

# 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

|  |              |
|--|--------------|
| <b>Complete Part 1 through 4 and include the required attachments</b><br><b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b> | OWRD # _____ |
|  | 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**

|             |   |   |
|-------------|---|---|
| <b>Fees</b> | <input type="checkbox"/> \$610.00 for a lease involving <b>four or more landowners or four or more water rights</b> | <input checked="" type="checkbox"/> \$410.00 for all other leases |
|             | <input checked="" type="checkbox"/> Check enclosed <u>or</u>  |   |
|             | <input type="checkbox"/> Fee Charged to customer account _____ (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? 3 List them here: 14563, 31726, 49955**  
 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: 27008, 38187**

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.

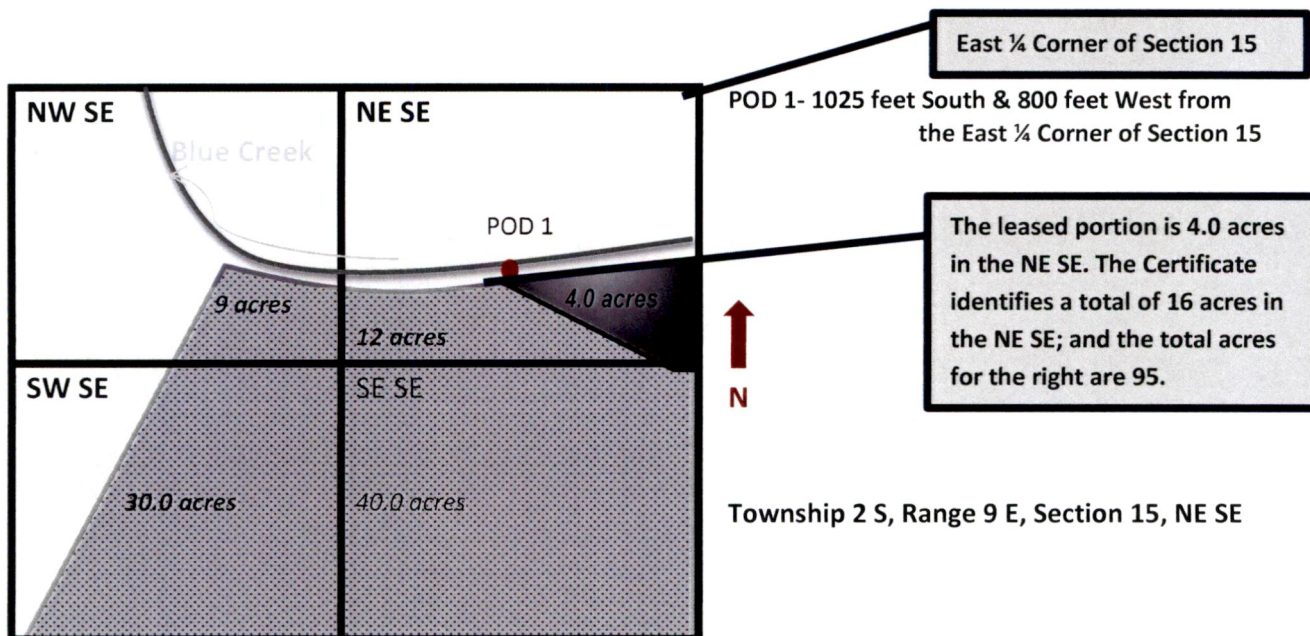
This should be a simple map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- 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 hatchured 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.

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





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 # 14563

**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)             |
|----------------|-------|-----|------|-----|-------|---------|---------------|-------|-----|---------------------------------------|
| <b>EXAMPLE</b> |       |     |      |     |       |         |               |       |     |                                       |
| 12/2/1901      | 3     | 2-S | 9-E  | 15  | NE SE | 100     | 47            | 4.0   | IR  | IL-1100                               |
| 1860           |       | 2-N | 13-E | 29  | SW-NE | 400     |               | 1.7   | IR  | N/A                                   |
| 1860           |       | 2-N | 13-E | 29  | SE-NW | 400     |               | 2.0   | IR  | N/A                                   |
|                |       | -   | -    |     | -     |         |               |       |     | <b>Received</b><br><b>JUN 10 2024</b> |
|                |       | -   | -    |     | -     |         |               |       |     |                                       |
|                |       | -   | -    |     | -     |         |               |       |     |                                       |

Total Acres: 3.7

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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) |
|---------------|-------|-----|-------------|---|------------------|-------------------|
| 1860          |       | IR  | 3.7         |   | 0.06             | 11.1              |
|               |       |     |             |   |                  |                   |

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") |
|-------|-----|-----|-----|-----|----------------|---|
|       | -   | -   |     | -   |                | Not listed in certificate   |
|       | -   | -   |     | -   |                |   |

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**

| <b>Instream Use Created by the Lease</b>  |       |     |       |  |                                 |                            |
|---|-------|-----|-------|--|---------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Chenowith Creek</u> , tributary to <u>Columbia</u><br><u>River</u>  |       |     |       |  | <b>River Basin:</b> <u>Hood</u> |                            |
| <p><b>Instream Portion:</b> 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) |
| 1860  |       | IR  | 3.7   | March 1- October 1   | 0.06                            | 11.1                       |
|   |       |     |       |  |                                 |                            |
| <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><b>OR</b> <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>   |       |     |       |  |                                 |                            |
| <b>Instream Reach</b>   |       |     |       |  |                                 |                            |
| <p><b>Proposed Instream Reach:</b></p> <p><input 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 _____</p>   |       |     |       | <p><b>Or Proposed Instream Point:</b></p> <p><input checked="" type="checkbox"/> Instream use protected at the POD</p> |                                 |                            |
| <p><b>OR</b> <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>  |       |     |       |  |                                 |                            |
| <b>Additional Instream Information</b>  |       |     |       |  |                                 |                            |
| <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>The Applicant understands that OWRD will consult with ODFW to determine the period during which the rate of 0.06 cfs would be protected instream.</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p> |       |     |       |  |                                 |                            |
| <p><b>Any additional information about the proposed instream use:</b></p>   |       |     |       |  |                                 |                            |

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

**Water Right Information**

**Water right # 31726**

**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 checked="" type="checkbox"/> <b>If only leasing a portion of the right</b> - complete Table 1 as indicated |       |     |      |     | <input type="checkbox"/> <b>Entirety</b> - 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) |
| <b>EXAMPLE</b>  |       |     |      |     |  |         |               |       |     |                           |
| 12/2/1901   | 3     | 2-S | 9-E  | 15  | NE SE  | 100     | 47            | 4.0   | IR  | IL-1100                   |
| 1860  |       | 2-N | 13-E | 29  | SE-NW  | 100     |               | 1.8   | IR  | N/A                       |
|   |       | -   | -    |     | -  |         |               |       |     |                           |
|   |       | -   | -    |     | -  |         |               |       |     |                           |

**Total Acres: 1.8**

**Table 2**

| <b>To illustrate the totals for the water right proposed to be leased instream</b>  |       |     |             |   |                  |                   |
|---|-------|-----|-------------|---|------------------|-------------------|
| 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) |
| 1860  |       | IR  | 1.8         |   | 0.03             | 5.4               |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A   |       |     |             |   |                  |                   |
| Any additional information about the right: _____   |       |     |             |   |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then <b>the specific POD(s)</b> 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 | Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")   |
|   | 2-N | 13-E | 29  | SW-NW |           | 390 feet N and 800 ft E from the W ¼ corner of Section 29 (Note: Certificate 31726 does not describe the location of the POD. This description is consistent with the authorized POD described in the final order for Transfer W-100, of which Cert. 31726 is the remaining right.) |
| <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**

| <b>Instream Use Created by the Lease</b>  |       |     |       |  |                                 |                            |
|---|-------|-----|-------|--|---------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Chenowith Creek</u> , tributary to <u>Columbia River</u>  |       |     |       |  | <b>River Basin:</b> <u>Hood</u> |                            |
| <p><b>Instream Portion:</b> 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) |
| 1860  |       | IR  | 1.8   | March 1 to October 1   | 0.03                            | 5.4                        |
|   |       |     |       |  |                                 |                            |
| <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><b>OR</b> <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>   |       |     |       |  |                                 |                            |
| <b>Instream Reach</b>   |       |     |       |  |                                 |                            |
| <p><b>Proposed Instream Reach:</b></p> <p><input 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 _____</p>   |       |     |       | <p><b>Or Proposed Instream Point:</b></p> <p><input checked="" type="checkbox"/> Instream use protected at the POD</p> |                                 |                            |
| <p><b>OR</b> <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>  |       |     |       |  |                                 |                            |
| <b>Additional Instream Information</b>  |       |     |       |  |                                 |                            |
| <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>The Applicant understands that OWRD will consult with ODFW to determine the period during which the rate of 0.03 cfs would be protected instream.</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p> |       |     |       |  |                                 |                            |
| <p><b>Any additional information about the proposed instream use:</b> _____</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 # 49955

**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) |
|----------------|-------|-----|------|-----|-------|---------|---------------|-------|-----|---------------------------|
| <b>EXAMPLE</b> |       |     |      |     |       |         |               |       |     |                           |
| 12/2/1901      | 3     | 2-S | 9-E  | 15  | NE SE | 100     | 47            | 4.0   | IR  | IL-1100                   |
| 1860           |       | 2-N | 13-E | 29  | NW-NE | 100     | 37            | 2.2   | IR  | N/A                       |
| 1860           |       | 2-N | 13-E | 29  | SW-NE | 100     | 37            | 12.5  | IR  | N/A                       |
| 1860           |       | 2-N | 13-E | 29  | SE-NE | 100     | 37            | 0.1   | IR  | N/A                       |
| 1860           |       | 2-N | 13-E | 29  | SE-NW | 100     | 37            | 3.4   | IR  | N/A                       |
|                |       | -   | -    |     | -     |         |               |       |     |                           |

**Total Acres: 18.2**

**Table 2**

| <b>To illustrate the totals for the water right proposed to be leased instream</b>        |       |     |             |   |                  |                   |
|---|-------|-----|-------------|---|------------------|-------------------|
| Priority Date   | POD # | Use | Total Acres | Other Information (such as conditions/limitations on the right) | Total Rate (cfs) | Total Volume (af) |
| 1860  |       | IR  | 18.2        |   | 0.30             | 54.6              |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A |       |     |             |   |                  |                   |
| Any additional information about the right: _____   |       |     |             |   |                  |                   |

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**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") |
|-------|-----|------|-----|-------|----------------|---|
|       | 2-N | 13-E | 29  | SW-NE | 37             | 200 feet North and 940 feet West from the SE corner, DLC 37   |
|       | -   | -    |     | -     |                |   |

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**

| <b>Instream Use Created by the Lease</b>  |       |     |       |  |                                 |                            |
|---|-------|-----|-------|--|---------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Chenowith Creek</u> , tributary to <u>Columbia River</u>  |       |     |       |  | <b>River Basin:</b> <u>Hood</u> |                            |
| <p><b>Instream Portion:</b> 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) |
| 1860  |       | IR  | 18.2  | March 1 to October 1   | 0.30                            | 54.6                       |
|   |       |     |       |  |                                 |                            |
| <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><b>OR</b> <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>   |       |     |       |  |                                 |                            |
| <b>Instream Reach</b>   |       |     |       |  |                                 |                            |
| <p><b>Proposed Instream Reach:</b><br/> <input 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 _____</p>   |       |     |       | <p><b>Or Proposed Instream Point:</b><br/> <input checked="" type="checkbox"/> Instream use protected at the POD</p> |                                 |                            |
| <p><b>OR</b> <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>  |       |     |       |  |                                 |                            |
| <b>Additional Instream Information</b>  |       |     |       |  |                                 |                            |
| <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here <u>The Applicant understands that OWRD will consult with ODFW to determine the period during which the rate of 0.30 cfs would be protected instream.</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p> |       |     |       |  |                                 |                            |
| <p><b>Any additional information about the proposed instream use:</b> _____</p>   |       |     |       |  |                                 |                            |



## Part 4 of 4 – Lease Provisions and Party Signatures

**Term of the Lease (may be from 1 year up to 5 years):**

The lease is requested to begin in: **month** March **year** 2024 and end: **month** October **year** 2028

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.

**Public use:** Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
- Recreation
- Pollution abatement
- Navigation

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

**The parties to the lease request (choose one):**

- a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.
- b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
- c. The parties would not like to include a Termination Provision.

(See instructions for limitations to this provision)

**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.

If you would like this lease to relate to other instream water rights differently, please check this box.   
And attach an explanation of your intent.

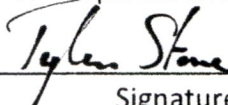
**Validity of the Right(s) to be leased (check the appropriate box):**

- The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or
- 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.

**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: 5/30/2024

Printed name (and title): Tyler Stone, Administrative Officer Business name, if applicable: Wasco County  
Mailing Address (with state and zip): 511 Washington St., Suite 101, The Dalles, OR 97058



Phone number (include area code): 541-506-2552 \*\*E-mail address: tylers@co.wasco.or.us

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

Signature of Co-Lessor

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

Business/organization name: \_\_\_\_\_

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

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

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

Signature of Lessee

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

Business/organization name: \_\_\_\_\_

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

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

**\*\* BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR.**

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**JUN 10 2024**  
**OWRD**



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JUN 10 2024

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## **Attachment A**

Certificates 14563, 31726, and 49955

Application for Instream Lease - Wasco County

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## STATE OF OREGON

COUNTY OF WASCO

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Park S. Plummer

of The Dalles, State of Oregon, has a right to the use of  
the waters of Chanowith Creek and spring  
for the purpose of Irrigation and Stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Wasco County, and the said decree entered of record at Salem, in the Order  
Record of the STATE ENGINEER, in Volume 10, at page 219; that the priority  
of the right thereby confirmed dates from 1860

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 3 acre-feet per acre,  
measured at the point of diversion from the stream, which may be diverted at a  
rate not to exceed 1/60th of one cubic foot per second per acre during the  
irrigation season from March 1 to October 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
4.75 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
5.75 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 29,  
T. 2 N., R. 13 E., W. M.

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And said right shall be subject to all other conditions and limitations  
contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use  
herein described.

WITNESS the signature of the State Engineer,

affixed this 6th day

of December, 1940/3.

CHAS. E. STRICKLIN  
State Engineer.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED WETLE

of The Dalles, State of Oregon, has a right to the use of the waters of Chenowith Creek

a tributary of Columbia River for the purpose of irrigation and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wasco County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 10, at page 219; that the priority of the right thereby confirmed dates from 1860

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3 acre feet per acre, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed 1/60th of one cubic foot per second per acre during the irrigation season from March 1 to October 1 of each year.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 17.7 acres NE 1/4 NE 1/4
- 1.8 acres SE 1/4 NW 1/4
- Section 29
- 2.3 acres NW 1/4 NW 1/4
- Section 28
- 0.1 acre SW 1/4 SW 1/4
- Section 21
- 0.3 acre SE 1/4 SE 1/4
- Section 20
- T. 2 N., R. 13 E., W. M.

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Certificate of water right issued to Fred Wetle and recorded at page 14568, Volume 12, State Record of Water Right Certificates, confirms a right to the use of water for irrigation of 14.2 acres. Subsequently, the right to use of water appurtenant to 3.8 acres was transferred and change in point of diversion for 18.2 acres was approved by order of the State Engineer entered August 25, 1964. This certificate is issued to confirm the remaining right to the use of water for irrigation and stock and supersedes the certificate heretofore issued to Fred Wetle.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this date December 15, 1964.

CHRIS L. WHEELER State Engineer



STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED WETLE

of The Dalles, State of Oregon 97058, has a right to the use of the waters of Chenowith Creek

a tributary of for the purpose of irrigation of 22.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wasco County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 10, at page 219; that the priority of the right thereby confirmed dates from 1860

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3 acre-feet per acre, measured at the point of diversion from the creek, which may be diverted at a rate not to exceed 1/60th of one cubic foot per second per acre during the irrigation season from March 1 to October 1 of each year, if available at the original point of diversion; SW 1/4 NW 1/4, Section 29, T2N, R13E, WM, Anderson\* The point of diversion is located in the SW 1/4 NE 1/4, Section 29, T2N, R13E, WM; 200 feet North and 940 feet West from SE Corner, DLC 37

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

\*Ditch - 390 feet North and 800 feet East from W 1/2 Corner, Section 29.

SEE NEXT PAGE

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2.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
14.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
1.6 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
3.4 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
all as projected within Chenoweth DLC 37  
Section 29  
Township 2 North, Range 13 East, WM

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered August 25, 1964, and together with certificate of water right recorded at page 31726, Volume 23, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 14568, Volume 12, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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*And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.*

WITNESS the signature of the Water Resources Director, affixed

this date April 23, 19 81.

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 49955

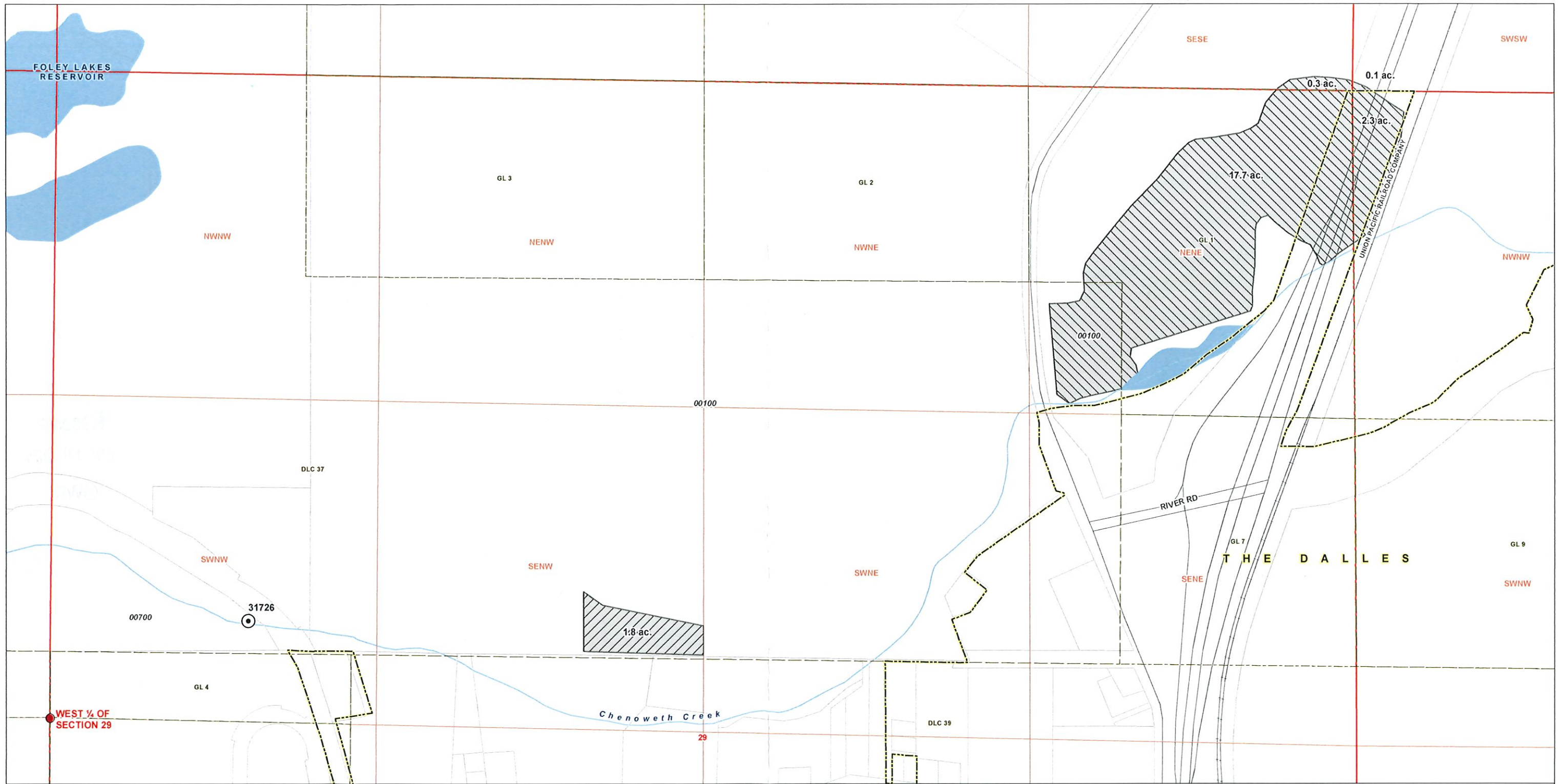


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## **Attachment B**

Instream Lease Application Maps  
Application for Instream Lease - Wasco County

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**LEGEND**

- ⊙ Point of Diversion (POD)
- Place of Use (POU)
- ▨ Included in Instream Lease
- ▩ Not Included in Instream Lease
- All Other Features
- Tax Lot
- ▭ City Boundary
- Major Road
- Railroad
- ~ Watercourse
- ☁ Waterbody

**LOCATION DESCRIPTION**

Located 390 feet North and 800 feet East from the West 1/4 corner of Section 29, Township 2 North, Range 13 East (W.M.)

**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
 Date: May 22, 2024  
 Data Sources: BLM, ESRI, OWRD, USGS

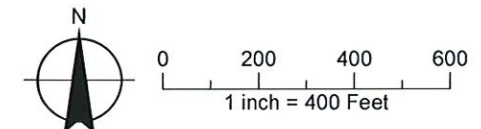
Received  
 JUN 10 2024  
 OWRD

**Application for Instream Lease**

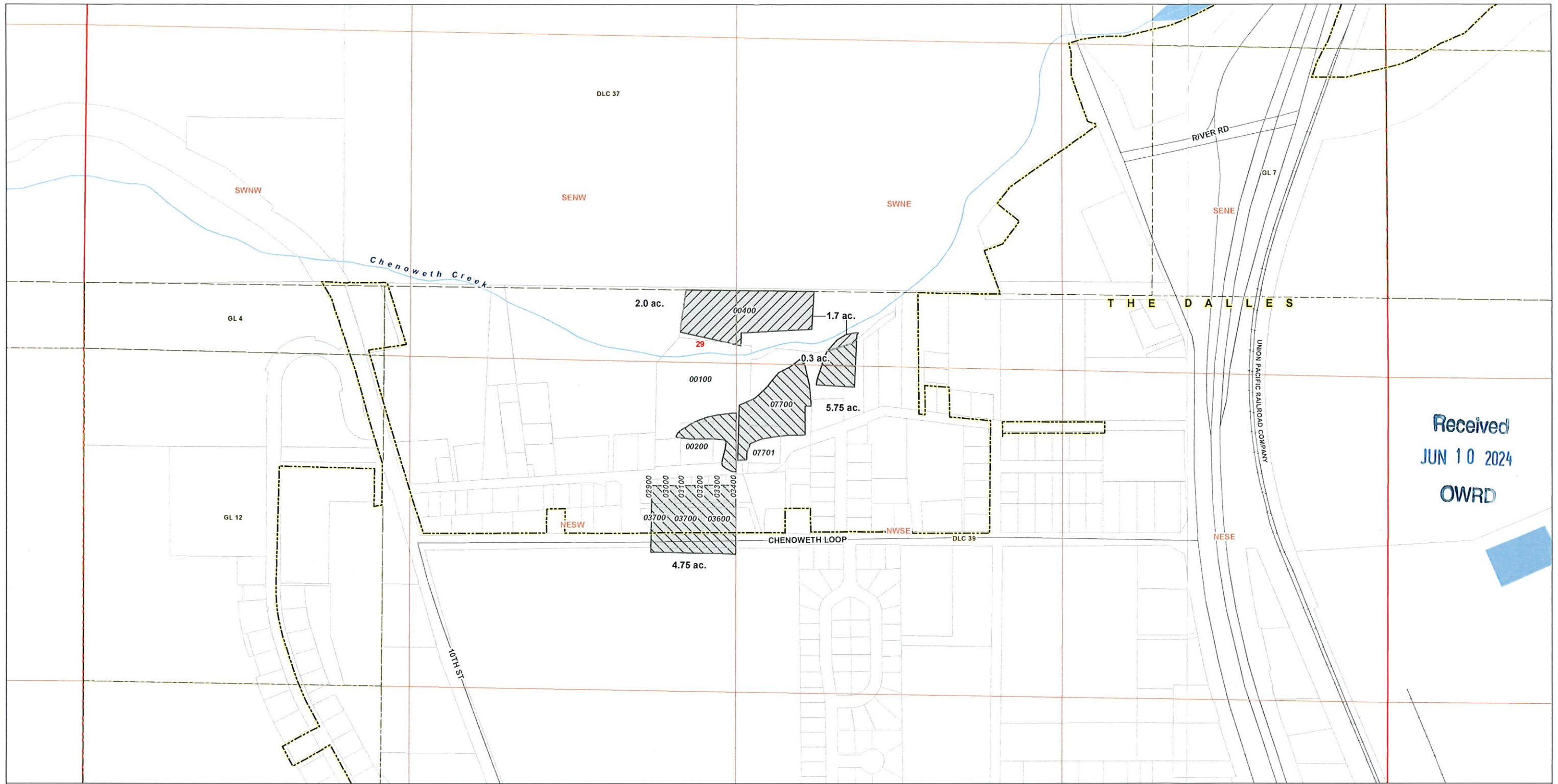
Certificate 31726

Wasco County, Oregon

Township 2 North, Range 13 East (W.M.)









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 OWRD

**LEGEND**

**Place of Use (POU)**

-  Included in Instream Lease
-  Not Included in Instream Lease

**All Other Features**

-  Tax Lot
-  City Boundary
-  Major Road
-  Railroad

-  Watercourse
-  Waterbody

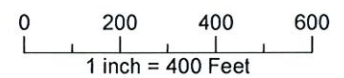
**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
 Date: May 22, 2024  
 Data Sources: BLM, ESRI, OWRD, USGS

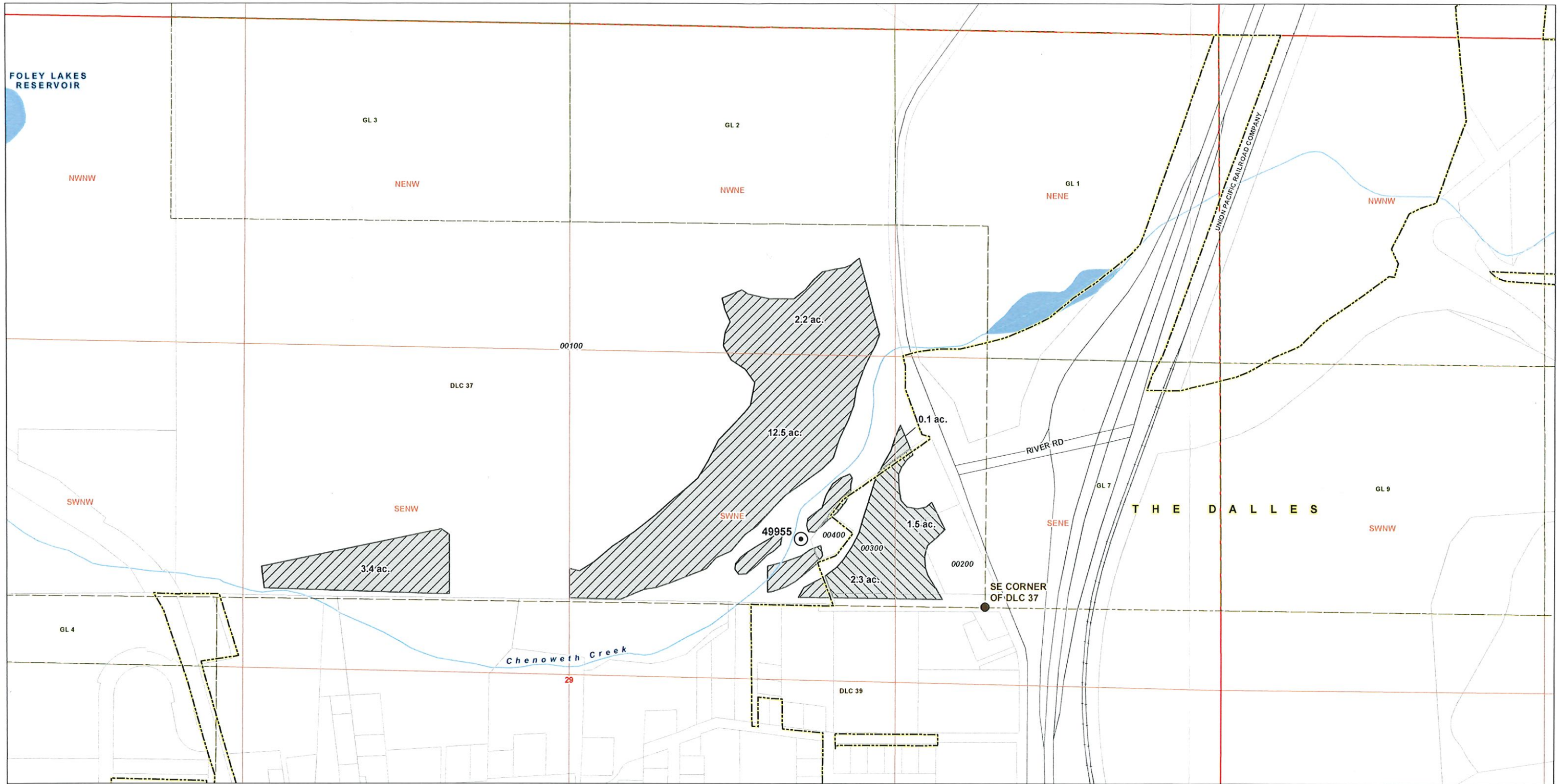
**Application for Instream Lease**

**Certificate 14563**

Wasco County, Oregon  
 Township 2 North, Range 13 East (W.M.)







**LEGEND**

- ⊙ Point of Diversion (POD)
- ▨ City Boundary
- Place of Use (POU)
- ▨ Included in Instream Lease
- ▨ Not Included in Instream Lease
- All Other Features
- Tax Lot
- ▬ Major Road
- ▬ Railroad
- ~ Watercourse
- Waterbody

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**LOCATION DESCRIPTION**

Located 200 feet North and 940 feet West from the SE corner of DLC 37, Township 2 North, Range 13 East (W.M.)

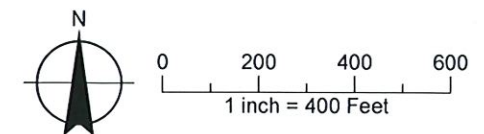
**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
Date: May 22, 2024  
Data Sources: BLM, ESRI, OWRD, USGS

**Application for Instream Lease**

**Certificate 49955**

Wasco County, Oregon  
Township 2 North, Range 13 East (W.M.)





# Attachment C

Tax Lot Map

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Application for Instream Lease – Wasco County

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 29 T.2N. R.13E. W.M.  
WASCO COUNTY  
1" = 400'

02N13E29

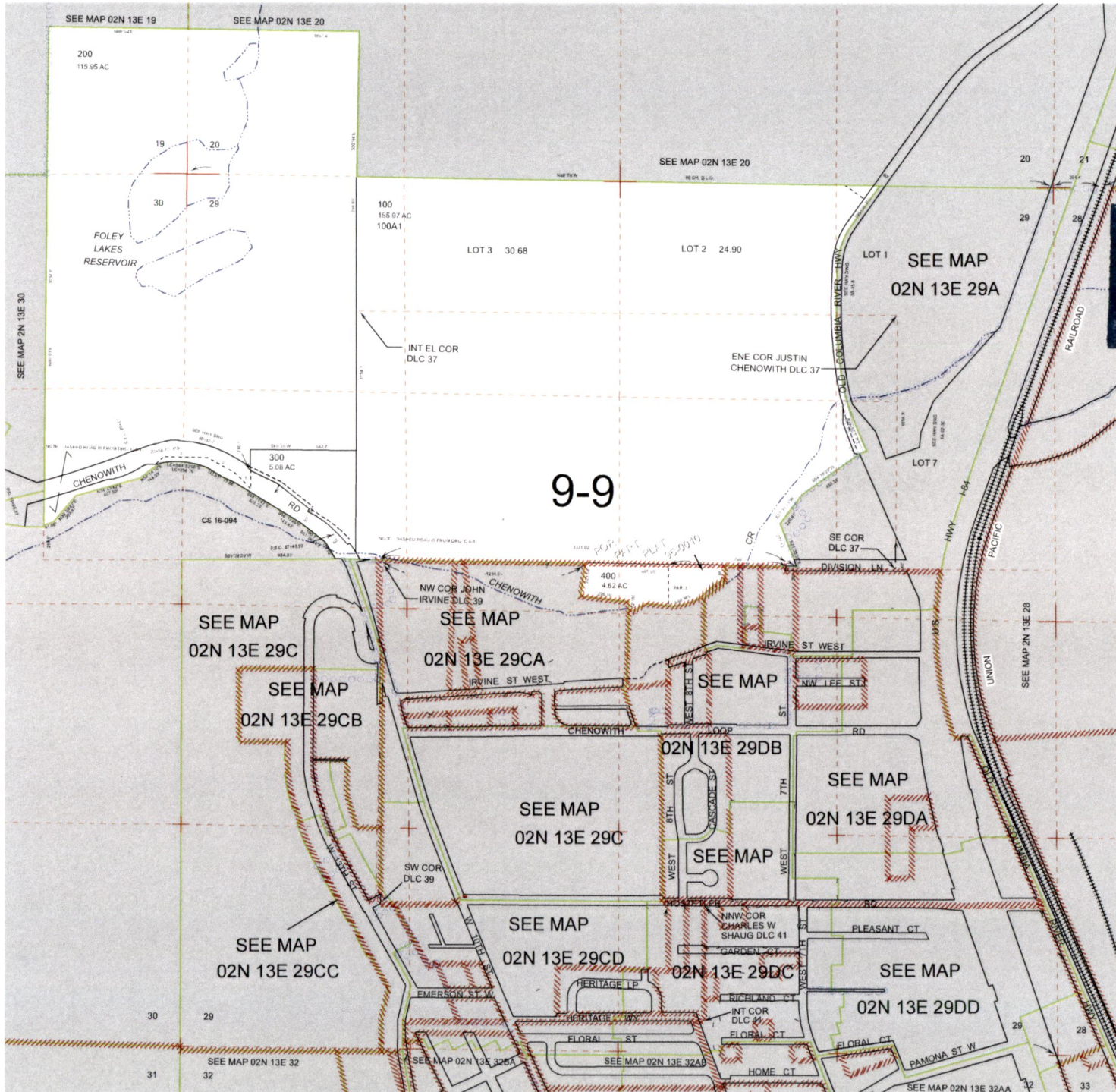
12/19/2017

CANCELLED  
500  
501  
600

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JUN 10 2024  
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MAY 10 2024  
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MAY 10 2024  
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02N13E29



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## **Attachment D**

Documentation that Water Rights are not Subject to Forfeiture

Application for Instream Lease – Wasco County

**Water Rights not Subject to Forfeiture for Non-Use**

The portions of Certificates 14563, 31726, and 49955 included in this application are not subject to forfeiture because they were acquired by Wasco County for reasonable and usual municipal purposes, including irrigation of a community recreational facility.

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JUN 10 2024

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June 6, 2024

Sarah Henderson  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Dear Ms. Henderson:

On behalf of Wasco County, GSI Water Solutions, Inc. (GSI), is submitting the enclosed application for an instream lease for portions of Certificates 14563, 31726, and 49955 appurtenant to property the County has acquired. The County's portions of the three certificates authorize the use of up to 0.39 cfs (combined) of water from Chenoweth Creek for irrigation. The County understands that the Oregon Water Resources Department, in consultation with the Oregon Department of Fish and Wildlife, will determine the period during which the rate will be protected instream to avoid exceeding the duty and provide the most instream benefit to fish and wildlife. The County has not irrigated these lands during the 2024 irrigation season.

Should you have any questions regarding this application, you may reach me at [lcogan@gsiws.com](mailto:lcogan@gsiws.com) or 971-200-8529.

Sincerely,

A handwritten signature in black ink that reads "Leah Cogan".

Leah Cogan  
Water Resources Analyst  
GSI Water Solutions, Inc.

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JUN 10 2024  
OWRD