



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)          Complete Parts 1 through 4 and any required attachments</b>	OWRD #	1L-1806
	District #	2020-2

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 or	
<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

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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**

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month April year 2020</u> and end: <u>month September 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 type="checkbox"/> Recreation <input 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) <b>have not been used</b> 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: 4-6-2020

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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

\_\_\_\_\_  
 Signature of Co-Lessor

Date: \_\_\_\_\_

Signature  
on file  
with District

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

**See next page for additional signatures.**

  
Signature of Lessee

Date: 4-6-2020

Printed name (and title): Jim Pendleton, 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

  
Signature of Lessee

Date: 4-6-20

Printed name (and title): Darrell Breckel  
Business/organization name: Breckel Family Trust  
Mailing Address (with state and zip): 2399 Terri Dr., Medford, OR 97504  
Phone number (include area code): 541-944-5368 \*\*E-mail address: dbreck.52@gmail.com

\_\_\_\_\_  
Signature of Lessee

Date: \_\_\_\_\_

Printed name (and title): Kory Kaufman  
Business/organization name: Dwain & Bud, LLC  
Mailing Address (with state and zip): 2801 Avenue C, White City, OR 97503  
Phone number (include area code): 541-840-78098 \*\*E-mail address: kory.kaufman@croman.net

**\* 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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Date: \_\_\_\_\_

Signature of Lessee

Printed name (and title): Jim Pendleton, 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

Date: \_\_\_\_\_

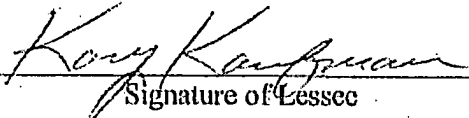
Signature of Lessee

Printed name (and title): Darrell Breckel

Business/organization name: Breckel Family Trust

Mailing Address (with state and zip): 2399 Terri Dr., Medford, OR 97504

Phone number (include area code): 541-944-5368 \*\*E-mail address: dbreck.52@gmail.com

  
Signature of Lessee

Date: 4-2-2020

Printed name (and title): Kory Kaufman

Business/organization name: Dwain & Bud, LLC

Mailing Address (with state and zip): 2801 Avenue C, White City, OR 97503

Phone number (include area code): 541-840-78098 \*\*E-mail address: kory.kaufman@croman.net

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Page 3

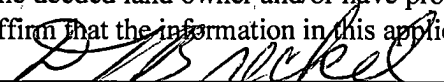
**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**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: <b>Breckel Family Trust</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 #
79212	5/23/1912		37	S	1	W	36	SW	SW	501		10.00	IR	N/A	N/A
<b>Any additional information about the right: N/A</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:

- 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.
- 
 Date: 4-6-20

Signature of Lessor

Printed name (and title): Darrell Breckel

Business name, if applicable: N/A

Mailing Address (with state and zip): 2399 Terri Drive, Medford OR 97504

Phone number (include area code): 541-944-5368 \*\*E-mail address: dbreck.52@gmail.com

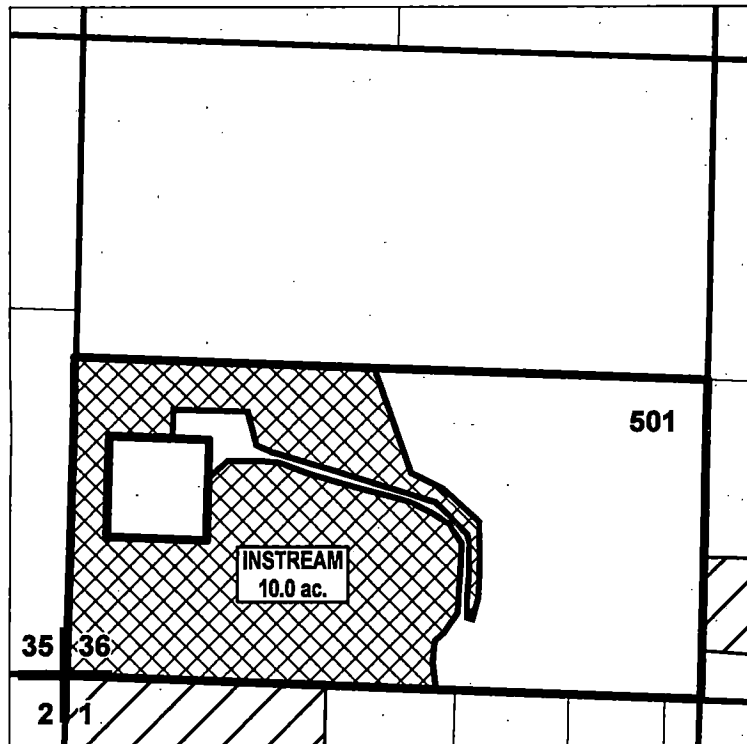
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# JACKSON COUNTY SEC.36 T37S R1W

SCALE - 1" = 400'



SW 1/4 OF THE SW 1/4



TOTAL WATER RIGHTS: 10.0 AC

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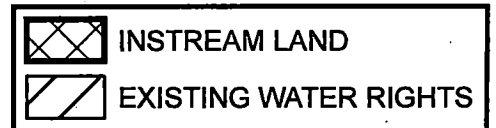
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CERT #:  
79212

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## APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: BRECKEL FAMILY TRUST - DARRELL BRECKEL TRUSTEE

TAXLOT #: 501

10.0 ACRES

Date: 3/14/2020

**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**

**Irrigation District or other Water Purveyor Name: Dwain & Bud, LLC**

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		39	S	1	E	14D	SW SE	900		4.20	IR	17	N/A
83727	9/16/1915		39	S	1	E	14D	SW SE	900		4.20	IS	22	N/A

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 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.

Kory Kaufman Date: 4-2-2020  
Signature of Lessor

Printed name (and title): Kory Kaufman, Partner

Business name, if applicable: Dwain & Bud, LLC

Mailing Address (with state and zip): 801 Avenue C, White City, OR 97503

Phone number (include area code): 541-840-7809 \*\*E-mail address: kory.kaufman@croman.net

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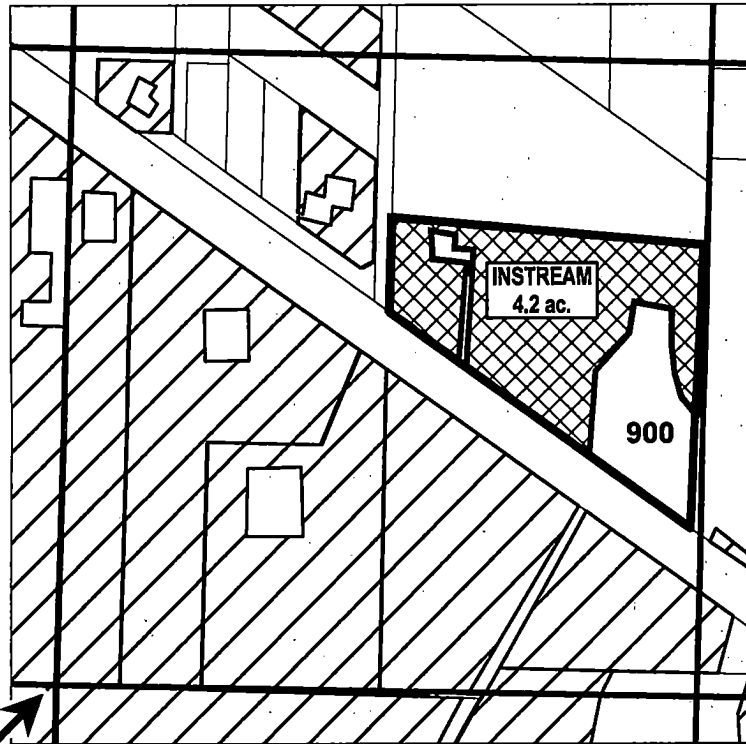
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# JACKSON COUNTY SEC.14 T39S R1E

SCALE - 1" = 400'



SW 1/4 OF THE SE 1/4



S 1/4 COR

TOTAL WATER RIGHTS: 27.0 AC

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EXISTING W/R CERT #:  
P 79212  
S 83727

 INSTREAM LAND  
 EXISTING WATER RIGHTS



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: DWAIN & BUD LLC

TAXLOT #: 900

4.2 ACRES

Date: 3/29/2020



**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**

**Irrigation District or other Water Purveyor Name:** Talent 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 #
83727	9/16/1915		37	S	1	W	34	NW	SW	2300	57	2.50	IR	4	N/A
83727	9/16/1915		37	S	1	W	34	NE	SW	2400	57	2.10	IR	4	N/A
83727	9/16/1915		37	S	1	W	34	NE	SW	2401	57	9.40	IR	4	N/A

**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:

8. 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
9. 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
10. I/We affirm that the information in this application is true and accurate.

11.  Date: 4-2-2020  
Signature of Lessor

Printed name (and title): Jim Pendleton, Manager  
 Business name, if applicable: 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

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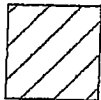
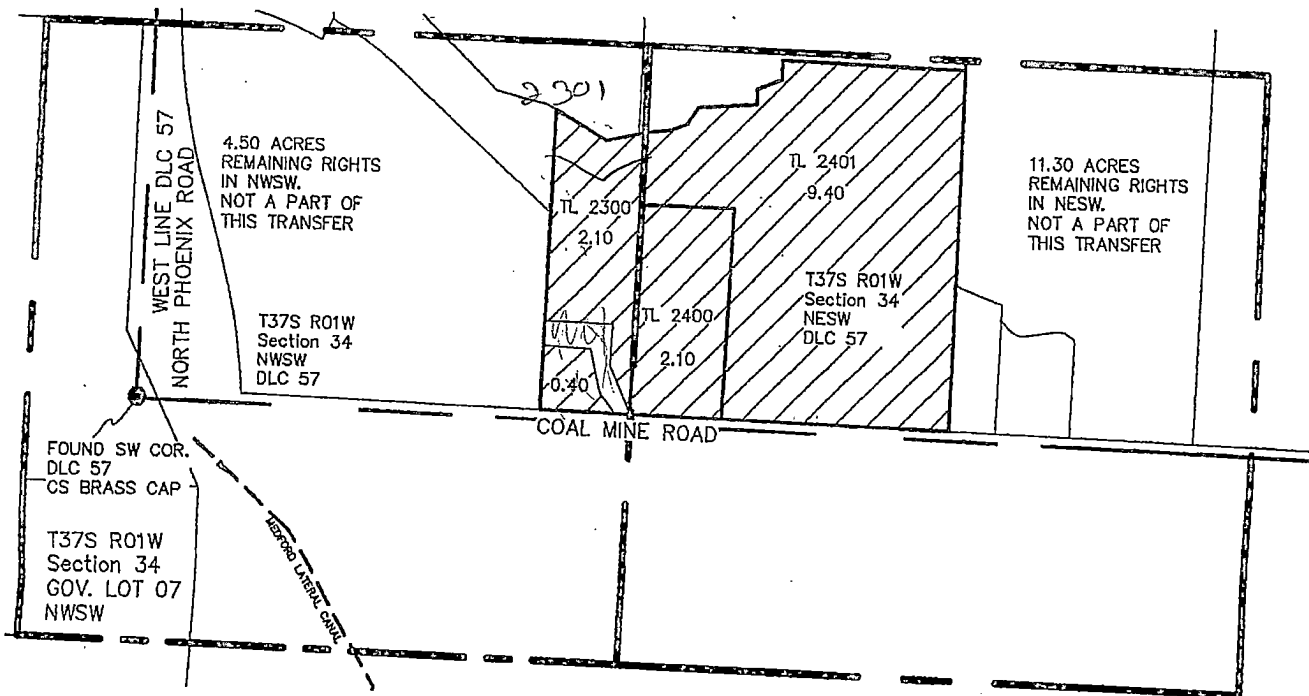
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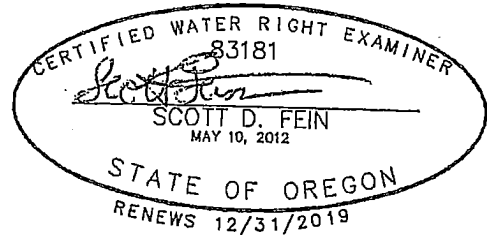
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MAP FOR DISTRICT INSTREAM LEASE  
 TALENT IRRIGATION DISTRICT  
 LOCATED in T37S R1W SECTION 34 (NWSW; NESW)  
 JACKSON COUNTY, OREGON  
 ROGUE RIVER BASIN



LANDS TO BE TRANSFERRED FROM  
 Cert. 79212- Primary Rights & Supplemental Rights  
 Permit S-25915- Primary & Supplemental Rights

Prepared For:  
 Darrell Breckel  
 2399 Terri Dr.  
 Phoenix, OR 97535  
 Prepared By:  
 Scott Fein Water Rights  
 Scott Fein, CWRE  
 Ashland, OR 97520  
 sfeinsurveyor@gmail.com  
 541-842-0795



FOR WATER RIGHT PURPOSES ONLY  
 NOT FOR PROPERTY BOUNDARY LOCATION OR  
 PROPERTY DIMENSIONS

SCALE: 1 INCH = 400 FEET

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NO UNAUTHORIZED  
 REPRODUCTION USE OR  
 MODIFICATION

**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 # <b>79212</b>	
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	14.20	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 <sup>th</sup> 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 <sup>th</sup> , the delivery for instream use shall also stop.	.142	37.63	
Total af from storage, if applicable: 37.63 AF or <input type="checkbox"/> 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>Rogue</u>	<b>River/Stream Name:</b> <u>Emigrant Creek</u> , tributary to <u>Bear Creek</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>16511</u> to <u>next downstream senior water right</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.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
5/23/1912	16511	IR	14.20	April 2020 through September 2020	.142	37.63
<b>OR</b> <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 <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>RECEIVED</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>none</u>					<b>RECEIVED</b>	APR 09 2020

**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**

<b>Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)</b>						<b>Water Right # <u>83727</u></b>	
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)	
9/16/1915		IR	18.20	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 <sup>th</sup> 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 <sup>th</sup> , the delivery for instream use shall also stop.	.182	48.23	
Total af from storage, if applicable: <b>48.23 AF</b> or <input type="checkbox"/> 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>Rogue</u>		<b>River/Stream Name:</b> <u>Emigrant Creek</u> , tributary to <u>Bear Creek</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>16511</u> to next downstream senior water right				<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.							
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
9/16/1915	16511	IR	18.20	April 2020 through September 2020	.182	48.23	
<b>OR</b> <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 <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>RECEIVED</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
<b>Any additional information about the proposed instream use:</b> <u>none</u>							

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