Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

OREGON WATER RESOURCES DEPARTMENT

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 - 2128 **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	☐ $610.00 for a lease involving **four or more landowners** or **four or more water rights**	☒ $410.00 for all other leases
	☒ Check enclosed or ☐ 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**

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

☐ **Yes** **How many water rights are leased? 1 List them here: 23031**
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.

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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.

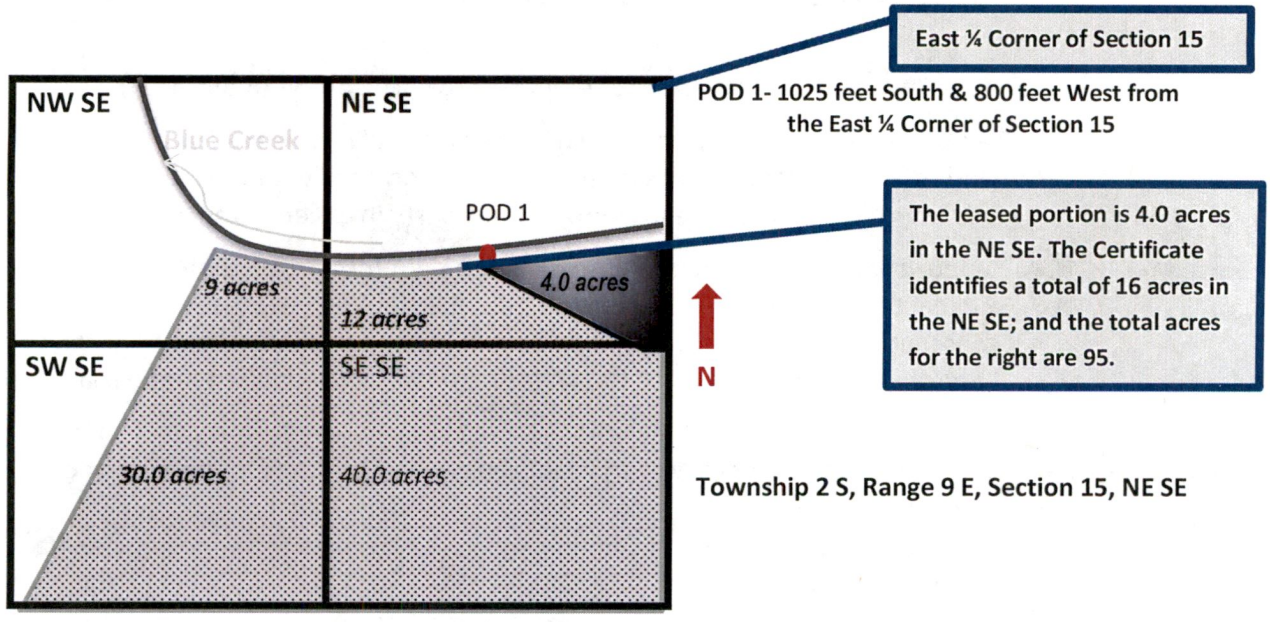
☒ A North arrow and map scale (no smaller than 1" = 1320').

☒ 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.

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



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

Water Right Information

Water right # 23031

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

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

☐ **Entirety** - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
4/23/1951	1	2-N	2-W	18	SE-NW	5200	NA	6.9	IR	
		-	-		-					

Total Acres: 6.9

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Table 2

To illustrate the totals for the water right proposed to be leased instream

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
4/23/1951	1	IR	6.9		0.085	17.25

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")
1	2-N	2-W	18	SE-NW	NA	unknown
	-	-		-		

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

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Instream Use Information

Table 4

Instream Use Created by the Lease	
River/ Stream Name: Neil Creek, tributary to EF McKay Creek	**River Basin:** Willamette

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)
4/23/1951	1	IR	6.9	6/23 – 9/30	0.085 cfs	17.25 af

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 ☐ 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:	**Or Proposed Instream Point:**
☒ A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to the mouth of Neil Creek.	☐ Instream use protected at the POD

OR ☐ 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

☐ Yes ☒ 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: _____

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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** June **year** 2025 and end: **month** September **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.

Nicholas Blaszak
Signature of Lessor

Date: 2025-05-14

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Printed name (and title): Nicholas Blaszak Business name, if applicable: _____
Mailing Address (with state and zip): 19245 NW Kay Road, North Plains, OR 97133
Phone number (include area code): 503-292-7584 **E-mail address: nick.blaszak@gmail.com

See next page for additional signatures.

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_____ 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: _____

Lacey Townsend

_____ Date: 2025-05-12

Signature of Lessee

Printed name (and title): Lacey Townsend, Executive Director

Business/organization name: Tualatin Soil & Water Conservation District

Mailing Address (with state and zip): 7175 NE Evergreen Pkwy, #400, Hillsboro, OR 97124

Phone number (include area code): 503-334-2290 **E-mail address: lacey.townsend@tualatinswcd.org

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

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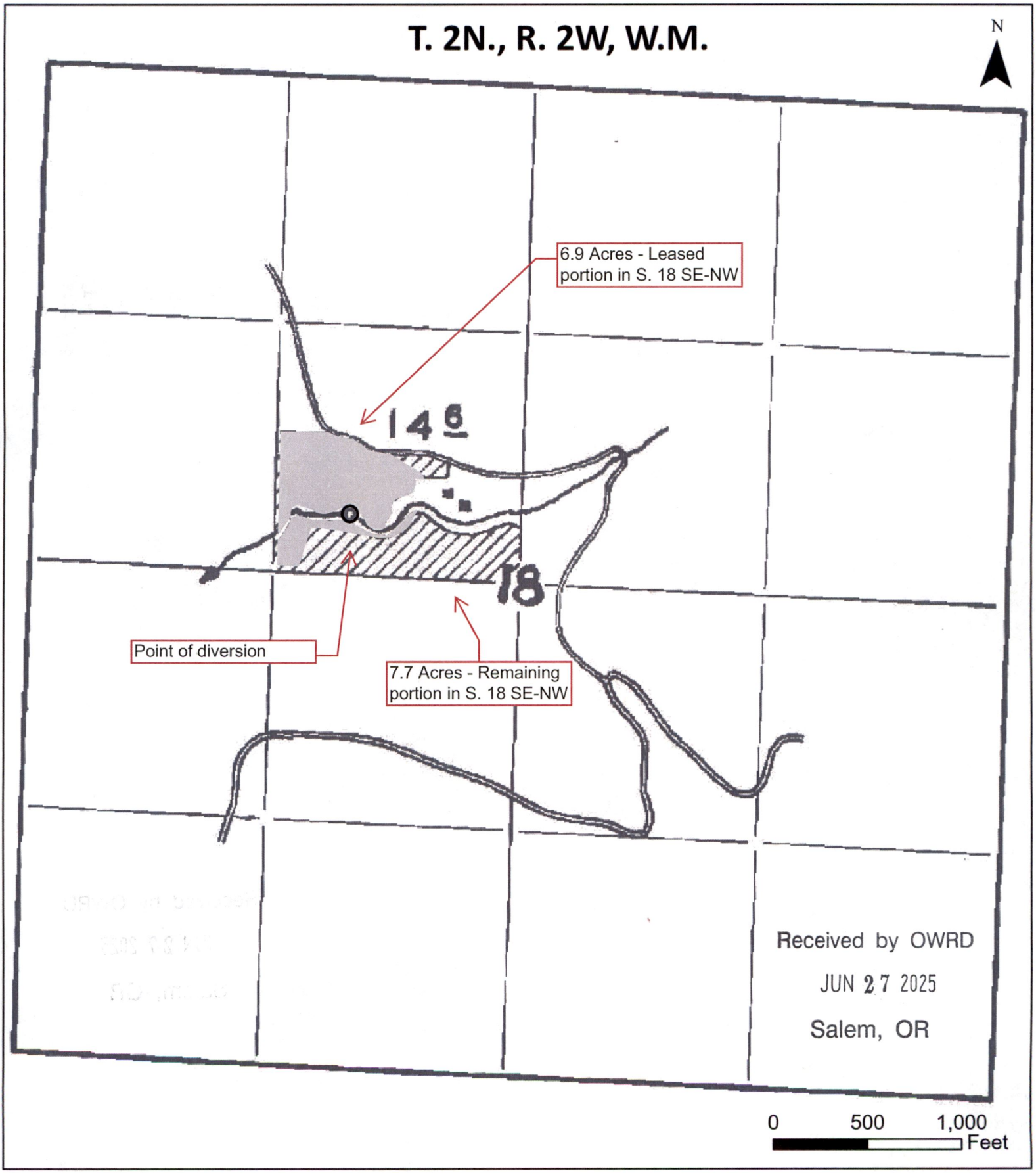

Location of irrigated area to be leased instream - Certificate 23031

O Point of Diversion

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