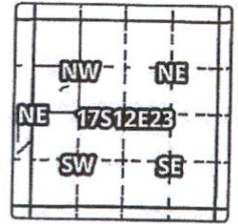
APR 17 2018

Salem, OR

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: U.S. Forest Service



1 YEAR INSTREAM LEASE MAP

Taxlot 1800, 17S12E23NWNW: 4.20 Acres OFF, 2.22 Acres Remaining

Taxlot 1800, 17S12E23SWNW: 5.98 Acres OFF, 0.18 Acres Remaining

** (See Bend Parks Map for 171223
Taxlot 1802 in this pooled
lease)*

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APR 17 2018

Salem, OR

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

1 inch = 400 feet
March 2013



geo-spatial solutions

2013