

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 - 2058 / MP-328
	Fee-	410. ⁰⁰

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 type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	<input checked="" 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 Conservancy</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? 1 List them here: 90397**
 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: 83850 supplemental non leased

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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 Salem, OR

Part 2 of 4 – Instream Lease Application Map Checklist

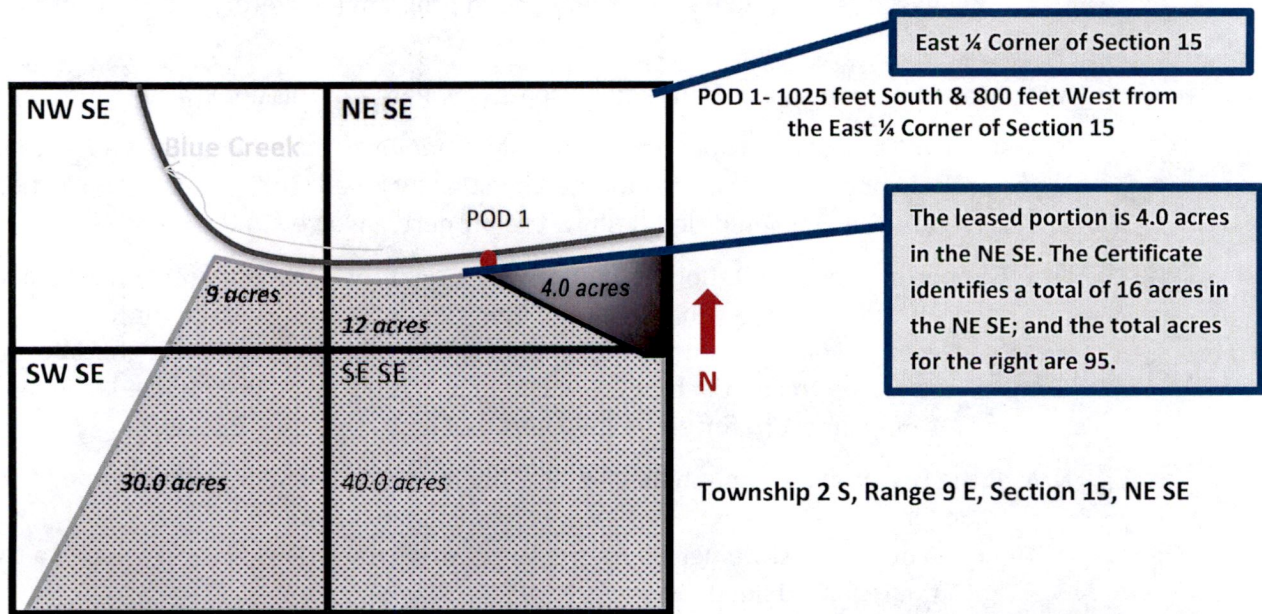
A Map is generally required for each water right not leased in its entirety

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 # 90397

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"/> If only leasing a portion of the right - complete Table 1 as indicated	<input 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
1904/1910	2	14-S	14-E	21	SE-SW	101		6.90	IR	
1904/1910	2	14-S	14-E	21	SW-SE	101		18.36	IR	
1904/1910	2	14-S	14-E	21	SE-SE	101		19.1	IR	Received by OWRD
		-	-		-					JUN 27 2024

Total Acres: 44.36

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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)
1904/1910	2	IR	44.36	0.0125 cfs/ac and 4.0 AF/ac	0.555	177.44
				No season Identified		

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")
2	14-S	14-E		-		unknown - "Low Line Ditch"
		-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Crooked R, tributary to Deschutes R</u>				River Basin: <u>Deschutes</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)
1904/1910	2	IR	44.36	4/1 thorough 10/31	0.420	177.44
<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>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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Instream from 4/1-10/31 at a rate not to exceed max duty.</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: <u>Instream as Mitigation Project</u></p>						

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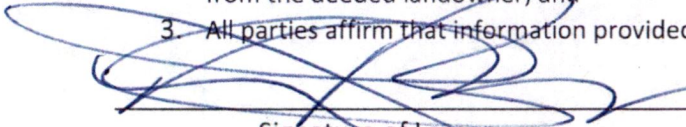
Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>April</u> year <u>2024</u> and end: month <u>October</u> year <u>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 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.</p> <p>(See instructions for limitations to this provision)</p>
<p>Received by OWRD</p> <p>JUN 27 2024</p> <p>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: 6/24/2024

Oregon's Wild Harvest/

Printed name (and title): Pamela Buresh (Reg Agnt) Business name, if applicable: P & R BLDG LLC

Mailing Address (with state and zip): 1601 NE Hemlock, Redmond, OR 97756

Phone number (include area code): _____ **E-mail address: pam@owharvest.com

See next page for additional signatures.

Signature of Co-Lessor

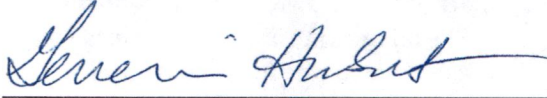
Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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



Date: 06/27/2024

Signature of Lessee

Printed name (and title): Genevieve Hubert, Senior Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 700 NW Hill St, Ste #1, Bend, OR 97703

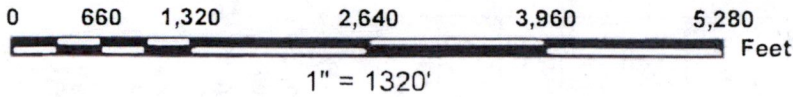
Phone number (include area code): 541-382-4077 **E-mail address: gen@deschutesriver.org

**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT**

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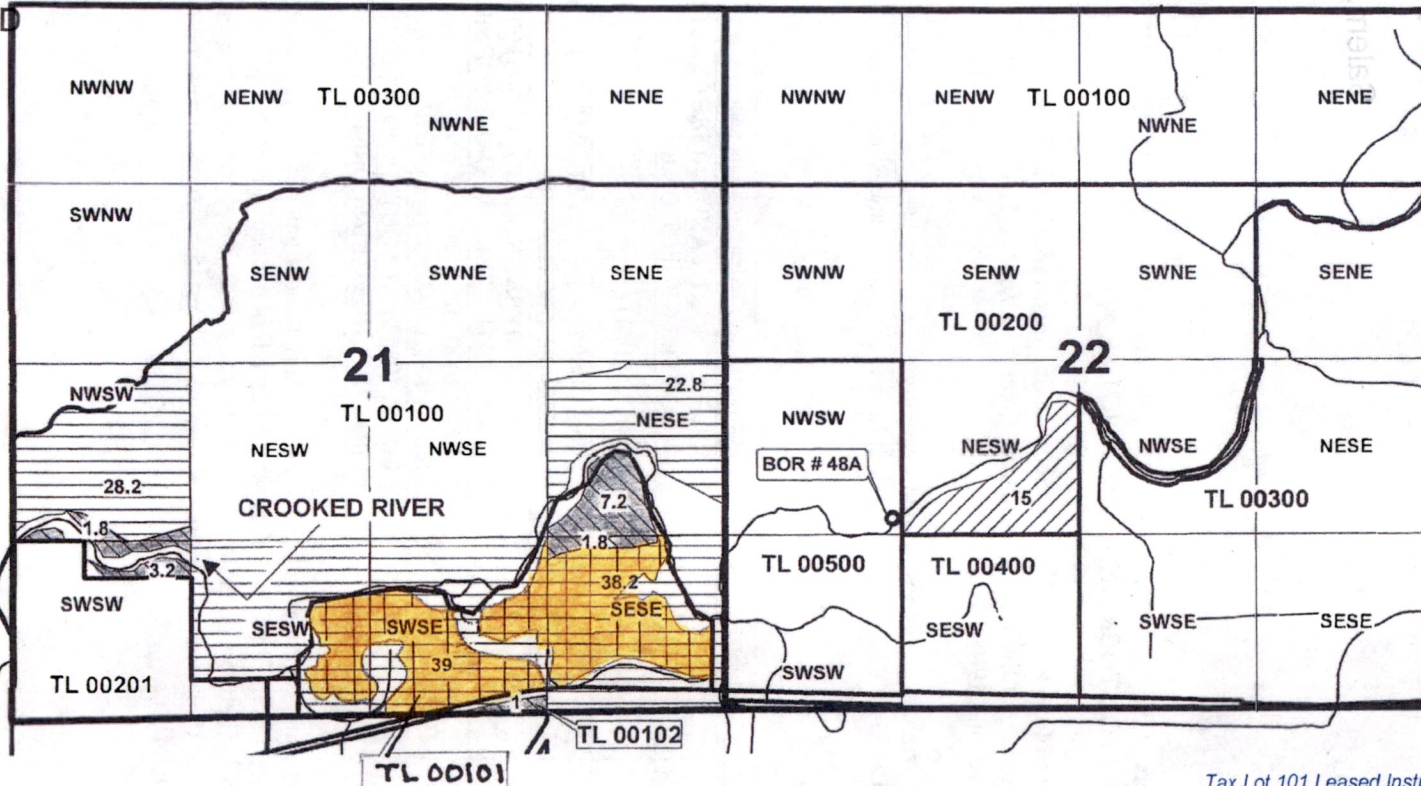
JUN 27 2024





Salem, OR



**T 14 S, R 14 E, WM
SECTIONS 21 & 22
CROOK COUNTY, OREGON**

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-  87549 POU OFF T-11740
-  PROPOSED POU ON T-11740
-  87549 REMAINING POU superseded by 90397
-  TAXLOT BOUNDARIES

PROPOSED POD:
BOR # 48A - 1400' N, 1250' E OF SW CORNER, SECTION 22

EXISTING / AUTHORIZED PODS:
SEE BUREAU OF RECLAMATION
FINAL PROOF SURVEY OF THE CROOKED RIVER PROJECT
AS APPROVED FOR CERT 57614

Tax Lot 101 Leased Instream

 SESW - 6.90 acres
SWSE - 18.36 acres
SESE - 19.10 acres

Total - 44.36 acres lease instream

RENEWAL DATE 12-31-2013

**TRANSFER APPLICATION MAP
FOR MAYNARD ALVES**

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US

PROJECT # 13085 NOV 20, 2013

541-389-2837 JOHNSHORT@USA.COM

Supplemental 83850
Not leased instream.

TRANSFER 11740 map modified by Deschutes River Conservancy for Instream Lease 2024.
Used aerial imagery dated 2018 from Crook County GIS to determine lease area

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

Received by OWRD

JUN 27 2024

Salem, OR

THIS CERTIFICATE ISSUED TO

PEOPLES IRRIGATION CO.
615221 O'NEIL HIGHWAY
PRINEVILLE, OR 97754

confirms the right to use the waters of the CROOKED RIVER, a tributary of the DESCHUTES RIVER for IRRIGATION OF 467.3 ACRES, LIVESTOCK AND DOMESTIC USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The dates of priority are 1892, 1895, 1897, 1898, and 1904/1910.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.84 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (pod) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	15 S	16 E	WM	8	NW SW	1920 FEET NORTH AND 340 FEET EAST FROM SW CORNER OF SECTION 8
2	---	---	---	---	---	LOW LINE DITCH
3	14 S	14 E	WM	24	NE SE	PUMP: 450 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 24
4	14 S	14 E	WM	23	SW NE	PUMP: 1020 FEET NORTH AND 500 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 23
5	14 S	14 E	WM	23	SW NW	PUMP: 1000 FEET NORTH AND 1400 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 23
6	14 S	14 E	WM	29	NE NW	PUMP: 1085 FEET SOUTH AND 970 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 29

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:


IRRIGATION, LIVESTOCK AND DOMESTIC								
Priority Date	POD	Twp	Rng	Mer	Sec	Q-Q	Acres	User
1895	1	14 S	15 E	WM	26	SW SW	20.0	Cox, R.T
	1	14 S	15 E	WM	26	SE SW	20.0	Cox, R.T
1904/1910	1	14 S	14 E	WM	21	SW NE	40.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	SE NE	40.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NE SW	30.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NW SW	28.2	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	SW SW	2.2	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NE SE	22.8	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NW SE	30.0	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SE SW	37.5	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SW SE	39.0	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SE SE	38.2	Deschutes Fine Wool Company
	3	14 S	14 E	WM	23	SE NE	20.9	Deschutes Fine Wool Company
	4	14 S	14 E	WM	23	NW NE	0.6	Deschutes Fine Wool Company
	4	14 S	14 E	WM	23	NE NW	7.4	Deschutes Fine Wool Company
	5	14 S	14 E	WM	23	NW NW	1.0	Deschutes Fine Wool Company
1892	1	14 S	14 E	WM	30	NE NE	5.6	Forrest, Frances
	6	14 S	14 E	WM	30	NE NE	4.4	Forrest, Frances
1897	1	14 S	14 E	WM	26	NE NE	1.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NW NE	15.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NE NW	30.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NW NW	30.0	Messinger, Lucy
1898	1	14 S	14 E	WM	28	NE NE	3.5	Weaver, David
Total:							467.3	

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

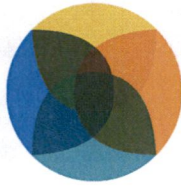
This certificate is issued to correct a scrivener's error in the duplication of acres and description of the location of lands described in Certificates 87059 and 89538. This Certificate supersedes Certificates 87059 and 89538, and describes the portions of the water rights NOT modified by the provisions of orders of the Water Resources Director entered June 3, 2011, approving Transfer Application T-10730 and entered October 16, 2014, approving Transfer application T-11740.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed JUN 08 2015.


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

Received by OWRD
 JUN 27 2024
 Salem, OR



BBK

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

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

June 21, 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

Received by OWRD

JUN 27 2024

Salem, OR

Re: Crooked River Lease (Further Revised Acreage)

Dear Ms. Hubert:

We represent the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"). Deschutes River Conservancy ("DRC"), on behalf of certain property owners, has provided the Tribe with certain information concerning a proposed instream lease identified in Appendix A hereto (the "Lease"), which Lease proposes to lease water for instream purposes.

On June 3, 2024, the Tribe previously submitted a letter not objecting to the Lease based on DRC's representation of a 65-100 acreage scope of the Lease. On June 17, 2024, the Tribe again submitted a letter not objecting to the Lease based on DRC's representation of a 50.16 acreage scope of the Lease. The Tribe has now reviewed the further-revised Lease, with a decreased acreage scope as depicted in Appendix A hereto, and provides this supplemental letter to DRC. To be clear, the Tribe hereby withdraws its prior June 3 and June 17 letters referenced above, and replaces both prior letters with this revised letter dated June 21, 2024.

The Tribe has reviewed the information about the Lease provided by DRC. The Tribe is relying in good faith upon the information provided by DRC. Based on that information, the Tribe does not object to the Department of Water Resources ("Department") processing the Lease 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 Lease, including, but not limited to, whether the Lease violates 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

Best Best & Krieger LLP | 360 SW Bond Street, Suite 400, Bend, Oregon 97702
Phone: (541) 382-3011 | Fax: (541) 388-5410 | bbklaw.com

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Genevieve Hubert
June 21, 2024
Page 2

JN

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

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APPENDIX - A

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist



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	Fee- _____

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

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List those other water rights here: 83850 supplemental non leased

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.

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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.
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 Salem, OR

Part 2 of 4 – Instream Lease Application Map Checklist

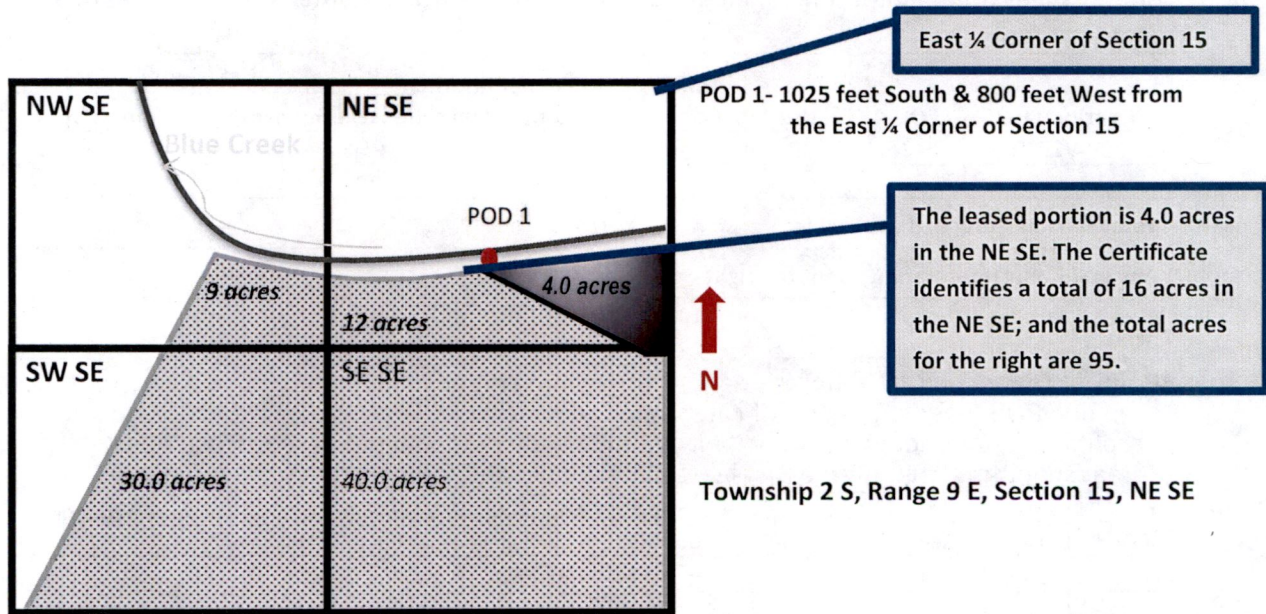
A Map is generally required for each water right not leased in its entirety

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 # 90397

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"/> If only leasing a portion of the right - complete Table 1 as indicated						<input 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
1904/1910	2	14-S	14-E	21	SE-SW	101		6.90	IR	
1904/1910	2	14-S	14-E	21	SW-SE	101		18.36	IR	
1904/1910	2	14-S	14-E	21	SE-SE	101		19.1	IR	Received by OWRD
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Total Acres: 44.36

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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)
1904/1910	2	IR	44.36	0.0125 cfs/ac and 4.0 AF/ac	0.555	177.44
				No season Identified		
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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")
2	14-S	14-E		-		unknown - "Low Line Ditch"
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Crooked R, tributary to Deschutes R</u>				River Basin: <u>Deschutes</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)
1904/1910	2	IR	44.36	4/1 thorough 10/31	0.420	177.44
<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>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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Instream from 4/1-10/31 at a rate not to exceed max duty.</u></p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>April</u> year <u>2024</u> and end: month <u>October</u> year <u>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 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>
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<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: _____

Oregon's Wild Harvest/

Printed name (and title): Pamela Buresh (Reg Agnt) Business name, if applicable: P & R BLDG LLC
 Mailing Address (with state and zip): 1601 NE Hemlock, Redmond, OR 97756
 Phone number (include area code): _____ **E-mail address: pam@owharvest.com

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: _____

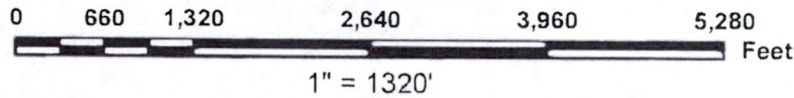
Signature of Lessee Date: _____

Printed name (and title): Genevieve Hubert, Senior Program Manager
Business/organization name: Deschutes River Conservancy
Mailing Address (with state and zip): 700 NW Hill St, Ste #1, Bend, OR 97703
Phone number (include area code): 541-382-4077 **E-mail address: gen@deschutesriver.org

**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT**

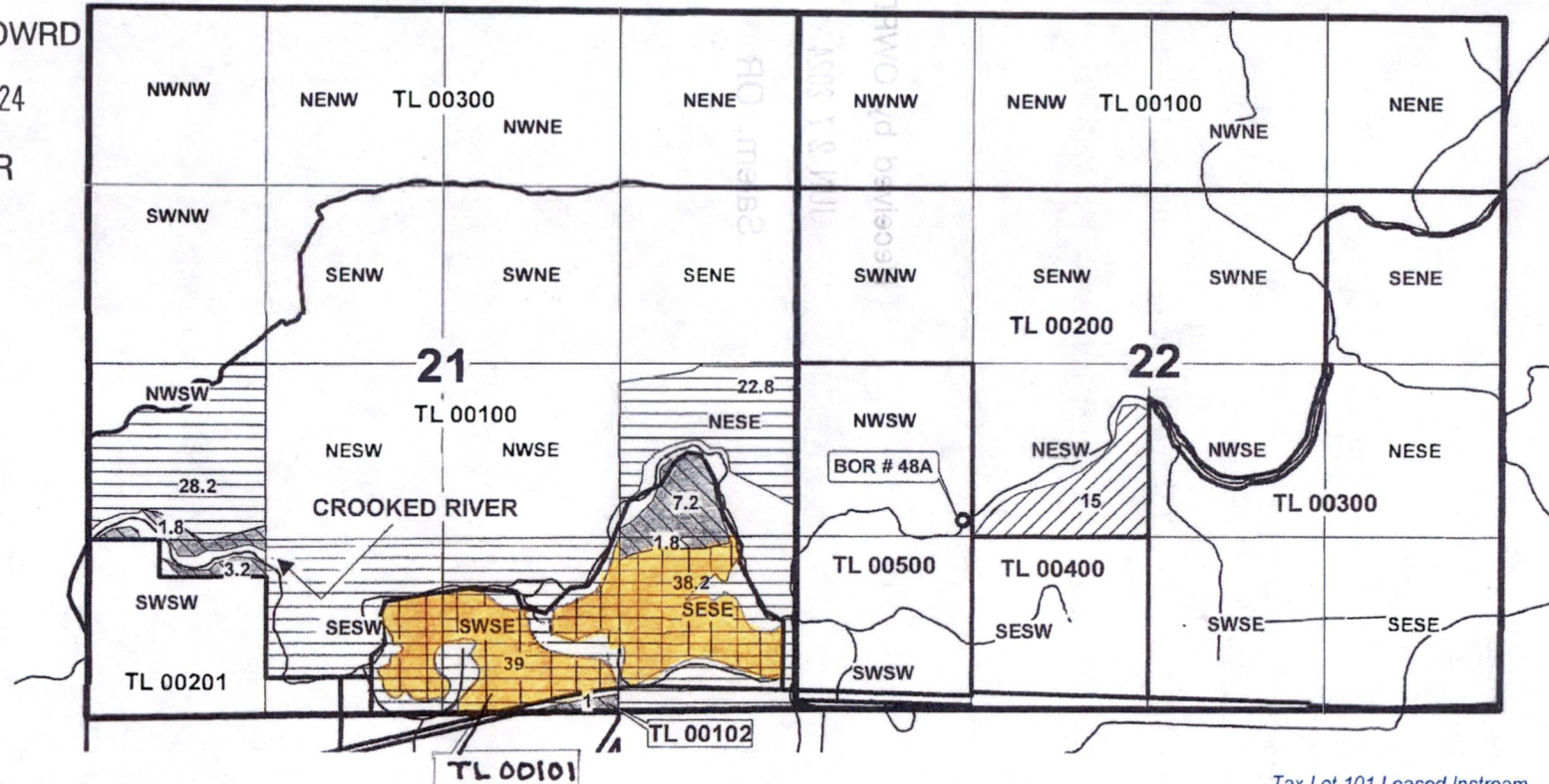
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

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**T 14 S, R 14 E, WM
SECTIONS 21 & 22
CROOK COUNTY, OREGON**

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-  87549 POU OFF T-11740
-  PROPOSED POU ON T-11740
-  87549 REMAINING POU superseded by 90397
-  TAXLOT BOUNDARIES

PROPOSED POD:
BOR # 48A - 1400' N, 1250' E OF SW CORNER, SECTION 22

EXISTING / AUTHORIZED PODS:
SEE BUREAU OF RECLAMATION
FINAL PROOF SURVEY OF THE CROOKED RIVER PROJECT
AS APPROVED FOR CERT 57614

Tax Lot 101 Leased Instream

 SESW - 6.90 acres
SWSE - 18.36 acres
SESE - 19.10 acres
Total - 44.36 acres lease instream

RENEWAL DATE 12-31-2013

**TRANSFER APPLICATION MAP
FOR MAYNARD ALVES**

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US

PROJECT # 13085 NOV 20, 2013

541-389-2837 JOHNSHORT@USA.COM

Supplemental 83850
Not leased instream.

TRANSFER 11740 map modified by Deschutes River Conservancy for Instream Lease 2024.
Used aerial imagery dated 2018 from Crook County GIS to determine lease area

STATE OF OREGON
COUNTY OF CROOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PEOPLES IRRIGATION CO.
615221 O'NEIL HIGHWAY
PRINEVILLE, OR 97754

confirms the right to use the waters of the CROOKED RIVER, a tributary of the DESCHUTES RIVER for IRRIGATION OF 467.3 ACRES, LIVESTOCK AND DOMESTIC USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449. The dates of priority are 1892, 1895, 1897, 1898, and 1904/1910.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.84 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion (pod) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	15 S	16 E	WM	8	NW SW	1920 FEET NORTH AND 340 FEET EAST FROM SW CORNER OF SECTION 8
2	---	---	---	---	---	LOW LINE DITCH
3	14 S	14 E	WM	24	NE SE	PUMP: 450 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 24
4	14 S	14 E	WM	23	SW NE	PUMP: 1020 FEET NORTH AND 500 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 23
5	14 S	14 E	WM	23	SW NW	PUMP: 1000 FEET NORTH AND 1400 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 23
6	14 S	14 E	WM	29	NE NW	PUMP: 1085 FEET SOUTH AND 970 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 29

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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A description of the place of use to which this right is appurtenant is as follows:


IRRIGATION, LIVESTOCK AND DOMESTIC								
Priority Date	POD	Twp	Rng	Mer	Sec	Q-Q	Acres	User
1895	1	14 S	15 E	WM	26	SW SW	20.0	Cox, R.T
	1	14 S	15 E	WM	26	SE SW	20.0	Cox, R.T
1904/1910	1	14 S	14 E	WM	21	SW NE	40.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	SE NE	40.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NE SW	30.0	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NW SW	28.2	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	SW SW	2.2	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NE SE	22.8	Deschutes Fine Wool Company
	1	14 S	14 E	WM	21	NW SE	30.0	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SE SW	37.5	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SW SE	39.0	Deschutes Fine Wool Company
	2	14 S	14 E	WM	21	SE SE	38.2	Deschutes Fine Wool Company
	3	14 S	14 E	WM	23	SE NE	20.9	Deschutes Fine Wool Company
	4	14 S	14 E	WM	23	NW NE	0.6	Deschutes Fine Wool Company
	4	14 S	14 E	WM	23	NE NW	7.4	Deschutes Fine Wool Company
	5	14 S	14 E	WM	23	NW NW	1.0	Deschutes Fine Wool Company
1892	1	14 S	14 E	WM	30	NE NE	5.6	Forrest, Frances
	6	14 S	14 E	WM	30	NE NE	4.4	Forrest, Frances
1897	1	14 S	14 E	WM	26	NE NE	1.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NW NE	15.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NE NW	30.0	Messinger, Lucy
	1	14 S	14 E	WM	26	NW NW	30.0	Messinger, Lucy
1898	1	14 S	14 E	WM	28	NE NE	3.5	Weaver, David
Total:							467.3	

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to correct a scrivener's error in the duplication of acres and description of the location of lands described in Certificates 87059 and 89538. This Certificate supersedes Certificates 87059 and 89538, and describes the portions of the water rights NOT modified by the provisions of orders of the Water Resources Director entered June 3, 2011, approving Transfer Application T-10730 and entered October 16, 2014, approving Transfer application T-11740.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed JUN 08 2015


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

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