

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



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

This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization) <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD #	1L-1974/MP-30L
	District #	TSID2b-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 type="checkbox"/> Check enclosed <u>or</u> <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy (Account name)</u>	

Yes  N/A Pooled Lease—a lease with more than one Lessor (Landowner/water right interest holder)

Part 1 – Completed Minimum Requirements Checklist

Part 2 – Completed District and Other Party Signature Page

Part 3 – Completed Place of Use and Lessor Signature Page  
 (Include a separate Part 3 for each Lessor.)

Part 4 – Completed Water Right and Instream Use Information  
 (Include a separate Part 4 for each Water Right.)

How many Water Rights are included in the lease application? 4 (# of rights)

List each water right to be leased instream here: 93680, 93681, 93683

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

List those other water rights here: \_\_\_\_\_

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

**Required Attachments:**

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

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

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

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

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

**MITIGATION PROJECT**

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

<b>Term of the Lease:</b> The lease is requested to begin in: month <u>June</u> year <u>2023</u> and end: month <u>September</u> year <u>2023</u> .	
<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request (choose one):</b> <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)
<b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases and transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.  If you would like this lease to relate to other instream water rights differently than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.	
<b>Validity of the rights to be leased:</b> <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or <input type="checkbox"/> The water right(s) <b>have not been used</b> for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

### SIGNATURES

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


 Date: 5/11/2023

Signature of Co-Lessor

Printed name (and title): Marc Thalacker, District Manager

Business/Organization name: Three Sisters Irrigation District

Mailing Address (with state and zip): P.O. Box 2230, Sisters, OR 97759

Phone number (include area code): 541-549-8815      \*\*E-mail address: manager@tsidweb.org

\_\_\_\_\_  
 Signature of Co-Lessor      Date: \_\_\_\_\_

Printed name (and title): \_\_\_\_\_

Business/organization name: \_\_\_\_\_

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

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

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See next page for additional signatures.



Date: 5/11/2023

Signature of Lessee

Printed name (and title): Genevieve Hubert, Senior Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St., Ste 1, Bend, OR 97702

Phone number (include area code): 541-382-4077      \*\*E-mail address: gen@deschutesriver.org

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

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

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

**Table 1**

<b>Irrigation District or other Water Purveyor Name: Three Sisters Irrigation District</b>															
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease. If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach. Any attached table should include reference to the Lessor.															
Water Right #	Priority Date	POD #	Twp		Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
93680	1880	Main	15	S	10	E	10	NW	SW	705		0.3	IR		1921
93680	1880	Main	15	S	10	E	10	NE	SW	705		18	IR		1921
93680	1880	Main	15	S	10	E	10	NW	SE	705		2.4	IR		1921
93680	1880	Main	15	S	10	E	10	SW	SW	705		1.0	IR		1921
93680	1880	Main	15	S	10	E	10	SE	SW	705		9.5	IR		1921 (8 ac)
93680	1880	Main	15	S	10	E	10	SW	SE	705		15.2	IR		1921
93680	1880	Main	15	S	10	E	10	SE	SE	705		4.2	IR		1921
93680	1880	Main	15	S	10	E	15	NE	NE	200		10.8	IR		1921
93683	1886	Main	15	S	10	E	15	NW	NE	200		7.0	IR		1921
93681	1881	Main	15	S	10	E	15	NW	NE	200		28.9	IR		1921
93681	1881	Main	15	S	10	E	15	NE	NE	200		6.6	IR		1921
<b>Any additional information about the right: <u>T-11318 and IL-1816 &amp; IL-1702, C-93680 / 61.4 ac, C-93683 / 7 ac, C-93681/35.5 ac = total 103.9 ac</u></b>															
<b>Farm Deferral Tax Status:</b> Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.															

The undersigned declare:

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

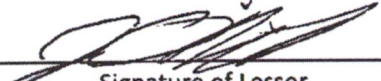
*Signature Page Follows*

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

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

Date: 5/11/23

Printed name (and title): Joseph O'Neill - Interim City Manager Business name, if applicable: City of Sisters

Mailing Address (with state and zip): P.O. Box 39, Sisters, OR 97759

Phone number (include area code): 541-549-6022 \*\*E-mail address: pbertagna@ci.sisters.or.us

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

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

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

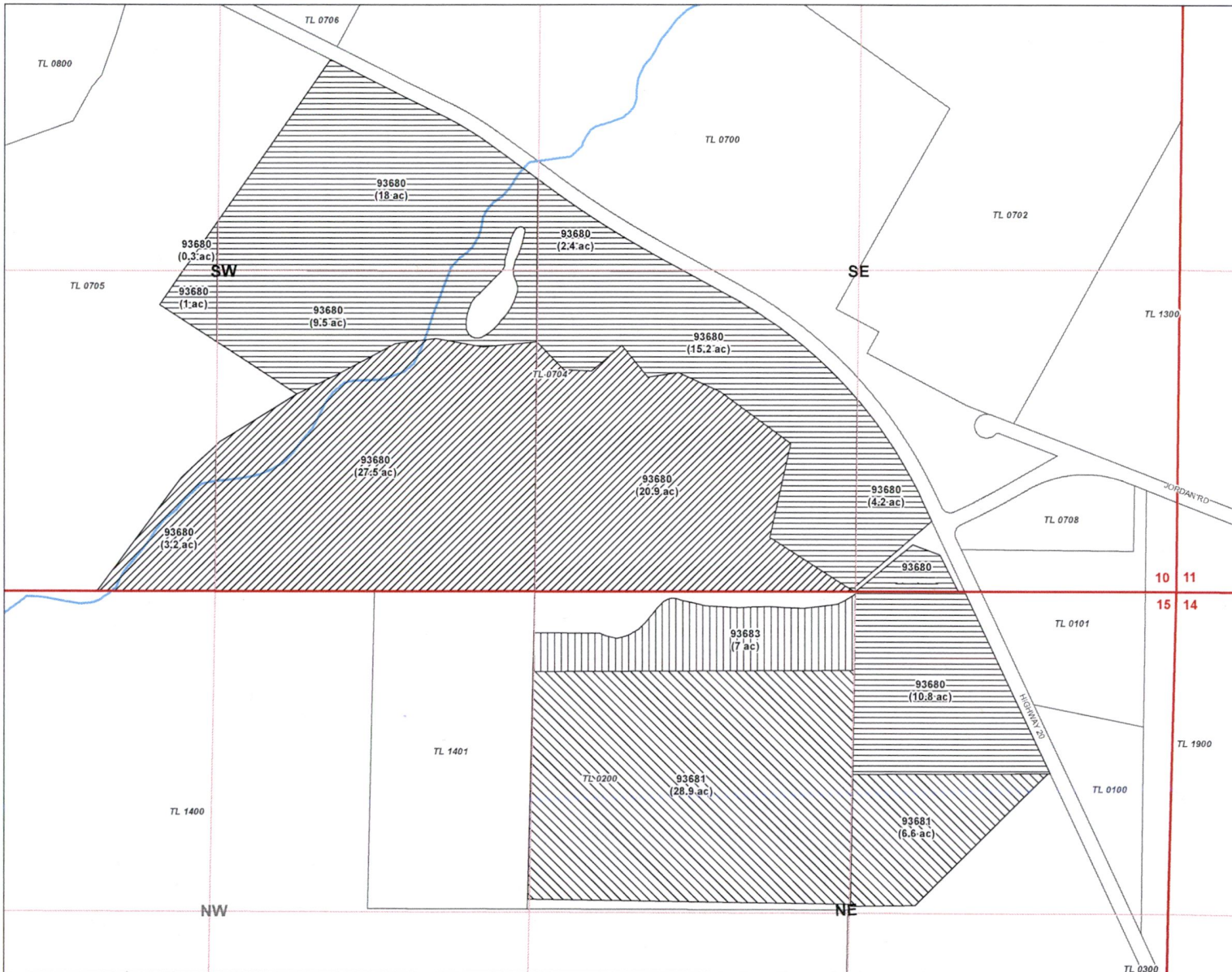
Mailing Address (with state and zip): \_\_\_\_\_

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

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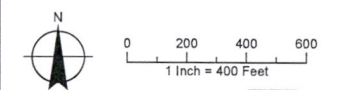
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**City of Sisters**  
**Instream Lease Map**  
 Deschutes County  
 T. 15 South, R. 10 East (W.M.)  
 Sections 10, 15  
 Certificate 93680, 93681, 93683

- LEGEND**
- Place of Use (POU)**
- 93680, To be Leased
  - 93680, To Remain
  - 93681, To be Leased
  - 93683, To be Leased
- All Other Features**
- Tax Lot
  - Ditch/Pipeline

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Date: April 4, 2023  
 Data Sources: Deschutes Co GIS, Deschutes River Conservancy, Maxar Aug 2019

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

<b>Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)</b>						<b>Water Right # <u>93680</u></b>
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)
1880	Main	IR	61.4	Rate limited to 2.028 for 113 acre or 0.01795/acre (about 1/56 <sup>th</sup> per ac.)	1.1021	N/A
					0	
					0	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:						

Table 3

<b>Instream Use created by the lease</b>	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Whychus</u> , tributary to <u>Deschutes</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>TSID Main</u> to <u>Madras gage on Deschutes</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1880	Main	IR	61.4	Instream 6/15 through 9/30 at 0.014/ac, approx 3 AF/ac	0.860	184.14
				Mitigation Project	0	
					0	
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>Instream from 6/15 through 9/30, approx 3 AF per acre</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
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<b>Any additional information about the proposed instream use:</b> <u>Mitigation Project</u>						

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

<b>Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)</b>						<b>Water Right # <u>93681</u></b>	
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)	
1881	Main	IR	35.5	Instream from 6/15 through 9/30, 0.554 cfs for 35.5 ac	0.554	N/A	
					0		
					0		
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A							
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:							

Table 3

<b>Instream Use created by the lease</b>	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Whychus Cr</u> , tributary to <u>Deschutes R</u>					
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>TSID Main</u> to <u>Madras Gage on Deschutes</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD					
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)							
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>							
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.							
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1881	Main	IR	35.5	Instream 6/15 through 9/30, max rate of 0.0140, about 3 AF/Ac	0.497	106.5	
				Mitigation Project	0		
					0		
OR <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.							
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>Instream from 6/15 through 9/30 at approx 3 AF/Ac</u>							
Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
<b>Any additional information about the proposed instream use:</b> <u>Mitigation Project</u>					Received by OWRD		



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**

<b>Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)</b>						<b>Water Right # <u>93683</u></b>	
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)	
1886	Main	IR	7	6/15 through 9/30, rate limited 0.109 for 7 ac	0.109	N/A	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A							
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:							

**Table 3**

<b>Instream Use created by the lease</b>	River Basin: <u>Deschutes</u>	River/Stream Name: <u>Whychus Cr, tributary to Deschutes R</u>					
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>TSID Main</u> to <u>Madras gage on Deschutes</u>	<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD						
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. If no reach is identified or the above box is not checked, and there is only one POD listed on the water right, the lease may be processed to be protected at the POD.)							
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>							
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.							
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)	
1886	Main	IR	7	6/15 through 9/30, limited to 0.0140 cf/ac and approx 3 AF/Ac	0.098	21.00	
				Mitigation Project			
<b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.							
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>Instream from 6/15 through 9/30, approx 3 AF/ac</u>							
Note: The Department may identify additional conditions to prevent injury and/or enlargement.							
<b>Any additional information about the proposed instream use:</b> <u>Mitigation Project</u>					<b>Received by OWRD</b>		

<b>Landowner</b>	<b>Acres</b>	<b>Certificate</b>	<b>Priority</b>	<b>Prior Lease / Transfer</b>
City of Sisters	61.4	93680	1880	IL-1921 & T-11318
City of Sisters	35.5	93681	1881	IL-1921 & T-11318
City of Sisters	7	93683	1886	IL-1921 & T-11318

Sisters acres also leased in IL-1702, 1816, 1872

<b>Certificate</b>	<b>Priority</b>	<b>Acres</b>	<b>Instream Rate</b>	<b>Instream Acre-Feet</b>	<b>Instream Dates</b>
93680	1880	61.4	0.860	184.14	6/15 through 9/30
93681	1881	35.5	0.497	106.5	6/15 through 9/30
93683	1886	7	0.098	21.0	6/15 through 9/30
	Totals	103.9 ac	1.455 cfs	311.64 AF	

Instream for Mitigation with protection to the Madras Gage on the Deschutes River.

All water previously leased in 2022, except 1.5 acres of certificate 93680.

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