

Instream Leasing – TSID



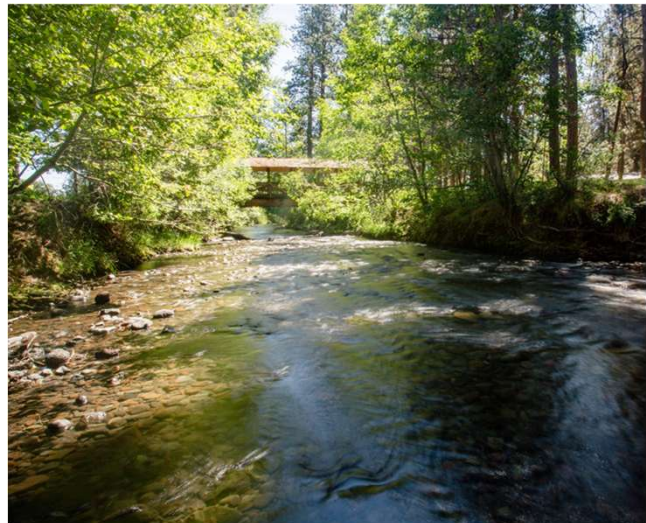
Alex Ehrens, DRC
December 16, 2025



1

Outline

- Leasing – Overview
- TSID Whychus Leasing
- Leasing Details
 - Mechanics
 - Who is eligible
 - Application process
 - Payment



2

Instream Leasing – Overview

- State-wide program
- Regulated by OWRD
- Voluntary participation
- Leased water is temporarily held in “trust” by the State of Oregon for the purposes of:
 - Fish and wildlife
 - Recreation
 - Pollution abatement/water quality
- Maintains original ownership and priority date
- Reverts automatically to original use when lease expires

3

Instream Leasing – Overview

- **Benefits:**
 - Temporarily protects water right instream to improve streamflows
 - Satisfies state beneficial use requirement for water right holder
 - Payment to landowner for leased water
- **Oregon water rights background:**
 - Prior appropriation for “beneficial use”
 - Beneficial uses = irrigation, municipal, industrial, stockwater, etc.
 - 1987 Instream Water Rights Act – added instream as beneficial use
 - “Use it or lose it” – at least once every 5 years

4

Instream Leasing – Overview

- DRC’s Annual Water Leasing Program (AWLP) – since 2002
 - Work with districts and landowners to lease unused water rights instream
 - DRC submits leasing applications and pays fees with grant funding
- 2025 Summary:

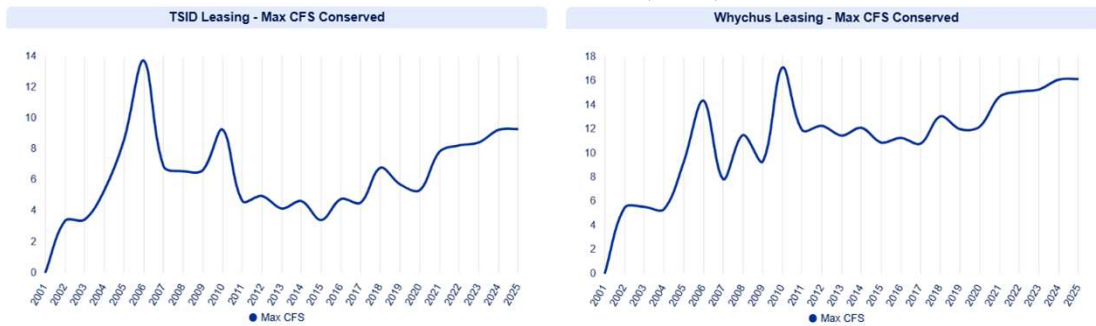
Reach	Acres	Acre-feet	CFS
Whychus Creek*	1492.38	6495.15	16.179
Middle Deschutes	2044.41	10379.59	32.916
Tumalo Creek	270.44	858.84	2.567
Crooked River	695.86	1943.12	5.271
Little Deschutes	312.20	1248.80	4.575
Trout Creek	109.40	308.60	1.876
Other Tributaries	783.90	3689.78	10.615
Total	5708.59	24923.88	73.999

*TSID: 641 ac, 1925 AF, 9.311 cfs

5

TSID Whychus Leasing

- Restores flows in Whychus Creek
- Reduces stream temperature in late summer
- Helps meet conservation objectives for Whychus flow and temperature
 - Deschutes Basin Habitat Conservation Plan (HCP)



6

TSID Whychus Leasing



7

Whychus Creek Late Summer Flows



Before: ~0 cfs



After: 20-50+ cfs

8

Leasing Details – Mechanics

- Can lease:
 - all or a portion of a water right
 - for all or a portion of an irrigation season
 - from 1 to 5 years (with opt out option)
- Renewal of lease allowed
- Many landowners can be pooled into one lease application
- State application fees (paid by DRC):
 - Standard lease (<4 landowners): \$615
 - Pooled lease (>4 landowners): \$915
 - Renewal: \$225



9

Leasing Details – Who is Eligible

- Voluntary participation
 - Districts can also monitor beneficial use and require leasing to maintain water right
- Must have used water rights in past 5 years
 - DRC won't lease if water right beneficial use is in question
- Examples of leases:
 - Corners around center pivots
 - Less productive areas of pasture
 - Fields being fallowed & on rotation
 - Fields undergoing irrigation efficiency improvements
 - Absentee landowners so they can use water in future



10

Leasing Details – Case Example

Irrigation water rights are mapped to a specific area

Water mapped to an area not being irrigated can be leased instream, counts as beneficial use



Water Right Mapped Here

Irrigation Not Being Used Here

11

Leasing Details – Case Example

Irrigation water rights are mapped to a specific area

Water mapped to an area not being irrigated can be leased instream, counts as beneficial use



Water Right Mapped Here

Irrigation Not Being Used in Corners

12

Leasing Details – Application Process

- TSID gathers landowner information (Jan/Feb)
- Forms to sign:
 - State lease form →
 - Weed and Farm Use Deferral form
 - Mitigation form
- DRC prepares applications, submits to OWRD (Feb/March)
 - OWRD finalizes leases in ~30-40 days

Part 3 of 4 – Place of Use – Lessor Information and Signatures

Complete Table 1 Identify water right(s) proposed to be leased instream
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)

Table 1
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/D/C, acres to be leased, original use type, certificate page number, and any previous lease.
If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.
Any attached table should include reference to this Lessor.

Water Right #	Priority Date	POD #	Trp	Ang	Sec	O-C	Tax Lot	Gov't Lot/D/C #	Acres	Use	Page #	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.

The undersigned declare:

- I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant, primary or supplemental water right(s); and
- I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/We have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
- I/We affirm that the information in this application is true and accurate.

Signature of Lessor _____ Date: _____
 Printed name (and title): _____ Business/Organization name, if applicable: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

Signature of Lessor _____ Date: _____
 Printed name (and title): _____ Business/Organization name, if applicable: _____
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 Phone number (include area code): _____ **E-mail address: _____

7/28/25 District Instream Lease Application Page 4

13

Leasing Details – Payment

- DRC pays state fees
- Landowner payment tiers →
 - Consistently paid at highest rate

Total TSID Leasing	Payment Rate
Up to 450 acres	\$10.00 per acre-foot (wet)
451 to 499 acres	\$15.00 per acre-foot (wet)
500 acres or more	\$20.00 per acre-foot (wet)

- Payment is for “wet” water measured instream
 - Based on reliability of water right over lease term
 - Example (from 2025):
 - 100 acres, 1895 priority → 300 AF paper, 269.41 AF measured
 - At \$20/AF → \$6,000 max. possible payment; **\$5,388.25 actual payment**

14

Thank You

- If interested, please contact Emilia **in January/February**
- Further questions for me:
 - alex@deschutesriver.org
 - (541)-382-4077 ext. 115

