

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 -2160 / MP-343</u>
	Fee-	_____

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

Mitigation Project

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

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

Fees	Application fee required by ORS 536.050
	Fee Schedule is located at this link: https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf
<input type="checkbox"/> Check enclosed <u>or</u>	
<input checked="" type="checkbox"/> Fee Charged to customer account Deschutes River Conservancy (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:95746**
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

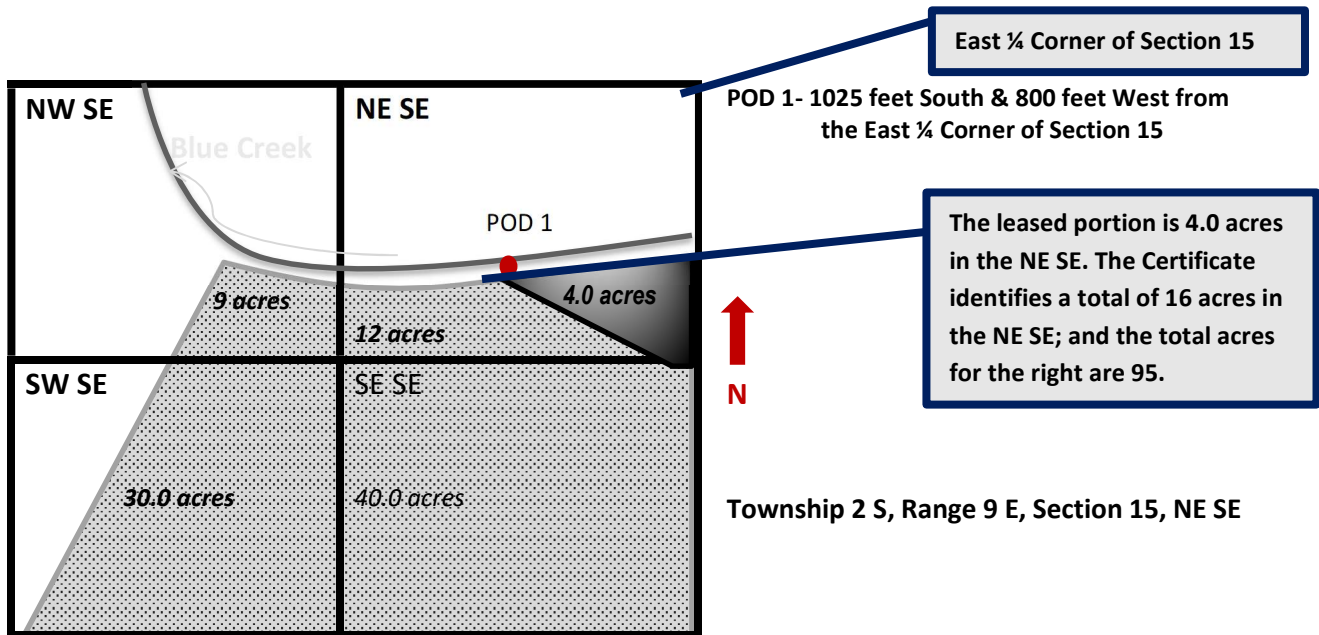
A Map is generally required for each water right not leased in its entirety

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 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)



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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 95746

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
1897		22-S	10-E	22	SE-NE	101		12.3	IR	IL-2115
1897		22-S	10-E	22	NE-SE	101		17.8	IR	IL-2115
1897		22-S	10-E	22	SW-SE	109		0.8	IR	IL-2115
1897		22-S	10-E	22	SW-SE	101		1.9	IR	IL-2115
1897		22-S	10-E	22	SE-SE	109		0.3	IR	IL-2115
1897		22-S	10-E	22	SE-SE	101		15.3	IR	IL-2115
1897		22-S	10-E	23	NW-SW	2400		1.0	IR	IL-2115
1897		22-S	10-E	27	NE-NE	102		5.1	IR	IL-2115
1897		22-S	10-E	27	NE-NE	103		2.7	IR	IL-2115
1897		22-S	10-E	27	NW-NE	102		6.2	IR	IL-2115
1897		22-S	10-E	27	NW-NE	103		5.8	IR	IL-2115
1897		22-S	10-E	27	SW-NE	103		4.0	IR	IL-2115
1897		22-S	10-E	27	SW-NE	104		18.9	IR	IL-2115
1897		22-S	10-E	27	SW-NE	108		6.3	IR	IL-2115
1897		22-S	10-E	27	SE-NE	103		1.2	IR	IL-2115
1897		22-S	10-E	27	SE-NE	104		1.5	IR	IL-2115
1897		22-S	10-E	27	NW-SE	108		9.5	IR	IL-2115
1897		22-S	10-E	27	NW-SE	105		7.1	IR	IL-2115
1902		22-S	10-E	22	NW-SE	101		35.5	IR	IL-2115
1902		22-S	10-E	22	SW-SE	101		26.6	IR	IL-2115
		-	-		-					

Total Acres: 179.8 acres - 117.7 acres 1897, 62.1 acres 1902. Transfer T-14309 / MP-311 affects the rest of the landowner's acres not included in this lease. 38.3 acres were sold since the previous lease IL-2115.

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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)
1897		IR	117.7	Max. 4 AF/ac, 1/40 th cfs per acre	2.943	470.8
1897		IR		1/80 th cfs per acre	1.471	
1902		IR	62.1	Max. 4 AF/ac, 1/40 th cfs per acre	1.553	248.4
1902		IR		1/80 th cfs per acre	0.776	
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: Max rate: 4/1 - 5/23 & 8/20 - 11/1 = 1/80th cfs per acre, 5/23 - 8/20 = 1/40th cfs per acre						

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")
	25-S	9-E	34	SW-SW		550 Feet N and 1150 Feet E from the SW corner of Section 34
	-	-		-		
<input type="checkbox"/> 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.						

Part 3 of 4 cont. – Water Right and Instream Use Information

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Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Little Deschutes, tributary to Deschutes</u>				River Basin: <u>Deschutes</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)
1897		IR	117.7	4/1 - 5/23	0.600	61.88
1897		IR		5/23 - 8/20	1.831	323.22
1897		IR		8/20 - 10/31	0.600	85.69
1902		IR	62.1	4/1 - 5/23	0.278	28.71
1902		IR		5/23 - 8/20	1.019	179.94
1897		IR		8/20 - 10/31	0.278	39.75

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:

A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to Lake Billy Chinook

Or Proposed Instream Point:

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 rates adjusted to not exceed duty limit

Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: Leased as a Mitigation Project

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Wanek Ranches Lease Calculations

Max Rate/Duty		Max 4 AF/Ac			
Priority	Acres	Rate/Ac	Rate/Ac	Rate	AF
1897	117.7	1/40th	0.025	2.943	
	117.7	1/80th	0.0125	1.471	470.8
1902	62.1	1/40th	0.025	1.553	
	62.1	1/80th	0.0125	0.776	248.4

Instream 1.983471

Priority	Dates	Days	Rate	AF	
1897	1-Apr	23-May	52	0.600	61.88
	23-May	20-Aug	89	1.831	323.22
	20-Aug	31-Oct	72	0.600	85.69
				470.79	
1902	1-Apr	23-May	52	0.278	28.71
	23-May	20-Aug	89	1.019	179.94
	20-Aug	31-Oct	72	0.278	39.75
				248.40	

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Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>May</u> year <u>2026</u> and end: month <u>October</u> year <u>2026</u> 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.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input checked="" type="checkbox"/> Recreation</p> <p><input checked="" type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/></p> <p>And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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</p> <p><input type="checkbox"/> 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.</p>	

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.

Wendy W. Potok
 Signature of Lessor

Date: 5-18-26

Printed name (and title): Wendy Potok Business name, if applicable: Wanek Ranch, LLC
 Mailing Address (with state and zip): P.O. Box 1098, La Pine, OR 97739
 Phone number (include area code): 541-536-6055 **E-mail address: artla@yahoo.com

See next page for additional signatures.

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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: _____



Date: 5 18 2 2

Signature of Lessee

Printed name (and title): Alex Ehrens, Program Manager

Business/organization name: Deschutes River Conservancy

Mailing Address (with state and zip): 805 SW Industrial Way, Suite #5, Bend, OR 97702

Phone number (include area code): 541-382-4077 **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.**

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Business Name Search

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Business Entity Data

05-14-2026
15:20

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
805756-90	DLLC	ACT	OREGON	10-11-2011	10-11-2026	
Entity Name		WANEK RANCH, LLC				
Foreign Name						

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Associated Names

Type					
PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	50825 S HUNTINGTON RD				
Addr 2					
CSZ	LA PINE	OR	97739	Country	UNITED STATES OF AMERICA

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

Type			Start Date	Resign Date
AGT	REGISTERED AGENT		10-11-2011	
Of Record	332414-98 MILL VIEW PROFESSIONAL SERVICES, INC.			
Addr 1	591 SW MILL VIEW WAY - GC			
Addr 2				
CSZ	BEND	OR	97702	Country UNITED STATES OF AMERICA

Type					
MAL	MAILING ADDRESS				
Addr 1	MILL VIEW PROFESSIONAL SERVICES - GC				
Addr 2	591 SW MILL VIEW WAY				
CSZ	BEND	OR	97702	Country	UNITED STATES OF AMERICA

Type			Resign Date
MEM	MEMBER		
Name	ALYSSA	W	POTOK
Addr 1	20896 GATEWAY DR		
Addr 2			
CSZ	BEND	OR	97702
Country	UNITED STATES OF AMERICA		

Type			Resign Date
MEM	MEMBER		
Not of Record	WENDY W. POTOK REVOCABLE TRUST, UTD FEBRUARY 8, 2011		

Addr 1	WENDY W POTOK TRUSTEE				
Addr 2	PO BOX 1287				
CSZ	LA PINE	OR	97739	Country	UNITED STATES OF AMERICA

Type	MEM MEMBER	Resign Date	
Name	TRACY	A	GLOVER
Addr 1	2929 SW 2ND LN		
Addr 2			
CSZ	CAPE CORAL	FL	33991
Country	UNITED STATES OF AMERICA		

Type	MGR MANAGER	Resign Date	
Name	WENDY	W	POTOK
Addr 1	PO BOX 1287		
Addr 2			
CSZ	LA PINE	OR	97739
Country	UNITED STATES OF AMERICA		

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Business Entity Name	Name Type	Name Status	Start Date	End Date
WANEK RANCH, LLC	EN	CUR	10-11-2011	

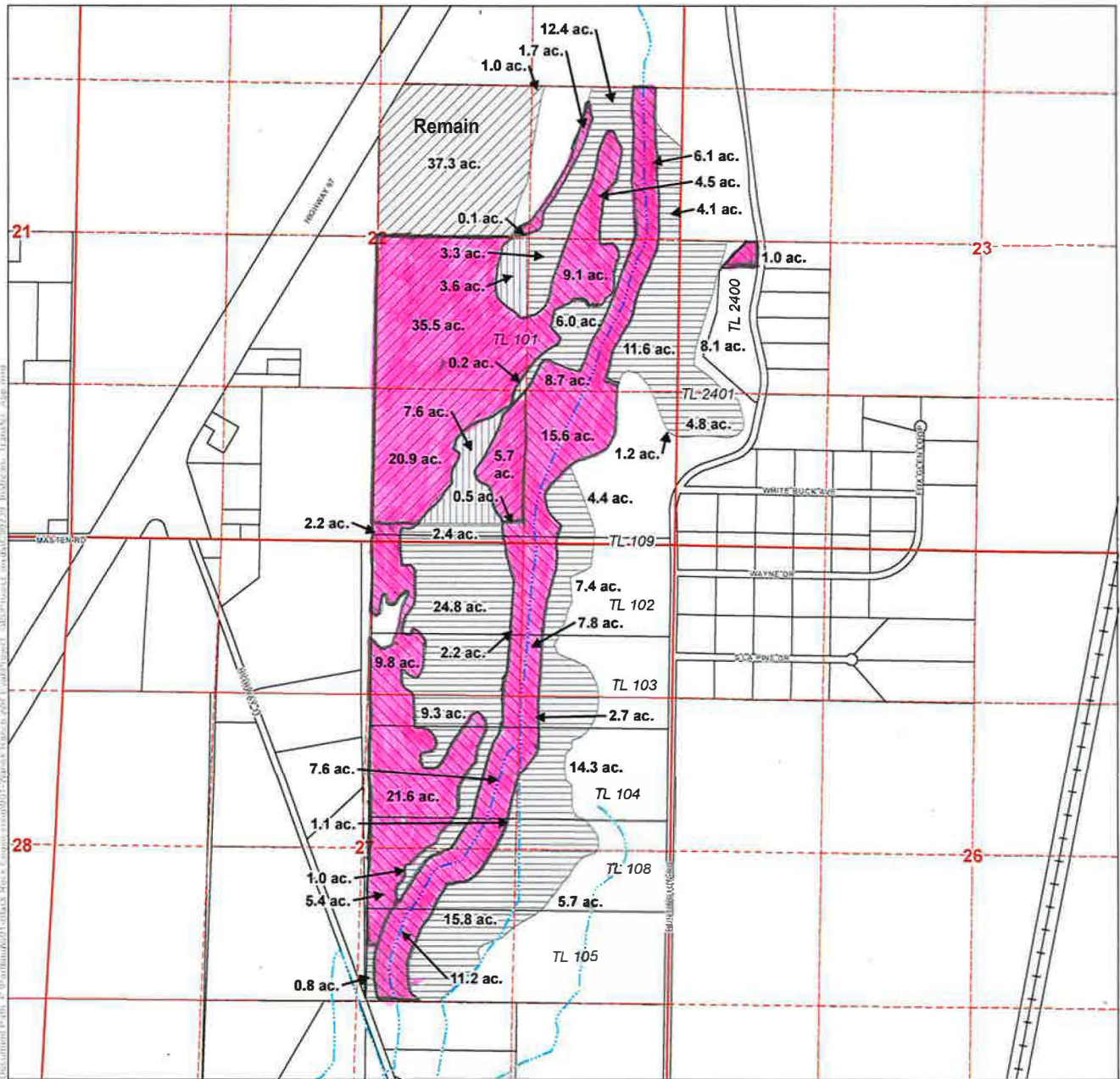
Please read before ordering Copies.

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	09-25-2025		FI		
	AMENDED ANNUAL REPORT	08-30-2024		FI		
	AMENDED ANNUAL REPORT	09-07-2023		FI		
	AMENDED ANNUAL REPORT	08-29-2022		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-15-2022		FI		
	AMENDED ANNUAL REPORT	09-02-2021		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-07-2020		FI		
	AMENDED ANNUAL REPORT	08-25-2020		FI		
	AMENDED ANNUAL REPORT	08-26-2019		FI		
	AMENDED ANNUAL REPORT	08-30-2018		FI		

Application for a Water Right Instream Transfer in the Name of Wanek Ranch, LLC

FROM Lands - Certificate 95746
 Deschutes County, Oregon
 Township 22 South, Range 10 East (W.M.)



LEGEND

Place of Use (POU)

- Lands to Remain - 1902 Priority
- Lands to Remain - 1897 Priority
- From Lands - 1902 Priority T-14309
- From Lands - 1897 Priority T-14309

All Other Features

- Tax Lots
- Railroad
- Watercourses

Certified Water Rights Examiner Stamp

- Instream - 1902 Priority - 62.1 ac
- Instream - 1897 Priority - 117.7 ac

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 2, 2016
 Data Sources: Deschutes Co GIS, DRC, OGIC

