

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

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>IL-1833</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 24121**
 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

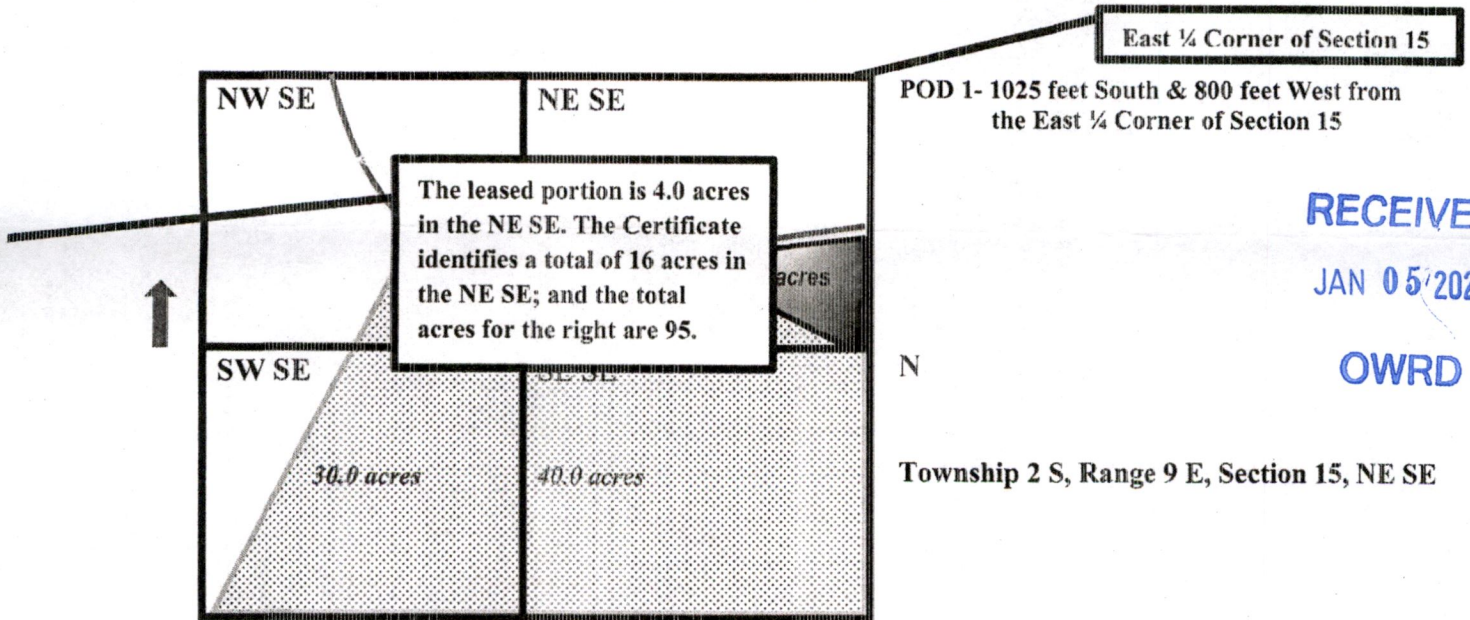
A Map is generally required for each water right not leased in its entirety

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)



Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 24121

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.

<input checked="" type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated					<input type="checkbox"/> 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										
12/2/1901	3	2-S	9-E	15	NESE	100	47	4.0	IR	IL-1100
7/16/1951	1	30-S	6-W	12	SE-NE	101	37	1.6	IR	
7/16/1951	1	30-S	6-W	12	NE-SE	700	37	2.0	IR	
7/16/1951	1	30-S	5-W	7	SW-NW	700	41	1.8	IR	
7/16/1951	1	30-S	5-W	7	NW-SW	700	41	0.1	IR	
		-	-							

Total Acres: 5.5

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)
7/16/1951	1	IR	5.5			0.05
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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	30-S	6-W	12	NE-SE	37	1004.9 ft South & 526.9 ft West fm the NE Cor. DLC 37
	-	-				

Please check this box if you don't know the location of the POD(s) and want the Department 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: <u>Umpqua River, tributary to Pacific Ocean</u>				River Basin: <u>Umpqua</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	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
7/16/1951	1	IR	5.5	Five years	0.05 CFS	21.06
<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 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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <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>Pacific Ocean</u></p>				<p>Or Proposed Instream Point: <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: _____</p>						

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Part 4 of 4 – Lease Provisions and Party Signatures

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<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month 4 year 2021 and end: month 4 year 2026 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.</p>	
<p>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 checked="" type="checkbox"/> Pollution abatement <input checked="" type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one): <input checked="" 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)</p>
<p>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.</p>	
<p>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.</p>	

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.

Geolyn C Evenson
 Signature of Lessor

Date: 12-20-20

Printed name (and title): Geolyn Evenson, Trustee Business name, if applicable: Geolyn C. Evenson Living Trust

Mailing Address (with state and zip): 919 N. Park Ave, Helena, MT 59601

Phone number (include area code): 206-919-1126 **E-mail address: Dan.OLeary@jacobs.com

See next page for additional signatures.

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Signature of Co-Lessor Date: _____

Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

Signature of Lessee Date: _____

Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

**** 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.**

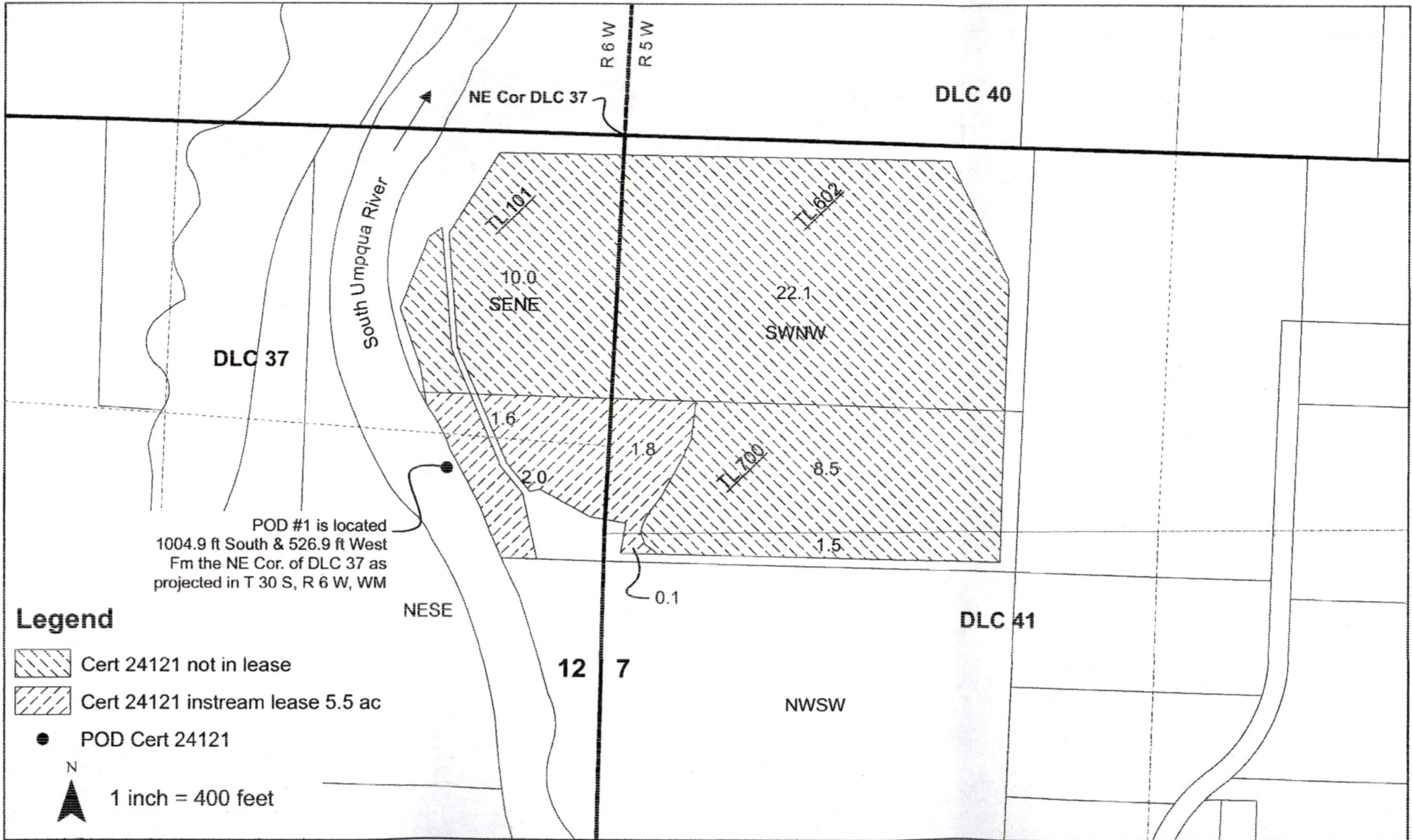
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Geolyn C Evenson Living Trust Map of Instream Lease of a portion of Certificate 24121

T 30 S, R 5 & 6 W
Sec 7 (in DLC 41) & 12 (in DLC 37)



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.7 T30S. R.5W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
7-7-20

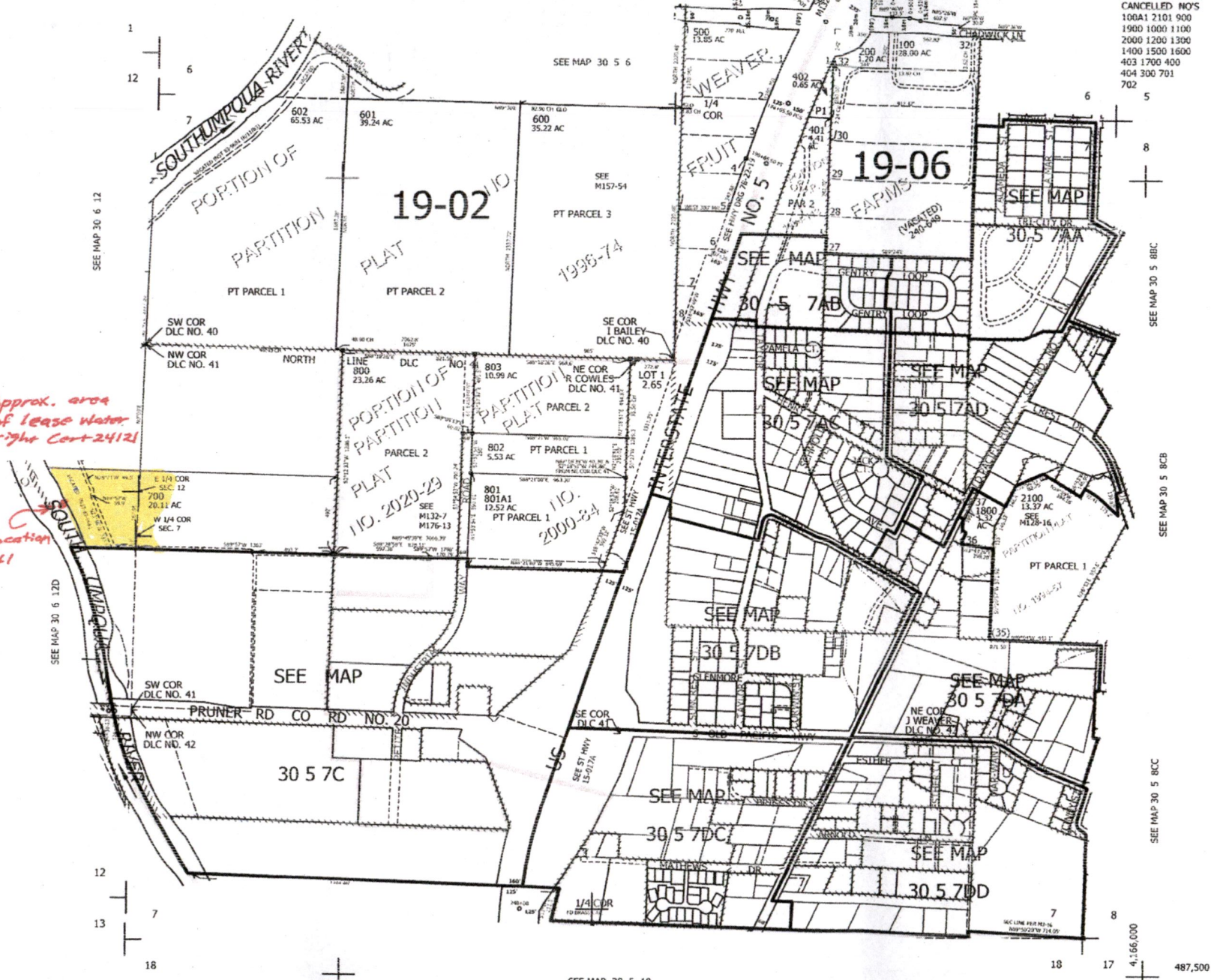
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& INDEX

CANCELLED NOS
100A1 2101 900
1900 1000 1100
2000 1200 1300
1400 1500 1600
403 1700 400
404 300 701
702

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Approx. area
of lease water
right Cont-24121

Approx. location
of POD #1



SEE MAP 30 5 18

SEE MAP 30 5 8CC

SEE MAP 30 5 8CC

SEE MAP 30 5 8CC

SEE MAP 30 5 8CC

SEE MAP 30 5 8CC

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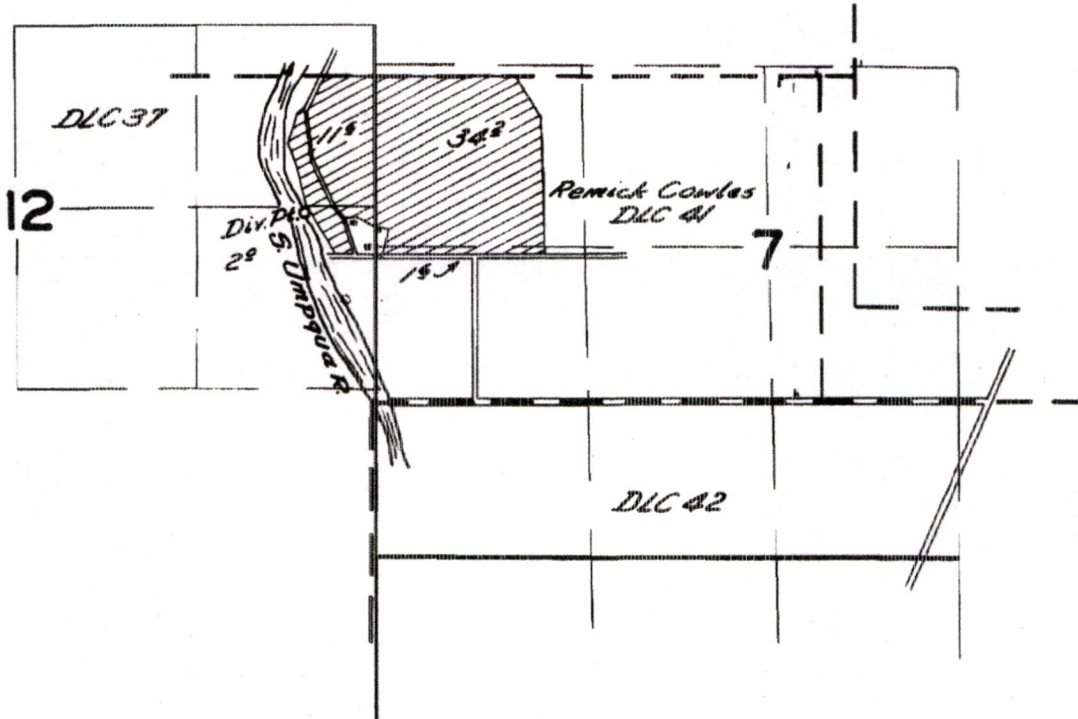
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& INDEX

T.30 S.R.5-6W.W.M.

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*Note: Section & DLC Lines are
Located from Douglas County Records*

FINAL PROOF SURVEY

UNDER

Application No. 26202 Permit No. 20436
IN NAME OF

F.L. Matthews

Surveyed Oct. 16, 1956, by R.H. Whitby

THIS SPACE RESERVED FOR REC



After recording return to:
Geolyn C. Evenson Living Trust
1600 Chadwick Lane
Myrtle Creek, OR 97457

DOUGLAS COUNTY OFFICIAL RE
BARBARA E. NIELSEN, COUNTY



DEED-WD Cnt=1 Stn=18 HEI
\$10.00 \$11.00 \$15.00 \$10.00

Until a change is requested all tax statements
shall be sent to the following address:

Geolyn C. Evenson Living Trust
1600 Chadwick Lane
Myrtle Creek, OR 97457

Escrow No. RB0703643
Title No. 0703643
SWD

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AmeriTitle 202643

STATUTORY WARRANTY DEED

Geolyn C. Evenson, Trustee or her Successors in Trust, under The Geolyn C. Evenson Living Trust, dated February 21, 2007 and any amendments thereto, Grantor(s) here to Geolyn C. Evenson, Trustee(s) of The Geolyn C. Evenson Living Trust und dated February 21, 2007, for the benefit of Geolyn C. Evenson, Grantee(s) t real property in the County of DOUGLAS and State of Oregon free of en specifically set forth herein:

That portion of the Cowles Donation Land Claim No. 37 and 41, Township 30 South, Ranges 5 and Douglas County, Oregon lying East of the South Umpqua River and described as follows:

BEGINNING at a point on the North line of said Cowles Donation Land Claim which is indicated t which is 2062.8 feet West of the Southeast corner of the I. Bailey Donation Land Claim No. 40, To West, Willamette Meridian, Douglas County, Oregon; thence running South 0° 27' West 1290.7 f thence South 89° 57' West 1363.0 feet to a point; thence North 23° 46' West 333.9 feet, Nc North 28° 21' West 49.5 feet, North 27° 54' West 171.4 feet, North 23° 06' West 120.0 fee feet, North 7° 25' West 252.3 feet, North 5° 25' East 72.3 feet, North 26° 53' East 236.6 fe Cowles Donation Land Claim; thence East along the North line of said Cowles Claim, 162 beginning. All of the above being situated in Section 7, Township 30 South, Range 5 Wes 30 South, Range 6 West, Willamette Meridian, Douglas County, Oregon.

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

T30S, R05W, S07, TL 700

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HE

R27170

T30S R05W S07 TL00700

The above-described property is free of encumbrances except all those items of record, if any, as o those shown below, if any:

The true and actual consideration for this conveyance is to correct vesting.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERR INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 ANI SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES T PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON / THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLA VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLIS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINE INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Geolyn C. Evenson
Geolyn C. Evenson, Trustee of the Geolyn C. Evenson Living Trust da

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Page 2 - Statutory Warranty Deed - Signature/Notary Page
Escrow No. RB0703643

Dated this 22 day of December 2009

State of Oregon
County of DOUGLAS

On this 22 day of Dec, 2009, before me Terri Jo Morgan, a notary public in and for said State, personally appeared Geolyn C. Evenson being by me first duly sworn, declared that she is Trustee of the The Geolyn C. Evenson Living Trust under Trust Instrument dated February 21, 2007, for the benefit of Geolyn C. Evenson that she signed the foregoing document as the Trustees and that statements therein contained are true.

Terri Jo Morgan
Notary Public
Residing at: Passburg, OR
Commission Expires: 12-19-2010



END OF DOCUMENT