

District Instream Lease

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

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 #	11-1898
	District #	

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

Fee in the amount of:

<input type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input checked="" type="checkbox"/> \$410.00 for all other leases
<input type="checkbox"/> Check enclosed or <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy (Account name)</u>	

Yes N/A Pooled Lease—a lease with more than one Lessor (Landowner/water right interest holder)

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? 2 (# of rights)

List each water right to be leased instream here: 95175, 95176

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: 95176 (IS), 95177 (IS), 95178 (IS), 74149 (IS)

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.

Received by OWRD

FEB 24 2022

Salem, OR

Part 2 of 4 – District and other party Signature

Term of the Lease: The lease is requested to begin in: month <u>April</u> year <u>2022</u> and end: month <u>October</u> year <u>2022</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 checked="" 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.



Date: February 18, 2022

Signature of Co-Lessor

Printed name (and title): Chris Schull, District Manager

Business/Organization name: Tumalo Irrigation District

Mailing Address (with state and zip): 64697 Cook Avenue, Bend, OR 97703

Phone number (include area code): 541-382-3053 **E-mail address: chris@tumalo.org

Received by OWRD

FEB 24 2022

Salem, OR

Date: _____

Signature of Co-Lessor

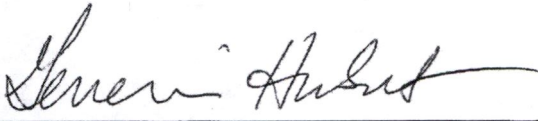
Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

See next page for additional signatures.



Date: 2/24/2022

Signature of Lessee

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

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NE Hill Street #1, Bend, Oregon 97703

Phone number (include area code): 541-382-4077 x16 **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

FEB 24 2022

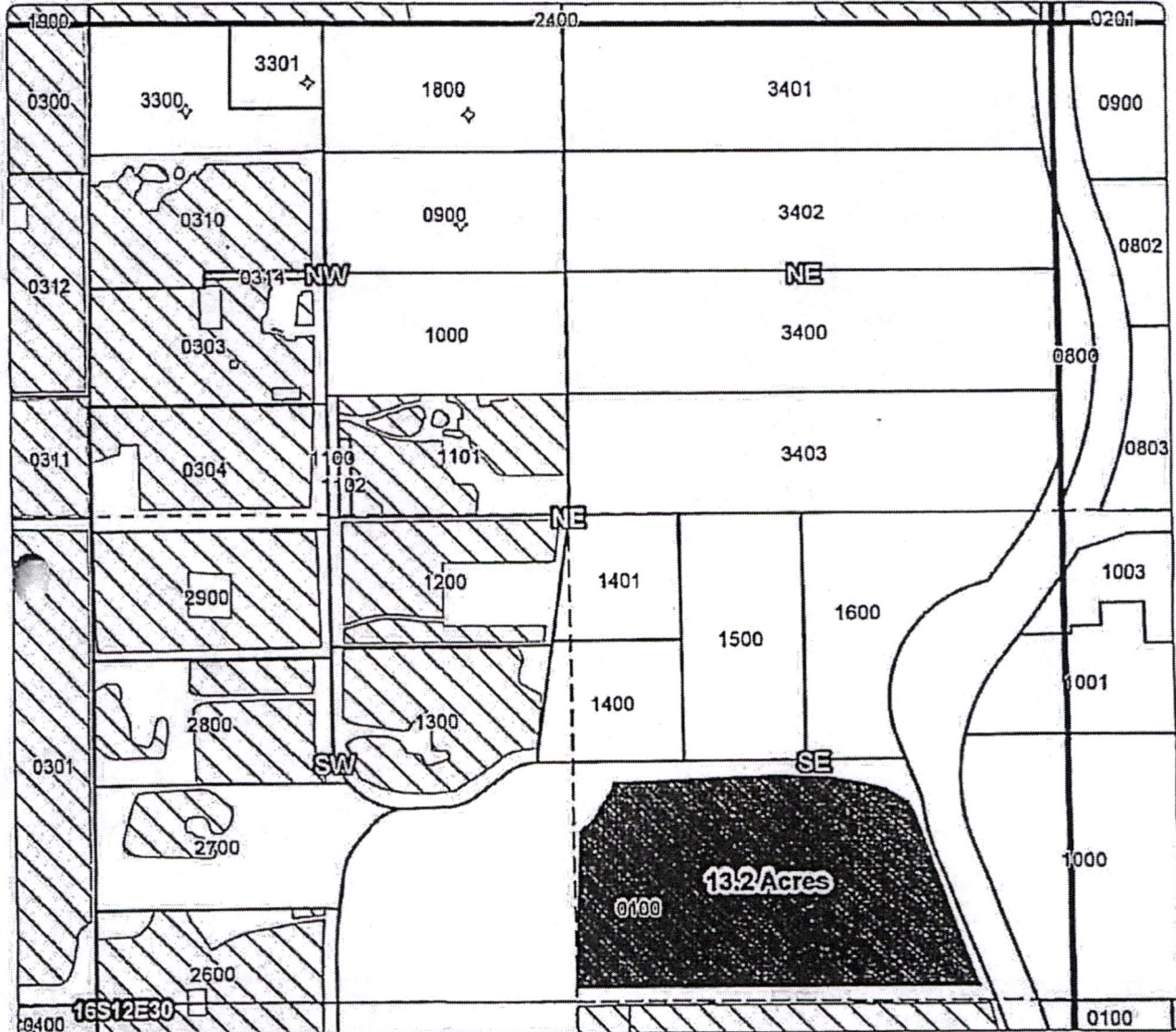
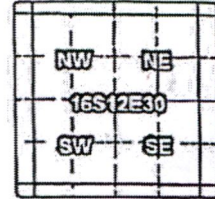
Salem, OR

Tumalo Irrigation District Application for Instream Lease

FEB 24 2022

Cert #: 95176
C.L.R. Inc.

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 0100, 16S12E30SENE: 13.2 Acres Leased (95176), 0 Acres Remaining

- TTTT Canals
- Taxlots
- Transfer
- Cert 95176, 95175
- Cert 76108
- All Other Certs

1 inch = 400 feet



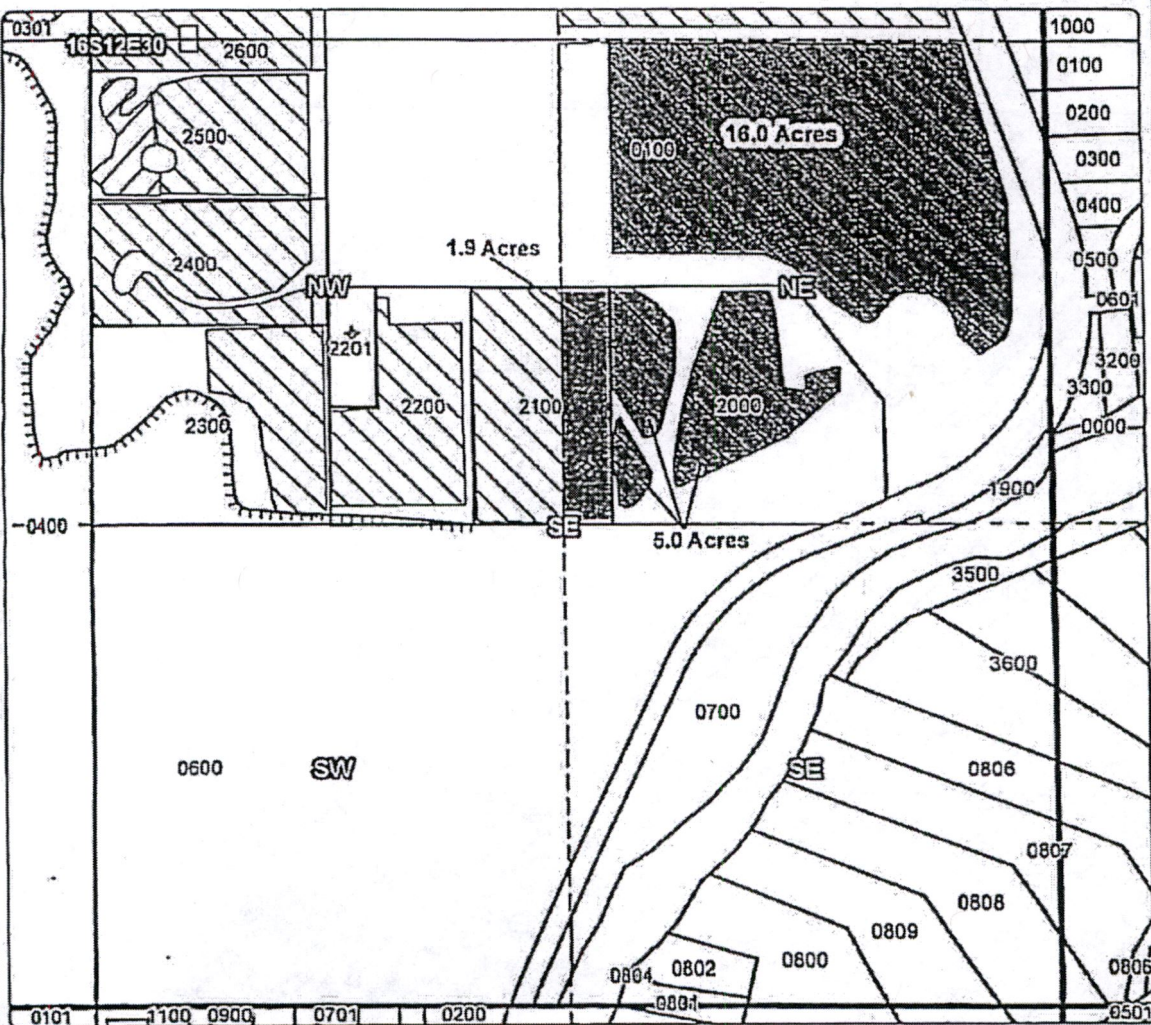
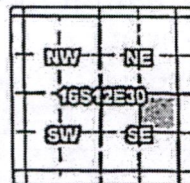
Received by OWRD

FEB 24 2022

Tumalo Irrigation District Application for Instream Lease

Salem, OR

Cert #: 95176
For: C.L.R. Inc.



1 YEAR INSTREAM LEASE MAP

Taxlot 0100, 16S12E30NESE: 16.0 Acres Leased (95176), 0 Acres Remaining
Taxlot 2000, 16S12E30NESE: 5.0 Acres Leased (95176), 0 Acres Remaining
Taxlot 2100, 16S12E30NESE: 1.9 Acres Leased (95176), 0 Acres Remaining

- TTT Canals
- Taxlots
- Transfer
- ▨ Cert 95176
- ▩ Cert 76105
- All Other Certs

1 Inch = 400 feet



Map created by FireWhel, Inc.

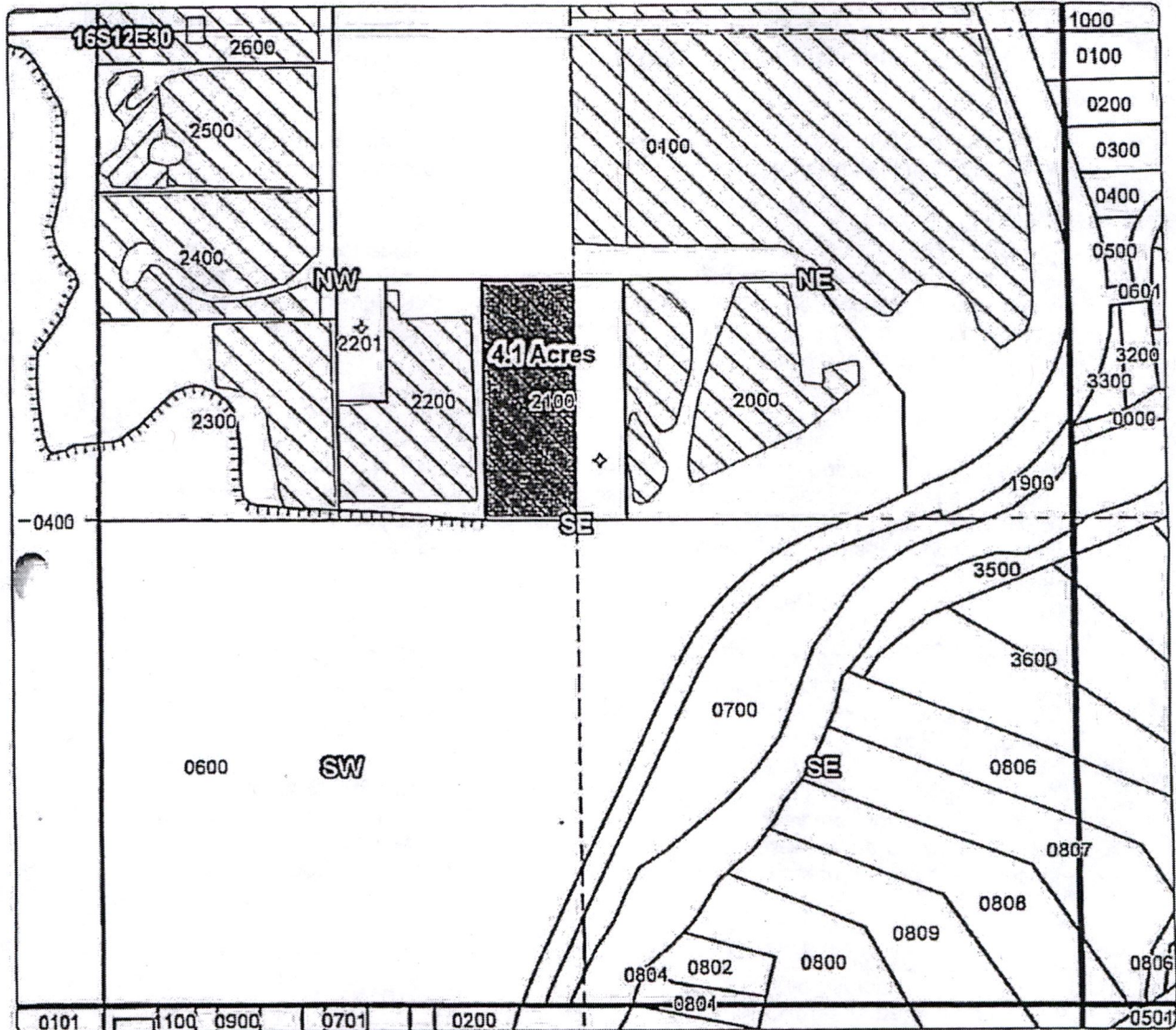
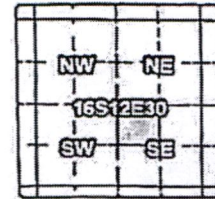
Tumalo Irrigation District
Application for Instream Lease

Cert #: 95175, 95176
 r.C.L.R. Inc.

Received by OWRD

FEB 24 2022

Salem, OR



1 YEAR INSTREAM LEASE MAP

Taxlot 2100, 16S12E30NWSE: 3.4 Acres Leased (95175), 0 Acres Remaining
 Taxlot 2100, 16S12E30NWSE: 0.7 Acres Leased (95176), 0 Acres Remaining

- TTT Canals
- [] Taxlots
- [] Transfer
- [] Cert 95175, 95176
- [] Cert 76106
- [] All Other Certs

1 Inch = 400 feet



ASE

EXHIBIT C

Received by OWRD

**Deschutes River Conservancy
Instream Leasing Program**

FEB 24 2022

**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 3 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.

Tumalo Irrigation District leases are paid for water measured instream. Size of lease payment may vary from year-to-year depending on reliability of the water in a given year and total number acres leased from TID patrons. If more than 475 total district acres are leased, payment *per measured acre-foot* increases from \$12.50 to \$20.00 per acre-foot.

T. Jerry Cuel for C.L.R. INC. understand the DRC weed policy and have
Print Name
been informed about farm deferral, payments and donations.

Signature:  Date: 2/11/2022

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

Part 4 of 4 – Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream

Table 2

Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4) Water Right # 95175

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)
05/27/1907	1P	IRR	3.40		0.041	6.12

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

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3

Instream Use created by the lease	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Tumalo Creek, tributary to Deschutes River</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>2P</u> to <u>mouth of the Deschutes River</u>		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
05/27/1907	1P	IRR	3.40	04/01/2022 - 10/25/2022	0.15 0.015	6.12

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.

Yes N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here Protected from 04/01/2022 - 10/31/2022 ~~10/31/2022~~ 10/25/2022**

Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: N/A

Received by OWRD

FEB 24 2022

Salem, OR

Primary Irrigation - updated to include all acreage

TID CERT 95175 (was 74146) (assuming can divert full rate and duty allowed by certificate)

Source = Tumalo Creek

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

Enter Total Number of Acres to be Leased	
pri date	acres instream
August 5, 1900	
September, 1900	
April 28, 1905	
May 27, 1907	3.40
June 1, 1907	
total acres	3.40

Rate (CFS) associated with leased rights from the Lease Application Form				
Enter Rates and Duty on Lease Form by Priority Date	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
August 5, 1900	0.0123	0.000	1.8	0.00
September, 1900	0.0087	0.000	1.8	0.00
April 28, 1905	0.0123	0.000	1.8	0.00
May 27, 1907	0.0120	0.041	1.8	6.12
June 1, 1907	0.0123	0.000	1.8	0.00
Totals		0.041		6.12

Notes

The amounts shown in the green Section 1.4 box breaks the water right down into each priority date.

The rate is simply the current rate per acre (see start point page) multiplied by the number of acres being leased by each priority date.

The duty is simply the duty per acre (1.8 AF) multiplied by the number of acres being leased by each priority date.

Rate (CFS) leased instream for the Instream Section of the Lease Application Form			
Enter Instream Rates and Volumes by	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)	Period Instream
August 5, 1900	0.000	0.00	April 15 - Oct 15
September, 1900	0.000	0.00	April 15 - Oct 15
April 28, 1905	0.000	0.00	April 15 - Oct 15
May 27, 1907	0.017	6.12	April 15 - Oct 15
June 1, 1907	0.000	0.00	April 15 - Oct 15
Totals	0.017	6.12	

OR

Optional - for alternative instream periods including the full irrigation season			
Enter Proposed begin and end dates (must fall within Irrigation Season)			
begin date	4/1/2022	Number of Days	
end date	10/25/2022	208	Days
Rate (CFS) leased instream for Section 2.2 of the Lease Application Form			
Enter Instream Rates and Volumes by Priority Date on Lease Form	# Day's Instream	Instream Rate (CFS) over full Irrigation Season	Instream Volume (AF)
August 5, 1900	208	0.000	0.00
September, 1900	208	0.000	0.00
April 28, 1905	208	0.000	0.00
May 27, 1907	208	0.015	6.12
June 1, 1907	208	0.000	0.00
Totals		0.015	6.12

*Resulting rates may not exceed the max rate identified for Section 1.5 of the Lease Application

Notes

The amounts shown in the lavender box's breaks the water right down into each priority date for what is going instream.

The volume shown is simply the full duty as calculated in the green box.

However, the instream rate has been reduced. The presumption I used is that water is to be protected instream over the full irrigation season, being April 15 to October 15. The instream rate then is the duty divided by the number of days in the irrigation season (184). This is then divided by 1.983471 AF/day to arrive at the rate instream. 1.983471 AF = 1 CFS for one day.

$$(\text{Duty in AF} / \# \text{ of days instream}) * 1 \text{ CFS} / 1.983471 \text{ AF per Day}$$

Received by OWRD

FEB 24 2022

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 # 95176

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)
10/29/1913	2P	IRR	36.80	Season 1 / Season 2 / Season 3	0.460/0.613/1.136	364.69

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

If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:

Table 3

Instream Use created by the lease	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Tumalo Creek, tributary to Deschutes River</u>				
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>2P</u> to <u>mouth of the Deschutes River</u>		Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD				
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2) Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
10/29/1913	2P	IRR	36.80	Season 1 /Season 2/Season 3, April 1, 2022 - October 31, 2022	0.253/0.337/0.625	200.08

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.

Yes N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here Protected from 4/1/2022 - ~~10/31/2022~~ 10/25/2022

Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: N/A

Received by OWRD

FEB 24 2022

Salem, OR

This table will calculate flow rate factors and duty for Tumalo Irrigation District
Instream Leases

updated 3/16/2021

Primary Irrigation

TID CERT 95176 (was 74147) (assuming can divert full rate and duty allowed by certificate for primary water use)

Priority Date = October 29, 1913

Source = Tumalo Creek with any deficiencies to be made up from Crater Creek, Little Crater Creek, and Three Springs Branches

Enter Total Number of Acres to be Leased Instream Here →	36.800
--	---------------

Rate (CFS) associated with the right to be leased for the Lease Application Form				
Enter Rates and Duty on Lease Form by Season	Rate/acre (CFS)	Max Rate (CFS)	Duty/acre (AF)	Max Duty (AF)
Season 1	0.013	0.460	9.910	364.69
Season 2	0.017	0.613		
Season 3	0.031	1.136		

Notes

The rate identified in the green Section box was calculated based on the number of acres being leased multiplied by the rate per acre for each season. For example Season 1 rate = # acres * 1/80th CFS per acre

The duty identified is the number of acres to be leased multiplied by the 9.91 AF per acre duty limitation.

Amounts that may be leased to instream use for the Lease Application Form				
Enter Instream Rates and Volumes by Season on Lease Form	Instream Rate (CFS) over full Irrigation Season	Days instream	Instream Volume (AF)	Full Duty at POU (5.45 af/ac)
Season 1	0.253	55	27.60	200.56
Season 2	0.337	30	20.07	
Season 3	0.625	123	152.40	
Totals		Total Instream Vol.	200.08	

Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form

Water protected instream:	April 1 through October 25
---------------------------	-----------------------------------

Notes

Amounts reflected above do not include transmission loss water. Based on review of records for this certificate, the diversion at the POD includes 45% transmission loss. Prior conversations with the Watermaster suggest that this should be removed from the quantity leased or transferred instream to avoid injury and enlargement issues.

See FO for IL-1549 and review materials in lease file.

Season 1 shortened by 6 days to bring instream volume under max duty limit.

Received by OWRD

FEB 24 2022

Salem, OR

Water Right #	Priority Date	POD	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/	Acres	Use	Page #	Previous Lease #
95175	5/27/1907	1P	16 S	12 E	30	NW SE	2100	N/A	3.40	IR	18	IL-1852
#95175 05/27/1907									3.40			
TOTAL #95175									3.40			
95176	10/29/1913	2P	16 S	12 E	30	NE SE	100	N/A	16.00	IR	9	IL-1852
95176	10/29/1913	2P	16 S	12 E	30	SE NE	100	N/A	13.20	IR	9	IL-1852
95176	10/29/1913	2P	16 S	12 E	30	NE SE	2000	N/A	5.00	IR	9	IL-1852
95176	10/29/1913	2P	16 S	12 E	30	NE SE	2100	N/A	1.90	IR	9	IL-1852
95176	10/29/1913	2P	16 S	12 E	30	NW SE	2100	N/A	0.70	IR	9	IL-1852
#95176 10/29/1913									36.80			
TOTAL #95176									36.80			
2021 GRAND TOTAL 40.20												

Received by OWRD

FEB 24 2022

Salem, OR