

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 # <u>IL - 20416</u>
	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	<input checked="" type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	<input 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 Conser</u> (account name)	

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

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

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

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Yes **How many water rights are leased? 4 List them here: 2260, 93805, 93806, 93807**
 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: 93806 supplemental

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
- Other documentation which provides authority to pursue the lease absent consent of the landowner.

Part 2 of 4 – Instream Lease Application Map Checklist

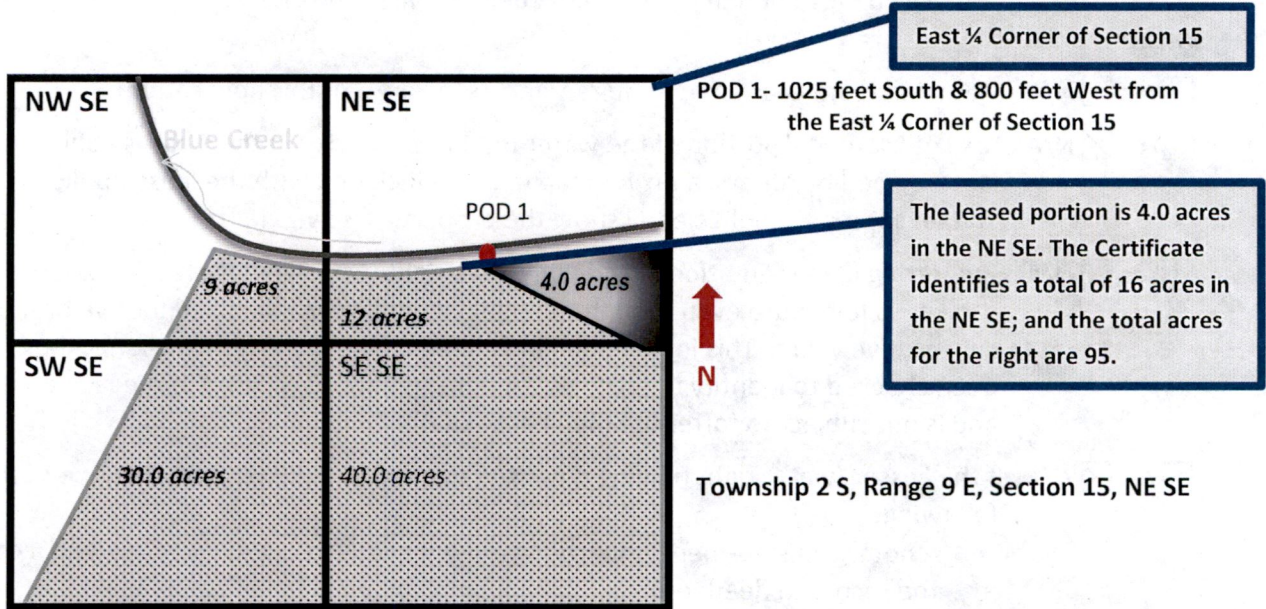
A Map is generally required for each water right not leased in its entirety

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 simple 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.

- N/A A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- A North arrow and map scale (no smaller than 1" = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hachured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

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



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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 2260

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 type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated						<input checked="" type="checkbox"/> Entirety - 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	
12/31/1902		9-S	16-E	6	NE-NE			11.0	IR		
12/31/1902		9-S	16-E	5	NW-NW			2.0	IR		
		-	-		-						
		-	-		-						
		-	-		-						

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Total Acres: 13

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)
12/31/1902		IR	13	1.5 AF/ac per 30 days,	0.3276	78
				6 AF/ac per season, 1/1 - 12/31	* see note	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>Max rate not listed on certificate but based on max AF/Ac per 30 days</u>						

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, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		Summers Ditch 1
	-	-		-		

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

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Trout Cr, tributary to Deschutes River</u>				River Basin: <u>Deschutes River</u>		
<p>Instream Portion: 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)
12/31/1902		IR	13	April 1 through July 30	0.3276	78
<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>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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <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>the Mouth of Trout Creek</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>leasing within duty limit per 30 days per acre</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 93805

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 type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated					<input checked="" type="checkbox"/> Entirety - 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	
12/31/1901		9-S	15-E	2	NW-NW		1	14	IR		
12/31/1901		9-S	15-E	3	NE-NE		1	1	IR		
12/31/1888		9-S	15-E	3	NE-NW		2	14	IR		
		-	-		-						
		-	-		-						

Total Acres: 29

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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)
12/31/1901		IR	15	1/1 - 12/31	0.378	90
12/31/1888		IR	14	1/1 - 12/31	0.3528	84
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: Not to exceed 1.5 AF/ac per 30 days or 6 AF/ac per season						

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, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	8-S	15-E	34	SE-SW		200 Feet North and 600 Feet West From N 1/4 corner, Sect 3, T9S, R15E, WM (Healy Ditch)
	9-S	15-E	2	NW-NW		600 Feet South and 800 Feet East from NW Corner, Section 2 (Sam Douthit Ditch)

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.

Part 3 of 4 cont. – Water Right and Instream Use Information

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Instream Use Information

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Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Trout Creek</u> , tributary to <u>Deschutes River</u>				River Basin: <u>Deschutes River</u>		
<p>Instream Portion: 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)
1888		IR	14	April 1 through July 30	0.3528	84
1901		IR	15	April 1 through July 30	0.378	90
<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>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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <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>the Mouth of Trout Creek</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>not rate limited, leasing within duty limit per 30 days per acre</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 93806

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.

If only leasing a portion of the right - complete Table 1 as indicated **Entirety** - 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	
		-	See Place of Use Table Exhibit A – 93806 attached								
1908		-	-		-					Received by OWRD MAY 14 2024 Salem, OR	
5/31/1878		-		-			45	IR			
12/31/1893		-		-			33	IR			
12/31/1897		-		-			18	IR			

Total Acres: 96

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)
1878		IR	45	1/1-12/31	1.134	270
1893		IR	33	1/1-12/31	0.8316	198
1897		IR	18	1/1-12/31	0.4536	108
1908		IR		1.25 ac Supplemental - Not Leased		N/A

Total af from storage, if applicable: ____ AF or N/A

Any additional information about the right: **Not to exceed 1.5 AF/Ac in 30 days. Not to exceed 6 AF/Ac in a season**

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, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	9-S	15-E	2	NE-NE		600 Feet South and 1000 Feet West From NE Corner, Sect 2
	9-S	15-E	2	NE NE NW NE		Portable Pump Located at points between the East Line, NENE, Section 1 and East Line NWNE, Section 2, T 9 S, R 15 E, WM
	-	-		-		New Points of Diversion ^ Above together with old points of

	-	-		-		Diversion below, not to exceed water available.
6	8-S	16-E	31	SE-SW		Friend Ditch No. 6
7	9-S	15-E	1	NE-NE		Nunn Ditch No. 7
8	8-S	15-E	36	SW-SW		Priday Ditch No. 8
<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.						

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Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Trout Creek</u> , tributary to <u>Deschutes River</u>				River Basin: <u>Deschutes River</u>		
<p>Instream Portion: 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 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)
May 1878		IR	45	4/1 through 7/30	1.134	270
1893		IR	33	4/1 through 7/30	0.8316	198
1897		IR	18	4/1 through 7/30	0.4536	108
<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>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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <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 Trout Creek</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>not rate limited, rate used is leasing within duty limit per 30 days per acre</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

Priority Date	POD	TWP	S	RNG	E	Sec	Q-Q	Tax Lot	Gov't Lot/ DLC	Acres	USE	Previous Lease
5/31/1878		9	S	15	E	1	NW NW		1	0.25	IR	
5/31/1878		9	S	15	E	2	NE NE		1	12.5	IR	
5/31/1878		9	S	15	E	2	NW NE		1	15.25	IR	
5/31/1878		9	S	15	E	2	NE NW		1	2.5	IR	
5/31/1878		8	S	15	E	35	SE SW		1	0.5	IR	
5/31/1878		8	S	15	E	35	SW SE		1	3.5	IR	
5/31/1878		8	S	15	E	35	SE SE		1	8.5	IR	
5/31/1878		8	S	15	E	36	SW SW		1	2	IR	
12/31/1893		8	S	15	E	35	SE SE		2	2	IR	
12/31/1893		8	S	15	E	36	SW SW		2	9.25	IR	
12/31/1893		8	S	15	E	36	SE SW		2	4	IR	
12/31/1893		8	S	15	E	36	SW SE		2	10.5	IR	
12/31/1893		8	S	15	E	36	SE SE		2	1	IR	
12/31/1893		9	S	15	E	1	NE NE		2	2.25	IR	
12/31/1893		9	S	15	E	1	NW NE		2	0.75	IR	
12/31/1893		9	S	15	E	1	NW NW		2	3.25	IR	
12/31/1897		8	S	16	E	31	SW SW		3	1.5	IR	
12/31/1897		9	S	15	E	1	NE NE		3	7	IR	
12/31/1897		9	S	15	E	1	NW NE		3	6	IR	
12/31/1897		9	S	15	E	1	NE NW		3	3.25	IR	
12/31/1897		8	S	15	E	36	SE SW		3	0.25	IR	
1908 Supplemental not leased												
12/31/1908		9	S	15	E	2	NW NE		4	1	IR	
12/31/1908		8	S	15	E	35	SE SE		4	0.25	IR	

	Priority	Acres	AF/30 days mx	AF/Ac mx	Total AF/Ac
Primary	5/31/1878	45	1.5	6	270
Primary	12/31/1893	33	1.5	6	198
Primary	12/31/1897	18	1.5	6	108
Supplemental	3288	1.25	Not leased		

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

Water Right Information

Water right # 93807

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.

If only leasing a portion of the right - complete Table 1 as indicated

Entirety - 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
Feb 1889		8-S	15-E	34	SE-SW			8	IR	Antelop Cr
Feb 1889		8-S	15-E	34	SE-SW			10.25	IR	TR Cr
Feb 1889		8-S	15-E	34	SW-SE			3.0	IR	TR Cr
Feb 1889		8-S	15-E	34	SE-SE			4.0	IR	TR Cr
Feb 1889		9-S	15-E	03	NE-NE			11.0	IR	TR Cr

Total Acres: 36.25

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)
2/28/1889	Ant C	IR	8	1 AF/Ac per 30 days, 3 AF/Ac per season	0.1344	24
2/28/1889	Tro C	IR	28.25	1.5 AF/Ac per 30 days, 6 AF/Ac per	0.7119	169.5

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, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	9-S	15-E	2	NW-NW		600 Feet South and 800 Feet East from NW Corner, Section 2

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.

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Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Trout Creek/Antelope Creek</u> , tributary to <u>Deschutes River</u>				River Basin: <u>Deschutes River</u>		
<p>Instream Portion: 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)
Feb 1889		IR	28.25	4/1 through 7/30	0.7119	169.5
Feb 1889		IR	8.0	4/1 through 7/30	0.1344	24
<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>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.</p>						
Instream Reach						
<p>Proposed Instream Reach: <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>the Mouth of Trout Creek</u></p>				<p>Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD</p>		
<p>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 certificate, the lease may be processed to be protected at the POD.)</p>						
Additional Instream Information						
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>not rate limited, leasing within duty limit per 30 days per acre</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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DLT Trout Creek Instream Lease Calculations

Certificate	Priority	Source	Primary/Sup	Use	Acres	AF/30 days	Max AF/Ac	Max Total AF	Max Rate* CFS/Ac	Max Total CFS	Season Listed on Certificate	Instream Start	Instream End	Days POD
2260	1902	Trout Cr	Primary	IR, Dom, Stock	13	1.5	6	78	0.0252	0.3276	"irrigation season"	4/1/2024	7/30/2024	120
93805	1888	Trout Cr	Primary	IR, Dom, Stock	14	1.5	6	84	0.0252	0.3528	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93805	1901	Trout Cr	Primary	IR, Dom, Stock	15	1.5	6	90	0.0252	0.378	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93806	May 1878	Trout Cr	Primary	IR, Dom, Stock	45	1.5	6	270	0.0252	1.134	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93806	1893	Trout Cr	Primary	IR, Dom, Stock	33	1.5	6	198	0.0252	0.8316	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93806	1897	Trout Cr	Primary	IR, Dom, Stock	18	1.5	6	108	0.0252	0.4536	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93806	1908	Trout Cr	Supplemental	IR, Dom, Stock	1.25	1.5	6	7.5	0.0252	0.0315	"irrigation season"	N/A	N/A	Identified on Cert
93807	Feb 1889	Trout Cr	Primary	IR, Dom, Stock	28.25	1.5	6	169.5	0.0252	0.7119	"irrigation season"	4/1/2024	7/30/2024	120 Identified on Cert
93807	Feb 1889	Antelope Cr	Primary	IR, Dom, Stock	8	1.0	3	24	0.0168	0.1344	"irrigation season"	5/1/2024	7/30/2024	90 Identified on Cert

*Max rate in this calculator is determined by the duty limit per acre per 30 days
 Dividing the 30 day duty limit by the days, then determining a max cfs per day as if water is used at a flat rate

AF/30 days per Ac	Days	AF/Day	Rate/Ac
1.5	30	0.0500	1.983471
1.0	30	0.0333	1.983471

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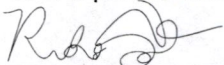
Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>April</u> year <u>2024</u> and end: month <u>July</u> year <u>2024</u> 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.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input type="checkbox"/> Recreation</p> <p><input type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)</p>
<p>Received by OWRD MAY 14 2024 Salem, OR</p>	
<p>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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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</p> <p><input type="checkbox"/> 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.</p>	

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: 5/13/24

Printed name (and title): Rika Ayotte, Executive Director Business name, if applicable: Deschutes Land Trust
 Mailing Address (with state and zip): 210 NW Irving Ave, Ste 102, Bend, OR 97703
 Phone number (include area code): 541-330-0017 **E-mail address: _____

See next page for additional signatures.

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: _____



Date: 05/14/2024

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 97703

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.**

Received by OWRD

MAY 14 2024

Salem, OR

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MAY 14 2024

Salem, OR

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That THOMAS Y. SUMNER of Antelope State of Oregon has a right to the use of the waters of Trout Creek, a tributary of Deschutes River

for the purpose of the irrigation of 13 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 4, at page 57; that the priority of the right hereby confirmed dates from 1902

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 acre feet per acre during any period of 30 days or 6 acre feet per acre during any irrigation season, and shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 11 acres in the NE 1/4 of Section 6 and 2 acres in the NW 1/4 of Section 5, T 9 S. R. 16 E. W. M., in Jefferson County, Oregon.

Received by OWRD MAY 14 2024 Salem, OR

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 15th day of May, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CURPER, State Engineer, President

Attest:

R. W. POTTER, Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2260.

STATE OF OREGON
 COUNTY OF JEFFERSON
 CERTIFICATE OF WATER RIGHT

Received by OWRD

THIS CERTIFICATE ISSUED TO

MAY 14 2024

JOHN WARREN PRIDAY
 GATEWAY RT BOX 461
 MADRAS OREGON 97741

Salem, OR

confirms the right to use the waters of TROUT CREEK, A TRIBUTARY OF THE DESCHUTES RIVER for IRRIGATION OF 29.0 ACRES OF LAND, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 57. The date of priority is 1901 for Tract No. 1 and 1888 for Tract No. 2.

The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre during any period of 30 days or 6 acre feet during any irrigation season, and shall be subject to all other conditions and limitations contained in said decree.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	15 E	WM	34	SE SW	200 FEET NORTH AND 600 FEET WEST FROM N 1/4 CORNER, SECTION 3, T 9 S, R 15 E, WM
9 S	15 E	WM	2	NW NW	600 FEET SOUTH AND 800 FEET EAST FROM NW CORNER, SECTION 2

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
9 S	15 E	WM	2	NW NW	14.0	1
9 S	15 E	WM	3	NE NE	1.0	1
9 S	15 E	WM	3	NE NW	14.0	2

The quantity of water diverted at the new point(s) of diversion, together with that diverted at the old point(s) of diversion, shall not exceed the quantity of water available at the old point(s) of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	15 E	WM	2	NW NE	SAM DOUTHIT DITCH
8 S	15 E	WM	34	SW SE	HEALY DITCH

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

The following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate is issued to confirm changes in POINTS OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered August 22, 1980, at Special Order Volume 33, Page 610, approving Transfer Application T-2633, and supercedes Certificate 2232, State record of Water Right Certificates.

Issued JUN 8 2018 .



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Received by OWRD

MAY 14 2024

Salem, OR

STATE OF OREGON

COUNTY OF JEFFERSON, WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN WARREN PRIDAY
GATEWAY RT BOX 461
MADRAS OREGON 97741

confirms the right to use the waters of TROUT CREEK, A TRIBUTARY OF DESCHUTES RIVER AND SPRING ON CLAIMANTS LAND for IRRIGATION OF 96.0 ACRES OF LAND, SUPPLEMENTAL SUPPLY FOR IRRIGATION OF 1.25 ACRES OF LAND, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 57. The date of priority is May 1878 for Tract No. 1; 1893 for Tract No. 2; 1897 for Tract No. 3 and 1908 for Tract No. 4.

The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 acre feet per acre during any period of 30 days or 6 acre feet during any irrigation season, and shall be subject to all other conditions and limitations contained in said decree.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	15 E	WM	2	NE NE	600 FEET SOUTH AND 1000 FEET WEST FROM NE CORNER, SECTION 2
9 S	15 E	WM	1	NE NE	PORTABLE PUMP LOCATED AT POINTS BETWEEN THE EAST LINE, NE NE, SECTION 1 AND EAST LINE NW NE, SECTION 2, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.
9 S	15 E	WM	2	NW NE	

A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
9 S	15 E	WM	1	NW NW	0.25	1
9 S	15 E	WM	2	NE NE	12.50	1
9 S	15 E	WM	2	NW NE	15.25	1
9 S	15 E	WM	2	NE NW	2.50	1
8 S	15 E	WM	35	SE SW	0.50	1
8 S	15 E	WM	35	SW SE	3.50	1
8 S	15 E	WM	35	SE SE	8.50	1
8 S	15 E	WM	36	SW SW	2.00	1
8 S	15 E	WM	35	SE SE	2.00	2
8 S	15 E	WM	36	SW SW	9.25	2
8 S	15 E	WM	36	SE SW	4.00	2

Received by OWRD

MAY 14 2024

Salem, OR

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
8 S	15 E	WM	36	SW SE	10.50	2
8 S	15 E	WM	36	SE SE	1.00	2
9 S	15 E	WM	1	NE NE	2.25	2
9 S	15 E	WM	1	NW NE	0.75	2
9 S	15 E	WM	1	NW NW	3.25	2
8 S	16 E	WM	31	SW SW	1.50	3
9 S	15 E	WM	1	NE NE	7.00	3
9 S	15 E	WM	1	NW NE	6.00	3
9 S	15 E	WM	1	NE NW	3.25	3
8 S	15 E	WM	36	SE SW	0.25	3

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
9 S	15 E	WM	2	NW NE	1.00	4
8 S	15 E	WM	35	SE SE	0.25	4

The quantity of water diverted at the new point(s) of diversion, together with that diverted at the old point(s) of diversion, shall not exceed the quantity of water available at the old point(s) of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	16 E	WM	31	SE SW	FRIEND DITCH NO. 6
9 S	15 E	WM	1	NE NE	NUNN DITCH NO. 7
8 S	15 E	WM	36	SW SW	PRIDAY DITCH NO. 8

The following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

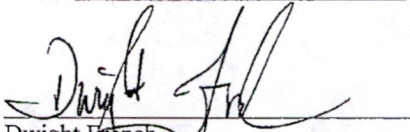
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate is issued to confirm changes in POINTS OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered August 22, 1980, at Special Order Volume 33, Page 610, approving Transfer Application T-2633, and supercedes Certificate 2255, State record of Water Right Certificates.

Issued JUN 8 2018


 Dwight French
 Water Right Services Division Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

Received by OWRD

MAY 14 2024

Salem, OR

STATE OF OREGON
COUNTY OF WASCO, JEFFERSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN WARREN FRIDAY
GATEWAY RT BOX 461
MADRAS OREGON 97741

confirms the right to use the waters of ANTELOPE CREEK, A TRIBUTARY OF TROUT CREEK, AND TROUT CREEK, A TRIBUTARY OF DESCHUTES RIVER for IRRIGATION OF 36.25 ACRES OF LAND, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jefferson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 5, at Page 57. The date of priority is February 1889.

The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.0 acre foot per acre during any period of 30 days or 3 acre feet per acre during any irrigation season from Antelope Creek and 1.5 acre feet per acre during any period of 30 days or 6 acre feet per acre during any irrigation season from Trout Creek and shall be subject to all other conditions and limitations contained in said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	15 E	WM	2	NW NW	600 FEET SOUTH AND 800 FEET EAST FROM NW CORNER, SECTION 2

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Source
8 S	15 E	WM	34	SE SW	8.00	Antelope Creek
8 S	15 E	WM	34	SE SW	10.25	Trout Creek
8 S	15 E	WM	34	SW SE	3.00	Trout Creek
8 S	15 E	WM	34	SE SE	4.00	Trout Creek
9 S	15 E	WM	3	NE NE	11.00	Trout Creek

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The quantity of water diverted at the new point(s) of diversion, together with that diverted at the old point(s) of diversion, shall not exceed the quantity of water available at the old point(s) of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	15 E	WM	34	NE SW	SCHULTZ DITCH NO. 1
9 S	15 E	WM	2	NE NW	SCHULTZ TROUT CREEK DITCHES

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

The following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

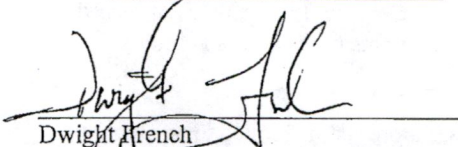
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate is issued to confirm changes in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered August 22, 1980, at Special Order Volume 33, Page 610, approving Transfer Application T-2633, and supercedes Certificate 2258, State record of Water Right Certificates.

Issued JUN 8 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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