

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 #	IL-1932
	District #	IL-22-19

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 checked="" type="checkbox"/> Check enclosed <u>or</u> <input 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? _____ (# of rights)

List each water right to be leased instream here: 94956

Yes N/A **Other water rights**, if any, appurtenant to the **lands** involved in the lease application and not proposed to be leased instream.

List those other water rights here: 76714

Yes No Conservation Reserve Enhancement Program **CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

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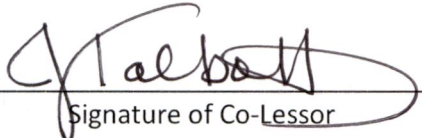
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Part 2 of 4 – District and other party Signature

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 checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
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: 6/7/22
 Signature of Co-Lessor

Printed name (and title): Jessi Talbott, Water Rights Assistant

Business/Organization name: Central Oregon Irrigation District

Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756

Phone number (include area code): 541-548-6047

**E-mail address: jtalbott@coid.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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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: Central Oregon 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 #
94956	10/31/1900	11	14 S	13 E	30	SW SE	700		1.63	Irrig	14	IL-1597

Any additional information about the right: _____

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Radina J. Harding
Signature of Lessor

Date: 05/31/2022

Printed name (and title): Radina Harding Business name, if applicable: _____

Mailing Address (with state and zip): 2607 NE 5th Street Redmond, OR 97756

Phone number (include area code): 541-548-3137 **E-mail address: _____

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5/25/22 Shannon Kane will pay \$110 application fee. JF

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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: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Radina J. Harding understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: Radina J. Harding Date: 05/31/2022

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

**DESCHUTES COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

5/31/2022 9:28:36 AM

Account # 128429
Map
Owner HARDING,DONALD W & RADINA J
4255 NW COYNER AVE
REDMOND OR 97756

Name Type	Name	Ownership Type	Own Pct
OWNER	HARDING, DONALD W	OWNER	
OWNER	HARDING, RADINA J	OWNER	

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STATE OF OREGON

CERTIFICATION OF VITAL RECORD

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OHSD

895762
I.D. TAG NO.

OREGON HEALTH AUTHORITY
CENTER FOR HEALTH STATISTICS
CERTIFICATE OF DEATH

136-2021-013540
STATE FILE NUMBER

TO BE COMPLETED BY FUNERAL FACILITY	Legal Name		First Donald	Middle Wayne	Last Harding	Suffix	Death Date April 29, 2021		
	Sex Male	Age 91 years	Social Security Number 533-24-4871		County of Death Deschutes				
	Birthdate March 22, 1930	Birthplace Kelso, Washington		Was Decedent Ever in U.S. Armed Forces? No					
	Residence 4255 NW Coyner Avenue				City/Town Redmond				
	Residence County Deschutes		State or Foreign Country Oregon		Zip Code + 4 97756		Inside City Limits? No		
	Marital Status at Time of Death Married		Spouse's Name Prior to First Marriage Radina Gregg						
	Father's Name Ralph H Harding				Mother's Name Prior to First Marriage Gertrude Foster				
	Informant's Name Chris Harding		Telephone Number Not Available	Relationship to Decedent Son		Mailing Address 3720 NW Rimrock Acres Loop, Prineville, OR 97754			
	Place of Death Decedent's Residence - Hospice		Facility Name						
	Location of Death 4255 NW Coyner Avenue			City/Town or Location of Death Redmond		State Oregon	Zip Code + 4 97756		
	Method of Disposition Burial		Place of Disposition Powell Butte Cemetery		Location (City/Town and State) Powell Butte, Oregon				
	Name and Complete Address of Funeral Facility Prineville Funeral Home 199 NE 10th St, Prineville, Oregon 97754								
	Date of Disposition May 08, 2021		Funeral Director's Signature <i>Vernon Mark Wolford</i>			OR License Number FS-0637		Local File Number 7633	
	Registrar's Signature <i>Jennifer A. Woodward</i>		Date Received May 10, 2021		Amendment				
	TO BE COMPLETED BY MEDICAL CERTIFIER	Was case referred to Medical Examiner? Yes		Autopsy? No		Were autopsy findings available to complete the cause of death?		Time of Death 0640	
CAUSE OF DEATH						Approximate Interval: Onset to Death			
IMMEDIATE CAUSE ↓ a. Small subarachnoid hemorrhage and dementia						3 weeks			
b. Due to (or as a consequence of) ↓ Fall from standing						3 weeks			
c. Due to (or as a consequence of) ↓ Advanced dementia						Months to years			
d. Due to (or as a consequence of) ↓									
Other significant conditions contributing to death Increasing confusion and agitation.									
Manner of Death Accident		If Female Not Applicable		Did tobacco use contribute to death? No					
Date of Injury April 15, 2021		Time of Injury Unknown		Place of Injury Home		Injury at Work? No			
Location of Injury 4255 NW Coyner Avenue, Redmond, Oregon 97756									
Describe how injury occurred Decedent fell backwards and lacerated occiput. Noted small SAH on CT scan.						If transportation injury, specify.			
Name and Address of Certifier Jana M VanAmburg 1900 NE Third Street 106-317, Bend, Oregon 97701						Date Signed May 10, 2021			
Name and Title of Attending Physician if Other than Certifier						Date Signed May 10, 2021			
Medical Certifier <i>Jana M VanAmburg</i>		Electronically Signed		Title of Certifier M.D., M.E.		License Number MD23515			
Amendment Cause lines A and B - Interval Onset to Death; amended electronically by the County Medical Examiner May-10-2021; J.A. Woodward, State Registrar, mgf.									



45-2CC (01/06)



I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

May 11, 2021

DATE ISSUED: _____

Jennifer A. Woodward
JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR



THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

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 # _____

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
10/31/1900	11	Irrig	1.63	Season 1 Rate/Total Volume	0.019	0.048
10/31/1900	11	Irrig	1.63	Season 2 Rate	0.025	
10/31/1900	11	Irrig	1.63	Season 3 Rate	0.034	
12/2/1907	11	Irrig	1.63	Season 3 Rate	0.014	

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>Deschutes River, tributary to Columbia 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 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)
10/31/1900	11	Irrig	1.63	Season 1 Rate/Total Volume	0.011	8.88
10/31/1900	11	Irrig	1.63	Season 2 Rate	0.015	
10/31/1900	11	Irrig	1.63	Season 3 Rate	0.028	
OR <input type="checkbox"/>						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Sarah Henderson at 503-979-9872.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.019		
Season 2 Rate (CFS)	0.025		
Season 3 Rate (CFS)	0.034	0.014	0.048
Duty (AF)			15.37

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The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.011
Season 2 Rate (CFS)	0.015
Season 3 Rate (CFS)	0.028
Maximum Volume (AF)	8.88

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**DESCHUTES COUNTY
SEC.30 T14S R13E**

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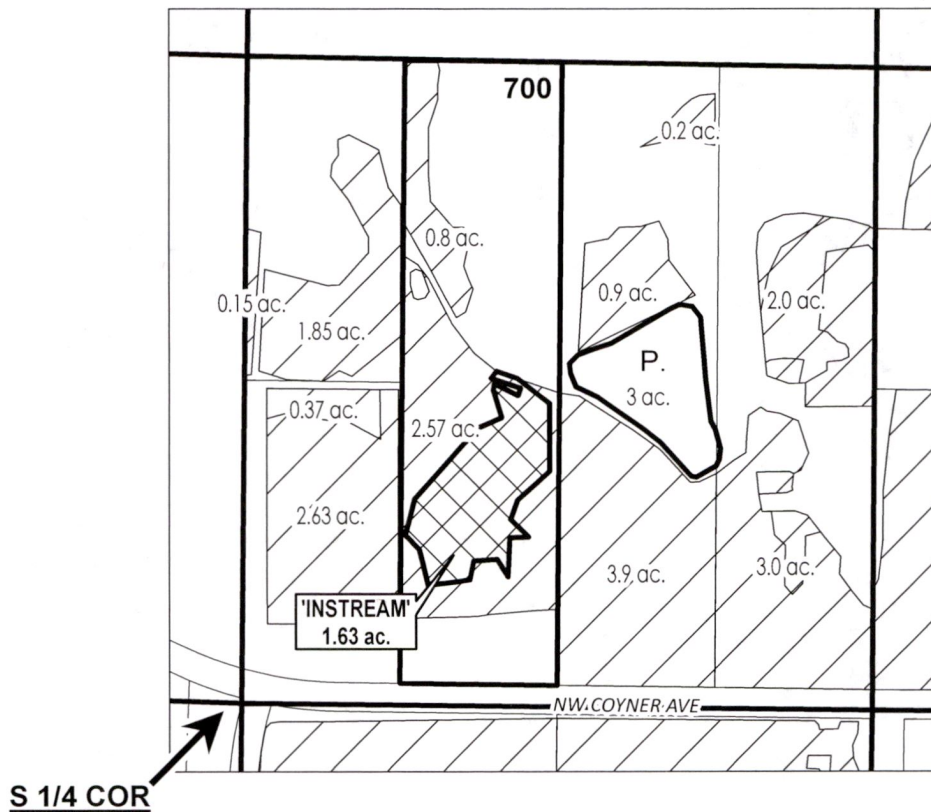
JUN 10 2022

SCALE - 1" = 400'

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SW 1/4 OF THE SE 1/4



	POND
	EXISTING WATER RIGHTS
	INSTREAM LANDS



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Harding, Donald/Radina

TAXLOTS #: 700

1.63 ACRES

DATE: 5/31/2022

Application for
District Instream Lease
 Part 1 of 4 – Minimum Requirements Checklist



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 Department
 725 Summer Street NE, Suite A
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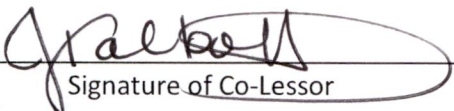
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Printed name (and title): Jessi Talbott, Water Rights Assistant

Business/Organization name: Central Oregon Irrigation District

Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756

Phone number (include area code): 541-548-6047

**E-mail address: jtalbott@coid.org

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

Denis Fast
Signature of Lessor

Date: 6/9/22

Printed name (and title): Denis Fast Business name, if applicable: Fast Cattle Ranches
Mailing Address (with state and zip): 6287 NE 33rd St Redmond, OR 97756
Phone number (include area code): 541-403-0195 **E-mail address: denis@highdesertstampede.com

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Information and Resources Attached

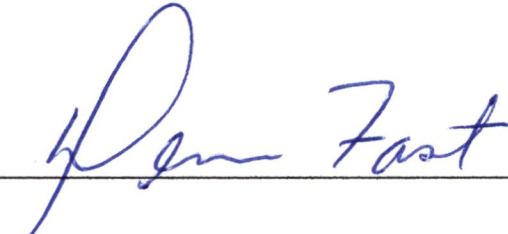
Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Denis Fast understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 6/9/22

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

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Business Registry Business Name Search

[New Search](#)

Business Entity Data

06-07-2022 12:54

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
735702-94	DLLC	ACT	OREGON	12-22-2010	12-22-2022	
Entity Name	FAST CATTLE RANCHES LLC					
Foreign Name						

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[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS					
Addr 1	6287 NE 33RD ST						
Addr 2							
CSZ	REDMOND	OR	97756		Country	UNITED STATES OF AMERICA	

OWRD

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

Type	AGT	REGISTERED AGENT			Start Date	12-22-2010	Resign Date
Name	DENIS		FAST				
Addr 1	6287 NE 33RD ST						
Addr 2							
CSZ	REDMOND	OR	97756		Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS					
Addr 1	6287 NE 33RD ST						
Addr 2							
CSZ	REDMOND	OR	97756		Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER					Resign Date
Name	DENIS		FAST				
Addr 1	6287 NE 33RD STREET						
Addr 2							
CSZ	REDMOND	OR	97756		Country	UNITED STATES OF AMERICA	

[New Search](#)










Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
FAST CATTLE RANCHES LLC	EN	CUR	12-22-2010	

Please [read](#) before ordering [Copies](#).

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	01-11-2022		FI		
	AMENDED ANNUAL REPORT	11-10-2020		FI		
	ANNUAL REPORT	11-26-2019		FI		
	AMENDED ANNUAL REPORT	12-09-2018		FI		
	ANNUAL REPORT	12-16-2017		FI		
	ANNUAL REPORT	12-16-2016		FI		
	AMENDED ANNUAL REPORT	12-31-2015		FI		
	AMENDED ANNUAL REPORT	11-26-2014		FI		
	AMENDED ANNUAL REPORT	12-22-2013		FI		
	AMENDED ANNUAL REPORT	02-12-2013		FI		
	AMENDED ANNUAL REPORT	01-01-2012		FI		
	ARTICLES OF ORGANIZATION	12-22-2010		FI	Agent	

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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 # _____

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
10/31/1900	11	Irrig	5.93	Season 1 Rate/Total Volume	0.068	55.93
10/31/1900	11	Irrig	5.93	Season 2 Rate	0.092	
10/31/1900	11	Irrig	5.93	Season 3 Rate	0.126	
12/2/1907	11	Irrig	5.93	Season 3 Rate	0.050	

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>Deschutes River, tributary to Columbia 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 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)
10/31/1900	11	Irrig	5.93	Season 1 Rate/Total Volume	0.041	32.32
10/31/1900	11	Irrig	5.93	Season 2 Rate	0.054	
10/31/1900	11	Irrig	5.93	Season 3 Rate	0.101	
OR <input type="checkbox"/>						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Sarah Henderson at 503-979-9872.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.068		
Season 2 Rate (CFS)	0.092		
Season 3 Rate (CFS)	0.126	0.050	0.176
Duty (AF)			55.93

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The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.041
Season 2 Rate (CFS)	0.054
Season 3 Rate (CFS)	0.101
Maximum Volume (AF)	32.32

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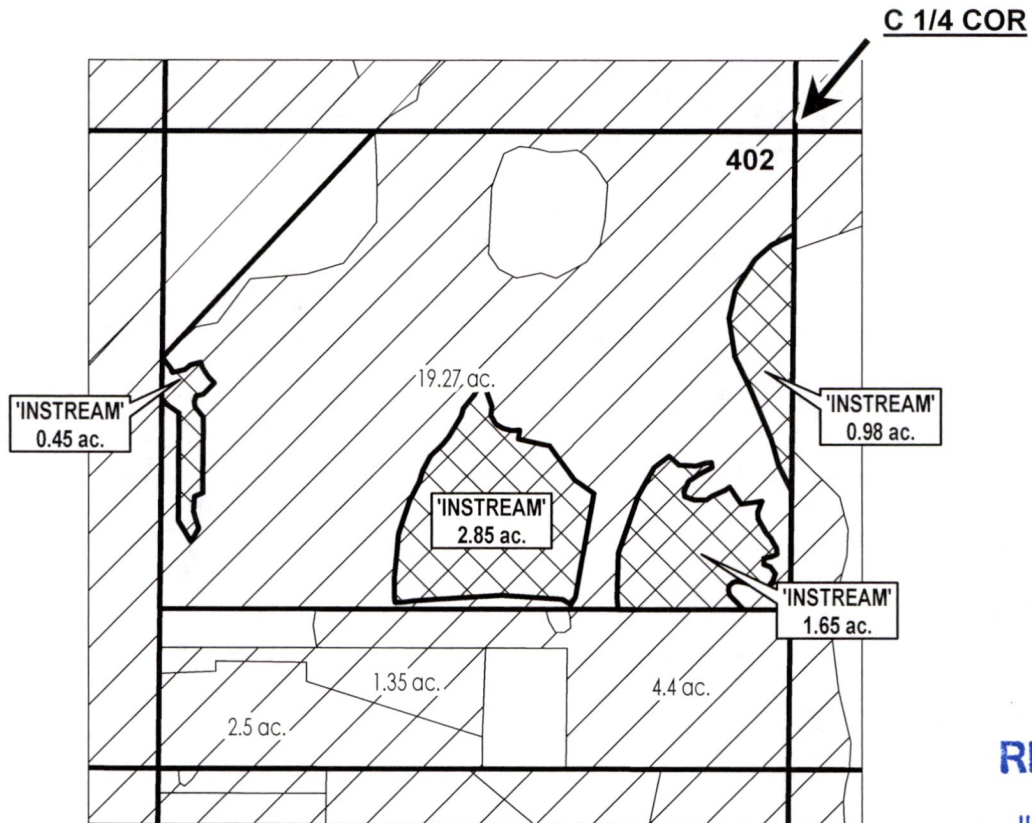
OWRD

DESCHUTES COUNTY SEC.26 T14S R13E

SCALE - 1" = 400'





NE 1/4 OF THE SW 1/4

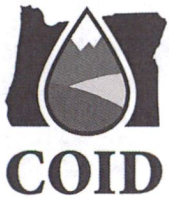


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	EXISTING WATER RIGHTS
	INSTREAM LANDS



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Fast Cattle Ranches, LLC

TAXLOTS #: 402

5.93 ACRES

DATE: 6/9/2022

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 #	<u>IL-1932</u>
	District #	<u>IL-22-21</u>

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

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? _____ (# of rights)

List each water right to be leased instream here: 94956

Yes N/A **Other water rights**, if any, appurtenant to the **lands** involved in the lease application and not proposed to be leased instream.

List those other water rights here: 76714

Yes No Conservation Reserve Enhancement Program **CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) **is not** subject to forfeiture.

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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 checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
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.

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Abigail Papke Date: 06/15/22
 Signature of Co-Lessor
 Printed name (and title): Abigail Papke, Water Rights Technician
 Business/Organization name: Central Oregon Irrigation District
 Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756
 Phone number (include area code): 541-504-7587 **E-mail address: apapke@coid.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**

**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: Central Oregon 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.

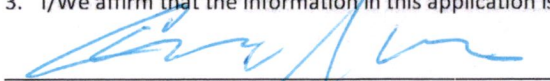
Water Right #	Priority Date	POD #	Twp		Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
94956	10/31/1900	11	14	S	13	E	27	NW	SW	600		2.2	Irrig	13	None

Any additional information about the right: _____

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

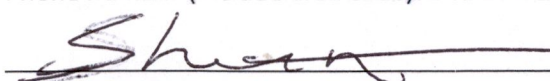

Signature of Lessor

Date: 6/10/22

Printed name (and title): Chris Albers Business name, if applicable: _____

Mailing Address (with state and zip): 64646 McGarth Rd Bend, OR 97701

Phone number (include area code): 541-977-2806 **E-mail address: _____


Signature of Lessor

Date: 6/8/22

Printed name (and title): Shelly Albers Business name, if applicable: _____

Mailing Address (with state and zip): 64646 McGarth Rd Bend, OR 97701

Phone number (include area code): 541-977-2806 **E-mail address: _____

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EXHIBIT C

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**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached


Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, Chris Albers understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 6/10/22

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

DESCHUTES COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES

5/31/2022 12:25:16 PM

Account # 277106
Map
Owner ALBERS, CHRIS & SHELLY
64646 MCGRATH RD
BEND OR 97701

Name Type	Name	Ownership Type	Own Pct
OWNER	ALBERS, CHRIS	OWNER	100.00
OWNER	ALBERS, SHELLY	OWNER	100.00

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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 # _____

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
10/31/1900	11	Irrig	2.2	Season 1 Rate/Total Volume	0.025	20.75
10/31/1900	11	Irrig	2.2	Season 2 Rate	0.034	
10/31/1900	11	Irrig	2.2	Season 3 Rate	0.046	
12/2/1907	11	Irrig	2.2	Season 3 Rate	0.019	

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>Deschutes River, tributary to Columbia 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 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)
10/31/1900	11	Irrig	2.2	Season 1 Rate/Total Volume	0.015	11.99
10/31/1900	11	Irrig	2.2	Season 2 Rate	0.020	
10/31/1900	11	Irrig	2.2	Season 3 Rate	0.037	
OR <input type="checkbox"/>						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Sarah Henderson at 503-979-9872.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD):

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.025		
Season 2 Rate (CFS)	0.034		
Season 3 Rate (CFS)	0.046	0.019	0.065
Duty (AF)			20.75

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.015
Season 2 Rate (CFS)	0.020
Season 3 Rate (CFS)	0.037
Maximum Volume (AF)	11.99

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Central Oregon Irrigation District
Water Right Changes for Instream Map
IL-22-21

TRS	QQ	AC	OWRD#
141327	NWSW	1.05	T-2022-009
141327	NWSW	4.61	T-13514

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DESCHUTES COUNTY SEC.27 T14S R13E

SCALE - 1" = 400'



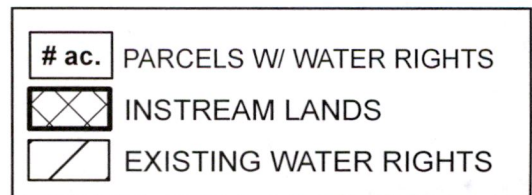
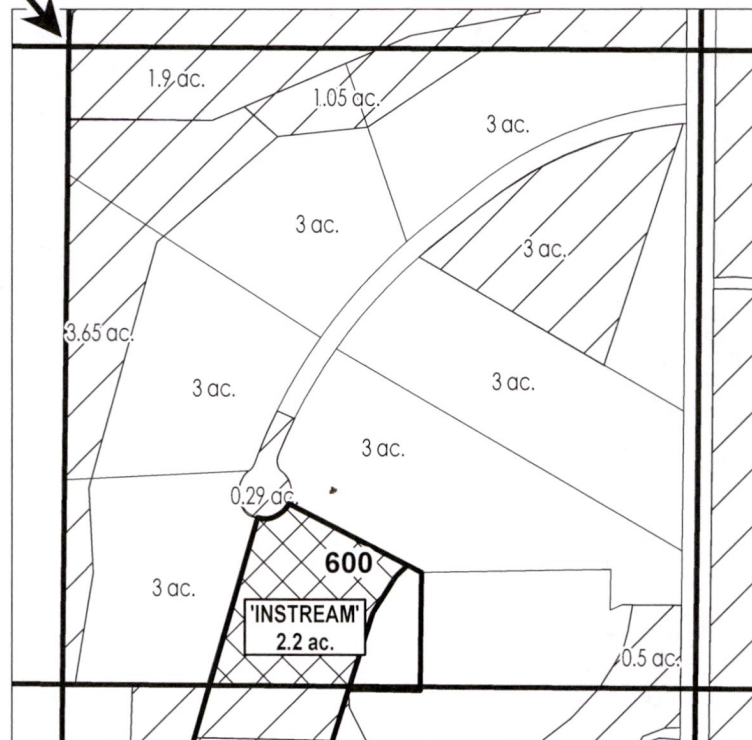
NW 1/4 OF THE SW 1/4

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W 1/4 COR



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Albers, Chris/Shelly

TAXLOTS #: 600

2.2 ACRES

DATE: 6/14/2022

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 #	IL-1932
	District #	IL-22-22

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 checked="" type="checkbox"/> Check enclosed <u>or</u> <input 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.)

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How many Water Rights are included in the lease application? _____ (# of rights)

List each water right to be leased instream here: 94956

Yes N/A **Other water rights**, if any, appurtenant to the **lands** involved in the lease application and not proposed to be leased instream.

List those other water rights here: 76714

Yes No Conservation Reserve Enhancement Program **CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) **is not** subject to forfeiture.

Part 2 of 4 – District and other party Signature

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 checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
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: 06/16/22

 Signature of Co-Lessor

Printed name (and title): Abigail Papke, Water Rights Technician

Business/Organization name: Central Oregon Irrigation District

Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756

Phone number (include area code): 541-504-7587 **E-mail address: apapke@coid.org

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

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

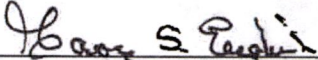
**Complete Table 1 Identify water right(s) proposed to be leased instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

Table 1

Irrigation District or other Water Purveyor Name: Central Oregon 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 #
94956	10/31/1900	1	17 S	12 E	35	SE	SW	100		0.54	Irrig	38	None
Any additional information about the right: _____													
Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.													

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.



 Signature of Lessor

Date: 6-14-22

Printed name (and title): Gary English Business name, if applicable: _____

Mailing Address (with state and zip): 21336 E Hwy 20 Bend, OR 97701

Phone number (include area code): 541-948-3052 **E-mail address: Gary@landsystems nursery.com

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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: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, GARY S. EDGELISH understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature: Gary S. Edglish Date: 6-14-22

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

**DESCHUTES COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

6/14/2022 11:20:24 AM

Account # 119015
Map
Owner ENGLISH, GARY S
21336 E HWY 20
BEND OR 97702

Name Type	Name	Ownership Type	Own Pct
OWNER	ENGLISH, GARY S	OWNER	

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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 # _____

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
10/31/1900	1	Irrig	0.54	Season 1 Rate/Total Volume	0.007	5.29
10/31/1900	1	Irrig	0.54	Season 2 Rate	0.009	
10/31/1900	1	Irrig	0.54	Season 3 Rate	0.011	
12/2/1907	1	Irrig	0.54	Season 3 Rate	0.005	

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>Deschutes River, tributary to Columbia 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 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)
10/31/1900	1	Irrig	0.54	Season 1 Rate/Total Volume	0.004	2.94
10/31/1900	1	Irrig	0.54	Season 2 Rate	0.005	
10/31/1900	1	Irrig	0.54	Season 3 Rate	0.009	
OR <input type="checkbox"/>						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Sarah Henderson at 503-979-9872.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Calculate

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD):

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.007		
Season 2 Rate (CFS)	0.009		
Season 3 Rate (CFS)	0.011	0.005	0.016
Duty (AF)			5.29

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #1 to Lake Billy Chinook:	
Season 1 Rate (CFS)	0.004
Season 2 Rate (CFS)	0.005
Season 3 Rate (CFS)	0.009
Maximum Volume (AF)	2.94

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Central Oregon Irrigation District
Water Right Changes for Instream Map
IL-22-22

TRS	QQ	AC	OWRD#
171235	SESW	1.3	13341

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DESCHUTES COUNTY SEC.35 T17S R12E

SCALE - 1" = 400'

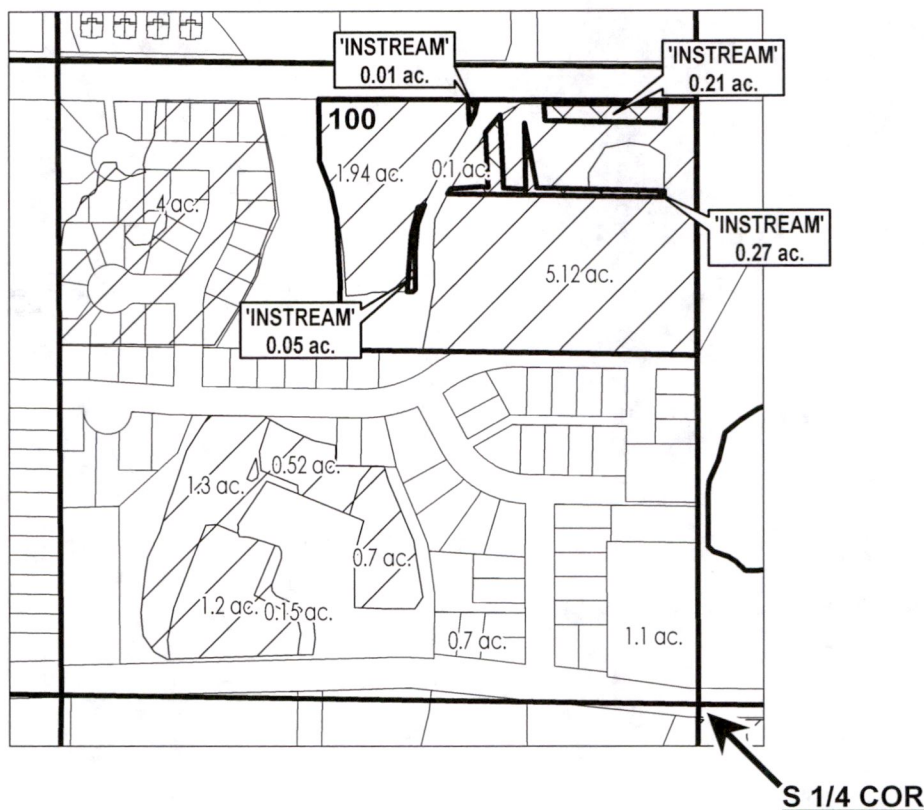


SE 1/4 OF THE SW 1/4

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# ac.	PARCELS W/ WATER RIGHTS
	INSTREAM LANDS
	EXISTING WATER RIGHTS

APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: English, Gary

TAXLOTS #: 100

0.54 ACRES



DATE: 6/14/2022

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 #	IL-1932
	District #	IL-22-23

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 checked="" type="checkbox"/> Check enclosed <u>or</u> <input 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? _____ (# of rights)

List each water right to be leased instream here: 94956

Yes N/A **Other water rights**, if any, appurtenant to the **lands** involved in the lease application and not proposed to be leased instream.

List those other water rights here: 76714

Yes No Conservation Reserve Enhancement Program **CREP** – Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Required Attachments:

Yes N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation.

Yes N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

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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 checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
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.	

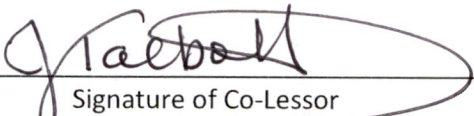
SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.

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Date: 6/15/22

Printed name (and title): Jessi Talbott, Water Rights Assistant

Business/Organization name: Central Oregon Irrigation District

Mailing Address (with state and zip): 1055 Lake Ct Redmond, OR 97756

Phone number (include area code): 541-548-6047 **E-mail address: jtalbott@coid.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**

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: Central Oregon 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 #
94956	10/31/1900	11	15	S	12	E	25	SE	SE	2300		11.15	Irrig	19	IL-972

Any additional information about the right: _____

Farm Deferral Tax Status: Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

Signature of Lessor

Date: 6/14/22

Printed name (and title): James Brown

Mailing Address: 4691 SW Helmholtz Way, Redmond, OR 97756

Phone number (include area code): 541-504-1439

**E-mail address: jrsfencing@yahoo.com

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EXHIBIT C

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**Deschutes River Conservancy
Instream Leasing Program**

**Policy Concerning Weeds & Instream Leases
Information on Farm Deferral & Lease Payment**

The Deschutes River Conservancy is dedicated to restoring stream flow and improving water quality in the Deschutes Basin; land stewardship is a component of these goals.

Weed Policy

The DRC expects participants in the Leasing Program will continue to exercise agricultural best management practices on lands enrolled in the Program, particularly with respect to the control of noxious and/or nuisance weeds. Failure to control weeds on leased acres may result in exclusion from Program compensation.

Information and Resources Attached


Farm Deferral Notice

Instream leasing is a beneficial use that protects your water right from forfeiture and allows for compensation for this instream use, but please note that it does not automatically protect against loss of farm use special assessment. Exclusive Farm Use (EFU) zoned lands may still require at least minimal use with the intent to make a profit. It is the landowner's responsibility to know their tax assessment status and qualifying uses.

Information and Resources Attached

Donated Leases: One year and multi-year leases of less than 10 acres, leases with public entities, leases submitted after the due date, and leases with verified weed complaints are not paid a per acre or per acre-foot rate by the DRC.

I, James Brown understand the DRC weed policy and have
Print Name
been informed about farm deferral and donations.

Signature:  Date: 6/14/22

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

**DESCHUTES COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

11/9/2021 3:49:02 PM

Account # 129170
Map
Owner BROWN, JAMES R
4691 SW HELMHOLTZ WAY
REDMOND OR 97756

Name Type	Name	Ownership Type	Own Pct
OWNER	BROWN, JAMES R	OWNER	100.00

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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 # _____

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
10/31/1900	11	Irrig	11.15	Season 1 Rate/Total Volume	0.127	105.15
10/31/1900	11	Irrig	11.15	Season 2 Rate	0.173	
10/31/1900	11	Irrig	11.15	Season 3 Rate	0.236	
12/2/1907	11	Irrig	11.15	Season 3 Rate	0.095	

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>Deschutes River, tributary to Columbia 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 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)
10/31/1900	11	Irrig	11.15	Season 1 Rate/Total Volume	0.077	60.77
10/31/1900	11	Irrig	11.15	Season 2 Rate	0.102	
10/31/1900	11	Irrig	11.15	Season 3 Rate	0.189	
OR <input type="checkbox"/>						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26</u> Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Revised: 04/13/2020

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Sarah Henderson at 503-979-9872.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

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Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

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POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.127		
Season 2 Rate (CFS)	0.173		
Season 3 Rate (CFS)	0.236	0.095	0.331
Duty (AF)			105.15

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.077
Season 2 Rate (CFS)	0.102
Season 3 Rate (CFS)	0.189
Maximum Volume (AF)	60.77

DESCHUTES COUNTY SEC.25 T15S R12E

SCALE - 1" = 400'

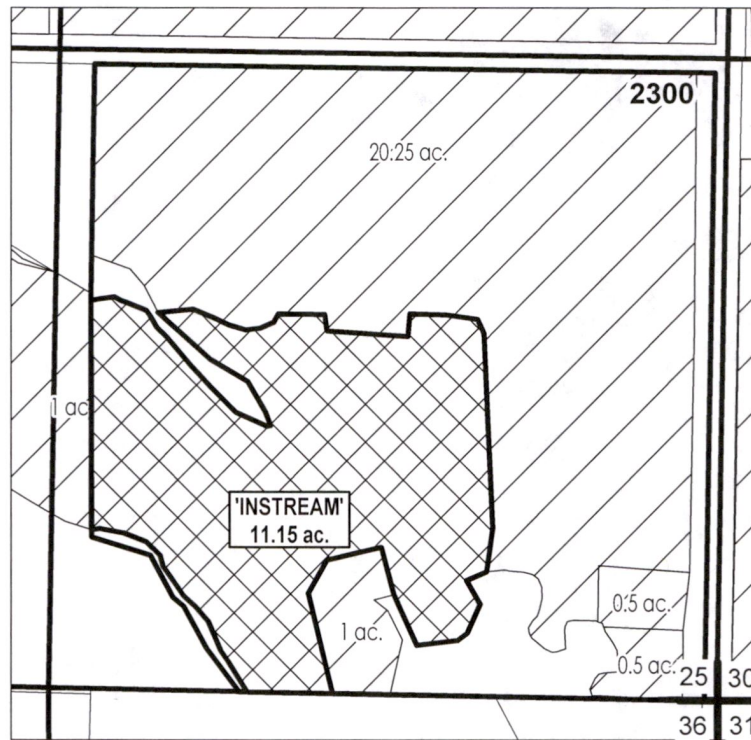


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JUN 21 2022

OWRD



	INSTREAM LANDS
	EXISTING WATER RIGHTS



APPLICATION FOR 1 YEAR INSTREAM LEASE

NAME: Brown, James

TAXLOTS #: 2300

11.15 ACRES

DATE: 6/14/2022