



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD # <u>1L-1742/MP-248</u>
	Fee- _____

Pursuant to ORS 537.348(2) and OAR 690-077

Check all items included with this application. (N/A = Not Applicable)

Yes **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

Fees	<input type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	<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)	

Yes **Part 2 – Completed Instream Lease Application Map Checklist.**

Yes **Part 3 – Completed Water Right and Instream Use Information**
 Include a separate **Part 3** for **each water right**

Yes **Part 4 – Completed Instream Lease Provisions and Signatures**

Yes **How many water rights are leased? 1 List them here: 90239**
 Include a separate **Part 3** for each **water right**.

1897 priority
 Lease 1
 Mitigation
 Project

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: _____)?

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 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 which provides authority to pursue the lease absent consent of the landowner.

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Part 2 of 4 – Instream Lease Application Map Checklist

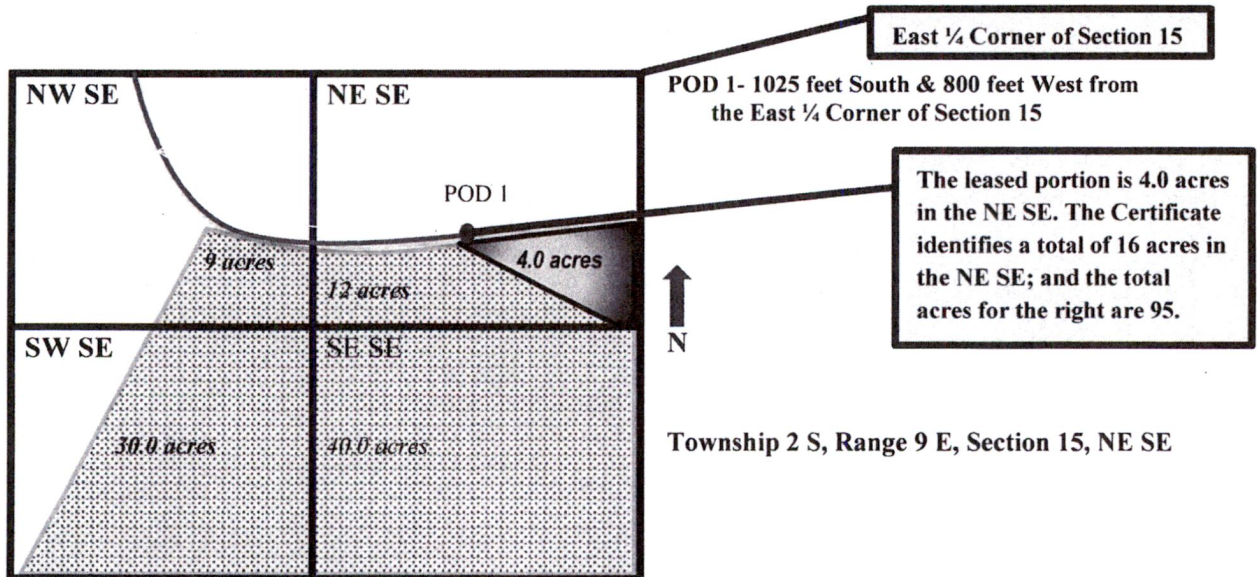
A Map is generally required for each water right not leased in its entirety

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 simple 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.

- N/A A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- 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.
- 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 quarter-quarter clearly labeled and hachured 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)



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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 90239

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 - 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/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
1897		22-S	10-E	22	SW-SE	101		2.7	IR	1123
1897		22-s	10-e	22	sw-se	109		1.6	IR	1123
1897		22-s	10-e	22	se-se	101		4.2	IR	1123+1450/part
1897		22-s	10-e	22	se-se	101		0.5	IR	1123+1450/part
1897		22-s	10-e	27	nw-ne	102		20.6	IR	1123+ 1450/part
1897		22-s	10-e	27	nw-ne	103		14.6	IR	1123+ 1450/part
1897		22-s	10-e	27	ne-ne	102		4.4	IR	1123+ 1450/part
1897		22-s	10-e	27	ne-ne	103		4.6	IR	1123+1450/part
1897		22-s	10-e	27	sw-ne	103		7.5	IR	1123+ 1450/part
1897		22-s	10-e	27	sw-ne	104		20.1	IR	1123+ 1450/part
1897		22-s	10-e	27	sw-ne	108		6.5	IR	1123+1450/part
1897		22-s	10-e	27	se-ne	103		3.5	IR	1123
1897		22-s	10-e	27	se-ne	104		8.3	IR	1123
1897		22-s	10-e	27	se-ne	108		4.0	IR	1123
1897		22-s	10-e	27	nw-se	108		11.3	IR	1123+ 1450/part
1897		22-s	10-e	27	nw-se	105		13.5	IR	1123+ 1450/part
1897		22-s	10-e	27	ne-se	108		5.3	IR	1123
1897		22-s	10-e	27	ne-se	105		0.4	IR	1123

Total Acres: 133.6, see Exh.A for TL changes/details.

Prior lease maps (IL-1450 attached for comparison. Where water was not leased it was used for irrigation).
+ IL-1123

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 Rate (cfs)	Total Volume (af)

1897		IR	133.6	4/1-5/23 & 8/20-11/1 (1/80th cfs/ac)	1.67	534.4
				5/23-8/20 (1/40th cfs/ac) & 4 af/ac	3.34	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>seasonal rates, 4 af/ac maximum duty</u>						

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")
	23-S	9-E	14	SW-SW		550 feet North and 1150 feet East from the SW corner of section 34
	-	-		-		

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.

Part 3 of 4 cont. – Water Right and Instream Use Information

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Instream Use Information

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Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Little Deschutes</u> , tributary to <u>Deschutes</u>				River Basin: <u>Deschutes</u>		
<p>Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.</p> <p>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.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
1897		IR	133.6	4/1-5/23 (.0064/ac)	0.855	88.19
				5/23-8/20 (.0156/ac)	2.084	367.91
				8/20-10/31 (.0041/ac)	0.548	78.23
<p>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.</p>						
<p>OR <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.</p>						
Instream Reach						
<p>Proposed Instream Reach:</p> <p><input checked="" type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to <u>Lake Billy Chinook</u></p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		

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 certificate, the lease may be processed to be protected at the POD.)

Additional Instream Information

Yes **N/A** **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here : instream rates adjusted for duty limit

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

Any additional information about the proposed instream use: Lease instream for Mitigation Project

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Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>April</u> year <u>2019</u> and end: month <u>Oct 31</u> year <u>2023</u> Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><input checked="" 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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>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, 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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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</p> <p><input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

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.

The undersigned declare:

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

Wendy Potok
 Signature of Lessor

Date: 4-9-19

Printed name (and title): Wendy Potok Business name, if applicable: Wanek Ranch, LLC
 Mailing Address (with state and zip): P.O. Box 1098, La Pine, OR 97739
 Phone number (include area code): 541-536-6055 **E-mail address: artla@yahoo.com
541-480-7592

See next page for additional signatures.

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Signature of Co-Lessor

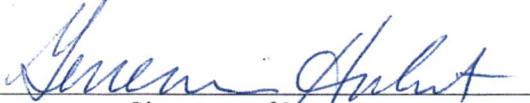
Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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


Signature of Lessee

Date: 4/21/19

Printed name (and title): Genevieve Hubert

Business/organization name: Deschutes River Conservancy Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill Street, 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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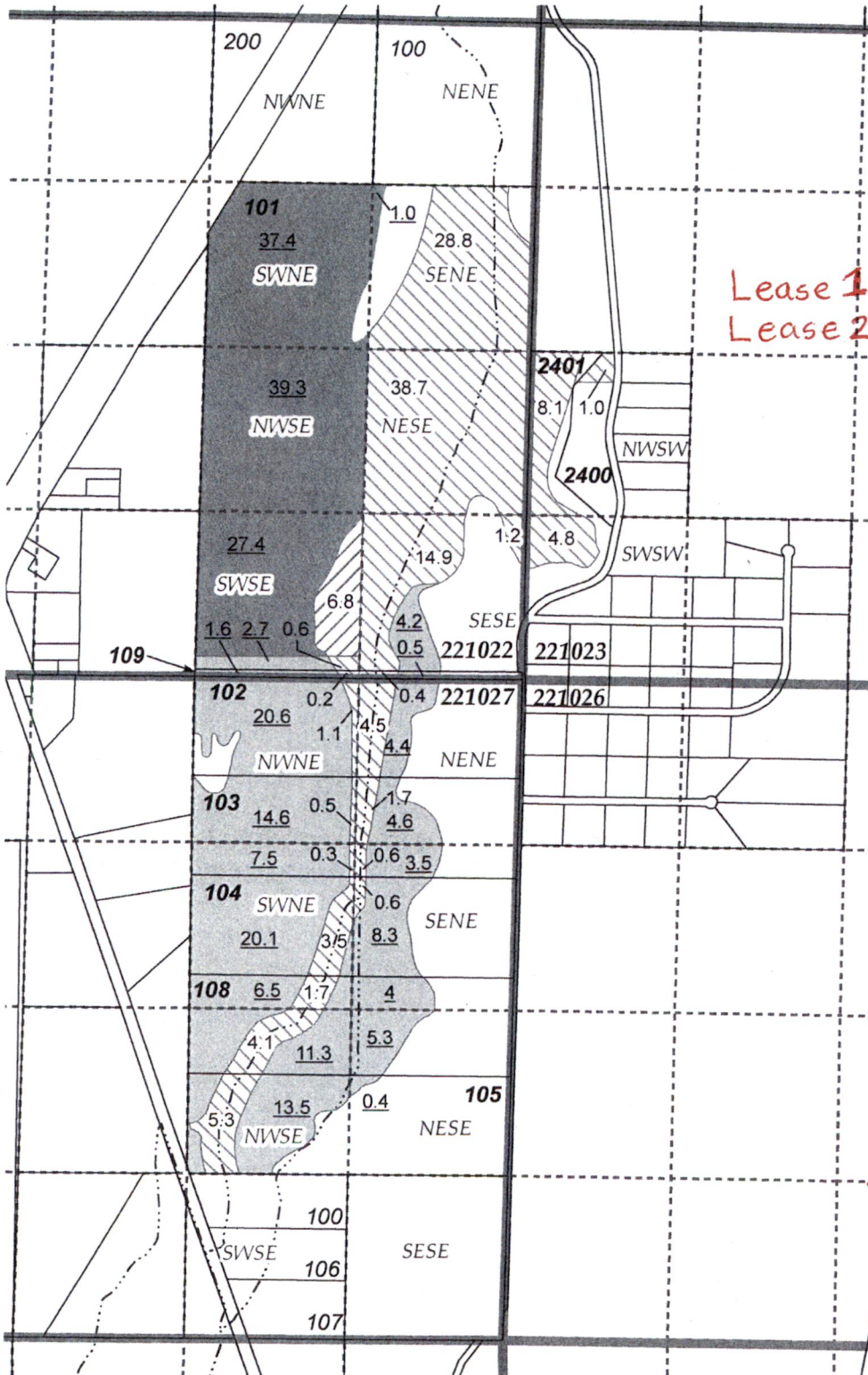
Salem, OR

DESCHUTES COUNTY T22S R10E Sections 22, 23, 27

SCALE: 1" = 1,320'



0 1,320 Feet



Lease 1 →
Lease 2 →

- Certificate 90239 (priority date)**
- Leased Acres (1897), 133.6 ac *
 - Leased Acres (1902), 105.1 ac
 - Acres to Remain On (1897), 122.6ac
 - Acres to Remain On (1902), 6.8 ac
 - Taxlot
 - PLSS Section
 - PLSS 1/4 1/4 Section
 - Canal

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* 133.6 Ac
1897 priority
leased in stream

Source:
2005/06 Deschutes County GIS taxlot alignment
OWRD Water Rights Information System

INSTREAM LEASE MAP FOR WANЕК RANCHES, LLC

Deschutes River Conservancy

Taxlot #: 101,102,103,104,105,108,109,2400,2401

Date: 03/26/19

238.7 acres Instream
129.4 acres remain



DESCHUTES RIVER
CONSERVANCY

Little Deschutes

Priorities: 1897 & 1902

Boxes to manipulate - shaded green

Seasons:	rate	certificate	max duty	
N/A	0.0250	87048	4 af/ac	
N/A	0.0125	87048	4 af/ac	
N/A	0.0250	87048	4 af/ac	
N/A	0.0125	87048	4 af/ac	
Max duty: 4 AF/Ac				
		acres	max duty/ac	max total
Acres Instream	133.60		4	534.40
Acres Instream	105.10		4	420.40
Acres Instream				0.00
Total	238.70		4	954.80

Season 2
Season 1
Season 2
Season 1
Lease 1
Lease 2

Priority Dates
P - 1897
P-1902

P=Primary
S=Supplemental

date	date	days	
4/1/2015	5/23/2015	52	213
8/20/2015	10/31/2015	72	
5/23/2015	8/20/2015	89	
4/1/2015	10/31/2015	213	

Option 1 - maximize rate during Ap-July for 1902
 Option 2 - stretch out rate to early August
 Option 3 - stretch to mid or late August
 Option 4 - protect all season to mid October

Season 1: 0.0125 April 1-May 23 & August 20 - November 1
 Season 2: 0.0250 May 23 to August 20

Calculate for Seasons

Lease 1

Priority	Acres	Rate/Ac	section 1.5 & 2.2			section 1.5 & 2.2			Date Range	
			Total Rate	Conversion	Days	Max Duty				
1902	105.10	0.0064	0.673	1.983471	1.334161933	52	69.38	duty total	April 1 - May 23	
	105.10	0.0156	1.640	1.983471	3.252019713	89	289.43		May 23 - Aug 20	
	105.10	0.0041	0.431	1.983471	0.854697489	72	61.54		Aug 20-Oct 31	
1897	133.6	0.0064	0.855	1.983471	1.695947044	52	88.19	duty total	April 1 - May 23	
	133.6	0.0156	2.084	1.983471	4.133870919	89	367.91		Aug 20-Oct 31	
	133.6	0.0041	0.548	1.983471	1.086466075	72	78.23		Aug 20-Oct 31	
Total AF								954.67		

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Wanek Ranches Lease Exhibit A

Source: LITTLE DESCHUTES RIVER, tributary to the DESCHUTES RIVER					
Authorized Point of Diversion (POD):					
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	9 E	WM	34	SWSW	550 FEET NORTH AND 1150 FEET EAST FROM THE SW CORNER OF SECTION 34

Instream Lease 1

Authorized Place of Use:						Lease	Remain	
Priority Date	Twp	Rng	Mer	Sec	Q-Q	Acres	Acres	Tax Lot
Instream Lease #1								orig (new)
1897	22 S	10 E	WM	22	SENE	0.0	28.8	101
1897	22 S	10 E	WM	22	NESE	0.0	38.7	101
1897	22 S	10 E	WM	22	SWSE	2.7	0.6	101
1897	22 S	10 E	WM	22	SWSE	1.6	0.2	103(109)
1897	22 S	10 E	WM	22	SESE	4.2	16.1	101
1897	22 S	10 E	WM	22	SESE	0.5	0.4	103(109)
1897	22 S	10 E	WM	23	NWSW	0.0	1.0	2400
1897	22 S	10 E	WM	23	NWSW	0.0	8.1	2401
1897	22 S	10 E	WM	23	SWSW	0.0	4.8	2401
1897	22 S	10 E	WM	27	NWNE	20.6	1.1	103 (102)
1897	22 S	10 E	WM	27	NWNE	14.6	0.5	103
1897	22 S	10 E	WM	27	NENE	4.4	4.5	103 (102)
1897	22 S	10 E	WM	27	NENE	4.6	1.7	103
1897	22 S	10 E	WM	27	SWNE	7.5	0.3	103
1897	22 S	10 E	WM	27	SWNE	20.1	3.5	108 (104)
1897	22 S	10 E	WM	27	SWNE	6.5	1.7	108
1897	22 S	10 E	WM	27	SENE	3.5	0.6	103
1897	22 S	10 E	WM	27	SENE	8.3	0.6	108 (104)
1897	22 S	10 E	WM	27	SENE	4.0	0.0	108
1897	22 S	10 E	WM	27	NWSE	11.3	4.1	108
1897	22 S	10 E	WM	27	NWSE	13.5	5.3	108 (105)
1897	22 S	10 E	WM	27	NESE	5.3	0.0	108
1897	22 S	10 E	WM	27	NESE	0.4	0.0	108 (105)
Sub-total						133.6	122.6	
Instream Lease #2 (on a separate lease form)								
April 30, 1902	22 S	10 E	WM	22	SWNE	37.4	0.0	101
April 30, 1902	22 S	10 E	WM	22	SENE	1.0	0.0	101
April 30, 1902	22 S	10 E	WM	22	NWSE	39.3	0.0	101
April 30, 1902	22 S	10 E	WM	22	SWSE	27.4	6.8	101
Sub-total						105.1	6.8	
TOTALS						238.7	129.4	
TOTAL						368.1		

CROSS REFERENCE		
	All Ac leased & remaining	
New TL #	Total Ac in TL QQ	Total Ac in QQ by priority date
101	28.8	28.8
101	38.7	38.7
101	3.3	5.1
109	1.8	
101	20.3	21.2
109	0.9	
2400	1	9.1
2401	8.1	
2401	4.8	4.8
102	21.7	36.8
103	15.1	
102	8.9	15.2
103	6.3	
103	7.8	39.6
104	23.6	
108	8.2	
103	4.1	17
104	8.9	
108	4	
108	15.4	34.2
105	18.8	
108	5.3	5.7
105	0.4	
sub-total	256.2	256.2
101	37.4	37.4
101	1	1
101	39.3	39.3
101	34.2	34.2
sub-total	111.9	111.9
TOTALS	368.1	368.1

*new TL as compared to certificate

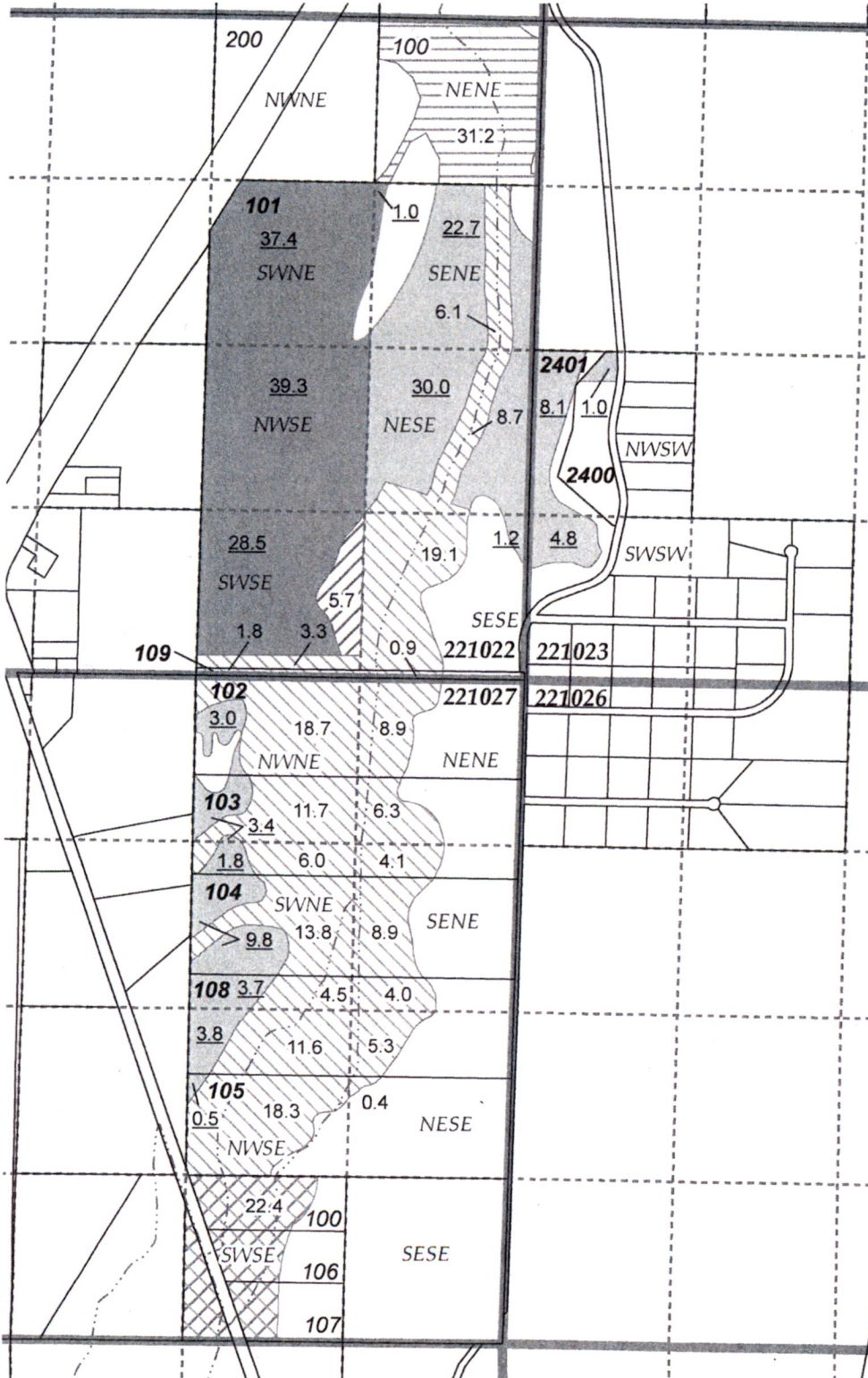
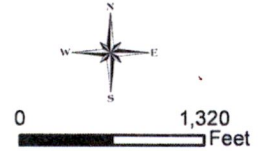
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Salem, OR

DESCHUTES COUNTY T22S R10E Sections 22, 23, 27

SCALE: 1" = 1,320'



For Reference
previous lease
IL-1450
Instream:
2015-2018

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Certificate 87048 (priority date)

- Leased Acres (1897), 93.8 ac
- Leased Acres (1902), 106.2 ac
- Acres to Remain On (1897), 162.4 ac
- Acres to Remain On (1902), 5.7 ac
- Subject to Transfer T-11163
- Subject to Transfer T-11365
- Taxlot
- PLSS Section
- PLSS 1/4 1/4 Section
- Canal

Source
2005/06 Deschutes County GIS data
OWRD Water Rights Information System



DESCHUTES RIVER
CONSERVANCY

INSTREAM LEASE MAP FOR WANER RANCHES, LLC

Deschutes River Conservancy

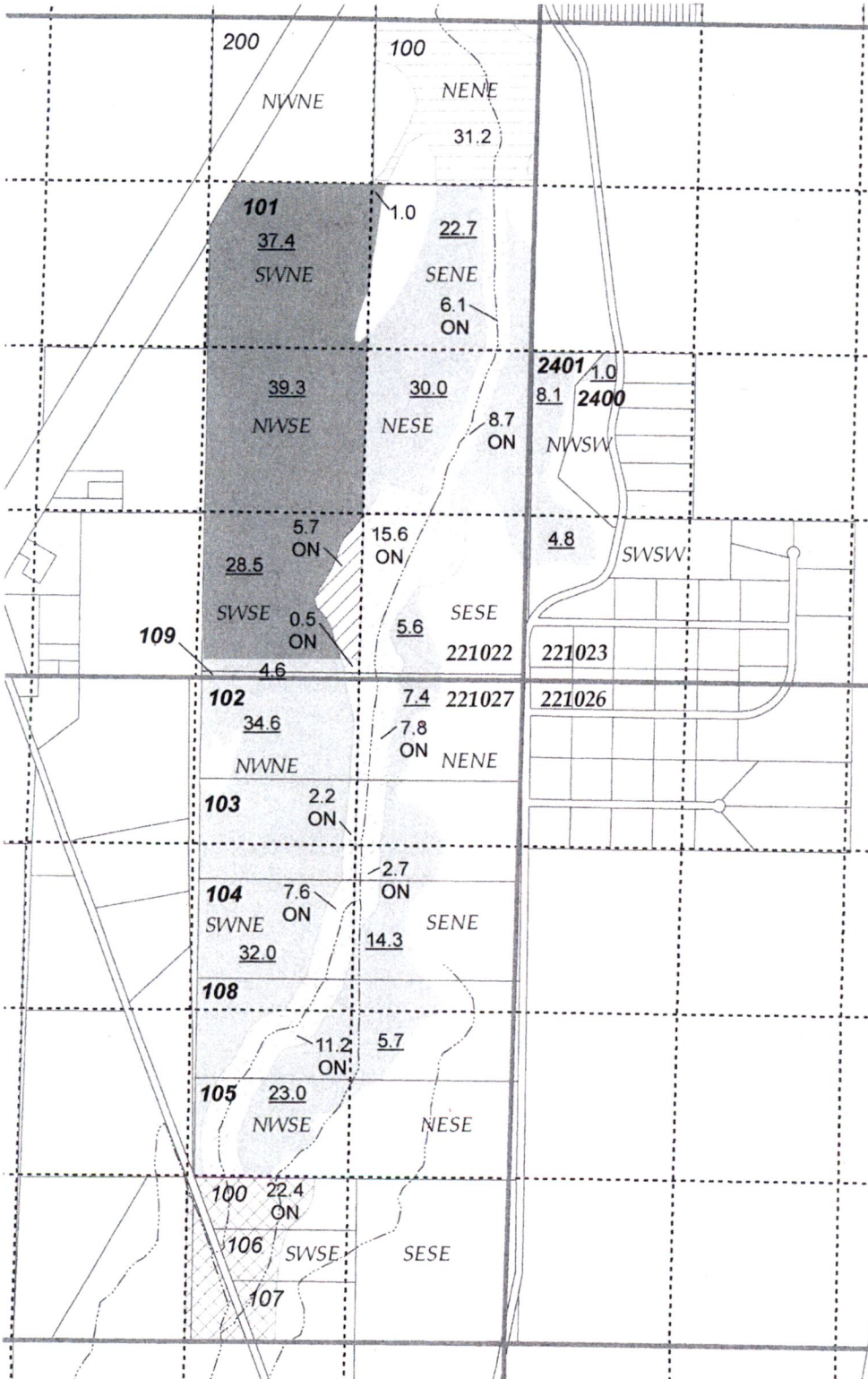
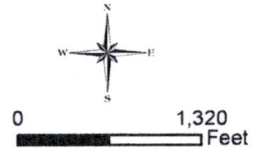
Taxlot #: 101,102,103,104,105,108,109,2400,2401

Date: 03/25/15

200 acres Instream
168.1 acres remain

DESCHUTES COUNTY T22S R10E Sections 22, 23, 27

SCALE: 1" = 1,320'



For reference
previous lease
IL-1123
Instream
2011-2014

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APR 22 2019

Salem, OR

Certificate 86022 (priority date)

- Leased Acres (1897), 193.8 ac
- Leased Acres (1902), 106.2 ac
- Acres to Remain On (1897), 62.4 ac
- Acres to Remain On (1902), 5.7 ac
- Subject to Transfer T11163
- Subject to Lease L-1059
- Taxlot
- PLSS Section
- PLSS 1/4 1/4 Section
- Canal

Source:
Deschutes County GIS
OWRD Water Rights Information System

INSTREAM LEASE MAP FOR GORDON WANER

Deschutes River Conservancy



Taxlot #: 101,102,103,104,105,108,109,2400,2401

Date: 03/24/11

300 acres Instream
68.1 acres remain