

# Application for 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>Complete Part 1 through 4 and include the required attachments</b> <b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b>	OWRD # <u>IL-1940</u>
	Fee- _____

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

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

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

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

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

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

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

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Yes **How many water rights are leased? 1 List them here: Certificate 43613**  
Include a separate **Part 3** for each **water right**.

Yes  N/A **Other Water Rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?

List those other water rights here: Permit S-55199 (App. S-69623) held by TVID

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

**Attachments:**

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

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

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

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

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation which provides authority to pursue the lease absent consent of the landowner.

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

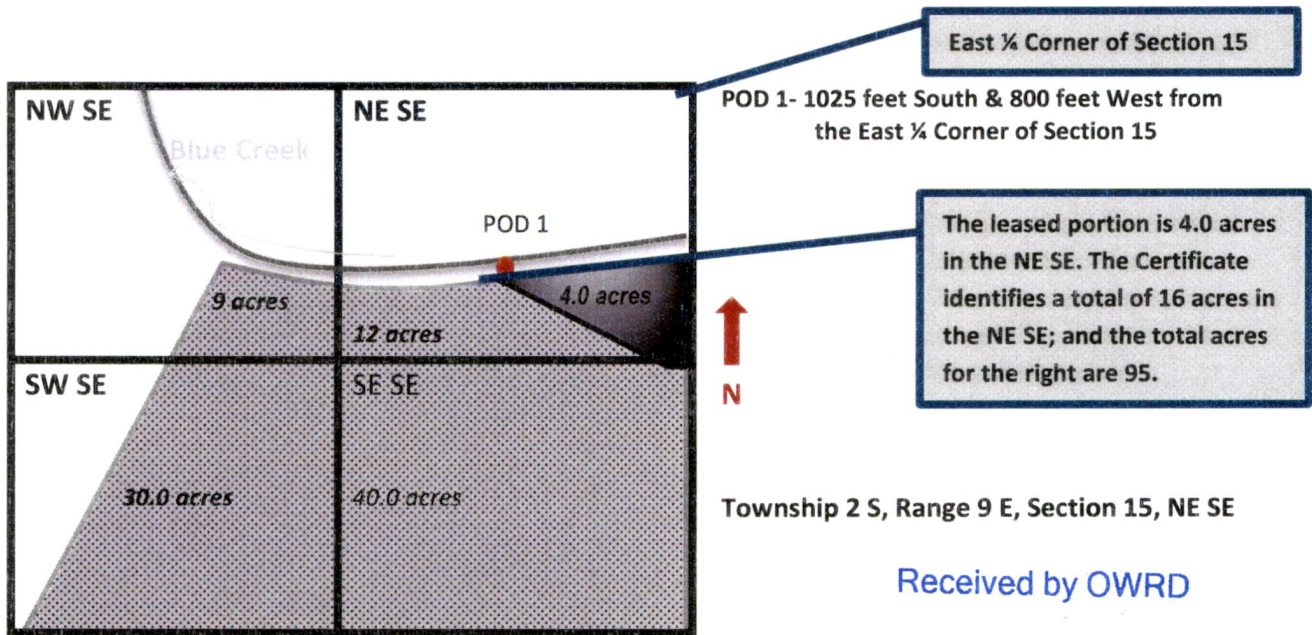
**A Map is generally required for each water right not leased in its entirety**

The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.

This should be a simple map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice. **Although not required, a map is attached to this application to clarify the location of the leased rights for the landowner.**

- N/A A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- A North arrow and map scale (no smaller than 1" = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hachured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

**EXAMPLE MAP (the darker shaded portion representing the portion leased instream)**



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**Use a separate Part 3 for each water right to be leased instream**

Water Right Information

Water right # 43613

**Table 1**

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

<input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated						<input checked="" type="checkbox"/> <b>Entirety</b> - If the entire water right is to be leased, skip to Table 3.				
Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
		-	-		-					
		-	-		-					
		-	-		-					Received by OWRD
		-	-		-					SEP 20 2022

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

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**Table 2**

**To illustrate the totals for the water right proposed to be leased instream**

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

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
NA						

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

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

**Table 3**

**Point of Diversion (POD) description:** If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the specific POD(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
POD	2 N	4 W	36	NW NE	--	380 ft South and 1800 ft West from NE corner of Section 36
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

**Instream Use Information**

**Table 4**

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>W Fork Dairy Creek</u> , tributary to <u>Tualatin River</u>					<b>River Basin:</b> <u>Willamette</u>	
<p><b>Instream Portion:</b> Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.</p> <p>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
2/8/1939	POD	Irrig.	45.5	May 1 to September 30	0.37	113.75
<p>Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.</p>						
<p><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.</p>						
<b>Instream Reach</b>						
<p><b>Proposed Instream Reach:</b>  <input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____</p>				<p><b>Or Proposed Instream Point:</b>  <input checked="" type="checkbox"/> Instream use protected at the POD</p>		
<p><b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)</p>						
<b>Additional Instream Information</b>						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p><b>Any additional information about the proposed instream use:</b> _____</p>						

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

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: month <u>May</u> year <u>2023</u> and end: month <u>September</u> year <u>2027</u></p> <p>Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input checked="" type="checkbox"/> Navigation</p>	<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b></p> <p><input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.</p> <p><input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p><b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/></p> <p>And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b></p> <p><input type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or</p> <p><input checked="" type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**The undersigned declare:**

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

Robert S Bobosky  
 Signature of Lessor

Date: 9/6/22

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Salem, OR

Printed name (and title): Robert S. Bobosky, Manager

Business name, if applicable: DCMB, LLC

Mailing Address (with state and zip): 2164 Mabee Mines Road Washougal, WA 98671

Phone number (include area code): (503) 292-8261 \*\*E-mail address: r.bobosky@comcast.net

Robert S Bobosky  
Signature of Lessor

Date: 9/6/22

Printed name (and title): Robert S. Bobosky, Manager  
Business/organization name: Wolverine Financial, LLC  
Mailing Address (with state and zip): 2164 Mabee Mines Road Washougal, WA 98671  
Phone number (include area code): (503) 292-8261 \*\*E-mail address: r.bobosky@comcast.net

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

Date: \_\_\_\_\_

Printed name (and title): Marty Cropp, Manager  
Business/organization name: Lone Oak Land & Investment Company, LLC  
Mailing Address (with state and zip): 34059 NW Mountaindale Road North Plains, OR 97133  
Phone number (include area code): (503) 530-9678 \*\*E-mail address: jacquelynhunt4@gmail.com

\_\_\_\_\_  
Signature of Co-Lessor

Date: \_\_\_\_\_

Printed name (and title): Bobby Nuvolini, Manager  
Business/organization name: Tualatin Valley Irrigation District  
Mailing Address (with state and zip): 2330 Elm Street Forest Grove, OR 97116  
Phone number (include area code): (503) 357-3118 \*\*E-mail address: bobby.nuvolini@tvid.org

\_\_\_\_\_  
Signature of Lessee

Date: \_\_\_\_\_

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

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

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

Printed name (and title): Robert S. Bobosky, Manager  
Business/organization name: Wolverine Financial, LLC  
Mailing Address (with state and zip): 2164 Mabee Mines Road Washougal, WA 98671  
Phone number (include area code): (503) 292-8261 \*\*E-mail address: r.bobosky@comcast.net

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

Date: 9/16/22

Printed name (and title): Marty Cropp, Manager  
Business/organization name: Lone Oak Land & Investment Company, LLC  
Mailing Address (with state and zip): 34059 NW Mountaindale Road North Plains, OR 97133  
Phone number (include area code): (503) 530-9678 \*\*E-mail address: jacquelynhunt4@gmail.com

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

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

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\_\_\_\_\_  
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Bobby Nuvolini  
Signature of Co-Lessor Date: 09/06/2022

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Phone number (include area code): (503) 357-3118 \*\*E-mail address: bobby.nuvolini@tvid.org

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

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

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**AFFIDAVIT**

SEP 20 2022

STATE OF OREGON )  
County of Wash. ) ss.  
 )

Salem, OR

Comes now Marty Cropp, being first duly sworn, under oath, and states that the following information is within his personal knowledge and belief:

1. Operating as Cropp Farms, LLC, I have been actively involved in farming the property known as 42580 NW Cedar Canyon Road, Banks, Oregon 97106, since 2005.
2. The farmed property (the "Farm") generally comprises Tax Lot 800, Tax Lot 600, and Tax Lot 603, about 176 acres in all.
3. Of the Farm's total acreage, 45.5 acres is irrigated under Certificate 42613 (the "Irrigated Acreage").
4. We have grown tall fescue on the property since 2018. These crops have not needed irrigation; however, we were ready, willing, and able to irrigate the entire Irrigated Acreage, from the authorized point of diversion ("POD") on West Fork Dairy Creek, if water had been needed.
5. The irrigation system equipment, which is available for use, includes the following:
  - a. 50-hp electric pump
  - b. 60-hp diesel tractor with PTO
  - c. 3,000 +/- feet of 6-inch-diameter PVC pipe
  - d. 2,500 feet of 5-inch-diameter PVC pipe
  - e. 1,000 + feet of 4-inch-diameter PVC pipe
  - f. 2 EHCO hard-hose irrigation travelers with 75-hp 4-cylinder booster pumps
  - g. 6,000 +/- feet of 3-inch-diameter handlines with 200 5/32-inch nozzles
6. Water can be diverted from the POD using the 50-hp electric pump and/or the 60-hp diesel tractor with a PTO. Both are centrifugal pumps. The lift from the river to the pumps about 10 feet and the operating pressure for both systems is approximately 100 psi. The places of use are at approximately the same elevation as the pumps. Based on this information, the electric pump can theoretically deliver 1.25 cfs (approximately

561 gpm) of water and the diesel pump can provide 1.5 cfs (approximately 673 gpm) of water.

7. The 6-inch-diameter PVC pipe, the 5-inch-diameter PVC pipe, and the 4-inch-diameter PVC pipe are all available to convey the water above-ground to the irrigation equipment.
8. The irrigation equipment includes two EHCO hard-hose irrigation travelers with 75-hp 4-cylinder booster pumps. Each traveler has approximately 1,400 feet of 4-inch-diameter hose. The travelers have 1.1-inch and 1.5-inch-diameter nozzles, which can deliver approximately 250 gpm (0.56 cfs) and 500 gpm (1.11 cfs), respectively, when operating at 80 psi.
9. In addition to the travelers, the 3-inch-diameter handlines are equipped with 200 5/32-inch nozzles. Each nozzle delivers 5 gpm at 50 psi, for a total of 1,000 gpm (2.23 cfs).
10. If needed for irrigation, the combined theoretical pump capacities for the two pumps would be 2.75 cfs and the combined irrigation application rate for the travelers and handlines would be 3.9 cfs. These capacities far exceed the 0.57 cfs authorized in Certificate 43613.

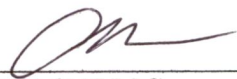
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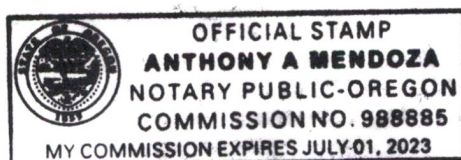
SEP 20 2022

Salem, OR

  
\_\_\_\_\_  
Marty Cropp  
Cropp Farms, LLC

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of September, 2022, by Marty Cropp.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: July 1, 2023





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Salem, OR

**TRANSMITTAL LETTER**

**To:** Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

**Date:** September 19, 2022

**Attention:** Sarah Henderson

**Job Number:** 10183.001

**RE:** Instream Lease Application for Certificate 43613

**We are sending:**

Number of Copies	Date	Description
1	Various	Application for Instream Lease, including separate signature pages
1	9/6/2022	Instream Lease Application Map Certificate 43613
1	9/9/2022	Evidence of Use Affidavit signed by Marty Cropp of Cropp Farms, LLC
1	9/18/22	Skookum Water Associates Inc. Check 2531 for \$410.00

**The above are transmitted as indicated below:**

- For Signature
- For Review and Approval
- For Your Use
- Other (see comments)
- As Requested
- Returned to You

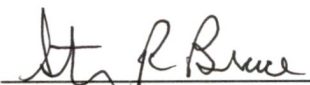
**Delivery method:**

- U.S. Mail
- UPS Delivery
- Courier

**Comments:**

Sarah,  
Attached are documents for the instream lease application.  
Thank you for your assistance.

cc. Robert Bobosky; DCMB, LLC &  
Wolverine Financial, LLC (via email)  
Marty Cropp; Lone Oak Land &  
Investment Company, LLC (via email)  
Jennie Bricker; Land Shore Water Legal  
Services, LLC (via email)

Signed   
Steven R. Bruce, RG, CWRE

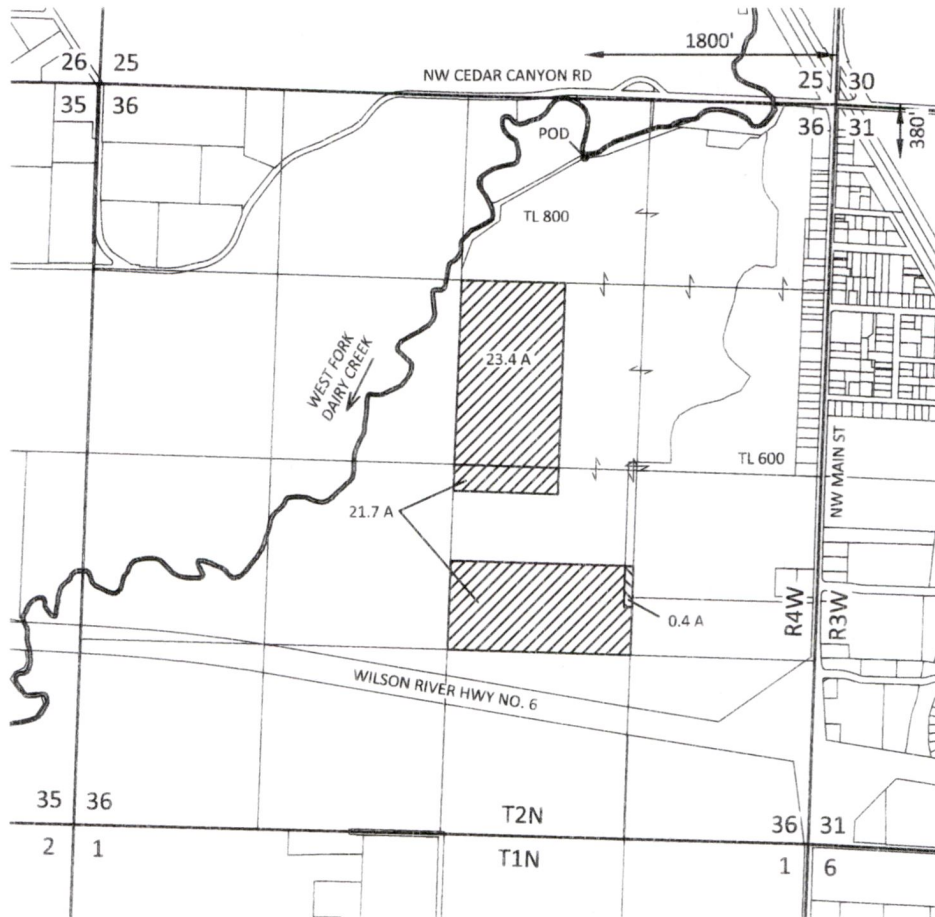
Section 36, T2N, R4W, W.M.,  
Washington County, Oregon

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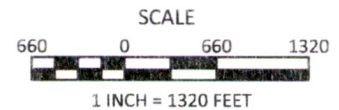
Salem, OR

INSTREAM LEASE APPLICATION MAP  
CERTIFICATE 43613  
DCMB, LLC, Wolverine Financial, LLC and  
Lone Oak Land & Investment Company, LLC



EXPLANATION

-  CERTIFICATE 43613  
DCMB, LLC  
IRRIGATION - 45.1 ACRES
-  CERTIFICATE 43613  
WOLVERINE FINANCIAL, LLC AND  
LONE OAK LAND & INVESTMENTS, LLC  
IRRIGATION - 0.4 ACRES
-  POINT OF DIVERSION (POD)



September 6, 2022

This map is not intended to provide legal  
dimensions or locations of property  
ownership lines

Figure 1

KPFF 2200002.03



1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926