



State of Oregon
Water Resources Department
725 Summer Street NE, Suite "A"
Salem, Oregon 97301-1271
(503) 986-0900

Application for Short-Term Instream Lease Renewal

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

The undersigned entered into Instream Lease Number L-128 involving Water Right Certificate(s) 76521 on July 21, 2000, which expired on October 31, 2001.

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number L-128 be renewed. Lessor and Lessee warrant that, to the best of their knowledge, circumstances have not changed and all matters involved with or affected by the instream lease and the subject water right(s) remain as they were when the lease was first entered into, including but not limited to ownership of the lands to which the water right(s) is/are appurtenant, the acres from which the right is leased, and the public instream benefit provided as a result of this instream lease.

The terms and conditions of instream lease L-128 are hereby incorporated by reference in their entirety, with the following exception(s):

- The term of the lease shall commence on March 1, 2006 (not before execution by the parties) and continue through October 31, 2010
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (July 1), with 30 day written notice to the Department.

CREP. Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program?
 Yes
 No

Fees. Effective October 1, 2003, pursuant to ORS 536.050 (1)(w) (2003 SB 820), the following fee is included:
 \$50 for examining an application for an instream lease renewal.

Lessor: _____ Date: _____
Email address: _____
Dave Smith

Lessor: _____ Date: _____
Email address: paulineliu@mail.com
Pauline Smith

Lessee: _____ Date: _____
Email address: _____

Instructions for the Instream Leasing Renewal Form

(Please do not submit these instructions with the application.)

When Do I Use This Form?

This form may be used if you have previously had a lease with the Water Resources Department and want to renew it. A renewal application is subject to the same review process and provisions of the original lease (OAR 690-077-0077(14)). This form may be used to change the term of the lease, update ownership information, and make other nonsubstantive changes that do not affect the quantity of water being leased. If different rates, certificates or acreage are proposed to be leased, then this form cannot be used. Instead use the Standard Lease Form or the Pooled Lease Form.

Instructions for Completing the Renewal Form

First Paragraph: The lease number will be the same as the original lease. Standard and Pooled lease application numbers should be preceded with the letter “L” and Split Season Leases should be preceded with the letter “S”, even if this was not indicated on the original lease application.

Include all certificate or permit numbers which were part of the original lease.

Include the date when the prior lease took effect. This is the date of the Department’s Order approving the original lease (the signature date), or for older leases would be the Trustee (Department) signature date on the application. The expiration date of the previous lease can be found in Section 2.3 of most leases.

If a lease has been renewed previously, then it is preferred that the Order/Trustee Signature date and expiration dates be associated with the original lease. However, if a previous renewal has changed lease

conditions that should be incorporated into the current renewal, then the Order/Trustee Signature date and expiration dates could be associated with the previous renewal.

Second Paragraph: Use the same lease number as used in the first paragraph.

Third Paragraph: Use the same lease number as used in the first paragraph.

The term of the lease can be from one to five calendar years. For seasonal water rights, the date the lease commences should be the first day the water can be legally used for the first year of the lease, continue through the last day the water can be legally used (e.g. the irrigation season), for the last year of the lease. For year-around rights, January 1, (year) and December 31, (year) should be used.

A clause that you may want to add that was not included on some early lease agreements is: “For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised, with 30 day written notice to the Department.” The lease is exercised the first day that water is legally protected instream. Frequently, this information is found in Section 2.2 and may be for a shorter time period than the legal season of use.

CREP Paragraph: Indicate if some or all of the lands are enrolled in the federal Conservation Reserve Enhancement Program. The Department will send a copy of the lease application and the associated order to the Farm Services Administration.

Fees Paragraph: Applications received without the proper fee will be returned.

Lessors: The lessor is the owner, or an authorized agent, of the property where, during the term of the lease:

- Water use will be suspended; or
- Water stored in a reservoir will be released for instream use.

If the lands to which the subject water rights are attached fall within the boundaries of an irrigation district or other water purveyor, as defined in ORS Chapters 545, 547, 552, 553, or 554, that organization must be a party to the lease.

Lessee: The Lessee is normally an organization, agency or individual who may compensate (or provide other consideration of value to) the Lessor for leasing the subject right for instream use.