

Application for Instream Lease

Part 1 of 4 - Minimum Requirements Checklist

Complete Part 1 through 4 and include the required attachments OWRD# <u>1L -1830</u> Fill in or check boxes as indicated. (N/A= Not Applicable) 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 \$350.00 for all other leases \$520.00 for a lease involving four or more Fees landowners or four or more water rights Check enclosed or Fee Charged to customer account (account name) Part 2 – Completed Instream Lease Application Map Checklist. ☐ Yes RECEIVED Part 3 – Completed Water Right and Instream Use Information ☐ Yes Include a separate Part 3 for each water right OCT **01 2020** Yes Part 4 – Completed Instream Lease Provisions and Signatures How many water rights are leased? 2 List them here:26223 & 26224 Yes **OWRD** 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: Conservation Reserve Enhancement Program (CREP). Are some or all of the lands ູ 🗌 Yes 🔯 No 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 \square 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). If the Lessor (water right holder) is not the deeded landowner - provide one of the following. A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or. A water right conveyance agreement and a copy of the recorded deed for the

landowner at the time the water right was conveyed; or

Other documentation which provides authority to pursue the lease absent consent

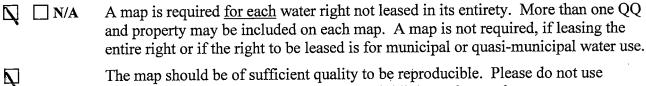
of the landowner.

Part 2 of 4 – Instream Lease Application Map Checklist

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

The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.

This should be a <u>simple</u> 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.



highlighters to mark items on the map as highlighters do not always copy.

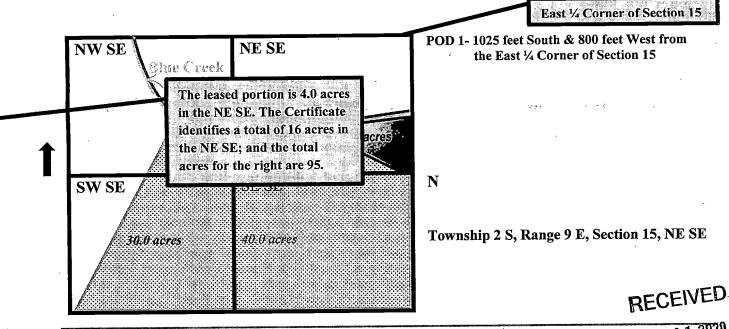
A North arrow and map scale (no smaller than 1" = 1320).

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 hatchured 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)



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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 # <u>26223</u>

Table 1

your tax lot r	number(s ersion (P you may). Fill in OD) but add add	all app they'r itional	olicab e not rows	le infori number	mation. F ed, you d	or exam o not ne	ple, if y ed to in	our wate clude a n	r right has multiple umber. If not enough matching Table 1).
If only leasing a portion of the right - Complete Table 1 as indicated Table 3.										
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	ÜSE	Previous Lease # (if any)
					E	XAMPLE				
12/2/1901	3	2-8	9-E	15	NE SE	100	47	4.0	IR	IL-1100
		-	_		_					
		-	-		-				-	DECEIVED
		_	_		_					MECEIVE
		-	-		-					OCT 01 2020
		-	_		-					001

		I otal Acres:	

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Table 2

Î	o illustra	te the to	otals for	the water right proposed to be lea	sed instream	
leased. If not en	nough roo	m below	, you ma	D, use and acreage as appropriate copy add additional rows (see instruction attachments. (cfs = cubic feet per	ons) or attach	spreadsheet
Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
Total af from sto				or N/A		

Table 3

Point of Diversion (POD) description: If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then **the specific POD(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1	5-S	8-W	33	SE-SE		
	_	-		-		

٦p	lease check this ho	nx if von do	n't know the	location	of the POD(hne (s	want the	Denartment	to identifi	v the

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: S	outh Ya	<u>mhill,</u> tri	butary to <u>Yamhill</u>	River	River Basin:	Willamette		
date, POD (if m right to be lease	ore than d.	one), Us	e (if mor	e than one), and a	creage a	s appropriate co			
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. Proposed Instream Total instream Total instream									
Priority date	POD#	Use	Acres	Period	.111	rate (cfs)	volume (af)		
11/28/1952		IR	7.2	June 1 to Sept 9		0.09	18		
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. 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.									
Instream Reach									
	cally begi	ns at the	_	diversion (POD) : From the POD		oposed Instream stream use prote	n Point: cted at the POD		
protected within checked, and the	OR 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.)								
			Addition	nal Instream Info	rmatio	n i i i	A Company of the Comp		
☐Yes ☑N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here									
Note: The Depa	rtment m	ay identi	ity additi	onal conditions to	preven	t injury and/or e	nlargement.		
Any additional i	nformatio	on about	the prop	osed instream use:					

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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 # <u>26224</u>

Table 1

your tax lot r points of dive	number(s) ersion (Po you may	. Fill in OD) but add add	all app they'r itional	olicab e not rows	le infori number	nation. F ed, you d	or exam lo not ne	ple, if yo	our wate clude a r	leased. Also include er right has multiple number. If not enough matching Table 1).
If only lea	sing a po able 1 as	rtion of tindicated	he rig	ht - (⊠Æní Tab		the entire	water ri	ght is to	be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
12/2/1901	3	2-S	9-E	15	NE SE	XAMPLE 100	47	4.0	IR	IL-1100
		_	_		_					
		-	-		-					
		-	-		-				F	ECEIVED
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		-	-		-					OCT OI 2020

Total Acres:	 OWRD
	* 144LD

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) Total Other Information (such as Total Total **Priority Date** POD# Use Acres conditions/limitations on the right) Rate (cfs) Volume (af) Total af from storage, if applicable: _____ AF or N/A 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")
1	5-S	8-W	33	SE-SE		
	_	_		-		

Please check this how if you don't know the location of the POD(s) and want the Denartment to identify the

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: S	outh Ya	<u>mhill</u> , tri	butary to Yamhill	River	River Basin:	Willamette	
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. If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet								
(matching the b	elow port	ion of T	able 4).	Please clearly labe	l any a	ttachments.		
Priority date	POD#	Use	Acres	Proposed Instrea Period	m ′	Total instream rate (cfs)	Total instream volume (af)	
6/6/1955		IR	19	June 1 to Sept 9		0.24	47.5	
					-			
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. 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.								
				Instream Reach			4.4	
	cally begi	ns at the	-	diversion (POD) : From the POD		oposed Instream stream use prote	n Point: cted at the POD	
protected within	a reach lere is only	oelow th	e POD, i	ot sure of the prop f possible. (If no r on the certificate,	each is	identified or the	above box is not	
			Addition	nal Instream Info	rmatio	n		
	☐Yes ☑ N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here							
Note: The Depart	rtment m	ay identi	fy additi	onal conditions to	preven	t injury and/or e	nlargement.	
Any additional i	nformatio	n about	the prop	osed instream use:		,		

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Part 4 of 4 – Lease Provisions and Party Signatures

	Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month June year 2021	and end: month Sept year 2026
	Note: The begin month is generally the first month of the in the irrigation season. If not an irrigation right, this wou	irrigation season and the end month is the last month
	period of allowed use.	<u> </u>
	Public use: Check the public use(s) this lease will serve	Termination provision (for multiyear leases):
	(as defined by ORS 537.332):	The parties to the lease request (choose one):
	Conservation, maintenance and enhancement of	a. The option of terminating the lease prior to
	aquatic, fish and wildlife, fish and wildlife labitat and	expiration of the full term with written notice
	any other ecological values. Recreation OCT 0 1 2020	to the Department by the Lessor(s) and/or
'		Lessee.
	Pollution abatement	b. The option of terminating the lease prior to expiration of the full term, with consent by all
	☐ Navigation OWRD	parties to the lease.
	·	c. The parties would not like to include a
	•	Termination Provision.
	•	(See instructions for limitations to this provision)
	Additive/Replacing Relationship to other instream wat	l. \
	other existing instream water rights created as a result of in	
	conserved water. Since instream leases are also generally	
;	agency process or conversion of minimum flows, they genrights.	
- 1	If you would like this lease to relate to other instream water	er rights differently, please check this box.
- 1	And attach an explanation of your intent.	· · · · · · · · · · · · · · · · · · ·
	Validity of the Right(s) to be leased (check the appropriate to the control of th	riate box):
-	The water right(s) to be leased have been used under the	
	five years or have been leased instream; or	
	The water right(s) have not been used for the last five	
	right(s). However, the water right(s) is not subject to	
L	describing why the water right(s) is not subject to for	teiture is provided.
Pro	ecedent: If a right which has been leased is later pro	posed to be leased again or later transferred or
		water project, a new injury review shall be required
	An instream lease shall not set a precedent	
Trit.	·	on a fatalo transaction.
	e undersigned declare:	romand was africation allowed and on the authorst victor
	The Lessor(s) agree during the term of this lease, to su	*
	ight(s) and under any appurtenant primary or supplen	nental water right(s) not involved in the lease
	pplication; and	
	The Lessor(s) certify that I/we are the water right hold	
	ease application. If not the deeded landowner, I/we h	
	pplication that I/we have authorization to pursue the	lease application and/or have obtained consent
	rom the deeded landowner; and	
3.F	All parties affirm that information provided in this lea	
_		Pate: 9/24/20
	Signature of Lessor	•
F	Printed name (and title): Robert Klinger Business	name, if applicable:
	Mailing Address (with state and zip): 54050 SW Heb	
	Phone number (include area code): **E-mail	address:
	503-879-5811	
5	See next page for additional signatures.	

Instream Lease Application (revised 7-27-2017)

fuser Klenger Date: 9/24/20
Signature of Covessor
Printed name (and title): Piper Klinger Business/organization name: PH A
Business/organization name: / \(\rho \theta\)
Mailing Address (with state and zip):SAME AS HEST E
Phone number (include area code): **E-mail address:
SAME BY ABOUTE
Date:
Signature of Lessee
Printed name (and title):
Business/organization name:
Mailing Address (with state and zip):
Phone number (include area code): **E-mail address:
* RV DDOVIDING AN E-MAIL ADDDESS CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE

** 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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Instream Lease Application Information and Instructions

Helpful Links	If you are unsure or need assistance with your Application Contact us at 503-986-0900 or the Watermaster for your District
Watermasters in Oregon	http://www.oregon.gov/owrd/docs/watermasterchart.pdf
Instream Leasing Forms	http://www.oregon.gov/owrd/pages/pubs/forms.aspx#instream
Fee Schedule	http://www.oregon.gov/owrd/pages/pubs/forms.aspx#fees
Water Rights Information Query	http://apps.wrd.state.or.us/apps/wr/wrinfo/
Additional Water Rights Research	http://www.oregon.gov/owrd/Pages/wr/property wr info.aspx
Water Rights Public Notice	http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21
OAR: Chapter 690 Division 77	http://www.oregon.gov/owrd/law/docs/law/oar 690 077.pdf

Application Instructions: Part 1 of 4

Eligible Water Rights: Surface or Storage water rights subject to Instream Lease include:

- 1. Certificated rights.
- 2. Adjudicated rights evidenced by a court decree.
- 3. Permits or transferred rights upon which satisfactory proof has been made.
- 4. Conserver's portion of conserved water allocation under ORS 537.445 to 537.500.
- 5. Secondary water rights for the use of stored water.
- 6. A Determined Claim in the Upper Klamath Basin determined and established in an order of determination certified by the Water Resources Director under ORS 539.130.

Only valid rights are eligible to be leased to instream use.

- A water right that has not been used for five or more years may no longer be valid under Oregon law. Municipal water rights are the exception.
- If the Department reasonably suspects the right may no longer be valid, it may require an affidavit attesting to the use, along with supporting documentation, and/or deny the lease as incomplete.
- If a water right hasn't been used for five or more years, you may also be able to demonstrate that it's not subject to forfeiture if you qualify for one of the provisions under ORS 540.610(2).

Deadline for submission: All Instream Lease Applications have deadlines for submittal. A water right with a seasonal use (such as irrigation) must be submitted prior to July 1; a water right with a year round use (such as industrial use) must be received prior to October 1.

Fee: Include the appropriate fee by check or money order made out to the Oregon Water Resources Department. You may also designate an appropriate customer account, if you have one, from which the fee should be deducted. Generally, the Lessee may have an account already set up with the Department. Applications received without the proper fee will be returned.

Other Water Rights: It is important to provide an inventory of all of the water rights appurtenant to the same lands identified in the lease application. This includes other primary and supplemental rights, even if the rights are still in permit status, and are not included in the lease application. Water rights information can be found via the link above for Water Rights Information Query or the Additional Water Rights Research links above.

Conservation Reserve Enhancement Program (CREP): Indicate if some or all of the lands involved in the lease application are enrolled in the CREP program (or other similar Federal Program). The Department will send a copy of the order approving the lease to the Farm Services Administration

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROY and MARY HOLSCLAW

of Star Route, Grande Ronde , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Namhill River.

a tributary of Yamiill River irrigation of 19.0 acres for the purpose of

under Permit No. 23646 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 6. 1955.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.224 cubic foot per second.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SEL SEL, Section 33, Township 5 South, Range 8 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year.

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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13.6 acres S2 NE4 SE4
5.4 acres SE4 SE4
Section 33
Township 5 South, Range 8 West, W.M.

OWRD

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. SEPTEMBER 29 1959

...Lowis 4. Stanley

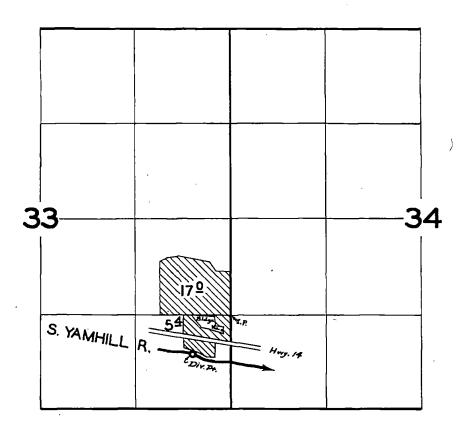
State Engineer

Recorded in State Record of Water Right Certificates, Volume 18

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Application No. 30037 Permit No. 23646 IN NAME OF

ROY AND MARY HOLSCLAW

Surveyed JUNE 2 1958, by M.BISH

STATE OF OREGON

COUNTY OF YAMELLL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BOY and MARY HOLSCLAW

of Star Route, Grande Ronde , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Yamhill River

a tributary of Willamette River Sirrigation of 7-2 acres.

for the purpose of

under Permit No. 21958 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 28, 1952.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.09 cuitos foot per second.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE_4^1 , Section 33, Township 5 South, Range 8 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year.

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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7.2 acres NW# SW# Section 34 Township 5 South, Range 8 West, W.H.

OWRD

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. SEPTEMBER 25 1959

Levis A. Stanley

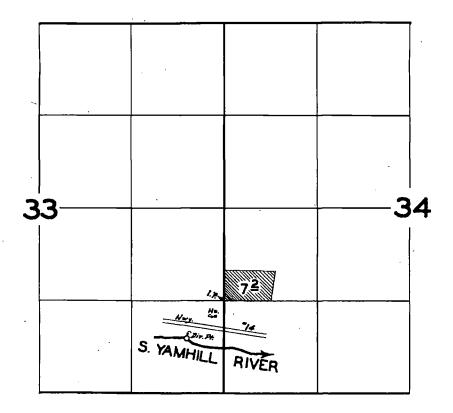
State Engineer

Recorded in State Record of Water Right Certificates, Volume 18

page 📆



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Application No. 27871 Permit No. 21958 IN NAME OF

OWRD

ROY AND MARY HOLSCLAW

Surveyed JUNE 2 1958, by M.BISH

