



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)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	IL-1793/MP-256
	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 checked="" type="checkbox"/> \$520.00 for a lease involving <b>four or more landowners or four or more water rights</b>	Or <input type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed <u>or</u>	
<input checked="" type="checkbox"/> Fee Charged to customer account <b>Deschutes River Cons</b> (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: 74145**

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.

\* Mitigation Project \*

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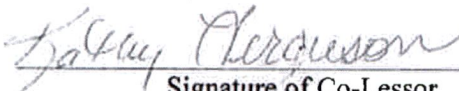
Salem, OR

**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 2020</u> and end: <u>month Nov year 2020</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 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) 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: 3-13-20  
 Printed name (and title): Kathy Ferguson Office Manager  
 Business/Organization name: Swalley Irrigation District  
 Mailing Address (with state and zip): 64672 Cook Ave. Ste 1, Bend, OR 97703  
 Phone number (include area code): 541-388-0658 \*\*E-mail address: kathy@swalley.com

\_\_\_\_\_ Date: \_\_\_\_\_  
 Signature of Co-Lessor  
 Printed name (and title): \_\_\_\_\_  
 Business/organization name: \_\_\_\_\_  
 Mailing Address (with state and zip): \_\_\_\_\_  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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See next page for additional signatures.

  
Signature of Lessee

Date: 3/16/2020

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

Business/organization name: Deschutes River Conservancy Mitigation Bank

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

Phone number (include area code): 541-382-4077 \*\*E-mail address: gen@deschutes.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 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 # 74145**

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)
9/1/1899	3	IR	48.62	April 1 - Oct 31, max duty 5.45 AF/Ac, 3 seasons of use	.373/.499/.943	322.43

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> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Deschutes, tributary to Columbia</u>				
<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 <u>3</u> to <u>Lake Billy Chinook</u>	<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD					
<b>OR</b> <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.						
<b>Priority date</b>	<b>POD #</b>	<b>Use</b>	<b>Acres</b>	<b>Proposed Instream Period</b>	<b>Instream Rate (cfs)</b>	<b>Total instream volume (af)</b>
9/1/1899	3	IR	48.62	April 1 through October 25	.334/.447/.829	265.29

**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 Instream 4/1-10/25  
Note: The Department may identify additional conditions to prevent injury and/or enlargement.

**Any additional information about the proposed instream use:** Submitted as mitigation project

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**Swalley Pooled Lease 1**

<b>Landowner</b>	<b>use</b>	<b>acres</b>
Masood	IR	2.36
Hurd	IR	0.87
Elkins	IR	21.50
Lukens	IR	1.09
Suydam	IR	2.00
Roy	IR	20.80
	Total	48.62

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4/30/2019

**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here →	48.620		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here →	0.000		
Starting Point - Direct Diversion total acres	117.950		
Starting Point - Canal Diversion total acres	4192.620		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	32.993	0.810	32.183
Season 2	44.117	1.084	43.033
Season 3	83.296	2.010	81.286
Duty	28448.120	644.078	27.804.04

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\*Approximate starting point

Information highlighted with purple font is to be entered on to the Instream Lease Application Form

**For Primary Water Right - Certificate 74145**

**For Canal Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>	Rate and duty identified in this section includes the 43% transmission loss allowed by decree		
	<b>Full Rate</b>	<b>Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form</b>	
Season 1*	0.373	Duty AF/Acre* = 6.63	
Season 2*	0.499		
Season 3*	0.943		

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

<b>Rates and volumes identified in this section do not include the 43% transmission loss</b>	<b>Volume (AF) leased instream for Section 2.2 of the Lease Application Form</b>		
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>	<b>Duty (decree) AF/Acre =</b>		<b>5.46</b>
	<b>Total =</b>		<b>265.49</b>
	<b>Full Rate</b>	<b># of Days in each Season</b>	<b>AF/ Season</b>
Season 1	0.334	61	40.41
Season 2	0.447	30	26.60
Season 3	0.829	123	202.25
			<b>269.26</b>

<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
	<b># days</b>	<b>AF/Season</b>	
Season 1*	55	36.44	
Season 2	30	26.60	
Season 3	123	202.25	
Season total =	208	265.29	Does not exceed duty
<b>Water protected instream: April 1 through October 25</b>			

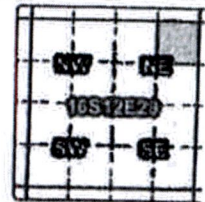
\* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.



**Swalley Irrigation District**  
**Application for Instream Lease**

Cert #: 74145

For: ~~Richard Van Horn~~ (NEW Owner Ryell Masood)



**1 YEAR INSTREAM LEASE MAP**

Taxlot 100, 16S12E29NENE: 2.36 Acres Leased, 16.64 Acres Remaining

Point of Diversion

- TTTT Canals
- Taxlots
- Lease
- Cert 74145

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1 inch = 400 feet  
 April 2015





**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: Swalley 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 #
74145	9-1-1899	3&15	17	12	05	NW	NE	02000		.87	IRR	14	IL1484
<b>TOTAL</b>										<b>.87</b>			

**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.

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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

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

Ted Hurd Date 3/8/20  
 Signature of Lessor

Printed name (and title): Ted Hurd Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 64310 Old Bend Redmond Hwy, Bend, OR 97703  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Lessor Date: \_\_\_\_\_  
 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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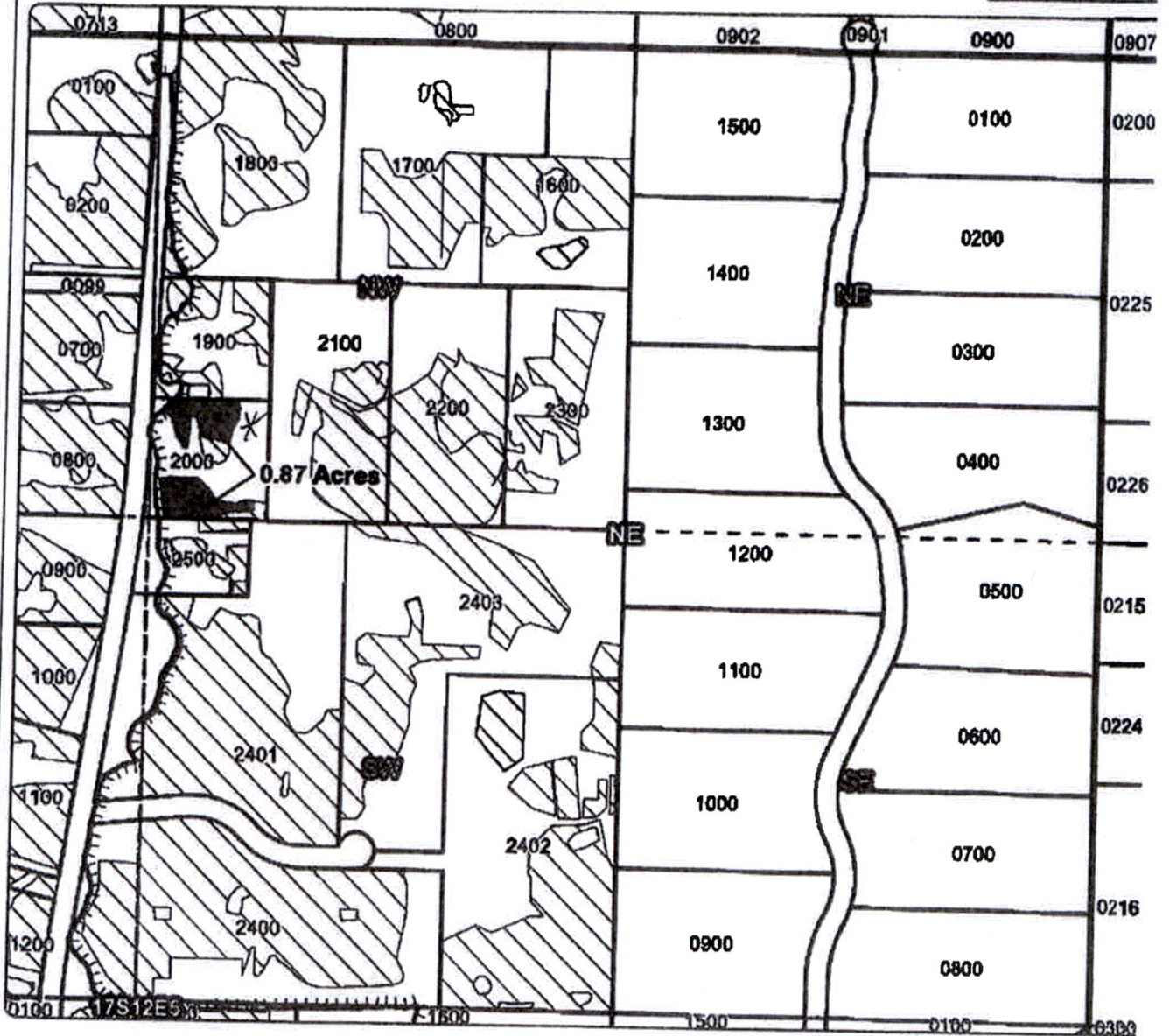
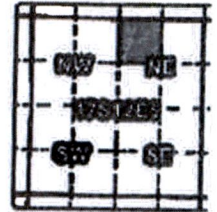
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# Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Ted Hurd



## 1 YEAR INSTREAM LEASE MAP

Taxlot 2000, 17S12E05NWNE: 0.87 Acres Leased, 0.13 Acres Remaining

- Point of Diversion
- ▤ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145



1 inch = 400 feet  
April 2015





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(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.

\* Edward J. Elkins Date 03/06/2020  
Signature of Lessor

Printed name (and title): Edward J. Elkins Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 63613 O.B. Riley Rd, Bend OR 97703  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: gophergulchranch@gmail.com

\* Doris E. Elkins Date: 6 March 2020  
Signature of Lessor

Printed name (and title): Doris E. Elkins Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 63613 O.B. Riley Rd, Bend, Oregon 97703  
Phone number (include area code): 54-389-9662 \*\*E-mail address: gophergulchranch@gmail.com

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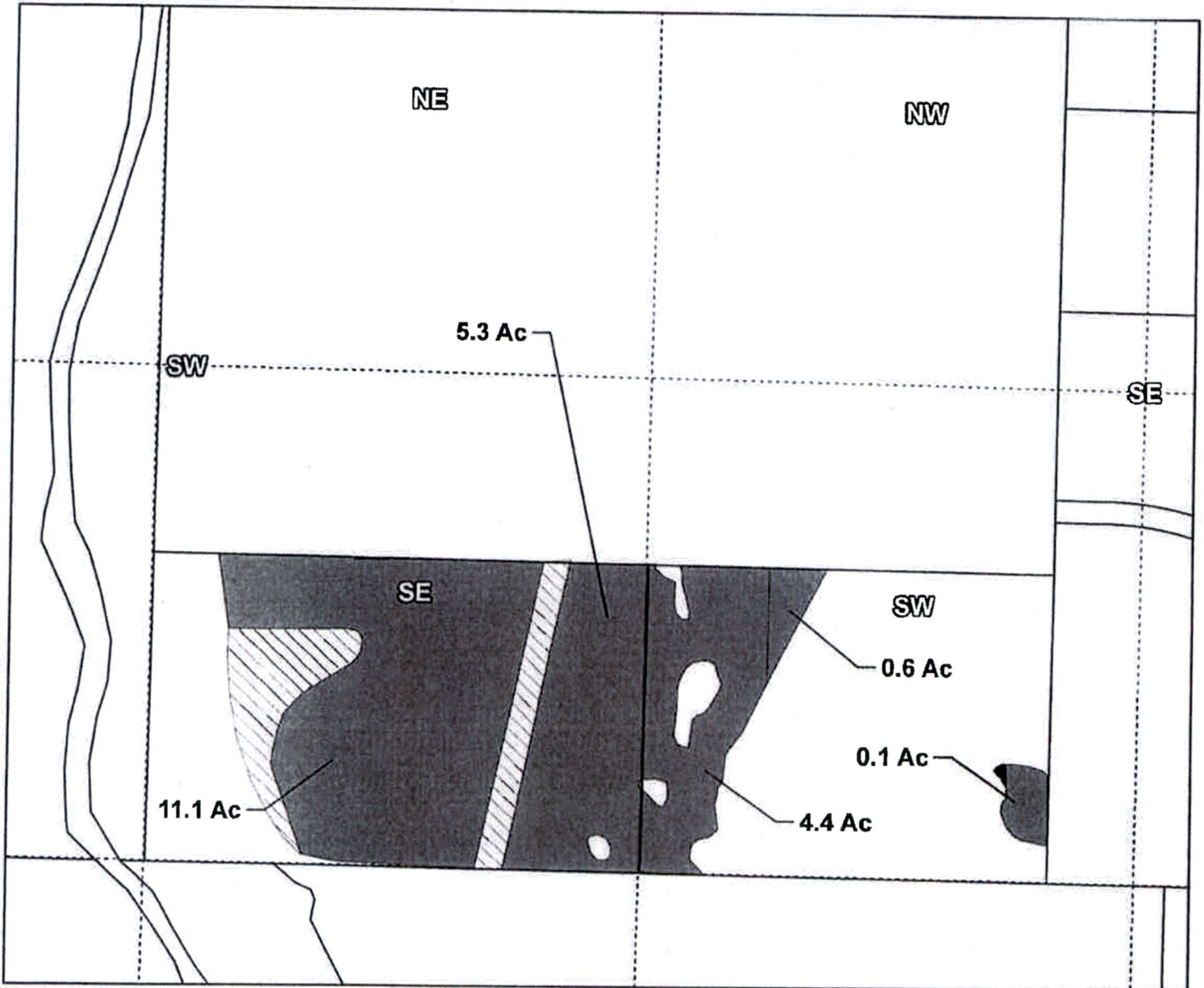
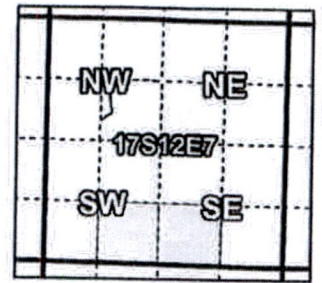
Salem, OR

# Swalley Irrigation District

## Application for Instream Lease

**Certificate: 74145**

for Edward and Dorris Elkins



### 1 YEAR LEASE MAP

Taxlot 1712070000601, 17S12E7 SE/SW: 16.4 Acres Leased, 3.4 Acres Remaining

Taxlot 1712070000503, 17S12E7 SW/SE: 5.1 Acres Leased, 0.0 Acres Remaining

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- Pipelines and Canals
- Lease
- Taxlots
- Primary Water Right



1 inch = 400 feet

Prepared by Swalley Irrigation District | March 2020

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

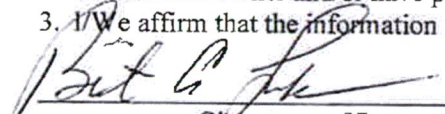
**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

<b>Irrigation District or other Water Purveyor Name: Swalley Irrigation District</b>													
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 #	
74145	9/1/1899	3	16 s	12 e	20	NE SE	1300		1.09	IR	6	IL-1484	
								TOTAL	1.09				
<b>Any additional information about the right:</b> _____													
<b>Farm Deferral Tax Status:</b> 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: 3-5-20

Printed name (and title): Bert Lukens Business name, if applicable: Lukens Family Revocable Trust  
Mailing Address (with state and zip): 20315 Birdsong Lane, Bend, OR 97703  
Phone number (include area code): 541-330-0277 \*\*E-mail address: \_\_\_\_\_

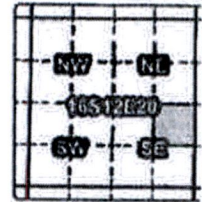
\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_

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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**Swalley Irrigation District  
Application for Instream Lease**

Cert #: 74145  
For: Bert Lukens



**1 YEAR INSTREAM LEASE MAP**

Taxlot 1300, 16S12E20NESE: 1.09 Acres Leased, 7.11 Acres Remaining

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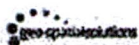
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- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145



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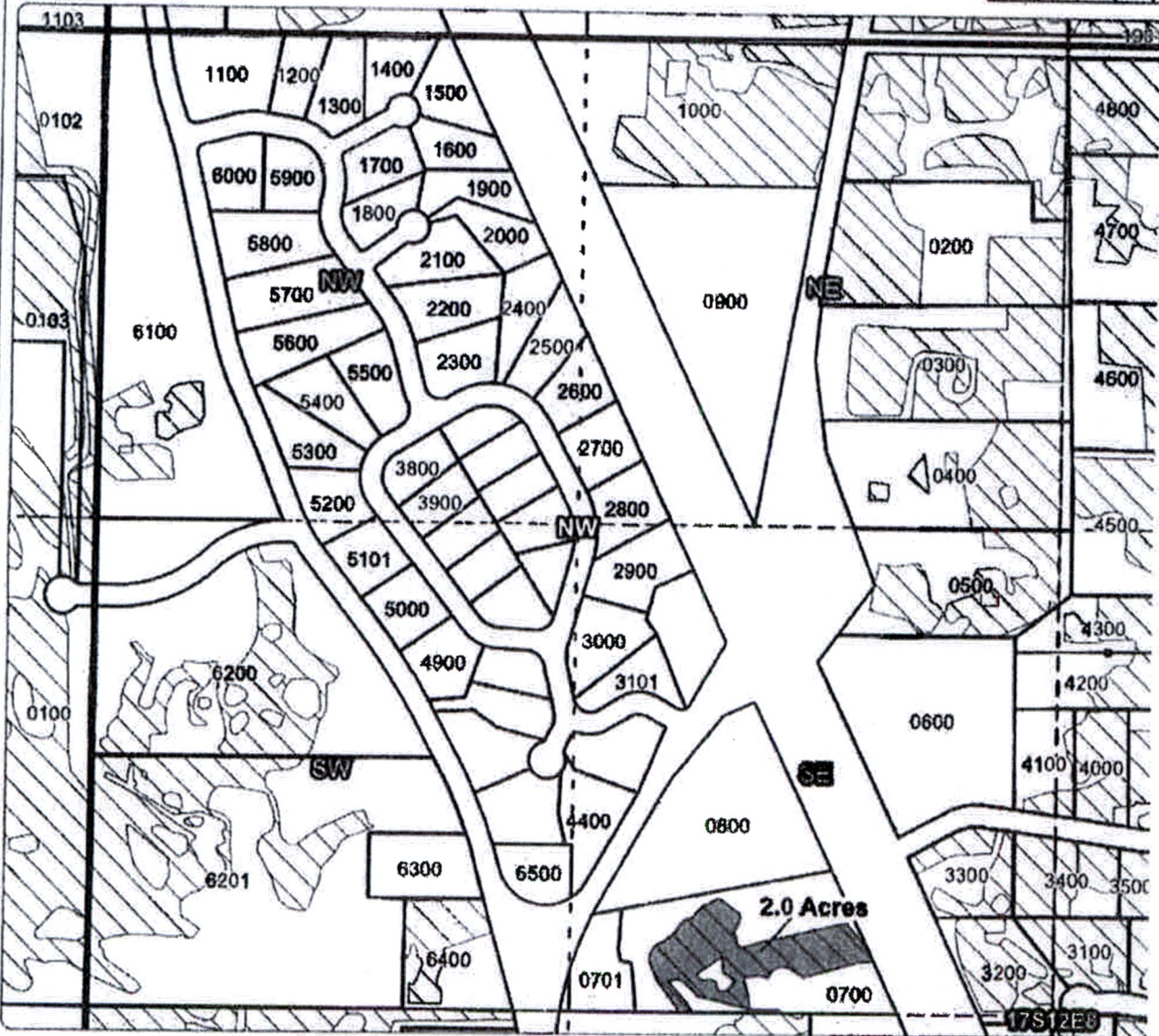
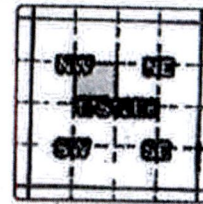




**Swalley Irrigation District  
Application for Instream Lease**

Cert #: 74145

For: Sylvia Suydam



**1 YEAR INSTREAM LEASE MAP**

Taxlot 700, 17S12E08SENW: 2 Acres Leased, 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74145

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1 inch = 400 feet  
April 2015



**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:** Swalley 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.  
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Any attached table should include reference to the Lessor.

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74145	9-1-1899	3&15	16	12	34	NW	NW	00301		20.80	IRR	13	IL1484
<b>TOTAL</b>										<b>20.80</b>			

**Any additional information about the right:** *Previously leased by prior owner Matusewicz*

**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.

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

James M. Roy Date 3/9/20  
 Signature of Lessor

Printed name (and title): James Roy Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 64785 HALF MILE LN BEND 97703  
 Phone number (include area code): 541-706-1654 \*\*E-mail address: JIMROY@BENDBROADBAND.COM

Nannette Roy Date: 3/9/20  
 Signature of Lessor

Printed name (and title): Nannette Roy Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 64785 HALF MILE LN BEND OR 97703  
 Phone number (include area code): 541 706-0766 \*\*E-mail address: lynroy@bendbroadband.com

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