

# Application for District Instream Lease



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

<b>This Application to be used for water rights in the name of or conveyed by an Irrigation District (or similar organization)</b> <b>Complete Parts 1 through 4 and any required attachments</b>	OWRD#	IL - 2156
	District #	SID Pooled 1

## District Instream Lease Application Part 1 of 4 – Minimum Requirements Checklist

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

**Fee:** Application fee required by ORS 536.050  
 Fee Schedule is located at this link: [https://www.oregon.gov/owrd/WRDFormsPDF/fee\\_schedule.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf)

Check enclosed or  
 Fee Charged to customer account **Deschutes River Conservancy (Account name)**

Lease includes 3 landowners - standard lease rate applies (\$615)

- Yes  N/A **Pooled Lease**-a lease with more than one **Lessor** (Landowner/water right interest holder)
- Yes  N/A **Mitigation Project** – (Project creating mitigation credits within the Deschutes Basin Groundwater Mitigation Program)
- Part 1 – Completed Minimum Requirements Checklist**
- Part 2 – Completed District Signature Page & Authorization Statement**
- Part 3 – Completed Place of Use (from/off lands)**
- Part 4 – Completed Water Right and Instream Use Information** (separate **Part 4** needed for each Water Right.)
- How many Water Rights are included in the lease application? 1** (# of rights)  
**List each water right to be leased instream here: 98280 (prev. 74145)**
- 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: \_\_\_\_\_)?

**Required Attachments:**

- Yes  N/A Instream lease application map(s).
  - A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use;
  - A north directional symbol, a legend, a map scale, and township, range, section and quarter-quarter (QQ), including tax lots, donation land claims and government lots, if appropriate;
  - If an irrigation right, nursery use, or other similar uses, the number of acres to be leased or transferred in each quarter-quarter must be clearly labeled and hachured to differentiate between the acres being leased or transferred and any remaining acreage must be identified;
  - If the place of use on the water right is broken down by more than one priority date, or source stream, and/or diversion the map must identify each with separate hachuring and clearly label what is being changed;
  - Provide a statement describing the proposed instream reach or point;
  - If **more than three** water rights are involved, separate maps are needed for each water right; and
  - The map need not be prepared by a certified water right examiner.
  - **NOTE:** An existing water right map that meets the requirements of OAR 690-077-0071 may be used, if approved by the Department prior to submittal of the application.
- Yes  N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) **is not** subject to forfeiture.

**District Instream Lease Application  
Part 2 of 4 – District Signature & Authorization Statement**

<b>Term of Lease, Termination Provision, Validity of Water Right, Public Use</b>	
	<b>Term of the Lease:</b> The lease is requested to BEGIN in: month <u>April</u> year <u>2026</u> and END in: month <u>October</u> year <u>2026</u> .
	<b>Termination provision (for multiyear leases) - The parties to the lease request (choose one):</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 the 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)
	<b>Validity of the right(s) to be leased:</b> <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 <input type="checkbox"/> The water right(s) has not been used for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). <i>Documentation describing why the water right is not subject to forfeiture must be submitted with application.</i>
	<b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332): <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values. <input checked="" type="checkbox"/> Recreation <input checked="" type="checkbox"/> Pollution abatement <input type="checkbox"/> Navigation
<b>District Authorization Declaration</b>	
	<b>District Agreement (per OAR 690-077-0076(4))</b> By signing this application, I am affirming that each district water user involved in the lease application has provided written authorizations for the lease and that such authorization is on file with the district and is available to the Department and the public upon request.

**Co-Lessor Information**

DISTRICT NAME <b>Swalley Irrigation District</b>		CONTACT NAME <b>Jer Camarata</b>	PHONE NO. <b>541-388-0658</b>
ADDRESS <b>64672 Cook Ave, Suite #1</b>			
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97703</b>	E-MAIL <b>mikayla@swalley.com</b>
<b>DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE. HOWEVER, ANY FINAL ORDER WILL BE SENT BY STANDARD MAIL.</b>			
→ Co-Lessor Signature		Date <b>4/7/26</b>	

**Lessee Information**

BUSINESS NAME <b>Deschutes River Conservancy</b>		CONTACT NAME <b>Alex Ehrens</b>	PHONE NO. <b>541-382-4077 ext. 115</b>
ADDRESS <b>805 SW Industrial Way, Suite #5</b>			
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>	E-MAIL <b>alex@deschutesriver.org</b>
<b>DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE. HOWEVER, ANY FINAL ORDER WILL BE SENT STANDARD MAIL.</b>			
→ Lessee Signature		Date <b>4/8/2026</b>	

**District Instream Lease Application  
Part 3 of 4 – Place of Use – Lessor Information**

**Table 1**

<b>Complete Table 1 – Identify water right(s) proposed to be leased instream</b>															
<b>Irrigation District or other Water Purveyor Name:</b>															
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, water right holder (Lessor/District Water User), and any previous lease.															
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.															
Any attached table should include reference to the Lessor.															
Water Right #	Priority Date	POD #	Twp		Rng		Sec	Q-Q		Tax Lot	Gov't Lot/DLC #	Acres	Use	District Water User	Previous Lease #
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	19	NE	SW	0100		14.10	IRR	Jelinda Carpenter & John McGilvary	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	19	NE	SW	0100		0.40	Pond	Jelinda Carpenter & John McGilvary	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	22	NW	NE	00104		4.25	IRR	BPRD	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	22	SW	NE	00104		7.90	IRR	BPRD	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	22	NW	NW	1802		11.15	IRR	BPRD	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	22	SW	NW	1802		2.62	IRR	BPRD	IL-1862
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	17	NE	NE	00100		25.70	IRR	SID Quitclaim - Costco	
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	17	NW	NE	00100		1.90	IRR	SID Quitclaim - Costco	
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	17	NE	NE	00100		0.60	Pond	SID Quitclaim - Costco	
98280 (prev 74145)	9/1/1899	3&15	17	S	12	E	20	NW	NE	00151		1.57	IRR	SID Quitclaim - Tuscany	



**District Instream Lease Application  
Part 4 of 4 – Water Right and Instream Use Information**

**Use a separate Part 4 for each water right to be leased instream**

**Table 2**

**Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)      Water Right # 98280 (prev. 74145)**

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 rows (see instructions) or create a spreadsheet (matching Table 2 and clearly labeled) and attach.  
(cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
09/01/1899	3&15	IRR	73.92	Season 1 rate / Total Volume	0.557	470.07
09/01/1899	3&15	IRR	73.92	Season 2 rate	0.746	
09/01/1899	3&15	IRR	73.92	Season 3 rate	1.400	
09/01/1899	3&15	Pond	1.00	Season 1 rate / Total Volume	0.008	6.36
09/01/1899	3&15	Pond	1.00	Season 2 rate	0.010	
09/01/1899	3&15	Pond	1.00	Season 3 rate	0.019	

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

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 must be described:

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Deschutes</u>	<b>River/Stream Name:</b> <u>Deschutes River, tributary to Columbia River</u>				
<b>Proposed Instream Reach:</b> <input checked="" type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>3 (&amp;15)</u> to the mouth of the <u>Deschutes</u>		<b>Or Proposed Instream Point:</b> <input type="checkbox"/> Instream use protected at the POD				
<b>OR</b> <input type="checkbox"/> If no reach is identified in the above box is not checked, the lease will be processed to be protected at the POD.						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b> Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
09/01/1899	3&15	IRR	73.92	Season 1 rate / Total Volume	0.507	403.11
09/01/1899	3&15	IRR	73.92	Season 2 rate	0.679	
09/01/1899	3&15	IRR	73.92	Season 3 rate	1.260	
09/01/1899	3&15	Pond	1.00	Season 1 rate / Total Volume	0.007	5.45
09/01/1899	3&15	Pond	1.00	Season 2 rate	0.009	

09/01/1899	3&15	Pond	1.00	Season 3 rate	0.017
<b>OR</b> <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.					
<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>N/A</b> <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Instream flow allocated on daily average basis up to the described rate from April 1 through October</u></b>					
Note: The Department may identify additional conditions to prevent injury and/or enlargement.					
<b>Any additional information about the proposed instream use: _____</b>					

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**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here	<b>73.920</b>	IRR	
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here	<b>0.000</b>		
Starting Point - Direct Diversion total acres	<b>117.950</b>		
Starting Point - Canal Diversion total acres	<b>4192.620</b>		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	<b>31.707</b>	<b>0.811</b>	<b>30.896</b>
Season 2	<b>42.420</b>	<b>1.085</b>	<b>41.335</b>
Season 3	<b>79.671</b>	<b>2.009</b>	<b>77.662</b>
Duty	<b>27305.810</b>	<b>644.090</b>	<b>26,661.72</b>

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\*Approximate starting point

Direct Diversion	# Days	Max Rate/acre - no transmission
Season 1	61	0.00625
Season 2	30	0.00836
Season 3	123	0.01550

Canal Diversion		Rate (CFS for 1 acre) with transmission loss	Rates with transmission loss factor taken out
	# Days	Full Rate	Full Rate
Season 1	61	0.008	0.00686
Season 2	30	0.010	0.00918
Season 3	123	0.019	0.01705
	S1 prorated	0.008	
	S2 Prorated	0.010	
	S3 prorated	0.019	

**Information highlighted with purple font is to be entered on to the Instream Lease Application Form**

**For Primary Water Right - Certificate 74145  
For Canal Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>		Rate and duty identified in this section includes the 43% transmission loss allowed by decree	
	Full Rate	<b>Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form</b>	
Season 1*	<b>0.557</b>	Duty AF/Acre* =	<b>6.36</b>
Season 2*	<b>0.746</b>		
Season 3*	<b>1.400</b>		<b>470.07</b>

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4192.62 canal acres)

Rates and volumes identified in this section do not include the 43% transmission loss	Volume (AF) leased instream for Section 2.2 of the Lease Application Form		
<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>	Duty (decree) AF/Acre =		<b>5.46</b>
	Total =		<b>403.65</b>
	Full Rate	# of Days in each Season	AF/ Season

<b>Season 1</b>	<b>0.507</b>	<b>61</b>	<b>61.34</b>
<b>Season 2</b>	<b>0.679</b>	<b>30</b>	<b>40.40</b>
<b>Season 3</b>	<b>1.260</b>	<b>123</b>	<b>307.40</b>
			<b>409.14</b>

<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
	<b># days</b>	<b>AF/Season</b>	
<b>Season 1*</b>	<b>55</b>	<b>55.31</b>	
<b>Season 2</b>	<b>30</b>	<b>40.40</b>	
<b>Season 3</b>	<b>123</b>	<b>307.40</b>	
<b>Season total =</b>	<b>208</b>	<b>403.11</b>	<b>Does not exceed duty</b>
<b>Water protected instream: April 1 through October 25</b>			

\* Note - The number of days that water may be protected instream in Season 1 has been reduced on revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

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**This table will calculate flow rate factors and duty for Swalley Irrigation District  
Instream Leases & Transfers**

Canal Diversion - Enter Total Number of Acres to be Leased Instream Here	<b>1.000</b>	Pond	
Direct Diversion - Enter Total Number of Acres to be Leased Instream Here	<b>0.000</b>		
Starting Point - Direct Diversion total acres	<b>117.950</b>		
Starting Point - Canal Diversion total acres	<b>4192.620</b>		
Starting Point	Full Right	Direct Diversion only	Canal Diversion only
	Starting Point - Rate*	Starting Point - Rate	Starting Point - Rate
Season 1	<b>31.707</b>	<b>0.811</b>	<b>30.896</b>
Season 2	<b>42.420</b>	<b>1.085</b>	<b>41.335</b>
Season 3	<b>79.671</b>	<b>2.009</b>	<b>77.662</b>
Duty	<b>27305.810</b>	<b>644.090</b>	<b>26.661.72</b>

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\*Approximate starting point

Direct Diversion	# Days	Max Rate/acre - no transmission
Season 1	61	0.00625
Season 2	30	0.00836
Season 3	123	0.01550

Canal Diversion	# Days	Rate (CFS for 1 acre) with transmission loss	Rates with transmission loss factor taken out
		Full Rate	Full Rate
Season 1	61	0.008	0.00686
Season 2	30	0.010	0.00918
Season 3	123	0.019	0.01705
	S1 prorated	0.008	
	S2 Prorated	0.010	
	S3 prorated	0.019	

**Information highlighted with purple font is to be entered on to the Instream Lease Application Form**

**For Primary Water Right - Certificate 74145  
For Canal Diversion Only**

<b>Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form</b>	Rate and duty identified in this section includes the 43% transmission loss allowed by decree
<b>Full Rate</b>	<b>Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form</b>
Season 1*	0.008
Season 2*	0.010
Season 3*	0.019
	<b>Duty AF/Acre* =</b>
	<b>6.36</b>
	<b>6.36</b>

\* Note - The rates and duty identified have been proportion to prevent enlargement of the right and to reflect the amount at which the diversion should be reduced. (for example, S3 = starting canal rate divided by 4192.62 canal acres)

<b>Rate (CFS) leased instream for Section 2.2 of the Lease Application Form</b>	<b>Volume (AF) leased instream for Section 2.2 of the Lease Application Form</b>
<b>Full Rate</b>	<b>Duty (decree) AF/Acre =</b>
	<b>5.46</b>
	<b>Total =</b>
	<b>5.46</b>
	<b># of Days in each Season</b>
	<b>AF/ Season</b>

<b>Season 1</b>	<b>0.007</b>	<b>61</b>	<b>0.85</b>
<b>Season 2</b>	<b>0.009</b>	<b>30</b>	<b>0.54</b>
<b>Season 3</b>	<b>0.017</b>	<b>123</b>	<b>4.15</b>
			<b>5.54</b>

<b>Additional Conditions to Prevent Injury for Section 2.2 of the Lease Application Form</b>			
	<b># days</b>	<b>AF/Season</b>	
<b>Season 1*</b>	<b>55</b>	<b>0.76</b>	
<b>Season 2</b>	<b>30</b>	<b>0.54</b>	
<b>Season 3</b>	<b>123</b>	<b>4.15</b>	
<b>Season total =</b>	<b>208</b>	<b>5.45</b>	<b>Does not exceed duty</b>
<b>Water protected instream: April 1 through October 25</b>			

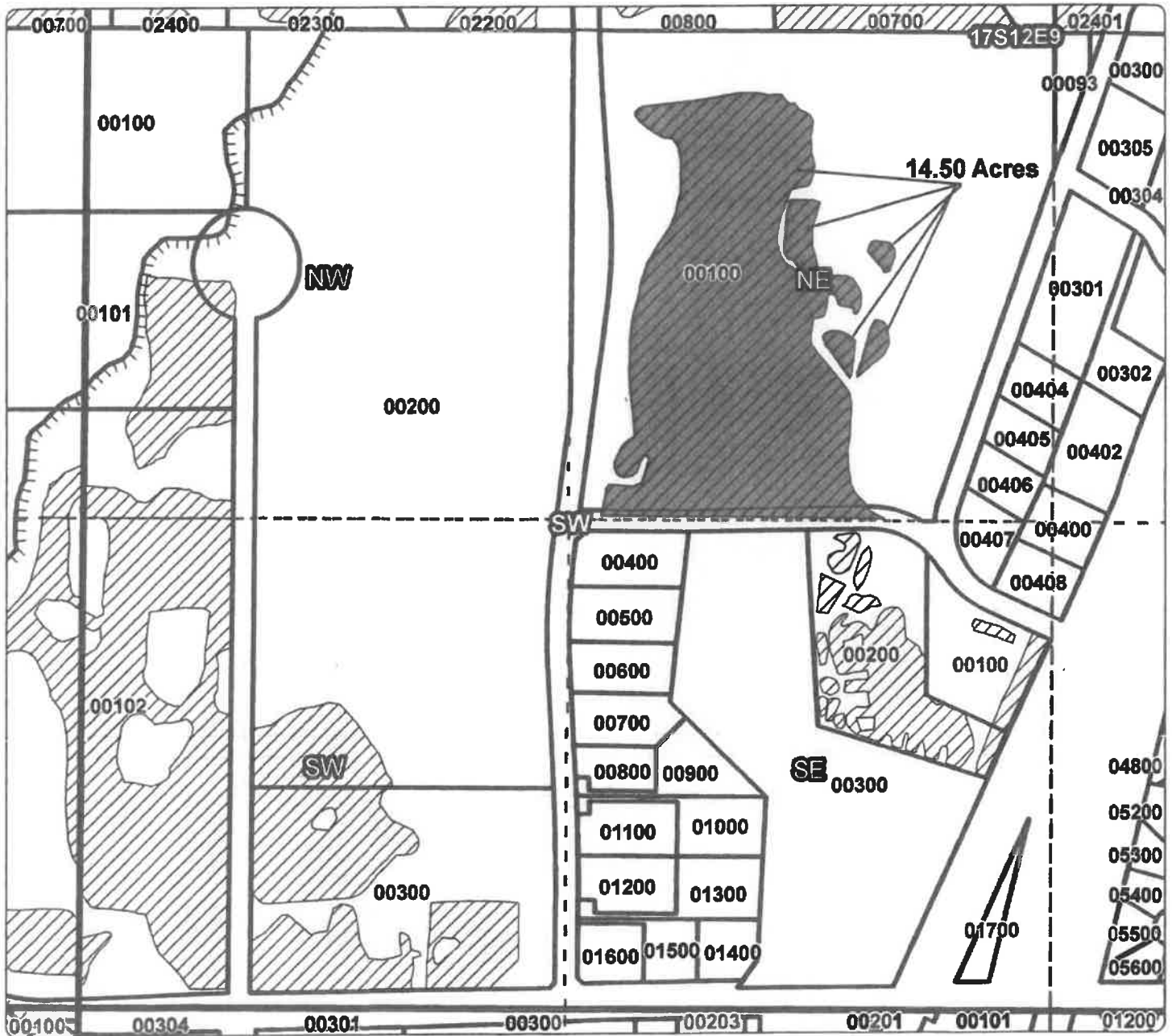
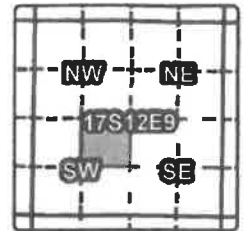
\* Note - The number of days that water may be protected instream in Season 1 has been reduced on revent enlargement of the right. The instream rates identified in this section are based upon the face value of the water right minus 43%.

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# Swalley Irrigation District Application for Instream Lease

Cert #: 74145

For: Richard Carpenter/John McGilvary



## 1 YEAR INSTREAM LEASE MAP

Taxlot 00100, 17S12E9NESW: 14.50 Acres Leased, 0 Acres Remaining

- Point of Diversion
- TTTT Canals
- Taxlots
- Lease
- ▨ Cert 74145

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1 inch = 400 feet  
May 2016

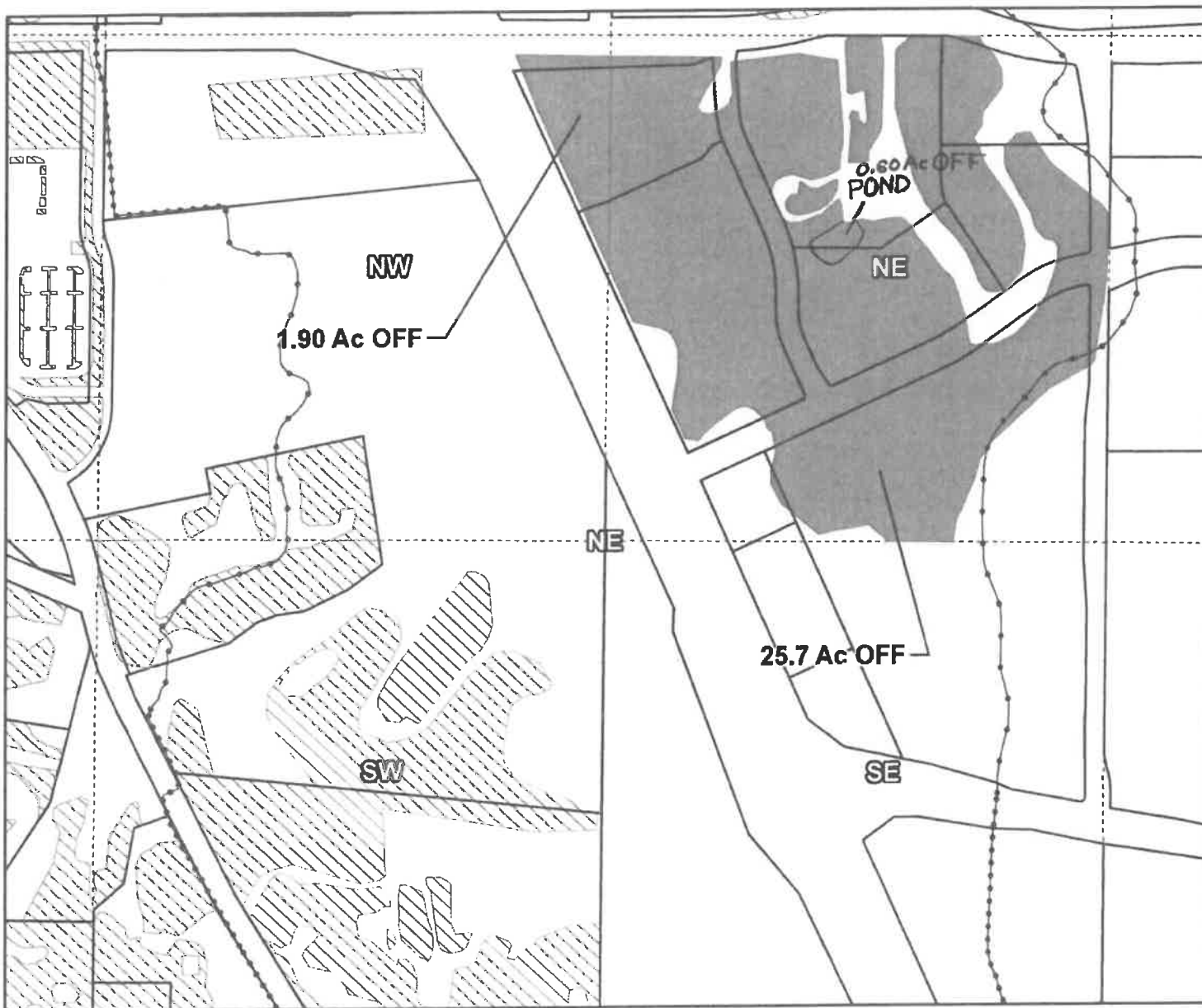
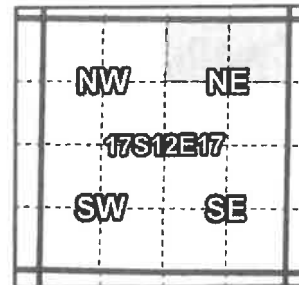




# Swalley Irrigation District

## 2024 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Costco Wholesale Corporation



Taxlot 171217A000100, 17-12-17-NW/NE-00100: 1.90 Acres Off, 0 Acres Remaining  
Taxlot 171217A000100, 17-12-17-NE/NE-00100: 26.3 Acres Off, 0 Acres Remaining

- Pipelines and Canals
- Transfer
- ▨ Primary Water Right
- Taxlots



1 inch = 400 feet

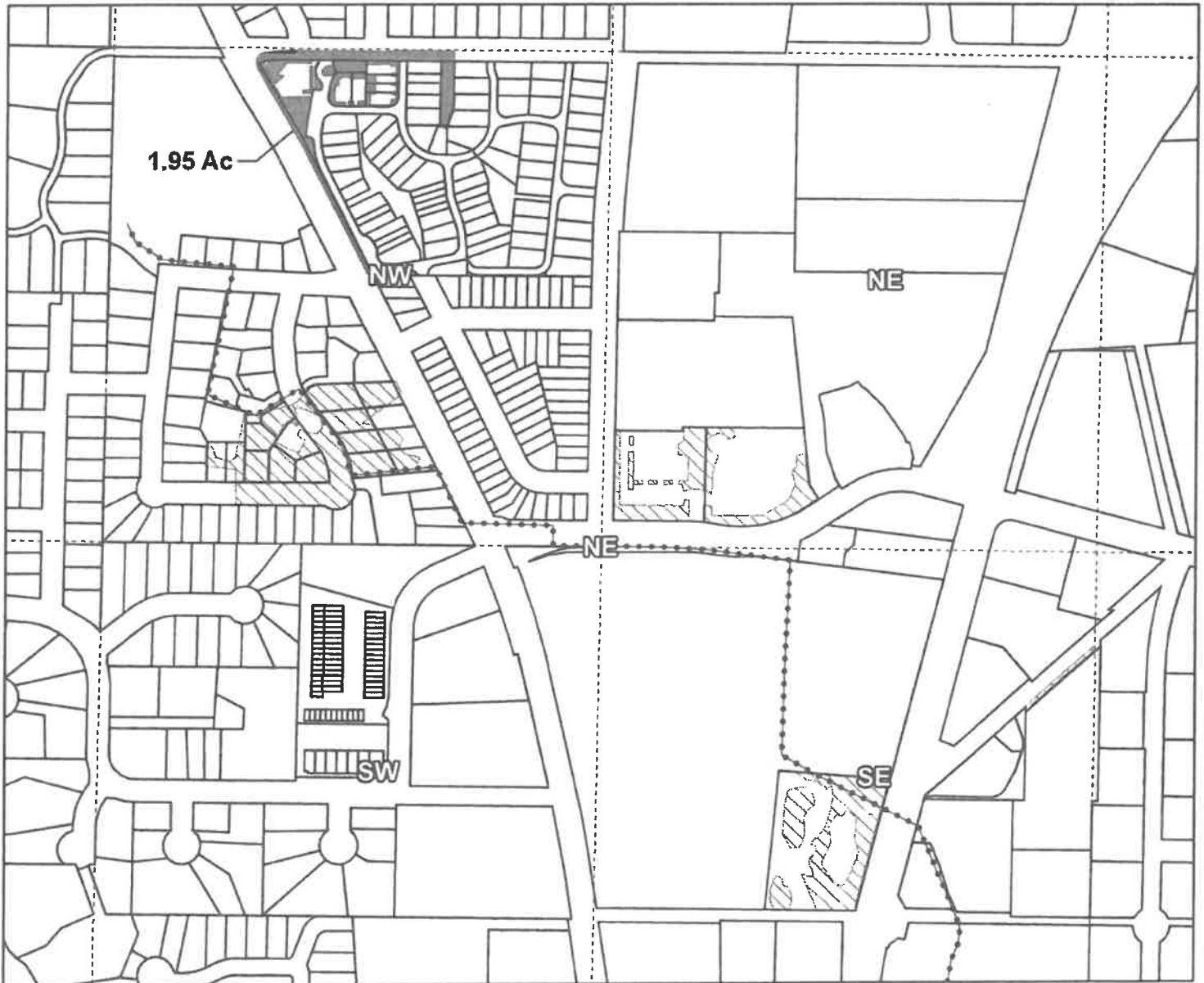
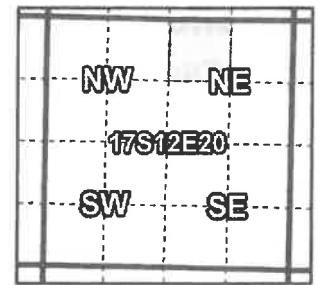
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Prepared by Swalley Irrigation District | March 2024

# Swalley Irrigation District

## 2022 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Tuscany Pines 1



17-12-20-NW/NE: 1.95 Acres Quitclaim, 0.0 Acres Remaining

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Salem, OR

- Pipelines and Canals
- Transfer
- ▨ Primary Water Right
- Taxlots



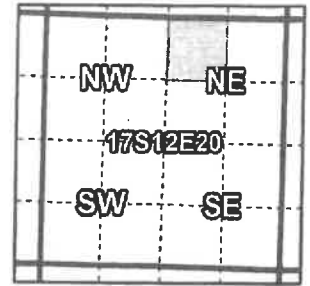
1:4,800

Prepared by Swalley Irrigation District | November 2022

# Swalley Irrigation District

## 2022 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Tuscany Pines 2



17-12-20-NW/NE: 0.5 Acres Quitclaim, 0.0 Acres Remaining

- Pipelines and Canals
- Transfer
- Primary Water Right
- Taxlots

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Salem, OR



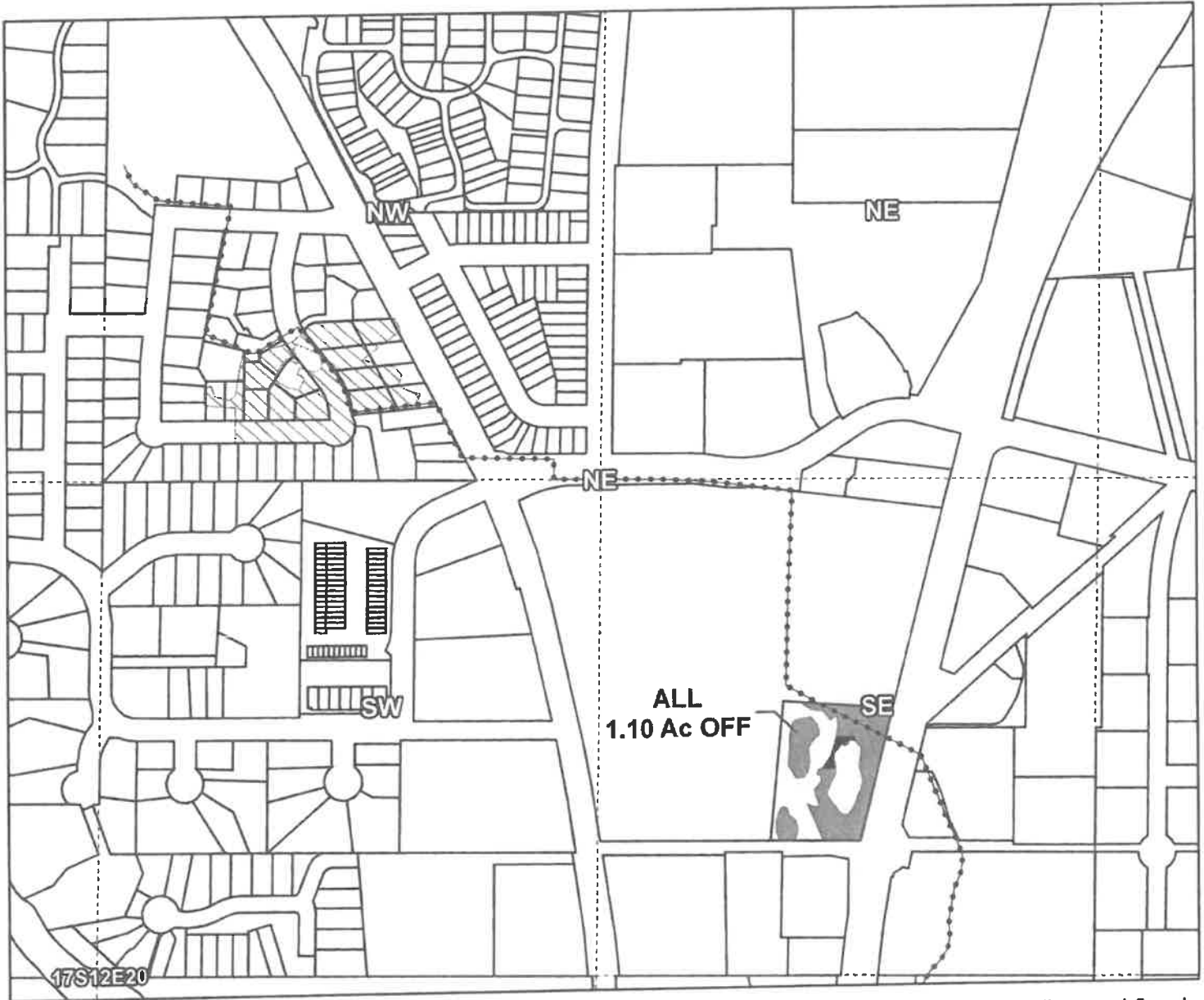
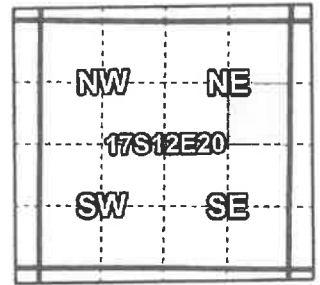
1:4,800

Prepared by Swalley Irrigation District | November 2022

# Swalley Irrigation District

## 2023 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Oregon Department of Transportation



Taxlot 171220A001701, 17-12-20-SE/NE-01701: 1.10 Acres Off, 0 Acres Remaining

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Salem, OR

- Pipelines and Canals
- Transfer
- Primary Water Right
- Taxlots



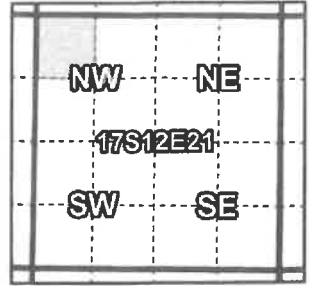
1 inch = 400 feet

Prepared by Swalley Irrigation District | April 2023

# Swalley Irrigation District

## 2022 District Transfer Application Quitclaim Map

**Certificates: 74145**  
for Larocco



Taxlot 1712210001301, 17-12-21-NW/NW-01301: 2.75 Acres Off, 0 Acres Remaining

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April 15, 2026  
Salem, OR



1 inch = 400 feet

Prepared by Swalley Irrigation District | December 2022