



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

Application for District Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) Complete Parts 1 through 4 and any required attachments	OWRD #	IL-1749
	District #	L1a

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

Yes N/A Pooled Lease-a lease with more than one Lessor (Landowner/water right interest holder)

Fee in the amount of:

<input type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<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.)

For Mitigation
 Project

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How many Water Rights are included in the lease application? 1 (# of rights)
 List each water right to be leased instream here: 74135

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Yes N/A Other water rights, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream.

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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 <u>May</u> year <u>2019</u> and end: month <u>August</u> year <u>2019</u> .	
Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	Termination provision (for multiyear leases): The parties to the lease request (choose one): <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights. If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
Validity of the rights to be leased: <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.



 Signature of Co-Lessor

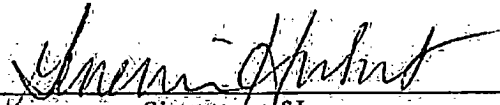
Date: 5/20/2019

Printed name (and title): Marc Thalacker, District Manager
 Business/Organization name: Three Sisters Irrigation District
 Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759
 Phone number (include area code): 541-549-8815 **E-mail address: manager@tsidweb.org

 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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See next page for additional signatures.


Signature of Lessee

Date: 5/21/19

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

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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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: Three Sisters Irrigation District

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLEC, 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 #	Lwp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLEC #	Acres	Use	Page #	Previous Lease #		
74135	1895	Main Canal	15	S	11	E	07	nw se	600		30.5	IR	10	1671
74135	1895	Main	15	S	11	E	07	ne se	600		38.5	IR	10	1671
74135	1895	Main	15	s	11	e	07	sw se	600		40	IR	10	SL-41
74135	1895	Main	15	s	11	e	07	se se	600		39	IR	10	SL-41
74135	1895	Main	15	s	11	e	07	ne se	600		0.5	Pond	10	1616

Any additional information about the right: 148 acres lease IR, 0.5 acre lease pond

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:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

John S. Schaad
Signature of Lessor

Date: 4/9/2019

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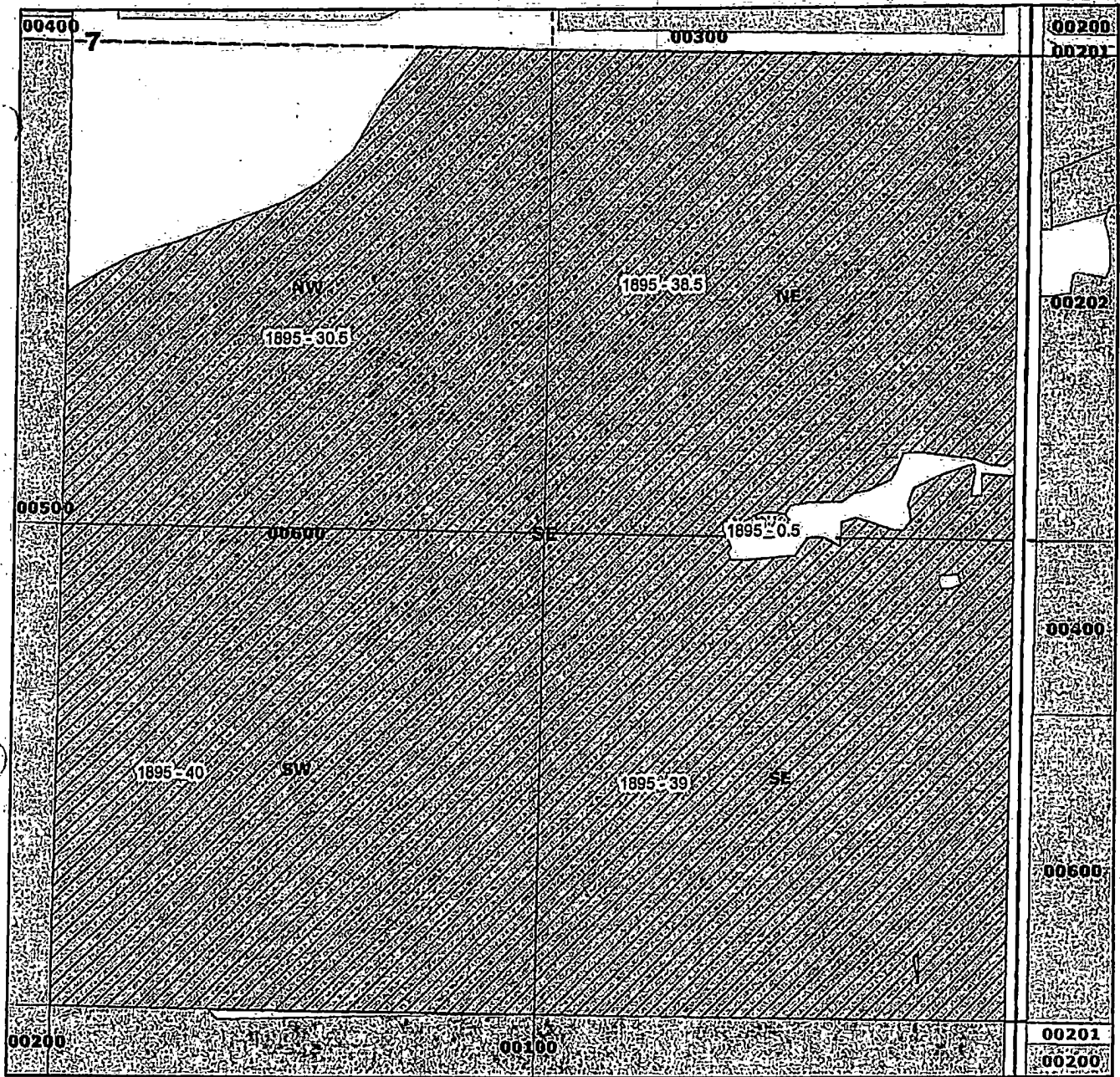
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Printed name (and title): John Schaad Business name, if applicable: _____
 Mailing Address (with state and zip): 1170 McLean Blvd., Eugene, OR 97405
 Phone number (include area code): 541-344-5217 **E-mail address: jgschaad@gmail.com

John S. Schaad
Signature of Lessor


Date: 4/9/2019

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Legend


 Leased Instream - Pond Maintenance

 Leased Instream - Irrigation

Water Rights

Priority_Date

 1887

 1895

 1903

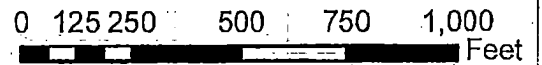
 1904

 Quarter Quarters

 Taxlots

John Schaad
148 acres instream - 1895 ± 0.5 POND
Certificate 74135

T15S R11E Sect 07
Tax Lot 600
NESE
38.5 acres instream - 1895
0.5 acres instream - 1895 (pond maintenance)
NWSE
30.5 acres instream -1895
SWSE
40 acres instream -1895
SESE
39 acres instream - 1895
Deschutes County



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Three Sisters Irrigation District

Part 3 of 4 - Place of Use - Lessor Information and Signatures

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Table 1

Irrigation District or other Water Purveyor Name: Three Sisters Irrigation District
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.
Table with columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #
Any additional information about the right: 2.6 acre lot adjustment from TL303, 8.0 ac transfer off with T-8392
Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream.

The undersigned declare:

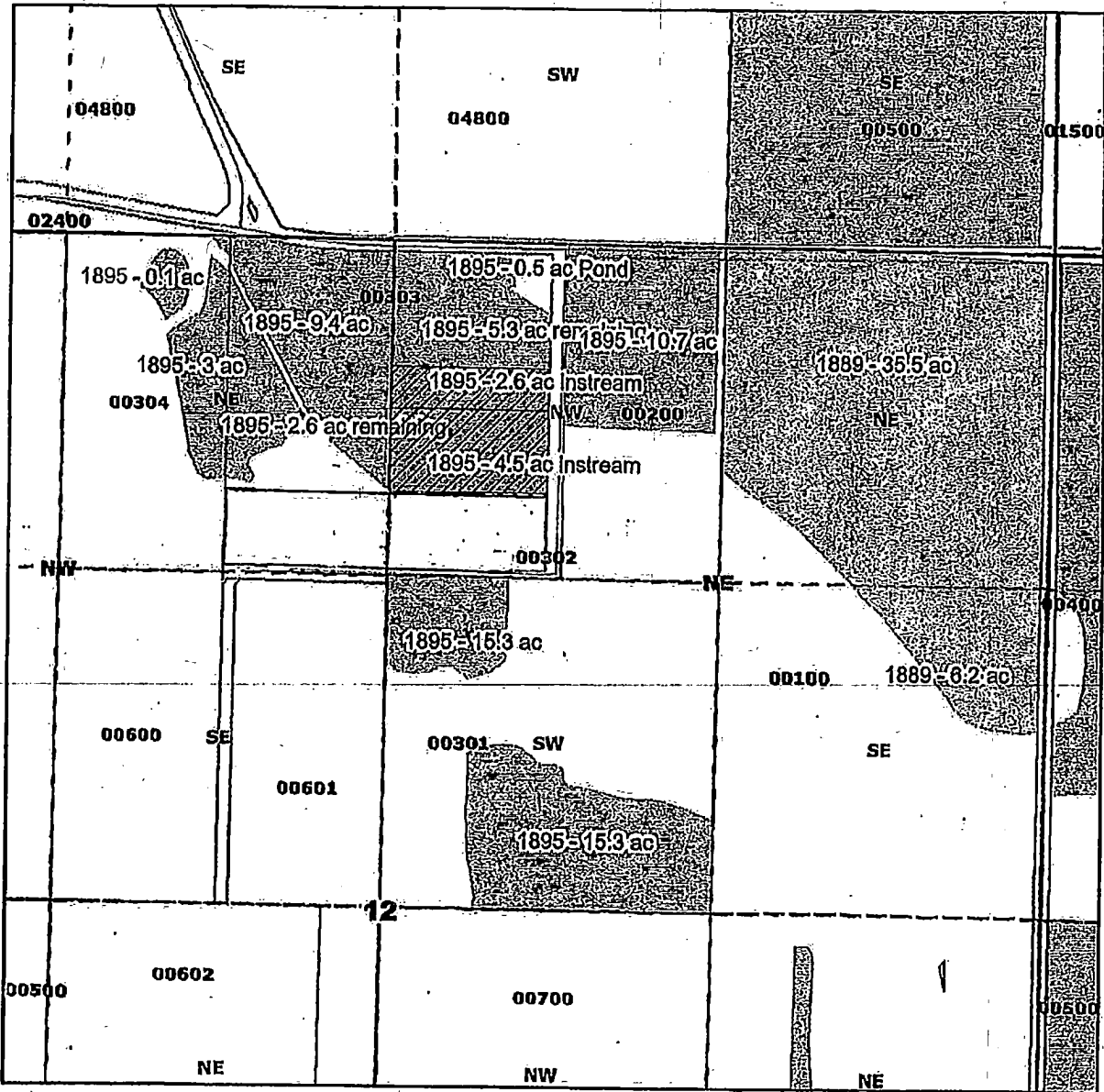
- 1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor: Wayne M Cornick Date: April 2019

Printed name (and title): Wayne Cornick Business name, if applicable:
Mailing Address (with state and zip): 17000 Barlemay Lane, Sisters, OR 97759
Phone number (include area code): 541-835-1944 **E-mail address:

E-mail WMCORNICK@AOL.COM
CORRECT PH # 541-504 9038 - OR 541-410-1841
Date: 541-603 0513

Signature of Lessor
Printed name (and title): Business name, if applicable: Received by OWRD



Three Sisters Irrigation District

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Legend

- Township Range
- Quarter Quarters
- Taxlots

Primary

Priority_Date

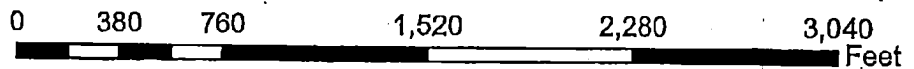
- 1889
- 1895

Wayne Cornick
 7.1 acres instream - 1895
 Certificate 74135
 T15S R10E Sect 12
 Tax Lot 302
 NWNE 7.1 acres Instream
 3.9 acres transferred off - T8392
 Deschutes County

NWNE $\frac{1}{4}$ 4.1 ac. off NWNE
 T-8392

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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 # 74135

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	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1895	Main	IR	155.1	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	3.112	N/A
1895	Main	Pond	0.5	Rate prior to allocations of conserved water .02 cfs/ac. No season/duty	.01	N/A

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:

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Table 3

Instream Use created by the lease River Basin: Deschutes River/Stream Name: Whychus Cr, tributary to Deschutes R

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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 Main to Mouth of Whychus Creek

Or Proposed Instream Point:
 Instream use protected at the POD

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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	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1895	Main	IR	155.1	May 16 through August 20 at 0.016 cfs/ac (for mitigation project)	2.482	472.53
1895	Main	Pond	0.5	May 16 through August 20 at 0.016 cfs/ac (NOT mitigation)	.008	1.52
				Irrigation portion of lease for mitigation project.		

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 limited to approximately 3 AF/ac and instream for a portion of the irrigation season 5/16-8/20.

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

Any additional information about the proposed instream use: IR portion of lease submitted for mitigation project (pond leased but not for mitigation)

Lessor List	SEASON 1		SEASON 2		NOT SIGNED/RETURNED		
	IR	Pond	IR	Pond	IR	Pond	
John Schaad	1895	148	0.5				Lease 1a
Wayne Cornick	1895	7.1					Lease 1a
Karan Swaner	1895	0					Lease 1b
Cris Converse	1895	0	0				Lease 1b
Mike Mansker	1895	0	0				Lease 1b
Melissa Ward	1895	0					Lease 1b
Peter & Rebecca Green	1895	0					Lease 1b
Janet Herring	1904	0					Lease 1b
Subtotal	1895	155.1	0.5	0	0		
Subtotal	1904	0.0	0	0	0		
Subtotal	1908	0.0	0	0	0		
Total		155.1	0.5	0	0		

SEASON 1 Pooled		days		Max	Max	Instream	Instream	Instream	Instream	AF	AF/Ac
Priority	IR	Pond	02/ac								
* 1895	155.1		3.102	N/A	0.016	2.482	1.983471	4.922182	96.00	472.53	3.0
1895		0.5	0.01	N/A	0.016	0.008	1.983471	0.015868	96.00	1.52	3.0
1904	0		0	N/A	0.016	0.000	1.983471	0	96.00	0.00	0.0
1908	0		0.000	N/A	0.016	0.000	1.983471	0	96.00	0.00	0.0
Totals	155.1	0.5	3.112			2.4896				474.05	

*5 ac of 1908 has max total rate of 0.078

155.1 acres of 1895 IR, submitted as mitigation project for up to 279.18 mitigation credits.

*Leasing at 0.016 cfs per acre to keep it simple. After conserved water, some acres may still have a 0.02 cfs per acre rate and some are now at 0.016 per acre.

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