

Application for District 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 # _____ - _____
		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 <u>or</u> ☐ Fee Charged to customer account _____ (Account name)	

District Instream Lease Application Part 1 of 4 – Minimum Requirements Checklist

Check all items included with this application. (N/A = Not Applicable)	
☐ Yes ☐ N/A	Pooled Lease – (a lease with more than one Lessor (Landowner/water right interest holder))
☐ 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 Signature Page and Authorization Statement
☐	Part 3 – Completed Place of Use and Lessor Signature Page NOTE: Include separate Part 3 for each Lessor. How many Water Rights are included in the lease application? _____ (# of rights) List them here: _____ ☐ 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 Water Right and Instream Use Information - NOTE: Separate Part 4 required for each Water Right.
Required Attachments:	
☐ 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 map that meets the requirements of OAR 690-077-0071 may be used, if approved by the Department prior to submittal 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).

District Instream Lease Application
Part 2 of 4 – District Signature and Authorization Statement

Term, Termination Clause, Validity of Water Right, Instream Use
Term of the Lease: The lease is requested to BEGIN in: month _____ year _____ and END in: month _____ year _____ 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). <i>Documentation describing why the water right is not subject to forfeiture must be submitted with application.</i>
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
District Authorization Declaration
District Agreement (per OAR 690-077-0076(4)) By signing this application, I am affirming that each district water user involved in the lease application has provided written authorizations for the lease and that such authorization is on file with the district and is available to the Department and the public upon request.

Co-Lessor Information

CO-LESSOR NAME		CONTACT NAME		PHONE NO.
ADDRESS				
CITY	STATE	ZIP	E-MAIL	
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 (wr_d_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list.				
→ Co-Lessor Signature: _____ Date: _____				

Lessee Information

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

District Instream Lease Application
Part 3 of 4 – Place of Use – Lessor Information

Table 1

Complete Table 1 – Identify water right(s) proposed to be leased instream												
Irrigation District or other Water Purveyor Name:												
Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, water right holder (Lessor/District Water User), and any previous lease. If not enough room below, you may create a spreadsheet/table (matching Table 1) and attach to the application. Any attached table should include reference to the Lessor.												
Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	District Water User	Previous Lease #
Any additional information about the right:												
Farm Deferral Tax Status: Counties make the determination 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. You should contact your County for any weed ordinance and management requirements.												

District Instream Lease Application
Part 4 of 4 – Water Right and Instream Use Information

Use a separate Part 4 for each water right to be leased instream

Table 2

Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)						Water Right # _____	
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 create a spreadsheet (matching Table 2 and clearly labeled) and attach to the application. (cfs = cubic feet per second and af = acre-feet)							
Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)	
Total af from storage, if applicable: _____ AF or ☐ N/A							
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 must be described:							

Table 3

Instream Use created by the lease	River Basin: _____	River/Stream Name: _____, tributary to _____				
Proposed Instream Reach: ☐ A reach typically begins at the POD and ends at the mouth of the source stream: From the POD _____ to _____		Or Proposed Instream Point: ☐ Instream use protected at the POD				
OR ☐ If no reach is identified in the above box is not checked, the lease will be processed to be protected at the POD.						
Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2) Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach to the application.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
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.						
☐ 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.						
Any additional information about the proposed instream use: 						

District Lease Application Information and Instructions

Helpful Links	If you are unsure or need assistance with your Application Contact us at 503-986-0900 or the Watermaster for your District
Watermasters in Oregon	https://www.oregon.gov/owrd/aboutus/contactus/Pages/RegionalOfficesandWatermastersDirect
Instream Leasing Forms	https://www.oregon.gov/owrd/Forms/Pages/default.aspx?wp1278=se:%22instream+lease%22
Fee Schedule	https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf
Water Rights Information	https://apps.wrd.state.or.us/apps/wr/wrinfo/
Additional Water Rights	https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx
Water Rights Public	https://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21
OAR: Chapter 690	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3169

Eligible Water Rights

Surface and above-ground Storage water rights subject to Instream Lease include:

1. Certificated rights.
2. Adjudicated rights evidenced by a court decree.
3. Permits or transferred rights upon which satisfactory proof has been made.
4. Conserver's portion of conserved water allocation under ORS 537.445 to 537.500.
5. Secondary water rights for the use of stored water.
6. A Determined Claim in the Upper Klamath Basin determined and established in an order of determination certified by the Water Resources Director under ORS 539.130.

A water right that has not been used for five or more years may no longer be valid under Oregon law. If the Department reasonably suspects the right may no longer be valid, an affidavit attesting to the use and supporting documentation may be required or the lease may be denied as incomplete. An irrigation district or other water purveyor may provide evidence for water right holders, verifying the delivery of water for the lands appurtenant to the rights to be leased. Municipal water rights, in general, are not subject to forfeiture. However, if you have any questions, please contact the Department for additional information and/or clarification.

Deadline for Submittal

A lease involving a water right with a seasonal use must be received prior to July 1. A lease involving a water right with a year round use must be received prior to October 1.

Other Water Rights

It is important to provide an inventory of *all water rights appurtenant* to the same lands involved in the lease application. These are rights that are not being included in the lease application. This includes other primary and supplemental rights, even if the rights are still in permit status.

Conservation Reserve Enhancement Program (CREP)

Indicate if some or all of the lands involved in the lease application are enrolled in the CREP program (or other similar Federal Program). The Department will send a copy of the order approving the lease to the Farm Services Administration and other associated parties. If lands involved in the lease are enrolled in another Federal Program, please provide the name of that program in the space provided in Part 1 of 4.

Term of the lease

The term of the lease can be no less than one calendar year and no more than five calendar years.

Note: A lease may be renewed many times. See the link to Instream Leasing Forms above.

District Lease Application Information and Instructions

Termination provision

For multiyear leases, this provision gives the Lessor(s) and any Lessee an opportunity to request or prohibit an Instream Lease to terminate prior to the scheduled termination date. Unless otherwise specified, the Lessee, if there is one, has the same standing as the Lessor for management of the instream lease.

For instream leases submitted as Mitigation Projects in the Deschutes Groundwater Study Area, termination will be required by all parties to the lease and must be submitted to both the Salem and Bend OWRD offices.

Requests to terminate a lease, may be submitted by e-mail from the appropriate parties identified in the Final Order approving the lease application.

Parties to a District Lease

- Lessor:** This is generally the landowner(s) and is referred to as the water right holder. The lessor may also be someone that holds interest in the water right or another party that has been granted authorization by the landowner to lease the water right. If the Co-Lessor is the district and is submitting the lease on behalf of the Lessor(s), the district must have written authorizations for the lease from the water user(s)/(lessor(s)) involved in the lease application, such authorization must be kept on file with the district and available to the Department and the public upon request.
- Co-Lessor:** Irrigation districts (or other similar organizations) as defined in ORS Chapters 545, 547, 552, 553, or 554, which deliver water to the subject lands must be a party to the lease. If the source of water for the subject lands is stored water, then the owner/operator of the reservoir must also be party to the lease as Co-lessor.
- Lessee:** Individuals or organizations, which may provide compensation to the Lessor for the leasing of the subject water right instream. The Lessee may have, unless otherwise indicated, the same standing as the Lessor for all purposes regarding management and enforcement of the instream water right. 690-077-0076 (12)
- Trustee:** The Trustee is the Oregon Water Resources Department. If a person leases a right to the State without third party involvement, the Department will also be considered the Lessee.

Tables 1, 2 and 3

If needed, you may attach a table and label with appropriate table #.

- Include all the information from the given table(s). For Table 1 include the specific Lessor information.