

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) Complete Parts 1 through 4 and any required attachments	OWRD #	1L-1994
	District #	TSID4-23

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 or	
<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: 95971 (supersedes 74135)

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: 89488 supplemental groundwater

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>June</u> year <u>2023</u> and end: month <u>September</u> year <u>2023</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 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 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.

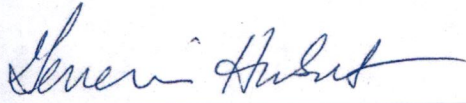
 Date: 6/27/2023
 Signature of Co-Lessor

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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

_____ Date: _____
 Signature of Co-Lessor
 Printed name (and title): _____
 Business/organization name: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

See next page for additional signatures.



Date: 06/27/2023

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

Irrigation District or other Water Purveyor Name: Three Sisters 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 #	
95971	1895	Main	15	S	11	E	17	sw nw	300		0	IR	15
95971	1895	Main	15	S	11	E	17	sw nw	300		3.5	IR	15
95971	1895	Main	15	S	11	E	17	se nw	300		2.1	IR	15
95971	1895	Main	15	S	11	E	17	se nw	500		5.4	IR	15

Any additional information about the right: 30.5 acres of 1895 priority, 11.0 ac to lease instream. **NOTE: Tax lot 500 acres are part of TL300 per a lot line adjustment that occurred in 1999. Reference supplemental GW certificate 89488 - which is mapped over taxlot 300 and 400 and matches the TSID 1895 mapped.**

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.

Mikelyn R Hull, Trustee Date: 6/27/23
Signature of Lessor

Printed name (and title): Wendy C Hull Trustee Business name, if applicable: Joan R Hull Trust
Mailing Address (with state and zip): 68300 George Cyrus Rd & 68290 George Cyrus Rd (IR acres address), Sisters, OR 97759
Phone number (include area code): 541.760.8365 **E-mail address: jacksanders1963@gmail.com

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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An Oregon Certification of Trust

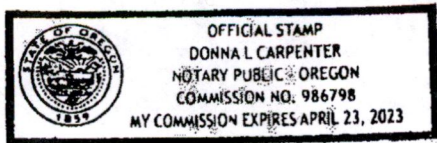
This Certification of Trust complies with Oregon Revised Statute 130.860, and was established under the laws of the State of Oregon.

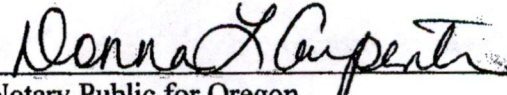
1. The Joan R. Hull Trust u/w/o Homer G. Hull was created on the death of Homer G. Hull April 19, 1985, and is still in existence as of this date.
2. The Trustor is Homer G. Hull. The presently acting Trustee is Mikelyn L. Hull.
3. The trust powers include at least all those trust powers contained in the Uniform Trust Code set forth in Oregon Revised Statutes 130.001 to 130.910.
4. The mailing address for the currently acting Trustee is 25715 SW Airport Avenue, Corvallis, Oregon 97333.
5. The Trust is not revocable by the Trustor.
6. The Trust cannot be modified or amended by the Trustor.
7. If there is more than one acting Trustee, only one Trustee is required to sign in order to exercise trust powers.
8. The Trust Taxpayer Identification Number is 93-6256135.
9. The manner in which title to the trust assets should be taken is Mikelyn L. Hull, Trustee, or her successor in trust of the Joan R. Hull Trust u/w/o Homer G. Hull.
10. The Trust has not been revoked, modified, or amended in any manner that would cause the representations in this Certificate to be incorrect.


Mikelyn L. Hull, Trustee

STATE OF OREGON)
) ss.
COUNTY OF BENTON)

This instrument was acknowledged before me on August 2, 2021, by Mikelyn L. Hull, as Trustee.




Notary Public for Oregon

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DESCHUTES COUNTY

1" = 400'

T 15 S, R 11 E, Section 17



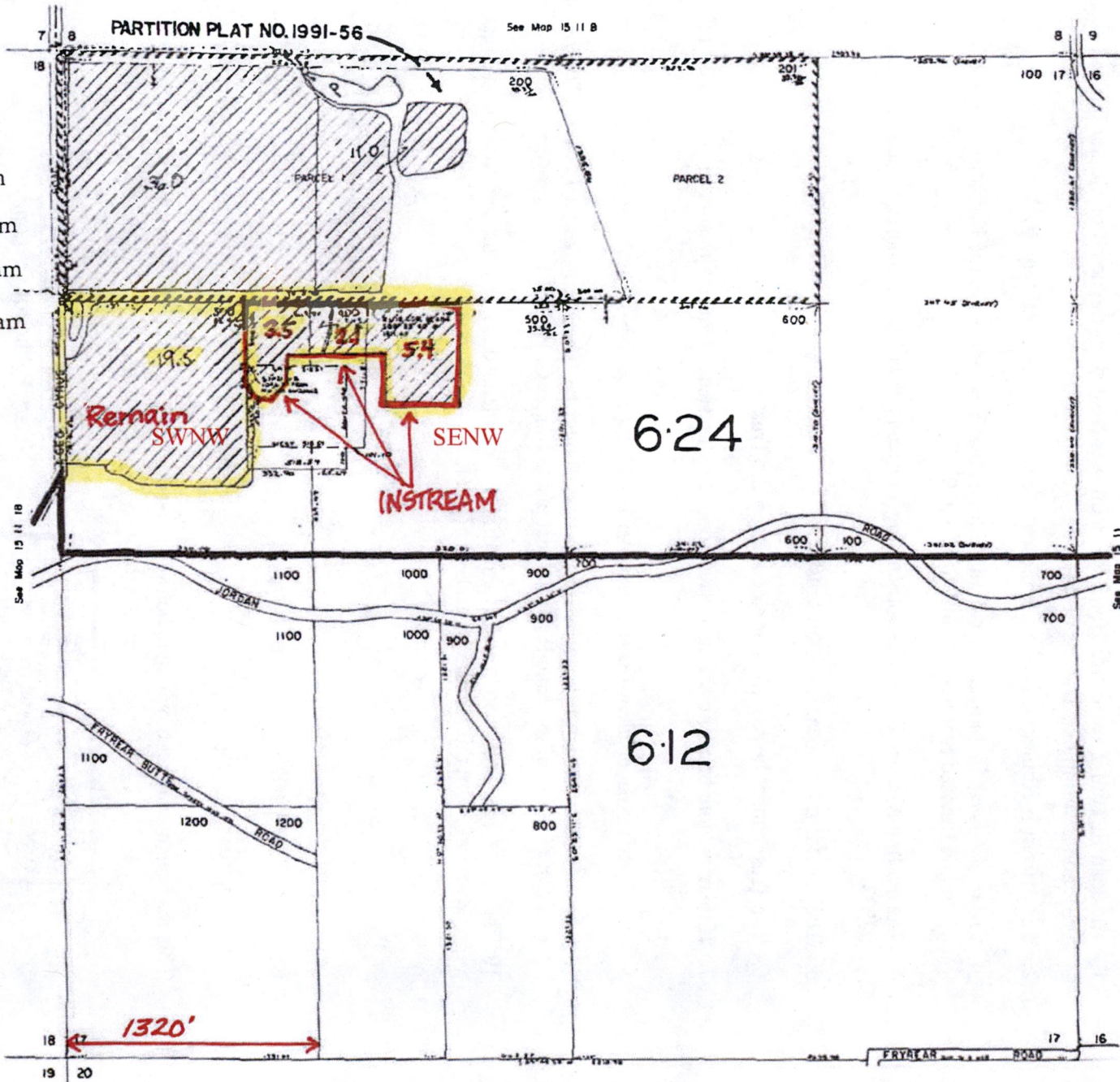
Miracle Ranch
Kull Hoops

PARTITION PLAT NO. 1991-56

See Map 15 11 B

- 19.5 Remain
- 3.5 Instream
- 2.1 Instream
- 5.4 Instream

30.5
1895



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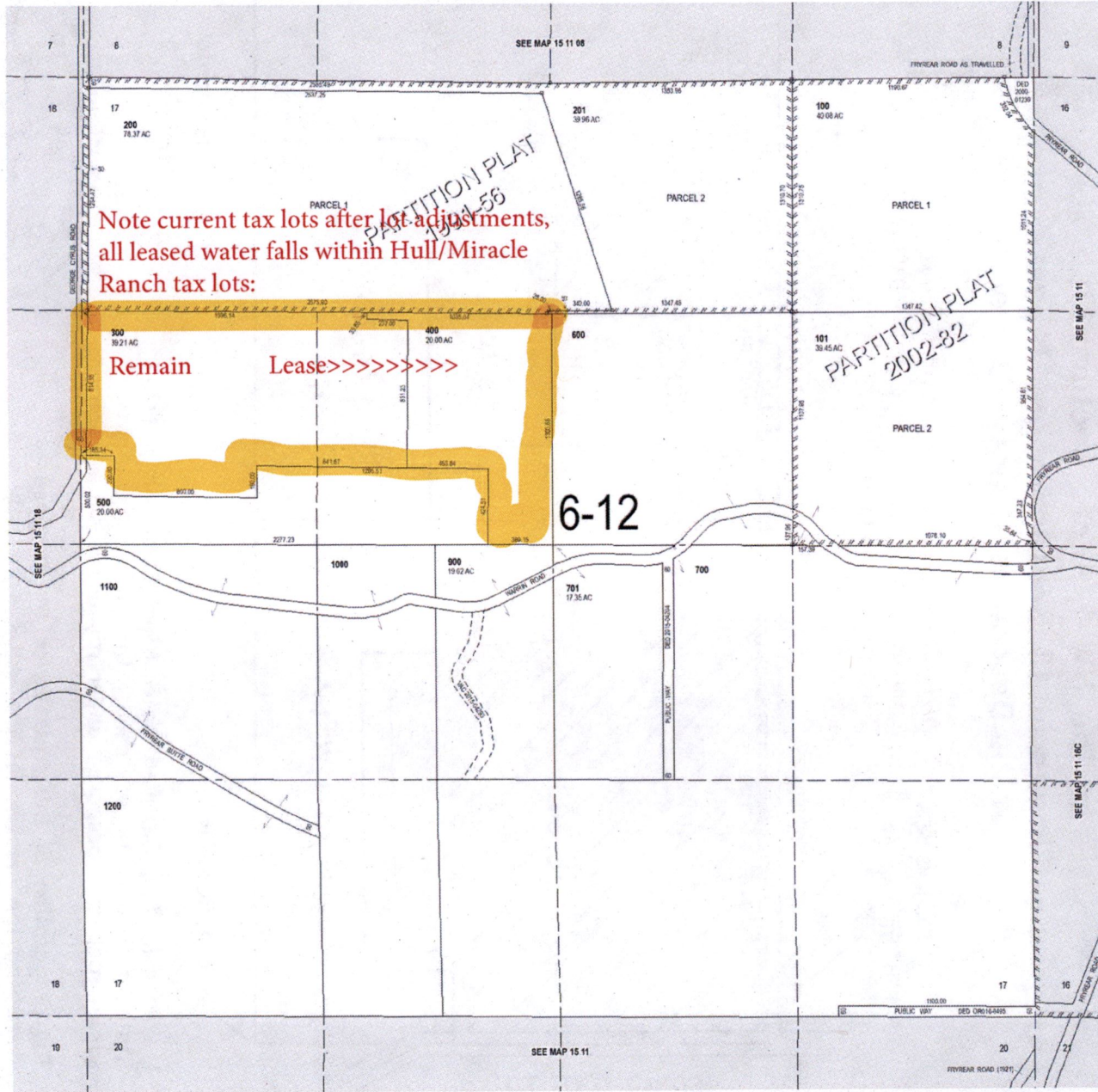
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

5/8/2015

SECTION 17 T.15S. R.11E. W.M.
DESCHUTES COUNTY
1" = 400'

15 11 17

Cancelled Nos.
800



Note current tax lots after lot adjustments,
all leased water falls within Hull/Miracle
Ranch tax lots:

Remain Lease>>>>>>>>

6-12

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15 11 17

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SEP 28 2000

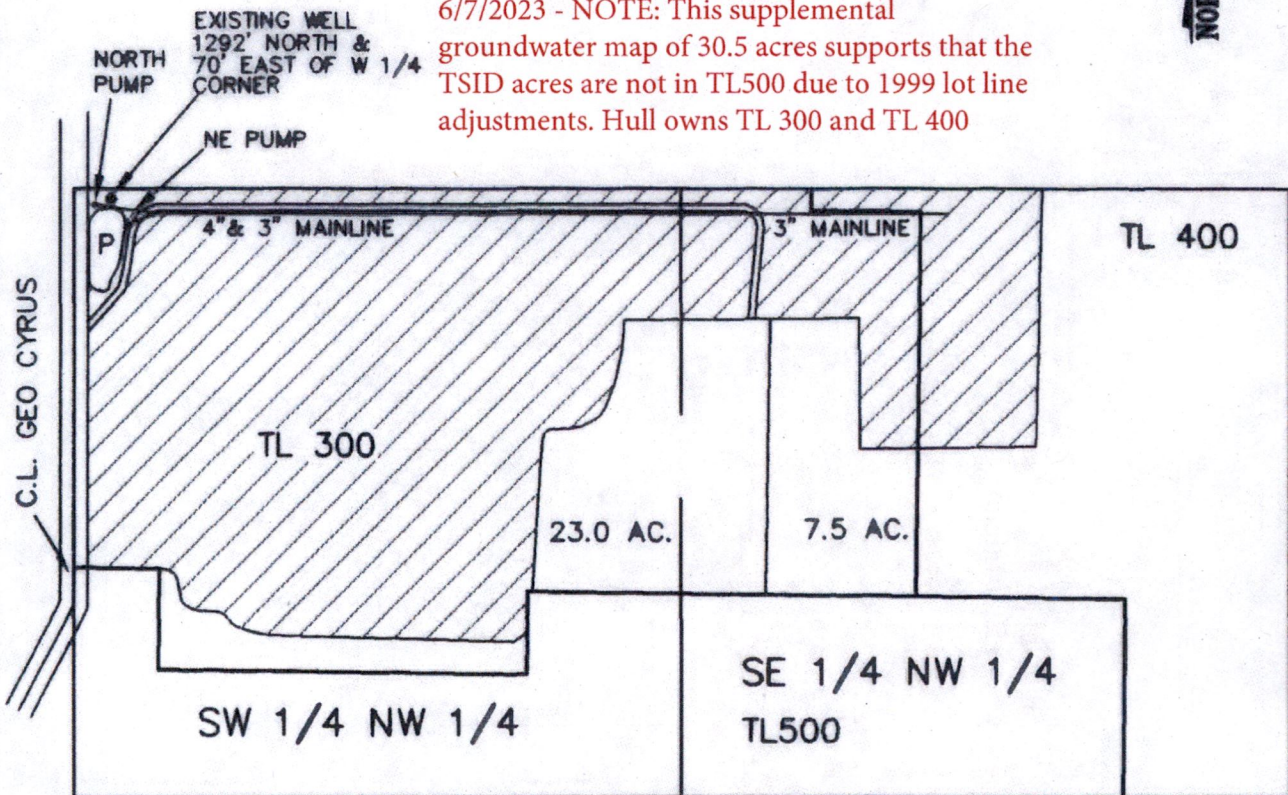
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF MAP FOR
PERMIT NO. G-12744
APPLICATION NO. G-13838 Cert-89488
SUPPLEMENTAL WATER RIGHT
FOR MICHAEL & JAMIE VAVRINEC

In The NW 1/4 of Section 17,
Township 15 South, Range 11 East,
W.M., Deschutes County, Oregon



6/7/2023 - NOTE: This supplemental
groundwater map of 30.5 acres supports that the
TSID acres are not in TL500 due to 1999 lot line
adjustments. Hull owns TL 300 and TL 400

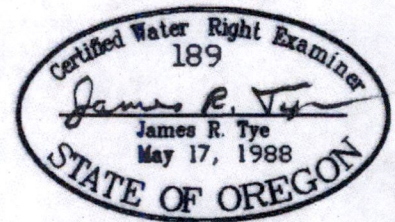


W 1/4 CORNER

= Supplemental Water Rights

I, James R. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify that this water rights survey map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



SCALE 1"=400' | DATE 9-21-00 | SURVEY BY AERIAL | DRAWN BY S.R.K. | ORDER NO. 2975-22C

SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE 382-8882

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 # 95971

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)
1895	Main	IR	11.0	Max rate of 0.0154 cfs/acre, no max acre-feet	0.17	N/A

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>Whychus Creek, tributary to Deschutes 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 <u>TSID Main</u> to <u>Lake Billy Chinook</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)
1895	Main	IR	11.0	0.014/ac, Instream 6/15 through 9/30 for MITIGATION	0.154	33.0

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 and period considering the water right(s) being leased and instream benefits.

Yes N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here 1895 IR is protected for Mitigation Project, 3.0 AF/ acre - that average delivery called for TSID IR.
 Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: 1895 instream for mitigation

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