

# Instream Lease Renewal Application (Standard or District)



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

Complete the questions below and include any required attachments

Fill in or check boxes as indicated. (N/A= Not Applicable)

Instream Lease IL-

Renewal Fee Included

The undersigned hereby request Instream Lease Number IL-1593 be renewed.

Fees:  \$150.00 for an instream lease renewal application Deschutes River Conservancy  
 Check enclosed or  Fee Charged to customer account \_\_\_\_\_ (Account name)

**Term of the Lease:**

The lease is requested to begin in month April year 2022 and end month Oct year 2022

**Validity of the Right(s)**

(check the appropriate box):

- 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.
- If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2).

**Termination provision (for multiyear leases):**

The parties to the lease request:

- 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.
- b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
- c. The parties would not like to include a Termination Provision.

(See instructions for limitations to this provision)

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

**The undersigned declare:**

- 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
- The Lessor(s) certify that I/we are the holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
- All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

*Frank J. Brian*  
Signature of Lessor

Date: 2-28-2022

Printed name (and title): Frank Brian & Carol Brian Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 21255 Young Ave., Bend, OR 97703

Phone number (include area code): 541-389-4946 \*\*E-mail address: \_\_\_\_\_

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*Carol Brian*  
Signature of Lessor

Date: 2-28-2022

MAR 02 2022

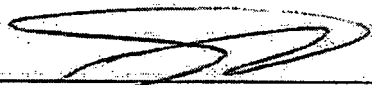
Salem, OR

Printed name \_\_\_\_\_ ): Business name, if applicable: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ (with state and zip): \_\_\_\_\_

Phone number: \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

See next page for additional signatures.



Date: 3/1/22

Signature of Co-Lessor

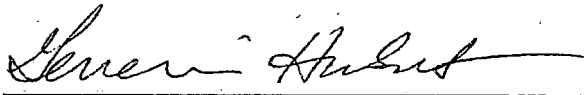
Printed name (and title): Jer Camarata, General Manager  
District/organization name: Swalley Irrigation District  
Mailing Address (with state and zip): 64672 Cook Ave, Ste 1, Bend, OR 97703  
Phone number (include area code): 541-388-0658 \*\*E-mail address: kathy@swalley.com

\_\_\_\_\_

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: \_\_\_\_\_



Date: 3/1/2022

Signature of Lessee

Printed name (and title): Genevieve Hubert, senior program manager  
Business/organization name: Deschutes River Conservancy  
Mailing Address (with state and zip): 700 NW Hill St, 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.**

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**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:** 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.

*[Handwritten mark]*

I, Frank Brian understand the DRC weed policy and have  
*Print Name*  
been informed about farm deferral and donations.

*[Handwritten mark]*

Signature: Frank J. Brian Date: \_\_\_\_\_

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