

OREGON WATERSHED ENHANCEMENT BOARD

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WATER LEASE AND TRANSFER GRANT APPLICATION

Revised
October 2009

DOWNLOAD COMPLETE INSTRUCTIONS SEPARATELY

GENERAL INSTRUCTIONS

Answer the questions in Sections I and II by typing in the information requested or by reproducing the pages on your computer. In Section III, provide answers to the questions in subsections A through F. *Use 8½" x 11" single-sided, unstapled pages and the spacing and layout provided. Avoid color and detail that will not photocopy clearly.* Complete and attach the required attachments, budget, land use, and legal requirements documentation.

A down-loadable electronic application form can be obtained by visiting the OWEB website at <http://www.oregon.gov/OWEB>

The "[OWEB Water Lease and Transfer Grant Application Guidance](#)" explains OWEB's policies related to water lease and transfer acquisition grant applications and describes the evaluation criteria used to make funding decisions. It also provides examples of the information being requested. **Please read the guidance document before beginning your application.**

SUBMISSION OF GRANT APPLICATIONS

Grant applications may be submitted to OWEB at any time.
To learn of the next deadline and review schedule, please contact OWEB staff or visit
<http://www.oregon.gov/OWEB>

Section I
APPLICANT INFORMATION

Please type in the information requested in Sections I and II, or reproduce the pages on your computer **using the spacing and layout shown.**
DO NOT EXCEED 3 PAGES

THE FIRST 2 SECTIONS ARE NOT THE PLACE TO DESCRIBE YOUR PROJECT IN DETAIL
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Name of project:

Project location:

Watershed

Stream Name(s)

County

Township Range Section(s)

OWEB dollars requested:

Total cost of project:

Applicant Name:

Applicant Contact:

Email:

Phone:

Fax:

Applicant Address:

Street

City

Zip

Mailing Address (if different):

Street

City

Zip

Applicant Website Address:

Applicant Organization Type: Local Government Non-Profit Tribe Watershed Council
 Soil and Water Conservation District Individual Irrigation District

Technical Contact (if different than applicant):

Email:

Phone:

Fax:

Water Right Certificate Number:

Current Water Right Holder:

Address:

Street

City

Zip

Email:

Phone:

Fax:

Section II
PROJECT SUMMARY

1. Has this application been previously submitted? Yes No

If Yes, what was the application number, and describe how you have modified the application:

2. Project Type – Check the primary type of activity proposed:

Short-term instream lease

Split season use/instream lease

Permanent instream transfer

Time-limited instream transfer

3. Transaction Term (months or years):

4. Amount of water proposed to be leased or transferred:
(cubic feet per second)

5. Total volume of water to be transferred or leased:
(acre-feet)

6. Instream water right reach (in river miles):

7. Short Description of Project

Describe the proposed water lease or transfer including project type, purchase price, who will maintain the water interest, amount requested from OWEB, the conservation needs addressed by the project and the conservation goals of the project. Please use 200 words or less.

8. Timeline

Describe the timelines for the project, including where you are in the lease or water right transfer process. If there is an option to purchase or lease, when does it expire? If match is not yet secured, when are match funding decisions anticipated? Describe the schedule for any proposed monitoring of the instream lease or water right.

Section III
SPECIFIC PROJECT ACTIVITY

USE 8½" x 11" SINGLE-SIDED PAGES

WATER LEASE & TRANSFER ACQUISITION PROJECT

Please answer the following questions. If there are multiple locations or properties involved, be specific for each site or property.

A. Ecological Benefits of the Project

1. Describe the habitat and species the project proposes to benefit through an increase in instream flow, the relative importance of the site's habitat and species values at the watershed and basin scale, and how the project relates to other watershed restoration and protection efforts in the watershed. Describe the species and life stages most likely benefited by the proposal.
2. Describe whether the proposed water lease or transfer is located in a high priority area as identified in *The Oregon Plan Streamflow Restoration Priorities* (2001) available online at http://egov.oregon.gov/OWRD/mgmt_opsw.shtml. If the proposed project is not located in a high priority area, describe how the proposed water lease or transfer benefits the conservation needs of priority habitat and species.
3. If applicable, reference current conservation plans that identify the habitat and species as protection priorities. Attach relevant pages (no more than 10 pages total) from these plans to the grant application.
4. If applicable, describe the water quality parameters the project proposes to directly affect, and the current condition and trend of water quality in the project area.
5. Describe how the applicant, or the entity who will maintain the water interest, plans to conduct periodic measurement of whether the instream lease or water right is being met. Describe how the project's benefits will be monitored and evaluated over time.
6. Explain why the proposed lease or transfer of the water interest is the best method to accomplish the proposed protection, restoration, or improvement in habitat or water quality described above.

B. Partners, Support for the Project, and the Effect of the Proposed Acquisition Project on the Local and Regional Community

1. Describe the financial and in-kind partners in the project and what they will contribute.
2. Describe the entities that support the proposed project.
3. Describe the current land uses on the property to which the water right is appurtenant, and the land uses on adjacent properties.

4. If the project is a permanent transfer, describe the effect of the proposed water transfer on the property taxes paid on the property to which the water right is appurtenant, and the proposed project's effect on the local property tax base.
5. Describe any anticipated economic and social effects the project may have on the local and regional economy and community.

C. Required Attachments/Due Diligence Materials

The following, if applicable, must be attached to the grant application, or received by OWEB by the grant deadline, for the application to be considered complete.

1. **Location Map.** On a USGS 7.5 min topographic quad map show the location of the point(s) of diversion, instream reach, and place(s) of use of the water interest proposed for lease or transfer. Provide a map on 8½" x 11" pages and include a legend and north arrow. Avoid color and detail that will not photocopy clearly. Provide 25 color copies of any maps that you want OWEB reviewers to see in color.
2. **Conservation Plans (Section III, #A2).** Attach no more than ten total pages from current conservation plans that identify the habitat and species, which are expected to benefit from the proposed project, as protection priorities.
3. **Letters or Documentation of Support (Section III, #B2).** Please attach letters documenting this support.
4. **Water Right Holder Letter.** Attach a letter from the current water right holder(s) stating that they are in discussions with the grant applicant about transferring or leasing the water right interest.
5. **Fair Market Value Appraisal.** Attach a fair market value appraisal or other OWEB Board-approved valuation of the water right interest to be acquired. The appraisal or valuation must have been completed within the year prior to the grant deadline.
6. **Water Right Certificate or Permit.** Attach the water right certificate or permit for the number listed on Page 1 issued by the Oregon Water Resources Department.
7. **Irrigation District Statement.** If applicable, attach a statement regarding whether the lands served are within an irrigation district or similar organization that conveys water to the subject water right(s).
8. **Ownership and Lien Report.** Attach an ownership and lien report for the property to which the water right is appurtenant.
9. **Option, Purchase or Lease Agreement/Donation & Disclosure.** Attach a copy of the written option, purchase, or lease agreement for the subject water lease or transfer, including the agreed-upon purchase or lease price for the water interest. Also include the following information:

- a. A statement of whether the seller or lessor of the water interest is contractually required by the written option, purchase or lease agreement, or other related documents, to donate or transfer funds to the buyer, applicant, or a third party who has assisted with or facilitated the proposed lease or transfer.
 - b. Disclosure of the amount of a contractually required donation or payment is required after an initial staff recommendation has been prepared on the grant application. Disclosure of the amount is required only if the donation or payment will exceed 15 percent of the purchase or lease price for the water interest. Disclosure of the amount of a contractually required donation or payment exceeding 15 percent of the purchase or lease price must be made to the Executive Director of the Oregon Watershed Enhancement Board in writing prior to the Board's consideration of the proposed funding request, or the grant application will not be considered for funding by the Board.
10. **Water Right Assessment.** Attach an assessment of the reliability of the water right for providing instream benefits, including:
 - a. A description of which month(s) the water right has typically been used and how often the water right has been met in the last ten years.
 - b. A written statement from the Oregon Water Resources Department describing the extent to which the water right has historically been met and whether regulation has been or may be required on the stream in question regarding the proposed right.
 - c. A signed statement from the current holder of the portion of the water right proposed to be transferred or leased instream, or the landowner to which the water right is appurtenant, stating that the water has been used over the past five years in accordance with the terms and conditions of the right or that the right is not subject to forfeiture under ORS 540.610.
11. **Prior Purchase Statement.** Applicants may submit an application for a lease or transfer that occurred prior to Board review if the lease or transfer occurred after the preceding grant application deadline. In such cases, applicants must submit the following with their application:
 - a. An explanation of the circumstances requiring lease or transfer prior to Board review of the application; and
 - b. A statement acknowledging that the applicant proceeded with the lease or transfer with the understanding that the Board might not approve funding for the project, and that the prior lease or transfer and any financial consequences to the applicant will not be a factor in the Board's funding decision.
12. **OWEB Water Lease and Transfer Budget & Match Form** (separate form)
13. **Land Use Information Sheet** (part of the Grant Application)
14. **Legal Requirements Form** (part of the Grant Application)
15. **Photographs:** If applicable, provide photographs to aid in understanding the project. Avoid color and detail that will not photocopy clearly. Provide 25 color copies of any photographs that you want OWEB reviewers to see in color.



LAND USE INFORMATION FORM

This information is needed to determine if the proposed project complies with statewide planning goals and is compatible with local comprehensive plans (ORS 197.180). The form must be submitted before OWEB releases project funds. OWEB will release project funds only if the project either is not regulated by, or is compatible with, the local comprehensive plan and zoning ordinance. If a project is regulated by the local comprehensive plan and zoning ordinance, OWEB will void grant agreements for projects the county determines to be incompatible with the local comprehensive plan and zoning ordinance. If the county requires additional local approvals for a project regulated by the local comprehensive plan and zoning ordinance, OWEB will not release project funds until these conditions are satisfied.

1. TO BE COMPLETED BY THE APPLICANT/GRANTEE

Applicant/Grantee Name: _____

Project Name: _____

2. TO BE COMPLETED BY CITY/COUNTY OR TRIBAL PLANNING OFFICIAL

Complete this section only after section 1, above, has been completed. Check the box below that applies:

- This project is not regulated by the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is compatible with the local comprehensive plan and zoning ordinance.
- This project has been reviewed and is not compatible with the local comprehensive plan and zoning ordinance.
- Compatibility of this project with the local planning ordinance cannot be determined until the following local approvals are obtained:
 - _____ Conditional Use Permit _____ Development Permit
 - _____ Plan Amendment _____ Zone Change
 - _____ Other

An application has _____ has not _____ been made for the local approvals checked above.

* Signature of Local Official

Date

Print Name: _____

Phone: _____

Title: _____

Email: _____

****Must be an authorized signature from your local City/County or Tribal Planning Department, regardless of which box is checked above.***



LEGAL REQUIREMENTS

AGREEMENTS:

I/we, _____
of _____, Oregon, hereby make application for
financial assistance under the terms and conditions of the Oregon Watershed Enhancement
Board in the amount of \$ _____. The total cost of the project is \$ _____, as
shown on page 1.

I/we understand that if this proposal is funded, I/we will be required to:

- Sign a Grant Agreement, subject to legal sufficiency review by the Oregon Department of Justice, containing the terms and conditions upon which funds will be released, a certification to comply with state, federal and local regulations, and a release of liability for the State of Oregon;
- Provide evidence of final approval by the Oregon Water Resources Department of the instream lease or transfer prior to the disbursement of any grant funds. Grant funds may be adjusted to reflect the quantity and timing of water protected instream as specified in the approved instream lease or transfer;
- Agree to use the water interest consistent with Article XV, Section 4b of the Oregon Constitution;
- Agree that the OWEB Board's approval is required before conveyance of the water interest to another party or termination of a water right lease or time-limited transfer funded in part with Board funds prior to the end of its term;
- Agree that if the water interest acquired with Board funds is used in a manner inconsistent with Article XV, Section 4b of the Oregon Constitution, or is transferred without Board approval, that Board funds shall be repaid with interest due and payable from the effective date of the Grant Agreement described above at the rate provided for in ORS 82.010; and,
- Submit periodic monitoring reports, as required, to OWEB on the project's performance.

Signed: _____ Date: _____

Title: _____