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

·	DEPARTMENT
	t 1 through 4 and include the required attachments own # 112-1989 or check boxes as indicated. (N/A= Not Applicable) 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 5610.00 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 Trout Unlimited (account name)
✓ Yes	Part 2 – Completed Instream Lease Application Map Checklist. Received by OWRD
✓ Yes	Part 3 – Completed Water Right and Instream Use Information Include a separate Part 3 for each water right JUN 1 6 2023
✓ Yes	Part 4 – Completed Instream Lease Provisions and Signatures Salem, OR
✓ Yes	How many water rights are leased? 3 List them here: 12829, 12830, 12831
	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:
☐ 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	 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

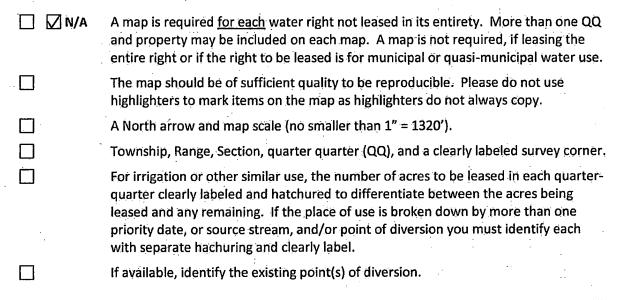
consent of the landowner.

Part 2 of 4 - Instream Lease Application Map Checklist

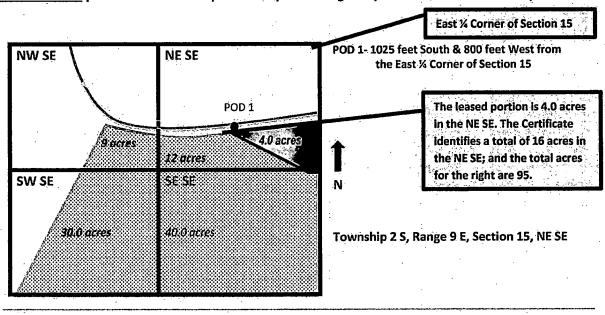
A Map is generally required for each water right not leased in its entirety

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 <u>simple</u> 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.



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



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JUN **16** 2023

Use a separate Part 3 for each water right to be leased instream **Water Right Information** Water right # <u>12829</u> 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. ✓ Entirety - If the entire water right is to be leased, skip to If only leasing a portion of the right -Table 3. complete Table 1 as indicated Gov't Lot/DLC Previous Lease # (if any) **Priority Date** POD# Q-Q EXAMPLE 12/2/1901 2-5 NE SE 100 IL-1100 Received by OWRD JUN 16 2023 **Total Acres:** Salem, OR 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) **Total** Other Information (such as **Total** Total conditions/limitations on the right) **Priority Date** POD# Acres Rate (cfs) Volume (af) 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 unknown you may ir	, latitude/longitude coordinates, or river mile (if ndicate "unknown")
	5N	37E	28	SWNW	5102	45.8846851 N	118.2065745 W
	5N _	37E	28	SENW	5102	45.8851333 N	118.1993764 W

	Please check this box if you don't know the location of the I	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

A STATE OF THE STATE OF	TVA SAN S		nstream	Use Created by t	he Lease	
River/ Stream I	Vame:	and North Fo	rk Walla Walla 	ributary to	River Basin:	Walla Walla
priority date, Po considering the If not enough re	OD (if mor right to b oom belov	re than one leased w, you n	one), Use I. nay add a	(if more than on dditional rows (s Please clearly lab	e, volume and instrea e), and acreage as app ee instructions) or atta el any attachments.	m period by propriate
Priority date	POD#	Use	Acres	Proposed Instrea Period	m Total instream rate (cfs)	Total instream volume (af)
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OR 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.)						
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Addition	nal Instream Info	rmation	
☐Yes ☑ N/A limitations: list		s to avo	id enlarg	gement or injury	to other water rights,	if any, or other
Note: The Depa	rtment m	ay ident	ify additi	ional conditions t	o prevent injury and/o	or enlargement.
Any additional in	formation	about t	he propos	sed instream use:		

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Part 3 of 4 – Water Right and Instream Use Information

Use a <u>separate</u> Part 3 for <u>each</u> water right to be leased instream

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Instream Use Information

Table 4

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priority date, Po considering the If not enough ro	DD (if moi right to b om belov	re than o e leased w, you n	one), Use I	(if more than one	e, volume and instream e), and acreage as appro- ee instructions) or attac el any attachments.	opriate	
	DOD #	11	•	Proposed Instrea	*.	Total instream	
Priority date 1893	POD#	Use IR	Acres 4	: Period 3/1 - 10/31	rate (cfs) 0.15	volume (af) 24	
. 1893				3/1-10/31		24	
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. OR Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume							
				Instream Reach	instream benefits.		
Proposed Instre	eam Reac	h:			Or Proposed Instream	Point:	
🗸 A reach typi	cally begi	ns at the	point of	diversion (POD)	Instream use prot	ected at the POD	
and ends at the POD to Confluen				ream: From the Walla Walla	·		
OR 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.)							
			Additio	nal Instream Info	mation		
Yes N/A limitations: list		s to avo	oid enlar	gement or injury	to other water rights, i	f any, or other	
Note: The Depa	rtment m	ay ident	ify addit	ional conditions t	o prevent injury and/or	enlargement.	
Any additional in	formation	about t	he propo	sed instream use:			

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Part 3 of 4 - Water Right and Instream Use Information

Use a <u>separate</u> Part 3 for <u>each</u> water right to be leased instream

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Instream Use Information

Table 4

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priority date, Po considering the If not enough ro	OD (if mo right to b oom belov	re than one leased w, you m	one), Use I. nay add a	e (if more than on additional rows (se	e, volume and instrean e), and acreage as appr ee instructions) or attac el any attachments.	opriate
Murarcilling rue r	Jelow por	LIOIT OI, I	able 4).	Proposed Instrea		Total instream
Priority date	POD#	Use	Acres	Period	rate (cfs)	volume (af)
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	e mouth	of the so	ource str	diversion (POD) eam: From the Walla Walla	msueam use proj	ected at the POD
OR 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.)						
		100	Additio	nal Instream Info	mation	
Yes N/A limitations: list		is to avo	id enlar	gement or injury	to other water rights, i	f any, or other
Note: The Depa	rtment m	ay ident	ify addit	ional conditions t	o prevent injury and/or	enlargement.
Any additional in	nformation	about t	he propo	sed instream use:	·	

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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 Mar. year 20:	23 and end: month Oct. year 2023
Note: The begin month is generally the first month of the	
month in the irrigation season. If not an irrigation right, authorized period of allowed use.	
Public use: Check the public use(s) this lease will serve	Termination provision (for multiyear leases):
(as defined by ORS 537.332):	The parties to the lease request (choose one):
Conservation, maintenance and enhancement of	a. The option of terminating the lease prior to
aquatic, fish and wildlife, fish and wildlife habitat and	expiration of the full term with written notice
any other ecological values.	to the Department by the Lessor(s) and/or
Recreation Received by OWRD	Lessee.
Pollution abatement	b. The option of terminating the lease prior to
Navigation	expiration of the full term, with consent by all
JUN 1 6 2023	parties to the lease.
	c. The parties would not like to include a
Salem, OR	Termination Provision.
	(See instructions for limitations to this provision)
Additive/Replacing Relationship to other instream water	
other existing instream water rights created as a result of	
conserved water. Since instream leases are also generall	
state agency process or conversion of minimum flows, th	ey generally replace a portion of these junior
instream rights.	
If you would like this lease to relate to other instream wa	ter rights differently, please check this box.
And attach an explanation of your intent.	
Validity of the Right(s) to be leased (check the appropri	ate box):
The water right(s) to be leased have been used unde	r 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 fiv	
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 for	rfeiture is provided.
Precedent: If a right which has been leased is later probecome part of an allocation of conserved required. An instream lease shall not set a	l water project, a new injury review shall be
The undersigned declare:	ter automatives of water allowed under the subject
water right(s) and under any appurtenant primary lease application; and	to suspend use of water allowed under the subject or supplemental water right(s) not involved in the
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/	
application that I/we have authorization to nursue	the lease application and/or have obtained consent
from the deeded landowner; and	
All parties affirm that information provided in this	lease application is true and accurate.
T \ // \	· · · · · · · · · · · · · · · · · · ·
	Date: 5/25/23
Signature of Lessor	
	ness name, if applicable:
	RD Pendleton, OR 97801
Phone number (include area code): 541-805-8038**E-n	nail address: doryl Sans@hotmail.com

See next page for additional signatures.

Quant James, Trustel, Sams Legacy Trust Date: 6/9/2023 Signature of Co-Lessor
Signature of Co-Lessor
Printed name (and title): Duane J Sams Business name, if applicable:
Printed name (and title): Duane J Sams Business name, if applicable: Mailing Address (with state and zip): 1501 W. 46th Ave, Kennewick, WA, 99337 Phone number (include area code): 509-366-6339**E-mail address: Louissams@charter.net
Phone number (include area code): 509-366-6339 ** E-mail address: Louisesams @ charter.ne
Date: 6/15/2023
Signature of Lessee
Printed name (and title): Aaron Penvose, Dir. Business name, if applicable: Trout Unlimited
Mailing Address (with state and zip): 621 Main Street Suite C Lewiston, ID 83501
Phone number (include area code): 509-881-7689**E-mail address: apenvose@tu.org
Phone number (include area code): 509-881-7689**E-mail address: apenvose@tu.org

Received by OWRD

JUN 1 6 2023

^{**} 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.