

Instream Lease Renewal Application (Standard or District)



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

Complete the questions below and include any required attachments
Fill in or check boxes as indicated. (N/A= Not Applicable)

Instream Lease IL- 1324
Renewal Fee included ☒

The undersigned hereby request Instream Lease Number IL- 1324 be renewed.

Fees: ☒ \$150.00 for an instream lease renewal application
☒ Check enclosed **or** ☐ Fee Charged to customer account _____ (Account name)

Term of the Lease:

The lease is requested to begin in month May year 2025 and end month Sep year 2026

Validity of the Right(s)

(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.
- ☐ If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2).

Termination provision (for multiyear leases):

The parties to the lease request:

- ☐ 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)

☒ 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: _____)?

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 holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

Scott Garduer

Date: 2025-06-17

Signature of Lessor

Printed name (and title): Scott Gardner Business name, if applicable: _____

Mailing Address (with state and zip): 6229 Barbara Ln, Lincoln, NE, 68512

Phone number (include area code): 402-540-9310 **E-mail address: nemataslg@gmail.com

Sue Ann Garduer

Date: 2025-06-17

Signature of Lessor

Printed name (and title): Sue Ann Gardner Business name, if applicable: _____

Mailing Address (with state and zip): 6229 Barbara Ln, Lincoln, NE, 68512

Phone number (include area code): 402-540-9310 **E-mail address: kc0mwl@gmail.com

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See next page for additional signatures.

Lacey Townsend

Date: 2025-06-17

Signature of Co-Lessor

Printed name (and title): Lacey Townsend

District/organization name: Tualatin Soil and Water Conservation District

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

Phone number (include area code): 503-858-7715 **E-mail address: lacey.townsend@tualatinswcd.org

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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AFTER RECORDING RETURN TO:

Randall B. Bateman Esq.
Bateman Seidel
1000 SW Broadway Avenue, Suite 1910
Portland, OR 97205

UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO
THE FOLLOWING ADDRESS:

Scott L. Gardner
Sue Ann Gardner
6229 Barbara Lane
Lincoln, NE 68512-1908

Washington County, Oregon	2020-117814
D-DBS	
Stn=7 C LOUCKS	11/20/2020 09:00:57 AM
\$35.00 \$11.00 \$5.00 \$60.00	\$111.00
I, Margaret Garza, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.	
Margaret Garza, Director of Assessment and Taxation, Ex-Officio County Clerk	

This instrument filed for record by
Fidelity National Title as an accommodation
only. It has not been examined as to its
execution or as to its effect upon the title.

BARGAIN AND SALE DEED - STATUTORY FORM

CLAIRE C. GARDNER, TRUSTEE OF THE CLAIRE C. GARDNER REVOCABLE LIVING TRUST dated January 19, 2018. Grantor, conveys to SCOTT L. GARDNER and SUE ANN GARDNER, husband and wife (collectively, Grantee), the following described real property situated in Washington County, Oregon, as more particularly set forth on Exhibits A, B, C, D and E, attached hereto and by reference incorporated herein.

Situs Address: 46570 SW Patton Valley Road, Gaston, Oregon 97119

Consideration: This conveyance is given in whole as a gift in consideration of love and affection.

Required Notice: BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY

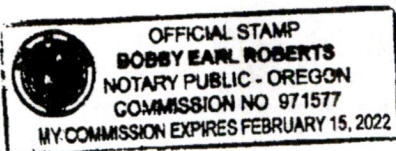
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS
DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 08 day of NOVEMBER, 2020.

Claire C. Gardner Trustee
CLAIRE C. GARDNER, TRUSTEE OF THE
CLAIRE C. GARDNER REVOCABLE LIVING
TRUST dated January 19, 2018

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on 8 November, 2020, by
Claire C. Gardner, as Trustee of the Claire C. Gardner Revocable Living Trust dated January 19,
2018.



Bobby Earl Roberts
Notary Public for Oregon
My Commission Expires: 02-15-2022

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EXHIBIT A

[Legal Description #1 of 5]

Property situated in Washington County, Oregon, Tax Account Nos.: R0445129 and M1321046 and Reference Parcel #: 1S41700 00400, as follows:

Beginning at a point 108 rods west of the southeast corner of the northeast quarter of section 17, township 1 South, range 4 west of the Willamette Meridian; running thence west 20 rods; thence north 40 rods; thence east 20 rods; thence south 40 rods to the place of the beginning.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

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EXHIBIT B

[Legal Description #2 of 5]

Property situated in Washington County, Oregon, Tax Account No: R0449410 and Reference Parcel # 1S43500 02500, as follows:

All that part of the following described property lying south of the County Road being that part of Donald McLeod and wife D.L.C. No. 49 in Sections 34 and 35, Township 1 South, Range 4 West of the Willamette Meridian, Washington County, Oregon, bounded and described as follows:

Beginning at a point in the center of the Tualatin River distant North 89° East 19.18 chains and North 2°30' West 2.00 chains from the Southwest corner of said D.L.C. running thence North 2°30' West 43.19 chains; thence North 87 1/2° East 2.49 chains to the East line of a 140 acre tract conveyed by said Donald McLeod and wife, to David Baker by Deed recorded on Page 41 of Deed Book "H"; thence South 2°30' East on said East line 18.69 chains to the Northwest corner of a tract 37.30 acres, more or less, conveyed by George P. Naylor to W.H. Gerrish by Deed recorded on Page 342 of Deed Book 45; thence South 80°25' East of 20.66 chains, more or less, to the Northeast corner of said tract 37.30 acres, more or less, thence South 18.00 chains to the center of the Tualatin River; thence up the center of said River to the place of the beginning.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

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EXHIBIT C

[Legal Description #3 of 5]

Property situated in Washington County, Oregon, Tax Account No: R0449429 and Reference Parcel # 1S43500 02202 West 90 feet, as follows:

A strip of land 90.0 feet in width along the Westerly line of that tract of land conveyed to Millard M. Johnston, et ux, by deed recorded in Deed Book 238, page 343, in Section 35, Township 1 South, Range 4 West of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the center line of the Patton Valley Road, with the Westerly line of said Johnston Tract, and running thence South 2°37' East along said Westerly line 644.0 feet to the Southwest corner of said Johnston Tract; thence South 80°32' East along the Southerly line of said Johnston tract 92.03 feet; thence North 2°37' West parallel with and 90.0 feet from when measured at right angles to the Westerly line of said Johnston Tract to the center line of said road; thence Southwesterly along said center line to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

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EXHIBIT D

[Legal Description #4 of 5]

Property situated in Washington County, Oregon, Tax Account No: R0449385 and Reference Parcel # 1S43500 02501, as follows:

All that part of the following described property lying North of the County Road; containing 1.5 acres, more or less. Being that part of the Donald McLeod and wife Donation Land Claim No. 49 in Township 1 South, Range 4 West of the Willamette Meridian bounded and described as follows: Beginning at a point in the center of the Tualatin River distant North 89° East 19.18 chains and North 2° 30' West 2.00 chains from the Southwest corner of said Donation Land Claim, running thence North 2° 30' West 43.19 chains, thence North 87 1/2° East 2.49 chains to the East line of a 140-acre tract conveyed by said Donald McLeod and wife to David Baker by deed recorded on page 41 of Deed Book "H", thence South 2° 30' East on said East line 18.69 chains to the Northwest corner of a tract 37.30 acres, more or less, conveyed by Geo. F. Naylor to W.H. Gerrish by Deed recorded on page 342 of Deed Book 45, thence South 80° 25' East 20.66 chains, more or less, to the Northeast corner of said tract 37.30 acres, more or less, thence South 18.00 chains to the center of the Tualatin River, thence up center of said river to the place of the beginning. Washington County, Oregon.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

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EXHIBIT E

[Legal Description #5 of 5]

Property situated in Washington County, Oregon, Tax Account No: R1295431 and Reference Parcel # 1S43500 02202 Remainder with Exhibit C, as follows:

A tract of land in the Northwest 1/4 of Section 35, Township 1 South, Range 4 West, Willamette Meridian, Washington County, Oregon and being in the Donald McLeod Donation Land Claim No. 49.

Beginning at the Northeast corner of that tract of land conveyed to Millard M. Johnson, et ux, by deed recorded in Book #238, Page #343, Deed Records, Washington County Oregon; thence North 80 degrees 25' West 1042.91 feet, along the north line of said Johnson Tract; thence South 01 degrees 40' 27" West 142.46 feet, to the true point of beginning of the trac [sic] herein described; thence South 01 degrees 40' 27" West 845.89 feet, to a point on the south line of the Johnson Tract, thence North 80 degrees 25' West 505 feet, along the south line of the Johnson Tract, to a point 92.03 feet, from the Southwest corner thereof; thence North 02 degrees 37' West, parallel to and 90 feet East of the west line of the Johnson Tract 680.22 feet, to a point on the south line of Patton Valley Road; thence Northeasterly 154.86 feet, along the south line of Patton Valley Road; thence South 26 degrees 30' East 121.57 feet; thence North 73 degrees 17' 05" East 386.39 feet, to the true point of beginning.

EXCEPTING THEREFROM any portion thereof lying within the boundaries of public roads.

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