



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

## Instream Lease Renewal Application

|   |   |
|---|---|
| <b>Complete the questions below and include any required attachments</b><br><b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b> | Instream Lease # <u>1531</u><br>Renewal Fee included <input type="checkbox"/> |
|---|---|

The undersigned hereby request Instream Lease Number 1531 be renewed.

Fees:  \$130.00 for an instream lease renewal application  
 Check enclosed or  Fee Charged to customer account The Freshwater Trust (Account name)

|   |  |
|---|--|
| <b>Term of the Lease:</b><br>The lease is requested to begin in <u>month July year 2019</u> and end <u>month October year 2020</u>  |  |
| <b>Validity of the Right(s)</b><br>(check the appropriate box):<br><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.<br><input type="checkbox"/> If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2). | <b>Termination provision (for multiyear leases):</b><br><b>The parties to the lease request:</b><br><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.<br><input checked="" type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.<br><input type="checkbox"/> c. The parties would not like to include a Termination Provision.<br>(See instructions for limitations to this provision) |

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: \_\_\_\_\_)?

### The undersigned declare:

- 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
- The Lessor(s) certify that I/we are the holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
- All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

C Glen Smith  
Signature of Lessor

Date: 4/24/19

Printed name (and title): C. Glen Smith Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 563 NW 21st Street, Pendleton, OR 97801  
 Phone number (include area code): 541-701-7895 \*\*E-mail address: glen.smith@pioneer.com

Ronda G Smith  
Signature of Lessor

Date: 4/24/19

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Printed name (and title): Ronda G. Smith Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 563 NW 21st Street, Pendleton, OR 97801  
 Phone number (include area code): 541-701-7895 \*\*E-mail address: \_\_\_\_\_

APR 25 2019

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See next page for additional signatures.

\_\_\_\_\_  
Signature of Co-Lessor  
Date: \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_  
District/organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
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: \_\_\_\_\_

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APR 25 2019

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\_\_\_\_\_  
Signature of Lessee  
Date: 4-25-2019

Printed name (and title): Rob Kirschner, General Counsel  
Business/organization name: The Freshwater Trust  
Mailing Address (with state and zip): 700 SW Taylor St., Suite 200, Portland, OR 97205  
Phone number (include area code): 503-222-9091 x 50 \*\*E-mail address:  
rob@thefreshwatertrust.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.**

APR 25 2019 7/1/2017

**Information and Instructions**  
**Instream Lease Renewal**  
 Salem, OR  
 If you have any questions please call Department Staff 503-986-0900

**Can I Renew my Lease?**

- When a final order was issued approving the existing lease, the term of that lease has expired or is about to expire, and there are no changes to the instream use or to the water right (or portion thereof) involved. Basically, the request to renew is identical to the original lease approved by the Department.

**When do you need to submit a new lease application?**

- When the Lessor or Lessee proposes to modify/alter the portion or description of the water right originally leased or change any part of the instream use including the instream quantities, the instream period, and/or the instream reach.

| <b>Helpful Links~</b>          | If you are unsure or need assistance:<br>Contact us at 503-986-0900 or the Watermaster for your District  |
|--------------------------------|---|
| Watermasters in Oregon         | <a href="http://www.oregon.gov/owrd/docs/watermasterchart.pdf">http://www.oregon.gov/owrd/docs/watermasterchart.pdf</a>                               |
| Instream Leasing Forms         | <a href="http://www.oregon.gov/owrd/pages/pubs/forms.aspx#instream">http://www.oregon.gov/owrd/pages/pubs/forms.aspx#instream</a>                     |
| Fee Schedule                   | <a href="http://www.oregon.gov/owrd/pages/pubs/forms.aspx#fees">http://www.oregon.gov/owrd/pages/pubs/forms.aspx#fees</a>                             |
| Water Rights Information Query | <a href="http://apps.wrd.state.or.us/apps/wr/wrinfo/">http://apps.wrd.state.or.us/apps/wr/wrinfo/</a>   |
| Water Rights Public Notice     | <a href="http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21">http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21</a> |
| OAR: Chapter 690 Division 77   | <a href="http://www.oregon.gov/owrd/law/docs/law/oar_690_077.pdf">http://www.oregon.gov/owrd/law/docs/law/oar_690_077.pdf</a>                         |

**Help and Explanations...**

- The lease number will be the same as the original lease. Lease numbers generally start with L, IL or SL. SL is the designation for a split season instream lease.
- A Map is not required for an instream lease renewal.
- Applications received without the proper fee will be returned.
- Changes in the Lessor or Lessee do not affect renewal eligibility. However, if you are the new property owner, you must provide evidence of ownership with your application, such as a copy of the deed showing that you're the new owner of the property.
- A change in certificate number will not necessarily prevent you from being able to renew a lease. However, you should contact the Department to verify whether you may submit a renewal or if a new lease is needed.
- The deadline for submittal of Instream Lease renewal involving a water right with a seasonal use must be received prior to July 1. A lease renewal involving a water right with a year round use must be received prior to October 1.
- All parties to the application must sign the application. (For example, if a husband and wife both appear on a deed, both must sign.) See below for further instructions describing the parties to the instream lease.
- The term of the instream lease can be no less than one calendar year and no more than five calendar years. There is no limit on the number of times that you may renew your lease. However, a water right(s) (or portion thereof) involved in a split season lease, may only be included in a split season lease for up to 10 years.

Generally, the term of the instream lease is the first day water can be legally used through the last day water can be legally used (e.g. the irrigation season). For water rights with year-around period of use, the term of the lease would run from January 1 through December 31 and through the last year of the requested term of the lease.

**Termination provision:** This provision is for multi-year leases and allows the Lessor and Lessee (if any) to request a provision in the final order allowing for the early termination of a lease. The Lessor may also request the Department not include this provision. Your termination options are listed on the first page of the application after these instructions.

7/1/2017

Please note, if the parties have requested the ability to terminate the lease prior to expiration of its full term, the request may be submitted at any time. However, if the request for termination is received less than 30-days prior to the instream use period or after the allowed use has begun, water may not be used under the right(s) until the following calendar year, unless the Director determines that enlargement would not occur.

If the lease is being used as a mitigation project in the Deschutes Basin and early termination provision is requested, the Department will require that the termination request be submitted by all parties to the lease. Notice of the termination should be sent to both the Salem and Regional offices of the Water Resources Department.

Requests to terminate a lease may be submitted by e-mail from the appropriate parties identified in the Final Order approving the lease application.

- **CREP** – Please identify if some or all of the lands are enrolled in the federal Conservation Reserve Enhancement Program (CREP) or other similar federal program. The Department will send a copy of the final order to the Farm Services Administration and other associated parties.

**Parties to the lease include:**

**Lessor:** This is generally the landowner(s) and is referred to as the water right holder. All water right holders must sign the lease application. The lessor may also be someone that holds interest in the water right or another party that has been granted authorization by the landowner to lease the water right. If the Lessor is not the deeded landowner, additional information must be provided as specified below:

- 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.

If the above documentation was provided with the original lease application, it does not need to be included with the renewal request.

**Lessee:** Individuals or organizations, which may provide compensation to the Lessor for the leasing of the subject water right instream. The Lessee has the same standing as the Lessor for all purposes regarding management and enforcement of the instream water right.

**Co-Lessors:** Irrigation districts or other water purveyors must be a party to the lease to which the subject lands are attached or fall within the boundaries of an Irrigation District, as defined in ORS Chapters 545, 547, 552, 553, or 554, should be listed as Co-Lessor and must also sign the renewal application. If the source of water for the subject lands is stored water, then the owner/operator of the reservoir must also be party to the lease as Co-lessor and must also sign the renewal application.

**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.

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