



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

Application for Instream Lease

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.

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-1059

This Lease is between:

Lessor #1:

Name Randy and Jackie Yow
Mailing address 50490 Hwy 31
City, State, Zip Code LaPine, OR 97739
Telephone number _____
Email address _____

Lessor #2, 3, etc.

LaPine Cooperative Water Assoc, P.O. Box 97, LaPine, OR 97739

The water right to be leased is located in Deschutes County.

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address 700 NW Hill Street
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-4077
Email address gen@deschutesriver.org

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 22 S, Range 10 E, Section 27 and Tax Lot number 100,106 & 107. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

- 1.2 Lessor #2 is the (Check one):
 Not applicable
 Official representative of LaPine Cooperative Water Association, the irrigation district which conveys water to the subject water rights.
 Another party with an interest in the subject water rights representing _____.

- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 83653

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

1.5 Water Rights Proposed to be Lensed Instream.

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 83653

Priority date: 1897 Type of use: IRR

Legal Season of Use: April 1- November 1

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 22 S, R 10 E, Section 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15.0 acres to be leased

Enter additional places of use here, using format above:

Taxlots 100, 106 & 107

Page 2 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 15

Acre-feet of storage, if applicable: n/a

Maximum rate associated with the right to be leased (cfs): .025 cfs/ac = 0.375

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 4 af/ac = 60 af

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional water rights form.

1.6 Validity of rights. Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

Little Deschute River

Tributary to Deschutes River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): T23S, R9E, Sect 34, SWSW, WM – 550 feet North & 1150 feet East from SW corner, Sect 34 to Lake Billy Chinook and to the mouth of the Deschutes at RM 0.

Maximum volume in acre-feet: 60

Rate in cfs: May 1-May 22, 0.0125cfs/ac = 0.188 cfs

May 23-Aug 20, 0.015 cfs/ac = 0.225 cfs

Aug 21-Sept 25, 0.0125 cfs/ac = 0.188 cfs

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from May 1 through Sept 25.
- Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

2.3 **Term of lease.** This lease shall terminate on October 31, 2014.

2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the

water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

- 3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 **Termination provision.**
 For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
▪ Written notice to the Department with original signatures;
▪ Consent by all parties to the lease; and/or
▪ Written notice to the Watermaster's office.
 For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:
 \$400 for an application with four or more landowners or four or more water rights.
 \$250 for all other applications.

Lessor #1: Randy Yow Date: 3/25/10
Randy Yow
Jackie Yow Date: 3-25-10
Jackie Yow

For additional Lessors, type in space for signature and date
Lessor #2: Signature Not Required Date: N/A
LaPine Coop Water Assoc

Lessee: Menemie Hubert Date: 3/29/2010
Deschutes River Conservancy

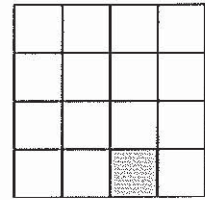
Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

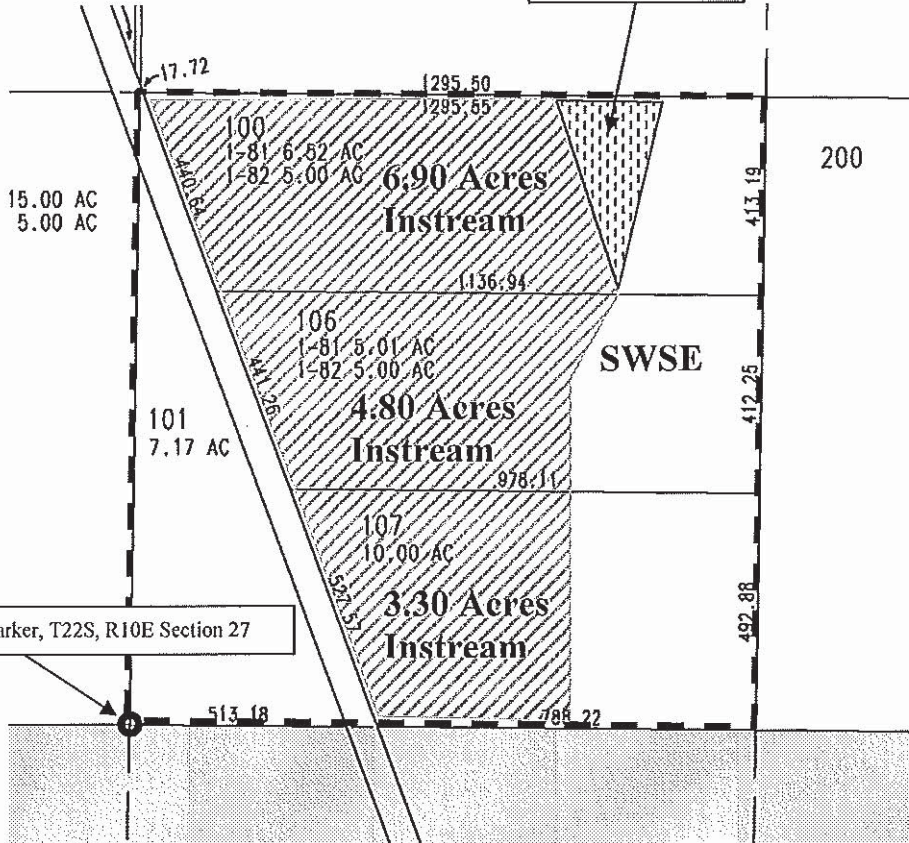
Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form



T22S, R10E Section 27

**1.80 Acres
Remaining**



Randy and Jackie Yow Instream Lease Map – Cert. 83653



Place of Use for Instream



Place of Use Remaining



Corner Marker

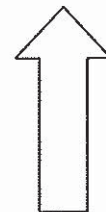
T22S R10E Section 27, SW ¼, SE ¼, Tax Lots 100, 106, & 107

Deschutes County, OR - March 17, 2010

Scale 1" = 400'

John A. Short
 P.O. Box 1830
 Bend, OR 97709
 541-408-7415
 johnshort@usa.com

NORTH



Twp	Rng	Mer	Sec	Q-Q	Gov Lot	Tax Lot	Acres	Owner
22 S	10 E	WM	27	SW NE		108	26.80	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SE NE		103	5.90	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SE NE		108	11.10	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NE SE		108	5.70	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	NW SE		108	34.20	Wanek, Gordon & Henrietta
22 S	10 E	WM	27	SW SE	• 1897	100	8.70	Hunt, Rod
22 S	10 E	WM	27	SW SE		101	5.60	LeBeau, Donald & Suzanne
22 S	10 E	WM	27	SW SE	• 1897	106	4.80	Hunt, Rod
22 S	10 E	WM	27	SW SE	• 1897	107	3.30	Hunt, Rod
22 S	10 E	WM	34	NW NE		2803	18.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	NW NE		2805	0.70	Hunt, Rod
22 S	10 E	WM	34	NE NW		2803	39.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	SE NW		2803	36.70	LeBeau, Donald & Suzanne
22 S	10 E	WM	34	NE SW		2803	24.30	LeBeau, Donald & Suzanne
23 S	9 E	WM	11	SW NE		700	2.50	Cliff, Theresa
23 S	9 E	WM	11	SE NE		800	28.70	Cliff, Theresa
23 S	9 E	WM	11	NE SE		1300	39.20	Cliff, Theresa
23 S	9 E	WM	11	NW SE		1300	8.60	Cliff, Theresa
23 S	9 E	WM	11	SW SE		1300	24.00	Cliff, Theresa
23 S	9 E	WM	11	SE SE		1300	32.50	Cliff, Theresa
23 S	9 E	WM	14	NE NE		1500	7.70	Cliff, Theresa
23 S	9 E	WM	14	NW NE		1500	34.20	Cliff, Theresa
23 S	9 E	WM	14	SW NE		1500	29.10	Cliff, Theresa
23 S	9 E	WM	14	SE NE		1500	2.10	Cliff, Theresa
23 S	9 E	WM	14	NW SE		1500	5.40	Cliff, Theresa
23 S	9 E	WM	14	SW SE		1500	13.30	Cliff, Theresa
23 S	9 E	WM	23	NW NE		2300	8.80	Cliff, Theresa
23 S	9 E	WM	23	SW NE		2300	7.60	Cliff, Theresa
23 S	9 E	WM	23	NW SE		2300	12.40	Cliff, Theresa
23 S	9 E	WM	23	SW SE		2300	8.30	Cliff, Theresa
23 S	10 E	WM	3	NE SW		400	4.90	Wood, Joyce
23 S	10 E	WM	3	NE SW		500	3.00	Wood, Joyce
23 S	10 E	WM	3	NE SW		600	2.10	Lewis, David & Laurie
23 S	10 E	WM	3	NE SW		700	1.80	Severson, Arlene
23 S	10 E	WM	3	SE SW		800	2.50	Falconer, Neil & Pam
23 S	10 E	WM	3	SE SW		1200	2.60	Jarman, Edwin
23 S	10 E	WM	3	SE SW		1300	2.70	Strunk, Vance
23 S	10 E	WM	3	SE SW		1400	2.90	Wicks, Curtis
23 S	10 E	WM	5	SW NE		100	1.90	Miltenberger, Pauline et al.
23 S	10 E	WM	10	NE NW		200	8.60	Wicks, Curtis
23 S	10 E	WM	10	NE NW		400	3.00	Thomas, Tom
23 S	10 E	WM	10	SE NW		500	2.10	Mickle, Christopher D. and Hollister, Janet M.
23 S	10 E	WM	10	SE NW		600	2.10	Thomas, Robert
23 S	10 E	WM	10	SE NW		700	2.10	Mort, Michael
1900 Priority								
23 S	10 E	WM	3	NE NW	3	400	21.00	Yager, James
23 S	10 E	WM	3	SE NW		400	27.90	Yager, James
April 30, 1902 Priority								
22 S	10 E	WM	22	SW NE		101	37.40	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	SE NE		101	1.00	Wanek, Gordon & Henrietta
22 S	10 E	WM	22	NW SE		101	39.30	Wanek, Gordon & Henrietta

Leased
6.9
4.8
3.3

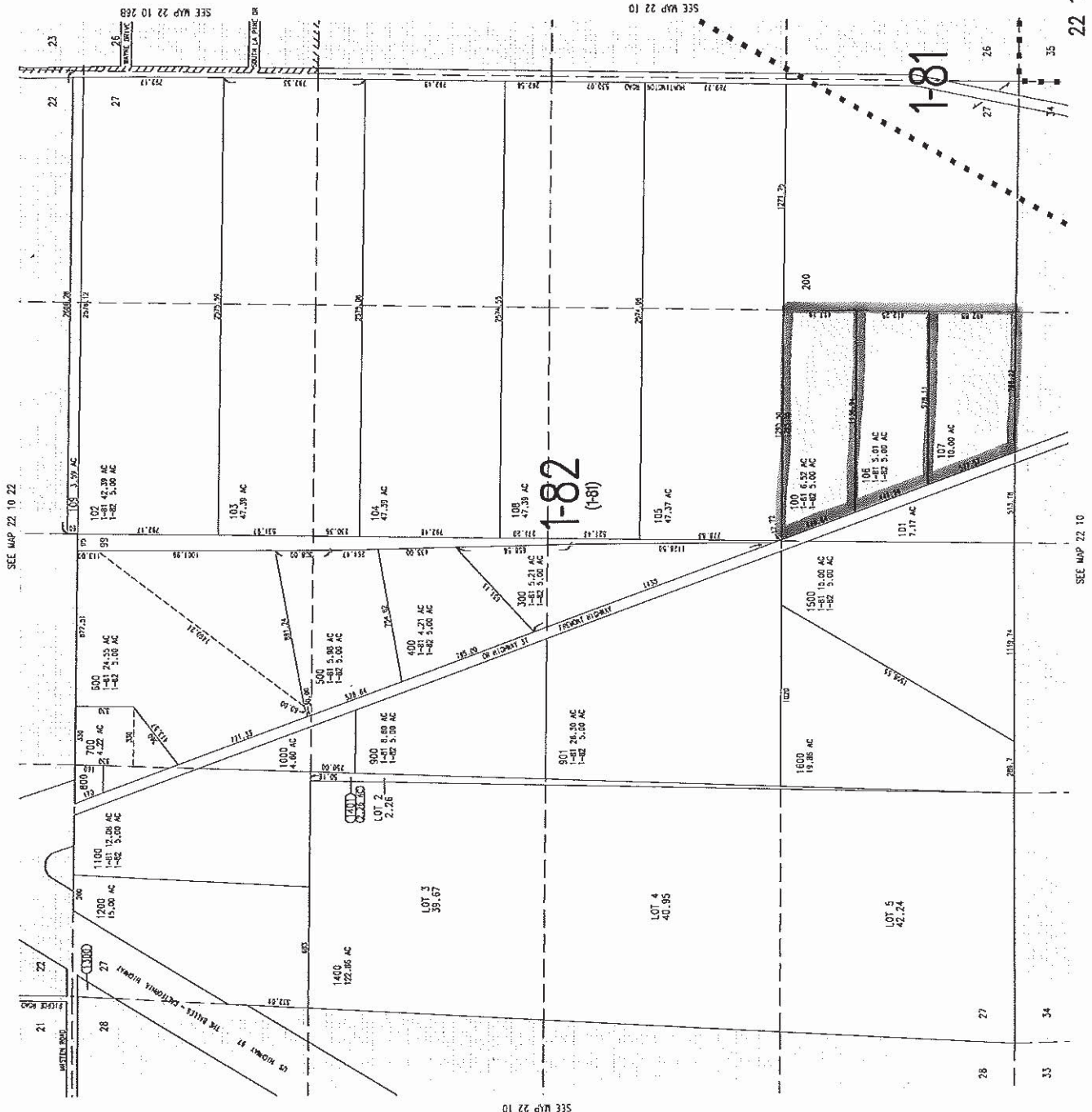
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.
REVISED: 04/23/2007

SECTION 27 T. 22S. R. 10E. W.M.
DESCHUTES COUNTY

1" = 400'

22 10 27

22 10 27



SEE MAP 22 10 22

SEE MAP 22 10

SEE MAP 22 10

Randy and Jackie Yow - Instream Lease / Property Details

Date	Deed	Date	Quitclaim	From	To	Taxlot	Acres	Notes
7/21/2004	2004-43110		n/a	Hunt	Randy/Jackie Yow	22-10-27-SWSE-100 & 107	21.57	lease option
12/3/2004	2004-72218		n/a	Hunt	R/J Yow	22-10-27-SWSE-0100	11.57	deed
8/1/2005	2005-50031		n/a	Hunt	R/J Yow	22-10-27-SWSE-0106	10.01	deed
1/31/2007	2007-06527		n/a	R/J Yow	L/lee	22-10-27-SWSE-0106	10.01	deed
		3/9/2010	2010-10006	L/lee	R/J Yow	22-10-27-SWSE-0106	4.8	C-83653/1897/WR
7/21/2004	2004-43111		n/a	Hunt	Looney	22-10-27-SWSE-0107	10	deed
8/11/2006	2006-55197		n/a	Looney	R/J Yow	22-10-27-SWSE-0107	10	deed
2/11/2008	2008-06042		n/a	R/J Yow	Looney	22-10-27-SWSE-0107	10	deed
		3/9/2010	2010-10005	Looney	R/J Yow	22-10-27-SWSE-0107	3.3	C-83653/1897/WR