

# 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

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD #	11-1939
	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**

**Fees**  \$610.00 for a lease involving **four or more landowners or four or more water rights**  \$410.00 for all other leases

Check enclosed or  
 Fee Charged to customer account \_\_\_\_\_ (account name)

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

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

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

Yes **How many water rights are leased? 2 List them here: 74258 & 89317**  
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: 89321 and 89317 are supplemental to 74258, 89321 and 89320 are supplemental to 89317. Please suspend these supplemental rights.**

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

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

**Water Right Information**

Water right # 74258

**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 checked="" type="checkbox"/> <b>If only leasing a portion of the right</b> - complete Table 1 as indicated						<input 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
1897	1	1-S	10-E	5	SE-SW	2400		7.5	IR	
1897	1	1-S	10-E	5	SE-SW	2402		3.4	IR	
1897	1	1-S	10-E	5	SE-SW	2403		3	IR	
1897	1	1-S	10-E	5	SE-SW	2406		3	IR	
1897	1	1-S	10-E	5	SE-SW	2407		2.6	IR	

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**Total Acres:** 19.5 (this tbl) + 9.7 (cont'd tbl) = 29.2

**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)
1897	1	IR	29.2		0.365	87.6
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: _____						

**Table 3**

<b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then <b>the specific POD(s)</b> 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")
1	1-S	9-E	26	SW-NE		2450' SOUTH AND 2280' WEST FROM NE CORNER OF SEC. 26
	-	-		-		
<input type="checkbox"/> 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**

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**Table 4**

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>Eliot (POD#1) &amp; Clear (POD #2), tributary to Middle Fork Hood River</u>					<b>River Basin:</b> <u>Hood</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)
1897	1		29.2	Irrig Season	0.365	87.6
1/2/1962	2		0.5	Irrig Season	0.00625	1.5
<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></p> <p><input checked="" 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 <u>mouth of Hood River</u></p>				<p><b>Or Proposed Instream Point:</b></p> <p><input 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>						



Part 4 of 4 – Lease Provisions and Party Signatures

Term of the Lease (may be from 1 year up to 5 years):

The lease is requested to begin in: month 4 year 2023 and end: month 10 year 2027

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.

Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
Recreation
Pollution abatement
Navigation

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Termination provision (for multiyear leases):

The parties to the lease request (choose one):

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

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, 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, please check this box. And attach an explanation of your intent.

Validity of the Right(s) to be leased (check the appropriate box):

- The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or
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.

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.

Signature of Lessor

Date: 9/6/2022

Printed name (and title): Scott Webster Business name, if applicable:
Mailing Address (with state and zip): 2900 Van Horn Drive, Hood River, OR 97031
Phone number (include area code): 541-490-2900 \*\*E-mail address: scott@thefruitcompany.com

See next page for additional signatures.



Craig DeHart  
Signature of Co-Lessor

Date: 9/6/22

Printed name (and title): Craig DeHart, manager  
Business/organization name: Middle Fork Irrigation District  
Mailing Address (with state and zip): 8235 Clear Creek Road, Parkdale OR 97041  
Phone number (include area code): 541-352-6468, mfid@mfidp.com  
\*\*E-mail address: mfid@mfidp.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: \_\_\_\_\_

**\*\* 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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**Water Right 74258**

Table 1 (continued):

Priority Date	POD #	TWP	RNG	Sec	QQ	Taxlot	Acres	Use
1897	1	1-S	10-E	5	SE-SW	2500	9.7	IR

**Water Right 89317**

Table 1:

Priority Date	POD #	TWP	RNG	Sec	QQ	Taxlot	Acres	Use
1/2/1962	2	1-S	10-E	5	SE-SW	2407	0.5	IR

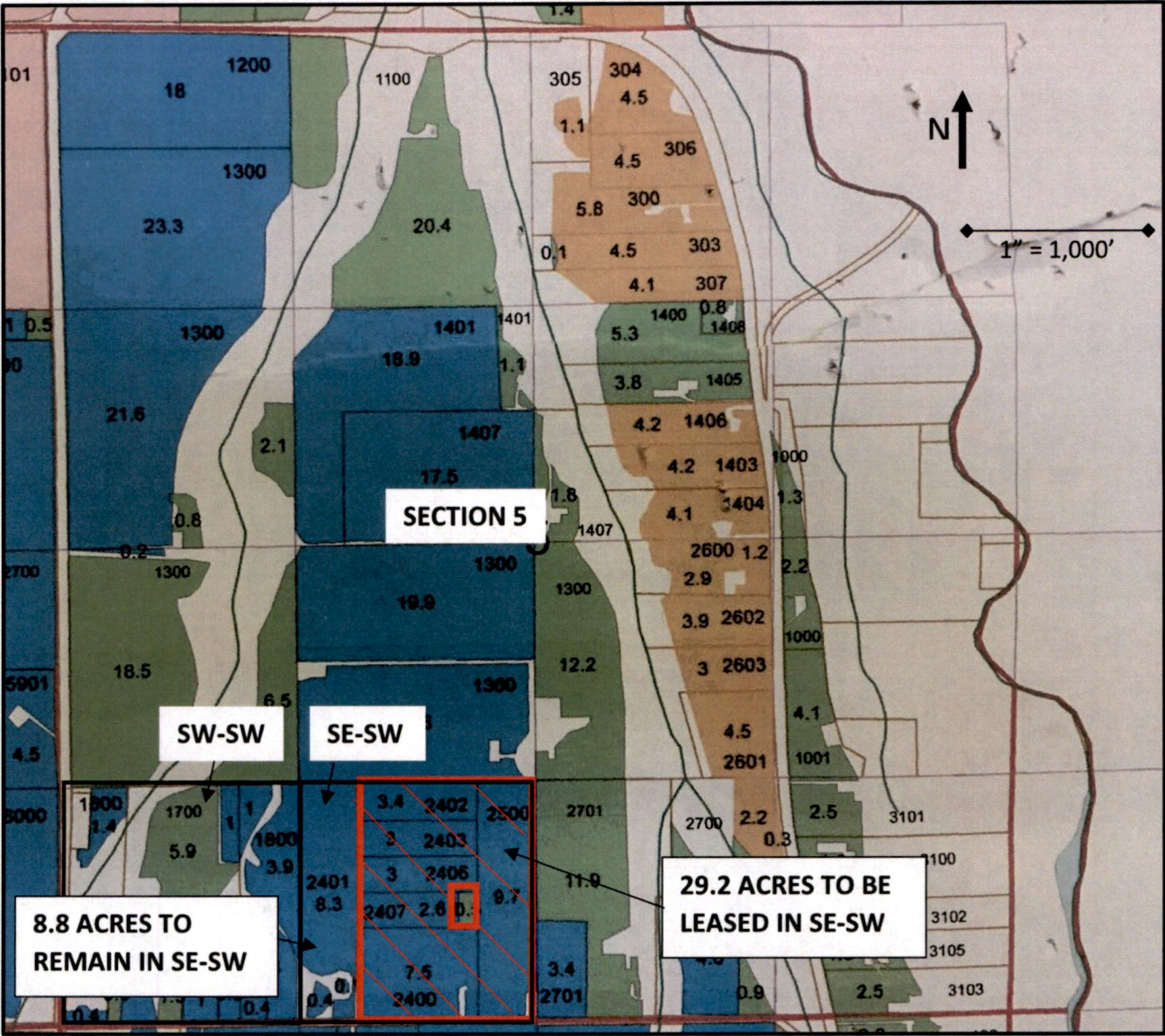
Table 2:

Priority Date	POD #	USE	TOTAL ACRES	OTHER	TOTAL RATE (CFS)	TOTAL VOLUME (AF)
1/2/1962	2	IR	0.5		0.00625	1.5

Table 3:

POD #	TWP	RNG	Sec	QQ	DLC	Measured Distance
1/2/1962	1-S	10-E	5	SE-SW	2407	520' south and 2500' west from the NE corner of section 27, being within NW ¼ NE ¼ of Section 27, Township 1 South, Range 9 East





Township 1-S, Range 1-E, Section 5, SE-SW

Primary Water Right: 74258

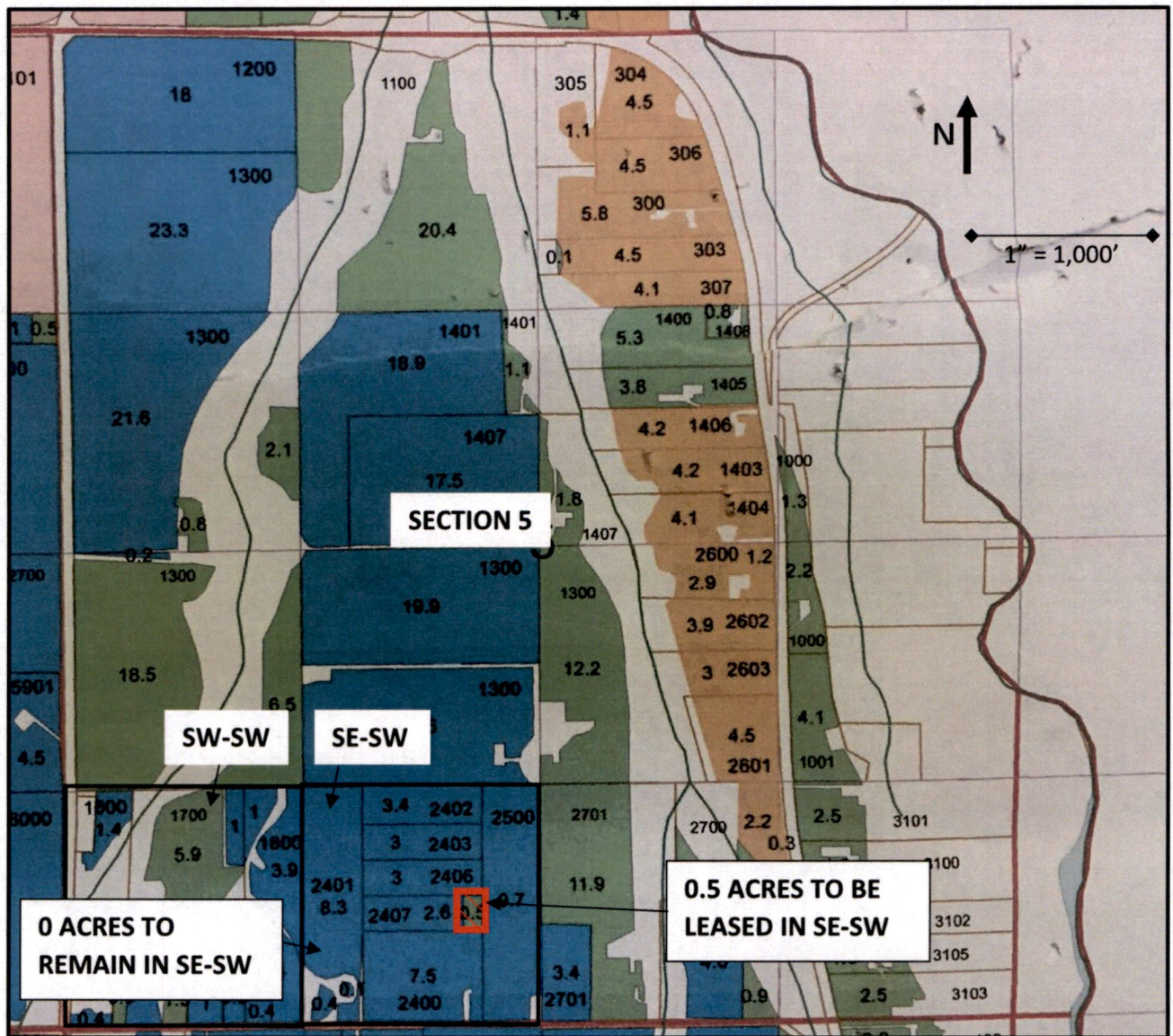
	Acres to be leased
	Acres to be remain
Green/orange: different water rights	
White: no water right	



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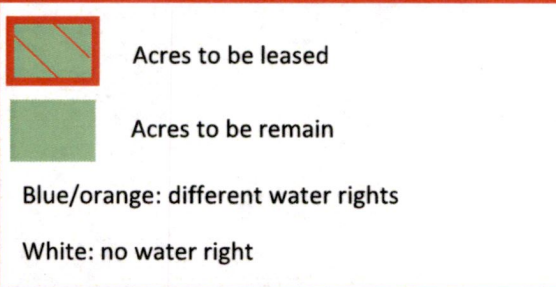
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Township 1-S, Range 1-E, Section 5, SE-SW

Primary Water Right: 89317



- Acres to be leased
- Acres to be remain
- Blue/orange: different water rights
- White: no water right



# Google Maps Pinemont Staging Area



Imagery ©2022 CNES / Airbus, Maxar Technologies, State of Oregon, USDA/FPAC/GEO, Map data ©2022 1000 ft



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## Pinemont Staging Area

4.4 ★★★★★ 10 reviews

Free parking lot



Directions



Save



Nearby



Send to  
phone




Share



 3700-3766 Pine Mont Dr, Hood River, OR 97031

 HF94+QP Hood River, Oregon

 Claim this business

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 Suggest an edit

Add missing information

Photos

7 Photos

 Add a photo

Questions and answers

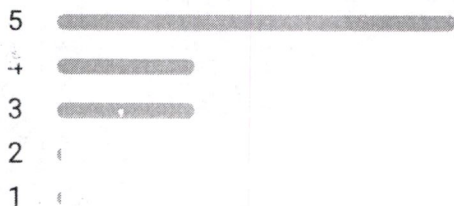
how long is the pine mont loop?

Answer this question

4 years ago

Ask the community

Review summary



**4.4**

10 reviews

"Fun place to ride - open area with sufficient

**parking**

"Picturesque as far as **parking lots** go."

"Just be aware and check-in on status."

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 Write a review

**Reviews**



≡ Sort



Vince Cave  
Local Guide · 42 reviews




★★★★★ 3 months ago

This is a great staging area. Purposely, I believe, it isn't included on the trail maps at the surrounding areas. Very limited parking area. I'm sure it is tough to get in and out with a big ...

More

 1

 Share



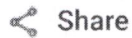


Tony "1Down5Up" Pshenichnykh  
Local Guide · 105 reviews



★★★★★ 2 months ago

Heard good things about it but it's closed starting July 1st. Just be aware and check-in on status.



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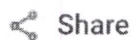
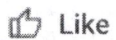


Benjamin Yang  
Local Guide · 166 reviews



★★★★★ 3 years ago

Picturesque as far as parking lots go. They forgot to add a layer of fine or crushed gravel to the parking lot. Watch out with low clearance vehicles.

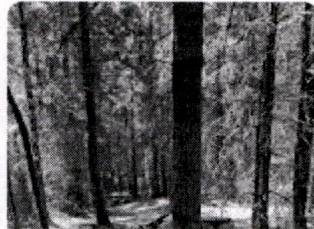


More reviews (7)

### People also search for



Binns Hill Staging ...  
4.8 (46)  
Hiking area




Post Flats Staging ...  
4.6 (26)  
Hiking area



Post C  
4.8  
Hiking


### Web results



 <http://www.co.hood-river.or.us> › P...

## Pinemont Loop Map 2016.indd - H...

Pinemont Staging Area is on the right hand side of the road. 2). From I-84 w estbound take Exit 64 and turn left onto White Salmon Highway (Hood River ...

 <https://www.alltrails.com> › trail › pinem...

## Pinemont Staging Area | Map, Gui...

Discover this 1.0-mile loop trail near Mount Hood Parkdale, Oregon. Generally considered an easy route, it takes an average of 28 min to complete. This trail is ...

 <https://www.hoodrivercounty.gov> › ...

## Recreation Trails - Hood River Co...

Pinemont Staging Area (adjacent trails are motorized):. 1. From I-84 eastbound take Exit 64 and turn right onto White Salmon Highway (Hood River Bridge Road).

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About this data





Imagery ©2022 CNES / Airbus, Maxar Technologies, State of Oregon, USDA/FPAC/GEO, Map data ©2022 500 ft

Rating Hours All filters

Post Canyon Staging Area

4.8 (31)

Hiking area · Post Canyon Dr  
(541) 387-6888



Website



Directions

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Seven Streams Staging Area

4.8 (42)

Hiking area · Post Canyon Dr  
(541) 387-6888



Website



Directions

"This is the staging area for down hill mountain biking."

Binns Hill Staging Area

4.8 (46)

Hiking area · Binns Hill Dr



Directions

"Motorized staging area with bathrooms and a loading



ramp."

### Family Man Staging Area

4.9 (122)

Hiking area · Riordan Hill Dr



Directions

"Beautiful staging area with an amazing kids track and obstacles 😊."

### Post Flats Staging Area

4.6 (26)

Hiking area · Post Canyon Dr



Directions

### Pinemont Staging Area

4.4 (10)

Free parking lot · 3700-3766 Pine Mont Dr



Directions

"This is a great staging area."

### Kingsley Reservoir Staging Area

4.3 (3)

Hiking area · Kingsley Rd

Open now



Directions

### Styled in the Gorge

5.0 (2)

Interior designer · 108 3rd St

Open · Closes 5PM · (541) 255-0144



Directions

"I am a realtor in the Portland/ Metro area."

### Sustain Home

5.0 (4)

Interior designer · 215 1st St

Opens soon · 10AM · (541) 436-3597

Onsite services · Online estimates



Website



Directions

### Kingsley Reservoir Park

4.3 (31)

Park · Kingsley Rd

(541) 387-6889



Website



Directions

"Great riding and staging areas. Beautiful landscapes to ride through."

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