

Application for Instream Lease



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

Complete Parts 1 through 4 and include the required attachments		OWRD # <u>1L - 2169</u>
		District # _____
Fee:	Application fee required by ORS 536.050 Fee Schedule is located at this link: https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf ☒ Check enclosed or ☐ Fee Charged to customer account _____ (Account name)	

Instream Lease Application Part 1 of 4 – Minimum Requirements Checklist

Check all items included with this application. (N/A = Not Applicable)	
☐ 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 and Other Party Signature Page
☒	Part 3 – Completed Place of Use and Lessor Signature Page NOTE: Include separate Part 3 for each Lessor. How many Water Rights are leased? <u>1</u> (# of rights) List them here: <u>87515</u> ☐ 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: _____)?
☒	Part 4 – Completed Instream Lease Provisions and Signatures
Required Attachments:	
☐ Yes ☒ N/A	Map: Instream lease application map Requirements (see Part 2 of the application).
☐ 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).
☐ Yes ☒ N/A	If the Lessor (water right holder) is not the deeded downer of the land - 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 that demonstrates the lessor is authorized to pursue the lease absent consent of the landowner

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Instream Lease Application
Part 2 of 4 – Instream Lease Application Map Checklist

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

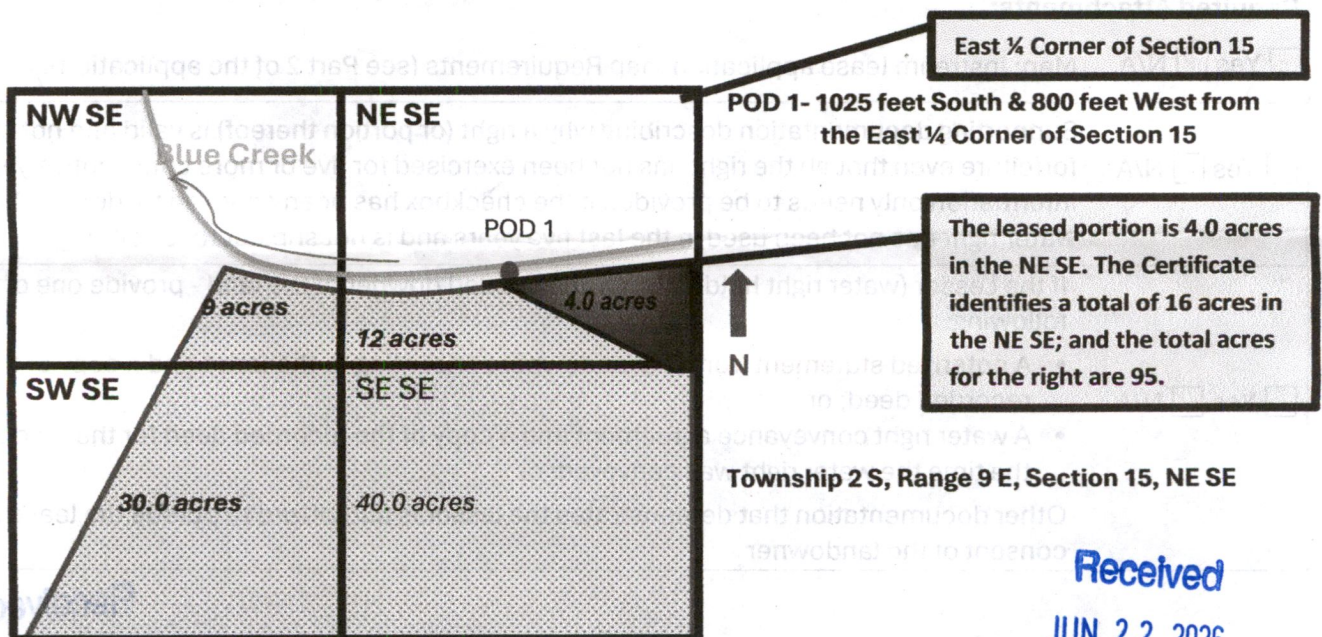
The application map (if required) should include all the items listed below and match the existing water right(s) of record.

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.

☐ 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 that meets the requirements of OAR 690-077-0071 may be used, if approved by the Department prior to submittal of the application.

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

Instream Lease Application

Part 3 of 4 – Water Right and Instream Use Information

Water right # 87515

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 attach a 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

Total Acres: _____

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 attach a spreadsheet (matching Table 2). Please clearly label any attachments.

(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)
1885		IR	55		0.92	

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 attach a spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot
	3 5	3 W	33	SW NW	

Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot

Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")

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Part 3 of 4 Continued- Water Right and Instream Use Information

Table 4 – Instream Use Created by the Lease

River/Stream Name: Sardine Crk.

River Basin: Rogue Basin

tributary to Rogue River

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)
1885		IR	55	4/1 to 11-1	0.92	

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 POD To Mouth

Or Proposed Instream Point:

☐ Instream use protected at the POD

OR ☐ If no reach is identified or the above box is not checked 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.

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Part 4 of 4 – Instream Lease Provisions and Signatures

Term, Termination Clause, Validity of Water Right, Instream Use

Term of the Lease:

The lease is requested to BEGIN in: month April year 2026
and END in: month Nov year 2030

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.

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 the 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)

Validity of the rights to be leased:

- ☒ 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) 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). *Documentation describing why the water right is not subject to forfeiture must be submitted with application.*

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

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) agrees 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) certifies 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 the information provided in this lease application is true and accurate.

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Lessor Information

LESSOR NAME <i>Kellogg Kin Inc.</i>		CONTACT NAME <i>Daniel S Kellogg</i>		PHONE NO. <i>541-601-6512</i>
ADDRESS <i>2132 Savdine Crk Rd.</i>				
CITY <i>Gold Hill</i>	STATE <i>OR</i>	ZIP <i>97525</i>	E-MAIL <i>ds.kellogg@gmail.com</i>	
DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.				
IMPORTANT NOTE - Electronic forms of documents: Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wrd_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list.				
→ Lessor Signature: <i>Daniel S Kellogg</i>			Date: <i>6-15-2026</i>	

Co-Lessor Information

CO-LESSOR NAME		CONTACT NAME		PHONE NO.
ADDRESS				
CITY	STATE	ZIP	E-MAIL	
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→ Co-Lessor Signature: _____			Date: _____	

Lessee Information

LESSEE NAME		CONTACT NAME		PHONE NO.
ADDRESS				
CITY	STATE	ZIP	E-MAIL	
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→ Lessee Signature: _____			Date: _____	

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