



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 #	1L-1757
	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 checked="" type="checkbox"/> Check enclosed <u>or</u> <input type="checkbox"/> Fee Charged to customer account _____ (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: 20421**
 Include a separate **Part 3** for each **water right**.

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: GR3437

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.

RECEIVED

JUN 07 2019

OWRD

Part 2 of 4 – Instream Lease Application Map Checklist

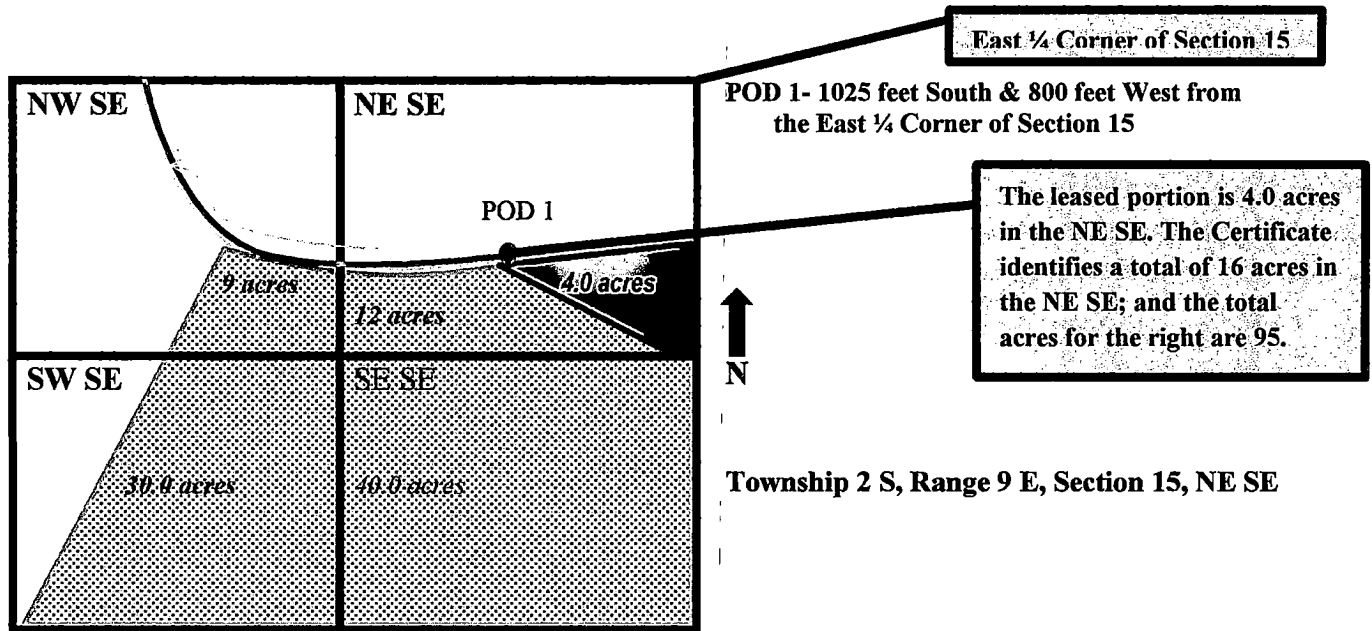
A Map is generally required for each water right not leased in its entirety

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)



RECEIVED

JUN 07 2019

OWRD

Part 3 of 4 – Water Right and Instream Use Information

OWRD

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

Water Right Information

Water right # 20421

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
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: 165.1

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)
9-21-1934	1-3	irrig	165.1	priority date 9-21-1934	2.06	412.75
						(max)

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 lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		see attachment, 3 PODs.
	-	-		-		

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.

OWRD Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Beaver Cr., tributary to Muddy - Marys</u>				River Basin: <u>Willamette</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)
<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>mouth of Beaver Creek (See Notes)</u></p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		
<p>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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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>March 1</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 type="checkbox"/> Recreation</p> <p><input 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"/></p> <p>And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><input 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 checked="" 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.

Janice Thompson
 Signature of Lessor

Date: 6/6/19

Printed name (and title): Janice Thompson (Manager) Business name, if applicable: Currier Place Inc.
 Mailing Address (with state and zip): 25878 Starr Creek Road, Corvallis, OR 97333
 Phone number (include area code): _____ **E-mail address: _____

See next page for additional signatures.

RECEIVED

JUN 07 2019

Date: _____

Signature of Co-Lessor

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

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: _____

**** 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

JUN 07 2019

OWRD

Instream Lease Application (revised 7-27-2017)

June 3, 2019

Dan O'Brien 541-231-6670 preparer, *obriend@casco.net*

Cert 20421, Currier Place Inc., Jani Thompson, Manager

Table 3

POD #	Rate cfs	Rate est.	Max cfs	
31666	.686	yes	2.06	At dam site
31667	.686	yes	2.06	Downstream
31668	.686	yes	2.06	Further downstream

Table 4

Proposed Instream Reach

It is suggested that this lease be protected to the mouth of Beaver Creek. Additional protections, such as to the mouth of Muddy Creek, are likely not enforceable, and it is left to the discretion of the water master to determine if additional reaches be protected.

The sensibilities of the water right holders would be that environmental benefit occur from leaving the water instream, and neither harm nor enlargement of downstream right occurs as the result of this lease.

Part 4

Statement as to the validity of Cert 20421:

“Water Right Certificate 20421 was last irrigated in full during the 2012 irrigation season. This field was the next year planted to tall fescue under contract with a seed company by Venell Farms. Venell Farms did not renew their lease of the Currier Place property in 2017, and the property was subsequently leased by Nusbaum Farms. Nusbaum Farms contacted the seed company, as the tall fescue was still a viable stand, and continued to actively maintain and harvest the stand up to the present, including intent to harvest a 2019 crop.

Tall fescue does not require irrigation for economically viable crops, and is commonly grown on dryland farms, although it may benefit from irrigation depending on weather conditions. Specifically, this spring of 2019 there would be little benefit from irrigation as late spring rains have fulfilled that need. Generally, this field has been irrigated in years of changing of grass seed stands for crop rotation / weed management purposes.

RECEIVED

JUN 07 2019

OWRD

As noted, the current stand of tall fescue is still viable in its 7th year, and the applicants maintain the Water Right Certificate remains valid.

Discussions have occurred with Nusbaum Farms this spring, who by contract must irrigate to maintain the water right, and they have indicated they would prefer not to irrigate. As a result, the Board of Currier Place, Inc., a family corporation, descendant from original European settlers over 100 years ago, are electing to apply for an Instream Lease with Oregon Water Resources Department rather than enforce the terms of their contract with the tenant farmer when the tall fescue crop is removed.

While the land owners have irrigation equipment that has historically irrigated their land, it has been their recent practice to require the tenant farmer to be ready, willing and able to fulfill the obligations of necessary capacity in their stead. Tenant farmers have generally used a diesel pump at the described points of diversion and two hose reels to meet the conditions of the water right.”

RECEIVED

JUN 07 2019

OWRD

STATE OF OREGON
COUNTY OF HENTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CYRIL H. THOMPSON

of Route 2, Box 209, Corvallis, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Beaver Creek a tributary of Mary's River for the purposes of irrigation under Permit No. 11121, of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 21, 1934.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.06 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39, Section 7, Township 13 South, Range 5 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eightieth~~ of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

8.3 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
39.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
0.5 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
26.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
39.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
18.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
18.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
12.4 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39
0.2 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Jacob Currier D.L.C. No. 39

Section 7

Township 13 South, Range 5 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 31st day of May, 1934.

CHAS. F. STRICKLIN

State Engineer

RECEIVED
JUN 07 2019

OWRD

Recorded in State Record of Water Right Certificates, Volume 15, page 20421