



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for 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/OWRD/PUBS/forms.shtml.

The undersigned entered into Instream Lease Number L-351 involving Water Right Certificate(s) 79382 on February 24, 2003, which terminated on October 31, 2007.

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number L-351 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 water right holder interest, 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-351 are hereby incorporated by reference in their entirety, with the following exception(s):

- The term of the lease shall commence on March 1, 2008 (not before execution by the parties) and continue through October 31, 2012.

CREP. Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program?

- Yes
 No

Fees. Pursuant to ORS 536.050, the following fee is included:

- \$50 for an instream lease renewal application.

Lessor: _____ Date: _____

Email address: _____

Robert J. Scharf

Lessor: _____ Date: _____

Email address: _____

For additional Lessors, type in space for signature and date

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(10)). This form may be used to change the term of the lease, update water right holder 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

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 (either the signature date or effective date of the Order).

If a lease has been renewed previously, then it is preferred that the effective and termination dates be associated with the original lease Order. However, if a previous renewal has changed lease conditions that should be incorporated into the current renewal, then the effective and termination dates could be associated with the previous renewal Order.

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.

For multiyear leases, you may want to request an “Early Termination Provision.” This provision allows termination of the lease between irrigation seasons.

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 water right holder, 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 and be listed as Lessor.

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.

Farm Deferral Tax Status

Counties make the decision of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor.