



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-1789
	District #	2020

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 <u>or</u>	
<input type="checkbox"/> Fee Charged to customer account _____ (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? 2 (# of rights)**
List each water right to be leased instream here: 79212 and 83727

RECEIVED

MAR 02 2020

OWRD

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.

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: <u>month April year 2020</u> and end: <u>month September year 2020</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 type="checkbox"/> Recreation <input 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.



 Signature of Co-Lessor

Date: 2-26-2020

RECEIVED

MAR 02 2020

Printed name (and title): Jim Pendleton, Secretary/Manager

Business/Organization name: Talent Irrigation District

Mailing Address (with state and zip): PO Box 467 Talent OR 97540

Phone number (include area code): 541-535-1529 **E-mail address: tid@talentid.org

OWRD

 Signature of Co-Lessor

Date: _____

Printed name (and title): E. Gail McGarry, Manager, Reclamation Law Administration

Business/Organization name: U.S. Bureau of Reclamation

Mailing Address (with state and zip): 1150 N. Curtis Rd., Boise ID 83706-1234

Phone number (include area code): 208-378-5306 **E-mail address: EMcgarry@usbr.gov

Signature
 on file with
 District

See next page for additional signatures.

Brad Taylor
Brad Taylor (Feb 10, 2020)

Date: Feb 10, 2020

Signature of Lessee

Printed name (and title): Brad Taylor, General Manager

Business/organization name: Medford Water Commission

Mailing Address (with state and zip): 200 S Ivy Street Room 177, Medford, OR 97501

Phone number (include area code): 541-774-2451 **E-mail address: brad.taylor@medfordwater.org

Brad Taylor
Brad Taylor (Feb 10, 2020)

Date: Feb 10, 2020

Signature of Lessee

Printed name (and title): Brad Taylor, General Manager

Business/organization name: Medford Water Commission (City of Medford)

Mailing Address (with state and zip): 200 S Ivy Street Room 177, Medford, OR 97501

Phone number (include area code): 541-774-2451 **E-mail address: brad.taylor@medfordwater.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**

RECEIVED

MAR 02 2020

OWRD

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: City of Medford																
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 #
83727	9/16/1915		38	S	2	W	01CA	NE	SW	100			1.75	IR	5	IL-1735
79212	5/23/1912		38	S	2	W	01CD	SE	SW	100			1.25	IR	4	IL-1735
83727	9/16/1915		38	S	2	W	01CD	SE	SW	100			1.25	IS	5	IL-1735
83727	9/16/1915		38	S	2	W	01CA	NE	SW	2600			1.30	IR	5	IL-1735
Any additional information about the right: N/A																
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.
- Brad Taylor
Brad Taylor (Feb 10, 2020) Date: Feb 10, 2020

Signature of Lessor

Printed name (and title): Brad Taylor, General Manager

Business name, if applicable: Medford Water Commission

Mailing Address (with state and zip): 200 S Ivy St., Medford OR 97501

Phone number (include area code): 541-774-2451 **E-mail address: brad.taylor@medfordwater.org

RECEIVED

MAR 02 2020

OWRD

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: Medford Water Commission

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 #
79212	5/23/1912		38 S	2 W	01CD	SE SW	1400		2.80	IR	4	IL-1735
83727	9/16/1915		38 S	2 W	01CD	SE SW	1400		2.80	IS	5	IL-1735

Any additional information about the right: N/A

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:

5. 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
6. 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
7. I/We affirm that the information in this application is true and accurate.

Brad Taylor
Brad Taylor (Feb 10, 2020)

Date: Feb 10, 2020

Signature of Lessor

Printed name (and title): Brad Taylor, General Manager

Business name, if applicable: Medford Water Commission

Mailing Address (with state and zip): 200 S Ivy St., Medford OR 97501

Phone number (include area code): 541-774-2451 **E-mail address: brad.taylor@medfordwater.org

RECEIVED

MAR 02 2020

OWRD

RECEIVED

MAR 02 2020

Part 4 of 4 – Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream

CWRD

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 # 79212

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)
5/23/1912	16511	IR	4.05	The instream right protected under this lease shall be satisfied based on the same percentage diversion and delivery rate that TID is providing to irrigation rights within the District. The instream rate proposed is estimated based upon a 1/100 th cfs per acre rate. In case of shortage of supply where the general allotment on the District has been reduced, the District may deliver less than 2.65 acre feet per acre in accordance with District policy governing temporary instream leases. In the event the District stops delivery of irrigation water prior to September 30 th , the delivery for instream use shall also stop.	.041	10.73

Total af from storage, if applicable: 10.73 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>Rogue</u>	River/Stream Name: <u>Emigrant Creek, tributary to Bear Creek</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>16511</u> to <u>next downstream senior water right</u>	Or Proposed Instream Point: <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.)						
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)
5/23/1912	16511	IR	4.05	April 2020 through September 2020	.041	10.73
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 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 _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>none</u>						

RECEIVED

Part 4 of 4 – Water Right and Instream Use Information

MAR 02 2020

Use a separate Part 4 for each water right to be leased instream.

Table 2 **OWRD**

Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) **Water Right # 83727**

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)
9/16/1915		IS	7.10	The instream right protected under this lease shall be satisfied based on the same percentage diversion and delivery rate that TID is providing to irrigation rights within the District. The instream rate proposed is estimated based upon a 1/100 th cfs per acre rate. In case of shortage of supply where the general allotment on the District has been reduced, the District may deliver less than 2.65 acre feet per acre in accordance with District policy governing temporary instream leases. In the event the District stops delivery of irrigation water prior to September 30 th , the delivery for instream use shall also stop.	.071	18.82

Total af from storage, if applicable: 18.82 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>Rogue</u>	River/Stream Name: <u>Emigrant Creek</u> , tributary to <u>Bear Creek</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>16511</u> to <u>next downstream senior water right</u>	Or Proposed Instream Point: <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.)						
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)
9/16/1915	16511	IR	7.10	April 2020 through September 2020	.071	18.82
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 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 _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>none</u>						