



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) Complete Parts 1 through 4 and any required attachments.</b>	OWRD #	11-1761
	District #	IL-19-18

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 checked="" type="checkbox"/> Check enclosed or <u>check mailed</u>	
<input type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</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? \_\_\_\_\_ (# of rights)

List each water right to be leased instream here: 83571

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: 76714

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.

Received by OWRD

JUN 19 2019

Salem, OR

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

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month April 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 checked="" type="checkbox"/> Recreation <input checked="" 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) <b>have not been used</b> 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

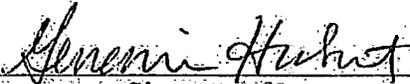
Date: 5/3/19

Received by OWRD

Printed name (and title): Abigail Centola, Beneficial Use Technician  
 Business/Organization name: Central Oregon Irrigation District  
 Mailing Address (with state and zip): 1055 SW Lake Ct, Redmond, OR 97756  
 Phone number (include area code): 541-548-6047 \*\*E-mail address: abby@coird.org

JUN 19 2019

Salem, OR

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

Date: 5/30/19

Printed name (and title): Gen Hubert, Water Leasing Program Manager  
 Business/Organization name: Deschutes River Conservancy  
 Mailing Address (with state and zip): PO Box 1560, Bend, OR 97709  
 Phone number (include area code): 541-382-4077.x16 \*\*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**

**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:** Central Oregon 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.**

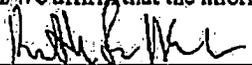
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
83571	10/31/1900	1	16 S	14 E	17	NE SE	400		0.45	Irrig	40	NA
83571	10/31/1900	1	16 S	14 E	17	SE SE	400		0.6	Irrig	40	NA

**Any additional information about the right:**

**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

Date: 4/30/2019

Printed name (and title): Kenneth Faulkner, Jr Business name, if applicable: JMSCM Properties, LLC  
 Mailing Address (with state and zip): 2660 NE Hwy 20, Suite 610-206, Bend, OR 97701  
 Phone number (include area code): 541-815-4056 \*\*E-mail address: jrfc@bendbroadband.com

Received by OWRD

JUN 19 2019

Salem, OR

Received by OWRD

**EXHIBIT C**

JUN 19 2019

**Deschutes River Conservancy  
Instream Leasing Program**

Salem, OR

**Policy Concerning Weeds & Instream Leases  
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

**Weed Policy**

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

*Information and Resources Attached*

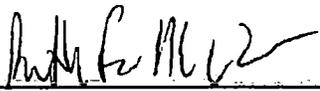
**Farm Deferral Notice**

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

*Information and Resources Attached*

**Donated Leases:** One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Kenneth Faulkner Jr. understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

Signature:  Date: 4/30/2019

**This form must be signed and returned with state lease form.**

## Business Registry Business Name Search

New Search

### Business Entity Data

04-29-2019  
15:22

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
740928-92	DLLC	ACT	OREGON	01-13-2011	01-13-2020	
<b>Entity Name</b> JMSCM PROPERTIES, LLC						
<b>Foreign Name</b>						

Received by OWRD

JUN 19 2019

New Search

### Associated Names

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS				Salem, OR
<b>Addr 1</b>	22425 RICKARD RD					
<b>Addr 2</b>						
<b>CSZ</b>	BEND	OR	97702	<b>Country</b>	UNITED STATES OF AMERICA	

*Please click [here](#) for general information about registered agents and service of process.*

<b>Type</b>	AGT	REGISTERED AGENT	<b>Start Date</b>	01-13-2011	<b>Resign Date</b>	
<b>Name</b>	KENNETH ROY FAULKNER JR					
<b>Addr 1</b>	22425 RICKARD RD					
<b>Addr 2</b>						
<b>CSZ</b>	BEND	OR	97702	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MAL	MAILING ADDRESS				
<b>Addr 1</b>	2660 NE HWY 20 STE 610 #206					
<b>Addr 2</b>						
<b>CSZ</b>	BEND	OR	97701	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MGR	MANAGER			<b>Resign Date</b>	
<b>Name</b>	MANDY MARIE FAULKNER					
<b>Addr 1</b>	PO BOX 9454					
<b>Addr 2</b>						
<b>CSZ</b>	BEND	OR	97708	<b>Country</b>	UNITED STATES OF AMERICA	

New Search

### Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date

UMSCM PROPERTIES, LLC

EN

CUR 01-13-2011

Please read before ordering Copies.

New Search

## Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ANNUAL REPORT PAYMENT	01-14-2019		SYS		
	AMENDED ANNUAL REPORT	12-07-2017		FI		
	AMENDED ANNUAL REPORT	01-13-2017		FI		
	ANNUAL REPORT PAYMENT	01-07-2016		SYS		
	ANNUAL REPORT PAYMENT	01-09-2015		SYS		
	AMENDED ANNUAL REPORT	01-13-2014		FI		
	AMENDED ANNUAL REPORT	01-07-2013		FI		
	AMENDED ANNUAL REPORT	01-06-2012		FI		
	ARTICLES OF ORGANIZATION	01-13-2011		FI	Agent	

© 2019 Oregon Secretary of State. All Rights Reserved.

Received by OWRD

JUN 19 2019

Salem, OR



Oregon Water Resources Department  
Central Oregon Irrigation District

Calculator for Certificate 83571

- Main
- Help
- Return
- Contact Us

Revised: 11/29/2017

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact [WRD\\_DL\\_instream@oregon.gov](mailto:WRD_DL_instream@oregon.gov).

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.013		
Season 2 Rate (CFS)	0.017		
Season 3 Rate (CFS)	0.023	0.009	0.032
Duty (AF)			10.29

Received by OWRD

JUN 19 2019

Salem, OR

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #1 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.007
Season 2 Rate (CFS)	0.010
Season 3 Rate (CFS)	0.018
Maximum Volume (AF)	5.72

**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 # 83571**

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)
10/31/1900	1	Irrig	1.05	Season 1 Rate / Total Volume	0.013	10.29
10/31/1900	1	Irrig	1.05	Season 2 Rate	0.017	
10/31/1900	1	Irrig	1.05	Season 3 Rate	0.023	
12/02/1907	1	Irrig	1.05	Season 3 Rate	0.009	

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> Deschutes	<b>River/Stream Name:</b> Deschutes River, tributary to Columbia River				
<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 <u>Mouth of the Deschutes River (RM 0)</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)
10/31/1900	1	Irrig	1.05	Season 1 Rate / Total Volume	0.007	5.72
10/31/1900	1	Irrig	1.05	Season 2 Rate	0.010	
10/31/1900	1	Irrig	1.05	Season 3 Rate	0.018	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____					<b>Received by OWRD</b>	

# CROOK COUNTY SEC.17 T16S R14E

SCALE - 1" = 400'

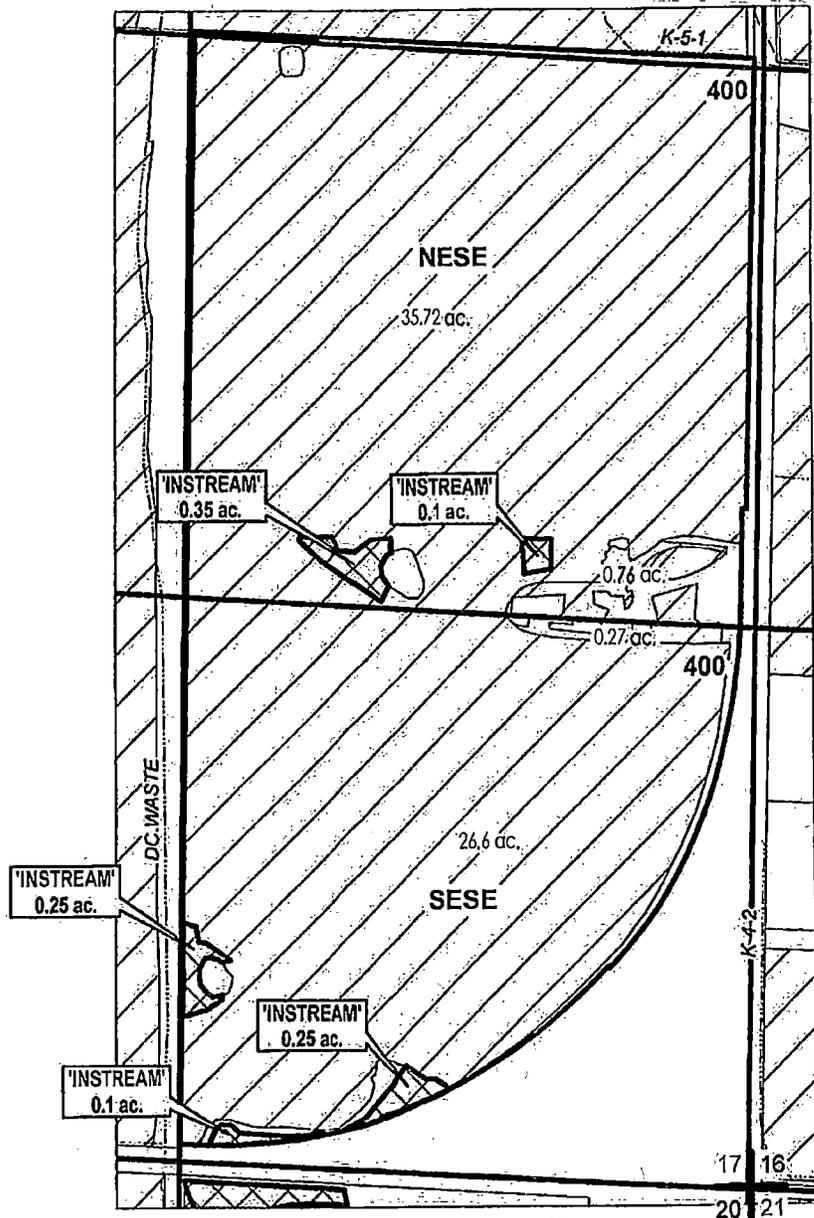


NE 1/4 OF THE SE 1/4; SE 1/4 OF THE SE 1/4

Received by OWRD

JUN 19 2019

Salem, OR



INSTREAM LANDS

EXISTING WATER RIGHTS



## APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: JMSCM Properties, LLC

TAXLOTS #: 400

1.05 ACRES

DATE: 05/02/2019

FILE: K:\TRANSFER\INSTREAM\INSTRM18\171223\_SESW\_200

Central Oregon Irrigation District			
IL-2019-18			
Water Right Changes for Instream Map			
TRS	QQ	AC	OWRD#
161417	NESE	0.56 ac ON	T-10710
161417	NESE	0.03 ac OFF	T-10710
161417	SESE	1.49 ac OFF	T-11660
161417	SESE	2.10 ac OFF	T-11510
161417	SESE	0.74 ac OFF	T-11467
161417	SESE	1.27 ac OFF	T-11283
161417	SESE	0.27 ac ON	T-10710
161417	SESE	0.80 ac OFF	T-10710

Received by OWRD

JUN 19 2019

Salem, OR