



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

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	12-1691
	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 <b>four or more landowners or four or more water rights</b>	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**.)

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**How many Water Rights are included in the lease application?** 1 (# of rights) **OWRD**  
**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.

## Part 2 of 4 – District and other party Signature

**Term of the Lease:**

The lease is requested to begin in: **month** April **year** 2018 and end: **month** Oct **year** 2018.

**Public use:** Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
- Recreation
- Pollution abatement
- Navigation

**Termination provision (for multiyear leases):**

**The parties to the lease request (choose one):**

- 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.
- b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
- 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.  And attach an explanation of your intent.

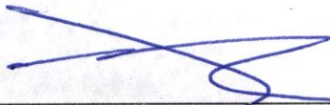
**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**Validity of the rights to be leased:**

- The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or
- The water right(s) **have not been used** for the last five 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: 5/16/2018

Signature of Co-Lessor

Printed name (and title): Jer Camarata, General Manager

Business/Organization name: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave., Suite 1, Bend, OR 97703

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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**See next page for additional signatures.**

Genevieve Hubert  
Signature of Lessee

Date: 5/17/18

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

Business/organization name: Deschutes River Conservancy

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 – 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, Main	17 S	12 E	8	ne sw	300		2.75	IR	16	IL-1291

**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.

→ Betty Jean Hendrix Date: 5/15/18  
Signature of Lessor

Printed name (and title): Betty Jean Hendrix Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 63750 OB Riley Rd., Bend, OR 97701  
Phone number (include area code): 503-819-1097 \*\*E-mail address: \_\_\_\_\_

Betty Jean Hendrix Date: 5/15/18  
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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**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	3	IR	2.75	Seasonal rates, max duty per Ac 6.61	.021/.028/.053	18.19

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**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Deschutes, tributary to Columbia</u>
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**Proposed Instream Reach:**

A reach typically begins at the POD and ends at the mouth of the source stream: From the POD #3 (Main) to mouth of the Deschutes

**Or Proposed Instream Point:**

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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/1/1899	3	IR	2.75	Apr 1-Oct 25, seasonal rates, max duty 5.46/ac	.019/.025/.047	15.03

**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, if any, or other limitations:** list here Instream Ap 1-Oct 25

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

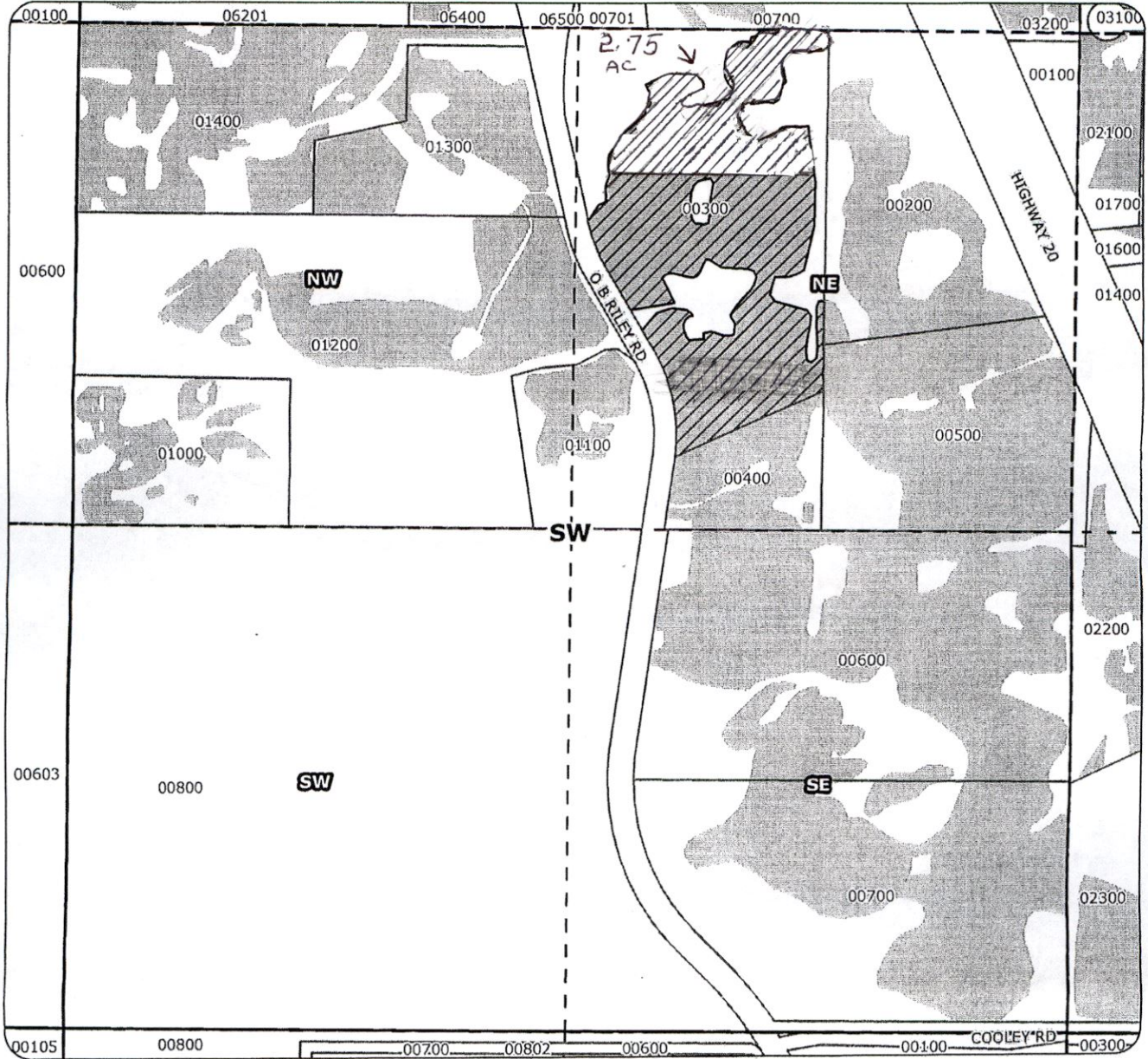
**Any additional information about the proposed instream use:** \_\_\_\_\_

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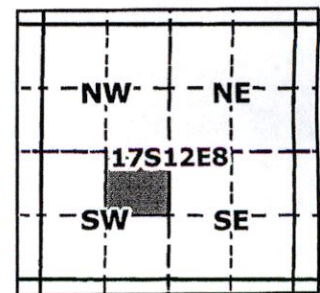
# 2018 Swalley Irrigation District Instream Lease Map



## Application for Instream Lease

-  Proposed Lease of Irrigation Rights
-  Water Rights

for  
 Betty Hendrix  
 taxlot 300-2.75 acres  
 in 171208NESW  
 Total lease of  
 2.75 acres



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Geo-Spatial Solutions, Inc.  
[www.geospatialsolutions.com](http://www.geospatialsolutions.com)



1 inch equals 400 feet

**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, Betty Jean Hendrix understand the DRC weed policy and have  
*Print Name*

been informed about farm deferral and donations.

→ Signature: Betty Jean Hendrix Date: May 15, 2018

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

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