

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-1861/MP-273 |
| | District # | IL-21-15 |

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

Yes N/A **Pooled Lease**-a lease with more than one **Lessor** (Landowner/water right interest holder)
Fee in the amount of:

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

Part 1 –

Completed Minimum Requirements Checklist

Mitigation Project

Part 2 – Completed District and Other Party Signature Page

Part 3 – Completed Place of Use and Lessor Signature Page

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(Include a separate **Part 3** for each Lessor.)

Part 4 – Completed Water Right and Instream Use Information

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(Include a separate **Part 4** for each Water Right.)

How many Water Rights are included in the lease application? _____ (# of rights)

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List each water right to be leased instream here: 94956

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: 76714

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: month <u>April</u> year <u>2021</u> and end: month <u>October</u> year <u>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 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) |
| 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. | |

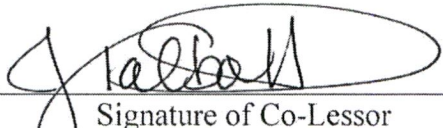
SIGNATURES

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

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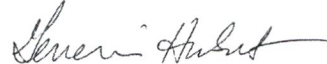
Salem, OR



 Signature of Co-Lessor

Date: 4/26/2021

Printed name (and title): Jessica Talbott, Water Rights Technician
 Business/Organization name: Central Oregon Irrigation District
 Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756
 Phone number (include area code): 541-504-7577 **E-mail address: Jtalbott@coid.org



 Signature of Lessee

Date: 4/28/2021

Printed name (and title): Gen Hubert, Water Leasing Program Manager
 Business/organization name: Deschutes River Conservancy
 Mailing Address (with state and zip): PO BOX 1560 Bend, OR 97709
 Phone number (include area code): 541-548-6047 **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**

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

**Complete Table 1 Identify water right(s) proposed to be leased instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

Table 1

| Irrigation District or other Water Purveyor Name: Central Oregon Irrigation District | | | | | | | | | | | | | | | |
|--|---------------|-------|-----|---|-----|---|-----|-----|----|---------|-----------------|-------|-------|--------|--|
| Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor. | | | | | | | | | | | | | | | |
| Water Right # | Priority Date | POD # | Twp | | Rng | | Sec | Q-Q | | Tax Lot | Gov't Lot/DLC # | Acres | Use | Page # | Previous Lease # |
| 94956 | 10/31/1900 | 11 | 15 | S | 13 | E | 07 | NW | SW | 500 | | 18.8 | Irrig | 20 | IL-803/IL-1228/IL-1468/IL-1530/IL-1795 |
| 94956 | 10/31/1900 | 11 | 15 | S | 13 | E | 07 | SE | NW | 500 | | 15.2 | Irrig | 20 | IL-803/IL-1228/IL-1468/IL-1530/IL-1584/IL-1795 |
| 94956 | 10/31/1900 | 11 | 15 | S | 13 | E | 07 | NE | SW | 500 | | 5.55 | Irrig | 20 | IL-803/IL-1228/IL-1584/IL-1664 |
| 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 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: 04-22-21

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Printed name (and title): Matascha Atias Gatto Business name, if applicable:
Mailing Address (with state and zip): PO BOX 986 Madras, OR 97741
Phone number (include area code): 971-254-5613 **E-mail address: general.atiasgroup@gmail.com

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EXHIBIT C

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**Deschutes River Conservancy
Instream Leasing Program**

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**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


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: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Natascha Gatto Atias understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 04/22/21

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 #94956

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) |
|---------------|-------|-------|-------|---|------------|-------------|
| 10/31/1900 | 11 | Irrig | 39.55 | Season 1 Rate/Total Volume | 0.451 | 372.99 |
| 10/31/1900 | 11 | Irrig | 39.55 | Season 2 Rate | 0.615 | |
| 10/31/1900 | 11 | Irrig | 39.55 | Season 3 Rate | 0.839 | |
| 12/02/1907 | 11 | Irrig | 39.55 | Season 3 Rate | 0.336 | |

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>Deschutes River, tributary to Columbia 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: <u>From the POD to Lake Billy Chinook RM 120</u> | 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) |
| 10/31/1900 | 11 | Irrig | 39.55 | Season 1 Rate/Total Volume | 0.272 | 215.57 |
| 10/31/1900 | 11 | Irrig | 39.55 | Season 2 Rate | 0.363 | |
| 10/31/1900 | 11 | Irrig | 39.55 | Season 3 Rate | 0.671 | |
| OR <input type="checkbox"/> | | | | | | |
| <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 <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> | | | | | | |
| Note: The Department may identify additional conditions to prevent injury and/or enlargement. | | | | | Received by OWRD | |
| Any additional information about the proposed instream use: _____ | | | | | | |
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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Wilke at 503-986-0884.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

| POD #1 | October 31, 1900 | December 2, 1907 | Combined |
|---------------------|------------------|------------------|----------|
| Season 1 Rate (CFS) | 0.000 | | |
| Season 2 Rate (CFS) | 0.000 | | |
| Season 3 Rate (CFS) | 0.000 | 0.000 | 0.000 |
| Duty (AF) | | | 0.00 |

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| POD #11 | October 31, 1900 | December 2, 1907 | Combined |
|---------------------|------------------|------------------|----------|
| Season 1 Rate (CFS) | 0.451 | | |
| Season 2 Rate (CFS) | 0.615 | | |
| Season 3 Rate (CFS) | 0.839 | 0.336 | 1.175 |
| Duty (AF) | | | 372.99 |

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

| From POD #11 to Lake Billy Chinook | |
|------------------------------------|--------|
| Season 1 Rate (CFS) | 0.272 |
| Season 2 Rate (CFS) | 0.363 |
| Season 3 Rate (CFS) | 0.671 |
| Maximum Volume (AF) | 215.57 |

DESCHUTES COUNTY SEC.07 T15S R13E

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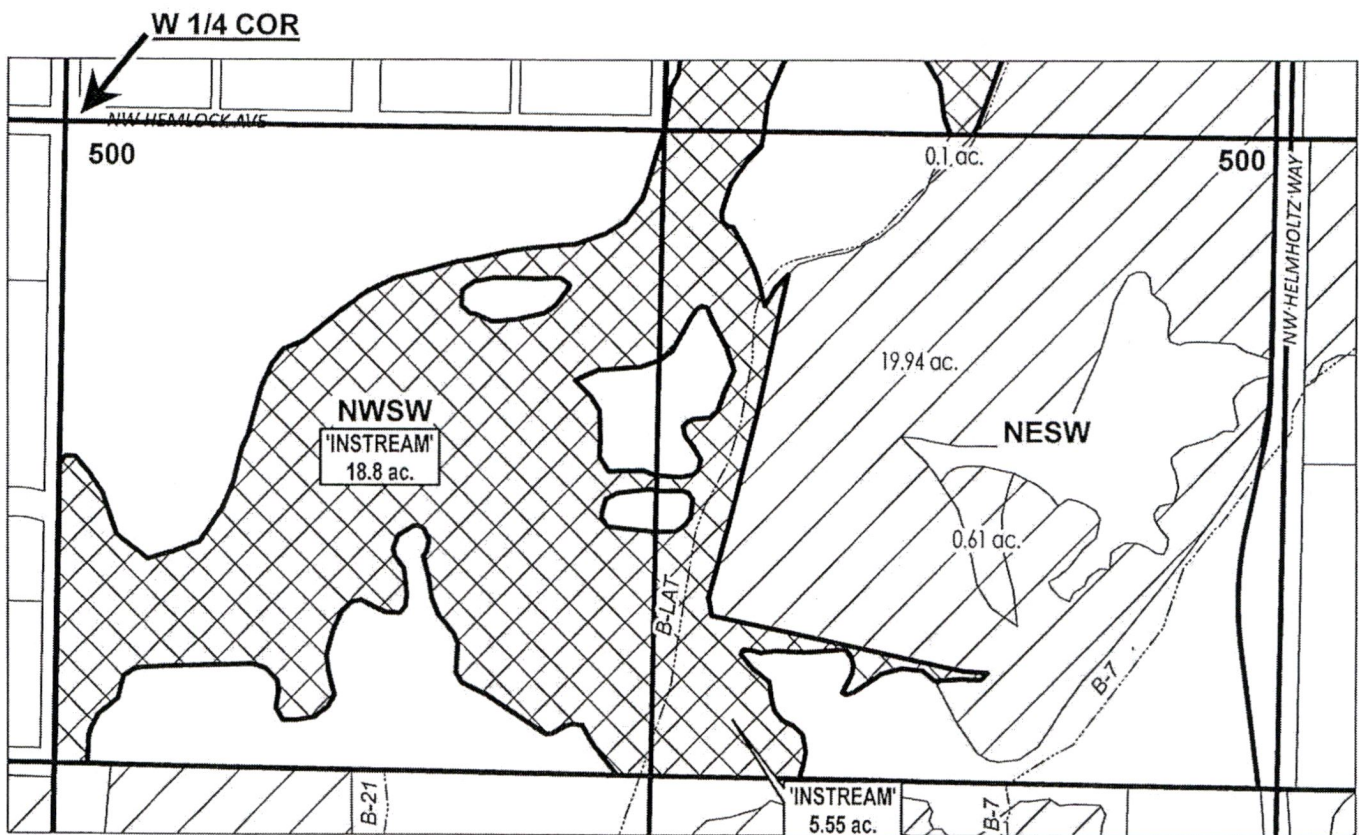
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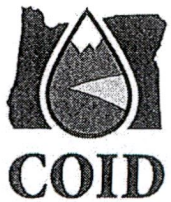
SCALE - 1" = 400'



NW 1/4 OF THE SW 1/4; NE 1/4 OF THE SW 1/4



| | |
|--|-----------------------|
| | EXISTING WATER RIGHTS |
| | INSTREAM LANDS |



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Atias Gatto, Natascha

TAXLOTS #: 500

24.35 ACRES

DATE: 4/23/2021

**DESCHUTES COUNTY
SEC.07 T15S R13E**

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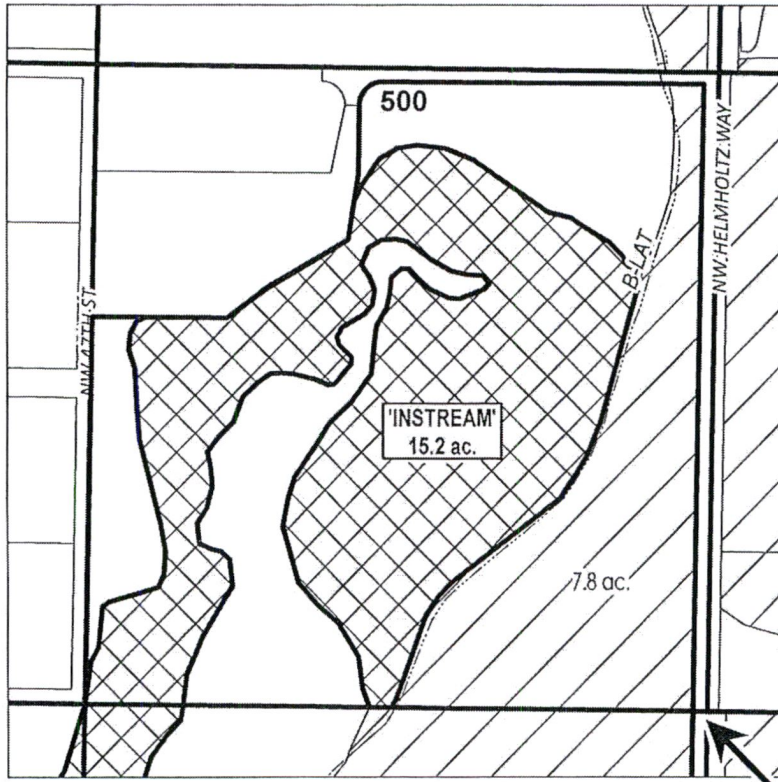
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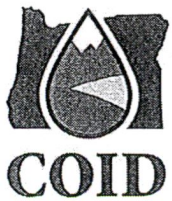


Salem, OR

SE 1/4 OF THE NW 1/4



| | |
|---|-----------------------|
|  | EXISTING WATER RIGHTS |
|  | INSTREAM LANDS |



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Atias Gatto, Natascha

TAXLOTS #: 500

15.2 ACRES

DATE: 4/23/2021

Central Oregon Irrigation District
Water Right Changes for Instream Map IL-2021-15

TRSQQ: Cert Acres:

| Date | Trans # | Acres ON | Acres OFF |
|------|---------|----------|-----------|
| | | | |

TRSQQ: Cert Acres:

| Date | Trans # | Acres ON | Acres OFF |
|---------------------------|---------|----------|-----------|
| No changes on Certificate | | | |

| Date | Trans # | Acres ON | Acres OFF |
|------|---------|----------|-----------|
| | | | |

TRSQQ: Cert Acres:

| Date | Trans # | Acres ON | Acres OFF |
|------|---------|----------|-----------|
| | | | |

TRSQQ: Cert Acres:

| Date | Trans # | Acres ON | Acres OFF |
|------|---------|----------|-----------|
| | | | |

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