

WT72-4-10
 3437
 September 1, 2009



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

BUREAU OF RECLAMATION		
OFFICIAL FILE COPY		
AUG 13 '10		
TO	INIT	DATE
310	SGM	8-16-2010
CONTROL #: 10-61332		
FOLDER #: 11 2661		

Pursuant to ORS 537.348(2) and OAR 690-077

Optional Identification by Lessor/Lessee: _____
 Lease Application Number (assigned by WRD): _____

This Lease is between:

Lessor #1:
 Name Larson Land Co., LLC dba Larson Skyline Farms Partnership
 Mailing address 4395 Heinz Blvd
 City, State, Zip Code Ontario, OR 97914
 Telephone number 541-889-6332
 Email address Ferrell_larson@yahoo.com

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):
 Name Bureau of Reclamation, Pacific Northwest Region, c/o Gail McGarry PN3100
 Mailing address 1150 N. Curtis Road, Ste. 100
 City, State, Zip Code Boise, ID 83706-1234
 Telephone number 208-378-5306
 Email address emcgarry@usbr.gov

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

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~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: See Attachment for Certificate #84862. 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):

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. 84862 *to be leased*

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes 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.: 84862

Priority date: June 27, 1966 Type of use: Irrigation

Legal Season of Use: Irrigation season

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$ 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: See Attachment for Certificate #84862

Enter additional places of use here, using format above:

See Attachment for Certificate #84862

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

Number of acres being leased, if for irrigation: n/a

Acre-feet of storage, if applicable: n/a

Maximum rate associated with the right to be leased (cfs): 22.17

(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): 4,190.75

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

Conditions or other limitations, if any: _____

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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:

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:

Snake River

Tributary to Columbia in the Columbia 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): _____

Maximum volume in acre-feet: 4,190.75

Rate in cfs: 22.17

(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 _____ through _____.
- Other (describe): _____

If you need to enter more instream uses, please use the additional water rights form.

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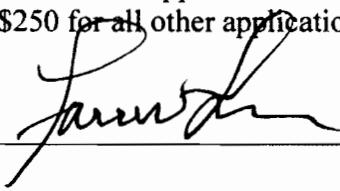
2.3 Term of lease. This lease shall terminate on October 31, 2010.

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.

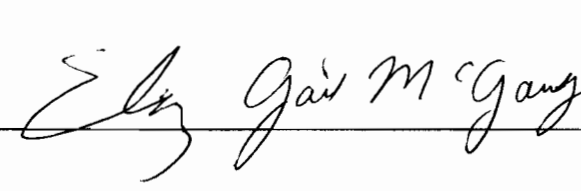
~III~ Other Information

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.
- 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: 8-5-2010

For additional Lessors, type in space for signature and date

Lessee:  Date: 8-16-2010

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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

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ATTACHMENT FOR CERTIFICATE # 84862				
TOWNSHIP	RANGE	SECTION	QUARTER/QUARTER	ACRES
17S	46E	1	SW SW	27.7
17S	46E	1	SE SW	23.1
17S	46E	1	SW SE	9.5
17S	46E	2	NE SW	20.9
17S	46E	2	NE SE	9.8
17S	46E	2	NW SE	2.3
17S	46E	2	SE SE	18
17S	46E	10	SE SE	39.2
17S	46E	11	NE NE	40
17S	46E	11	NW NE	11.3
17S	46E	11	SW NE	38.2
17S	46E	11	SE NE	30.4
17S	46E	11	SE NW	40
17S	46E	11	NE SW	40
17S	46E	11	SW SW	40
17S	46E	11	SE SW	40
17S	46E	11	NE SE	35.4
17S	46E	11	NW SE	40
17S	46E	11	SW SE	41
17S	46E	11	SE SE	18.6
17S	46E	12	SW NW	39.2
17S	46E	12	SE NW	39.2
17S	46E	12	NW SW	7.7
17S	46E	12	SW SW	0.2
17S	46E	12	SW NE	39.2
17S	46E	12	NW NE	18.2
17S	46E	12	NE NW	39.4
17S	46E	12	NW NW	19.5
17S	46E	13	NW SW	38.6
17S	46E	14	SW NE	7.2
17S	46E	14	NE NW	40
17S	46E	14	NW NW	40
17S	46E	14	SE NW	3.4
17S	46E	14	NE SW	39.7
17S	46E	14	NW SW	38
17S	46E	14	SW SW	38.6
17S	46E	14	SE SW	38.6
17S	46E	14	NE SE	40
17S	46E	14	SW SE	38.8
17S	46E	15	NE NE	39.4
17S	46E	15	NW NE	39.6
17S	46E	15	SW NE	10
17S	46E	15	SE NE	7.4
17S	46E	15	SW NW	1.2
17S	46E	15	SE NW	7.9

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17S	46E	15	NE SW	38.8
17S	46E	15	NW SW	38.5
17S	46E	15	SW SW	37.9
17S	46E	15	SE SW	38.8
17S	46E	15	NE SE	39.1
17S	46E	15	NW SE	37
17S	46E	15	SE SE	38.8
17S	46E	15	SW SE	38.8
17S	46E	26	NW SW	39.2
17S	46E	27	NE SW	26.6
17S	46E	27	NW SW	26.4
17S	46E	27	NE SE	31.5
17S	46E	27	NW SE	8.5

1676.3

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State of Oregon
 Water Resources Department
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Additional Water Right Form Standard 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.

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The right(s) to be leased are further described as follows:

Certificate No.: 84863

Priority date: June 27, 1966 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): Irrigation season

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and ¼ ¼, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 17 S, R 46 E, Section 26, SW ¼ NW ¼ - 39.20 acres to be leased

Enter additional places of use here, using format above:

See Attachment for Certificate # 84863

Page 0 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: n/a

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 1.45

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

Duty associated with leased rights (AF): 274.75

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Snake River

Tributary to Columbia in the Columbia 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):

Maximum volume in acre-feet: 274.75

Rate in cfs: 1.45

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

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Conditions to prevent injury, if any:

None

The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.

Other (describe): _____

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ATTACHMENT FOR CERTIFICATE # 84863				
TOWNSHIP	RANGE	SECTION	QUARTER/QUARTER	ACRES
17S	46E	26	SW NW	39.2
17S	46E	26	SE SW	39.2
17S	46E	27	NE SE	31.5

109.9

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~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The right(s) to be leased are further described as follows:

Certificate No.: 84866

Priority date: Oct 25, 1968 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): Irrigation season

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 17 S, R 46 E, Section 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 8.30 acres to be leased

Enter additional places of use here, using format above:

See Attachment for Certificate # 84866

Page 0 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: n/a

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 7.79

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

Duty associated with leased rights (AF): 1,473

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Snake River

Tributary to Columbia in the Columbia 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):

Maximum volume in acre-feet: 1,473

Rate in cfs: 7.79

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

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Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.
- Other (describe): _____

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ATTACHMENT FOR CERTIFICATE # 84866				
TOWNSHIP	RANGE	SECTION	QUARTER/QUARTER	ACRES
17S	46E	20	SE SE	8.3
17S	46E	21	SW SW	18.4
17S	46E	21	SE SW	36.5
17S	46E	21	SW SE	39.7
17S	46E	21	SE SE	39.3
17S	46E	27	SW NW	38.8
17S	46E	27	SE NW	39.6
17S	46E	28	NE NE	24.8
17S	46E	28	NW NE	29.8
17S	46E	28	SW NE	29.4
17S	46E	28	SE NE	36.4
17S	46E	28	NE NW	18.4
17S	46E	28	NW NW	32.2
17S	46E	28	SW NW	39.6
17S	46E	28	SE NW	34.6
17S	46E	28	NE SW	23.7
17S	46E	28	NW SW	17.1
17S	46E	28	NE SE	19
17S	46E	28	NW SE	20.2
17S	46E	29	NE NE	18.5
17S	46E	29	SE NE	18.4
17S	46E	29	NE SE	6.5

589.2

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~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The right(s) to be leased are further described as follows:

Certificate No.: 84867

Priority date: June 27, 1966 and October 25, 1968

Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): Irrigation season

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 17 S, R 46 E, Section 4, SW 1/4 SE 1/4 - 2.57 acres to be leased

Enter additional places of use here, using format above:

See Attachment for Certificate # 84867

Page 0 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: n/a

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 9.6

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

Duty associated with leased rights (AF): 1,815.66

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

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Instream use created by lease. The instream use to be created is described as follows:

Snake River

Tributary to Columbia in the Columbia 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):

Maximum volume in acre-feet: 1,815.66

Rate in cfs: 9.6

(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 _____ through _____.
- Other (describe): _____

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ATTACHMENT FOR CERTIFICATE # 84867				
TOWNSHIP	RANGE	SECTION	QUARTER/QUARTER	ACRES
17S	46E	4	SW SE	2.57
17S	46E	4	SW SW	0.8
17S	46E	4	SE SW	0.6
17S	46E	9	NE NE	40
17S	46E	9	NW NE	40
17S	46E	9	NE NW	40
17S	46E	9	NW NW	17
17S	46E	10	NE NW	15
17S	46E	10	NW NW	40
17S	46E	27	NW SE	12.6
17S	46E	28	NE SW	6.6
17S	46E	28	NW SW	11.6
17S	46E	28	SW SW	40
17S	46E	28	SE SW	40
17S	46E	28	NE SE	8
17S	46E	28	NW SE	12
17S	46E	28	SW SE	40
17S	46E	28	SE SE	40
17S	46E	29	NE SE	5.5
17S	46E	29	SE SE	13.9
17S	46E	32	SE SE	4.1
17S	46E	33	SW SW	40
17S	46E	33	SE SW	40
17S	46E	33	SW SE	40
17S	46E	33	SE SE	40
17S	46E	34	SW NW	17.2
18S	46E	4	NE NE	39.6
18S	46E	4	NW NE	39.6
18.S	46E	4	NE NW	39.6

726.27

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~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The right(s) to be leased are further described as follows:

Certificate No.: 85585

Priority date: Oct 25, 1968 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): Irrigation season

Is the entire water right certificate being leased? Yes No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 17 S, R 46 E, Section 32, SE 1/4 SE 1/4 - 35.90 acres to be leased

Enter additional places of use here, using format above:

See Attachment for Certificate # 85585

Page 0 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: n/a

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 1.07

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

Duty associated with leased rights (AF): 201.5

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

Conditions or other limitations, if any: _____

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Snake River

Tributary to Columbia in the Columbia 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):

Maximum volume in acre-feet: 201.5

Rate in cfs: 1.07

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

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Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.
- Other (describe): _____

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ATTACHMENT FOR CERTIFICATE # 85585				
TOWNSHIP	RANGE	SECTION	QUARTER/QUARTER	ACRES
17S	46E	32	SE SE	35.9
17S	46E	34	NE NW	4.2
17S	46E	34	NW NW	17.9
17S	46E	34	SW NW	0.7
17S	46E	4	NW NW	21.9

80.6

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