

OCT 17 2019



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

OWRD

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 # 11-1773
Fee-

Pursuant to ORS 537.348(2) and OAR 690-077

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

Part 1 - Completed Minimum Requirements Checklist and Application Fee

Fees
\$520.00 for a lease involving four or more landowners or four or more water rights
\$350.00 for all other leases
Check enclosed or
Fee Charged to customer account (account name)

Part 2 - Completed Instream Lease Application Map Checklist.

Part 3 - Completed Water Right and Instream Use Information
Include a separate Part 3 for each water right

Part 4 - Completed Instream Lease Provisions and Signatures

How many water rights are leased? 1 List them here: 82026
Include a separate Part 3 for each water right.

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:

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:

Map: Instream Lease map requirements (see Part 2 of this application)

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.

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).

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.

Part 2 of 4 – Instream Lease Application Map Checklist

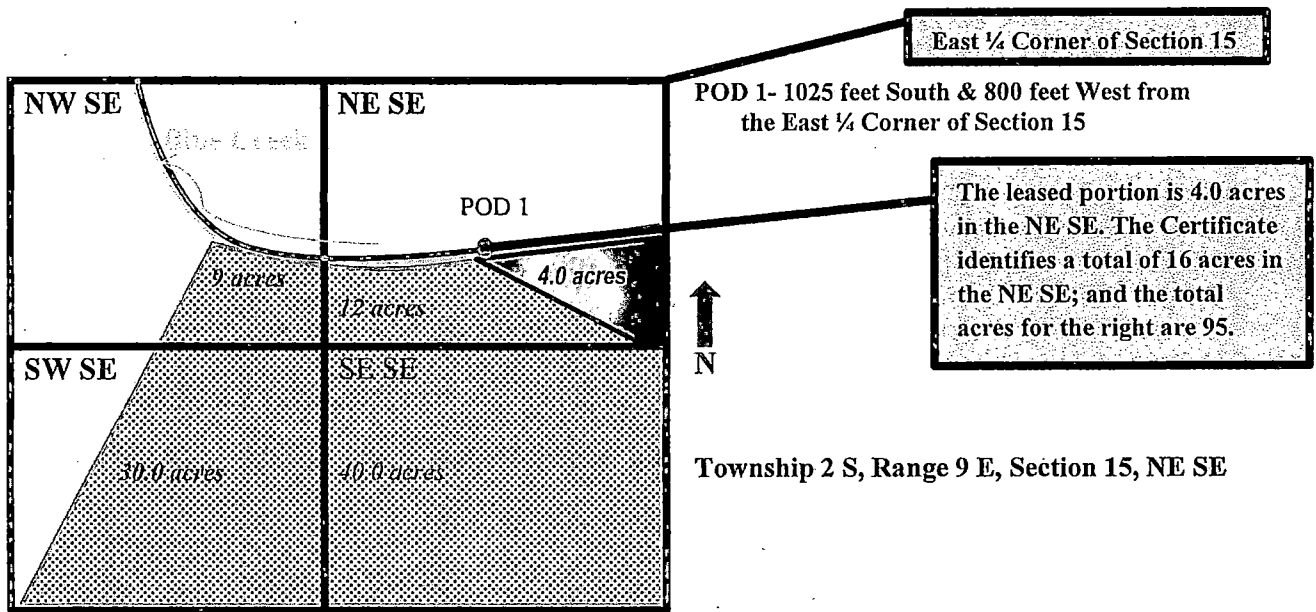
A Map is generally required for each water right not leased in its entirety

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)



Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 82026

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	IE-1100
5/21/1946	1	27-S	5-W	15	NW-NW	1202	47	---	GMU	Part of IL-1127
5/21/1946	1	27-S	5-W	15	SW-NW	1500	47	---	GMU	Part of IL-1127
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: ---

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)
5/21/1946	1	GMU	----			

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

Any additional information about the right: tax lots 1202 and 1500 only

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")
1	27-S	5-W	15	NW-SW	41	1300 feet south and 600 feet west from the ne corner of dlc 41 as projected within s. harkness dlc 41

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.

Part 3 of 4 cont. – Water Right and Instream Use Information

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Deer Creek</u> , tributary to <u>South Umpqua River</u>				River Basin: <u>Umpqua Basin</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)
5/21/1946	1	GMU	----	Jan 1 - Dec 31		
<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 checked="" 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 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 _____</p>				<p>Or Proposed Instream Point:</p> <p><input checked="" 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 checked="" 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>January</u> year <u>2020</u> and end: month <u>December</u> year <u>2024</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): <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</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one): <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. <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)</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. If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box): <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 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 L. Marvin, Trustee
 Signature of Lessor

Date: 10/14/2019

RECEIVED
OCT 17 2019
OWRD

Printed name (and title): Janice L. Marvin, Trustee Business name, if applicable: Janice L. Marvin Trustee of the Janice L. Marvin Revocable Living Trust

Mailing Address (with state and zip): 7617 SW Green Valley Terrace, Portland, Oregon 97225

Phone number (include area code): 541-621-6461 **E-mail address: janicelynnmarvin@gmail.com

See next page for additional signatures.

RECEIVED

OCT 17 2019

OWRD

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: _____

Signature of Lessee

Date: _____

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.**

**Oregon Water Resources Department
Water Rights Mapping Tool**

Home **OWRD Only** Help 725 Summer St NE, Salem, OR 97301
Return Contact Us

Search

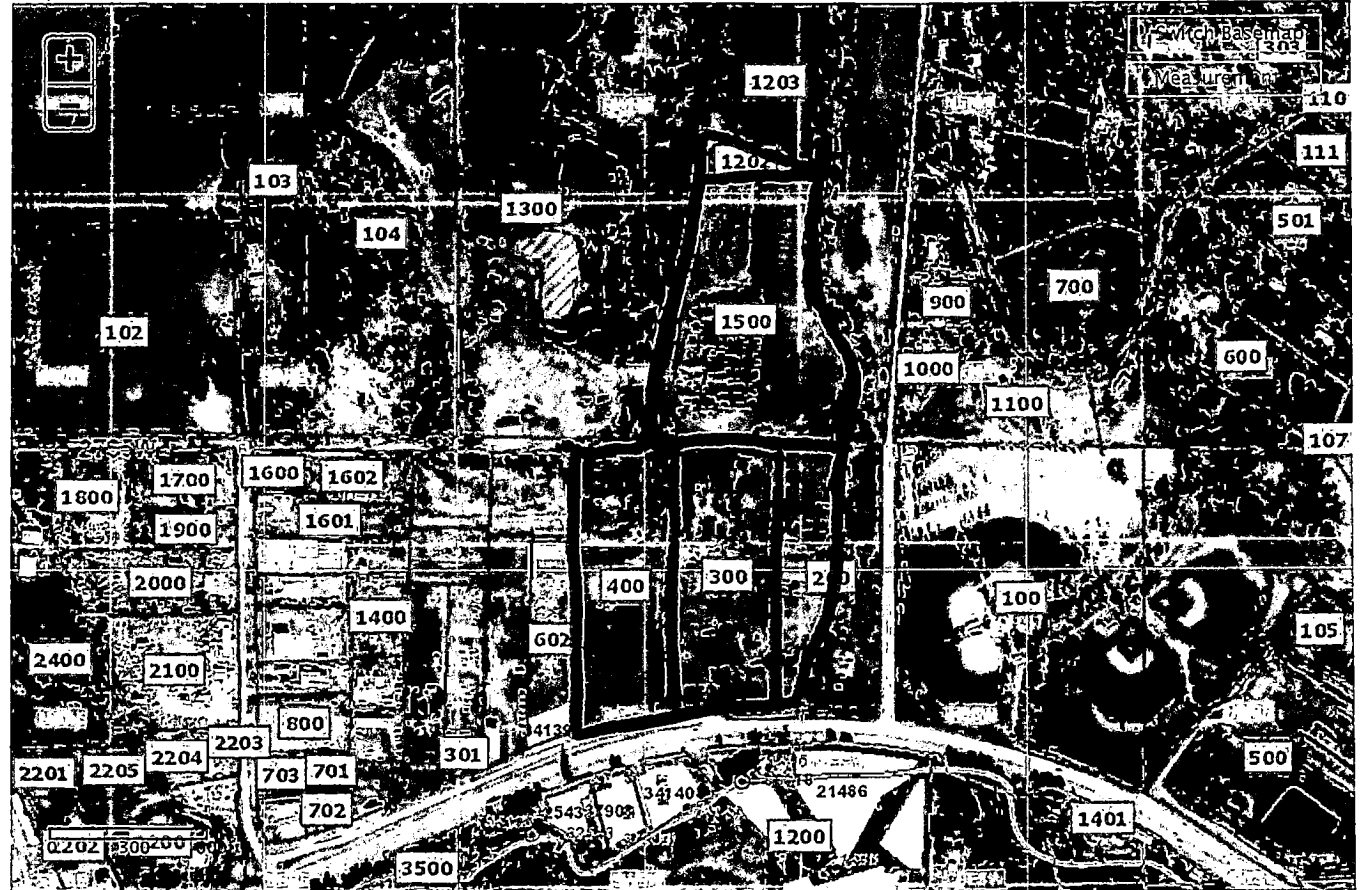
Identify Non-Water Right Features

Tax Lots

Layers

- Water Rights by Use
- Water Rights by Type
- Water Rights by Type-Use
- Water Rights by Prim./Suppl
- Irrigation Districts AOI
- Other Irrigation Districts
- Administrative Boundaries
- Rules
- Surface Water
- Hydrography/River Miles
- Transportation
- Stream Gages
- ◆ Dams
- Exempt Use Wells (partial)
- PODs by Source Type
- Taxlots
- Tax Lots - White

Tools



POD	POU	Irrigation Districts AOI	WR By Time										
<input type="text" value="All Fields"/> Search...													
#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate
1	108736	(Details)	Map WR	Cert:82026 CF * IM	SW	RICK	SCHILLER	SCHILLER ENTERPR...	INDUSTRIAL/MANUFACTURING...	05/21/1946	-		

Search took 0 sec 1-1 of 1

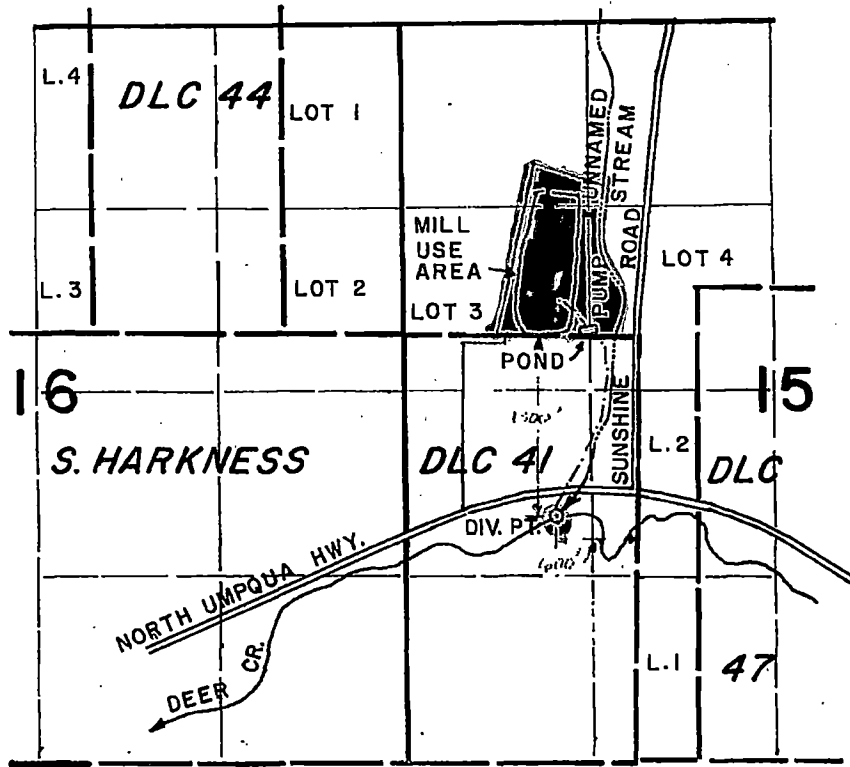
RECEIVED
OCT 17 2019

T.27S., R. 5 W., W. M.

RECEIVED

OCT 17 2019

OWRD



= Leased TX 1202 + 1500

1200 ft S of
600 ft W from
the N.E. corner
DLC 41

SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 5036

IN NAME OF

DALE BOLES

Surveyed OCT. 26. 1987, by J.M. SCHMORDE.

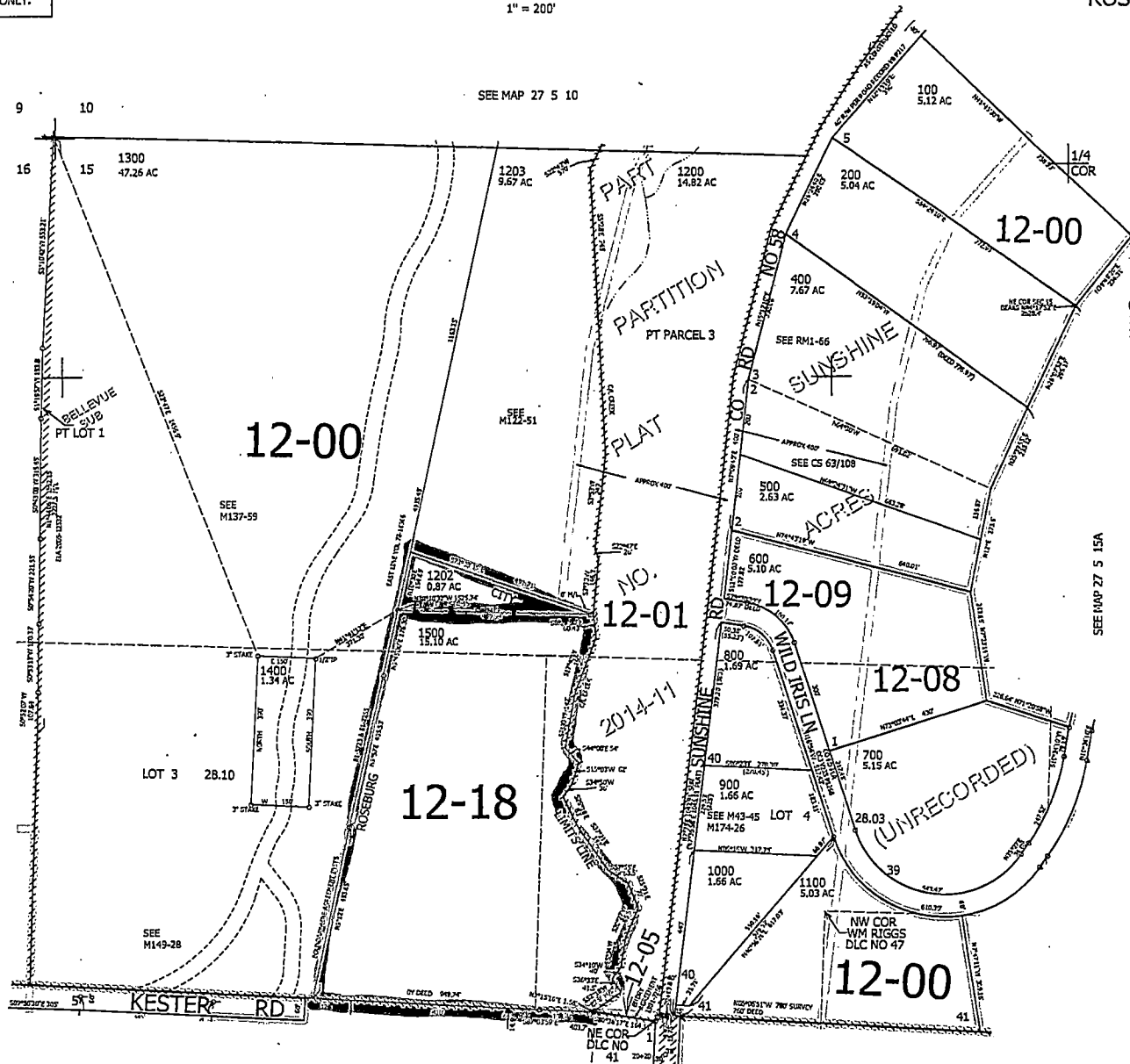
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

NW1/4 SEC.15 T.27S. R.5W. W.M. DOUGLAS COUNTY
1" = 200'

REVISED ON 10-9-18

27 5 15B ROSEBURG

RECEIVED
OCT 17 2019
OWRD



SEE MAP 27 5 10

SEE MAP 27 5 16

SEE MAP 27 5 15A

SEE MAP 27 5 15C

1/4 COR

4,181,000

CEN SEC

579,000

27 5 15B ROSEBURG

Property Details for Property ID: R65974

Owner Information :

Owner Name: MARVIN, JANICE TRS &
 Owner Address #1: JANICE L MARVIN REV LIV TRUST
 Owner Address #2: 7617 SW GREEN VALLEY TERRACE
 Owner Address # 3: Alternate Account #: 8570.01
 Owner City/State/Zip: PORTLAND, OR 97225 Account Status: A

Property Information :

Township: 27	Situs Address: 0 SUNSHINE RD ROSEBURG, OR 97470
Range: 05W	Map ID: 270515B01500
Section: 15	County Property Class: 300
Quarter: B	Legal Acreage: 15.10
Sixteenth:	Code Area: 01218
Maintenance Area: C4	Neighborhood Code: 14
Year Built:	Living Area:
Bedrooms:	Baths:
Exemption Code:	Exemption Desc.:
MFD Home ID:	

Value Information : 2018-2019 Certified Values and Tax Information

Improvement Appr. Value: \$0.00	Total Appr. Value: \$226,500.00
Land Appr. Value: \$226,500.00	Exemption Value: \$0.00
Land Market Value: \$226,500.00	Total Assessed Value: \$226,500.00
Total Real Market Value: \$226,500.00	Taxes Imposed: \$3,583.85

Sales Information :

Deed No: 2011-3516
 Sale Price: \$0.00 Sale Date: 1/4/2011

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

RECEIVED

OCT 17 2019

OWRD

Property Details for Property ID: R66002

Owner Information :

Owner Name: MARVIN, JANICE TRS &
 Owner Address #1: JANICE L MARVIN REV LIV TRUST
 Owner Address #2: 7617 SW GREEN VALLEY TERRACE
 Owner Address # 3: Alternate Account #: 8570.22
 Owner City/State/Zip: PORTLAND, OR 97225 Account Status: A

Property Information :

Township: 27	Situs Address: 0 SUNSHINE RD ROSEBURG, OR 97470
Range: 05W	Map ID: 270515B01202
Section: 15	County Property Class: 300
Quarter: B	Legal Acreage: 0.87
Sixteenth:	Code Area: 01218
Maintenance Area: C4	Neighborhood Code: I4
Year Built:	Living Area:
Bedrooms:	Baths:
Exemption Code:	Exemption Desc.:
MFD Home ID:	

Value Information : 2018-2019 Certified Values and Tax Information

Improvement Appr. Value: \$0.00	Total Appr. Value: \$13,050.00
Land Appr. Value: \$13,050.00	Exemption Value: \$0.00
Land Market Value: \$13,050.00	Total Assessed Value: \$13,050.00
Total Real Market Value: \$13,050.00	Taxes Imposed: \$224.15

Sales Information :

Deed No: 2011-3516
 Sale Price: \$0.00 Sale Date: 1/4/2011

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.