

JUN 25 2021



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

OWRD

Application for **District  
Instream Lease**

**Part 1 of 4 – Minimum Requirements Checklist**

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	<u>IL-18816</u>
	District #	<u>IL-21-18</u>

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 checked="" type="checkbox"/> Check enclosed or	
<input type="checkbox"/> Fee Charged to customer account _____ (Account name)	

- Part 1 – Completed Minimum Requirements Checklist**
- 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.)
- Part 4 – Completed Water Right and Instream Use Information**  
(Include a separate **Part 4** for each Water Right.)
- How many Water Rights are included in the lease application?** \_\_\_\_\_ (# of rights)  
**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

<b>Term of the Lease:</b> The lease is requested to begin in: <u>month April year 2021</u> and end: <u>month October year 2021</u> .	
<b>Public use:</b> 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	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <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)
<b>Additive/Replacing Relationship to other instream water rights:</b> 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.	
<b>Precedent:</b> 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.	
<b>Validity of the rights to be leased:</b> <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) <b>have not been used</b> 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.



Date: 6/22/2021

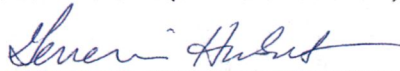
Signature of Co-Lessor

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



Date: 6/22/21

Signature of Lessee

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

RECEIVED

JUN 25 2021

OWRD

**\*\* 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**

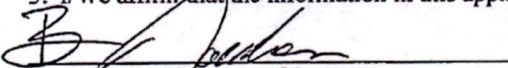
<b>Irrigation District or other Water Purveyor Name: Central Oregon Irrigation District</b>													
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.													
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 #	Twsp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #	
94956	10/31/1900	11	16	S	12	E 11	NE SW	800	4.26	Irrig	31	none	
94956	10/31/1900	11	16	S	12	E 11	SE SW	800	3.81	Irrig	31	none	

**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: 6-16-21

Printed name (and title): Brian Jordan Business name, if applicable: ATP, LLC  
Mailing Address (with state and zip): 8601 N Scottsdale Rd Scottsdale, AZ 85253  
Phone number (include area code):            \*\*E-mail address:           

**RECEIVED**  
**JUN 25 2021**  
**OWRD**

RECEIVED

JUN 25 2021

OWRD

**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*

**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, Brian Jordan understand the DRC weed policy and have  
*Print Name*

been informed about farm deferral and donations.

Signature:  Date: 6-16-21

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



**ENTITY INFORMATION**

Search Date and Time: 3/16/2021 3:11:53 PM

**Entity Details**

Entity Name:	ATP LLC	Entity ID:	L20861988
Entity Type:	Domestic LLC	Entity Status:	Active
Formation Date:	4/20/2016	Reason for Status:	In Good Standing
Approval Date:	4/25/2016	Status Date:	
Original Incorporation Date:	4/20/2016	Life Period:	Perpetual
Business Type:		Last Annual Report Filed:	
Domicile State:	Arizona	Annual Report Due Date:	
		Years Due:	
Original Publish Date:			

**Statutory Agent Information**

Name:	BRIAN J JORDAN	Appointed Status:	Active
Attention:			
Address:	8601 N SCOTTSDALE RD , SCOTTSDALE, AZ 85253, USA		
Agent Last Updated:	2/23/2018	E-mail:	
Attention:		Mailing Address:	8601 N SCOTTSDALE RD , SCOTTSDALE, AZ 85253, USA
County:			

---

RECEIVED

JUN 25 2021

OWRD

RECEIVED

JUN 25 2021


OWRD

### Company Information

Company Name: ATP LLC  
Entity Type: DOMESTIC LLC  
File Number: L20861988  
Filing State: Arizona (AZ)  
Filing Status: Active  
Filing Date: April 20, 2016  
Company Age: 5 Years, 2 Months  
Registered Agent:  Brian J Jordan  
8601 N Scottsdale Rd  
Scottsdale, AZ 85253  
Mailing Address:  8601 N Scottsdale Rd  
Scottsdale, AZ 85253  
Source: Arizona Corporation Commission

BRETT BERKOWITZ

Member

 8601 N Scottsdale Rd Ste 300  
Scottsdale, AZ 85253

**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	8.07	Season 1 Rate/Total Volume	0.092	76.11
10/31/1900	11	Irrig	8.07	Season 2 Rate	0.126	
10/31/1900	11	Irrig	8.07	Season 3 Rate	0.171	
12/02/1907	11	Irrig	8.07	Season 3 Rate	0.069	
Total af from						

**RECEIVED**

**JUN 25 2021**

**OWRD**

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**

		<b>River Basin:</b> <u>Deschutes</u>		<b>River/Stream Name:</b> <u>Deschutes River, tributary to Columbia River</u>		
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD to <u>Mouth of the Deschutes River</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <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.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> 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	8.07	Season 1 Rate/Total Volume	0.055	43.99
10/31/1900	11	Irrig	8.07	Season 2 Rate	0.074	
10/31/1900	11	Irrig	8.07	Season 3 Rate	0.137	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> 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.						
<b>Any additional information about the proposed instream use:</b> _____						

RECEIVED  
JUN 25 2021  
OWRD



Oregon Water Resources Department  
 Central Oregon Irrigation District

Calculator for Certificate 83571

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

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

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.092		
Season 2 Rate (CFS)	0.126		
Season 3 Rate (CFS)	0.171	0.069	0.240
Duty (AF)			76.11

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)	0.055
Season 2 Rate (CFS)	0.074
Season 3 Rate (CFS)	0.137
Maximum Volume (AF)	43.99

**RECEIVED**

**JUN 25 2021**

**OWRD**

RECEIVED

JUN 25 2021

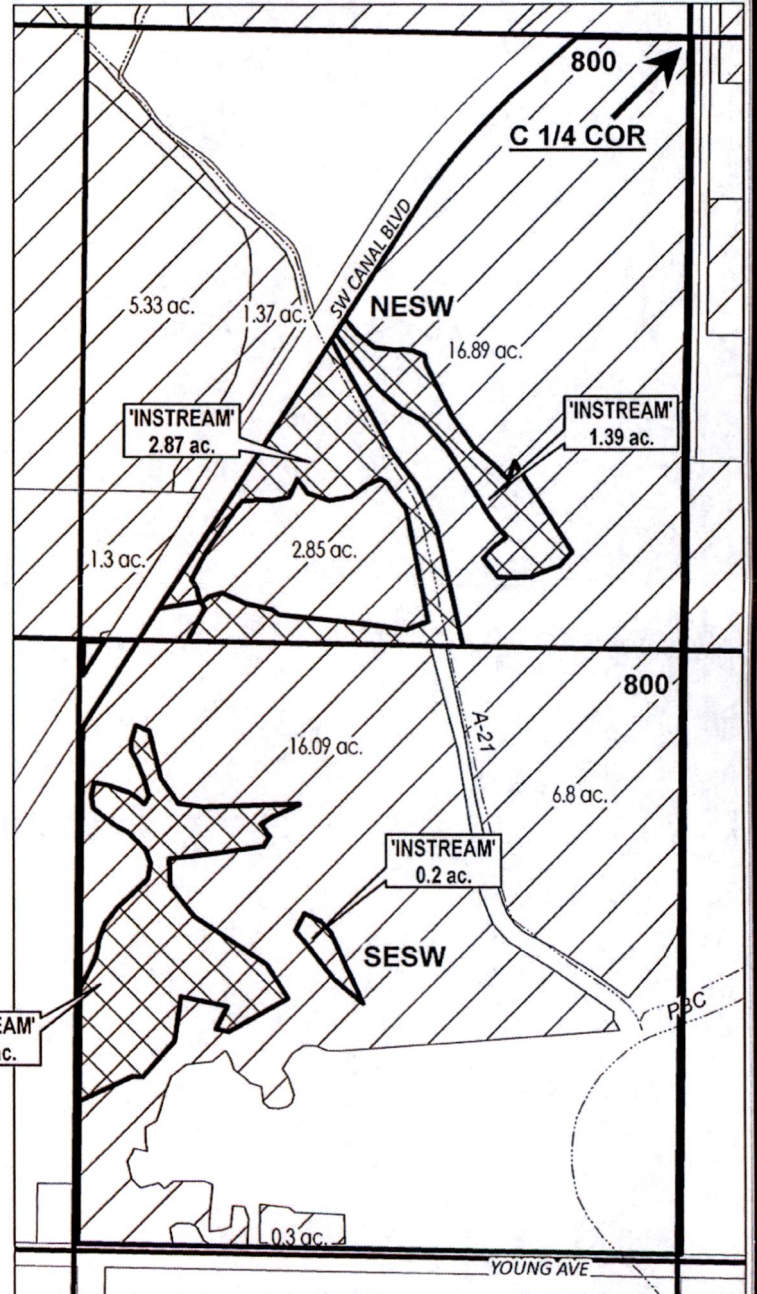
OWRD

# DESCHUTES COUNTY SEC.11 T16S R12E

SCALE - 1" = 400'



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



	EXISTING WATER RIGHTS
	INSTREAM LANDS



## APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: ATP LLC

TAXLOTS #: 800

8.07 ACRES

DATE: 6/16/2021



RECEIVED

JUN 25 2021

OWRD

Central Oregon Irrigation District  
Water Right Changes for Instream Map IL-2021-18

TRSQQ:		Cert Acres:	
Date	Trans #	Acres ON	Acres OFF

TRSQQ: Cert Acres:

Date	Trans #	Acres ON	Acres OFF
No changes on Certificate			

TR

Date	Trans #	Acres ON	Acres OFF

TRSQQ: Cert Acres:

Date	Trans #	Acres ON	Acres OFF

TRSQQ: Cert Acres:

Date	Trans #	Acres ON	Acres OFF