

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 #	IL - 2045 / MP-325
	Fee-	

Pursuant to ORS 537.348(2) and OAR 690-077

MITIGATION PROJECT

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 Cons</u> (account name)	

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

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

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

Yes **How many water rights are leased? 6 List them here: 6, 7, 8, 10, 11, 12**
 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: 2004, 2006, 2007, 2008

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.

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Part 2 of 4 – Instream Lease Application Map Checklist

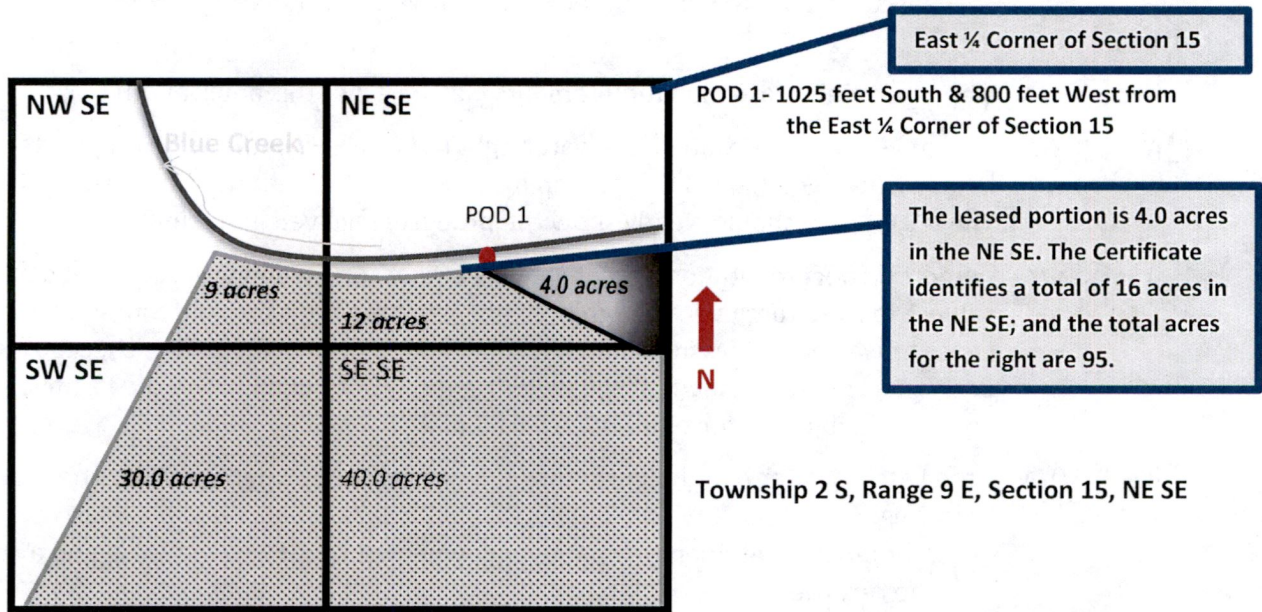
A Map is generally required for each water right not leased in its entirety

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 # 6

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
1901		21-S	11-E	30	NE-SW			12	IR	
1901		21-S	11-E	30	SW-SW			7	IR	
1901		21-S	11-E	30	SE-SW			16.5	IR	
1901		21-S	11-E	30	NW-NW			14	IR	
		-	-		-					

Total Acres: 49.5

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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)
1901		IR	49.5	April 1 - August 15, max rate, no max AF	0.71	192.93

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

Any additional information about the right: No max duty identified on cert. Calculated max duty w/ max rate & 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")
	-	-		-		
	-	-		-		

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>Paulina Creek, tributary to Little Deschutes</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)
12/31/1901		IR	49.5	April 1 - August 15	0.71	192.93
<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>Confluence with Little Deschutes through to Lake Billy Chinook</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></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 # 7

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
1900		21-S	11-E	30	NW-NE			24	IR	
1900		21-S	11-E	30	SW-NE			25	IR	Received by OWRD
1900		21-S	11-E	30	SE-NE			39	IR	
1900		21-S	11-E	30	NE-NW			37.5	IR	MAY 10 2024
		-	-		-					

Total Acres: 125.5

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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)
1900		IR	96.5	April 1 - November 1, max rate, no duty	1.76	750.55

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

Any additional information about the right: No max duty on Cert. Calculated max duty using max rate and 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")
	21-S	11-E	30	-		Caldwell Ditches 4, 5, 6 - No description
	-	-	-	-		

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>Paulina Creek, tributary to Little Deschutes</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)
12/30/1900		IR	125.5	April 1-November 1	1.76	750.55
<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:</p> <p><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>Confluence with Little Deschutes through to Lake Billy Chinook</u></p>				<p>Or Proposed Instream Point:</p> <p><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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></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 # 8

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
June 1899		21-S	11-E	19	NE-NW			21	IR	
June 1899		21-S	11-E	19	SW-NW			36.5	IR	Received by OWRD
June 1899		21-S	11-E	19	SE-NW			20	IR	MAY 10 2024
June 1899		21-S	11-E	19	NW-SW			17	IR	
		-	-		-					Salem, OR

Total Acres: 94.5

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)
June 1899		IR	94.5	April 1 - August 1 OR November 1	1.35	575.70
				max rate, no max duty		

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

Any additional information about the right: No max duty on Cert. Calculated max duty using max rate & 4/1-11/1 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")
	21-S	11-E	19	-		Caldwell Ditches 8,9,10 - no description given
	-	-		-		

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>Paulina Creek, tributary to Little Deschutes</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)
06/30/1899		IR	94.5	April 1- Nov 1	1.35	575.70
<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>Confluence with Little Deschutes through to Lake Billy Chinook</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></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 # 10

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
4/30/1908		21-S	11-E	30	NE-SE			21	IR	
4/30/1908		21-S	11-E	30	NW-SE			5.5	IR	
		-	-		-					
		-	-		-					
		-	-		-					

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Total Acres: 26.5

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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)
4/30/1908		IR	26.5	April 1 - December 1, max rate, no duty	0.38	184.66

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

Any additional information about the right: **No max duty. Calculated max duty using max rate and season of use.**

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")
	21-S	11-E	29	-		Ditch 4 Jointly Owned, no description given
	-	-		-		

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>Paulina Creek, tributary to Little Deschutes</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)
04/30/1908		IR	26.5	April 1 - December 1	0.38	184.66
<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:</p> <p><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>Confluence with Little Deschutes through Deschutes to Lake Billy Chinook</u></p>				<p>Or Proposed Instream Point:</p> <p><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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></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 # 11

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
1900		21-S	11-E	29	SE-SW			0.5	IR	
1900		21-S	11-E	29	NE-SE			12	IR	
1900		21-S	11-E	29	NW-SE			14	IR	
1900		21-S	11-E	29	SW-SE			7.5	IR	
		-	-		-					

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Total Acres: 34

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)
12/31/1900		IR	34	April 1 - August 30, max rate, no duty	0.49	147.73
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>No max duty. Calculated max duty using max rate and season of use.</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")
	21-S	11-E	29	-		Rease Ditch, no description given
	-	-		-		
<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.						

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Paulina Creek, tributary to Little Deschutes</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)
12/31/1900		IR	34	April 1 - August 30	0.49	147.73
<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:</p> <p><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>Confluence with Little Deschutes through to Lake Billy Chinook</u></p>				<p>Or Proposed Instream Point:</p> <p><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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></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 # 12

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
12/31/1900		21-S	11-E	29	SW-NW			22.5	IR	
12/31/1900		21-S	11-E	29	SE-NW			15.5	IR	
12/31/1900		21-S	11-E	29	NE-SW			37.5	IR	
12/31/1900		21-S	11-E	29	NW-SW			21.0	IR	
		-	-		-					

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Total Acres: 96.5

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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)
12/31/1900		IR	96.5	April 1 - August 30, max rate, no duty	1.38	416.05
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: <u>No max duty. Calculated max duty using max rate and season of use.</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")
	21-S	11-E	29	-		Rease Joint Ditch, no description
	-	-	-	-		
<input checked="" 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.						

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Paulina Creek, tributary to Little Deschutes</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)
1900		IR	125.5	April 1-August 30	1.38	416.05
<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:</p> <p><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>Confluence with Little Deschutes through to Lake Billy Chinook</u></p>				<p>Or Proposed Instream Point:</p> <p><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 type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</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: <u>Mitigation Project</u></p>						

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DLT Paulina Creek Instream Lease Calculations

Primary Water Rights																	
Primary			Supplemental		Use	Acres	Max AF/Ac	Max Total AF	Max Rate* CFS/Ac	Max Total CFS	Certific		Instream		Days POD	Tract	Prior Leases
Certificate	Priority	Source	Cert	Start							End	Start	End				
6	12/31/1901	Paulina Cr	Supplemental see 2004, not limited to 8/15	IR	49.5	3.9	192.93	0.01434	0.71	1-Apr	15-Aug	4/1/2024	8/15/2024	137		IL-422, 494 & 653	
7	12/31/1900	Paulina Cr	Supplemental see 2004	IR	125.5	5.98	750.55	0.01402	1.76	1-Apr	1-Nov	4/1/2024	11/1/2024	215		IL-421, 494 & 653	
8	6/30/1899	Paulina Cr	Supplemental see 2008, On Cert - Irrigation from 4/1 to 8/1 or 11/1	IR	94.5	6.09	575.70	0.01429	1.35	1-Apr	1-Nov	4/1/2024	11/1/2024	215		IL-421, 494 & 653	
10	4/30/1908	Paulina Cr	Supplemental see 2006, though acres aren't listed on 2006, limit 4/1-8/31	IR	26.5	6.97	184.66	0.01434	0.38	1-Apr	1-Dec	4/1/2024	12/1/2024	245		IL-422, 494 & 653	
11	12/31/1900	Paulina Cr	Supplemental see 2007, IR 4/1-8/30, Dom 1/1-12/31	IR	34	4.34	147.73	0.01441	0.49	1-Apr	30-Aug	4/1/2024	8/30/2024	152		IL-422, 494	
12	12/31/1900	Paulina Cr	Supplemental see 2006, IR 4/1-8/30	IR	96.5	4.31	416.05	0.01430	1.38	1-Apr	30-Aug	4/1/2024	8/30/2024	152		IL-421, 494 & 653	
					426.5		2267.62		6.07								

* all primary rights also for domestic use

No Duty limitation is identified on these certificates.
Duty max: maximum acre feet per acre based on max rate in cfs, season of use

Supplemental Water Rights									
Certificate	Priority	Source	Supplemental to Primary Right	Acres	AF	CFS	Start	End	Notes
2004	12/31/1899	Paulina Rsvr	Supplemental to Cert 6 & 7	175	1313	2.5	1-Jan	31-Dec	Look up volume 1 pages 6 & 7
2006	12/31/1899	Paulina Rsvr	Supplemental to Cert 10 & 12 (Cert 10 lists Cert 2006 as supplemental)	96.5	724	1.38	1-Jan	31-Dec	IR 4/1-8/30 (supplem), storage 1/1-12/31 (Primary)
2007	12/31/1899	Paulina Rsvr	Supplemental to Cert 11	34	256	0.49	1-Jan	31-Dec	
2008	12/31/1899	Paulina Rsvr	Supplemental to Cert 8	94.5	710	1.35	1-Jan	31-Dec	Storage & IR 1/1-12/31
				400	3003	5.72			

* AF is excess of associated limiting primary rights
(based on cfs max per acre then calculating AF max per acre)

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 10:55 AM


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: <u>month April year 2024</u> and end: <u>month November year 2028</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 checked="" type="checkbox"/> Recreation</p> <p><input checked="" 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 checked="" 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 10 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: 5/10/24

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

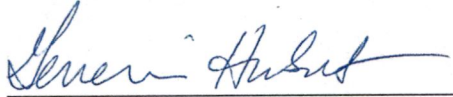
Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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



Date: 05/10/2024

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 Street, 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 10 2024

Salem, OR

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MAY 10 2024

Salem, OR

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That GROVER H. CALDWELL,

of Rosland, State of Oregon, has a right to the use of the waters of PAULINA CREEK AND PAULINA LAKE, tributary to the Deschutes River, in Crook County, Oregon,

for the purposes of irrigation and domestic use (irrigation from April 1st to August 15th of each year),

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 69; that the priority of the right hereby confirmed dates from 1901;

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 0.71 cubic feet per second.

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:

Twelve acres in NE 1/4 of SW 1/4; seven acres in SW 1/4 of SW 1/4; sixteen and one-half acres in SE 1/4 of SW 1/4; Sec. 19; fourteen acres in NW 1/4 of NW 1/4, Sec. 30, Tp. 21 S. R. 11 E., W. M., all in Crook County, State of Oregon.

for supplemental Supply (This certificate recorded in Vol. 3, page 2004)

Received by OWRD

MAY 10 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 Board of Control, affixed this 29th day of November, 1911.

BOARD OF CONTROL

(Seal of Board of Control)

By: JOHN F. LEWIS, State Engineer, President

Attest:

M. B. Wann, Secretary

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That L. C. GALDWELL,

of Rosland State of Oregon, has a right to the use of the waters of PAULINA CREEK AND PAULINA LAKE, tributary to the Deschutes River, in Crook County, Oregon,

for the purposes of irrigation and domestic use, (Irrigation season: April 1st to November 1st of each year)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 69; that the priority of the right hereby confirmed dates from 1900;

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 1.76 cubic feet per second.

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:

Twenty-four acres in NW 1/4 of NE 1/4; twenty-five acres in SW 1/4 of NE 1/4; thirty-nine acres in SE 1/4 of NE 1/4; thirty-seven and one-half acres in NE 1/4 of NW 1/4; all in section 30, Tp. 21 S. R. 11 E., W. M., Crook County, Oregon.

For supplemental supply. (See certificate recorded in Vol. 3, page 204)

Received by OWRD

MAY 10 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 Board of Control, affixed this 29th day of November, 1911.

BOARD OF CONTROL

(Seal of Board of Control)

JOHN H. LEWIS, State Engineer, President

Attest:

M. B. Wynn, Secretary

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That HUBERT G. CALDWELL, of Rosland, State of Oregon, has a right to the use of the waters of PAULINA CREEK AND PAULINA LAKE, tributary to the Deschutes River, in Crook County, Oregon,

for the purpose of irrigation and domestic use, (Irrigation season: from April 1st to August 1st or November 1st of each year)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 69; that the priority of the right hereby confirmed dates from June, 1899;

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 1.35 cubic feet per second.

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:

Twenty-one acres in NE 1/4 of NW 1/4; thirty-six and one-half acres in SW 1/4 of NW 1/4; twenty acres in SE 1/4 of NW 1/4; seventeen acres in NW 1/4 of SW 1/4; all in Sec. 19, Tp. 21 S., R. 11 E., W. 7 M., Crook County, Oregon.

for supplemental supply (see certificate recorded in Vol. 3, page 208)

Received by OWRD

MAY 10 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 Board of Control, affixed this 29th day of November . 19 11.

BOARD OF CONTROL

By JOHN H. LEWIS, State Engineer, President

(Seal of Board of Control)

Attest:

M. B. Wann, Secretary

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That E. G. ROURE, of Crescent, State of Oregon, has a right to the use of the waters of PAULINA CREEK AND PAULINA LAKE, tributary to the Deschutes River, in Crook County, Oregon,

for the purposes of irrigation and domestic use, (Irrigation season: from April 1st to December 1st of each year)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 69 ; that the priority of the right hereby confirmed dates from April, 1908;

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 0.38 cubic feet per second.

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:

Twenty-one (21) acres in NE 1/4 of SE 1/4; five and one-half (5 1/2) acres in NW 1/4 of SE 1/4; Sec. 30, Tp. 21 S., R. 11 E., W. M., in Crook County, Oregon.

*For Supplemental Supply,
this certificate recorded in Vol. 3, page 2006*

Received by OWRD

MAY 10 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 Board of Control, affixed this 29th day of November . 19 11 .

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS, State Engineer, President

Attest:

M. B. Wann, Secretary

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That ELIZABETH V. KEASE,
of Rosland, State of Oregon, has a right to the use of
the waters of PAULINA CREEK AND PAULINA LAKE, tributary to the Deschutes
River, in Crook County, Oregon,

for the purposes of irrigation and domestic use, (Irrigation season: April 1st
to August 30th of each year).

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Crook County, and the said decree entered of record at Salem,
in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at
page 69 ; that the priority of the right hereby confirmed dates from 1900;

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
poses, and shall not exceed 0.49 cubic feet per second.

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:

One-half ($\frac{1}{2}$) acre in SE $\frac{1}{4}$ of SW $\frac{1}{4}$; twelve (12) acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$; four-
teen (14) acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$; seven and one-half acres ($7\frac{1}{2}$) acres in SW $\frac{1}{4}$ of
SE $\frac{1}{4}$; Sec. 29, Tp. 21 S., R. 11 E., W. M., in Crook County, Oregon.

*For Supplemental Supply,
(See certificate recorded in Vol 3, page 2007)*

Received by OWRD

MAY 10 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 Board
of Control, affixed this 29th day
of November, 1911.

BOARD OF CONTROL.

(Seal of Board of Control)

By JOHN H. LEWIS,
State Engineer, President

Attest:

M. B. Wann,
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 11

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF CROOK.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That E. F. REASE, of Rosland, State of Oregon, has a right to the use of the waters of PAULINA CREEK AND PAULINA LAKE, tributary of the Deschutes River, in Crook County, Oregon,

for the purpose of irrigation and domestic use, (Irrigation season: from April 1st to August 30th of each year)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at page 69 ; that the priority of the right hereby confirmed dates from 1900;

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 1.38 cubic feet per second.

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:

Twenty-two and one-half (22 1/2) acres in SW 1/4 of NW 1/4; fifteen and one-half acres (15 1/2) in SE 1/4 of NW 1/4; thirty-seven and one-half (37 1/2) acres in NE 1/4 of SW 1/4; twenty-one (21) acres in NW 1/4 of SW 1/4; Sec. 29, Tp. 21 S., R. 11 E., W. M., in Crook County, Oregon.

Received by OWRD

MAY 10 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 Board of Control, affixed this 29th day of November . 1911 .

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS, State Engineer, President

Attest:

M. B. Wann, Secretary



Josh Newton
Partner
(541) 318-9817
josh.newton@bbklaw.com

March 12, 2024

VIA E-MAIL ONLY: GEN@DESCHUTESRIVER.ORG

Genevieve Hubert
Senior Program Manager
Deschutes River Conservancy
700 NW Hill St., Suite 1
Bend, OR 97703

Re: Deschutes River Conservancy | Instream Leases

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon (“Tribe”). Deschutes River Conservancy (“DRC”) has provided the Tribe with information concerning several proposed instream leases identified in **Appendix A** hereto (“Leases”), which Leases propose to lease water for instream purposes. The Tribe has reviewed the Leases and does not object to the Department of Water Resources (“Department”) processing the transfers in accordance with applicable law, and the Department’s customary practice. The Tribe, however, expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the Leases, including, but not limited to, whether the Leases violate the Treaty of June 25, 1855, with the Tribes of Middle Oregon, 12 Stat. 963, or the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended.

Please let us know if you have any questions.

Sincerely,


Josh Newton
of BEST BEST & KRIEGER LLP

JN

cc: Kate Fitzpatrick
Robert A. Brunoe
Austin Smith, Jr.
Brad Houslet
Alison K. Toivola, Esq.
Jeremy Giffin, Oregon Water Resources Department
Ann Reece, Oregon Water Resources Department

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Appendix A

- Lease # 999
- Lease # 1615
- Lease # 1737
- Lease # 668
- Lease # 1100 (697)
- Lease # 898
- Lease # 899
- Lease # 1320 (948)
- Lease # 615
- Lease # 1243
- Lease # 1818
- Lease # 1965
- Lease # 1878
- Lease # L-1742
- Lease # L-1743
- Lease # L-1108
- Lease # L-1975
- Possible new lease contemplated under Certificates numbered 2260, 93805, 93806, and 93807
- Possible new lease contemplated under Certificates numbered 6, 7, 8, 10, 11, and 12
- Possible new lease contemplated from lessor Wanek Ranch, LLC for additional 129.4 acres of her total 368.1 acres (in addition to existing leases L-1742 and L-1743)

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