



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

mf-226

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 #	<i>IL-1635</i>
	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 type="checkbox"/> \$450.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" 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 Cons.</u> (Account name)	

- Part 1 – Completed Minimum Requirements Checklist
- Part 2 – Completed District and Other Party Signature Page
- Part 3 – Completed Place of Use and Lessor Signature Page
(Include a separate Part 3 for each Lessor.)
- Part 4 – Completed Water Right and Instream Use Information
(Include a separate Part 4 for each Water Right.)

** Mitigation Project (partial... 1895 Ac Only)*

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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HENDERSON Sarah A * WRD

From: Kelsey Wymore <Kelsey@deschutesriver.org>
Sent: Thursday, June 29, 2017 12:39 PM
To: WRD_DL_instreamlease
Cc: Gen Hubert; Jeremy.T.Giffin@state.or.us; Linda Thompson
Subject: TSID pooled lease 2
Attachments: TSID Pooled 2_DRC.pdf

Good Afternoon,

Attached is one pooled TSID 1-year lease. Please deduct \$300 for state lease fees from the DRC's state fees account. Please be aware that there is \$300 on its way to the state fees account which is currently at a balance of \$150.

Please send a confirmation email that this message and attachment was received successfully. Thank you!

Kelsey Wymore | Program Associate
Deschutes River Conservancy
700 NW Hill Street
Bend, OR 97703
541-382-4077 x15

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Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>July</u> year <u>2017</u> and end: month <u>Oct.</u> year <u>2017</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 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.



Date: 6/1/2017

Signature of Co-Lessor

Printed name (and title): Marc Thalacker, District Manager

Business/Organization name: Three Sisters Irrigation District

Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759

Phone number (include area code): 541-549-8815 **E-mail address: manager@tsidweb.org

Signature of Co-Lessor

Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

See next page for additional signatures.

Gen Hubert
Signature of Lessee

Date: 6/27/17

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

Business/organization name: Deschutes River Conservancy Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill St, Ste. #1, Bend, OR 97703

Phone number (include area code): 541-372-4077 **E-mail address: gen@deschutesriver.org

**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR**

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

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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	13 S	12 E	31	nw ne	2000		6	IRR	2	1552
74135	1895	Main	13 S	12 E	31	ne ne	2000		9	IRR	2	1552
74135	1895	Main	13 S	12 E	31	sw ne	2000		5.5	IRR	2	1552
74135	1895	Main	13 S	12 E	31	se ne	2000		1.25	IRR	2	1552

Any additional information about the right: 21.75 acres irrigation - lease for mitigation credit. 14.75 acres remain in NE quarter

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:

- 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
- 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
- I/We affirm that the information in this application is true and accurate.

Don Kidson Date: 3-17-17
Signature of Lessor

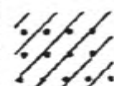
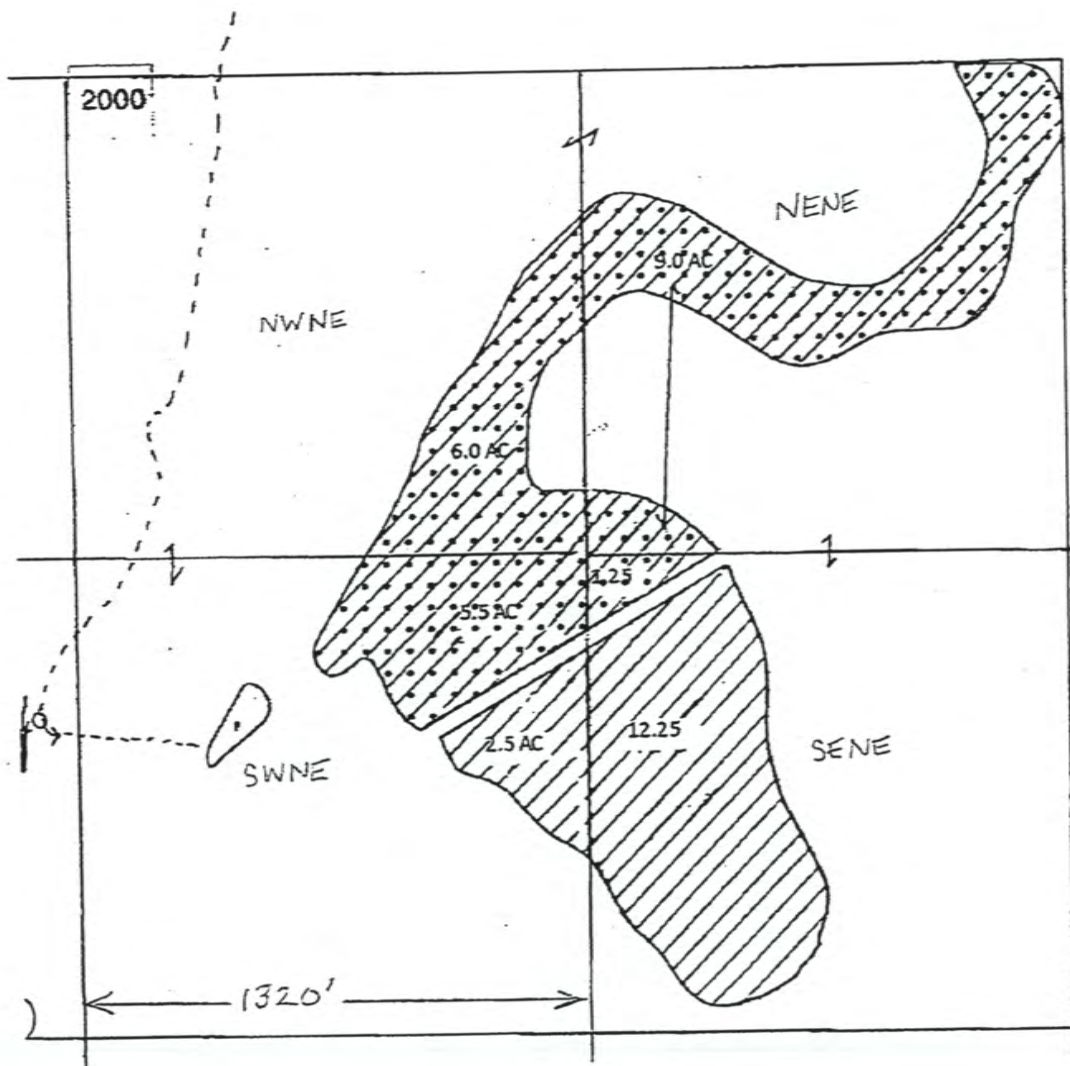
Printed name (and title): Don Kidson Business name, if applicable: _____
Mailing Address (with state and zip): 1457 12th Street, Santa Monica, CA 90401
Phone number (include area code): 310-395-6337 **E-mail address: _____

Don Kidson
T 13S R 12E Sec 31 Lot 2000

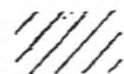
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Instream



Acres Remaining

Tax lot 2000 NE Sme.
21.75 Acres Instream
14.75 Acres Remain



1895
C-74135
Pg 2

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

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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.

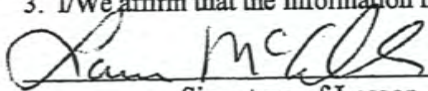
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1899	Main	14 S	11 E	30	se sw	900		17.8	IR	4	
74135	1899	Main	14 S	11 E	30	sw se	900		8.6	IR	4	

Any additional information about the right: 26.4 acres irrigation - lease

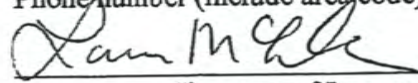
Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

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- I/We affirm that the information in this application is true and accurate.

 Date: 6-14-17
Signature of Lessor

Printed name (and title): Laurie McCallum Business name, if applicable: Laura Ann McCallum Trust
Mailing Address (with state and zip): 69401 Goodrich Rd., Sisters, OR 97759 541-509-3119
Phone number (include area code): _____ **E-mail address: lauriemccallum@hotmail.com

 Date: _____
Signature of Lessor

Printed name (and title): _____ Business name, if applicable: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

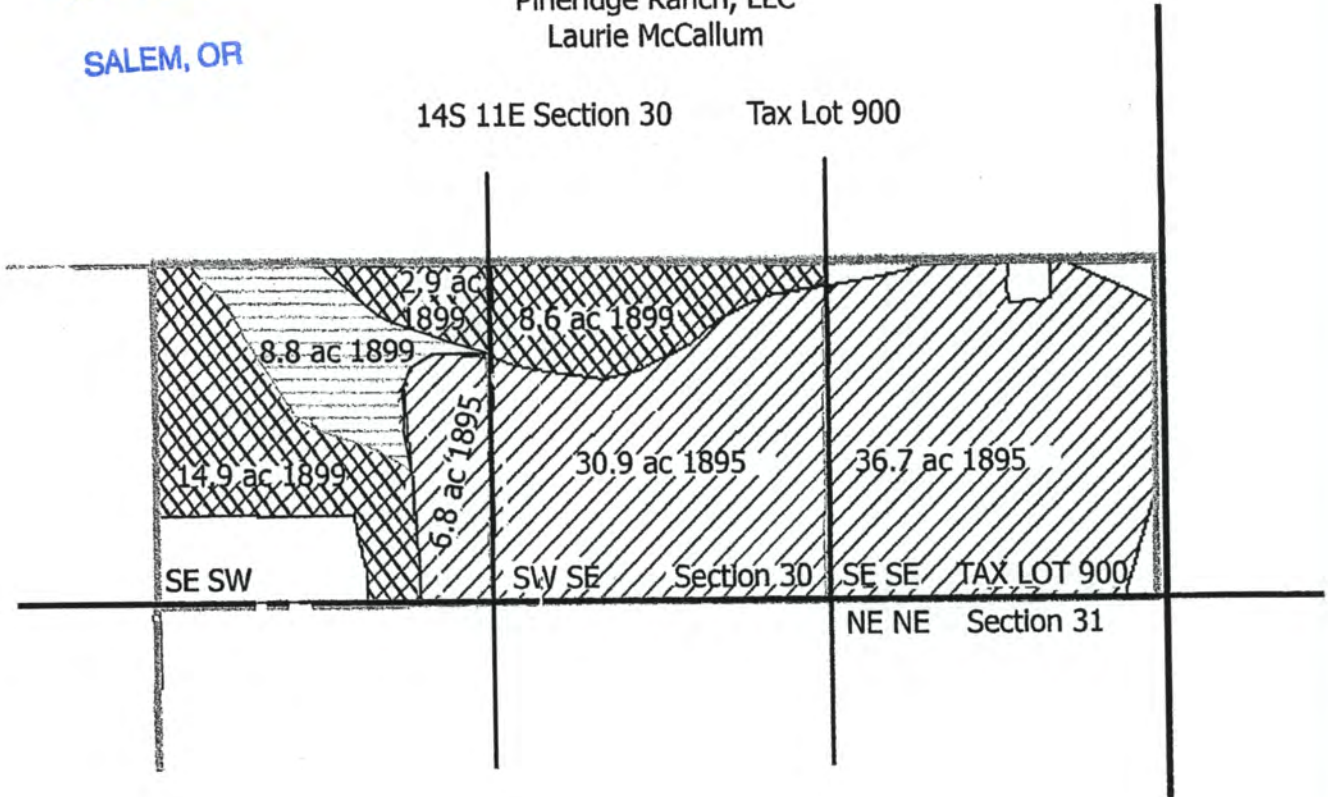
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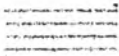
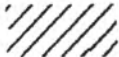
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Pineridge Ranch, LLC
Laurie McCallum

14S 11E Section 30 Tax Lot 900



-  26.4 ac 1899 Instream
-  8.8 ac 1899 Remaining
-  74.4 ac 1895 Remaining



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

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Provide a separate Part 3 for each Lessor (water right interest holder/landowner)

Table 1

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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.

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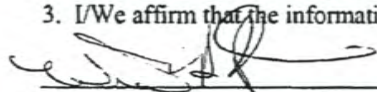
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
74135	1899	Main	14 s	11 e	33	se sw	1300		3.5	IRR	4	977

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:

- 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
- 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
- I/We affirm that the information in this application is true and accurate.



Date: 6.16.17

Signature of Lessor

Printed name (and title): William Brandon Business name, if applicable: _____
 Mailing Address (with state and zip): 2219 Day Island Blvd W., University Place, WA 98466
 Phone number (include area code): 503-260-7931 **E-mail address: pambbbb@mac.com



Date: 6.16.17

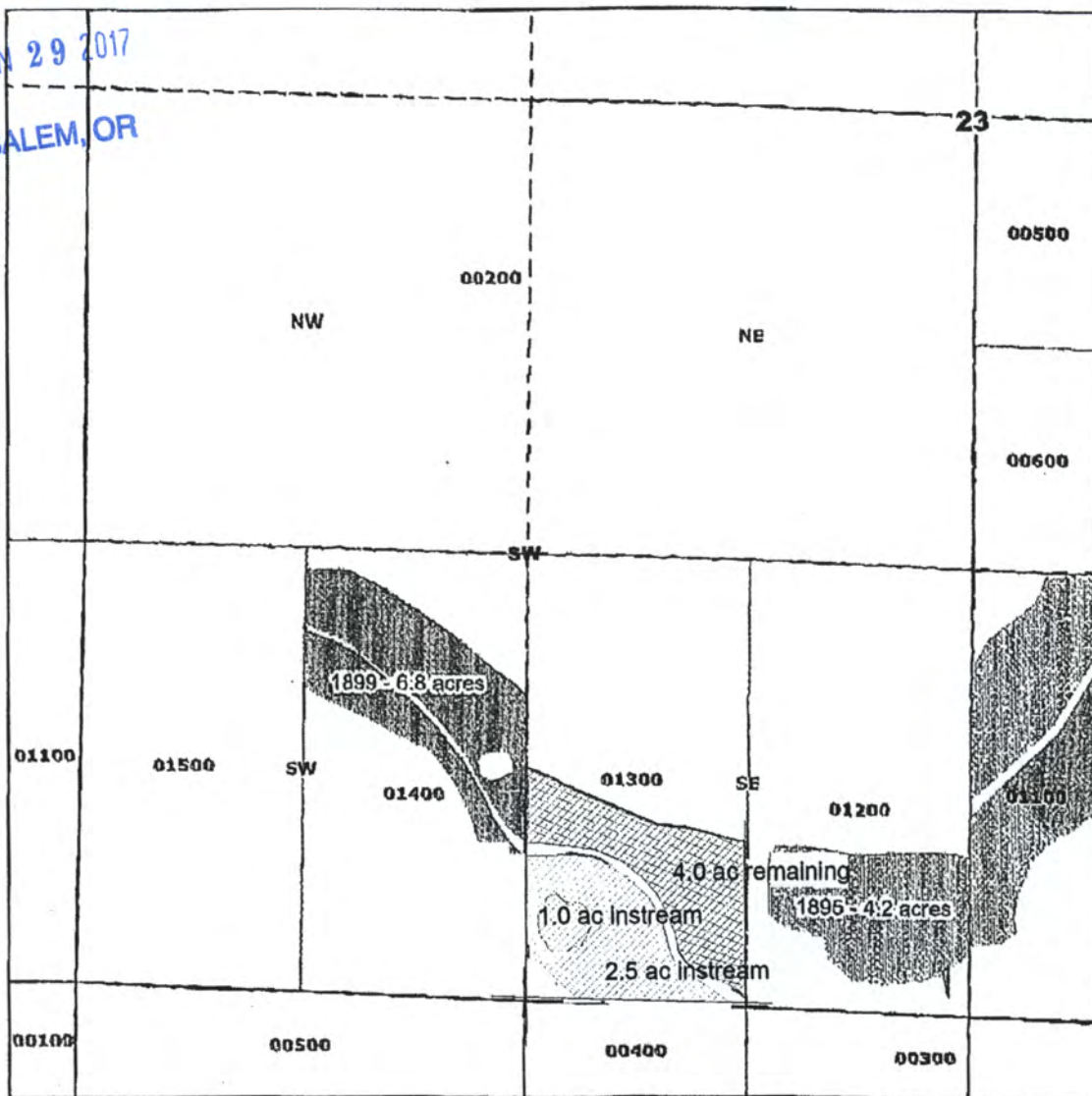
Signature of Lessor

Printed name (and title): Pamela Brandon Business name, if applicable: _____
 Mailing Address (with state and zip): same as above
 Phone number (include area code): same **E-mail address: same

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


Legend

-  Brandon Instream Lease
-  Township Range
-  Quarter Quarters
-  Taxlots

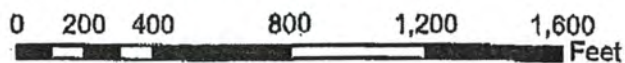
Primary

Priority_Date

-  1895
-  1899
-  1899 1.0 ac Remaining

Three Sisters Irrigation District

Pamela and William Brandon
6.5 acres in-stream -1899
Cert. 74135
T14S R11E Sect 23
Tax 1 of 1300
SESW 3.5 Ac Instream
SESW 4.0 Ac remaining
Deschutes County



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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1895	main	IR	21.75	Maximum 0.02 cfs/acre, some ac modified by CW, no duty limit/season	0.435	
1899	main	IR	29.9	Maximum 0.02 cfs/acre, some ac modified by CW, no duty limit/season	0.598	

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: <u>Deschutes</u>	River/Stream Name: <u>Whychus, tributary to Deschutes</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>TSID Main</u> to <u>Lake Billy Chinook</u>	Or Proposed Instream Point: <input type="checkbox"/> 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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1895	main	IR	21.75	Mitigation - July 4 through October 8, protect at 0.016 cfs/ac	0.348	65.57
1899	main	IR	29.9	Restoration - July 4 through October 8, protect at 0.016 cfs/ac	0.478	90.14

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 Protected at 0.016 cfs per acre to reflect conserved water projects. Protect up to 3 AF/Ac - a similar amount as delivered on farm in rotation. 1899 priority acres are restoration only (29.9 acres), the 1895 IR acres are for mitigation credit (21.75 acres).

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Lessor List		LEASE 2	
		IR	Pond
		0	0
Don Kidson	1895	21.75	
Laurie McCallum	1899	26.4	
William Brandon	1899	3.5	
Subtotal	1895	21.8	0
Subtotal	1899	29.9	0
Subtotal	1904	0.0	0
Total		51.65	0

SEASON 1	7/5/2017	10/8/2017	days 95.00	Max .02/ac	Max AF	Instream cfs/ac	Instream 0.016/ac	(af/day)		Instream days	AF	AF/Ac
								Conv	*			
	Priority	IR	Pond									
	1895	21.75		0.435	N/A	0.016	0.348	1.983471	0.690248	95.00	65.57	3.0
	1899	29.9		0.598	N/A	0.016	0.478	1.983471	0.948893	95.00	90.14	3.0
Totals		51.65	0	1.033			0.8264				155.72	

*Leasing at 0.016 cfs per acre. After conserved water projects, some acres are still at 0.02 cfs per acre and some are now at 0.016 per acre.