

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

OWRD# SL - 45 Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable) Fee-Pursuant to ORS 537.348(2) and OAR 690-077 Check all items included with this application. (N/A = Not Applicable)**X**Yes Part 1 – Completed Minimum Requirements Checklist and Application Fee \$350.00 for all other leases \$520.00 for a lease involving four or more landowners or four or more water rights Check enclosed or Fee Charged to customer account The Freshwater Trust (account name) Received by OWRD X Yes Part 2 – Completed Instream Lease Application Map Checklist. APR 15 2019 X Yes Part 3 – Completed Water Right and Instream Use Information Include a separate Part 3 for each water right Salem, OR X Yes Part 4 – Completed Instream Lease Provisions and Signatures X Yes How many water rights are leased? 4 List them here:3153, 3091, 3077, 94163 Include a separate Part 3 for each water right. X 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: 94160, 94161 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: _____)? Attachments: Yes N/A Map: Instream Lease map requirements (see Part 2 of this application) Yes N/A Tax Lot Map: If a portion of the water right not included in the lease is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease. Yes N/A Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4). Yes N/A If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

A notarized statement from the landowner consenting to the lease and a copy of

A water right conveyance agreement and a copy of the recorded deed for the

Other documentation which provides authority to pursue the lease absent consent

landowner at the time the water right was conveyed; or

the recorded deed; or.

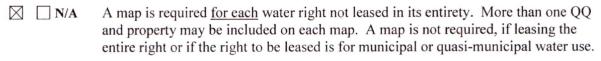
of the landowner.

Part 2 of 4 – Instream Lease Application Map Checklist

A Map is generally required for each water right not leased in its entirety

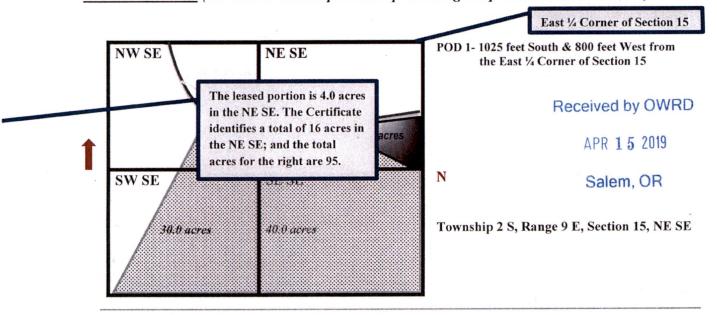
The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.

This should be a <u>simple</u> map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.



- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- \triangle A North arrow and map scale (no smaller than 1" = 1320').
- ☐ Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarterquarter clearly labeled and hatchured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

EXAMPLE MAP (the darker shaded portion representing the portion leased instream)





Application for Split Season Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Attachment 4 (Standard Leasing Form). Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. Existing and Instream Use Periods

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 3153

The water right will be used for its existing purpose from 5.1 to 7.31.

The water right will be used for instream use period is from 8.1 to 9.30.

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	1.9580	*	1.983471	*	92.00	=	357.3
use if needed		*	1.983471	*		=	0.00
use if needed	2	*	1.983471	*		=	0.00
Instream Use	0.6562	*	1.983471	*	61	=	79.4
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		436.7

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right.

The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (a) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter



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WATER RESOURCES DEPT SALEM, OREGON

Water Right Information

Water right # <u>3153</u>

	-	. 1		-
1	3	h	e	

number(s). Fill	in all appli bered, you	cable info	rmation ed to in	For e	example, i a number	f your water. If not eno	er right ha ugh room	s multiple below, yo	points of ou may ad	clude your tax lot f diversion (POD) but d additional rows (see
If only least complete Ta			right -		Enti	irety - If th	e entire w	ater right	is to be le	eased, skip to Table 3.
							Gov't			
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Lot/DL	Acres	USE	Previous Lease # (if any)
					EΣ	AMPLE				
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
12/31/1883		1-N	43-E	29	SE-SW	7000		2.2	IR	
12/31/1883		1-N	43-E	29	SW-SW	7000		13.4	IR	
12/31/1883		1-N	43-E	32	NW-NW	7000		23.9	IR	
12/31/1883		1-N	43-E	32	NE-NW	7000		34.4	IR	
12/31/1883		1-N	43-E	32	NW-NE	7000		5.5	IR	

Total Acres: 79.4

Table 2

enough room belo	ume by prio	rity date, add addi	POD, use	r the water right proposed to be leased if and acreage as appropriate considering the s (see instructions) or attach spreadsheet (re- r second and af = acre-feet)	right to be leas	
Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
12/31/1883		IR	79.4		0.6562	79.4
Total af from sto						

Table 3

Point of Diversion (POD) description: 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(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Clearwater	1-N	43-E	33	SW-SW	1283 feet North and 313 feet East of the SW corner of Section 33

Please check this box if you don't know the location of the POD(s) and want the	Department to identify the location of
the POD(s) for the purpose of the instream lease.	



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Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 3091

Table 1

your tax lot r	number(s ersion (P you may). Fill in OD) but add add	all app they'r itional	olicab e not l rows	le informumber	mation. F ed, you d	or exam	ple, if yo	our wate clude a r	leased. Also include or right has multiple number. If not enough matching Table 1).
If only lea complete T			he rig	ht -	TO SHAD SHOW THE RESERVE OF THE	tirety - If le 3.	the entire	water rig	ght is to l	be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
					E	XAMPLE				
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
12/31/1889		1-N	43-E	29	SE-NW	8600		3.9	IR	

Total Acres: 3.9

Table 2

To illustrate the totals for the water right proposed to be leased instream

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 additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total	Total
12/31/1889	8	IR	3.9		0.0322	Volume (2f) 3.9
Total af from sto	rage, if appl	licable:	AF c	or 🛛 N/A		

Any additional information about the right:

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Foster	1-S	43-E	4	NE-SW		320 feet South and 625 feet West from the center of section 4.

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.



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WATER RESOURCES DEPT SALEM, OREGON

Instream Use Information

Table 4

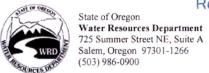
			Instream	n Use Created by the	e Lease						
River/ Stream Na						rande Ronde Basin					
than one), Use (if r	nore than or	ne), and a	creage as a	ppropriate considerin	nd instream period by priori g the right to be leased.						
If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.											
Priority date	POD#	Use	Acres	Proposed Instrea		Total instream					
12/31/1883		IR	79.4	Period 8.1-9.30	rate (cfs) 0.6562	volume (af) 79.4					
Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use. 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 in	istream ben	511tS.		Instream Reach							
Proposed Instrea	m Daach:			Institeam Reach	Or Proposed Instream Po	oint:					
A reach typica	lly begins at e source str	-		on (POD) and ends D to the confluence	☐ Instream use protected						
below the POD, if	possible. (It	no reach	is identifie		and want water to be protect not checked, and there is of						
			Additio	onal Instream Inform	nation						
☐Yes ☑ N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here Note: The Department may identify additional conditions to prevent injury and/or enlargement.											
Any additional in	formation :	about the	proposed	instream use:	_ `						



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Application for

APR 15 2019 Split Season

Salem, OR Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Attachment 4 (Standard Leasing Form). Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. Existing and Instream Use Periods

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 3091

The water right will be used for its existing purpose from 5.1 to 7.31.

The water right will be used for instream use period is from 8.1 to 9.30.

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	0.0962	*	1.983471	*	92.00	=	17.55
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Instream Use	0.0322	*	1.983471	*	61	=	3.9
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		21.45

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right. The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (b) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter

Do not include with lease application.

Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 3091

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

If only lead complete T				ht -	Ent Tab		the entire	water ri	ght is to	be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
					E	XAMPLE				
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
12/31/1889		1-N	43-E	29	SE-NW	8600		3.9	IR	

Total Acres: 3.9

Table 2

leased. If not en	nough room	n below	, you ma	D, use and acreage as appropriate co y add additional rows (see instruction y attachments. (cfs = cubic feet per	ons) or attach	spreadsheet
Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
12/31/1889		IR	3.9		0.0322	3.9
Total af from sto	rage, if app	licable:	AF o	or N/A		

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments. DLC/ Measured Distances, latitude/longitude coordinates, or river mile (if Gov't unknown you may indicate "unknown") POD# Twp Rng Sec Q-Q Foster 1-S 43-E 33 SW-SW 320 feet South and 625 feet West from the center of section 4. Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

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Instream Use Information

Table 4

			-	Use Created by th							
River/ Stream	Name: L	ostine F	<u>River</u> , tril	outary to <u>Wallowa I</u>	<u> River</u>	River Basin: Basin	Grande Ronde				
date, POD (if m right to be lease If not enough ro	nore than orded.	one), Us v, you m	e (if mor	te the instream rate re than one), and acr	eage a	s appropriate co	nsidering the				
	e below portion of Table 4). Please clearly label any attachments. Proposed Instream Total instream rate (cfs) Volume										
Priority date 12/31/1889	POD#	Use IR	Acres 3.9	8.1-9.30		rate (cfs) volume (af) 0.0322 3.9					
irrigation OR Please As part of its re	season or check this view proc	box if yess, the	horized p you are n Departm	t. The proposed instruction of allowed us not sure of the proposent will identify the gleased and instream Reach	sed ra	te, volume and in	nstream period.				
	cally begi mouth of t	ns at the	ce stream	diversion (POD) n: From the POD		oposed Instream stream use protec					
protected within	n a reach bere is only	pelow th	e POD, i	ot sure of the proposif possible. (If no reon the certificate, t	ach is	identified or the	above box is not				
			Addition	nal Instream Infor	matio	n					
				an xager cam xaror							
☐Yes ☑ N/A limitations: list			oid enla	rgement or injury	to oth		, if any, or other				
limitations: list	t here	ns to av				er water rights,					

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APR 1 5 2019



Application for Split Season Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Attachment 4 (Standard Leasing Form). Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. Existing and Instream Use Periods

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 3077

The water right will be used for its existing purpose from 5.1 to 7.31.

The water right will be used for instream use period is from 8.1to 9.30.

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	2.0419	*	1.983471	*	92.00	=	372.6
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Instream Use	0.6843	*	1.983471	*	61	=	82.8
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		455.4

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right.

The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (a) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter



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Water Right Information

Water right # 3077

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4			

number(s). Fill	in all app nbered, yo	licable info ou do not n	ormation eed to i	n. For	example a numbe	, if your wa er. If not er	ater right lough roo	has multi m below,	ple points you may	include your tax lot of diversion (POD) but add additional rows (see		
☐ If only leasing a portion of the right - complete Table 1 as indicated ☐ Entirety - If the entire water right is to be leased, skip to Table 3.												
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DL	Acres	USE	Previous Lease # (if any)		
					EX	KAMPLE						
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100		
12/31/1883		1-N	43-E	32	SWNE	8600	SW	37.7	IR			
12/31/1883		1-N	43-E	32	SENE	8600	SE	16	IR			
12/31/1883		1-N	43-E	32	NESE	8600	NE	29.1	IR			

Total Acres: 82.8

Table 2

To illustrate the totals for the water right proposed to be leased instream

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 additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total	Total
				,	Rate (cfs)	Volume (af)
				j.		
12/31/1883		IR	82.8		0.6843	82.8
12/31/1003		***	02.0		0.00.0	

Total af from storage, if applicable: AF or N/A	
Any additional information about the right:	

Table 3

Point of Diversion (POD) description: 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(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Foster	1-S	43-E	33	SW-SW	320 feet South and 625 feet West from the center of section 4.

Please check this box if you don't know the location of the POD(s) and want the	De	artmen	to	identi	fy t	he loca	tion	of
the POD(s) for the purpose of the instream lease.		al Resear	150			days the		

Instream Use Information

Table 4

			Instrear	m Use Created by th	e Lease				
River/ Stream Na	me: Lostine	e River, tr	ibutary to <u>V</u>	Vallowa River	River	Basin: Gra	ande Ronde Basin		
Instream Portion:	Use Table	4 to illustr	rate the inst	ream rate, volume and propriate considering	d instream period	by priority			
If not enough room portion of Table 4)				rows (see instructions nents.) or attach a sprea	adsheet (mat	tching the below		
Priority date	POD#	Use	Acres	Proposed Instrea Period	m Total in	Total instream volume (af)			
12/31/1883		IR	82.8	8.1-9.30	0.68		82.8		
right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use. 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.									
				Instream Reach					
	ly begins at	-		n (POD) and ends at the confluence with	Or Proposed In Instream us				
	e. (If no rea	ch is iden	tified or the	above box is not che			within a reach below OD listed on the		
			Additio	onal Instream Inform	nation				
here				nt or injury to other			er limitations: list		
Note: The Departm	ent may ide	ntify addi	tional cond	itions to prevent injur	y and/or enlarger	ment.			
Any additional int	formation a	bout the	proposed i	nstream use:					



APR 17 2019

WATER RESOURCES DEPT SALEM, OREGON



Salem, OR

Application for Split Season Instream Lease

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Attachment 4 (Standard Leasing Form). Attachment 5-D (Pooled Leasing Form).

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Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. **Existing and Instream Use Periods**

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 94163

The water right will be used for its existing purpose from 5.1 The water right will be used for instream use period is from 8.1

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	1.9087	*	1.983471	*	92.00	=	348.3
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Instream Use	0.6397	*	1.983471	*	61	=	77.4
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		425.7

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right. The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (d) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter

3027/44/143

Do not include with lease application.

Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 94163

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments. If only leasing a portion of the right -**Entirety** - If the entire water right is to be leased, skip to complete Table 1 as indicated Table 3. Gov't Lot/DLC USE **Priority Date** POD# Twp Rng Sec 0-0 Tax Lot Acres Previous Lease # (if any) EXAMPLE 12/2/1901 3 2-S 9-E 15 NE SE 47 4.0 IR IL-1100 100 1882 43-E NW-SE 8600 37.4 IR 1-N 32

Total Acres: 77.4

40

IR

Table 2

1882

1-N

43-E

32

SW-SE

1	o illustra	te the to	otals for	the water right proposed to be leas	sed instream						
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 additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)											
Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)					
1882		IR	77.4		0.6397	77.4					
Total af from storage, if applicable: AF or N/A Any additional information about the right:											

8600

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments. DLC/ Measured Distances, latitude/longitude coordinates, or river mile (if Gov't POD# Twp Rng Sec Q-Q unknown you may indicate "unknown") Miles 1-S 43-E 9 SE-NE Known location 45.494134, -117.438922

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Received by OWRD

APR 15 2019

Instream Use Information

Table 4

			Instream	Use Created by the L	ease	
River/ Stream	Name: L	ostine F	<u>River</u> , trib	utary to Wallowa River	River Basin: Basin	Grande Ronde
date, POD (if note to be leased.	nore than o	one), Us	e (if more	te the instream rate, vol e than one), and acreage dditional rows (see inst	e as appropriate con	nsidering the right
				Please clearly label any		a opreddoneet
Priority date	POD#	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
1882		IR	77.4	8.1-9.30	0.6397	77.4
irrigation OR Please As part of its reperiod consider	n season or check this eview processing the wa	the aut box if y ess, the ater righ	horized p you are no Departme	The proposed instream eriod of allowed use. ot sure of the proposed ent will identify the appleased and instream be Instream Reach	rate, volume and ir propriate instream renefits.	nstream period. rate, volume and
	ically begi mouth of	ns at the	ce stream	***********	Proposed Instream Instream use protect	
THE RESERVE OF THE PARTY OF THE	1 1 .1 .	box if			-	
within a reach l	below the	POD, if	possible.	of sure of the proposed (If no reach is identified tificate, the lease may	d or the above box	is not checked,
within a reach l and there is onl	below the	POD, if D listed	possible. on the cei	(If no reach is identified	d or the above box be processed to be	is not checked,
within a reach land there is onl POD.)	y one POI	POD, if D listed	possible. on the cer Addition	(If no reach is identified tificate, the lease may	d or the above box be processed to be	is not checked, protected at the
within a reach land there is onl POD.) Yes N/A limitations: lis	condition	POD, if D listed	possible. on the cer Addition oid enlar	(If no reach is identified tificate, the lease may had Instream Information	d or the above box be processed to be ion ther water rights,	is not checked, protected at the if any, or other

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APR 1 5 2019

Part 4 of 4 - Lease Provisions and Party Signatures

	Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month May year 2019 at	nd end: month October year 2019	
	Note: The begin month is generally the first month of the in the irrigation season. If not an irrigation right, this would	rrigation season and the end month is the	
	period of allowed use. 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 The parties to the lease request (choose a. The option of terminating the lease expiration of the full term with we to the Department by the Lessor(see Lessee. b. The option of terminating the lease expiration of the full term, with comparties to the lease. c. The parties would not like to include Termination Provision.	se one): e prior to itten notice) and/or e prior to onsent by all
		(See instructions for limitations to this p	
	Additive/Replacing Relationship to other instream water other existing instream water rights created as a result of inconserved water. Since instream leases are also generally a gency process or conversion of minimum flows, they generally.	stream leases, transfers and/or allocation tenior to other instream rights created thr	s of rough a state
	If you would like this lease to relate to other instream water	r rights differently, please check this box	. 🗆
	And attach an explanation of your intent. Validity of the Right(s) to be leased (check the appropri	iste boy):	
	 ☑ The water right(s) to be leased have been used under the five years or have been leased instream; or ☑ The water right(s) have not been used for the last five yeight(s). However, the water right(s) is not subject to forfer describing why the water right(s) is not subject to forfer 	years according to the terms and conditions of the right(s) during the terms and condition of the right(s) during the terms and conditions of the terms are the terms and conditions of the terms and conditions of the terms are the t	ons of the
P	Precedent: If a right which has been leased is later proper become part of an allocation of conserved we An instream lease shall not set a precedent of	vater project, a new injury review sha	
T	The undersigned declare:		
	The Lessor(s) agree during the term of this lease, to sus right(s) and under any appurtenant primary or supplement application; and		
2	2. The Lessor(s) certify that I/we are the water right holde lease application. If not the deeded landowner, I/we ha application that I/we have authorization to pursue the le from the deeded landowner; and	ve provided documentation with the	lease
3	B.All parties affirm that information provided in this lease	e application is true and accurate	
,		Re	ceived by OWRE
	Signature of Lessor Da	te:411/19	APR 1 5 2019
	Mailing Address (with state and zip): 81703 Hwy 82 W	siness name, if applicable: Vallowa, OR 97885 E-mail address:	Salem, OR
	See next page for additional signatures.		

Kennet M. Bakes	Date: 4-11-19
Signature of Lessor	
Printed name (and title): Ken Baker, Owner	
Business/organization name:	
Mailing Address (with state and zip): 81705 Hwy	
Phone number (include area code): 541.263.0342	**E-mail address:
Dobbie Baker	Date: 4/11/2019
Signature of Lessor	, ,
Printed name (and title): Bobbie Baker, Owner	
Business/organization name:	
Mailing Address (with state and zip): 81705 Hwy	82 Wallowa, OR 97885
Phone number (include area code): 541.263.0342	**E-mail address: kbbaker@eoni.com
Signature of Lessee	Date: <u>4-15-19</u>
Printed name (and title): Jessica Humphreys, Project	ct Manager
Business/organization name: The Freshwater Trust	
Mailing Address (with state and zip): 401 NE 1st St	
Phone number (include area code): 541.913.3750	**E-mail address: jessica@thefreshwatertrust.org
July Comment	Date: 4-15-19
Signature of Lessee	
Printed name (and title): Rob Kirschner, General Co	<u>ounsel</u>
Business/organization name: The Freshwater Trust	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Mailing Address (with state and zip): 700 SW Tayl	
Phone number (include area code): 503.222.9091 x	DUTTE-mail address: rob(a)thetreshwatertrust.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.

Received by OWRD

APR 1 5 2019

April 11th, 2019

To: Oregon Water Resources Department

Re: Measurement and Reporting for Split Season Lease

For water rights 94163, 3153, 3091, 3077 the duty is 1.5 acre-foot per acre for every 30-day period from May 1-July 31, and 1 acre-foot per acre for all of August 1- September 31. Because the instream period for the proposed split season lease begins on August 1 and ends on September 30, and because the irrigation duty limitation for August 1 - September 31 is independent of irrigation duty usage from May 1- July 31, the water master is not requiring measuring devices to monitor duty usage from May 1- July 31 for these water rights. Compliance with the terms of the split season lease and confirmation that no irrigation water is being applied to acres involved in the proposed split season lease from August 1- September 31 will be confirmed by regular site visits by the water master and The Freshwater Trust staff.

Received by OWRD

APR 1 5 2019

Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 3077

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments. If only leasing a portion of the right -Entirety - If the entire water right is to be leased, skip to complete Table 1 as indicated Table 3. Gov't Lot/DLC POD# 0-0 USE Previous Lease # (if any) **Priority Date** Twp Rng Sec Tax Lot Acres EXAMPLE 12/2/1901 2-S 9-E 15 NE SE 4.0 IR IL-1100

Total Acres: 90

Table 2

7	To illustra	te the to	otals for	the water right proposed to be lea	sed instream					
leased. If not en	nough room	m below	, you ma	D, use and acreage as appropriate copy add additional rows (see instructions) attachments. (cfs = cubic feet per	ons) or attach	spreadsheet				
Priority Date	POD#	Use	Total Acres							
Total af from sto			***************************************							

Table 3

1 abic 5						
than one	POD lis	ted on tom belo	the ce w, yo	ertificate, to ou may add	hen the d additio	POD is not described on the certificate or if there is more specific POD(s) involved in the lease must be described, and rows (see instructions) or attach spreadsheet achments.
POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Foster	1-S	43-E	33	SW-SW		320 feet South and 625 feet West from the center of section 4.
						ation of the POD(s) and want the Department to identify the stream lease.



Instream Use Information

7			- 4
•	n	le	α
a	v		7

i able 4						4	
		J	nstream	Use Created by t	he Le	ase Q	
River/ Stream	Name: <u>I</u>	ostine F	<u>River,</u> trib	outary to Wallowa	River	River Basin: Basin	Grande Ronde
date, POD (if n right to be lease If not enough re	nore than od. oom belov	one), Us v, you n	e (if mor	te the instream rate than one), and acted dditional rows (see Please clearly labe	ereage e instru	as appropriate conctions) or attach	
Priority date	POD#	Use	Acres	Proposed Instreated Period	COLUMN TO SERVICE STATE OF THE PERSON SERVICE STATE STATE OF THE PERSON SERVICE STATE STAT	Total instream	Total instream volume (af)
12/31/1883 IR 90 8						0.7439	90
contact I maximum Certifica irrigation OR Please As part of its re	Department rate and te if leasire season or check this view process.	t Staff f duty/vong the entrement the aut box if yess, the	or assista dume allo ntire right horized p you are n Departm	olume and/or instrume. The instream owed by the right, t. The proposed instrument of allowed to sure of the proposent will identify the gleased and instream	rate ar as dese stream ise. osed ra	nd volume may be cribed in Table 2 period may be nate, volume and it popriate instream	or on your o longer than the instream period.
period consider	ing the wa	uei rigii	u(s) being	Instream Reach	aiii oci	ierits.	
* 1	cally begi mouth of	ns at the	ce stream	diversion (POD) a: From the POD	-	roposed Instream estream use prote	
protected within	n a reach l ere is only	below th	e POD, i	ot sure of the prop f possible. (If no ro on the certificate,	each is	identified or the	above box is not
			Addition	nal Instream Info	rmatio	n	
☐Yes ⊠ N/A limitations: lis		ns to av	oid enla	rgement or injury	to oth	ner water rights	, if any, or other
Note: The Depa	artment m	ay ident	ify additi	onal conditions to	prever	nt injury and/or e	nlargement.
Any additional	informatio	n about	the prop	osed instream use:			-

SUPERISONS



Use a separate Part 3 for each water right to be wased instream

Water Right Information

Water right # 3153

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

If only lea	3 3 3 3 3 3 4 7 3 3 3 3 3 3	Entirety - If the entire water right is to be leased, skip to Table 3.								
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
					E	XAMPLE				
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
12/31/1883		1-N	43-E	29	SE-SW	7000		3.0	IR	
12/31/1883		1-N	43-E	29	SW-SW	7000		14.4	IR	
12/31/1883		1-N	43-E	32	NW-NW	7000		24.0	IR	
12/31/1883		1-N	43-E	32	NE-NW	7000		35.0	IR	
12/31/1883		1-N	43-E	32	NW-NE	7000		6.3	IR	

Total Acres: 82.7

Table 2

To illustrate the totals for the water right proposed to be leased instream 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 additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet) Total Total Other Information (such as Total POD# **Priority Date** Use Acres conditions/limitations on the right) Rate (cfs) Volume (af) 12/31/1883 IR 82.7 0.6835 82.7 Total af from storage, if applicable: AF or N/A Any additional information about the right:

Table 3

Point of Diversion (POD) description: 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(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
Clearwater	1-N	43-E	33	SW-SW		1283 feet North and 313 feet East of the SW corner of Section 33

Please check this box if you don't know the location of the POD(s) and want the Department to identify the
location of the POD(s) for the purpose of the instream lease.

Instream Use Information

Table 4

1 4010 7							
		I	nstrean	Use Created by the	Leas	se	
River/ Stream	Name: L	ostine F	<u>Civer</u> , tri	butary to <u>Wallowa Ri</u>	iver	River Basin: Basin	Grande Ronde
	ore than o			ate the instream rate, re than one), and acre			
				additional rows (see in Please clearly label a			a spreadsheet
Priority date	Total instream volume (af)						
12/31/1883	7.	IR	82.7	8.1-9.30		0.6835	82.7
contact D maximum Certificat irrigation OR Please of As part of its reperiod considering Proposed Instr A reach typic and ends at the ito the confluence	rate and e if leasin season or check this view procing the ware cally begin mouth of the with the	t Staff for duty/vog the enter the autobox if yess, the atter right. ch: ns at the he source Wallow	or assistatume all tire right horized you are r Departm t(s) bein point of the stream wa river	r: From the POD	descream per ed rate appropriate appropria	d volume may be ribed in Table 2 period may be note, volume and in periate instream efits. poposed Instream stream use prote	ne up to the or on your to longer than the onstream period. The rate, volume and the properties of the
protected within	a reach bere is only	elow th	e POD,	not sure of the propos if possible. (If no read on the certificate, th	ch is i	identified or the	above box is not
			Additio	nal Instream Inforn	ation	1	
Yes N/A limitations: list		ns to av	oid enla	rgement or injury to	o oth	er water rights	, if any, or other
Note: The Depa	rtment ma	ay ident	ify addit	ional conditions to pr	revent	t injury and/or e	nlargement.
Any additional i	nformatio	n about	the prop	oosed instream use:			

Received a CWRD 5 2019

Received by OWI



State of Oregon Water Resources Department APR 725 Summer Street NE, Suite A Salem, Oregon 97301-1266

(503) 986-0900

Application for

February 13, 20

Application for Split Season Instream Lease

A summary of review criteria and procedures that are generally applicable to these applicable at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Attachment 4 (Standard Leasing Form). Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

Existing and Instream Use Periods 1.

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 3077

The water right will be used for its existing purpose from 5.1 to 7.31 The water right will be used for instream use period is from 8.1 to 9.30

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	2.2194	*	1.983471	*	92.00	=	405
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		===	0.00
Instream Use	0.7439	*	1.983471	*	61	=	90
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		454.85

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right. The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (c) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter



Application for

Split Season Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Attachment 4 (Standard Leasing Form).

Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. **Existing and Instream Use Periods**

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

Water Right 3153

The water right will be used for its existing purpose from 5.1The water right will be used for instream use period is from 8.1 to 9.30

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use	2.0394	*	1.983471	*	92.00	=	372.15
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Instream Use	0.6835	*	1.983471	*	61	=	82.7
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
Total	n/a		n/a		n/a		454.85

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right. The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (a) Location(s) and type(s) of measuring device(s): See Attached Letter
- (b) Frequency of measurement: See Attached Letter
- (c) Parties responsible for the respective measurements: See Attached Letter

Do not include with lease application.