

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

# Application for Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>Complete Part 1 through 4 and include the required attachments</b> <b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b>	OWRD # <u>16-1896</u>
	Fee- _____

Pursuant to ORS 537.348(2) and OAR 690-077

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

Yes **Part 1** – Completed Minimum Requirements Checklist and Application Fee

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

Yes **Part 2** – Completed Instream Lease Application Map Checklist.

Yes **Part 3** – Completed Water Right and Instream Use Information  
 Include a separate **Part 3** for **each water right**

Yes **Part 4** – Completed Instream Lease Provisions and Signatures

Yes **How many water rights are leased? \_\_\_\_\_ List them here: 94987**  
 Include a separate **Part 3** for each **water right**.

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: \_\_\_\_\_)?

**Attachments:**

Yes  N/A **Map:** Instream Lease map requirements (see Part 2 of this application)

Yes  N/A **Tax Lot Map:** If a portion of the water right *not included in the lease* is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease.

Yes  N/A Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4).

Yes  N/A If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

- A notarized statement from the landowner 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 which provides authority to pursue the lease absent consent of the landowner.

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

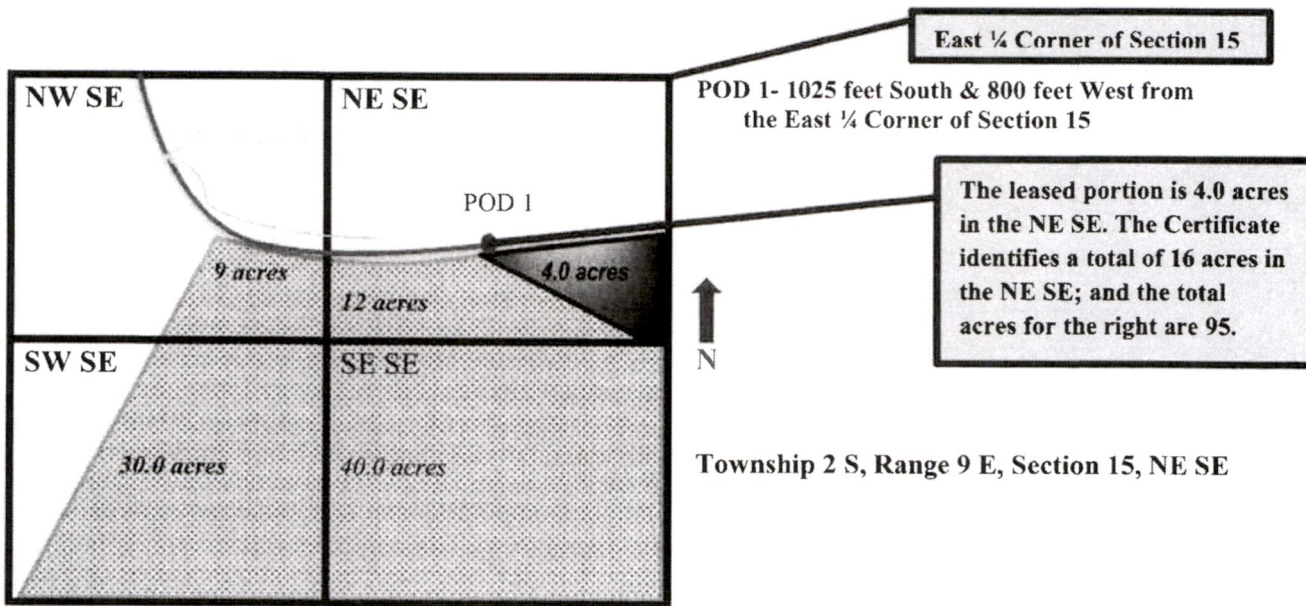
**A Map is generally required for each water right not leased in its entirety**

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 simple 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 for each 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 quarter-quarter clearly labeled and hachured 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**

Water right # 94987

**Table 1**

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

**If only leasing a portion of the right** - complete Table 1 as indicated       **Entirety** - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
<b>EXAMPLE</b>										
12/2/1901	3	2-S	9-E	15	NESE	100	47	4.0	IR	IL-1100
January 1979	1	-	-		-				M	NA
		-	-		-					<b>RECEIVED</b>
		-	-		-					<b>JAN 24 2022</b>
		-	-		-					

Total Acres: \_\_\_\_\_

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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)
January 1979	1	M			1.4	1,011.78

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

Any additional information about the right: \_\_\_\_\_

**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")
	-	-		-		
	-	-		-		

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.

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

**Instream Use Information**

**Table 4**

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>Columbia River</u> , tributary to <u>Pacific Ocean</u>				<b>River Basin:</b> <u>Columbia</u>		
<b>Instream Portion:</b> 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	Acreage	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
January 1979	1	M	NA	Full Year	1.4	1,011.78
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.						
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<b>Instream Reach</b>						
<b>Proposed Instream Reach:</b> <input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				<b>Or Proposed Instream Point:</b> <input checked="" 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 certificate, the lease may be processed to be protected at the POD.)						
<b>Additional Instream Information</b>						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>NA</u>						

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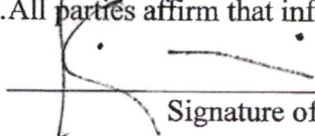
**Part 4 of 4 – Lease Provisions and Party Signatures**

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: month <u>May</u> year <u>2021</u> and end: month <u>May</u> year <u>2025</u>                  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 would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input checked="" type="checkbox"/> Navigation</p>	<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b></p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p><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, 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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/>                  And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b></p> <p><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</p> <p><input type="checkbox"/> 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 forfeiture is provided.</p>	

**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.

**The undersigned declare:**

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

  
 \_\_\_\_\_  
 Signature of Lessor

Date: 04.05.21

Printed name (and title): Kim B. Puzey, General Manager Business name, if applicable: Port of Umatilla

Mailing Address (with state and zip): P.O. Box 879, Umatilla, OR 97882

Phone number (include area code): (541) 922-3224 \*\*E-mail address: \_\_\_\_\_

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**See next page for additional signatures.**

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\_\_\_\_\_  
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: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lessee Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_  
Business/organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

**\*\* BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR.**

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STATE OF OREGON  
COUNTIES OF MORROW AND UMATILLA

CERTIFICATE OF WATER RIGHT  
FOR PARTIAL PERFECTION

THIS CERTIFICATE ISSUED TO

PORT OF UMATILLA  
PO BOX 879  
505 WILLAMETTE ST  
UMATILLA OR 97882

confirms the right to the use of water perfected under the terms of Permit S-49497. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-58245

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 36.6 CUBIC FEET PER SECOND (CFS)

DATE OF PRIORITY: JANUARY 19, 1979

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	10	NE SE	1970 FEET NORTH AND 280 FEET WEST FROM SE CORNER, SECTION 10

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A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	2	NW NE
4 N	28 E	WM	2	SW NE
4 N	28 E	WM	2	NW NW
4 N	28 E	WM	2	SW NW
4 N	28 E	WM	2	SE NW
4 N	28 E	WM	2	NE SW
4 N	28 E	WM	2	NW SW

Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	2	SW SW
4 N	28 E	WM	2	SE SW
4 N	28 E	WM	2	NW SE
4 N	28 E	WM	2	SW SE
4 N	28 E	WM	3	NE NE
4 N	28 E	WM	3	NW NE
4 N	28 E	WM	3	SW NE

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	3	SE NE
4 N	28 E	WM	3	NW SW
4 N	28 E	WM	3	SW SW
4 N	28 E	WM	3	SE SW
4 N	28 E	WM	3	NE SE
4 N	28 E	WM	3	NW SE
4 N	28 E	WM	3	SW SE
4 N	28 E	WM	3	SE SE
4 N	28 E	WM	4	NE NE
4 N	28 E	WM	4	SE NE
4 N	28 E	WM	4	NE SE
4 N	28 E	WM	4	SE SE
4 N	28 E	WM	8	SE SE
4 N	28 E	WM	9	NE NE
4 N	28 E	WM	9	SW NE
4 N	28 E	WM	9	SE NE
4 N	28 E	WM	9	NE SE
4 N	28 E	WM	9	NW SE
4 N	28 E	WM	9	SW SE
4 N	28 E	WM	9	SE SE
4 N	28 E	WM	10	ALL
4 N	28 E	WM	11	NW NE
4 N	28 E	WM	11	SW NE
4 N	28 E	WM	11	SE NE
4 N	28 E	WM	11	NE NW
4 N	28 E	WM	11	NW NW
4 N	28 E	WM	11	SW NW
4 N	28 E	WM	11	SE NW
4 N	28 E	WM	11	NE SW
4 N	28 E	WM	11	NW SW
4 N	28 E	WM	11	SW SW
4 N	28 E	WM	11	SE SW
4 N	28 E	WM	11	NE SE
4 N	28 E	WM	11	NW SE
4 N	28 E	WM	11	SW SE
4 N	28 E	WM	11	SE SE
4 N	28 E	WM	12	NW NW
4 N	28 E	WM	12	SW NW
4 N	28 E	WM	12	SE NW
4 N	28 E	WM	12	NE SW
4 N	28 E	WM	12	NW SW
4 N	28 E	WM	13	NE NE
4 N	28 E	WM	13	NW NE
4 N	28 E	WM	13	SW NE
4 N	28 E	WM	13	SE NE
4 N	28 E	WM	13	NE NW
4 N	28 E	WM	13	SW NW
4 N	28 E	WM	13	SE NW
4 N	28 E	WM	13	NE SW
4 N	28 E	WM	13	NW SW
4 N	28 E	WM	13	SW SW
4 N	28 E	WM	13	SE SW

Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	13	NE SE
4 N	28 E	WM	13	NW SE
4 N	28 E	WM	13	SW SE
4 N	28 E	WM	13	SE SE
4 N	28 E	WM	14	NE NE
4 N	28 E	WM	14	NW NE
4 N	28 E	WM	14	SW NE
4 N	28 E	WM	14	SE NE
4 N	28 E	WM	14	NE NW
4 N	28 E	WM	14	NW NW
4 N	28 E	WM	14	SW NW
4 N	28 E	WM	14	SE NW
4 N	28 E	WM	14	NE SE
4 N	28 E	WM	14	SE SE
4 N	28 E	WM	15	NE NE
4 N	28 E	WM	15	NW NE
4 N	28 E	WM	15	SW NE
4 N	28 E	WM	15	SE NE
4 N	28 E	WM	15	NE NW
4 N	28 E	WM	15	NW NW
4 N	28 E	WM	15	SW NW
4 N	28 E	WM	15	SE NW
4 N	28 E	WM	15	NE SW
4 N	28 E	WM	15	NW SW
4 N	28 E	WM	16	NE NE
4 N	28 E	WM	16	NW NE
4 N	28 E	WM	16	SW NE
4 N	28 E	WM	16	SE NE
4 N	28 E	WM	16	NE NW
4 N	28 E	WM	16	NW NW
4 N	28 E	WM	16	SE NW
4 N	28 E	WM	21	SW SE
4 N	28 E	WM	22	NE NE
4 N	28 E	WM	22	NW NE
4 N	28 E	WM	22	SW NE
4 N	28 E	WM	22	SE NE
4 N	28 E	WM	23	NW NE
4 N	28 E	WM	23	SW NE
4 N	28 E	WM	23	NE NW
4 N	28 E	WM	23	SE NW
4 N	28 E	WM	24	NE NW
4 N	28 E	WM	24	NW NW
4 N	28 E	WM	24	SW NW
4 N	28 E	WM	24	SE NW
4 N	28 E	WM	24	NE SW
4 N	28 E	WM	24	NW SW
4 N	28 E	WM	24	SW SW
4 N	28 E	WM	24	SE SW
4 N	28 E	WM	27	NE SW
4 N	28 E	WM	27	NW SW
4 N	28 E	WM	27	SW SW
4 N	28 E	WM	27	SE SW

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Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	27	NW SE
4 N	28 E	WM	27	SW SE
4 N	28 E	WM	28	SW NE
4 N	28 E	WM	28	NE SE
4 N	28 E	WM	28	SE SE

Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	30	SW NE
4 N	28 E	WM	30	NE NW
4 N	28 E	WM	30	NW NW
4 N	28 E	WM	30	SW NW
4 N	28 E	WM	30	SE NW

Any use of water under this right beyond 18.54 CFS is subject to the fish persistence conditions as identified in the Final Order for Extension of Time for Permit S-49497 entered August 24, 2012, at Special Order Volume 101, Page 153.

The right granted herein is limited to the amount which can be applied to beneficial use and shall not exceed 36.6 CFS measured at the point of diversion, or its equivalent in case of rotation with other water users, from the Columbia River.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

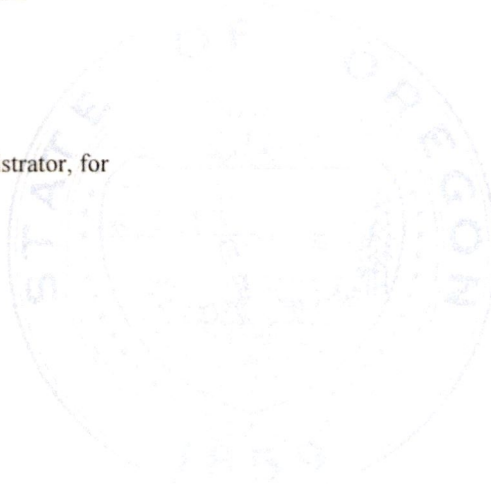
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

This certificate is issued as the final increment of partial perfection of Permit S-49497, for 36.6 CFS, as described in OAR 690-320-0040 and by an order of the Water Resources Director entered March 31, 2020 at Special Order Volume 116, Pages 312-313.

Issued MAR 31 2020



Dwight French  
 Water Right Services Division Administrator, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department






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Sections 2 to 4, 8 to 16, 21 to 24, 27, 28 and 30  
 T4N, R28E, W.M.  
 &  
 Section 10, T5N, R28E, W.M.  
 Umatilla County, Oregon  
 Application R-58245, Permit S-49497  
 CLAIM OF BENEFICIAL USE MAP  
 Port of Umatilla

**EXPLANATION** *September 2018 JAB v/1/18*

 PLACE OF USE FOR AESTHETIC & RECREATION PURPOSES (SECTION 10, T5N, R28E, W.M.)  
 P20-Intake Pump Station, Fish Screen & Flowmeter  
 RESERVOIR  
 POD LOCATED: 2310 FT N and 280 FT W From SE Corner of Section 10, T5N, R28E, W.M.  
 DATE: *August 21, 2018*  
 NOTES: 1. See easement conditions at *108-11/1/18*  
 2. 11.5 acre in-lieu fee water treatment and recycling pump capacity #1 and #2 details are shown in Figure 7 prepared by MWH.



Section 14, 2018  
 This map is not intended to provide legal  
 description or locations of property  
 interests.  
**Figure 1** RECEIVED  
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11.5 ACRE IN-LIEU  
 RAW-WATER TREATMENT,  
 NET WELL,  
 AND NON-RECYCLABLE PUMP  
 STATIONS #1 AND #2

COBU MAP# 1121

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SKOOKUM  
 WATER ASSOCIATION, INC.  
 3525 VICTORIAN WAY  
 EUGENE, OR 97405  
 (503) 425-8000