



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

# Application for District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	11-1755
	District #	

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

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

Fee in the amount of:

<input checked="" type="checkbox"/> \$450.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$300.00 for all other leases
<input type="checkbox"/> Check enclosed or	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>The Freshwater Trust</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.)

How many Water Rights are included in the lease application 22 (# of rights)

List each water right to be leased instream here: 86271, 92474, 92732, 90643

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: GR 1596, GR 4162

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.

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.

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

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month June year 2019</u> and end: <u>month October year 2019</u> .	
<b>Public use:</b> 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 type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <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 checked="" type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> 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.	
<b>Precedent:</b> 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.	
<b>Validity of the rights to be leased:</b> <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: 5/13/19

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Printed name (and title): Teresa Kilmer, District Manager

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Business/Organization name: Walla Walla River Irrigation District

Salem, OR

Mailing Address (with state and zip): PO Box 248, Milton-Freewater, OR 97862

Phone number (include area code): 541-938-0144 \*\*E-mail address: teresa@wwriver.com

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

**See next page for additional signatures.**

Date: \_\_\_\_\_

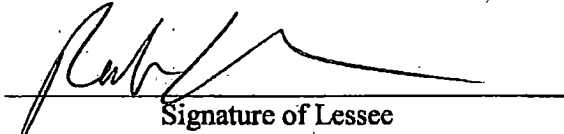
\_\_\_\_\_  
Signature of Lessee

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: 6-4-19

Printed name (and title): Rob Kirschner, Staff Attorney

Business/organization name: The Freshwater Trust

Mailing Address (with state and zip): 700 SW Taylor, 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**

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**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Table 1**

<b>Irrigation District or other Water Purveyor Name: Walla Walla River Irrigation District</b>												
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.												
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
86271	1891		6 N	35 E	36	N W SE	300		8.28	IR		
<b>Any additional information about the right:</b> _____												
<b>Farm Deferral Tax Status:</b> 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 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 *Patricia A Bier* Date *April 4, 2019*

Printed name (and title): Patricia Bier Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 53959 Bier Ln. Milton-Freewater, OR 97862  
 Phone number (include area code): (541) 861-9991 \*\*E-mail address: \_\_\_\_\_

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**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 # 86271

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)
1891		IR	8.28		0.31	68.87

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

**Table 3**

**Instream Use created by the lease**      **River Basin:** Umatilla      **River/Stream Name:** Walla Walla River, tributary to Columbia River

**Proposed Instream Reach:**

A reach typically begins at the POD and ends at the mouth of the source stream: From the POD \_\_\_\_\_ to as far downstream as measureable in the Walla Walla River.

**Or Proposed Instream Point:**

Instream use protected at the POD

OR  Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)

**Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)**

Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.

Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1891		IR	8.28	June 1st through Sept. 15th	0.31	68.87

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 \_\_\_\_\_

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

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

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**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Table 1**

Irrigation District or other Water Purveyor Name: <b>Walla Walla River Irrigation District</b>															
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.															
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #			
92474	1887		6	N	35	E	35	NE	N W	2100		6.0	IR		IL1631
92474	1894		6	N	35	E	35	NE	N W	2100		2.8	IR		IL1631
92732	1894		6	N	35	E	35	NE	N W	2100		0.7	IR		IL1631
<b>Any additional information about the right:</b> _____															
<b>Farm Deferral Tax Status:</b> 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 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 Joelle Katon Date 4/22/19  
 Printed name (and title): Joelle Katon Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 84220 Hwy 339 Milton-Freewater. OR 97862  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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Use a separate Part 4 for each water right to be leased instream

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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 # 92474

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)
1887		IR	6.0		0.225	47.67
1894		IR	2.8		0.105	22.25

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Umatilla</u>	<b>River/Stream Name:</b> <u>Little Walla Walla River, tributary to Walla Walla River</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>at the mouth of the Little Walla Walla River</u> to <u>as far downstream as measureable in the Walla Walla River.</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
OR <input type="checkbox"/> 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.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> 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)
1887		IR	6.0	June 1st through Sept. 15th	0.225	47.67
1894		IR	2.8	June 1st through Sept. 15th	0.105	22.25
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.						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____						

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 # 92732**

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)
1894		IR	0.7		0.026	5.51

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Umatilla</u>	<b>River/Stream Name:</b> <u>Little Walla Walla River, tributary to Walla Walla River</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: <u>From the POD at the mouth of the Little Walla Walla River to as far downstream as measureable in the Walla Walla River.</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <input type="checkbox"/> 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.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> 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.						
<b>Priority date</b>	<b>POD #</b>	<b>Use</b>	<b>Acres</b>	<b>Proposed Instream Period</b>	<b>Instream Rate (cfs)</b>	<b>Total instream volume (af)</b>
1894		IR	0.7	June 1st through Sept. 15th	0.026	5.51
<b>OR</b> <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.						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____						

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**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Table 1**

<b>Irrigation District or other Water Purveyor Name: Walla Walla River Irrigation District</b>												
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.												
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
90643	1887		6	N 35 E	25	N W SE			2.75	IR		
90643	1887		6	N 35 E	25	SW SE			1.75	IR		
<b>Any additional information about the right:</b>												
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.

Signature of Lessor Tracy Larson Date 6/5/19  
 Printed name (and title): Tracy Larson Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 84634 Eastside Rd. Milton-Freewater, OR 97862  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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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 # 90643**

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)
1887		IR	2.75		0.07	21.21
1887		IR	1.75		0.04	12.12

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Umatilla</u>	<b>River/Stream Name:</b> <u>Walla Walla River, tributary to Columbia River</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD _____ to as far downstream as measureable in the <u>Walla Walla River</u> .		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <input type="checkbox"/> 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.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> 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)
1887		IR	2.75	June 1st through October 31st	0.07	21.21
1887		IR	1.75	June 1st through October 31st	0.04	12.12
<b>OR</b> <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.						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____ Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____						

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# Cert. 90643 Lease Map

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The Freshwater Trust

