

**INSTRUCTIONS:**

This checklist is intended to facilitate the Department of Water Resources' ("Department") processing of water rights transfer applications within the Deschutes Basin for the 2025 calendar year. The Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") has reviewed this checklist. The Tribe does not object to the Department's processing of any water rights transfer applications that meets a "Yes" of all applicable checklist items, and therefore satisfies the "Meets Requirements" category at the top of this checklist. When the checklist is so satisfied, the Department may process the application in accordance with applicable law, and the Department's customary practice.

Water rights transfer applications that meet all of the checklist criteria appear to present a low risk of injury to the Tribal Reserved Water Right as defined in the Confederated Tribes of the Warm Springs Reservation Water Rights Settlement Agreement, dated November 17, 1997, as amended. The Tribe does not waive its right to dispute or challenge any transfer application, whether or not they satisfy this checklist, on the basis that the transfer injures the Tribal Reserved Water Right or other federally-reserved water right held by the Tribe. The Tribe expressly reserves, and does not waive, all rights, claims, and defenses that it may possess in connection with the application, including, but not limited to, whether the application 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.

The Tribe further reserves the right to conduct additional analysis on any transfer that is submitted to the Department with a completed checklist. The Tribe reserves the right to consider, among other things, the risk of localized impacts, cumulative impacts, water quality, return flows, groundwater recharge, Habitat Conservation Plan flow augmentation agreements, water bank transactions, and additional analyses received from the Tribe's staff, Department, applicant, or third party.

A "temporary instream lease" is any instream lease lasting five (5) years or less.

This checklist applies to surface water transfers only. This checklist does not apply to groundwater transfers.

If you have any questions about this checklist, please contact:

Alex Ehrens or Gen Hubert, on behalf of Deschutes River Conservancy, via e-mail at:

[alex@deschutesriver.org](mailto:alex@deschutesriver.org)  
[gen@deschutesriver.org](mailto:gen@deschutesriver.org)

Alison K. Toivola or Josh Newton of Best Best & Krieger, LLP, on behalf of the Tribe, via e-mail at:

[Alison.Toivola@bbklaw.com](mailto:Alison.Toivola@bbklaw.com)  
[Josh.Newton@bbklaw.com](mailto:Josh.Newton@bbklaw.com)

Received by OWRD  
December 2, 2025  
Salem, OR

# CTWS Low-Risk Transfer Checklist Requirements

Patron Name/Applicant Name :

Meets Requirements:

Transfer Type:

Does Not Meet Requirements:

Transfer #:

Review Date:

Checklist Completed By:

## Water Right Transfer - Check Applicable Transfer Type

Own Lands Transfer

Water Right Sale

	YES	NO	Comments:	
Transfer Within Same District Boundary				
On/Off Lands Balance				
On/Off Lands Within Five (5) Miles				
No Increase in Diversion Amount				
No Change in Type of use				
No Change in Point of Diversion or Appropriation				
On/Off Lands Served by Same Canal				<b>Identify Canal:</b>
NOT a Multi-Step Transfer				
NOT a Mitigation Credit				

Temporary Instream Lease	YES	NO	Comments:
Decrease in Diversion - Increased River Flows			
Transfer of Surface Water ONLY			
No Potential for Measurable Impact to Crooked River			
No Potential for Measurable Impact to Whychus Creek			
No Potential for Measurable Impact to Deschutes River			

**Summary of Transfer:**

Received by OWRD  
December 2, 2025  
Salem, OR

# 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 <u>IL-1200</u> Renewal Fee included <input type="checkbox"/>
---	--

The undersigned hereby request Instream Lease Number IL-1200 be renewed.

**Fees:**

Application fee required by ORS 536.050 Fee Schedule is located at this link: <a href="https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf">https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf</a>
<input type="checkbox"/> Check enclosed or <input checked="" type="checkbox"/> Fee Charged to customer account <u>Deschutes River Conservancy</u> (Account name)

<b>Term of the Lease:</b> The lease is requested to begin in: month <u>April</u> year <u>2026</u> and end: month <u>November</u> year <u>2026</u>	
<b>Validity of the Right(s)</b> (check the appropriate box): <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. <input type="checkbox"/> 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).	<b>Termination provision (for multiyear leases):</b> <b>The parties to the lease request:</b> <input 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. <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. <input type="checkbox"/> 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.

[Signature] Date: 11-24-25  
Signature of Lessor  
Printed name (and title): Jim McDonald Business/Organization name: Gateway Rock, LLC.  
Mailing Address (with state and zip): 10245 NE CLEMENS DR, MADRAS, OR 97741  
Phone number (include area code): (541)-977-5373 \*\*E-mail address: jimmcdonald1995@gmail.com

\_\_\_\_\_  
Signature of Lessor Date: \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_ Business/Organization name: \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_ \*\*E-mail address: \_\_\_\_\_

See next page for additional signatures.

Received by OWRD  
December 2, 2025  
Salem, OR TACS

\_\_\_\_\_  
Signature of Co - Lessor  
Date: \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Business/Organization name: \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_  
\*\*E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Co-Lessor  
Date: \_\_\_\_\_  
Printed name (and title): \_\_\_\_\_  
Mailing Address (with state and zip): \_\_\_\_\_  
Business/Organization name: \_\_\_\_\_  
Phone number (include area code): \_\_\_\_\_  
\*\*E-mail address: \_\_\_\_\_

Alex Ehrens  
Signature of Lessee  
Date: 11/25/25

Printed name (and title): Alex Ehrens, Program Manager  
Business/Organization name: Deschutes River Conservancy  
Mailing Address (with state and zip): 805 SW Industrial Way, Ste #5, Bend, OR 97702  
Phone number (include area code): (541)-382-4077, ext 115 \*\*E-mail address: alex@deschutesriver.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.**

Received by OWRD  
December 2, 2025  
Salem, OR