



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

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	OWRD #	IL-1852
	District #	

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

Yes N/A **Pooled Lease**-a lease with more than one Lessor (Landowner/water right interest holder)

Fee in the amount of:

<input checked="" type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights	Or <input type="checkbox"/> \$350.00 for all other leases
<input type="checkbox"/> Check enclosed <u>or</u>	
<input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</u> (Account name)	

Part 1 –

Completed Minimum Requirements Checklist

Received by OWRD

Part 2 – Completed District and Other Party Signature Page

Part 3 – Completed Place of Use and Lessor Signature Page

APR 02 2021

(Include a separate Part 3 for each Lessor.)

Part 4 – Completed Water Right and Instream Use Information

Salem, OR

(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: 95175, 95176

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: 95176 (IS), 95177 (IS), 95178 (IS), 74149 (IS)

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

Term of the Lease: The lease is requested to begin in: <u>month April year 2021</u> and end: <u>month October year 2021</u> .	
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 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 checked="" 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 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.	
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.	
Validity of the rights to be leased: <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.



Signature of Co-Lessor

Date: March 17, 2021

Received by OWRD

APR 02 2021

Salem, OR

Printed name (and title): Chris Schull, Interim Manager

Business/Organization name: Tumalo Irrigation District

Mailing Address (with state and zip): 64697 Cook Avenue, Bend, Oregon 97703

Phone number (include area code): 541-382-3053 **E-mail address: chris@tumalo.org

Date: _____

Signature of Co-Lessor

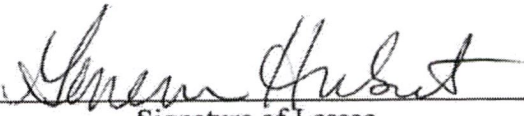
Printed name (and title):

Business/organization name:

Mailing Address (with state and zip):

Phone number (include area code): **E-mail address:

See next page for additional signatures.


Signature of Lessee

Date: 4/1/2021

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NE Hill Street #1, Bend, Oregon 97703

Phone number (include area code): 541-382-4077 x16 **E-mail address: gen@deschutesriver.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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APR 02 2021

Salem, OR

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)**

Irrigation District or other Water Purveyor Name: Tumalo 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.

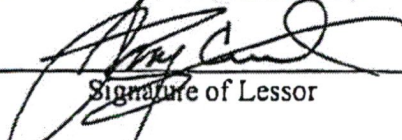
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Acres	Use	Page #	Previous Lease #
95176	10/29/1913	2P	16 S	12 E	30	NE SE	00100	16.00	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NE SE	02000	5.00	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NE SE	02100	1.90	IR	9	IL-1790
95175	05/27/1907	1P	16 S	12 E	30	NW SE	02100	3.40	IR	18	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NW SE	02100	0.70	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	SE NE	00100	13.20	IR	9	IL-1790

Any additional information about the right: T-12810

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:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.


Signature of Lessor

1/12/2021
Date

Received by OWRD

APR 02 2021

Printed name (and title): Jerry Curl (President)

Salem, OR Business Name: C.L.R., Inc.

Mailing Address 703 NW Stonepine Drive, Bend, Oregon 97703 Phone: (541) 389-6562

E-mail address: debi@brickshiphouse.net

Tumalo Irrigation District Application for Instream Lease

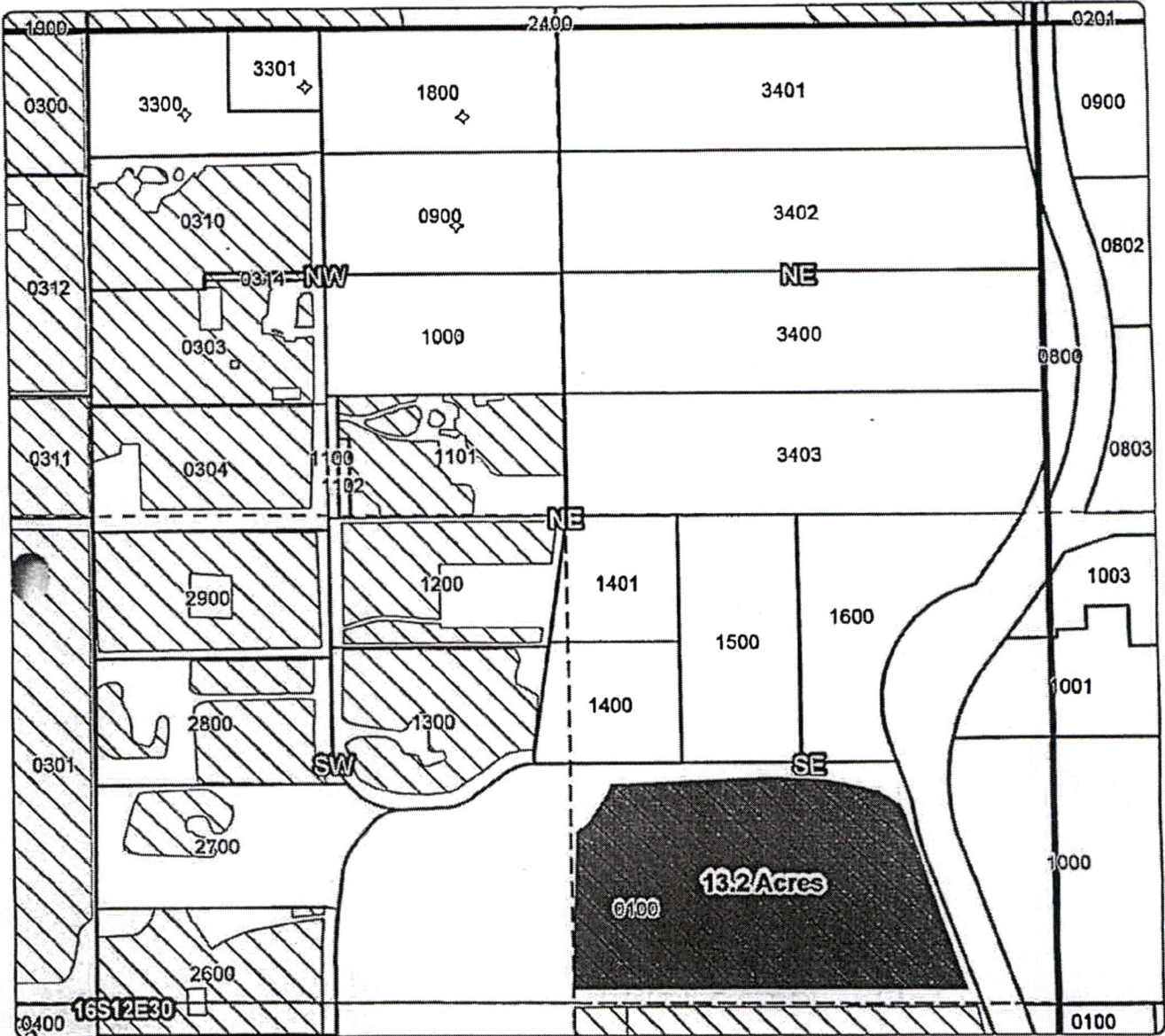
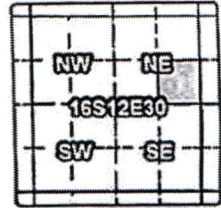
Cert #: 95176

C.L.R. Inc.

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APR 02 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 0100, 16S12E30SENE: 13.2 Acres Leased (95176), 0 Acres Remaining

- Canals
- Taxlots
- Transfer
- Cert 95176, 95175
- Cert 76108
- All Other Certs

1 inch = 400 feet



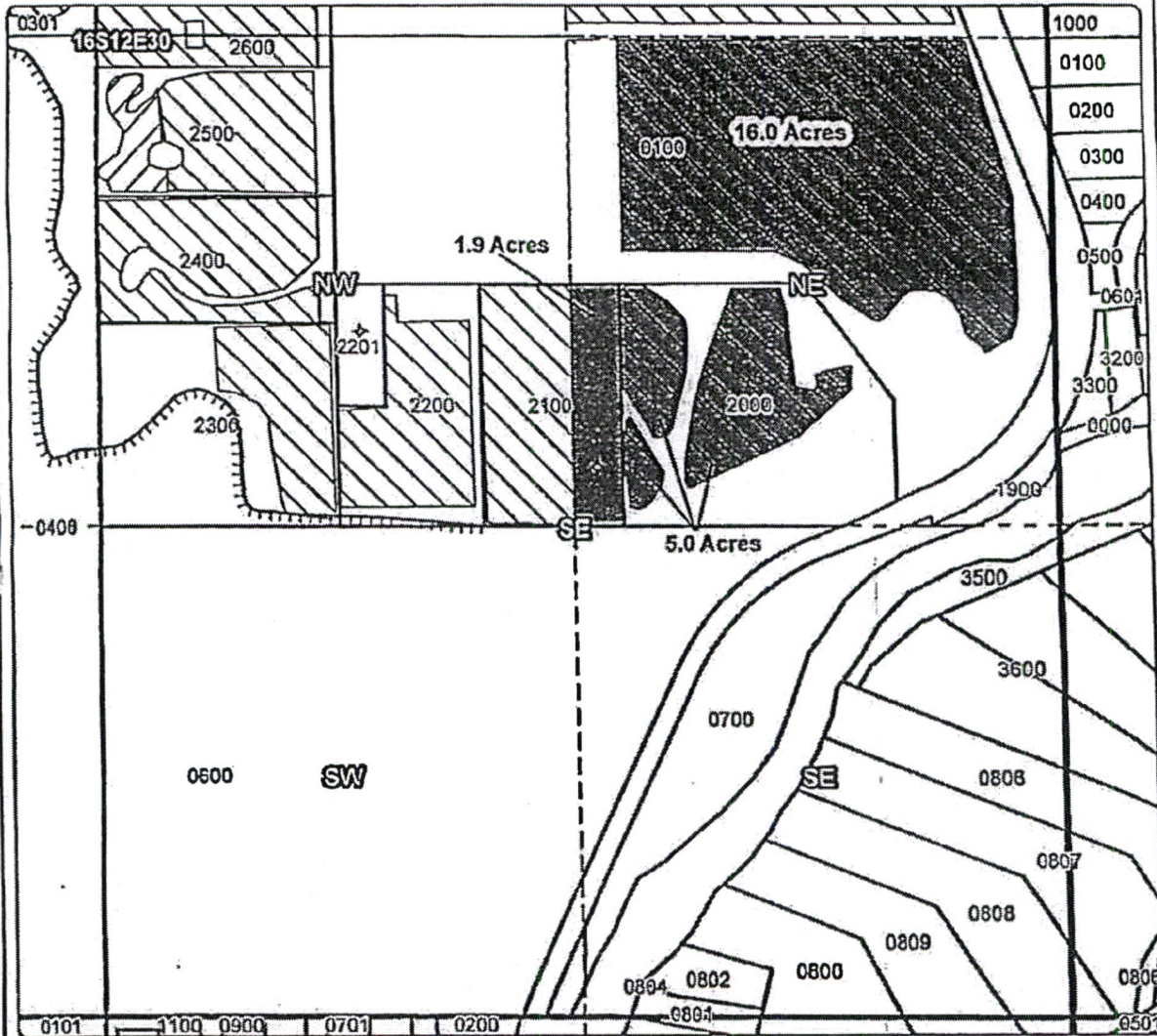
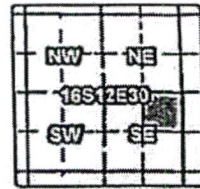
Received by OWRD

APR 02 2021

Salem, OR

Tumalo Irrigation District Application for Instream Lease

Cert #: 95176
For C.L.R. Inc.



1 YEAR INSTREAM LEASE MAP

Taxlot 0100, 16S12E30NESE: 16.0 Acres Leased (95176), 0 Acres Remaining
Taxlot 2000, 16S12E30NESE: 5.0 Acres Leased (95176), 0 Acres Remaining
Taxlot 2100, 16S12E30NESE: 1.9 Acres Leased (95176), 0 Acres Remaining

- TTTT Canals
- Taxlots
- Transfer
- Cert: 95176
- Cert 76108
- All Other Certs

1 inch = 400 feet



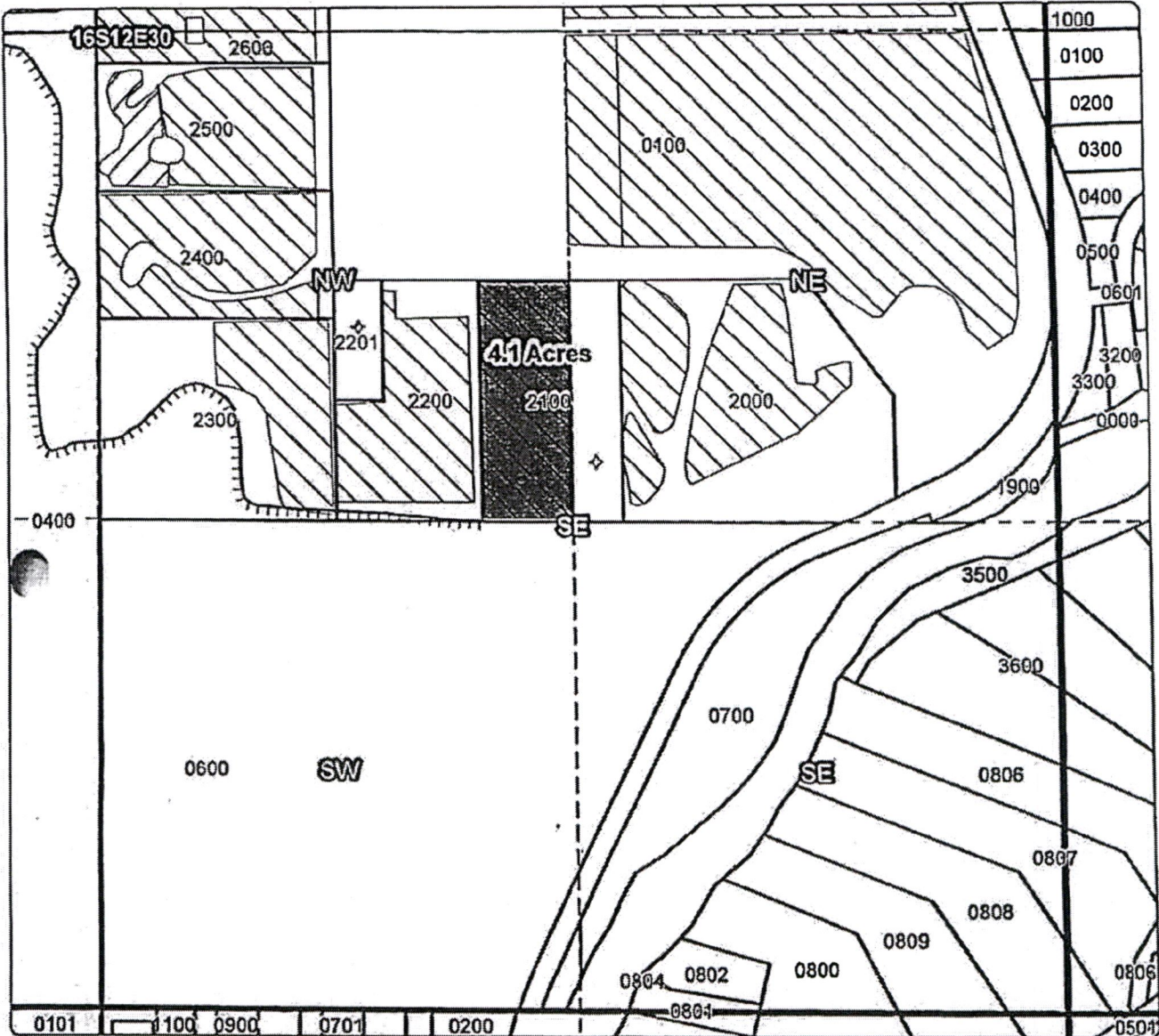
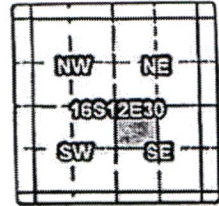
Tumalo Irrigation District Application for Instream Lease

APR 02 2021

Salem, OR

Cert #: 95175, 95176

Fire C.L.R. Inc.



1 YEAR INSTREAM LEASE MAP

Taxlot 2100, 16S12E30NWSE: 3.4 Acres Leased (95175), 0 Acres Remaining
Taxlot 2100, 16S12E30NWSE: 0.7 Acres Leased (95176), 0 Acres Remaining

- Canals
- Taxlots
- Transfer
- Cert 95175, 95176
- Cert 76108
- All Other Certs

1 Inch = 400 feet



EXHIBIT C

Received by OWRD

**Deschutes River Conservancy
Instream Leasing Program**

APR 02 2021

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

Salem, OR

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

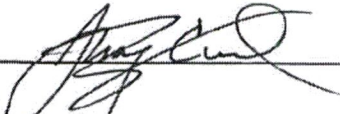
Information and Resources Attached

Donated Leases: Leases of less than 3 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

Tumalo Irrigation District leases are paid for water measured instream. Size of lease payment may vary from year-to-year depending on reliability of the water in a given year and total number acres leased from TID patrons. If more than 450 total district acres are leased, payment *per measured acre-foot* increases from \$10.00 to \$12.50 per acre-foot.

I, Jerry Cuel for C.L.R., Inc. understand the DRC weed policy and have
Print Name

been informed about farm deferral, payments and donations.

Signature:  Date: 1/12/2021

This form must be signed and returned with state lease form.

Tumalo Irrigation District

Application for Instream Lease

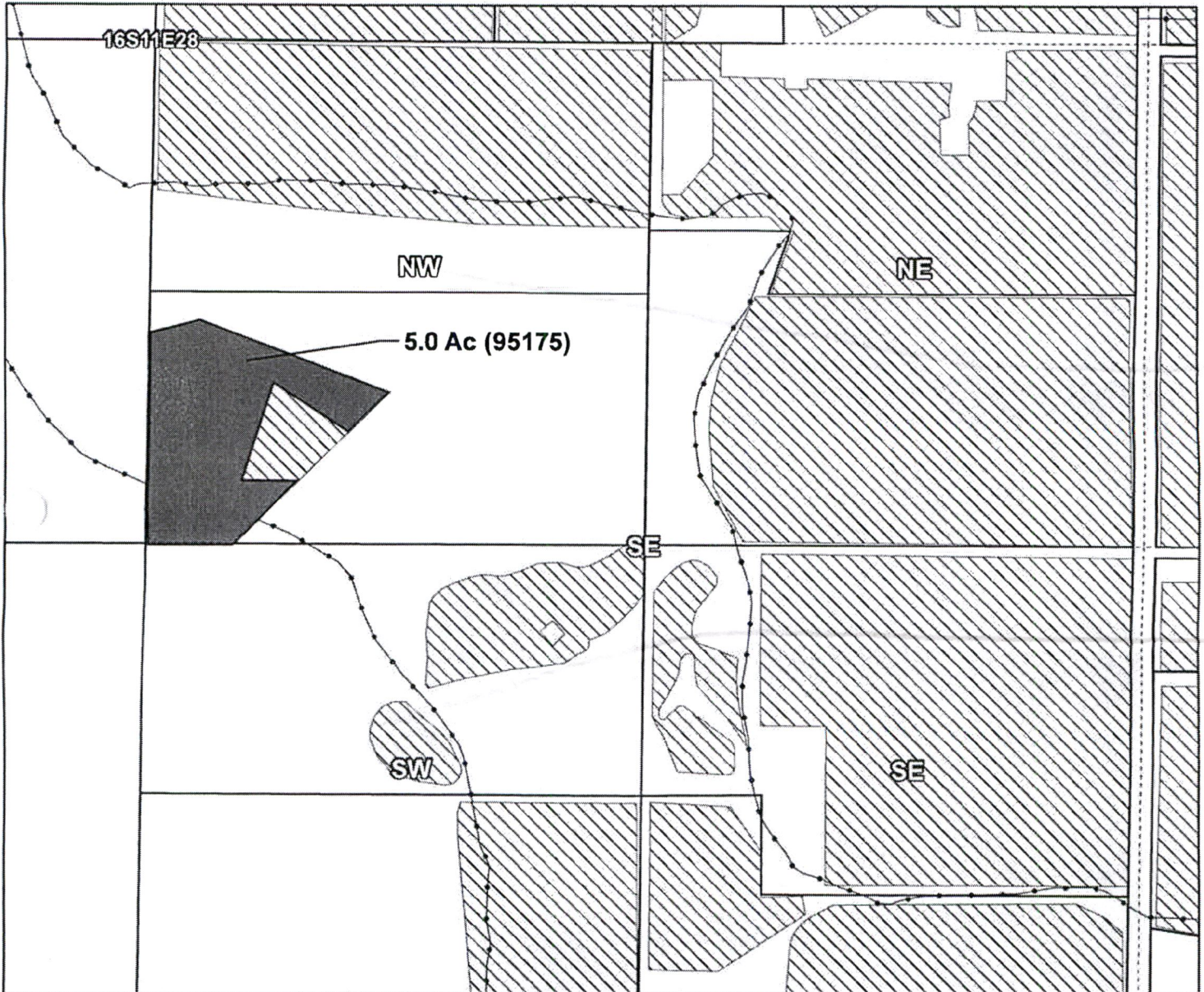
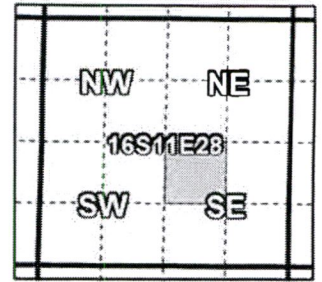
L21.02

Received by OWRD

APR 02 2021

Salem, OR

Cert #: 95175
For: Meryl & Timothy Koester



1 YEAR INSTREAM LEASE MAP

Taxlot: 1611280001100, 16-11-28-NW/SE: 4.3 Acres Leased, 0.0 Acres Remaining
CT# 95175 (Date: 08/05/1900)

Taxlot: 1611280001100, 16-11-28-NW/SE: 0.70 Acres Leased, 0.60 Acres Remaining
CT# 95175 (Date: 09/01/1900)

- Pipelines and Canals
- Taxlots
- Leases
- ▨ Place of Use



1 inch = 400 feet

Prepared by Tumalo Irrigation District | January 2021

APR 02 2021

Salem, OR

EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

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Information and Resources Attached

Donated Leases: Leases of less than 3 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

Tumalo Irrigation District leases are paid for water measured instream. Size of lease payment may vary from year-to-year depending on reliability of the water in a given year and total number acres leased from TID patrons. If more than 450 total district acres are leased, payment *per measured acre-foot* increases from \$10.00 to \$12.50 per acre-foot.

Meryl E. Koestler

I, Timothy H. Koester understand the DRC weed policy and have

Print Name

been informed about farm deferral, payments and donations.

Signature: Meryl Koester Date: 1-9-21

Signature: Timothy H. Koester Date: 1/9/2021

This form must be signed and returned with state lease form.

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)**

Irrigation District or other Water Purveyor Name: Tumalo 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	Acres	Use	Page #	Previous Lease #
95176	10/29/1913	2P	16	S	11	E	23	NE	SW	00516	3.00	IR	4	IL-1725
95176	10/29/1913	2P	16	S	11	E	23	NW	SW	00516	3.00	IR	4	IL-1725

**Any additional information about the right: Keeping 1.41 acres on 16-11-23-NE/SW-00516
Keeping 2.90 acres on 16-11-23-NW/SW-00516**

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:

1. I/~~We~~ agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/~~We~~ certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deceded land owner, I/~~We~~ have obtained consent from the deceded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/~~We~~ affirm that the information in this application is true and accurate.

Krista Knoernschild

1-24-2021

Signature of Lessor

Date

Received by OWRD

APR 02 2021

Salem, OR

Printed name (and title): Krista Knoernschild (Trustee)

Business name: Mark Murzin & Krista Knoernschild Trust

Mailing Address: 70 SW Century Drive, Suite 100-457, Bend, Oregon 97702

Phone number: (541) 410-2795

E-mail address: oaktree2448@gmail.com

Tumalo Irrigation District

Application for Instream Lease

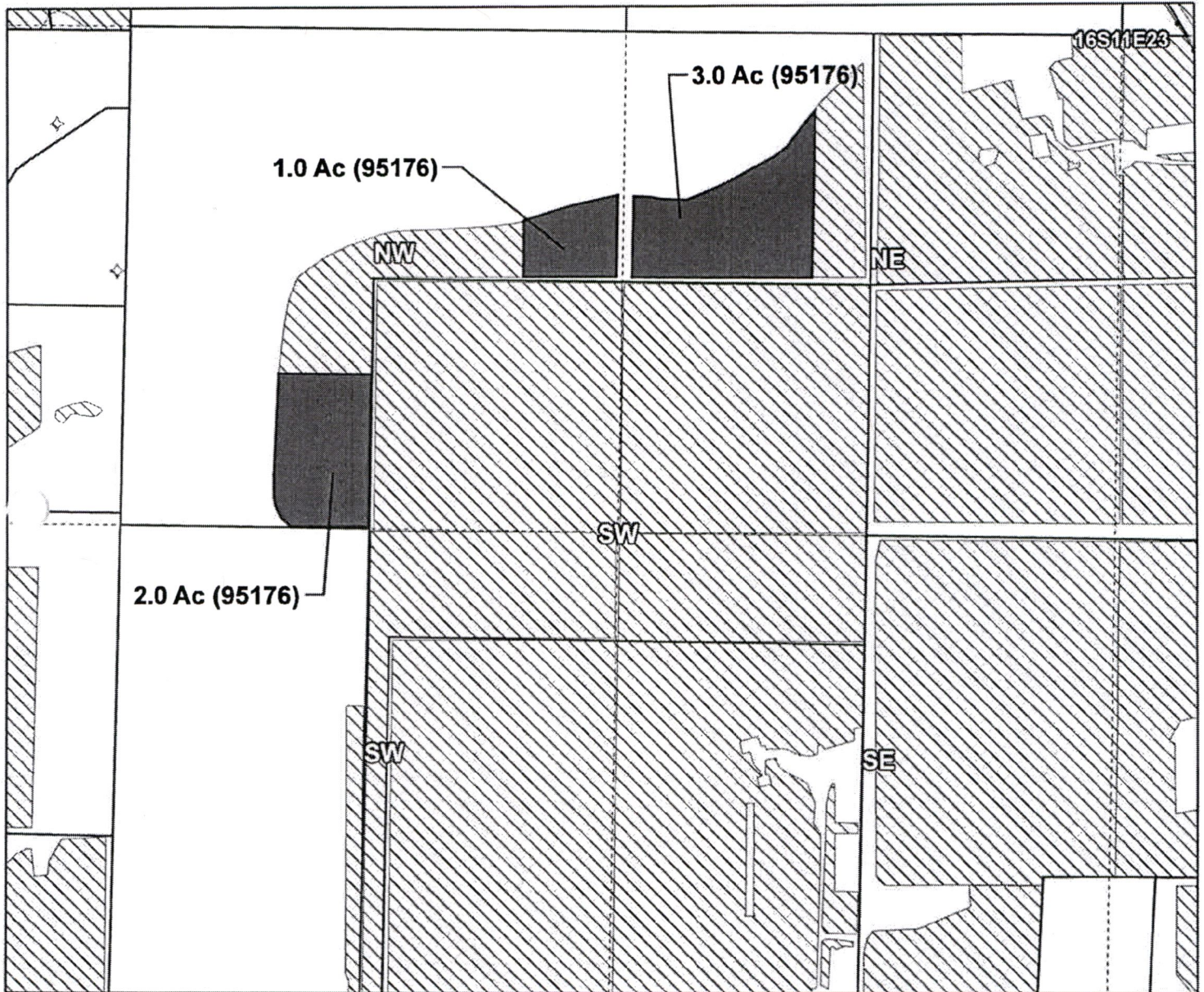
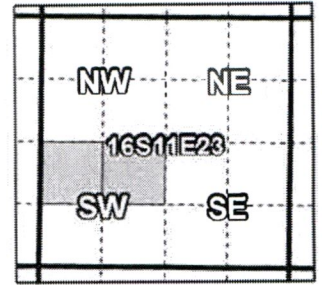
L21.03

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Cert #: 95176 and 95175
For: Murzin/Knoernschild

APR 02 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot: 1611230000516, 16-11-23-NW/SW:

CT#: 95176, 3.0 Acres Leased, 1.5 Acres Remaining (Date: 10/29/1913)

CT#: 95175, 1.4 Acres Remaining (Date: 09/01/1900)

Lot: 1611230000516, 16-11-23-NE/SW:

CT#: 95176, 3.0 Acres Leased, 1.41 Acres Remaining (Date: 10/29/1913)

- Pipelines and Canals
- Taxlots
- Leases
- ▨ Place of Use



1 inch = 400 feet

Prepared by Tumalo Irrigation District | January 2021

EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

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**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

APR 02 2021

Salem, OR

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Weed Policy

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Information and Resources Attached

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I, Krista Knoeruschild understand the DRC weed policy and have
Print Name

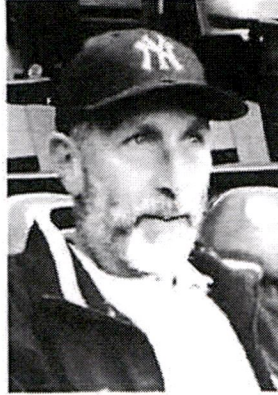
been informed about farm deferral, payments and donations.

Signature: Krista Knoeruschild Date: 1-24-2021

This form must be signed and returned with state lease form.

Published Jan. 14, 2019 at 08:40AM

Mark A. Murzin



[View larger image](#)

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APR 02 2021

Salem, OR

March 30, 1954 – December 31, 2018

Mark “Murry” Murzin, 64, passed away peacefully at Hospice House in Bend on the final day of the tax year, with his loving wife, Kris, at his side.

Mark was a “mensch” in the truest sense of the word – helpful, considerate, generous (to people and causes), kind, and giving. He touched so many lives in a positive way as a trusted advisor to his clients and friends. He always tried to do the best possible job for everyone. Even in his waning days, he made such an effort to give comfort to all those who cared about him.

Mark was a superlative example of how to live and die with grace and dignity. His 27 month struggle with pancreatic cancer and its treatment is described in his CaringBridge website in a candid and inspirational way: <https://www.caringbridge.org/public/markmurzin>.

Mark was born in Shirley, MA and lived most of his life in Connecticut. He spent his formative years in Trumbull, CT and was proud to have had lifelong friendships with

other members of the "Plumtree Lane Gang". He (<http://Gang>). He moved to Bend in 1999, where he enjoyed all the outdoor recreation in the area. He loved running, camping, hiking, biking, skiing, snowshoeing, kayaking, whitewater rafting, and playing golf.

Mark graduated from the University of Connecticut in 1976 and became a CPA, working at mid-sized accounting firms in Connecticut and Colorado until he formed his own firm Murzin Paquette and Company with his close friend, David Paquette, in 1993. Mark earned a Masters in Taxation from the University of Denver in 1984 and was a top-notch tax, estate and retirement consultant during his 40 year career. He formed his own company, Mark A. Murzin, CPA when he moved to Bend almost 20 years ago.

Mark loved to travel. He spent 6 months in 1979 on the roads of North America, camping with Kris in their Chevy van. Some of his favorite foreign destinations were: Raja Ampat, Indonesia; French Polynesia; the Galapagos Islands and Amazonian jungle of Ecuador; Cape Breton, Nova Scotia; and Scotland. Highlights of his more recent U.S. travels were rafting through the Grand Canyon and exploring Alaska's Inside Passage on an expedition cruise.

Mark was also the ultimate sports fan, especially of his beloved New York Yankees.

Mark is survived by his devoted wife of 41 years, Krista Knoernschild; his brother, Howie Murzin; cousin Allan Miller; in-laws: Mark Knoernschild and wife, Jane Bartosik; and Kurt Knoernschild and wife, Sally Nogg.

While all who meant so much to Mark are too many to name, special appreciation goes out to: David Menegus, Kevin Kupec, David Paquette, Jack Lutz, Alison Smith, Steve Axelrod, Eliot Gersten, Rick Loomis, Gail and Dick Grauer, Betty and David Faller, Penny Fristrom, and Patty Giffin.

Special thanks from the family to the caregivers at St. Charles Cancer Center and

Received by OWRD

Partners In Care of Bend. Memorial donations to honor Mark may be made to Seacology (www.seacology.org, (<http://www.seacology.org>)) Partners In Care (www.partnersbend.org (<http://www.partnersbend.org>)) or CaringBridge (as a tribute on Mark's website).

Memorial services will be held in Bend, OR on March 2, 2019 and in Newtown, CT on March 30, 2019. Details will be forthcoming on CaringBridge.

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APR 02 2021

Salem, OR

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

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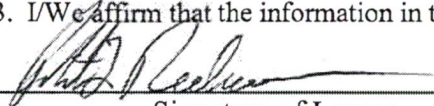
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Acres	Use	Page #	Previous Lease #			
95176	10/29/1913	2P	16	S	11	E	35	SE	NW	01500	2.40	IR	7	IL-1725

Any additional information about the right: Keeping 0.6 acres around their house.

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:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.



Signature of Lessor

JAN 12, 2021
Date

Received by OWRD


APR 02 2021

Salem, OR

Printed name (and title): **Robert L. Pederson (Owner)**

Mailing Address (with state and zip): **18925 Pinehurst Road, Bend, Oregon 97703**

Phone number (include area code): **(541) 388-0742** **E-mail address: **pondhawk2@gmail.com**



Signature of Lessor

Jan 12, 2021
Date

Printed name (and title): **Gretchen B. Pederson (Owner)**

Mailing Address (with state and zip): **18925 Pinehurst Road, Bend, Oregon 97703**

Phone number (include area code): **(541) 388-0742** **E-mail address: **pondhawk2@gmail.com**

Tumalo Irrigation District

Application for Instream Lease

Cert #: 95176

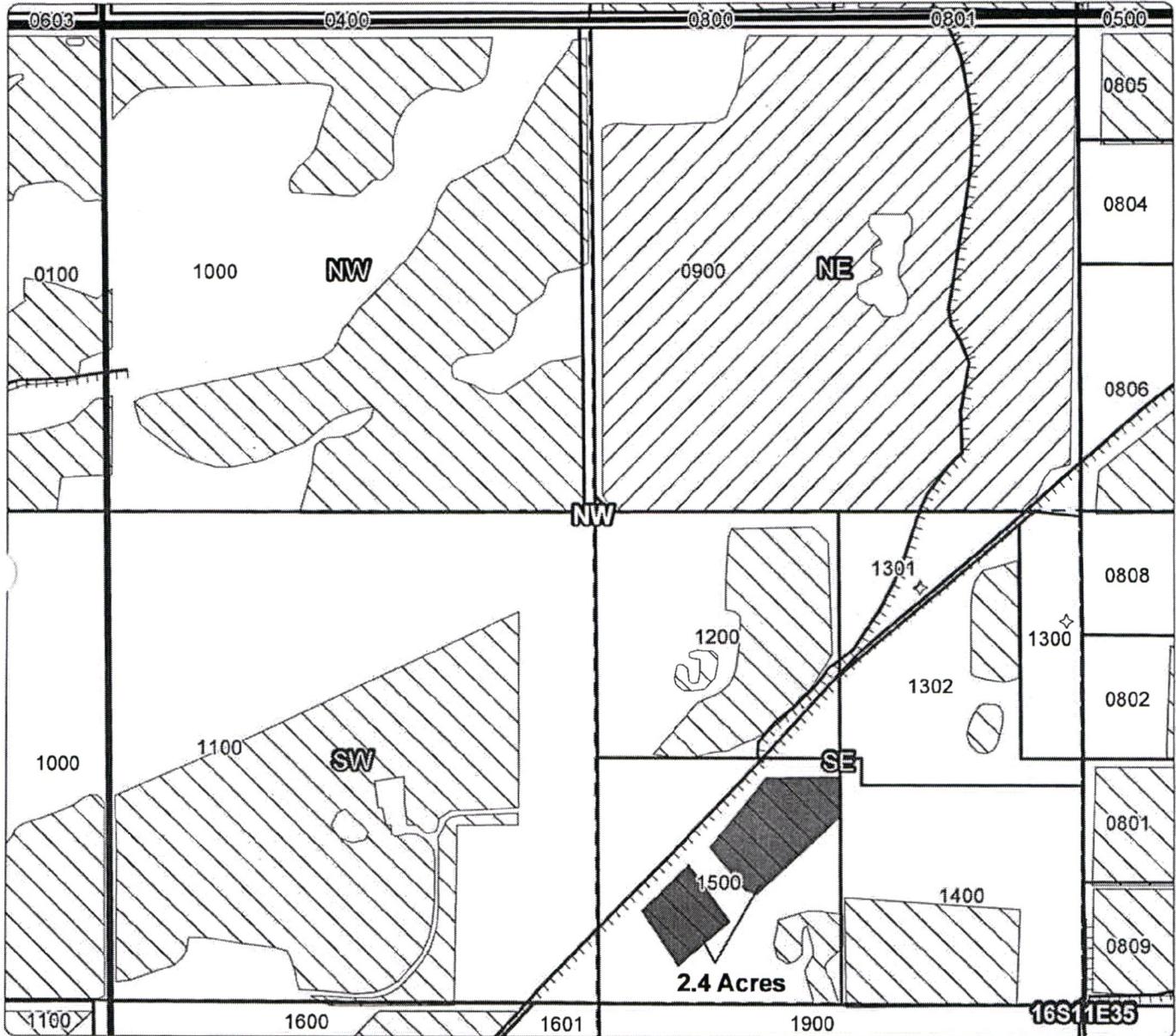
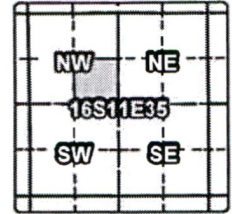
For: Robert L. & Gretchen B. Pederson

Received by OWRD

APR 02 2021

L21.04

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 1500, 16S11E35SENE: 2.4 Acres Leased (95176), 0.6 Acres Remaining

- Canals
- Taxlots
- Transfer
- Cert 95175, 95176
- Cert 76106
- All Other Certs

1 inch = 400 feet
June 2016



L21.04

EXHIBIT C

Received by OWRD

**Deschutes River Conservancy
Instream Leasing Program**

APR 02 2021

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

Salem, OR

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 3 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

Tumalo Irrigation District leases are paid for water measured instream. Size of lease payment may vary from year-to-year depending on reliability of the water in a given year and total number acres leased from TID patrons. If more than 450 total district acres are leased, payment *per measured acre-foot* increases from \$10.00 to \$12.50 per acre-foot.

Robert L. Pederson

I, Gretchen B. Pederson understand the DRC weed policy and have
Print Name

been informed about farm deferral, payments and donations.

Signature: *Robert L. Pederson* Date: JAN 12 2021

Signature: *Gretchen B. Pederson* Date: JAN 12, 2021

This form must be signed and returned with state lease form.

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)**

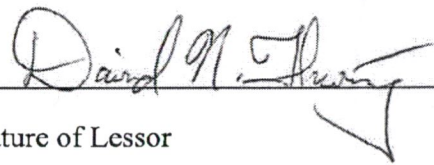
Irrigation District or other Water Purveyor Name: Tumalo Irrigation District
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.
If not enough room below, you may 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	Acres	Use	Page #	Previous Lease #
95175	09/01/1900	1P	16 S	11 E	24	NW SE	01300	2.50	IR	7	IL-1549

Any additional information about the right:
Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.



 Signature of Lessor

 Date

1/12/2021

Received by OWRD

APR 02 2021

Salem, OR

Printed name (and title): David N. Thwing **Business name, if applicable:** N/A
Mailing Address: 19495 Dayton Road, Bend, Oregon 97703
Phone Number: (541) 610-8029 **Email Address:** N/A

L21.05

Tumalo Irrigation District

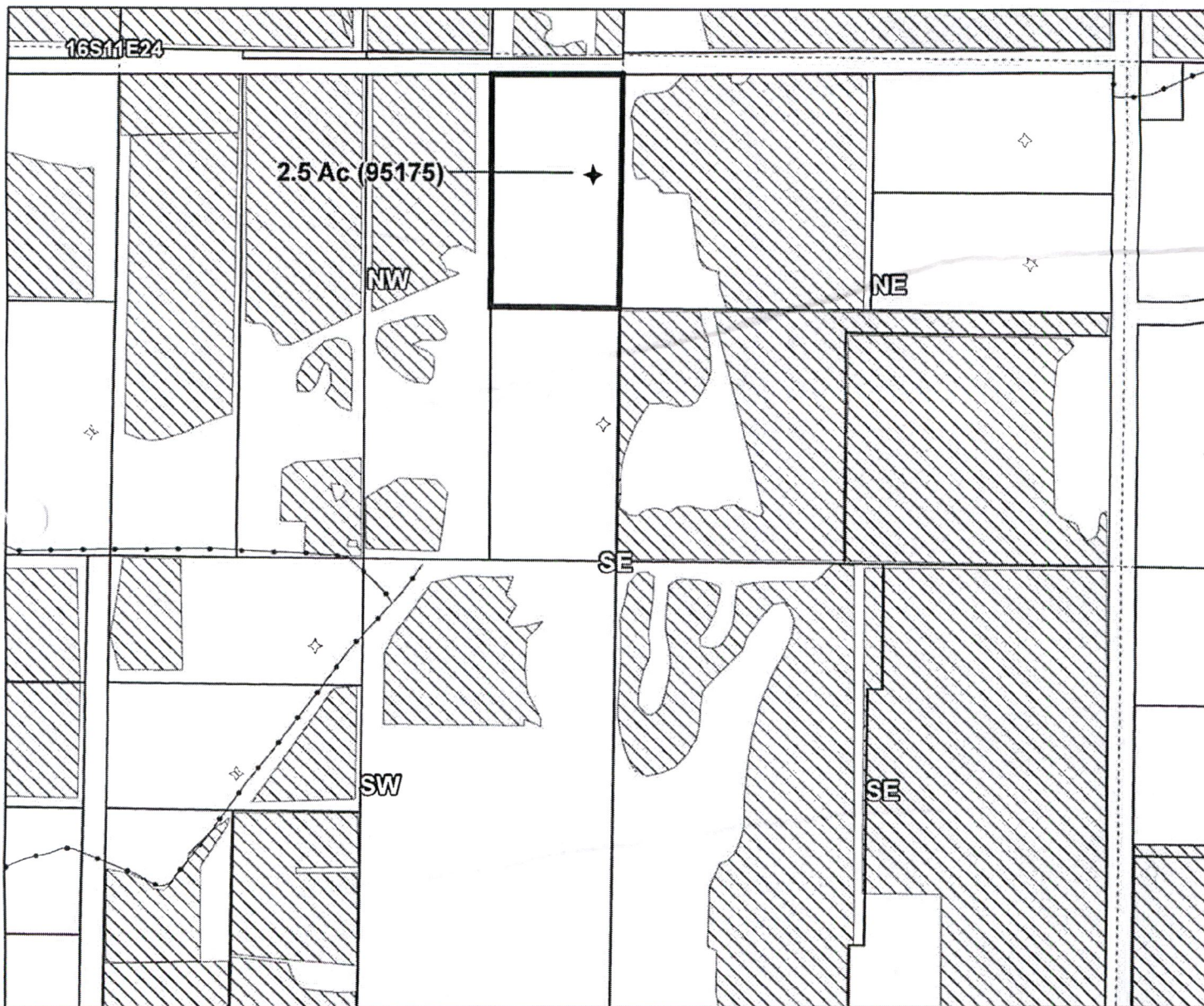
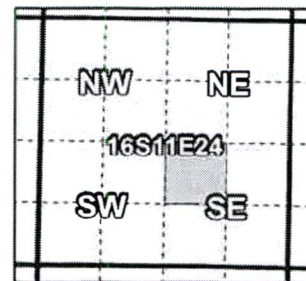
Application for Instream Lease Received by OWRD

L21.05

APR 02 2021

Cert #: 95175
For: David N. Thwing

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot: 1611240001300, 16-11-24-NW/SE: 2.5 Acres Leased, 0.0 Acres Remaining
CT# 95175 (Date: 09/01/1900)

- Pipelines and Canals
- Taxlots
- Leases
- ▨ Place of Use



1 inch = 400 feet

Prepared by Tumalo Irrigation District | January 2021

L21.05

EXHIBIT C

**Deschutes River Conservancy
Instream Leasing Program**

Received by OWRD

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

APR 02 2021

Salem, OR

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached

Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: Leases of less than 3 acres, leases with public entities, leases submitted after the due date agreed upon by the District and the DRC and posted by the District, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

Tumalo Irrigation District leases are paid for water measured instream. Size of lease payment may vary from year-to-year depending on reliability of the water in a given year and total number acres leased from TID patrons. If more than 450 total district acres are leased, payment *per measured acre-foot* increases from \$10.00 to \$12.50 per acre-foot.

I, DAVID N. THWING understand the DRC weed policy and have
Print Name
been informed about farm deferral, payments and donations.

Signature: David N. Thwing Date: 1/12/2021

This form must be signed and returned with state lease form.

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 # 95175

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)
8/5/1900	1P	IRR	4.30		0.053	7.74
9/1/1900	1P	IRR	3.20		0.034	5.76
5/27/1907	1P	IRR	3.40		0.041	6.12

Total af from storage, if applicable: _____ AF or N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3

Instream Use created by the lease	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Tumalo Creek, tributary to Deschutes River</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>1P</u> to mouth of the Deschutes River		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
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 water right, the lease may be processed to be protected at the POD.)						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)						
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)
8/5/1900	1P	IRR	4.30	4/1/2021 – 10/25/2021	0.019	7.74
9/1/1900	1P	IRR	3.20	4/1/2021 – 10/25/2021	0.014	5.76
5/27/1907	1P	IRR	3.40	4/1/2021 – 10/25/2021	0.15	6.12
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.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here Protected from <u>4/1/2021 – 10/25/2021</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>N/A</u>						

Received by OWRD

APR 02 2021

Salem, OR

This table will calculate flow rate factors and duty for Tumalo Irrigation District Instream Leases

updated 3/16/2021

Primary Irrigation - updated to include all acreage

TID CERT 95175 (was 74146) (assuming can divert full rate and duty allowed by certificate)

Source = Tumalo Creek

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

Enter Total Number of Acres to be Leased		Rate (CFS) associated with leased rights from the Lease Application Form				
Pri date	acres instream	Enter Rates and Duty on Lease Form by Priority Date	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
August 5, 1900	4.30	August 5, 1900	0.0123	0.053	1.8	7.74
September, 1900	3.20	September, 1900	0.0087	0.028	1.8	5.76
April 28, 1905		April 28, 1905	0.0123	0.000	1.8	0.00
May 27, 1907	3.40	May 27, 1907	0.0120	0.041	1.8	6.12
June 1, 1907		June 1, 1907	0.0123	0.000	1.8	0.00
total acres	10.90	Totals		0.122		19.62

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Salem, OR

Notes

The amounts shown in the green Section 1.4 box breaks the water right down into each priority date.

The rate is simply the current rate per acre (see start point page) multiplied by the number of acres being leased by each priority date.

The duty is simply the duty per acre (1.8 AF) multiplied by the number of acres being leased by each priority date.

Rate (CFS) leased instream for the Instream Section of the Lease Application Form			
Enter Instream Rates and Volumes by	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	Period Instream
August 5, 1900	0.021	7.74	April 15 - Oct 15
September, 1900	0.016	5.76	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.017	6.12	April 15 - Oct 15
June 1, 1907	0.000	0.00	April 15 - Oct 15
Totals	0.054	19.62	

OR

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates (must fall within Irrigation Season)			
begin date	Number of Days		
4/1/2021	208	Days	
end date			
10/25/2021			
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	# Day's Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)
August 5, 1900	208	0.019	7.74
September, 1900	208	0.014	5.76
April 28, 1905	208	0.000	0.00
May 27, 1907	208	0.015	6.12
June 1, 1907	208	0.000	0.00
Totals		0.048	19.62

*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

Notes

The amounts shown in the lavender box's breaks the water right down into each priority date for what is going instream.

The volume shown is simply the full duty as calculated in the green box.

However, the instream rate has been reduced. The presumption I used is that water is to be protected instream over the full irrigation season, being

April 15 to October 15. The instream rate then is the duty divided by the number of days in the irrigation season (184). This is then

divided by 1.983471 AF/day to arrive at the rate instream. 1.983471 AF = 1 CFS for one day,

(Duty in AF / # of days instream) * 1 CFS/1.983471 AF per Day

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 # 95176

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)
10/29/1913	2P	IRR	45.20	Season 1 / Season 2 / Season 3	0.565/0.753/1.395	447.93

Total af from storage, if applicable: _____ AF or N/A

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3

Instream Use created by the lease	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Tumalo Creek, tributary to Deschutes River</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>2P</u> to mouth of the Deschutes River		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
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 water right, the lease may be processed to be protected at the POD.)						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2) 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)
10/29/1913	2P	IRR	45.20	Season 1 / Season 2 / Season 3, April 1, 2021 – October 31, 2021	0.311/0.414/0.767	245.75
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.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here Protected from <u>4/1/2021 – 10/31/2021</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: <u>N/A</u>						

Received by OWRD

APR 02 2021

Salem, OR

**This table will calculate flow rate factors and duty for Tumalo Irrigation District
Instream Leases**

updated 3/16/2021

Primary Irrigation

TID CERT 95176 (was 74147) (assuming can divert full rate and duty allowed by certificate for primary water use)

Priority Date = October 29, 1913

Source = Tumalo Creek with any deficiencies to be made up from Crater Creek, Little Crater Creek, and Three Springs Branches

Enter Total Number of Acres to be Leased Instream Here →	45.200
--	--------

Rate (CFS) associated with the right to be leased for the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	0.565	9.910	447.93
Season 2	0.017	0.753		
Season 3	0.031	1.395		

Notes

The rate identified in the green Section box was calculated based on the number of acres being leased multiplied by the rate per acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

Amounts that may be leased to instream use for the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	Full Duty at POU (5.45 af/ac)
Season 1	0.311	55	33.90	246.34
Season 2	0.414	30	24.65	
Season 3	0.767	123	187.19	
Totals		Total Instream Vol.	245.75	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form			
Water protected instream:	April 1 through October 31		

Notes

Amounts reflected above do not include transmission loss water. Based on review of records for this certificate, the diversion at the POD includes 45% transmission loss. Prior conversations with the Watermaster suggest that this should be removed from the quantity leased or transferred instream to avoid injury and enlargement issues.

See FO for IL-1549 and review materials in lease file.

Season 1 shortened by 6 days to bring instream volume under max duty limit.

Received by OWRD

APR 02 2021

Salem, OR

Tumalo ID 2021 Leasing Total

Lease	Term	Lessor	Priority	Certificate	Reach	Acres	Use	Acre-Feet	Instream Period and Rate								
									4/1-4/15	4/15-4/30	5/1-5/14	5/15-9/14	9/15-9/30	10/1-10/15	10/16-10/26	10/27-10/31	
L-1409	5 yr	Bend Parks & Rec	9/1/1900	95175	Tumalo	57.70	IR	103.86	0	0.285	0.285	0.285	0.285	0.285	0.285	0	0
Instream	2019-2023		10/29/1913	95176	Tumalo	47.30	IR	468.74	0.591	0.591	0.788	1.46	0.788	0.591	0.591	0	0
L-new	1 yr	Pooled District	8/5/1900	95175	Tumalo	4.30	IR	7.74	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0
New Instream	2021		9/1/1900	95175	Tumalo	3.20	IR	5.76	0.014	0.014	0.014	0.014	0.014	0.014	0.014	0.014	0
		*	9/1/1900	95175	Tumalo	0.00	IR										0
			4/28/1905	95175	Tumalo	0.00	IR										0
			5/27/1907	95175	Tumalo	3.40	IR	6.12	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0.015	0
			6/1/1907	95175	Tumalo	0.00	IR										0
			10/29/1913	95176	Tumalo	45.20	IR	245.75	0.311	0.311	0.414	0.767	0.414	0.311	0.311	0.311	0.311
			10/29/1913	95176	Tumalo	0.00	IND										0
			10/31/1900 & 12/2/1907	95176	Deschutes	0.00	IR										0
* C-76106 (12/8/1961) now lives as C-74146 > C-95175 with 9/1/1900 priority																	
L-1409, instream 2019-2023						105.00		572.6	0.591	0.876	1.073	1.745	1.073	0.876	0.59		0
New pooled lease in 2021						56.10		265.37	0.359	0.359	0.462	0.815	0.462	0.359	0.36	0.311	
Totals						161.1	IRR	837.97	0.95	1.235	1.535	2.56	1.535	1.235	0.95	0.311	

Supplemental water rights not leased instream:
 C-88894, C-95177, C-74149, C-95178
 Some of these have updated numbers 2021

Updated certificate numbers		
Original	New	New
C-74147	95176	
C-74146	95175	
* C-76106	74146	95175

Updated Supplemental certs	
Original	New
C- 88894	no change
C-74148	95177
C-74149	no change
C-76520	95178

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Salem, OR

Water Right #	Priority Date	POD	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/	Acres	Use	Page #	Previous Lease #
95175	8/5/1900	1P	16 S	11 E	28	NW SE	1100	N/A	4.30	IR	10	N/A
#95175 08/05/1900									4.30			
95175	9/1/1900	1P	16 S	11 E	28	NW SE	1100	N/A	0.70	IR	10	N/A
95175	9/1/1900	1P	16 S	11 E	24	NW SE	1300	N/A	2.50	IR	7	IL-1549
#95175 09/01/1900									3.20			
95175	5/27/1907	1P	16 S	12 E	30	NW SE	2100	N/A	3.40	IR	18	IL-1790
#95175 05/27/1907									3.40			
TOTAL #95175									10.90			
95176	10/29/1913	2P	16 S	11 E	23	NE SW	516	N/A	3.00	IR	4	IL-1725
95176	10/29/1913	2P	16 S	11 E	23	NW SW	516	N/A	3.00	IR	4	IL-1725
95176	10/29/1913	2P	16 S	11 E	35	SE NW	1500	N/A	2.40	IR	7	IL-1725
95176	10/29/1913	2P	16 S	12 E	30	NE SE	100	N/A	16.00	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NE SE	2000	N/A	5.00	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NE SE	2100	N/A	1.90	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	NW SE	2100	N/A	0.70	IR	9	IL-1790
95176	10/29/1913	2P	16 S	12 E	30	SE NE	100	N/A	13.20	IR	9	IL-1790
#95176 10/29/1913									45.20			
TOTAL #95176									45.20			
2021 GRAND TOTAL									56.10			

Received by OWRD

APR 02 2021

Salem, OR