



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

*Levi Old
 541.408.3770
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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# <u>SL-55</u>
	Fee- _____

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

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

Yes **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

Fees	<input type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	<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)	

Yes **Part 2 – Completed Instream Lease Application Map Checklist.**

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

Yes **Part 4 – Completed Instream Lease Provisions and Signatures**

Yes **How many water rights are leased? 1 List them here: Cert: 45010**
 Include a separate **Part 3** for each **water right**.

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: _____)?

Attachments:

Yes **N/A** **Map:** Instream Lease map requirements (see Part 2 of this application)

Yes **N/A** **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.

Yes **N/A** 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).

Yes **N/A** 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.

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Part 2 of 4 – Instream Lease Application Map Checklist

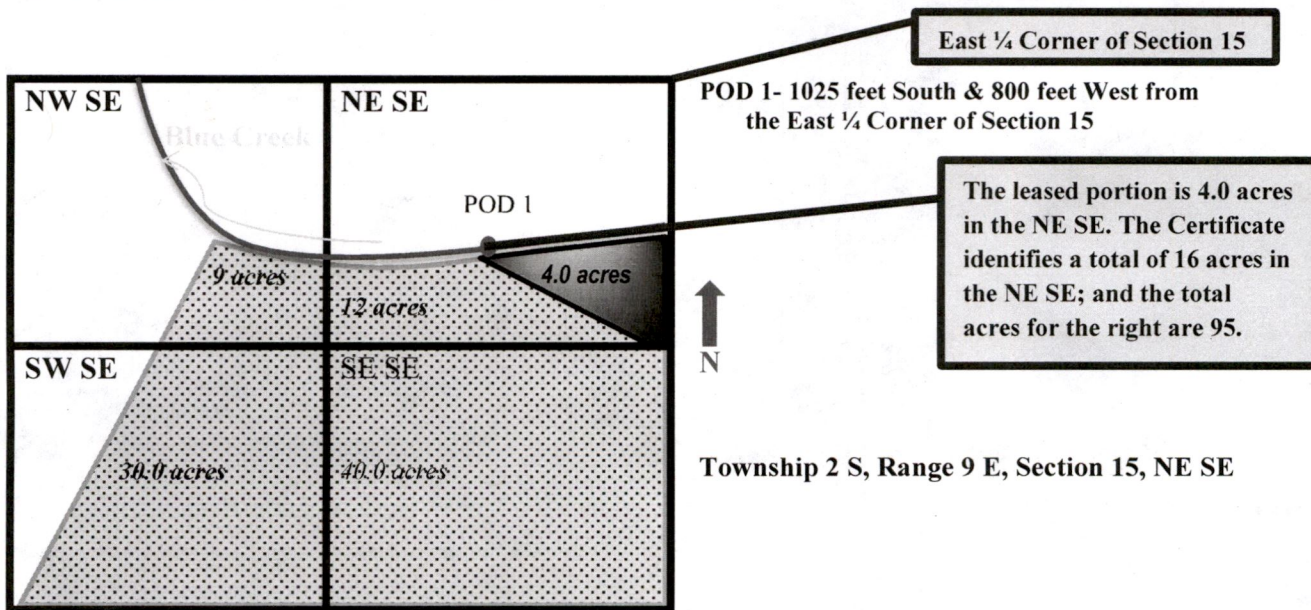
A Map is generally required for each water right not leased in its entirety

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 # 45010

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										
1889	3	2-S	4-E	15	NE-SE	400	47	47	IR	11-1100
Tract 2-1889		1-S	43-E	3	NW-NE	400		7	IR	none
		1-S	43-E	3	NE-NW	400		21	IR	"
		1-S	43-E	3	SW-NE	400		19	IR	"
Tract 3-1895		1-S	43-E	3	NW-SE	400		7	IR	"

Total Acres: 54

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)
1889		IR	47	Wallawa Decree		
1895		IR	7	Wallawa Decree		

Total af from storage, if applicable: ___ AF or N/A Total: .41 cfs | 49.5 af

Any additional information about the right: ___

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")
	-	-	-	-		
	-	-	-	-		

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>Willow, tributary to Grande Ronde</u>				River Basin: <u>Snake - Columbia</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	Acre	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
<u>1889 + 1895</u>		<u>IR</u>	<u>59</u>	<u>August 1 - September 30</u>	<u>41 cfs</u>	<u>49.5 af</u>
<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. - <u>Please double-check.</u></p>						
Instream Reach						
<p>Proposed Instream Reach:</p> <p><input checked="" 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 <u>Grande Ronde River Confluence</u></p>				<p>Or Proposed Instream Point:</p> <p><input 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: <u>N/A</u></p>						

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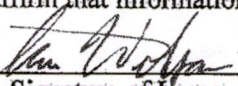
Part 4 of 4 – Lease Provisions and Party Signatures **OWRD**

Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>Aug.</u> year <u>20</u> and end: month <u>Sept</u> year <u>20</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.	
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 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, 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.	
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.	

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.



 Signature of Lessor

Date: 5/20/20

Printed name (and title): Ian Wilson Business name, if applicable: N/A

Mailing Address (with state and zip): 68593 Jim Town Rd Lostine, OR 97857

Phone number (include area code): 541-263-1673 *E-mail address: ianwilson76@ycwro.com

See next page for additional signatures.

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Heidi Wilson
Signature of Co-Lessor

Date: 5/20/2020

Printed name (and title): Heidi Wilson

Business/organization name: _____

Mailing Address (with state and zip): 68593 Jimtown Rd. Lostine, OR 97857

Phone number (include area code): 541-263-1428 **E-mail address: hwilson68593@gmail.com

William L. Ad
Signature of Lessee

Date: 6/1/20

Printed name (and title): William L. Ad

Business/organization name: Trent Unlimited

Mailing Address (with state and zip): 2210 18th St, Baker City, OR 97804

Phone number (include area code): 541-408-3770 **E-mail address: lad@tntu.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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Application for Split Season Instream Lease

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A summary of review criteria and procedures that are generally applicable to these applications is available at www.oregon.gov/owrd/forms.

- Attachment 4 (Standard Leasing Form).
- Attachment 5-D (Pooled Leasing Form).

The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.

Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)

1. Existing and Instream Use Periods

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.

This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

The water right will be used for its existing purpose from May 1 to July 31.
The water right will be used for instream use period is from August 1 to September 30.

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
Existing Use		*	1.983471	*		=	
use if needed		*	1.983471	*		=	
use if needed		*	1.983471	*		=	
Instream Use		*	1.983471	*		=	
use if needed	<u>.41</u>	*	1.983471	*	<u>61</u>	=	<u>49.6</u>
use if needed		*	1.983471	*		=	
Total							

2. Measurement and Reporting

The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right. The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (a) Location(s) and type(s) of measuring device(s): SM Flume - Head of Ditch
- (b) Frequency of measurement: Weekly or TBD
- (c) Parties responsible for the respective measurements: SM Flume

Wallowa River Wilson-Haun Lease

Legend
● Diversion



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Wallowa River Wilson-Haun Lease

Taxlots

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EXHIBIT 1

Legal Description

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Tract 1 (Tax Lot 400, Map 1S43E, lying East of the Wallowa Union Railroad Right of Way).

That portion of the following described property, which is located East of the Wallowa Union Railroad Right of way.

The Northeast quarter; the East half of the Northwest quarter, the North half of the Northeast quarter of the Southwest quarter, all in Section 3 in Township 1 South, Range 43 East of the Willamette Meridian, in Wallowa County, Oregon.

ALSO, a tract of real property described as follows, to-wit:

Beginning at the Southwest corner of the Southeast quarter of the Northwest quarter of Section 3, running thence West along the center line of Section 3 a distance of 40 rods; thence in a Northwesterly direction on a straight line to a point on the North line of Section 3 which is 60 rods West of the Northwest corner of the Northeast quarter of the Northwest quarter of Section 3; thence East 60 rods along the North line of Section 3 to the Northwest corner of the Northeast quarter of the Northwest quarter of Section 3; thence South along the center line of the Northwest quarter of Section 3 to the place of beginning.

ALSO, all that portion of the Northwest quarter of the Southeast quarter and the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 3 in Township 1 South, Range 43 East of the Willamette Meridian, in Wallowa County, Oregon, that lies North of the O.W.R. & N. Company's railroad right of way.

EXCEPTING THEREFROM, a tract described as: BEGINNING at a point 100 feet North of the Southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 1 South, Range 43 East of the Willamette Meridian, Wallowa County, Oregon, running North 453 $\frac{1}{2}$ feet; thence West 297 feet to the right of way of the O.W.R. & N. Company's right of way; thence in a Southeasterly direction along the line of said railroad right of way to a point directly West of the point of beginning; thence East to the point of beginning.

ALSO, EXCEPTING THEREFROM all that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, lying North and East of the O.W.R. & N. Railroad Company, Section 3, Township 1 South, Range 43 East of the Willamette Meridian, Wallowa County, Oregon.

Tract 2 (Property acquired from Hook, called Tract 3 by Wallowa County Clerk's Microfiche No.076464)

A tract of land in Section 3, Township 1 South, Range 43 East of the Willamette Meridian, Wallowa County, Oregon, described as follows;

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Beginning at a marked stone at the intersection of the East line of the right of way of the Oregon Washington Railroad & Navigation Company and the North line of said Section 3, which bears East 1713.0 feet from the Northwest corner of said Section 3; running thence South 15°25' East along the East line of said right of way 1370 feet to a marked stone; thence East 1114.5 feet; thence North 146.6 feet; thence North 10°32' West 1194.2 feet to the North side of said Section 3; thence West along said North line 1261 feet to the point of beginning.

Tract 3 (Called Tract 4, Parcel 2 by Wallowa County Clerk's Microfiche No. 076464)

A parcel of land situate in the Southwest Quarter of Section 3, Township 1 North, Range 43 East of the Willamette Meridian, Wallowa County, Oregon, being a portion of Parcel Number 1 of Minor Partition Number 2007-57852 as filed in the Wallowa County Plat files, more particularly described as follows:

Beginning at the Northwest corner of said Parcel Number 1;
Thence North 49°41'29" East along the North line of said Parcel Number 1, a distance of 100.00 feet;
Thence South 89°56'39" East along the Northerly line of said Parcel Number 1, a distance of 131.24 feet;
Thence South 40°18'31" East along the East line of said Parcel Number 1, a distance of 172.42 feet, to the intersection of an existing fence;
Thence South 53°01'32" West along said fence line, a distance of 200.34 feet, to the intersection of the Westerly line of said Parcel Number 1;
Thence North 40°18'31" West along said Westerly line of said Parcel Number 1, a distance of 245.76 feet to the point of beginning of this description, said tract containing 46,069 sq. ft., 1.06 acres.

Also: That portion of a tract of land conveyed to James F. Haun by Wallowa County Clerk's Book Q, Page 255 described as follows: A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 3, Township 1 South, Range 43 East of the Willamette Meridian in Wallowa County, Oregon, more particularly described as beginning at a point three hundred and fifty five (355) feet more or less, South and two hundred (200) feet, more or less, East of the center of said Section three and which point is fifty feet distant Northeasterly from, measured at right angles to the center of the main tract of the railroad of grantor and which said center is at Engineer's station 419+00; thence Northeasterly at right angles to said center line one hundred (100) feet; thence East one hundred and thirty (130) feet to a point in the Easterly line of the station grounds and two hundred and fifty (250) feet Northeasterly from said center line measured at right angles thereto; thence Northwesterly on a line parallel with and two hundred and fifty (250) feet distant from said center line and one hundred and eighty five (185) feet to the Northeast corner of the station grounds, as originally deeded to The Oregon Railroad & Navigation Company by deed dated April 23, 1906, and recorded on Page 403 of Book M records of deeds of Wallowa County; thence Southwesterly at right angles two hundred (200) feet to a point fifty (50) feet Easterly from the center line; thence Southwesterly on a direct line one hundred (100) feet to the place of beginning.

Subject to the following Boundary Line Agreements: