A scenic view of a stream flowing over mossy rocks with fallen leaves. The water is captured in a long-exposure shot, creating a soft, white, misty effect as it cascades over the dark, wet rocks. The rocks are covered in vibrant green moss, and several yellow and brown autumn leaves are scattered throughout the scene, some floating in the water and others resting on the rocks. The overall atmosphere is serene and natural.

Split Season Instream Leasing Program Evaluation

Water Resources Commission

November 15, 2012

Dwight French

Why Are We Here?

- Evaluation Required by Rule before 2014
- Program Sunsets on January 2, 2014
- Legislative Concept (LC 660)
- The Department is interested in the Commissions comments and suggestions
- No action is required

Split Season Lease

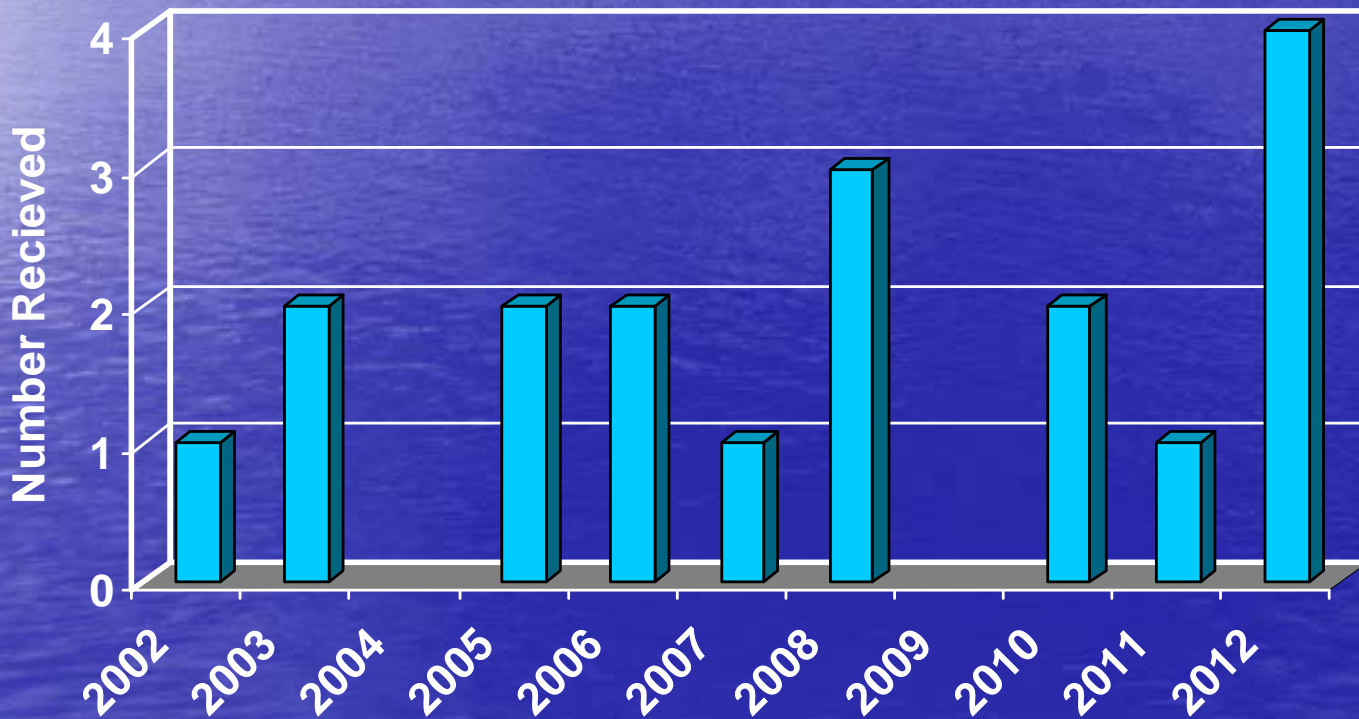
- . . . allows a water right holder to use water for the original purpose during one part of the season and have water protected instream during a different part of the season

Background

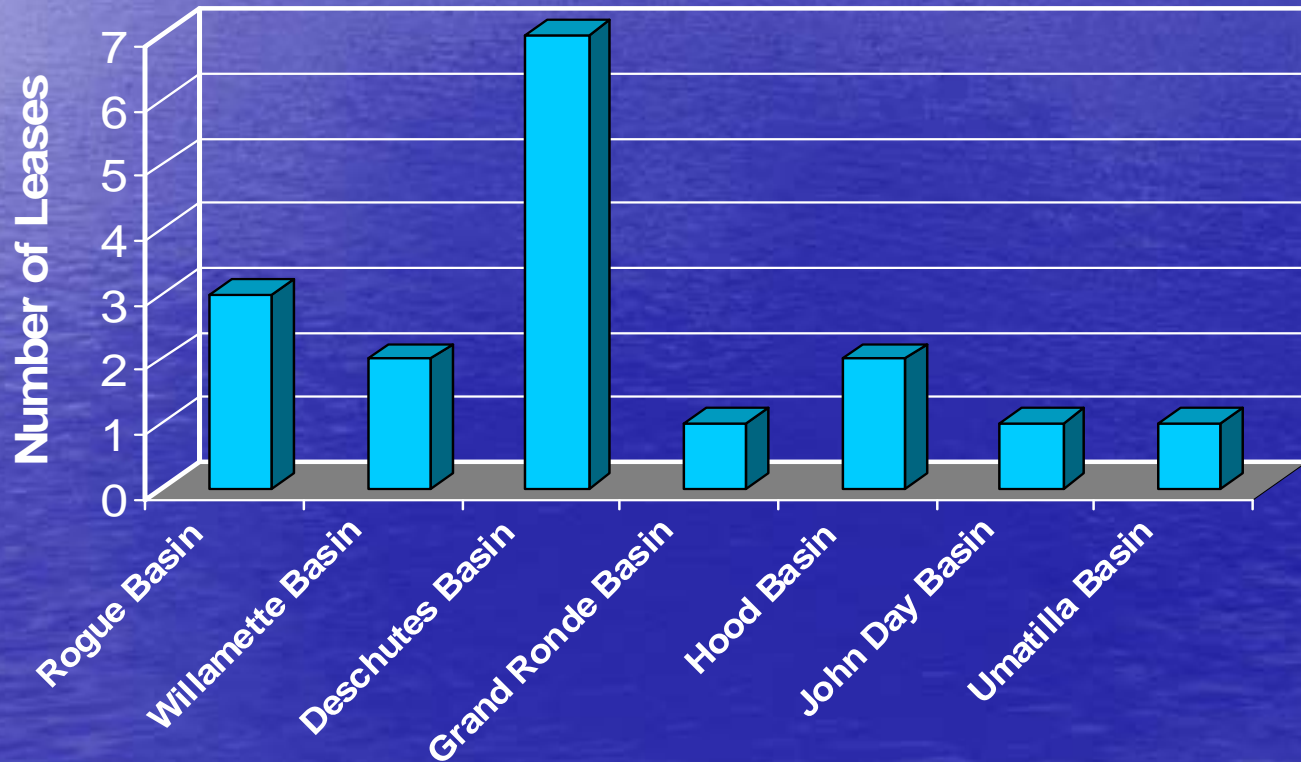
- **Instream Water Right Act adopted in 1987**
 - **First Instream Lease submitted in 1994**
- **Split Season Lease Program began in 2001**
 - **First Split Season Lease submitted in 2002**
- **Original sunset date of January, 2008**
- **Program extended to January, 2014**

Split Season Leases Received

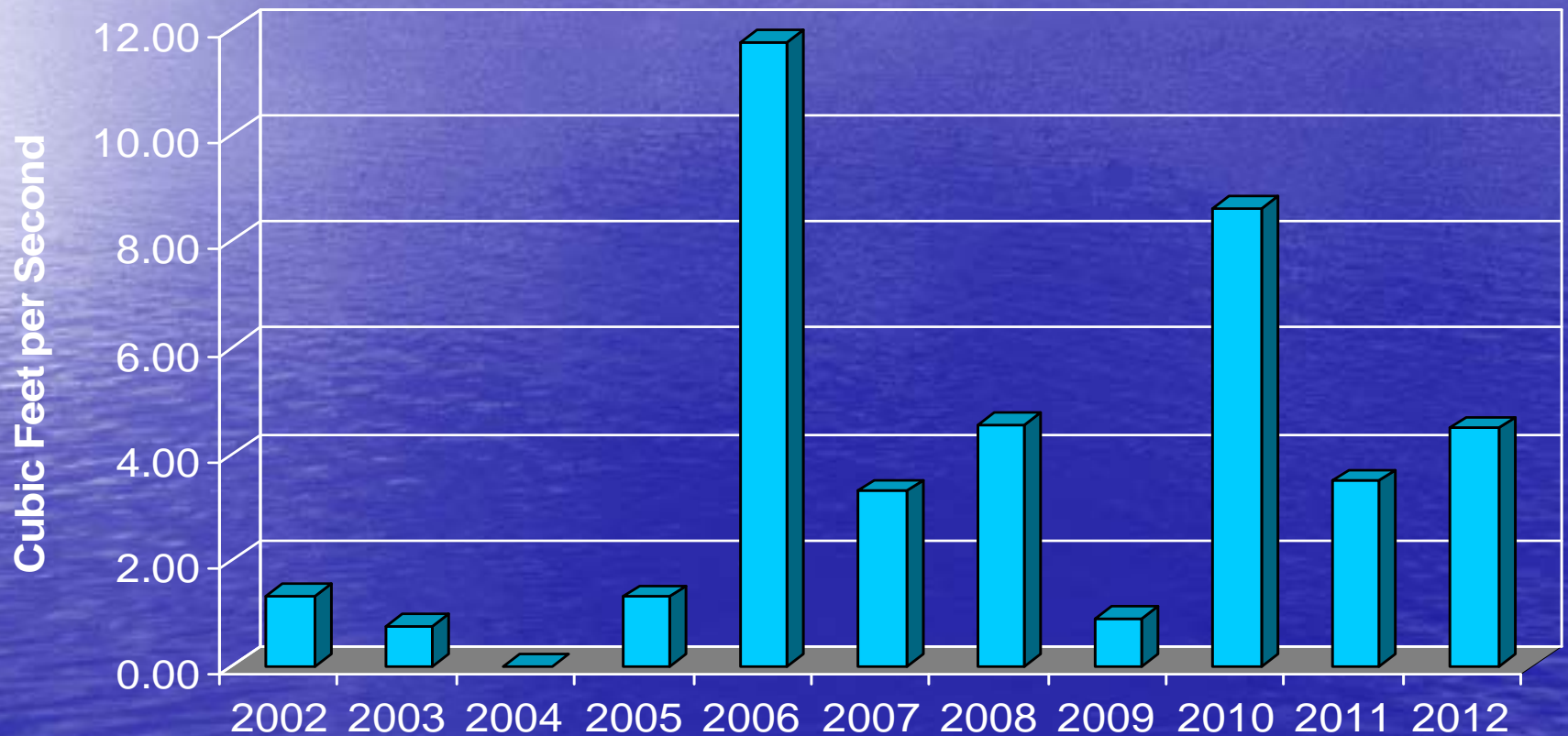
Number of New Split Season Leases Received



Number of Split Season Leases by Basin



Quantity (cfs) Protected Instream Annually



Split Season Lease Work Group Participants, included

- Deschutes River Conservancy
- Klamath Basin Rangeland Trust
- The Freshwater Trust
- The Oregon Farm Bureau
- Water for Life
- League of Oregon Cities
- Oregon Network of Watershed Councils
- Oregon Water Resources Congress
- Former Applicant

Split Season Lease Work Group Issues Identified

- **Do not change how the process works**
 - Keep the processing fast
 - Keeping the costs low
- **Whether sunset date should be extended or eliminated**

Split Season Lease Work Group Issues Identified

- Whether full transfer statute provisions (full cost of notification and evaluation) should also apply to split season instream leases
- Split season instream lease statute provisions do not include process steps
- ... and do not specify approval may only occur if there is no injury
- Group did not want to change how the program functions or add additional cost

Department Recommendations

- Removal of the sunset date
- Clarification that the transfer statutes only apply to instream transfers and not to split season and regular instream leases

Department Recommendations

- Add some process to lease and split season lease provisions in statute, consistent with existing rule, including:
 - Public Notice and comments regarding injury
 - Instream leases may not result in injury and are approved by order
 - If needed, approval orders may be revoked or modified to address injury
 - Instream leases may be approved for terms up to five year with ability to renew for additional terms

Summary

- **Split Season Leases are a part of the Department's flow restoration program**
- **10 years of successful implementation**
- **Tool for both our restoration partners and landowners**
- **With removal of the sunset date, anticipate that interest and use of program will grow**



No action required.

Questions?