

# Instream Lease Renewal Application (Standard or District)



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

Complete the questions below and include any required attachments

Instream Lease IL-150

Fill in or check boxes as indicated. (N/A= Not Applicable)

Renewal Fee included

The undersigned hereby request Instream Lease Number IL-150 be renewed.

Fees:  \$150.00 for an instream lease renewal application

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

**Term of the Lease:**

The lease is requested to begin in month JAN year 2024 and end month DEC year 2027

**Validity of the Right(s)**

(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.
- If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2).

**Termination provision (for multiyear leases):**

The parties to the lease request:

- 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)

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: \_\_\_\_\_)?

**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 holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

Cecelia Steele  
Signature of Lessor

Date: 1-12-2024

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

Mailing Address (with state and zip): 31013 Cow Creek Road Gladstone OR 97442

Phone number (include area code): 503-229-6918 \*\*E-mail address: veritasesto@startmail.com

Barry Steele  
Signature of Lessor

Date: 1/12/2024

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

Mailing Address (with state and zip): 31013 Cow Creek Rd. Gladstone, OR 97442

Phone number (include area code): 503-229-2329 \*\*E-mail address: hank

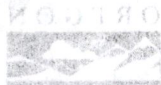
See next page for additional signatures.

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# Instream Lease Renewal

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

## Application

### (Standard or District)

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

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

District/organization name: \_\_\_\_\_

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

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

Check enclosed or  Fee Charged to customer account  (Account name) \_\_\_\_\_  
Fees:  \$150.00 for an instream lease renewal application

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: \_\_\_\_\_

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

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

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.**

- The lessor(s) certify that (s)he is the holder of the water right(s) involved in this instream lease. If not the bedded land owner, (s)he has provided documentation demonstrating authorization to pursue the lease application and/or consent from the bedded landowner and
- All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference into this lease.

Signature of Lessor \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_  
Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature of Lessor \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_  
Business name, if applicable: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_  
Date: \_\_\_\_\_

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BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON OWRD

COPY of Previous Lease

In the Matter of the Proposed Lease of Existing Water Rights for Instream Use, Certificates 37191, Douglas County ) DETERMINATION and FINAL ORDER ON PROPOSED INSTREAM LEASE

Authority

ORS 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. OAR Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Barry and Cecelia Steele 31013 Cow Creek Road Glendale, Oregon 97442

Lessee

Oregon Water Trust 522 SW Fifth Avenue, Suite 825 Portland, Oregon 97204

Findings of Fact

- 1. Barry and Cecelia Steele and the Oregon Water Trust filed an application to renew instream lease L-150, involving all of Certificates 37191 to instream use. The Department assigned the application number IL-150.
2. The right to be leased is as follows:

Certificate: 37191 in the name of FRANK L. HORCAJO (perfected under Permit S-30510)
Use: INSTREAM USES of 12.1 ACRES
Priority Date: JULY 16, 1965
Rate: 0.16 CUBIC FEET PER SECOND
Limit/Duty: ONE-SEVENTIETH cfs per acre, not to exceed 3.5 acre-feet per acre per year
Source: COW CREEK, tributary to SOUTH UMPQUA RIVER

Authorized Point of Diversion:

Table with 6 columns: Twp, Rng, Mer, Sec, Q-Q, Survey Coordinates. Row 1: 33 S, 7 W, WM, 2, SW NE, 1660 FEET SOUTH AND 2830 FEET EAST FROM NW CORNER OF SECTION 2

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



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**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
33 S	7 W	WM	2	NE NW	3	11.8
33 S	7 W	WM	2	SE NW		0.3

- The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
- The instream use is as follows:  
COW CREEK tributary to SOUTH UMPQUA RIVER

**Instream Reach:** From POD (as described in Finding of Fact #2) to mouth of Cow Cr

Certificate	Priority Date	Instream Rate (cfs)	Period Protected Instream
37191	JULY 16, 1965	0.16	May 22 through October 1

- If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
- Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
- If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.
- The lease will commence on April 1, 2008 and terminate on October 1, 2012.
- The Lessor has requested the option of terminating the lease early with written notice to the Department.

**CONCLUSIONS OF LAW**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.



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**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
33 S	7 W	WM	2	NE NW	3	11.8
33 S	7 W	WM	2	SE NW		0.3

3. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.

4. The instream use is as follows:  
COW CREEK tributary to SOUTH UMPQUA RIVER

**Instream Reach:** From POD (as described in Finding of Fact #2) to mouth of Cow Cr

Certificate	Priority Date	Instream Rate (cfs)	Period Protected Instream
37191	JULY 16, 1965	0.16	May 22 through October 1

5. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.

6. Based upon review of the application, comments received, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. This finding is made through an abbreviated review recognizing that the lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.

7. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required. Transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of future leases or transfers.

8. The lease will commence on April 1, 2008 and terminate on October 1, 2012.

9. The Lessor has requested the option of terminating the lease early with written notice to the Department.

**CONCLUSIONS OF LAW**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

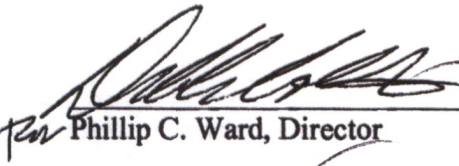
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**ORDER**

Therefore, it is ORDERED:

1. That the Lease as described herein is APPROVED.
2. The former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered water rights for irrigation use, including ground water registrations during the term of the lease.
3. The lease will commence on April 1, 2008 and terminate on October 1, 2012. The Lessor has the option of terminating the lease each year, with notification to the Department by April 22 of each year, and before any use has occurred on the property.

Dated at Salem, Oregon this 21<sup>ST</sup> day of March 2008.

  
Phillip C. Ward, Director

Mailing date: MAR 27 2008

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