

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

## **RECEIVED**

JUN 17 2021

# Application for OWRD Instream Lease

## Part 1 of 4 - Minimum Requirements Checklist

(			nclude the required attachments	OWRD# 1L - 1880								
	Fill in o	r check boxes as	indicated. (N/A= Not Applicable)	Fee								
		Pu	rsuant to ORS 537.348(2) and OAR 690-077									
(	Check all items	included with th	is application. $(N/A = Not Applicable)$									
	⊠Yes	Part 1 – Compl	Part 1 – Completed Minimum Requirements Checklist and Application Fee									
		Fees	Fees									
			☐ Check enclosed <u>or</u> ☐ Fee Charged to customer account <u>Trout U</u>	nlimited (account name)								
	<b>⊠</b> Yes	Part 2 – Compl	eted Instream Lease Application Map Ch	ecklist.								
	⊠ Yes		eted Water Right and Instream Use Inforce a separate <b>Part 3</b> for <b>each water right</b>	mation								
	⊠ Yes	Part 4 – Compl	eted Instream Lease Provisions and Signa	atures								
	<b>∑</b> Yes		ter rights are leased? 3 List them here: e a separate Part 3 for each water right.									
	⊠ Yes □ N/A	application and	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: 93554									
	☐ Yes ⊠ No		eserve Enhancement Program ( <b>CREP</b> ). It of CREP or another Federal program (li									
	Attachments:											
	⊠Yes □ N/A	Map: Instream l	Lease map requirements (see Part 2 of thi	s application)								
	☐Yes ⊠ N/A	to lands owned b	f a portion of the water right <i>not included</i> by others, a tax lot map must be included should clearly show the property involved	with the lease application.								
	☐Yes ⊠ N/A	subject to forfeith consecutive year been checked to	mentation describing why a right (or porture even though the right has not been exis. This information only needs to be providentify that the water right has not been to forfeiture (See Part 4 of 4).	ercised for five or more vided if the checkbox has								
	☐Yes ⊠ N/A	<ul> <li>A notarized the recorded</li> <li>A water right landowner a</li> </ul>	statement from the landowner consenting deed; or. It conveyance agreement and a copy of the time the water right was conveyed; and the time the water right was conveyed wate	g to the lease and a copy of ne recorded deed for the or								

of the landowner.

### Part 2 of 4 - Instream Lease Application Map Checklist

## **OWRD**

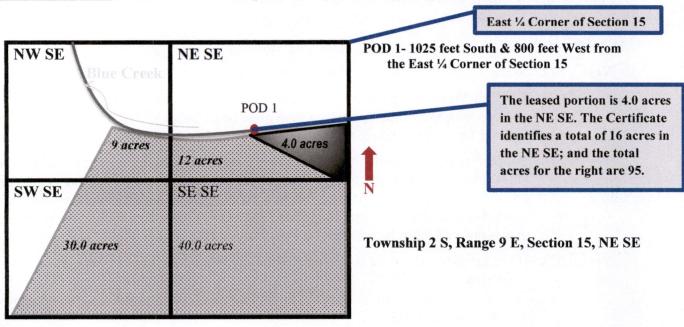
A Map is generally required for each water right not leased in its entirety

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

This should be a <u>simple</u> map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- N/A A map is required <u>for each</u> water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- A North arrow and map scale (no smaller than 1'' = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarterquarter clearly labeled and hatchured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

## EXAMPLE MAP (the darker shaded portion representing the portion leased instream)



### Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information: Provide a description of the originating water right to be leased. Also include

#### Water Right Information

Water right # 95470

#### Table 1

points of div	ersion (P you may	OD) but add add	they'r	e not l rows	number	ed, you o	lo not ne	ed to inc	lude a	er right has multiple number. If not enough (matching Table 1).
If only lea complete T	No. of Contract of			ht -		tirety - If le 3.	the entire	water ri	ght is to	be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
40/0/4004	-		T		d International Advantage Contractor	XAMPLE	T T			T
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
8/15/1947	POD	38-S	8-W	10	SE-SW	700		2.4	IR	
8/15/1947	POD	38-S	8-W	10	NE-SE	700		2.1	IR	
8/15/1947	POD	38-S	8-W	10	NW-SE	700		4.2	IR	RECEIVE
8/15/1947	POD	38-S	8-W	11	NW-SW	700		5.9	IR	111N 1 7 202
	1		1		1		1			

Total Acres: 14.6

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#### Table 2

## To illustrate the totals for the water right proposed to be leased instream

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
August 15, 1947	POD	IR	14.6		0.29	N/A

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

Any additional information about the right: The supplemental irrigation rights will not be leased instream.

#### Table 3

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

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
POD	38-S	8-W	10	SE-SW		830 feet North and 1140 feet West from S1/4 Corner, Section 10.
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

## Part 3 of 4 cont. – Water Right and Instream Use Information RECEIVED

## **Instream Use Information**

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				Use Created by t					
River/ Stream	Name: <u>D</u>	Deer Cre	<u>ek</u> , tribut	ary to <u>Illinois Riv</u>	<u>er</u>	River Basin:	Rogue		
Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.  If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.									
Priority date	POD#	Use	Acres	Proposed Instrea Period		otal instream rate (cfs)	Total instream volume (af)		
August 15, 1947	POD	0.29	N/A						
contact D maximum Certificat irrigation OR Please As part of its re period consider  Proposed Instr	Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.  OR Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.  Instream Reach  Or Proposed Instream Point:								
	s at the m	outh of	the source	int of diversion ce stream: From	Ins	tream use prote	cted at the POD		
protected within	n a reach l ere is only	below th	e POD, i	ot sure of the prop f possible. (If no r on the certificate,	each is i	dentified or the	above box is not		
			Addition	nal Instream Info	rmation	l de la companya de			
N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here 12.0 acres in the NESE of section 9 and 2.7 acres in the NWSW of section 10 supplemental irrigation rights cover primary irrigation rights under certificate 93554 but are not being leased. 3.1 acres in the NWSE and 2.3 acres in the NESE of section 10 primary irrigation rights are layered with water rights under certificate 95694. Those 5.4 acres of layered rights are not being leased and are deducted from the 20.0 acres of primary irrigation rights in certificate 95470.  Note: The Department may identify additional conditions to prevent injury and/or enlargement.  Any additional information about the proposed instream use: The primary and supplemental irrigation									
rights are from the			ene prop	oscu institum ust.	The pin	mary and supple	mental irrigation		

## Part 3 of 4 - Water Right and Instream Use Information

## OWRD

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

#### Water Right Information

Water right # 95471

#### Table 1

your tax lot no points of dive	number(s ersion (P you may	). Fill in OD) but add add	all app they'r litional	olicab e not l rows	ole information	nation. È ed, you c	or example not ne	ple, if yo	our wate	e leased. Also include er right has multiple number. If not enough (matching Table 1).
If only lea complete T				ht -	Ent Tab		the entire	water rig	ght is to	be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
					E	XAMPLE				
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
4/8/1919	POD	38-S	8-W	10	NE-SW	700		38.5	IR	
4/8/1919	POD	38-S	8-W	10	NW-SW	700		28.5	IR	
4/8/1919	POD	38-S	8-W	10	SE-SW	700		15.6	IR	
		-	-		-					

Total Acres: 82.6

#### Table 2

#### To illustrate the totals for the water right proposed to be leased instream Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet) Total Other Information (such as **Total** Total **Priority Date** POD# Use conditions/limitations on the right) Acres Rate (cfs) Volume (af) April 8, 1919 **POD** IR 82.6 1.03

#### Table 3

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

AF or N/A

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
POD	38-S	8-W	10	SE-SW		830 feet North and 1140 feet West from S1/4 Corner, Section 10.
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Total af from storage, if applicable:

Any additional information about the right:

## Part 3 of 4 cont. - Water Right and Instream Use Information

### **Instream Use Information**

### Table 4

		I	nstream	Use Created by	the L	ease			
River/ Stream	Name: <u>[</u>	Deer Cre	<u>ek</u> , tribut	tary to <u>Illinois Riv</u>	er	River Basin:	Rogue		
date, POD (if m right to be lease If not enough ro	Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.  If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.								
Priority date	POD#	Use	Acres	Proposed Instrea		Total instream rate (cfs)	Total instream volume (af)		
April 8, 1919	POD	IR	82.6	April 1 – Novembe	er 1	1.03	N/A		
		*************							
contact D maximum Certificat irrigation	Departmen n rate and te if leasing season of	t Staff for duty/vong the en	or assista lume allo tire right horized p	ance. The instream owed by the right, t. The proposed in period of allowed	rate as de stream	period, see the inst and volume may b escribed in Table 2 in period may be no	e up to the or on your o longer than the		
As part of its re	view proc	ess, the	Departm		he app	rate, volume and i propriate instream enefits.			
				Instream Reach					
	pically b s at the m	egins arouth of	the source	int of diversion ce stream: From	-	Proposed Instreat Instream use prote			
protected within	n a reach l ere is only	below th	e POD, i	if possible. (If no r	each	reach and want wais identified or the ease may be proce	above box is not		
			Addition	nal Instream Info	rmat	ion			
Any additional	Any additional information about the proposed instream use:								

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## Part 3 of 4 – Water Right and Instream Use Information

## OWRD

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

Γable 1										ight # <u>95</u>	
Water Right your tax lot re points of dive room below, Please clearly	number(s) ersion (P) you may	). Fill in OD) but add add	all app they'r litiona	olicab e not l rows	le infor	mation. I	or exam lo not ne	ple, if y	our wat	er right hand	as multiple f not enough
If only lea				ht -		tirety - If ole 3.	the entire	water ri	ght is to	be leased,	skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous	Lease # (if any
12/2/1901	3	2-5	9-E	15		EXAMPLE	1 47 1	10	- 10		W 4400
12/2/1901	3	2-3	9-Е	15	NE SE	100	47	4.0	IR		IL-1100
		-			-		-			-	
		-	<del>  -</del>		-		-			-	
		-	<del>  -</del>		-		-				
		-	-		-		-				
	<u></u>	-									
						Total .	Acres:				
Table 2											
	To illus	trate th	e tota	s for	the wa	ter right	nronose	d to be	leased	instream	
Total rate and			STATE OF THE PARTY			CONTRACTOR STATE					-1-1-4-1
leased. If not	enough:	room be	low v	ou m	y add a	dditional	rove (se	propriai	e consi	or ottook	e right to be
(matching Ta											
(matering 1	1010 2). 1	lease cit				1			per sece		
Priority Date	POD	# Us	1	Cotal Ceres	1	ther Info				Total	Total
Triority Date	100	# US	P	cres	Cond	itions/limi	tations on	the right	) K	ate (cfs)	Volume (af)
T-4-1-66								-			
Total af from s	storage, ii	аррисаві	e:	_ AF	or $\square$ N/A	Α			-		
Any additional	l informat	ion about	the rig	ht:							
Table 2											
Table 3					***************************************				7 7 7 7		

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

POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
POD	38-S	8-W	10	SE-SW		830 feet North and 1140 feet West from S1/4 Corner, Section 10.
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the
location of the POD(s) for the purpose of the instream lease.

## Part 3 of 4 cont. - Water Right and Instream Use Information

### **Instream Use Information**

#### Table 4

		I	nstream	Use Created by the I	Lease		
River/ Stream Name: Deer Creek, tributary to Illinois River					River Basin:	River Basin: Rogue	
date, POD (if n right to be lease If not enough ro	nore than odd.	one), Us	e (if mor	te the instream rate, vote than one), and acreage additional rows (see insolved).	e as appropriate contructions) or attach	onsidering the	
Priority date	POD#	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)	
1885	POD	IR	54.7	April 1 – November 1	1.094	N/A	
July 7, 1932	POD	IR	54.7	April 1 – November 1	0.571	N/A	
maximum Certifica irrigation OR \( \sum \) Please As part of its re	n rate and te if leasir a season of check this eview production	duty/vong the entrement of the autority box if yeers, the	lume alletire right horized prou are no Departm	ance. The instream rate owed by the right, as do to the proposed instream period of allowed use. The proposed instream to the sure of the proposed in the prop	escribed in Table 2 m period may be not rate, volume and in propriate instream	or on your o longer than the instream period.	
				Instream Reach			
	ypically b	egins a nouth of	the sour	oint of diversion ce stream: From	Proposed Instream Instream use prote		
protected withi	n a reach lere is only	below th	e POD,	not sure of the proposed if possible. (If no reach I on the certificate, the	is identified or the	above box is not	
			Addition	nal Instream Informa	tion		
⊠Yes □ N/A limitations: lis		ns to av	oid enla	rgement or injury to	other water rights	s, if any, or other	
Note: The Depart	artment m	ay ident	ify addit	ional conditions to prev	vent injury and/or e	enlargement.	
Any additional each acre under			the prop	posed instream use: The	ere are two priority d	ates and rates for	

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## Part 4 of 4 – Lease Provisions and Party Signatures

## **OWRD**

Term of the Lease (may be from 1 year up to 5 years):					
The lease is requested to begin in: month April year 2022 and end: month October year 2026					
Note: The begin month is generally the first month of the irrigation season and the end month is the last month					
in the irrigation season. If not an irrigation right, this wou	ld be the first and last month of your authorized				
period of allowed use.					
Public use: Check the public use(s) this lease will serve	Termination provision (for multiyear leases):				
(as defined by ORS 537.332):	The parties to the lease request (choose one):				
Conservation, maintenance and enhancement of	a. The option of terminating the lease prior to				
aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.	expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.				
Recreation	b. The option of terminating the lease prior to				
Pollution abatement	expiration of the full term, with consent by all				
Navigation	parties to the lease.				
	c. The parties would not like to include a				
	Termination Provision.				
	(See instructions for limitations to this provision)				
Additive/Replacing Relationship to other instream wat					
other existing instream water rights created as a result of in					
conserved water. Since instream leases are also generally					
agency process or conversion of minimum flows, they gen	erally replace a portion of these junior instream				
rights.	, <u> </u>				
If you would like this lease to relate to other instream water	er rights differently, please check this box.				
And attach an explanation of your intent.					
Validity of the Right(s) to be leased (check the appropr					
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  The water right(s) have not been used for the last five years according to the terms and conditions of the					
right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation					
describing why the water right(s) is not subject to forf					
D 1 4 70 114 111 1 1 1 1 1 1 1					
<b>Precedent:</b> If a right which has been leased is later pro					
become part of an allocation of conserved water project, a new injury review shall be required.					
An instream lease shall not set a precedent	t on a nuture transaction.				
The undersigned declare:					
	ase, to suspend use of water allowed under the subject				
water right(s) and under any appurtenant primary or s	supplemental water right(s) not involved in the lease				
application; and					
2. The Lessor(s) certify that I/we are the water ri					
instream lease application. If not the deeded landowr	•				
lease application that I/we have authorization to pursu	ue the lease application and/or have obtained				
consent from the deeded landowner; and					
3. All parties affirm that information provided in this lea	ase application is true and accurate.				
CAR	- F 170001				
Signature of Lessor	Date: 5 <u>/1<del>1/2</del>021</u>				
- 4					
Printed name (and title): <u>Sarah Worthington</u> , <u>Executive Director</u> Business name, if applicable:					
Siskiyou Field Institute					
Mailing Address (with state and zip): P.O. Box 207,					
Phone number (include area code): <u>541-597-8530</u> * See next page for additional signatures.	*E-mail address: director@thesfi.org				

JUN 17 2021 Date: \_\_\_\_ Signature of Co-Lessor OWRD Printed name (and title): \_\_ Business/organization name: \_\_\_ Mailing Address (with state and zip): \*\*E-mail address: Phone number (include area code): \_\_\_\_\_ Signature of Lessee Printed name (and title): Sarah Worthinston, Executive Director Business/organization name: Sisking Field Institute
Mailing Address (with state and zip): PO Box 207 Selma, OR 97538 Phone number (include area code): \_\_ (541)597.8530 \*\* 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. See next page. Trout Untimited is the lessee.

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	Date:	JUN 17 20
Signature of Co-Lessor		
Printed name (and title):		OWRD
Business/organization name:		
Mailing Address (with state and zip):		
Phone number (include area code):	**E-mail address:	
Signature of Lessee	Date: 6/5/2021	

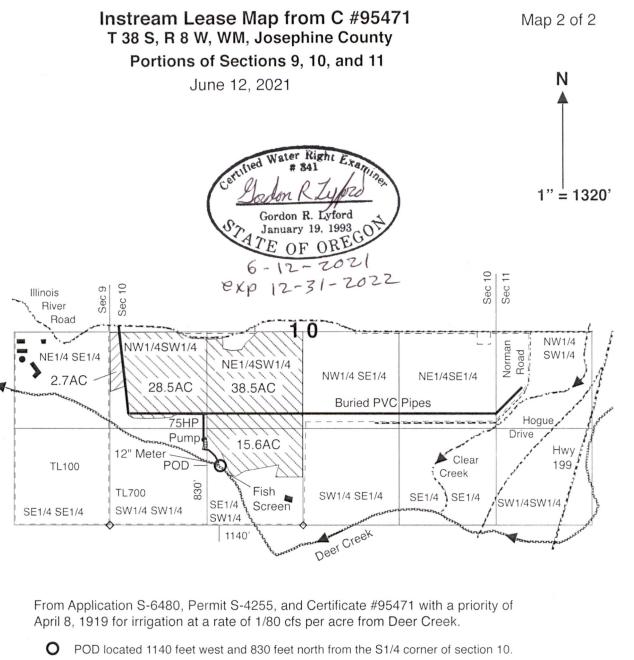
Printed name (and title): Chrysten Lambert, Oregon Director

Business/organization name: Trout Unlimited

Mailing Address (with state and zip): 633 Iowa Street, Ashland, Oregon 97520

Phone number (include area code): 541-973-4431 \*\*E-mail address: Chrysten.Lambert@tu.org

<sup>\*\*</sup> 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.



82.6 acres of primary irrigation rights from C #95471. To be leased instream.

2.7 acres of primary irrigation rights from C #95471 layered on C #93554 primary irrigation rights. Not to be leased instream.

Streams and pool

Buildings

Hoads

OWRD

This map was drawn by Gordon R. Lyford for the Siskiyou Field Institute to support their instream lease application. The SFI owns tax lots 100 and 700.

Tax lots

This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or the location of property ownership lines.

15.6AC

Fish

Screen

SE1/4

SW1/4

1140

12" Meter

SW1/4 SW1/4

TL700

TL100

Tax lots

SE1/4 SE1/4

POD

From Application S-22760, Permit S-17867, and Certificate 95470 with a priority of August 15, 1947 for irrigation and supplemental irrigation at a rate of 1/50 cfs per acre from Deer Creek.

POD located 1140 feet west and 830 feet north from the S1/4 corner of section 10.

14.6 acres of primary irrigation rights from C #95470. To be leased instream.

5.4 acres of primary irrigation rights from C #95470 layered on C #95694 primary irrigation rights. Not to be leased instream.

147.3 acres of supplemental irrigation rights from C #95470. Not to be leased instream.

Streams and pool

Buildings

Floads

WRD

SW1/4 SE1/4

Deer Creek

2.4AC

Drive

SW1/4 SW1.

Clear

Creek

SE1/4 \ SE1/4

Hwy

199

This map was drawn by Gordon R. Lyford for the Siskiyou Field Institute to support their instream lease application. The SFI owns tax lots 100 and 700.

This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or the location of property ownership I i res.