



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-1092

This Lease is between:

Lessor #1:

Name Delbert B. & Evelyn T. Blanchard
Mailing address 6640 South Myrtle Road
City, State, Zip Code Myrtle Creek, OR 97457
Telephone number 541-863-6313
Email address del@oregonmetalcraft.com

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name _____
Mailing address _____
City, State, Zip Code _____
Telephone number _____
Email address _____

Trustee:

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

7499 80

AUG 23 2010

2010 AUG 23 10:00 AM

~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 29 S, Range 4 W, Section 21 and Tax Lot number 300, 302. 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):

X Not applicable

Official representative of _____, 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. 50481

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

1.5 **Water Rights Proposed to be Leased Instream.**

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

Certificate No.: 50481

Priority date: March 14, 1950 Type of use: Irrigation

Legal Season of Use: March 1 – October 31

Is the entire water right certificate being leased? Yes X No

If no, list the acres of the subject water right by legal description of township, range, section, and ¼ ¼ 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 29 S, R 4 W, Section 21, NW¼ NE¼ - 9.2 acres to be leased

Enter additional places of use here, using format above:

T29S, R4W, Section 21, SW¼ NE¼ - 2.3 acres to be leased

T29S, R4W, Section 21, NE¼NW¼ - 27.9 acres to be leased

T29S, R4W, Section 21, SW¼NW¼ - 16.6 acres to be leased

T29S, R4W, Section 21, SE¼NW¼ - 2.2 acres to be leased

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

Number of acres being leased, if for irrigation: 58.2 acres

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 0.70 cfs

(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): 145.5 acft

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

Conditions or other limitations, if any: _____

74481-1

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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:

X 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:

South Myrtle Creek
Tributary to Myrtle Creek in the Umpqua 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): River mile 8 to the confluence with Myrtle Creek.

Maximum volume in acre-feet: 145.5 acft

Rate in cfs: 0.70 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 July 20 through October 31.
- 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.

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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:  Date: Aug 20, 2010
Delbert B. & Evelyn T. Blanchard

For additional Lessors, type in space for signature and date

Lessee: Evelyn T. Blanchard Date: Aug 20, 2010

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

1408140

AUG 23 2010

WATER RESOURCES DIVISION
SANTA BARBARA COUNTY

12.2 acres NW 1/4 NE 1/4 as projected within H. Weaver DLC 39
 3.3 acres SW 1/4 NE 1/4 as projected within H. Weaver DLC 39
 27.9 acres NE 1/4 NW 1/4 as projected within H. Weaver DLC 39
 16.6 acres SW 1/4 NW 1/4 as projected within H. Weaver DLC 39
 2.2 acres SE 1/4 NW 1/4 as projected within H. Weaver DLC 39
 Section 21
 Township 29 South, Range 4 West, WM

This certificate is issued to confirm an additional point of diversion approved by orders of the Water Resources Director entered August 31, 1970 and January 19, 1981, and together with certificates of water right recorded at page 50482 and 50483, Volume 44, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 20541, Volume 15.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board

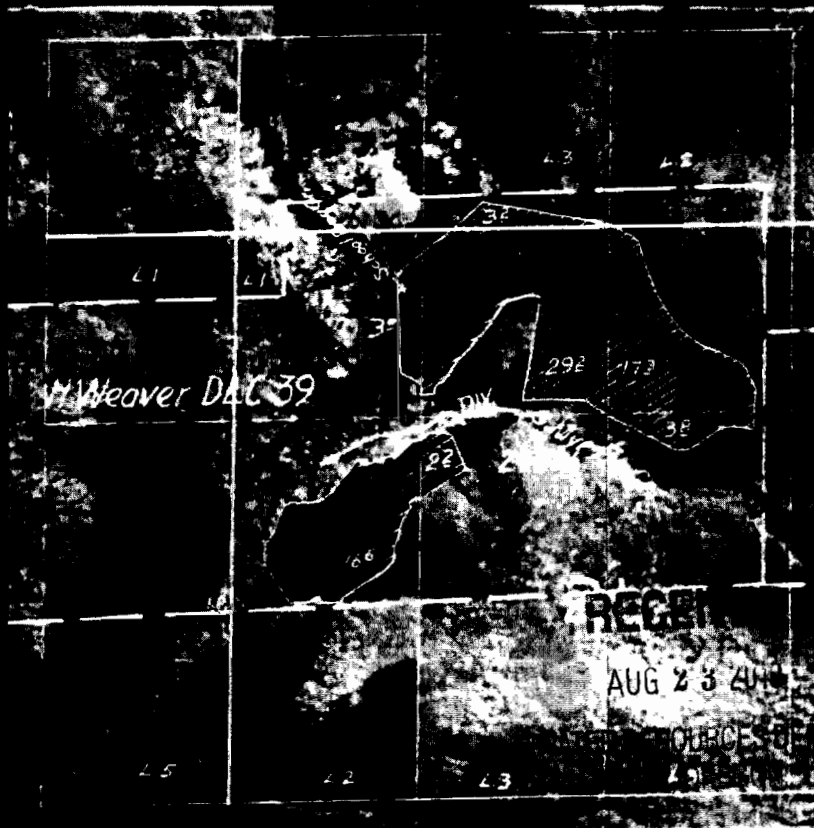
WITNESS the signature of the Water Resources Director, affixed

this date. January 18, 1982

James E. Searles
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50481

T. 29 S., R. 4 W., T. 11 N.



FINAL PROOF SURVEY
UNDER

Application No. 21506 Permit No. 19302
IN NAME OF

HOWARD L. BINKHEDON

Surveyed May 6 1953, by T. Jones

Attachment 1
Short - Term Water Right Lease Agreement
Tax Lot Map of Lessor's Property

2010 AUG 23 10:30 AM

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2010 AUG 23 10:30 AM

* - - Property Data Selection Menu - -
 Owner: BLANCHARD, DELBERT B & EVELY
 Prop ID : R55202 (11400.02) (185078) 6640 S MYRTLE ROAD
 Map Tax Lot: 29-04W-21-00300 MYRTLE CREEK, OR 97457
 Legal : P.P. 2005-74, PARCEL PT 1 & PT 2,
 ACRES 187.04

Situs : 6640 SOUTH MYRTLE RD Year Built : 1956
 MYRTLE CREEK, OR 97457 Living Area: 2060
 Name(s) : 2009 Roll Values
 Code Area : 01900 RMV Land Non-LSU \$ 15,150 (+)
 Sale Info : 11/16/07 \$0 RMV Land LSU \$ 543,372 (+)
 Deed Type : WD RMV Improvements \$ 328,466 (+)
 Instrument: 2007-25192 RMV Total \$ 886,988 (=)
 2009 Tax Status * No Taxes Due * Land LSU \$ 44,070
 Current Levied Taxes : 1,944.70 Total Exemptions \$ 0
 Special Assessments : 211.73 M5 Net Value \$ 404,633
 2010-11 SB125 Taxes : M50 Assd Value \$ 283,022

(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: ___

RECORDED
 AUG 23 2010
 COUNTY CLERK
 CLATSOP COUNTY, OR

* - - Property Data Selection Menu - -
 Owner: BLANCHARD, DELBERT B & EVELY
 Prop ID : R127595 () (185078) 6640 S MYRTLE ROAD
 Map Tax Lot: 29-04W-21-00302 MYRTLE CREEK, OR 97457
 Legal : P.P. 2005-74, PARCEL PT 1 & PT 2,
 ACRES 9.98, LIMIT FROM SPEC ASSMNT,*

Situs : 7062 SOUTH MYRTLE RD Year Built : 2006
 MYRTLE CREEK, OR 97457 Living Area: 3144

Name(s) :
 Code Area : 01900
 Sale Info : 11/16/07 \$0
 Deed Type : WD
 Instrument: 2007-25192
 2009 Tax Status * No Taxes Due *
 Current Levied Taxes : 2,249.15
 Special Assessments : 66.25
 2010-11 SB125 Taxes :

		2009 Roll Values	
	RMV Land	\$	134,361 (+)
	RMV Improvements	\$	414,383 (+)
	RMV Total	\$	548,744 (=)
	Total Exemptions	\$	0
	M5 Net Value	\$	548,744
	M50 Assd Value	\$	327,330

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: __

AUG 23 2010

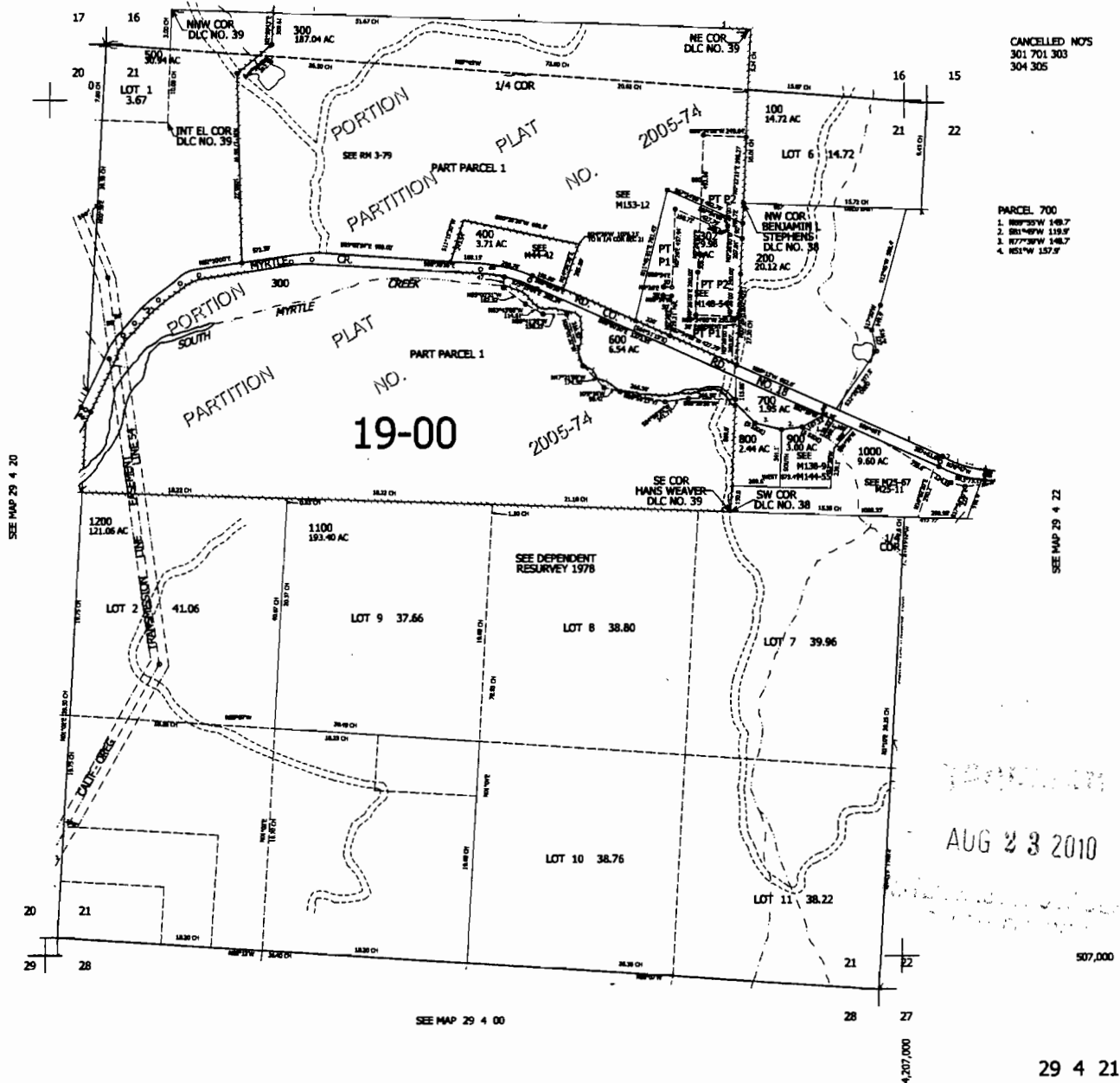
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.21 T.29S. R.4W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
6-19-07

29 4 21

SEE MAP 29 4 16



CANCELLED NOS
301 701 303
304 305

PARCEL 700
1. S89°30'W 149.7'
2. S81°40'W 115.9'
3. N77°30'W 148.7'
4. N51°W 157.9'

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507,000

SEE MAP 29 4 00

29 4 21

Attachment 2
Short - Term Water Right Lease Agreement
Leased Right Map

12/11/10

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WATER RIGHTS DIVISION
SALT LAKE COUNTY

**Blanchard Instream Lease Application Map
T29S, R4W Section 21
Certificate 50481**



Legend

Boundary

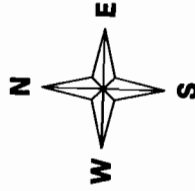


To Be Leased 58.2 ac.



Not Leased 4 ac.

Scale 1"=500'



4805060

AUG 23 2010

Blanchard Instream Lease Application
Certificate 50481



- boundary
- 2 (1)
- 3 (1)
- 4 (1)
- boundary (3)
- DLC290439 (1)
- Township_2904 (1)
- Parcels (68669)
- A Labels of Section (5193)
- Section (5197)
- WR290525 (1)
- Gov_Lot (10466)
- Quarter (7871)
- Sixteenth (14498)
- Township_2905 (1)
- Selected images of A200
- Image footprints of A200

AUG 28 2010