



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 #	1L-1862/MP-2
	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:

\$520.00 for a lease involving **four or more landowners or four or more water rights** Or \$350.00 for all other leases

Check enclosed or
 Fee Charged to customer account Deschutes River Cons (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
 (Include a separate **Part 3** for each Lessor.)

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Part 4 – Completed Water Right and Instream Use Information
 (Include a separate **Part 4** for each **Water Right**.)

APR 28 2021

How many Water Rights are included in the lease application? 1 (# of rights)

Salem, OR

List each water right to be leased instream here: 74145

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: _____)?

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 Nov 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 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.

Received by OWRD

APR 28 2021

Salem, OR

Kathy Ferguson
 Signature of Co-Lessor

Date: 4-26-21

Printed name (and title): _____

Business/Organization name: Swalley Irrigation District

Mailing Address (with state and zip): 64672 Cook Ave. Ste 1, Bend, OR 97703

Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com

 Signature of Co-Lessor

Date: _____

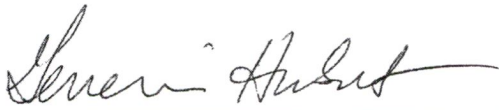
Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

See next page for additional signatures.



Date: 4/26/2021

Signature of Lessee

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

Business/organization name: Deschutes River Conservancy Mitigation Bank

Mailing Address (with state and zip): 700 NW Hill Street, Ste 1, Bend, OR 97703

Phone number (include area code): 541-382-4077 **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**

Received by OWRD

APR 28 2021

Salem, OR

Bunge

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: Swalley 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.

Table with 13 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Row 1: 74145, 9-1-1899, 3&15, 16, 12, 14, SE, N W, 00702, 1.09, IRR, 5, #1557.

Any additional information about the right: new owner Bunge (old Steven Russell) TOTAL 1.09

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.

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: John Bunge Date: 4/8/2021 new owner

Printed name (and title): John Bunge Business name, if applicable:

Mailing Address (with state and zip):

Phone number (include area code): 541-389-4936 **E-mail address: carol@bunge.org

Signature of Lessor: Carol Bunge Date: 4/8/2021

Printed name (and title): Carol Bunge Business name, if applicable:

Mailing Address (with state and zip):

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APR 28 2021

Salem, OR

Swalley Irrigation District Application for Instream Lease

Cert #: 74145

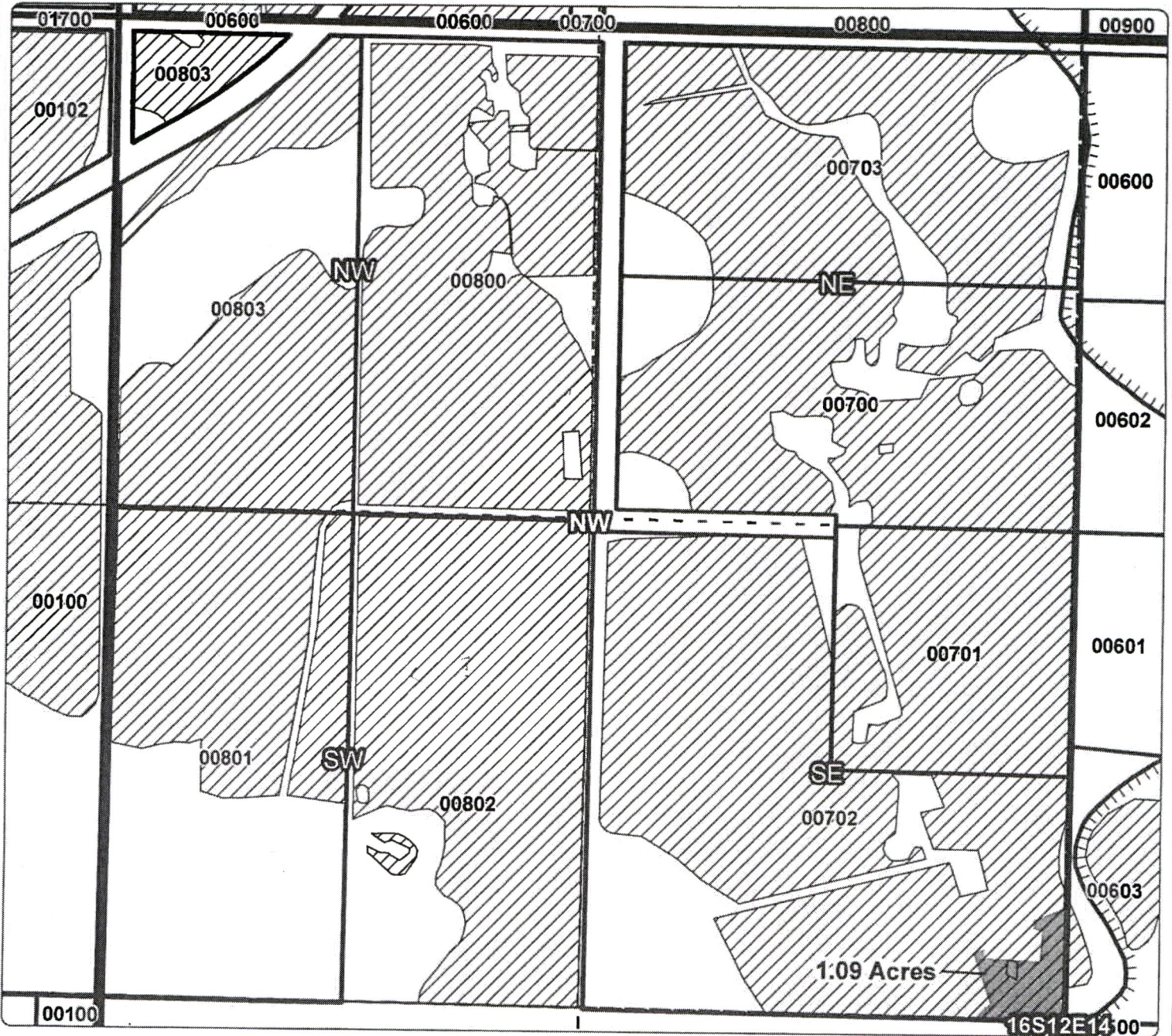
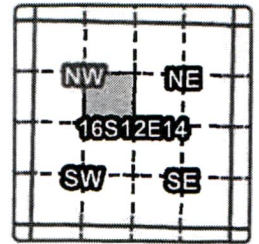
For: John + Carol Bunge

2021

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Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 00702, 16S12E14SENE: 1.09 Acres Leased, 22.91 Acres Remaining

- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145



EXHIBIT C

Received by OWRD

**Deschutes River Conservancy
Instream Leasing Program**

APR 28 2021

Salem, OR

**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: Leases of less than 5 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.

✱

I, John Bunge understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

✱

Signature: Carl Bunge Date: 4/8/2021

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)**

Table 1

Irrigation District or other Water Purveyor Name: Swalley 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 #	
74145	9-1-1899	3&15	17	12	22	N W	NE	00104	4.25	IRR	23	IL-1677 & #1291	
74145	9-1-1899	3&15	17	12	22	SW	NE	00104	7.90	IRR	23	#1291	
74145	9-1-1899	3&15	17	12	23	N W	N W	1802	11.15	IRR	23	#1291	
74145	9-1-1899	3&15	17	12	23	sw	nw	1802	2.62	IRR	23	#1291	
Any additional information about the right:										TOTAL 25.92			

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.



Sasha Sulia

Date: 04/13/2021

Signature of Lessor

Printed name (and title): Sasha Sulia, Superintendent of Park Operations Business name, if applicable: Bend Parks and Rec Dist.

Mailing Address (with state and zip): 799 SW Columbia St., Bend, OR 97702

Phone number (include area code): _____ **E-mail address: JustinS@bendparksandrec.org

Date: _____

Signature of Lessor

Printed name (and title): _____ Business name, if applicable: _____

Received by OWRD

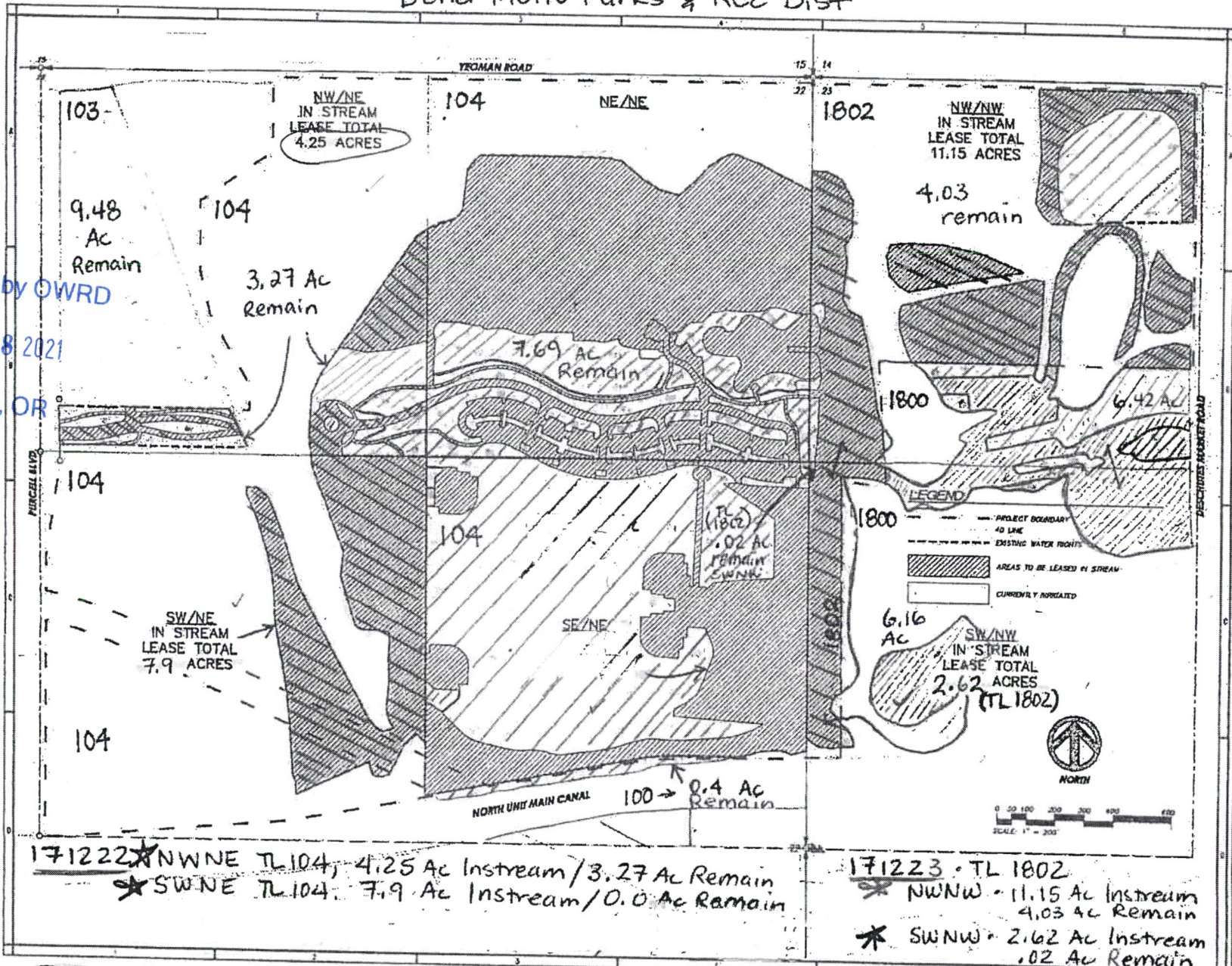
APR 28 2021

Salem, OR

2021

Bend Metro Parks & Rec Dist

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APR 28 2021
Salem, OR



171222 *NWNE TL 104, 4.25 Ac Instream / 3.27 Ac Remain
 *SWNE TL 104, 7.9 Ac Instream / 0.0 Ac Remain

171223 TL 1802
 *NWNW - 11.15 Ac Instream
 4.03 Ac Remain
 *SWNW - 2.62 Ac Instream
 .02 Ac Remain

Instream Remain

BEND METRO PARK AND RECREATION DISTRICT
PINE NURSERY COMMUNITY PARK
 IN STREAM LEASE MAP

HWA
 HERRING & WATSON ASSOCIATES, INC.
 1000 S. WASHINGTON ST.
 SUITE 200
 PORTLAND, OR 97204
 PHONE: 503.253.1111
 FAX: 503.253.1112

DATE: 3/20/13

4/4

120302

EXHIBIT C

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**Deschutes River Conservancy
Instream Leasing Program**

APR 28 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 5 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.

✶

I, Sasha Sulia understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

✶

Signature: Sasha Sulia Date: 4/13/2021

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)

Table 1

Irrigation District or other Water Purveyor Name: Swalley 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.

Table with 13 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Row 1: 74145, 9-1-1899, 3&15, 17, 12, 17, NE, NE, 00100, 5.31, IRR, 20, #1557.

Any additional information about the right: TOTAL 5.31

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] Date: 4-12-21

Signature of Lessor Raymond Gumpert

Printed name (and title): 20319 Cooley Rd, Bend, OR Business name, if applicable:

Mailing Address (with state and zip): 20319 Cooley Rd, Bend, OR

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

Date:

Signature of Lessor

Printed name (and title): Business name, if applicable:

Mailing Address (with state and zip):

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

Received by OWRD

APR 28 2021

Salem, OR

Swalley Irrigation District

Application for Instream Lease 2021

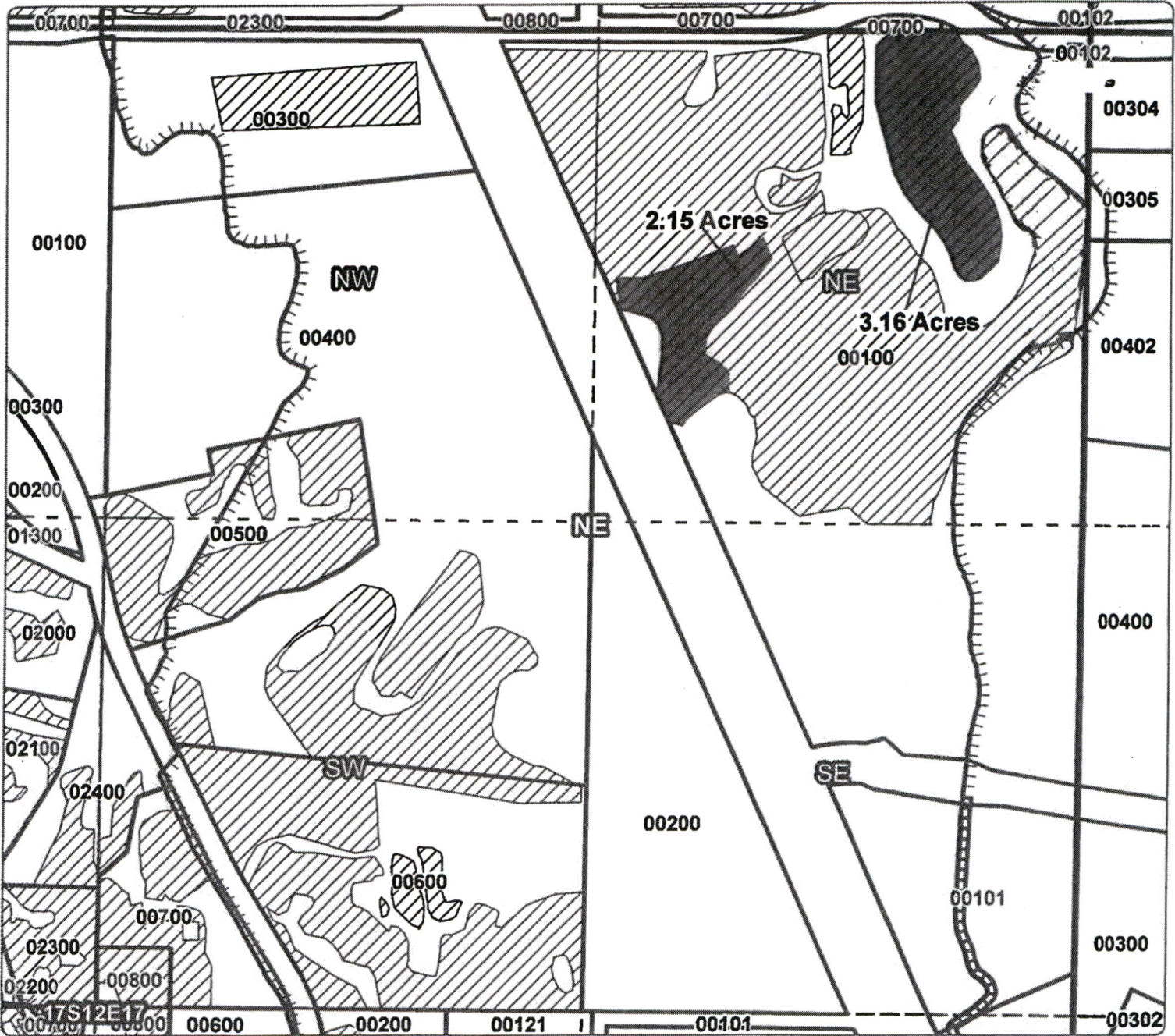
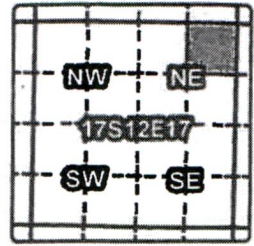
Received by OWRD

Cert #: 74145

APR 28 2021

For: Raymond Gumpert

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 00100, 17S12E17NENE: *5.31* Acres Leased, *18.80* Acres Remaining

.60 Acres pond Remaining

- Point of Diversion
- TTT Canals
- Taxlots
- Lease
- ▨ Cert 74145

1 inch = 400 feet



**Deschutes River Conservancy
Instream Leasing Program**

APR 28 2021

Salem, OR

**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: Leases of less than 5 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.

✶

I, Ray Gumpert understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

✶

Signature:  Date: _____

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

Carpenter / McElvany

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: Swalley 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.

Table with 14 columns: Water Right #, Priority Date, POD #, Twp, Rng, Sec, Q-Q, Tax Lot, Gov't Lot/DLC #, Acres, Use, Page #, Previous Lease #. Contains 4 rows of data and a total row.

Any additional information about the right:

TOTAL 14.50

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.

The undersigned declare:

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3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor: [Handwritten Signature]

Date: 4/6/2021

Received by OWRD

APR 28 2021

Salem, OR

Printed name (and title): DELINDA S. CARPENTER Business name, if applicable:

Mailing Address (with state and zip): 65923 RIMROCK CT BEND, OR 97701

Phone number (include area code): (341) 647-2429 **E-mail address: jcarp549@aol.com

Signature of Lessor: [Handwritten Signature]

Date: 4/6/21

Printed name (and title): Business name, if applicable:

Mailing Address (with state and zip):

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

Swalley Irrigation District

Application for Instream Lease

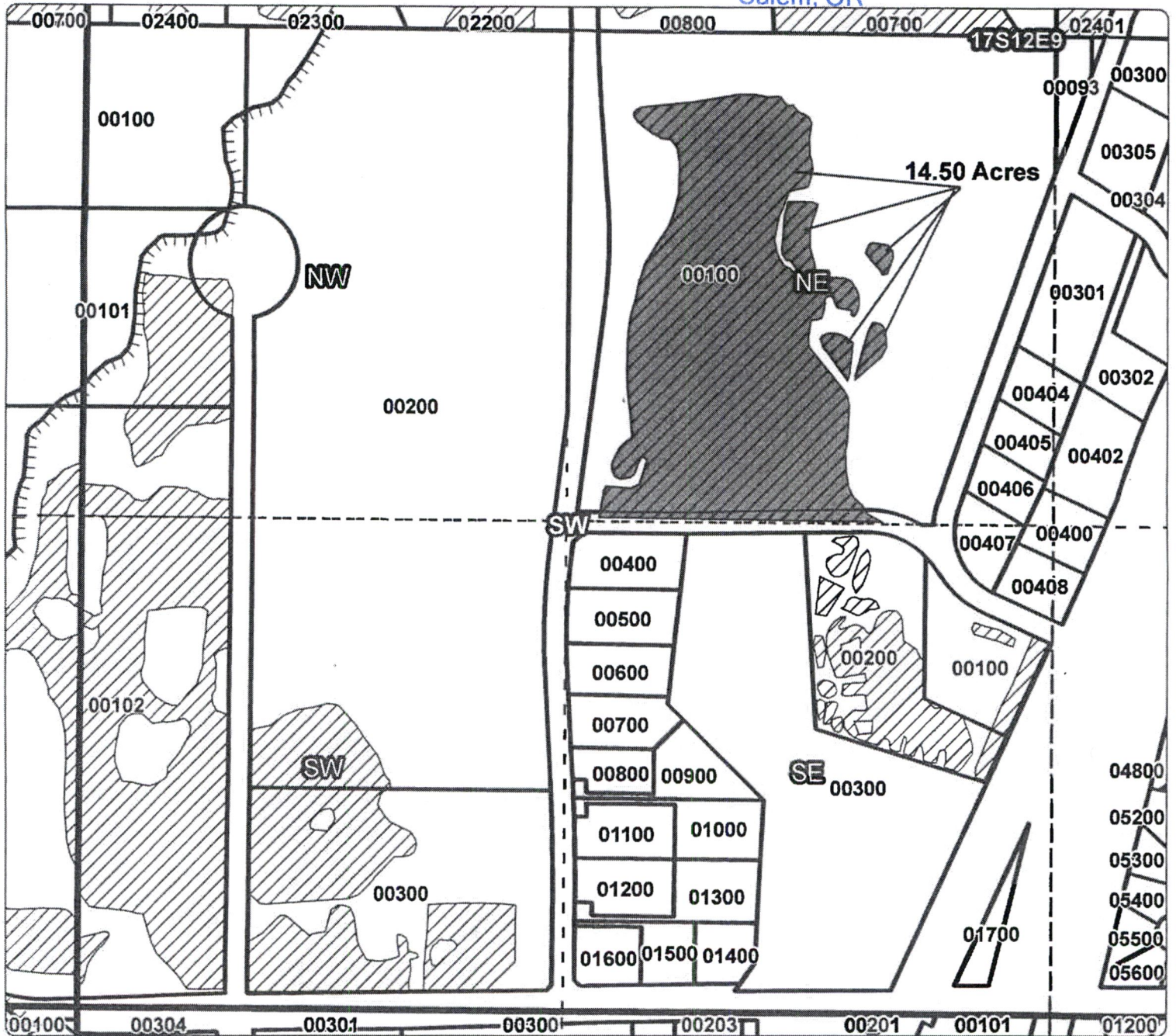
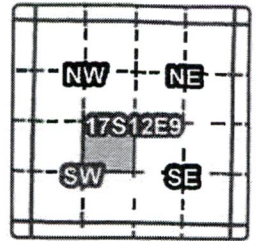
Cert #: 74145

For: Richard Carpenter/John McGilvary

Received by OWRD

APR 28 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 00100, 17S12E9NESW: 14.50 Acres Leased, 0 Acres Remaining

- Point of Diversion
- TTT Canals
- Taxlots
- Lease
- ▨ Cert 74145

1 inch = 400 feet
May 2016



EXHIBIT C

APR 28 2021

**Deschutes River Conservancy
Instream Leasing Program**

Salem, OR

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Information and Resources Attached

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★ I, JELINDA S. CARPENTER understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

★ Signature: Jelinda S. Carpenter Date: 4/6/2021
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)**

Table 1

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74145	9-1-1899	3&15	17	12	17	SW NE	0400		3.22	IRR	20	#1558
74145	9-1-1899	3&15								IRR		
74145	9-1-1899	3&15								IRR		
74145	9-1-1899	3&15								IRR		

Any additional information about the right: **TOTAL 3.22**

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.

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3. I/We affirm that the information in this application is true and accurate.

★ Vicki Brownrigg
Signature of Lessor

Date:

Printed name (and title): Vicki Brownrigg

Business name, if applicable:

Mailing Address (with state and zip): 63430 OB Riley Rd, Bend, OR

Phone number (include area code): _____

**E-mail address:

Signature of Lessor

Date:

Printed name (and title): _____

Business name, if applicable:

Mailing Address (with state and zip): _____

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

Received by OWRD

APR 28 2021

Salem, OR

Swalley Irrigation District

Application for Instream Lease 2021

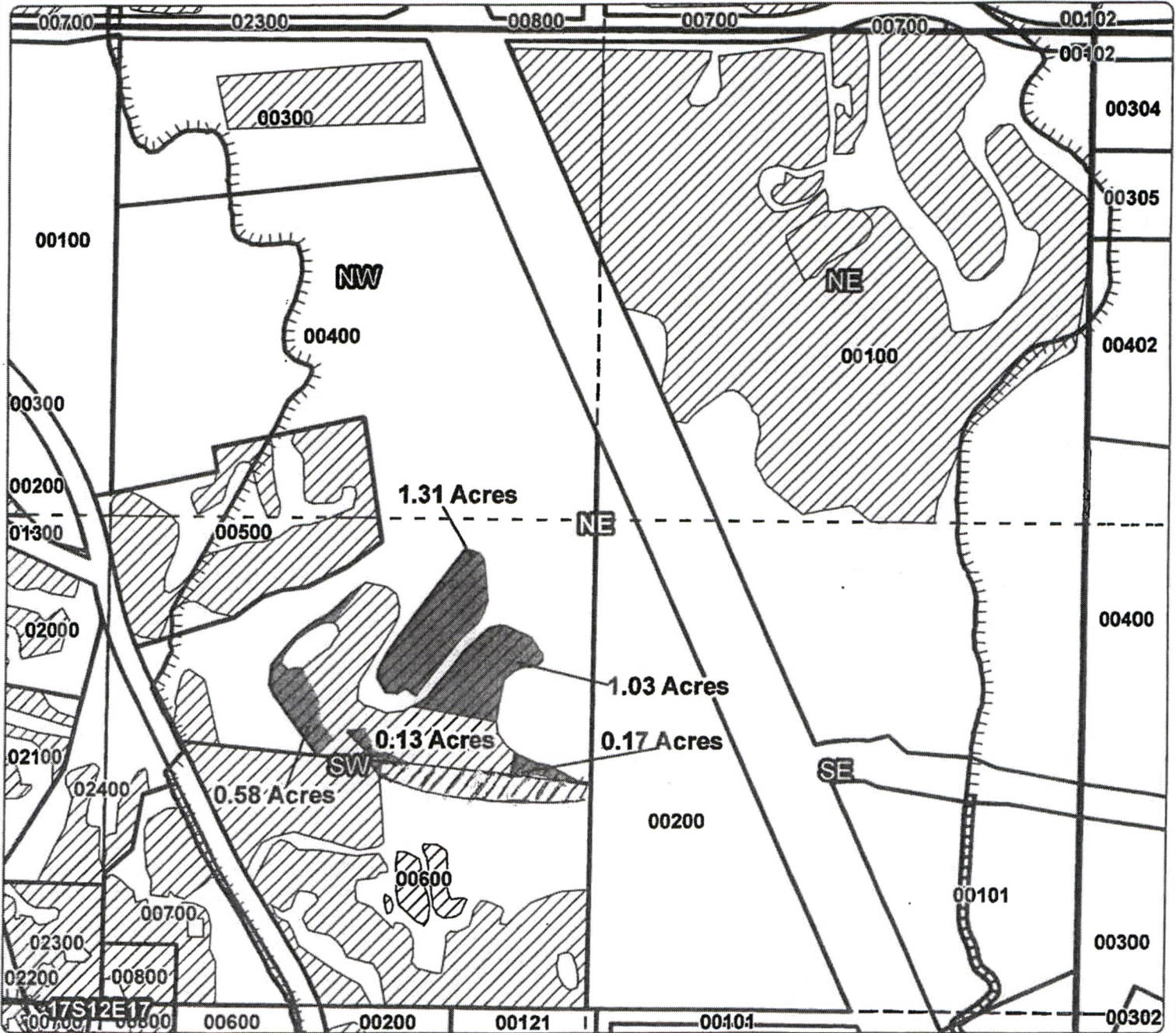
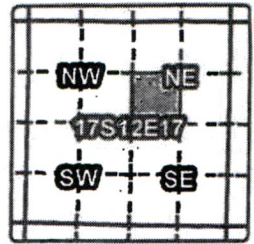
Cert #: 74145

For: Vicki Brownrigg

Received by OWRD

APR 28 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 00400, 17S12E17SWNE: 3.22 Acres Leased, 3.38 Acres Remaining

- Point of Diversion
- ▨ Canals
- ▭ Taxlots
- ▨ Lease
- ▭ Cert 74145

1 inch = 400 feet



EXHIBIT C

APR 28 2021

**Deschutes River Conservancy
Instream Leasing Program**

Salem, OR

**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: Leases of less than 5 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.

 I, Vicki Brownrigg understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

 Signature: Vicki Brownrigg Date: _____

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

**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: Swalley 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 #
74145	9-1-1899	3&15	17	12	09	NE SE	06700		5.35	IRR	18	# 1558

Any additional information about the right: old north cascade village, Paul Brown **TOTAL 5.35**

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.



mpm mally

Signature of Lessor

Date: 4/8/2021

New Owner

Printed name (and title): Michael P Mallery, Manager

Business name, if applicable: Bend MHC LLC

Mailing Address (with state and zip): 1187 Coast Village Road, ST.1, #561, Santa Barbara, CA 93108

Phone number (include area code): (559) 341-4217

**E-mail address: mpmallery@p-ppg.com

Signature of Lessor

Date:

Printed name (and title): _____

Business name, if applicable: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____

**E-mail address: _____

Received by OWRD

APR 28 2021

Salem, OR

Swalley Irrigation District

Application for Instream Lease 2021

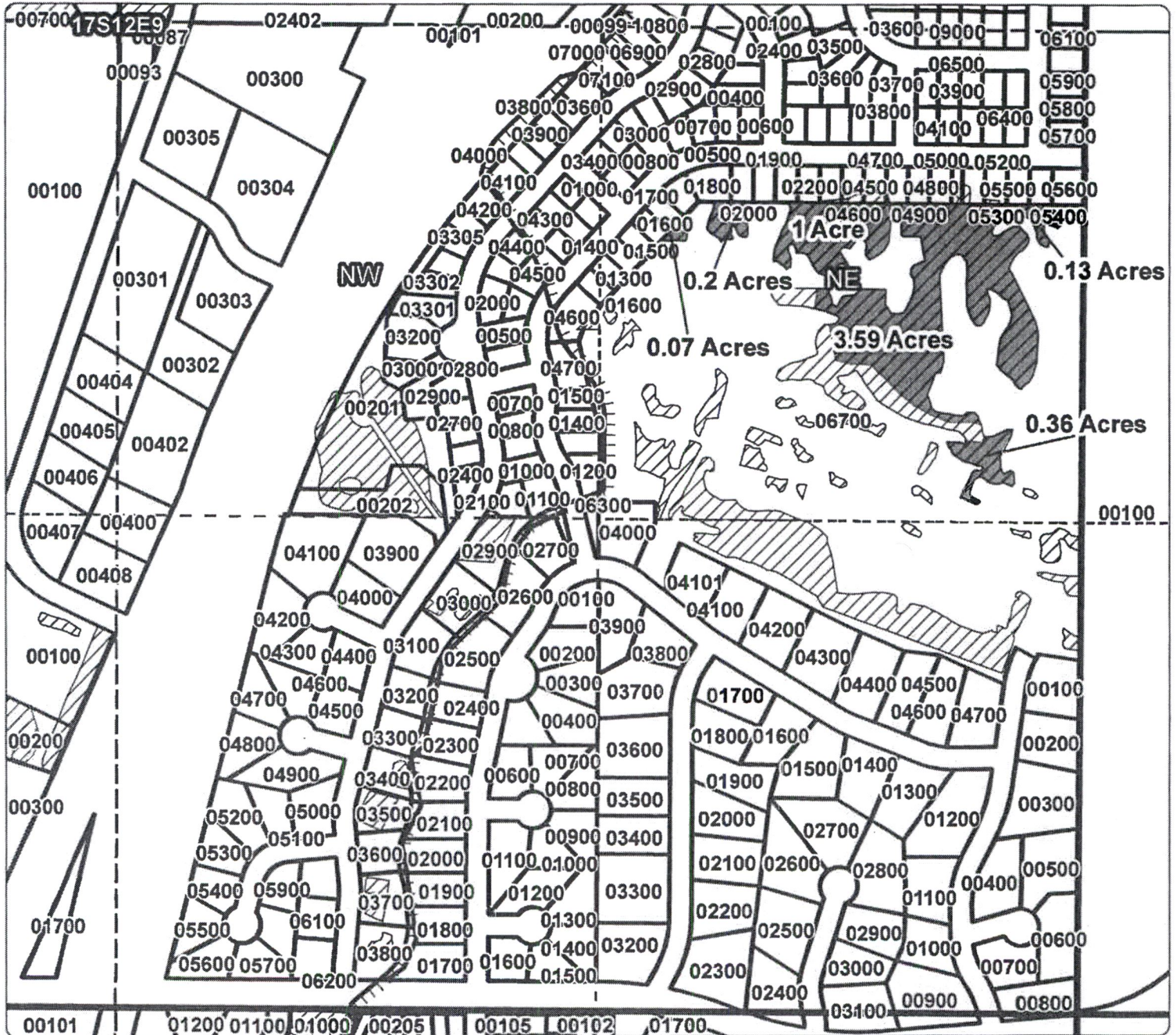
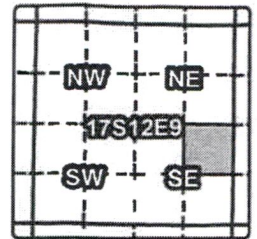
Cert #: 74145

For: Mercury TIC, LLC

Received by OWRD

APR 28 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 06700, 17S12E9NESE: 5.35 Acres Leased, 3.75 Acres Remaining

- Point of Diversion
- ▬ Canals
- ▭ Taxlots
- Lease
- ▨ Cert 74145

1 inch = 400 feet



EXHIBIT C

APR 28 2021

**Deschutes River Conservancy
Instream Leasing Program**

Salem, OR

**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: Leases of less than 5 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.

★

I, Michael P. Mallery understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

★

Signature: *mper mally* Date: 4/8/2021

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)**

Table 1

Irrigation District or other Water Purveyor Name: Swalley 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 #
74145	9-1-1899	3&15	17	12	08	N W	1300		1.50	IRR	16	# 1558
74145	9-1-1899	3&15								IRR		
74145	9-1-1899	3&15								IRR		
74145	9-1-1899	3&15								IRR		
Any additional information about the right:										TOTAL 1.50		

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.



R F Wilson Date: _____
Signature of Lessor

Printed name (and title): R F Wilson Business name, if applicable:
Mailing Address (with state and zip):
Phone number (include area code): 503-859-2134 **E-mail address:

Signature of Lessor Date:

Printed name (and title): R F Wilson Box 99 Lyons Or 97358 Business name, if applicable:
Mailing Address (with state and zip):

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Salem, OR

Swalley Irrigation District

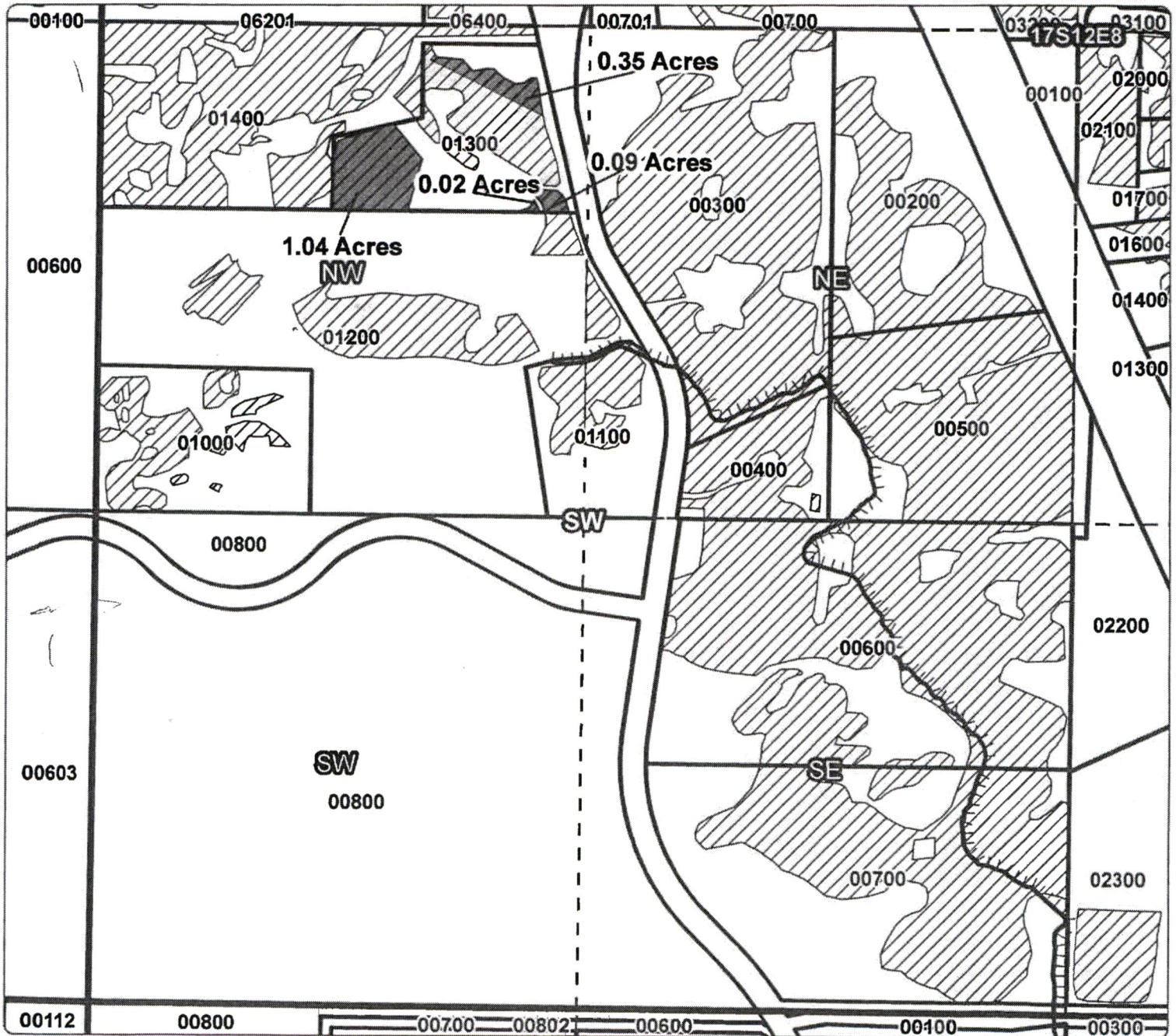
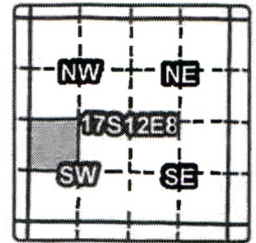
Application for Instream Lease

Cert #: 74145
 For: RF Wilson

Received by OWRD

APR 28 2021

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 01300, 17S12E8NWSW: 1.50 Acres Leased, 1.5 Acres Remaining

- Point of Diversion
- TTT Canals
- Taxlots
- ▨ Lease
- ▧ Cert 74145

1 inch = 400 feet



EXHIBIT C

Received by OWRD

APR 28 2021

Salem, OR

**Deschutes River Conservancy
Instream Leasing Program**

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

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Donated Leases: Leases of less than 5 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.

★

I, R7 Wilson understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: R7 Wilson Date: 4-9-21

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

Swalley Pooled Lease 2, 2021

Landowner	use	acres IR	acres Pond	past lease
John and Carol Bunge	IR	1.09		1557
Bend Parks and Rec	IR	25.92		1677
Raymond Gumpert	IR	5.31		1557
Jelinda Carpenter & John McGilvary	IR	14.10	0.40	1557
Vicki Brownrigg	IR	3.22		1557
Bend MHC, LLC/ Michael Mallery Mgr	IR	5.35		1558
RF Wilson	IR	1.50		1558
	Total	56.49	0.40	

Lease Form - Calculations		Acres	AF	S1	S2	S3
Irrigation	NTD	56.49	367.06	0.426	0.57	1.071
	Instream	56.49	308.15	0.388	0.519	0.963

pond	NTD	0.4	2.6	0.003	0.004	0.008
	Instream	0.4	2.28	0.003	0.004	0.007

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Salem, OR

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 # <u>74145</u>	
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	Acreage	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)	
9/1/1899	3	IR	56.49	April 1 - Oct 31, max duty 5.45 AF/Ac on farm, 3 seasons of use	0.426/0.57/1.071	367.06	
9/1/1899	3	Pond	0.4	April 1 - Oct 31, max duty 5.45 AF/Ac on farm, 3 seasons of use	0.003/0.004/0.008	2.6	
Total af from storage, if applicable: _____ AF or <input type="checkbox"/> 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, tributary to Columbia</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>3</u> to <u>to Lake Billy Chinook (LBC) at 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	Acreage	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
9/1/1899	3	IR	56.49	April 1 through October 25, protected to LBC at RM 120 - as MP	0.388/0.519/0.963	308.15
9/1/1899	3	Pond	0.4	April 1 through October 25, protected to LBC at RM 120	0.003/0.004/0.007	2.28
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>protected to Lake Billy Chinook RM 120, Irrigation rights instream for Mitigation Project, Pond right instream for Restoration only</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						
Received by OWRD						

APR 28 2021

Salem, OR

4/30/2019

**This table will calculate flow rate factors and duty for Swalley Irrigation District
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here	56.490		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here	0.000		
Starting Point - Direct Diversion total acres	117.950		
Starting Point - Canal Diversion total acres	4192.620		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	32.419	0.810	31.609
Season 2	43.373	1.084	42.289
Season 3	81.472	2.010	79.462
Duty	27886.510	644.078	27,242.43

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APR 28 2021
Salem, OR

*Approximate starting point

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

For Primary Water Right - Certificate 74145

For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form	Rate and duty identified in this section includes the 43% transmission loss allowed by decree		
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*	0.426		
Season 2*	0.570	Duty AF/Acre* =	6.50
Season 3*	1.071		367.06

* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss		Volume (AF) leased instream for Section 2.2 of the Lease Application Form	
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
	Full Rate	Total =	308.47
		# of Days in each Season	AF/ Season
Season 1	0.388	61	46.94
Season 2	0.519	30	30.88
Season 3	0.963	123	234.94
			312.76

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	42.33	
Season 2	30	30.88	
Season 3	123	234.94	
Season total =	208	308.15	Does not exceed duty
Water protected instream: April 1 through October 25			

* Note - The number of days that water may be protected instream in Season 1 has been reduced on prevent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

4/30/2019

**This table will calculate flow rate factors and duty for Swalley Irrigation District
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here	0.400		
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here	0.000		
Starting Point - Direct Diversion total acres	117.950		
Starting Point - Canal Diversion total acres	4192.620		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	32.419	0.810	31.609
Season 2	43.373	1.084	42.289
Season 3	81.472	2.010	79.462
Duty	27886.510	644.078	27,242.43

Received by OWRD

APR 28 2021

Salem, OR

*Approximate starting point

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

For Primary Water Right - Certificate 74145

For Canal Diversion Only

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form	Rate and duty identified in this section includes the 43% transmission loss allowed by decree		
	Full Rate	Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form	
Season 1*	0.003		
Season 2*	0.004	Duty AF/Acre* =	6.50
Season 3*	0.008		2.60

* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4441.765 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss	Volume (AF) leased instream for Section 2.2 of the Lease Application Form		
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form		Duty (decree) AF/Acre =	5.46
		Total =	2.18
	Full Rate	# of Days in each Season	AF/ Season
Season 1	0.003	61	0.36
Season 2	0.004	30	0.24
Season 3	0.007	123	1.71
			2.31

Additional Conditions to Prevent Inury for Section 2.2 of the Lease Application Form			
	# days	AF/Season	
Season 1*	55	0.33	
Season 2	30	0.24	
Season 3	123	1.71	
Season total =	208	2.28	Does not exceed duty
Water protected instream: April 1 through October 25			

* Note - The number of days that water may be protected instream in Season 1 has been reduced op revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.