



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 #	1L-1390
	District #	Pooled1MP

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 interestholder)
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>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? 1 (# of rights)

List each water right to be leased instream here: 74135

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: _____

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.

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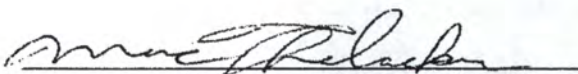
SALEM, OR

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: <u>month April year 2014</u> and end: <u>month June year 2014</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 checked="" 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 checked="" 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: 4/7/2014

Printed name (and title): 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: _____

See next page for additional signatures.

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Genevieve Hubert
Signature of Lessee

Date: 4/8/2014

Printed name (and title): Program Manager

Business/organization name: Deschutes River Conservancy Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill Street, Bend, OR 97701

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**

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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/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.

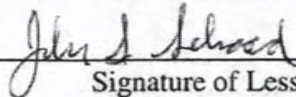
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1895	Main Canal	15 S	11 E	07	ne se	600		38.5	IRR	10	1315
74135	1895	Main	15 S	11 E	07	ne se	600		0.5	Pond	10	1315
74135	1895	Main	15 S	11 E	07	nw se	600		30.5	IRR	10	1315
74135	1895	Main	15 S	11 E	07	sw se	600		40	IRR	10	1315
74135	1895	Main	15 S	11 E	07	se se	600		39	IRR	10	1315

Any additional information about the right: 148 acres IRR to lease for mitigation credit, 0.5 acre pond not for mitigation

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 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: 2/27/2014

Printed name (and title): John Schaad Business name, if applicable: _____

Mailing Address (with state and zip): 1170 McLean Blvd., Eugene, OR 97405

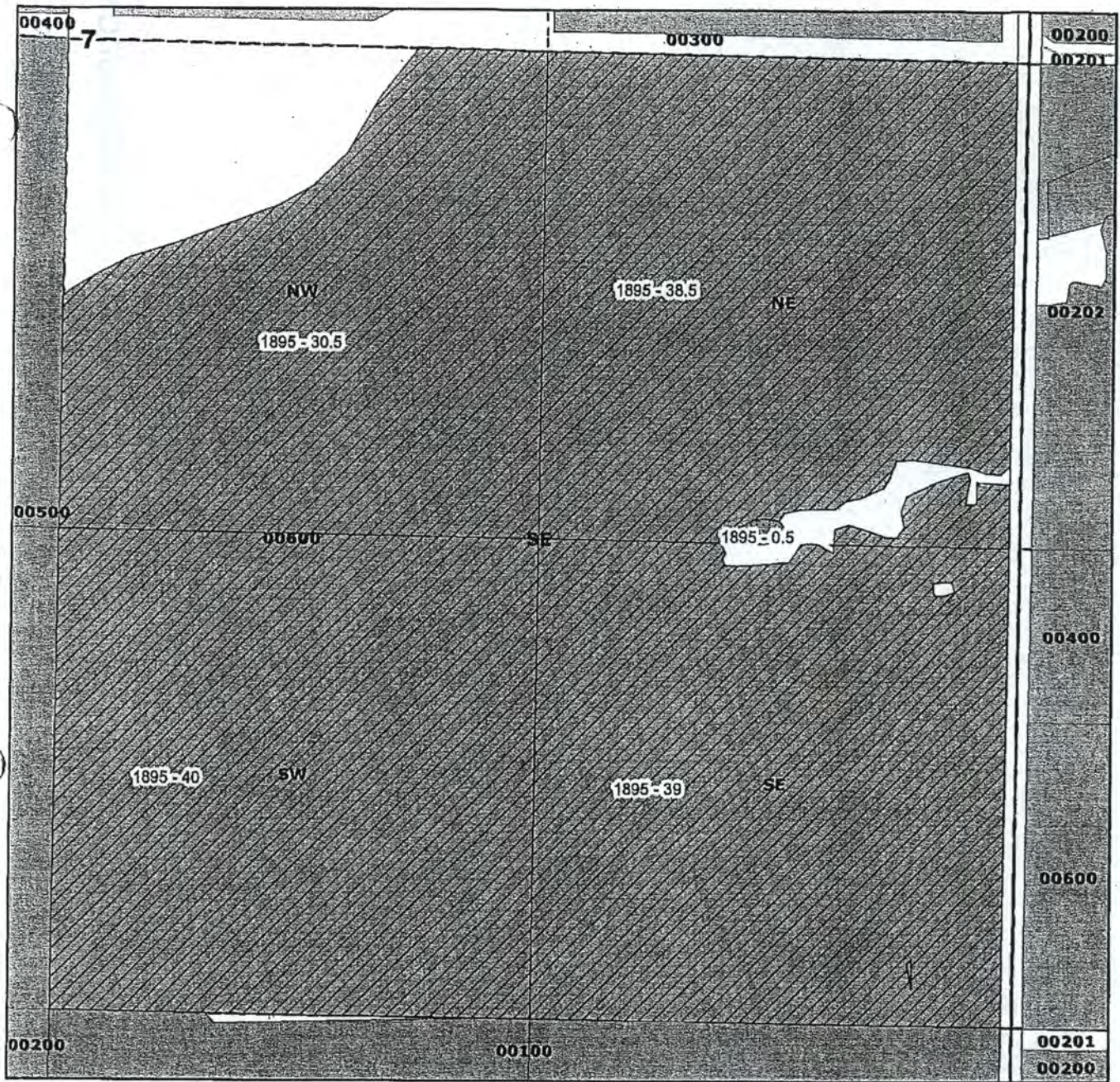
Phone number (include area code): 541-344-5217 **E-mail address: jgschaad@gmail.com

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Legend

-  Leased Instream - Pond Maintenance
-  Leased Instream - Irrigation
- Water Rights**
- Priority Date**
-  1887
-  1895
-  1903
-  1904
-  Quarter Quarters
-  Taxlots

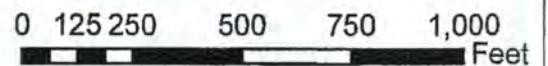
John Schaad
 148 acres instream - 1895
 Certificate 74135

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

**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/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 #
74135	1895	Main Canal	15 S	11 E	04	nw ne	101		25	IRR	9	1314
74135	1895	Main Canal	15 S	11 E	04	sw ne	101		40	IRR	9	1314

Any additional information about the right: 65 acres IRR to lease - for mitigation credit

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.

Karan Swamer
Signature of Lessor

Date: March 1, 2014

Printed name (and title): Karan Swamer Business name, if applicable: _____

Mailing Address (with state and zip): 18130 Highway 126, Sisters, OR 97759

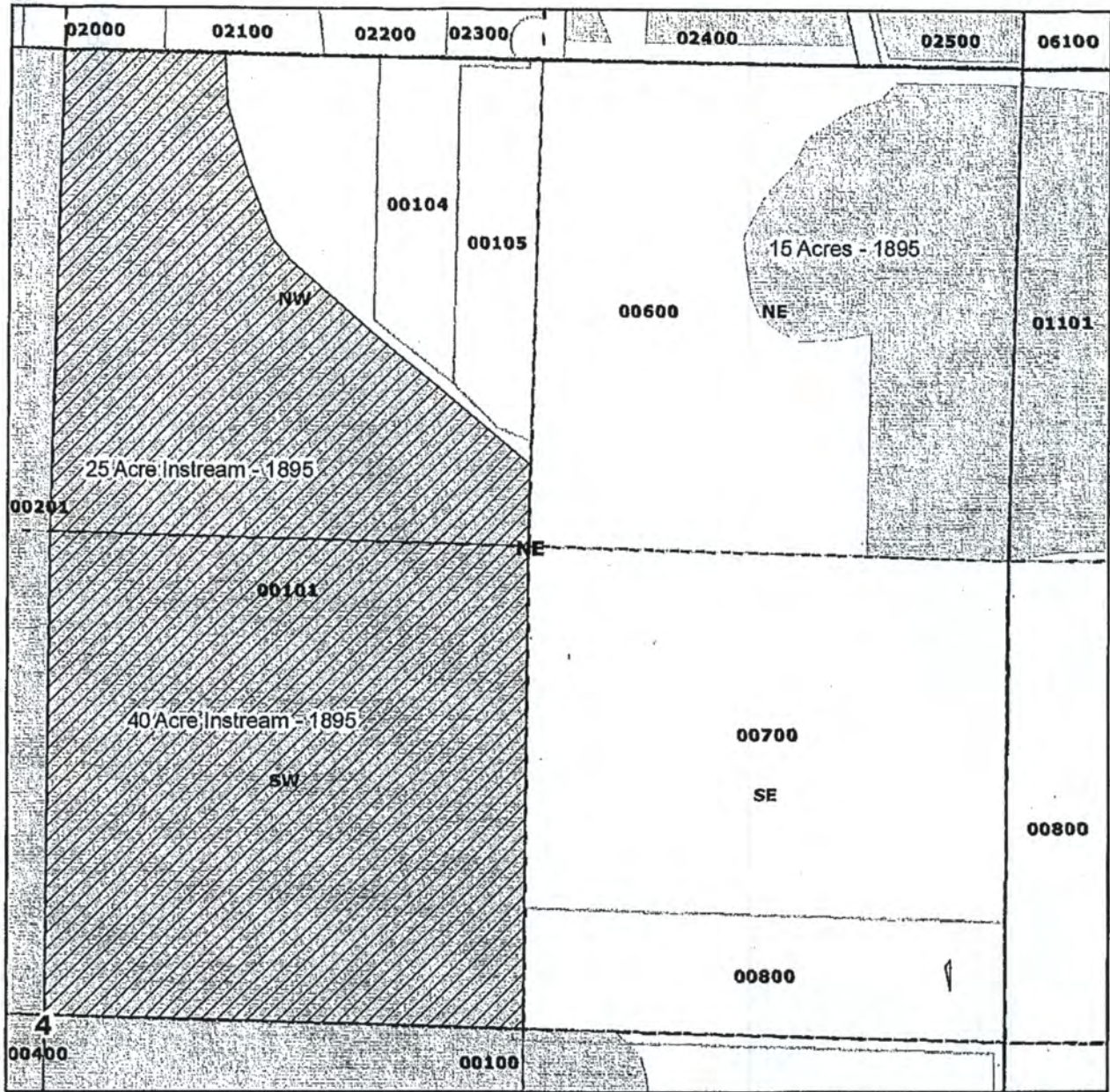
Phone number (include area code): 541-548-8854 **E-mail address: karaneswamer@yahoo.com

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




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Legend

-  Swaner Instream Lease
-  Township Range
-  Quarter Quarters
-  Taxlots
-  1895

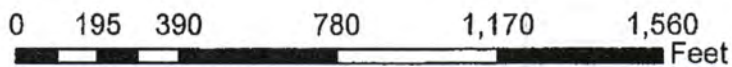
Three Sisters Irrigation District

Karan Swaner
 65 acres instream - 1895
 Certificate 74135
 T15S R11E Sect 04
 Tax Lot 101
 SWNE 40 Acres
 NWNE 25 Acres
 0 remaining (Tax Lot 101)
 Deschutes County

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

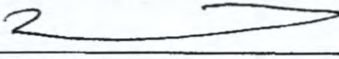
**Complete Table 1 Identify water right(s) proposed to be leased instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

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/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 #
74135	1901	Main Canal	15	S	11	E	18	nw	sw	1800		2.5	IRR	12	1185
Any additional information about the right: 2.5 acres leased for Restoration, NOT mitigation															
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:

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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.

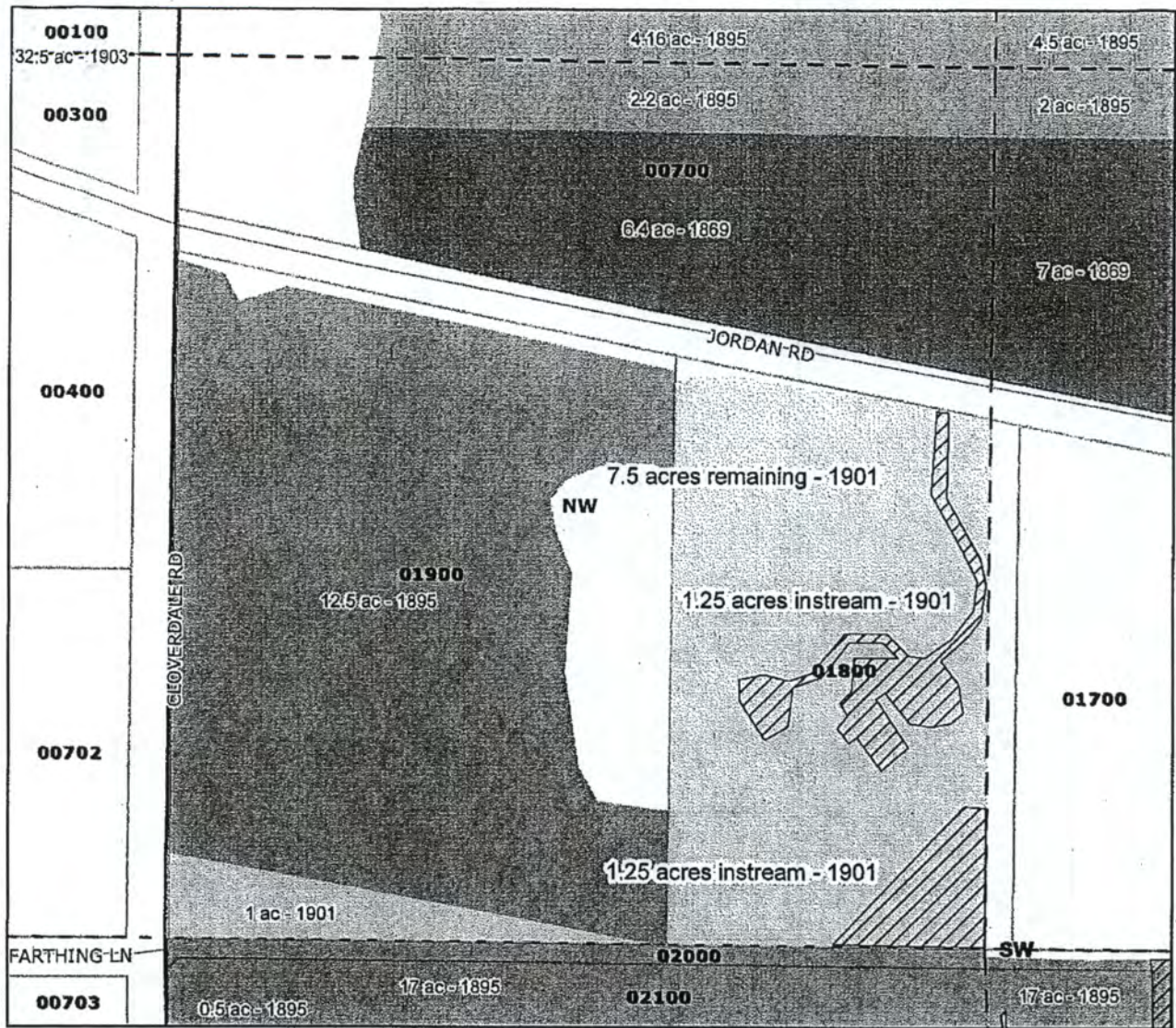

 _____ Date: 4/2/14
 Signature of Lessor

Printed name (and title): Karl Nulton Business name, if applicable: _____
 Mailing Address (with state and zip): 17285 Jordan Rd., Sisters, OR 97759
 Phone number (include area code): 503-819-5200 **E-mail address: _____


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**Three Sisters Irrigation District
Legend**

 Leased Instream


Primary

Priority_Date


 1869

 1895

 1901

 Township Range

 Quarter Quarters

 Taxlots

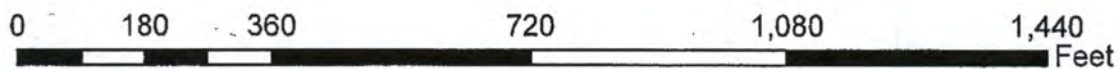
Karl Nulton
2.5 acres instream - 1901
Certificate 74135

T15S R11E S18 Taxlot 1800
NWSW
2.5 acres instream 1901

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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/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 #
74135	1904	Main Canal	15	S	10	E	24	sw	se	501		26	IRR	8	1004
74135	1904	Main	15	S	10	E	24	se	se	501		9	IRR	8	1004
74135	1904	Main	15	S	10	E	24	se	se	501		2	IRR	8	1004

Any additional information about the right: ~~37~~ acres to be leased for restoration only, NOT mitigation

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.

Janet Herring
Signature of Lessor

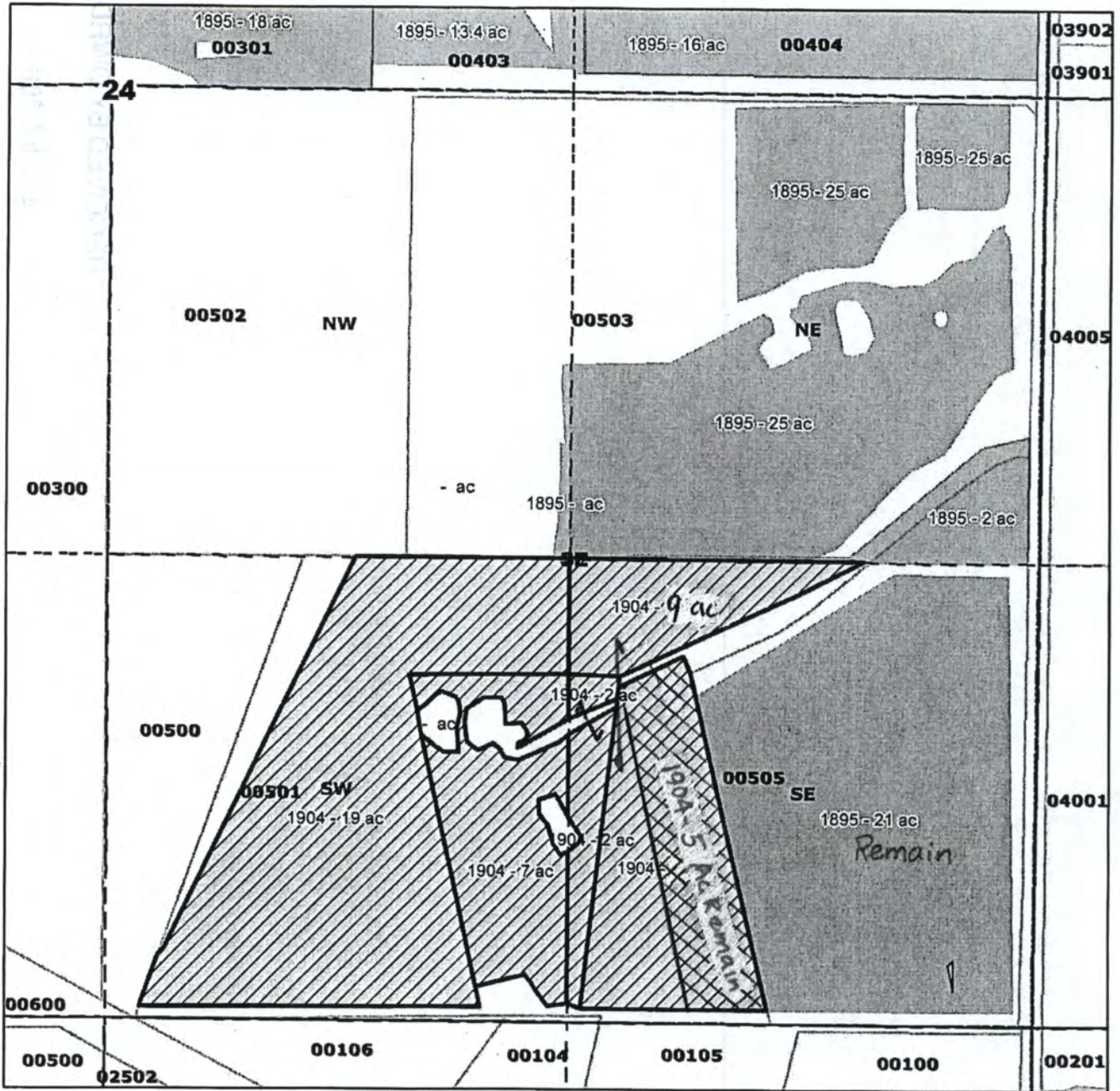
Date: 4-7-14

Printed name (and title): Janet Herring Business name, if applicable: _____
 Mailing Address (with state and zip): 67717 Cloverdale Rd., Sisters, OR 97759
 Phone number (include area code): 541-548-1030 **E-mail address: _____

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




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2014 Instream lease RECEIVED BY OWRD

Legend

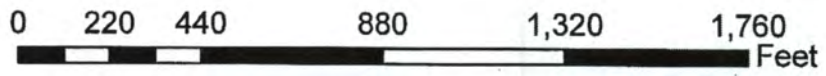
-  Instream
-  Township Range
-  Quarter Quarters
-  Taxlots
- Primary**
- Priority_Date**
-  1895
-  1904

Three Sisters Irrigation District

Janet Herring
 37 acres instream - 1904
 Certificate 74135
 T15S R10E Sect 24
 Tax Lot 501
 SWSE 26 Acres Instream
 SESE 11 Acres Instream, 5 Ac Remain TL 501
 Deschutes County

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SALEM, OR



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/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 #
74135	1895	Main Canal	15	S	11	E	18	sw	sw	2100		9.93	IRR	12	1004
74135	1895	Main	15	S	11	E	18	sw	sw	2000 (2100)		4.42	IRR	12	1004
74135	1895	Main	15	S	11	E	18	se	sw	2100		2.75	IRR	12	1004

Any additional information about the right: 17.1 acres instream for MITIGATION

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.

Don Chelew

Signature of Lessor

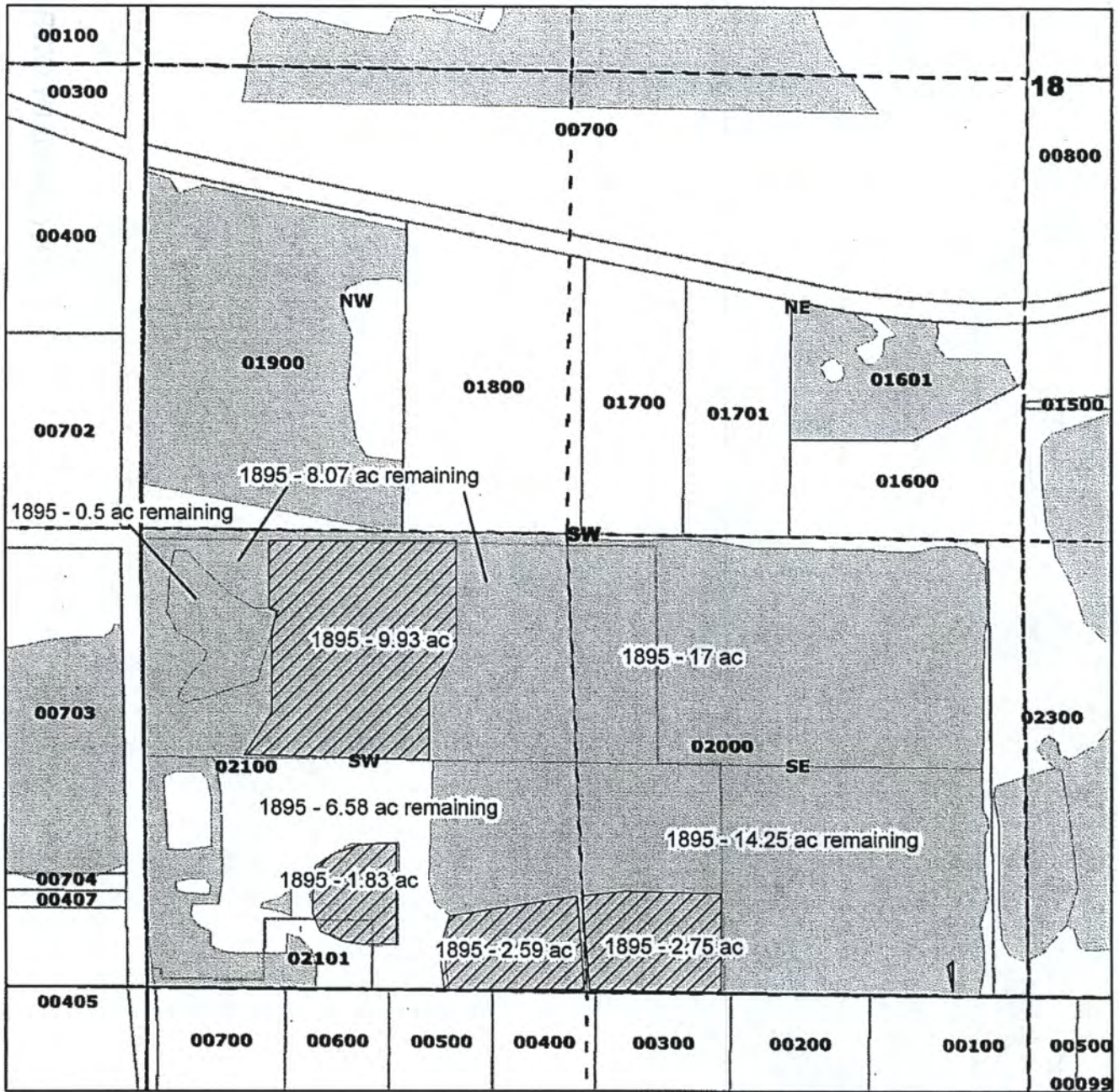
Date: 4/7/2014

Printed name (and title): Don Chelew Business name, if applicable: _____
 Mailing Address (with state and zip): 68020 Cloverdale Rd., Sisters, OR 97759
 Phone number (include area code): 541-923-4554 **E-mail address: _____

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Three Sisters Irrigation District

Don Chelew

17.1 acres instream - 1895

Certificate 74135

T15S R11E Sect 18

Tax Lot 2100

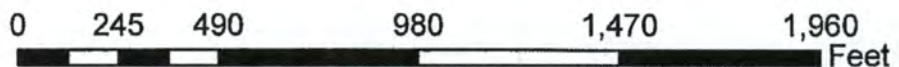
SWSW 14.35 Acres Instream, 15.15 Acres Remaining

SESW 2.75 Acres Instream, 31.25 Acres Remaining

Deschutes County

Legend

- Township Range
- Quarter Quarters
- Taxlots
- 1895
- 1895 Instream



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	IRR	230.1	0.02 cfs/ac max rate, volume not restricted on certificate - MITIGATION	4.602	
1895	Main	Pond	0.5	0.02 cfs/ac max rate, volume not restricted on certificate – not mitigation	0.01	
1901	Main	IRR	2.5	0.02 cfs/ac max rate, volume not restricted on certificate – not mitigation	0.050	
1904	Main	IRR	37	0.02 cfs/ac max rate, volume not restricted on certificate – not mitigation	0.629	
Total af from						

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: Main Canal

Table 3

Instream Use created by the lease	River Basin: <u>Deschutes R</u>	River/Stream Name: <u>Whychus Cr, tributary to Deschutes R</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>Main Canal</u> to <u>Lake Billy Chinook</u>		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
<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 water right, the lease may be processed to be protected at the POD.)</p>						
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	IRR	230.1	April 1 through June 30, 2014	3.963	715.31
1895	Main	IRR	0.5	April 1 through June 30, 2014	0.009	1.53
1901	Main	IRR	2.5	April 1 through June 30, 2014	0.043	7.67
1904	Main	IRR	37	April 1 through June 30, 2014	0.629	113.53
<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>						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list heredyuty limit approx 3 AF/ac Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						

DATE: 08

Any additional information about the proposed instream use: 1895 - 230.1 acres of IRR are to be leased instream for mitigation credit. The 1895 - 0.5 acre Pond and the 1901/1904 IRR are leased for Restoration only and NOT Mitigation.

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TSID season 1	Mitigation Lease			Section 4 Table 3					Section 4 Table 3	previous lease #	
	Priority	Certificate	Cert. Pg	acres*	cfs/ac	rate*	conv fact	*	no. days		duty AF
Herring	1904	74135	8	37	0.017	0.629	1.983471	1.2476033	91.00	113.53	1004
Subtotal				37		0.629				113.53	
Nulton	1901	74135	12	2.5	0.017	0.043	1.983471	0.0842975	91.00	7.67	1185
Subtotal				2.5		0.043				7.67	
Swaner - MP	1895	74135	9	65	0.017	1.105	1.983471	2.1917355	91.00	199.45	1314
Schaad - MP	1895	74135	10	148	0.017	2.516	1.983471	4.990413	91.00	454.13	1315
Schaad	1895	74135	10	0.5	0.017	0.009	1.983471	0.0168595	91.00	1.53	1315
Chelew - MP	1895	74135	12	17.1	0.02	0.342	1.983471	0.6783471	91.00	61.73	1004
Subtotal				0	0.02	0	1.983471	0		0.00	
Subtotal				230.6		3.972				716.84	
Totals				270.1		4.643				838.04	

start	end	days instream	
4/1/2014	6/30/2014	91.00	Season 1
7/1/2014	10/1/2014	93.00	Season 2

Section 4:	Use	Table 2		Table 3	Table 3	
		acres	max rate	max rate	IS rate	IS duty
1895	Irr (MP)	230.1	0.02	4.602	3.963	715.31
1895	Pond	0.5	0.02	0.010	0.009	1.53
1901	Irr	2.5	0.02	0.050	0.043	7.67
1904	Irr	37	0.02	0.740	0.629	113.53
Total		270.1	0.02	5.402	4.643	838.04

TSID certificate: 74135, duty limited by district rotation - term of lease

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