

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist



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

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD # <u>IL - 2018</u>
	Fee- _____

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

Check all items included with this application. (N/A = Not Applicable)

Yes **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

Fees	<input 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 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? 1 List them here: 21586**
 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: _____

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.

Received
 FEB 24 2025
 OWRD

Part 2 of 4 – Instream Lease Application Map Checklist

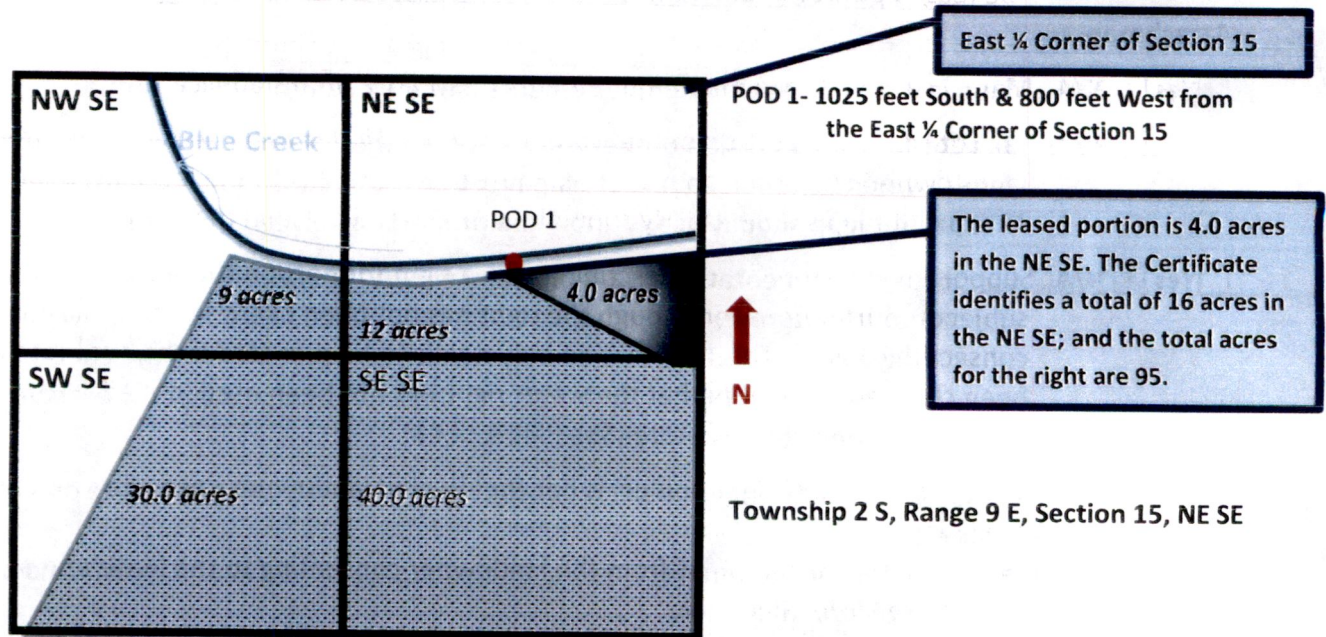
A Map is generally required for each water right not leased in its entirety

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)



Received
FEB 24 2025

OWRD

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

Water Right Information

Water right # **21586**

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
12/14/1951	1	3-S	2-W	8	NE-SW	5600 5500	47	1.2	IR	N/A

Total Acres: 1.2

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)
12/14/1951	1	IR	1.2	1/80 cfs/ac; 2.5 AF/ac/season	0.016	3.0

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

Any additional information about the right: The right allows use of both live flow and stored water (reservoir associated with C.21587) at the stated rate. The total volume stated is based on acres and duty limit: 1.2 ac * 2.5 AF/ac = 3.0 AF; however, the instantaneous rate is deficient for the associated acreage (max volume at the stated rate over an irrigation season is 2.56 AF). The portion of the right that is not involved in this lease application is being voluntarily cancelled by the water right holder. The associated storage right (C.21587) is involved in a separate instream lease application.

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")
1	3-S	2-W	8	NE-SW	47	300 feet South and 460 feet West from center of Section 8

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>Unnamed Str. and Reservoir (C.21587), tributary to Allen [Hess] Cr.</u>				River Basin: <u>Willamette</u>		
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. 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.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
12/14/1951	1	IR	1.2	3/1 - 10/31	0.016	2.56
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.						
OR <input checked="" 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.						
Instream Reach						
Proposed Instream Reach: <input checked="" type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to <u>mouth of Hess Creek</u>				Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD		
OR <input checked="" 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.)						
Additional Instream Information						
<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 _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

Received
FEB 24 2025
OWRD

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 2025 and end: month October year 2029

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

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.

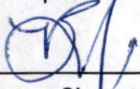
Validity of the Right(s) to be leased (check the appropriate box):

- 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: 1/30/25

Printed name (and title): Brian Naffin, Manager of Austin Industries LLC, an Oregon limited liability company, Manager of Aspen Way West, LLC Business name, if applicable: Aspen Way West, LLC an Oregon limited liability company

Mailing Address (with state and zip): 3113 Crestview Drive, Newberg, OR 97132

Phone number (include area code): 503-537-1000 **E-mail address: brian.naffin@austinind.com

See next page for additional signatures.

Received

FEB 24 2025

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): _____
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.**

**Received
FEB 24 2025
OWRD**

Received

FEB 24 2025

OWRD

Attachment 1
Water Right Information

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

This Is to Certify, That F. R. BARON

of Route #2, Box 44, Newberg, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed stream and reservoir constructed under App. No. R-25198, Per. No. R-1298 a tributary of Allen Creek for the purpose of irrigation under Permit No. 20962 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 11, 1951

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 0.07 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ As projected within W. T. Wallace DLC #47, Section 8, Township 3 South, Range 2 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-1298.

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

5.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ As projected within W. T. Wallace DLC #47
Section 8
Township 3 South, Range 2 West, W.M.

Land on which water is to be used is part of the property described as follows:

Beginning at a point 46.831/3 chains East, and 25 chains North of the Southwest Corner of the William T. Wallace DLC #47, thence North 15 chains, thence West 7 chains thence South 15 chains, thence East 7 chains, to the point of beginning, all in Section 8, Township 3 South, Range 2 West, W.M.

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 21st day of September, 1956

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21586

Received
FEB 24 2025
OWRD

Received

FEB 24 2025

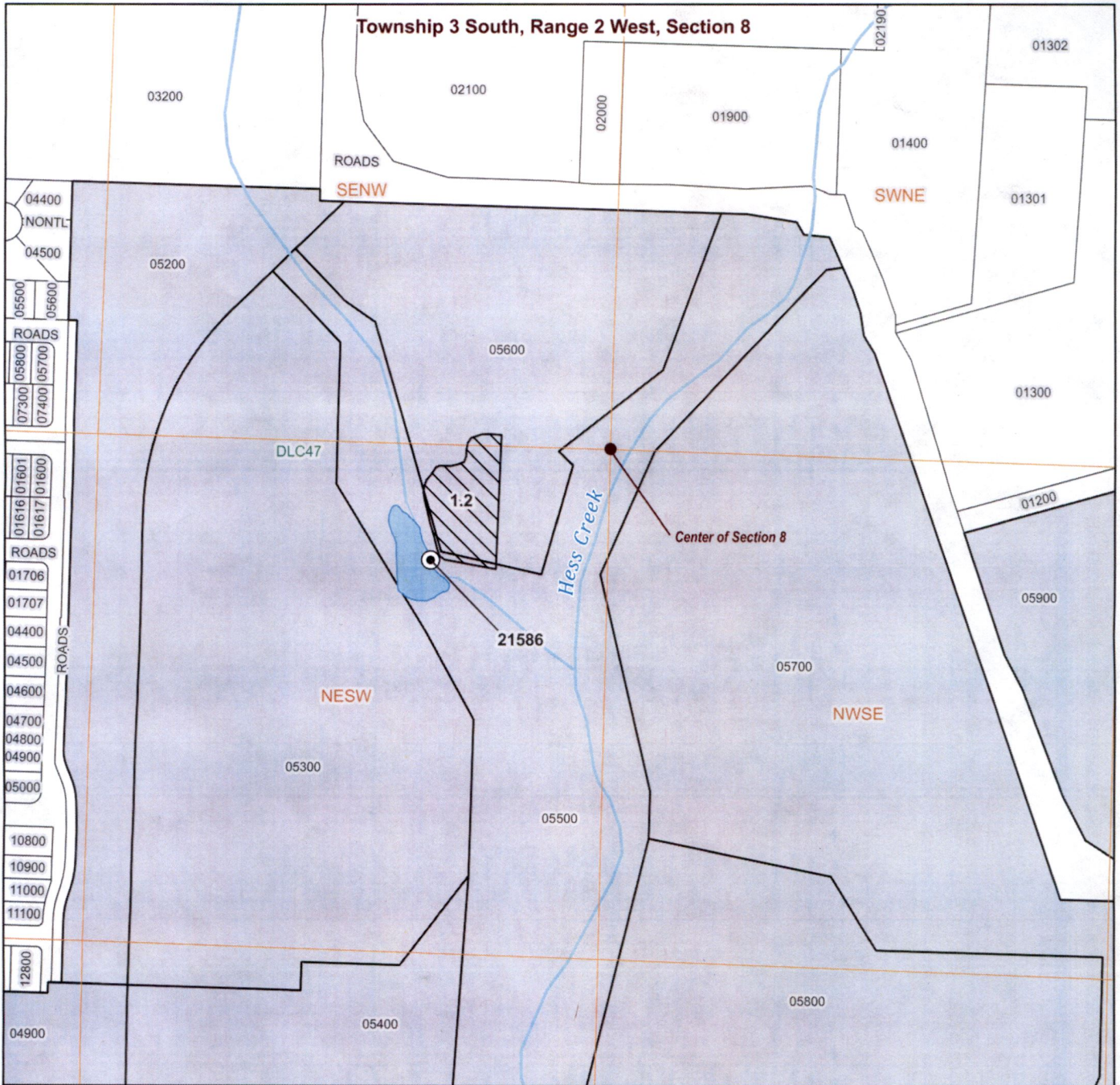
OWRD

Attachment 2







Maps

Application for Instream Lease Certificate 21586

A Water Right held by Aspen Way West LLC
Yamhill County



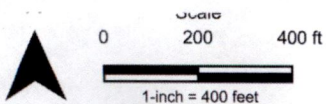
LEGEND

-  Tax Lots
-  Aspen Way West LLC Tax Lots
-  Hydrology
-  Reservoir (Cert 21587)
-  Point of Diversion (POD)
- Place of Use (POU)**
-  Portion to be leased instream (1.2 ac)

POD Location Description

POD 1
Located 300 feet South and 460 feet West from center of Section 8 (NESW), Township 3 South, Range 2 West, W.M.

Received
FEB 24 2025
OWRD



Date: 12/2/2024
Data Sources: BLM, OWRD, USGS, Yamhill County.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



Business Name Search

[New Search](#) [Printer Friendly](#) **Business Entity Data** 05-22-2024 09:37

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1271233-96	DLLC	ACT	OREGON	12-01-2016	12-01-2024	
Entity Name ASPEN WAY WEST LLC						
Foreign Name						

[New Search](#) [Printer Friendly](#) **Associated Names**

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	3113 CRESTVIEW DR				
Addr 2					
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	10-30-2020	Resign Date	
Of Record	952919-94	AUSTIN INDUSTRIES LLC				
Addr 1	3113 CRESTVIEW DRIVE					
Addr 2						
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	AUSTIN INDUSTRIES				
Addr 2	3113 CRESTVIEW DRIVE				
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Of Record	952919-94	AUSTIN INDUSTRIES LLC			
Addr 1	3113 CRESTVIEW DR				
Addr 2					
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

RECEIVED
 FEB 24 2025
 OWRD

Received
 FEB 24 2025
 OWRD

[New Search](#)

[Printer Friendly](#)

Name History











Business Entity Name	Name Type	Name Status	Start Date	End Date
ASPEN WAY WEST LLC	EN	CUR	12-01-2016	

Please [read](#) before ordering [Copies](#).

[New Search](#)

[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-17-2023		FI		
	AMENDED ANNUAL REPORT	10-25-2022		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-04-2021		FI		
	AMENDED ANNUAL REPORT	10-15-2021		FI		
	AMENDED ANNUAL REPORT	10-30-2020		FI	Agent	
	AMENDED ANNUAL REPORT	11-18-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	05-14-2019		FI		
	AMENDED ANNUAL REPORT	10-31-2018		FI		
	AMENDED ANNUAL REPORT	11-01-2017		FI		
	ARTICLES OF ORGANIZATION	12-01-2016		FI	Agent	

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site, please contact : corporation.division@sos.oregon.gov

© 2024 Oregon Secretary of State. All Rights Reserved.

Received
FEB 24 2025
OWRD

Received
FEB 24 2025
OWRD

Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

05-22-2024
09:37

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
952919-94	DLLC	ACT	OREGON	07-24-2013	07-24-2024	
Entity Name AUSTIN INDUSTRIES LLC						
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	3113 E CRESTVIEW DR				
Addr 2					
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	07-13-2020	Resign Date	
Name	BRIAN	NAFFIN				
Addr 1	3113 CRESTVIEW DR					
Addr 2						
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	3113 CRESTVIEW DR				
Addr 2					
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	BRIAN	NAFFIN			
Addr 1	3113 CRESTVIEW DR				
Addr 2					
CSZ	NEWBERG	OR	97132	Country	UNITED STATES OF AMERICA

Received

FEB 24 2025

[New Search](#)

[Printer Friendly](#)

Name History

OWRD

Business Entity Name	Name	Name	Start Date	End Date













AUSTIN INDUSTRIES LLC	Type	Status	
	EN	CUR	07-24-2013

Please [read](#) before ordering [Copies](#).

[New Search](#)

[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	06-20-2023		FI		
	AMENDED ANNUAL REPORT	06-09-2022		FI		
	AMENDED ANNUAL REPORT	07-14-2021		FI		
	AMENDED ANNUAL REPORT	07-13-2020		FI	Agent	
	AMENDED ANNUAL REPORT	06-24-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	05-14-2019		FI		
	AMENDED ANNUAL REPORT	06-14-2018		FI		
	AMENDED ANNUAL REPORT	06-16-2017		FI		
	AMENDED ANNUAL REPORT	06-14-2016		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	06-07-2016		FI		
	ANNUAL REPORT PAYMENT	06-25-2015		SYS		
	AMENDED ANNUAL REPORT	06-30-2014		FI		
	ARTICLES OF ORGANIZATION	07-24-2013		FI	Agent	

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site, please contact : corporation.division@sos.oregon.gov

© 2024 Oregon Secretary of State. All Rights Reserved.

Received
FEB 24 2025
OWRD

Received
FEB 24 2025
OWRD



February 17, 2025

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

Subject: Application for Instream Lease of a Portion of Water Right Certificate 21586

Dear Ms. Henderson:

On behalf of the water right holder, Aspen Way West LLC, find enclosed with this letter an Application for Instream Lease of a Portion of Water Right Certificate 21586. Supporting documentation regarding the signatory for the landowner requesting the instream lease is also attached for your use.

Please do not hesitate to contact me at 503-967-7050 x204 with questions.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources, LLC

Enclosures:

Application for Instream Lease of a Portion of Water Right Certificate 21586
Oregon Secretary of State Business Registry for Aspen Way West, LLC
Check #1129 in the amount of \$410

Cc: Brain Naffin – Austin Industries LLC

Received
FEB 24 2025
OWRD