

Application for  
**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

<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 #	LL-1922/MP-289
	District #	TSID1-22

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

Fee in the amount of:

<input checked="" type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	Or <input 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? 4 (# of rights)

List each water right to be leased instream here: 95971 (74135), 93689, 93690, 93692

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

**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.

Mitigation Project  
 (1895 Priority)  
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 Salem, OR

**Part 2 of 4 – District and other party Signature**

<b>Term of the Lease:</b> The lease is requested to begin in: month <u>May</u> year <u>2022</u> and end: month <u>August</u> year <u>2022</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 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 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.

*Marc Thalacker* Date: 4/28/2022  
 Signature of Co-Lessor

Printed name (and title): Marc Thalacker, District Manager  
 Business/Organization name: Three Sisters Irrigation District  
 Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759  
 Phone number (include area code): 541-549-8815 \*\*E-mail address: manager@tsidweb.org

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

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See next page for additional signatures.

*Genevieve Hubert*

Date: 4/30/22

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 97702

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**

NO MAIL  
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Landowner	Acres	Certificate	Priority	Prior Lease / Transfer
Kerith Springs	41.6	95971 (74135)	1895	IL-1671 & 1702
Circle of Trees/Gardner	10.5	95971 (74135)	1895	IL-1873
Circle of Trees/Gardner	63	95971 (74135)	1903	IL-1873
Paul Drake	24.1	95971 (74135)	1899	IL-1873
David Helm	22.4	95971 (74135)	1903	IL-1873
David Helm	23.7	93690	1908	IL-1873
David Helm	14.9	93692	1912	IL-1873
Janet Herring	37	95971 (74135)	1904	IL-1873
Bill Willits	5	93689	1908	IL-1873

Certificate 95971 supersedes 74135.

Certificate	Priority	Acres	Instream Rate	Instream Acre-Feet	Instream Dates
95971 (74135)	1895	52.1	0.834	158.73	5/1 through 8/4
95971 (74135)	1899	24.1	0.386	73.42	5/1 through 8/4
95971 (74135)	1903	85.4	1.366	260.18	5/1 through 8/4
95971 (74135)	1904	37	0.592	112.72	5/1 through 8/4
93689	1908	5	0.078	14.85	5/1 through 8/4
93690	1908	23.7	0.37	70.40	5/1 through 8/4
93692	1912	14.9	0.148	28.09	5/1 through 8/4
	Totals	242.2 ac	3.773 cfs	718.40 AF	

Only the 1895 acres – instream for mitigation project, protected to Madras gage

1899 – 1912 acres – instream (NOT migration) to mouth of Deschutes

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**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**

**Irrigation District or other Water Purveyor Name:**

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 #	Twp		Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
95971 (74135)	1895	Main	15	S	10	E	24	nw	nw	200		32	IR	10	1671
95971 (74135)	1895	Main	15	S	10	E	24	sw	nw	200		9.6	IR	10	1702

**Any additional information about the right:** T-9621 moved acres off/on in the SWNW, SENW and NWSW. No change in the NWNW. Leased instream in 2018.

**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:

- 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
- 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
- I/We affirm that the information in this application is true and accurate.

  
Signature of Lessor Date: 3/31/22

Printed name (and title): Eric B. Weber Business name, if applicable: Kerith Springs Lodge, Inc  
Mailing Address (with state and zip): 2400 NE Division Street, Gresham, OR 97030 67750 US 20, BEND, OR. 97703  
Phone number (include area code): 541-788-0633 \*\*E-mail address: eric@kericomail.com  
Date: \_\_\_\_\_

Signature of Lessor  
Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_ Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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MAY 03 2022  
Salem, OR

**Business Name Search**

[New Search](#)

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**Business Entity Data**

04-29-2022 14:37

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
260189-94	DNP	ACT	OREGON	12-29-2004	12-29-2022	
Entity Name	KERITH SPRINGS LODGE, INC.					
Foreign Name						
Non Profit Type	RELIGIOUS					

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**Associated Names**

APR 29 2022

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	1900 CINNAMON TEAL DRIVE			Salem, OR
Addr 2				
CSZ	REDMOND	OR	97756	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-16-2020	Resign Date
Name	ERIC	B	WEBER		
Addr 1	1900 CINNAMON TEAL DR				
Addr 2					
CSZ	REDMOND	OR	97756	Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS		
Addr 1	1900 CINNAMON TEAL DR			
Addr 2				
CSZ	REDMOND	OR	97756	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date
Name	STUART	K	WEBER	
Addr 1	3600 SE 317TH AVE			
Addr 2				
CSZ	TROUTDALE	OR	97060	Country UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date
Name	DEBBIE		HARDINGER	
Addr 1	4535 CAVALLO REAL WAY			
Addr 2				
CSZ	CARMICHAEL	CA	95608	Country UNITED STATES OF AMERICA

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**Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
KERITH SPRINGS LODGE, INC.	EN	CUR	12-29-2004	














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**Summary History**

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	01-10-2022		FI		
	AMENDED ANNUAL REPORT	11-16-2020		FI	Agent	
	AMENDED ANNUAL REPORT	11-12-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	01-28-2019		FI		
	AMENDED ANNUAL REPORT	11-26-2018		FI	Agent	
	REINSTATEMENT AMENDED	04-10-2018		FI	Agent	
	ADMINISTRATIVE DISSOLUTION	03-01-2018		SYS		
	REINSTATEMENT AMENDED	10-28-2016		FI		
	ADMINISTRATIVE DISSOLUTION	02-25-2016		SYS		
	AMENDED ANNUAL REPORT	11-16-2014		FI		
	AMENDED ANNUAL REPORT	11-18-2013		FI		
	AMENDED ANNUAL REPORT	11-26-2012		FI		
	AMENDED ANNUAL REPORT	11-22-2011		FI		
	AMENDED ANNUAL REPORT	11-24-2010		FI		
	AMENDED ANNUAL REPORT	11-27-2009		FI		
	ANNUAL REPORT	11-21-2008		FI		
	AMENDED ANNUAL REPORT	11-21-2007		FI		
	AMENDED ANNUAL REPORT	11-28-2006		FI		
	AMENDED ANNUAL REPORT	11-29-2005		FI		
	ARTICLES OF INCORPORATION	12-29-2004		FI	Agent	

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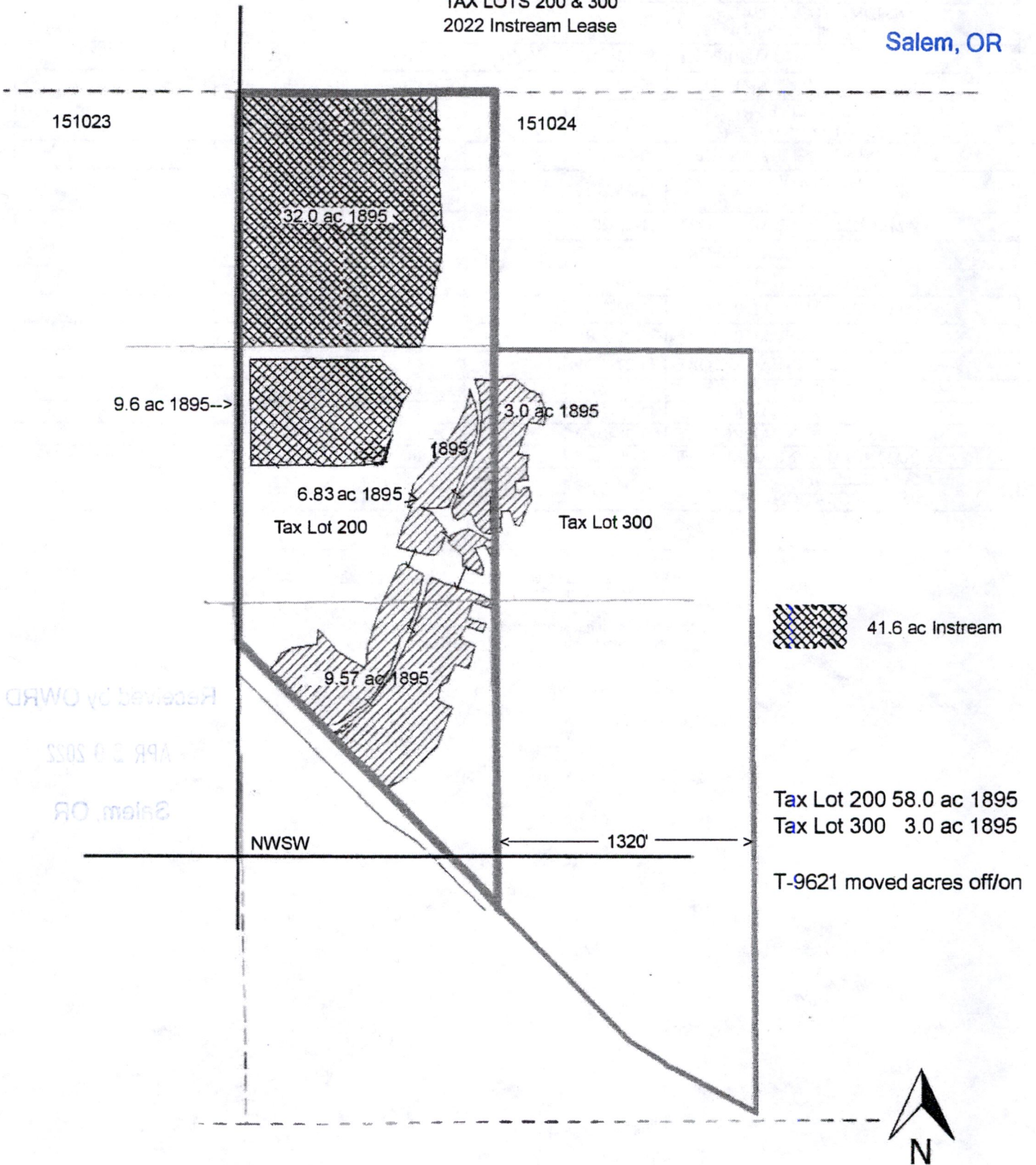
Salem, OR

THREE SISTERS IRRIGATION DISTRICT  
CERTIFICATE 74135- 95971 supersedes  
KERITH SPRINGS  
15S 10E SEC 24  
TAX LOTS 200 & 300  
2022 Instream Lease

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**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

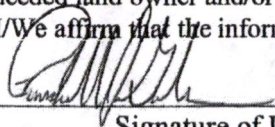
**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

<b>Irrigation District or other Water Purveyor Name: Three Sisters 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 #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #			
95971 (74135)	1903	Main	15 s 10 e	11	nw se	1400			1.0	IR	8	1873			
95971 (74135)	1903	Main	15 s 10 e	11	sw se	1400			28.7	IR	8	1873			
95971 (74135)	1903	Main	15 s 10 e	11	se se	1400			17.9	IR	9	1873			
95971 (74135)	1903	Main	15 s 10 e	14	nw ne	1800			15.1	IR	10	1873			
95971 (74135)	1903	Main	15 s 10 e	14	ne ne	1800			0.3	IR	10	1873			
95971 (74135)	1895	Main	15 s 10 e	14	ne ne	1800			10.5	IR		1873			
<b>Any additional information about the right: 63 ac 1903, 10.5 ac 1895 73.5 ac total 95971 supersedes 74135</b>															
<b>Farm Deferral Tax Status:</b> 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:

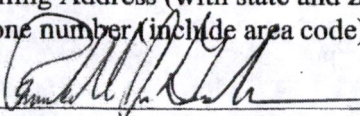
1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. 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: 4/12/22

Printed name (and title): Randy Gardner, Ranch Manager Business name, if applicable: Circle of Trees, Lazy Z East  
 Mailing Address (with state and zip): P.O. Box 1671, Sisters, OR 97759  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: r.gardner@morrow.com



Signature of Lessor

Date: 4/12/22

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RANDALL JAMES GARDNER

Printed name (and title): \_\_\_\_\_ Business name, if applicable: NA

Mailing Address (with state and zip): \_\_\_\_\_ Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

P.O. BOX 1671  
SISTERS, OR. 97759

541-325-3020

r.gardner@morrow.com

325-3020

97759

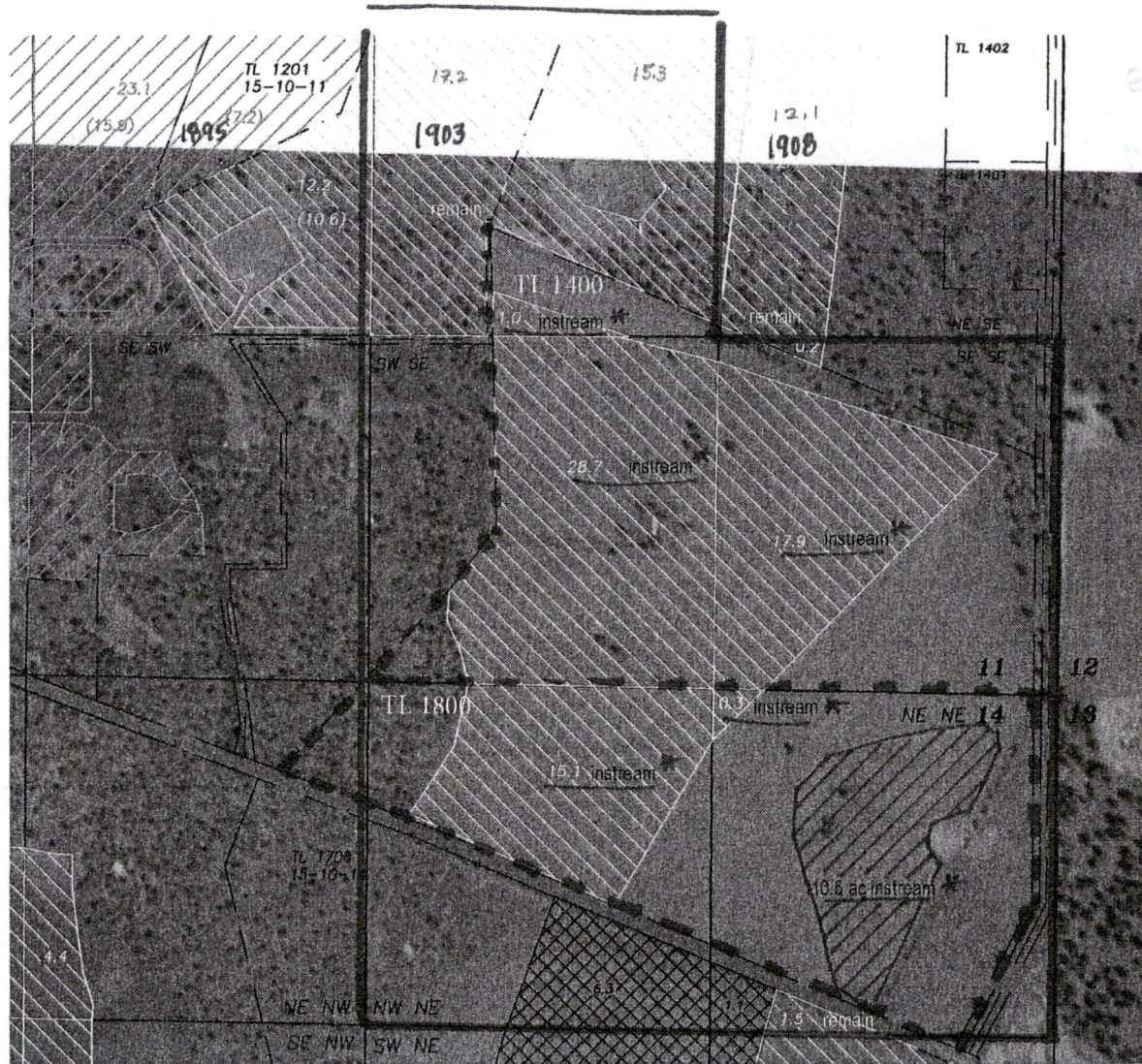
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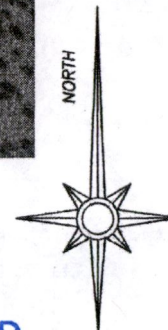
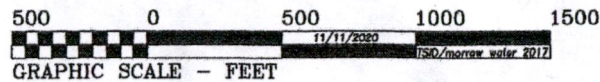
Salem, OR

Water Rights Summary  
 Tax Lots 1400 and 1800  
 Portions of Sections 11 & 14  
 T15S, R10E, W.M  
 Deschutes County, Oregon



- Parcel boundary
- ⊙ Approximate well location
- 95971 supersedes 74135**
-  Cert 74135  
Three Sisters ID water  
Priority date 1895  
TL 1800 - NWNE, NENE  
10.5 Ac in-stream lease \*
-  Cert 74135  
Priority date 1903  
TL 1400 - NWSE, NESE, SWSE, SESE  
47.6 Ac in-stream lease \*  
TL 1800 - NWNE, NENE, 15.4 ac in-stream \*
-  Cert. 93690  
Priority date 1908
-  Cert 93679  
Priority date 12/31/1900

T15S, R10E, W.M.  
 Deschutes County Oregon



In-stream Lease by TL & priority \*

- TL 1400 - 47.6 ac, priority 1903
- TL 1800 - 15.4 ac, priority 1903
- TL 1800 - 10.5 ac, priority 1895

Total in-stream lease \*

- 63 ac - 1903
- 10.5 ac - 1895
- 73.5 ac TOTAL

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**Part 3 of 4 – Place of Use –Lessor Information and Signatures**

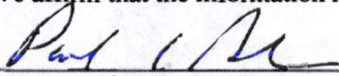
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**Table 1**

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95971 (74135)	1899	Main	14	S	11	E	30	ne	sw	4701		24.1	IRR	5	1873
<b>Any additional information about the right: 33 acres irrigation, 24.1 ac lease, 8.9 ac remain, 1.5 acres off T-8994,95971 supersedes 74135</b>															
<b>Farm Deferral Tax Status:</b> 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.															

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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
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3. I/We affirm that the information in this application is true and accurate.



Date: 3/28/22

Signature of Lessor

Printed name (and title): Paul Drake Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): P.O. Box 2330, Sisters, OR 97759  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

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Diane Tolzman  
Signature of Lessor

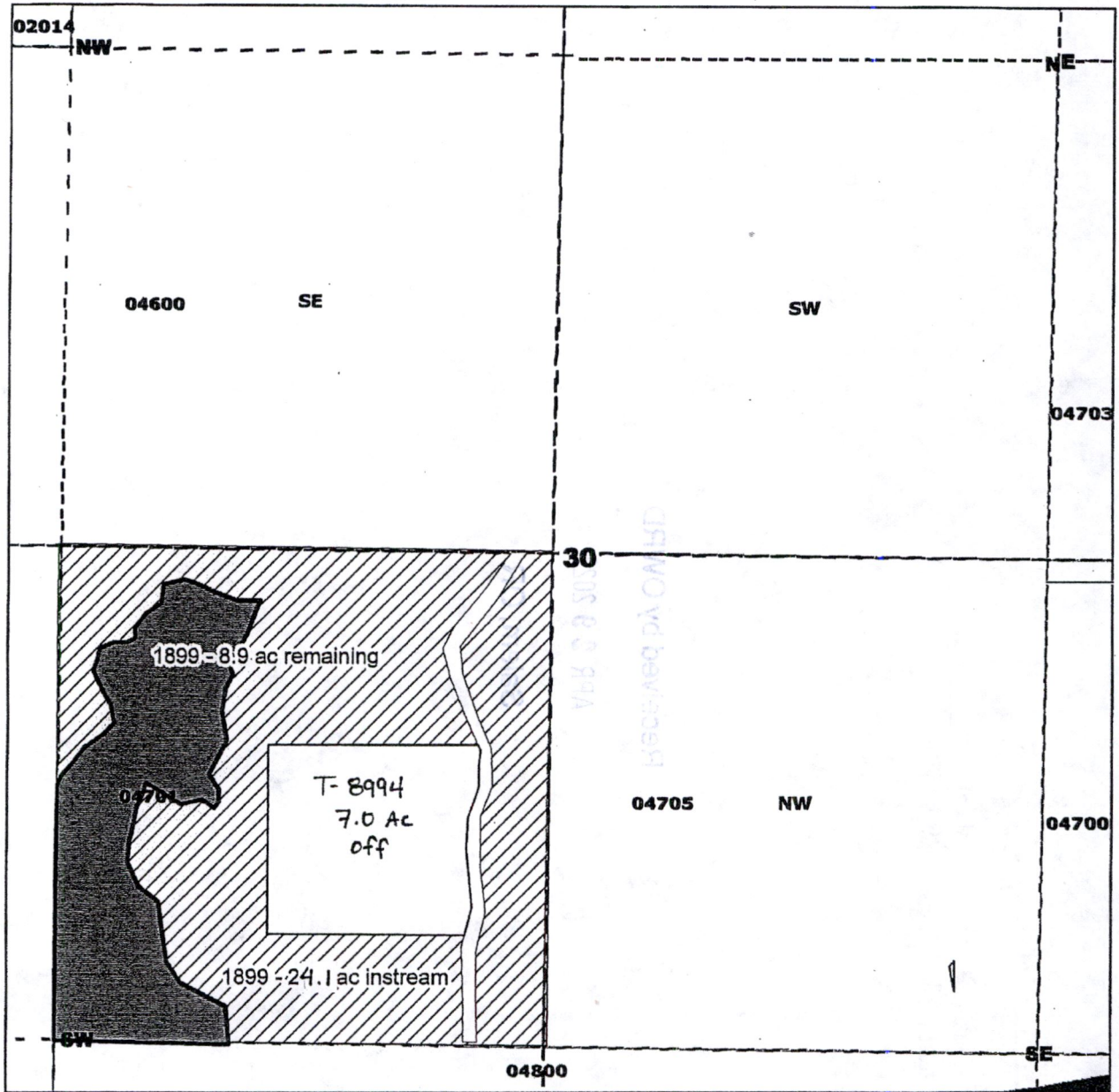
Date: 3-28-22

Printed name (and title): Diane Tolzman Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): P.O. Box 2330, Sisters OR 97750  
Phone number (include area \_\_\_\_\_)

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**Drake & Tolzman**

**Three Sisters Irrigation District**

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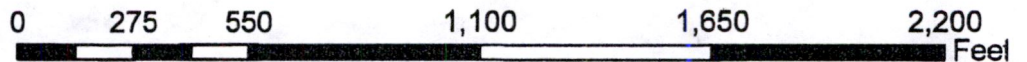
**Legend**

- Remaining Water Rights - 1899
- Instream Water Rights
- Building Site
- Road
- Instream - 1899
- Township Range
- Quarter Quarters
- Taxlots

(Golfside Investments, LLC)  
 24.1 acres instream - 1899  
 Certificate 95971 supersedes 74135  
 T14S R11E Sect 30  
 Tax Lot 4701  
 NESW 24.1 acres instream 8.9 acres  
 remaining Deschutes County

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Salem, OR



**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
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**Table 1**

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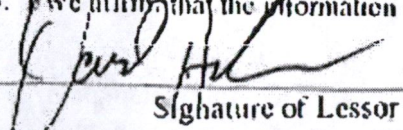
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
93692	1912	Main	15 s 10 e	11	sw ne	1200			10.8	IR		1873
93692	1912	Main	15 s 10 e	11	se ne	1200			4.1	IR		1873
93690	1908	Main	15 s 10 e	11	sw ne	1200			5.6	IR		1873
93690	1908	Main	15 s 10 e	11	se ne	1200			5.5	IR		1873
93690	1908	Main	15 s 10 e	11	ne se	1200			12.4	IR		1873
93690	1908	Main	15 s 10 e	11	se se	1200			0.2	IR		1873
95971 74135	1903	Main	15 s 10 e	11	sw ne	1200			4.6	IR	8	T-10907/IL 1873
74135	1903	Main	15 s 10 e	11	nw se	1200			15.3	IR	8	T-10907/IL 1873
74135	1903	Main	15 s 10 e	11	ne se	1200			2.5	IR	8	T-10907/IL 1873

**Any additional information about the right: 22.4 ac 1903, 23.7 ac 1908, 14.9 ac 1912, 61 ac total. Transfers and lot changes.**

**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:

- 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
- I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deceded land owner, I/we have obtained consent from the deceded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- I/We affirm that the information in this application is true and accurate.

  
Signature of Lessor

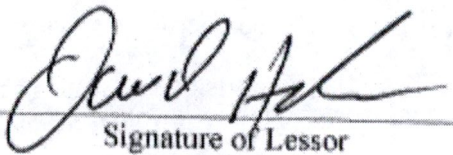
Date: 3/25/22

Received by OWRD

APR 29 2022

Printed name (and title): David Helm Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): P.O. Box 1090, Sisters, OR 97759 Phone number (include area code): \_\_\_\_\_

\*\*E-mail address: Salem, OR



Signature of Lessor

Date: 3/25/22

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

503-522-6306 TRANNY@AOL.COM

Received by OWRD

APR 29 2022

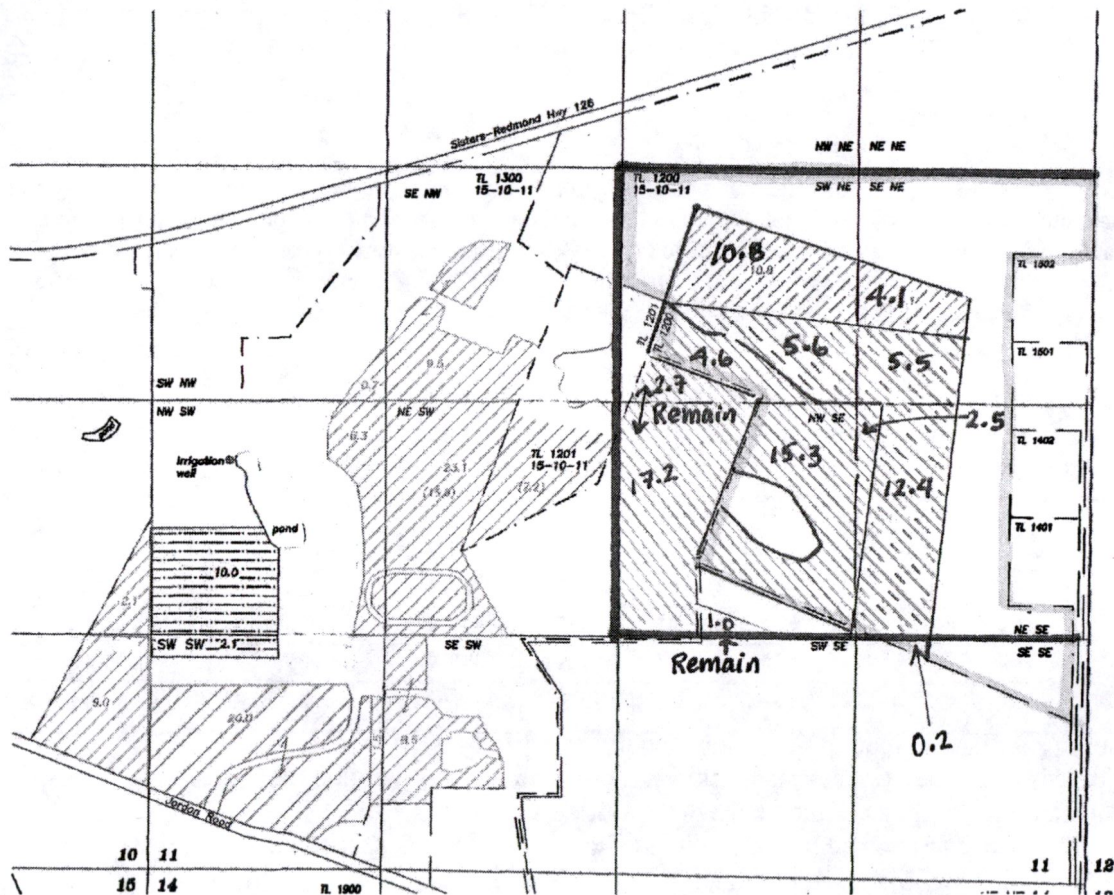
Salem, OR



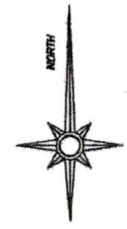
Helm Instream Lease Tax lot 1200

2315W' 00

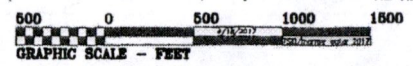
Water Rights Summary  
 Tax Lots 1300, 1200, 1201  
 Portions of Sections 10 & 11  
 T15S, R10E, W.M  
 Deschutes County, Oregon



- Parcel boundary
- Approximate well location
- Three Sisters ID water 20.0 acres  
Priority date 1889
- Three Sisters ID water 71.2 acres  
Priority date 1885
- Cert 74135 95971 supersedes 74135  
Priority date 1903
- Cert. 83680  
Priority date 1908
- Cert 83682  
Priority date 1912
- Cert 83688  
Priority date 1908
- Cert 85431 (groundwater)  
Priority date 8/25/1970



T15S, R10E, W.M.  
 Deschutes County Oregon



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Salem, OR

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

201907 02

**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**

**Irrigation District or other Water Purveyor Name: Three Sisters Irrigation District**

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 #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
95971 (74135)	1904	Main	15 S	10 E	24	sw se	501		26	IR	11	1873
95971 (74135)	1904	Main	15 S	10 E	24	se se	501		9	IR	11	1873
95971 (74135)	1904	Main	15 S	10 E	24	se se	501		2	IR	11	1873
95971 (74135)	1895	Main								IR		

**Any additional information about the right: POD is Main Canal, 37 acres irrigation - NOT for mitigation credit**

**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.

Janet Herring Date: 4-22-22  
Signature of Lessor

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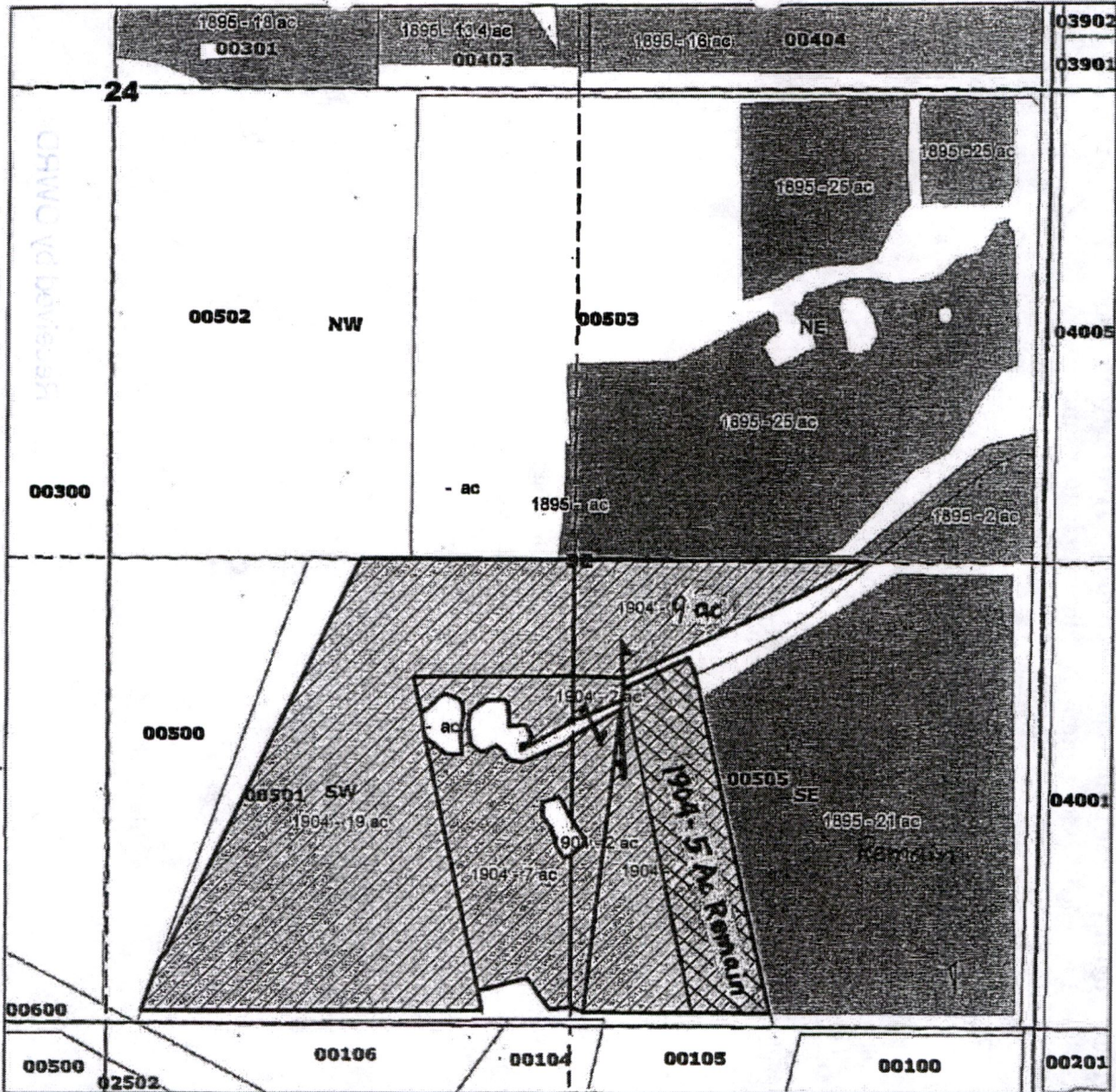
Printed name (and title): Janet Herring Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): 67717 Cloverdale Rd., Sisters, OR 97759  
Phone number (include area code): 541-548-1030 \*\*E-mail address: \_\_\_\_\_

APR 29 2022

Janet HERRING Date: 4-22-22  
Signature of Lessor







Salem, OR

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



30 miles  
 1505 6 2 1/4

**Legend**

-  Instream
-  Township Range
-  Quarter Quarters
-  Taxlots
- Primary**
- Priority\_Date**
-  1895
-  1904

**Instream Lease**  
**Three Sisters Irrigation District**

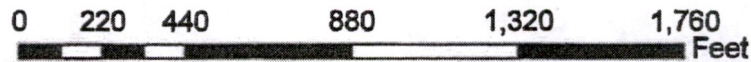
Janet Herring  
 37 acres Instream - 1904  
 Certificate 95971 superseded 74135  
 T15S R10E Sect 24 Tax Lot 501  
 SWSE 26 Acres Instream

SESE 11 Acres Instream, 5 Ac Remain T1501  
 Deschutes County

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**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**

**Irrigation District or other Water Purveyor Name: Three Sisters Irrigation District**

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.

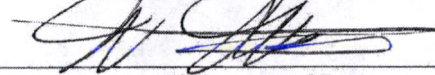
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
93689	1908	Main	15 S	10 E	10	sw nw	800		1.3	IR		1873
93689	1908	Main	15 S	10 E	10	nw sw	800		3.7	IR		1873

**Any additional information about the right: Part of POD transfer T-11318 and CW-71 and earlier T-8900 & T-8902. C-93689 supersedes C-89826 which superseded 85387. Inclusion in TSID with 2001-57331 (county clerk filing). Supplemental C-87347**

**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.

  
 \_\_\_\_\_ Date: 4.9.2022  
 Signature of Lessor

Printed name (and title): Bill Willits Business name, if applicable: Willits LLC  
 Mailing Address (with state and zip): 16488 Will Road, Sisters, OR 97759  
 Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

68621 E HIGHWAY 20

\_\_\_\_\_  
 Signature of Lessor Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_ Business name, if applicable: \_\_\_\_\_

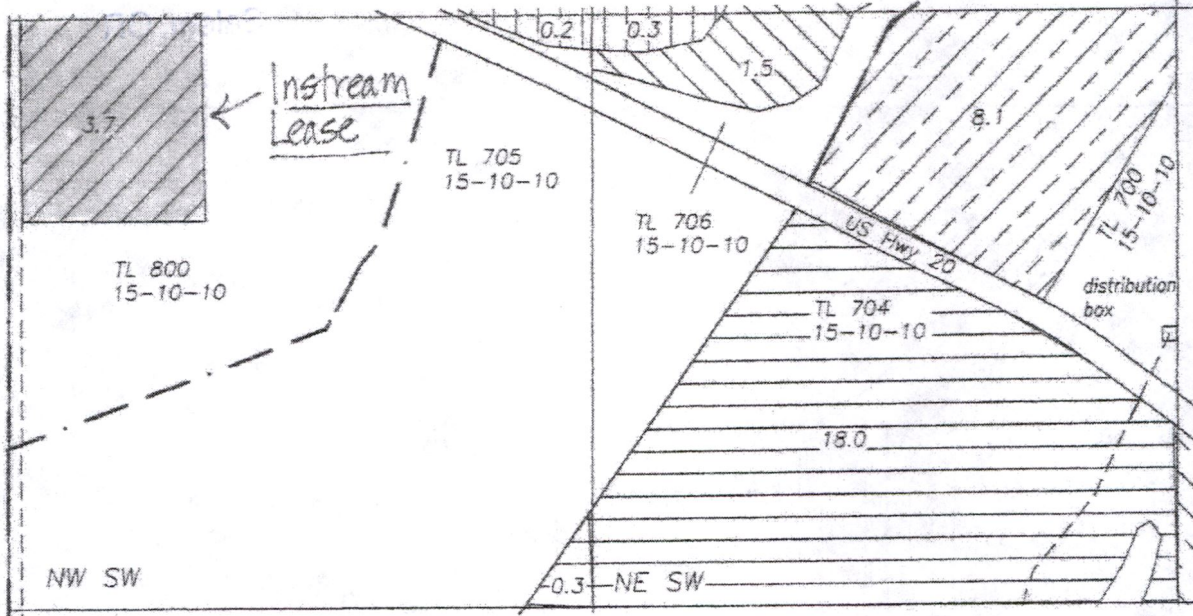
**Received by OWRD**

**APR 29 2022**

# Claim of Beneficial Use T-11318

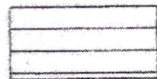
APR 29 2022

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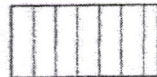


Sec 10  
T15S, R10E, W.M.  
Deschutes County  
Oregon

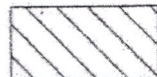
### Legend



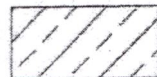
Water beneficially applied under transfer  
T-11318, Cert. 89817, priority date 1880



Water beneficially applied under T-11318,  
Cert. 89823, priority date 1886



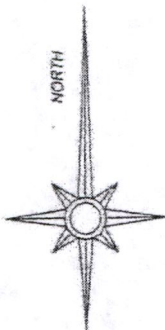
Water beneficially applied under T-11318,  
Cert. 89824, priority date 1895



Water beneficially applied under T-11318,  
Cert. 89825, priority date 1900



Water beneficially applied under T-11318,  
Cert. 89826, priority date 1908



Instream Lease



Property line



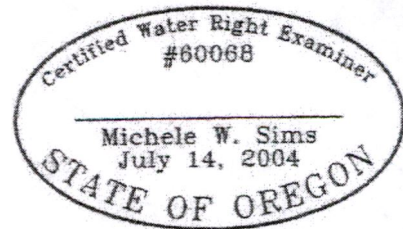
Buried pipeline

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.

400 0 400 800 1200



GRAPHIC SCALE - FEET



Renewal date: 6/30/2018

Sheet 4 of 12

Michele W. Sims, Consultant LLC Sisters, OR 97759 541-408-4777

8505 6 8 2022

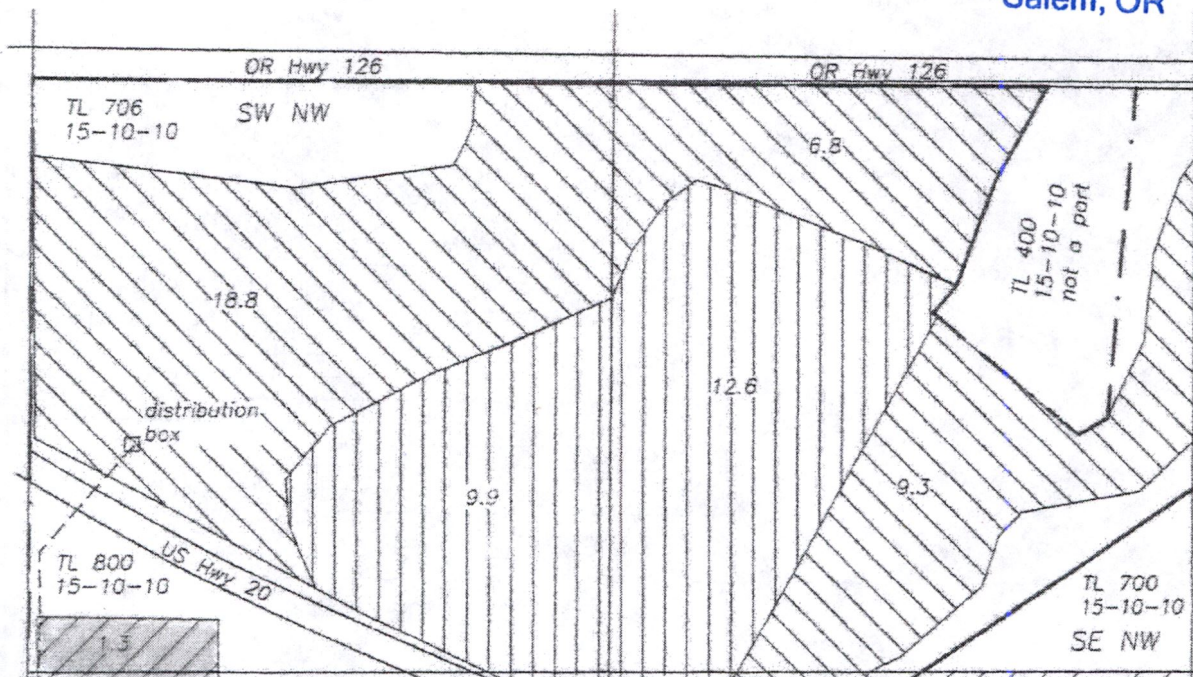
# Claim of Beneficial Use

## T-11318

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APR 29 2022

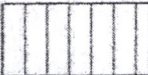
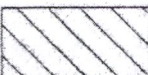
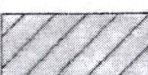


Salem, OR

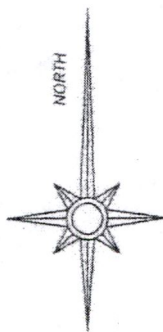


Sec 10  
T15S, R10E, W.M.  
Deschutes County  
Oregon

Instream Lease

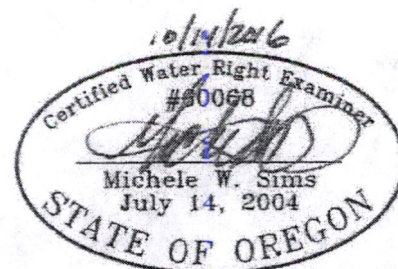
### Legend

-  Water beneficially applied under transfer T-11318, Cert. 89823, priority date 1886
-  Water beneficially applied under T-11318, Cert. 89824, priority date 1895
-  Water beneficially applied under T-11318, Cert. 89826, priority date 1908
-  Property line
-  Buried pipeline

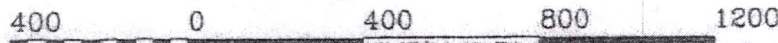


Instream Lease

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.



Renewal date: 6/30/2018



GRAPHIC SCALE - FEET

Sheet 3 of 12

Michele W. Sims, Consultant LLC Sisters, OR 97759 541-408-4777

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 # 95971 (74135)**

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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1895	Main	IR	52.1	Max rate of 0.02 cfs/acre (pre conservation), no max acre-feet	1.042	N/A
1899	Main	IR	24.1	Max rate of 0.02 cfs/acre (pre conservation), no max acre-feet	0.482	N/A
1903	Main	IR	85.4	Max rate of 0.02 cfs/acre (pre conservation), no max acre-feet	1.708	N/A
1904	Main	IR	37.0	Max rate of 0.02 cfs/acre (pre conservation), no max acre-feet	0.740	N/A

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

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Whychus Creek, tributary to Deschutes 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 <u>TSID Main</u> to <u>Mouth of Deschutes</u>		<b>Or Proposed Instream Point:</b> <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.)						
<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	Acre	Proposed Instream Period	Instream Rate (cfs)	Total Instream volume (af)
1895	Main	IR	52.1	0.016/ac, Instream 5/1 through 8/4 for MITIGATION (to Madras gage)	0.834	158.3
1899	Main	IR	24.1	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	0.386	73.42
1903	Main	IR	85.4	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	1.366	260.18
1904	Main	IR	37	0.016/Ac Instream 5/1 through 8/4 NOT MP, to Mouth of Deschutes	0.592	112.72
OR <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.						
<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>Instream from 5/1-8/4, limited to 0.016 cfs per acre to account for conserved water rate reduction, only 1895 is protected for Mitigation Project, 3.0 AF/ acre - average on farm delivery</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>1895 instream for mitigation (52.1 acres, 1895 priority only)</u>						

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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 # 93689**

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	Acre	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1908	Main	IR	5	Rate limited to 0.0156/acre	.078	N/A
					0	
					0	

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

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Whychus</u> , tributary to <u>Deschutes</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 <u>TSID Main</u> to <u>Mouth of Deschutes</u>		<b>Or Proposed Instream Point:</b> <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.)						
<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.						
<b>Priority date</b>	<b>POD #</b>	<b>Use</b>	<b>Acre</b>	<b>Proposed Instream Period</b>	<b>Instream Rate (cfs)</b>	<b>Total instream volume (af)</b>
1908	Main	IR	5	Instream 5/1 through 8/4, max rate of 0.0156, about 3 AF/Ac	0.078	14.85
				NOT for mitigation	0	
					0	
OR <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.						
<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>Instream from 5/1-8/4 at 3 AF/Ac to match average on farm delivery</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____						

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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 # 93690**

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)
1908	Main	IR	23.7	Instream 5/1 through 8/4, max rate of 0.0156	0.370	N/A
					0	
					0	

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

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Whychus Cr, tributary to Deschutes R</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 <u>TSID Main</u> to <u>Mouth of Deschutes</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.						
<b>Priority date</b>	<b>POD #</b>	<b>Use</b>	<b>Acres</b>	<b>Proposed Instream Period</b>	<b>Instream Rate (cfs)</b>	<b>Total instream volume (af)</b>
1908	Main	IR	23.7	Instream 5/1 through 8/4, max rate of 0.0156, about 3 AF/Ac	0.370	70.40
				NOT for mitigation	0	
					0	
<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.						
<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>Instream from 5/1-8/4 at 3 AF/Ac to match average on farm delivery</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> _____					<b>Received by OWRD</b>	

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 # 93692**

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)
1912	Main	IR	14.9	5/1 through 8/4, rate limited 0.148 for 14.9 ac (0.00993/ac)	0.148	N/A

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

<b>Instream Use created by the lease</b>	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Whychus Cr, tributary to Deschutes R</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 <u>TSID Main</u> to <u>Mouth of Deschutes</u>	<b>Or Proposed Instream Point:</b> <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.)						
<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)
1912	Main	IR	14.9	5/1 through 8/4, limited to 0.148 cfs	0.148	28.09

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 Instream from 5/1 through 8/4  
Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: \_\_\_\_\_

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APR 29 2022

Salem, OR