

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.

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

Optional Identification by Lessor/Lessee: BLM CORA 2010 Instream
Lease Application Number (assigned by WRD): _____

This Lease is between:

Lessor #1:

Name Prineville District BLM
Mailing address 3050 NE 3rd St
City, State, Zip Code Prineville, OR 97754
Telephone number 541-416-6700
Email address Homer Faver@blm.gov

Lessor #2, 3, etc.

The water right to be leased is located in Wasco 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

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WATER RESOURCES DEPT
SALEM, OREGON

~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 7S, Range 19E, Section 19 and Tax Lot number _____. 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.

NOV 24 2010

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. NA

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.: 1343

Priority date: 1912.

Type of use: Irrigation

Legal Season of Use: April 1 to September 30

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 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.

Number of acres being leased, if for irrigation: 6 to be leased instream

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 0.08

Maximum duty associated with the right to be leased (ac-ft): 24

Conditions or other limitations, if any: NA

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).

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SALEM, OREGON

II~ Instream Water Right Information

2.1 Public use. This lease will increase streamflows that will benefit:

- X Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- X Pollution abatement
- X Recreation and scenic attraction

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

Sorefoot Creek

Tributary to John Day River in the John Day 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):

Reaches run from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 30 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 0.04 cfs for April to Sept 30.

Total at McDonald's Ferry 0.00 cfs for April to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
7S	19E	19	SW NE	20.9	106.8	6	0.08	0.04	0.00	8.4	30

NOV 24 2010

(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
- X The instream flow will be allocated on a daily average basis up to the described rate from April 1 through September 30.
- X Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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 Oct 1, 2015.

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.**

X 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.

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- 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: H. F. "Chip" Faver Date: 9/24/10
Homer 'Chip' Faver,
Prineville District Field Manager, CORA

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

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 2a: Certificate 10852
- Attachment 2b:
- 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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SALEM, OREGON

Instructions for the Standard Instream Leasing Form

When Do I Use This Form?

Most individuals will use the "Standard Lease Form." If you wish to lease more than one water right, then also use the "Additional Water Rights Form" for each additional water right to be leased. For more information on the different types of lease forms go to www.wrd.state.or.us/OWRD/mgmt_leases.shtml.

Instructions

Lease Agreement Number: Water Resources Department staff in Salem will assign this number.

Required Parties to the Lease

Lessors: The Lessor is the water right holder, or an authorized agent, of the property where, during the term of the lease:

- Water use will be suspended; or
- Water stored in a reservoir will be released for instream use.

If the lands to which the subject water rights are attached fall within the boundaries of an irrigation district or other water purveyor, as defined in ORS Chapters 545, 547, 552, 553, or 554, that organization must be a party to the lease and should be listed as Lessor #2.

Spouses and immediate family can all be listed as Lessor #1. If another individual or organization also has an interest in the rights being leased, they should be listed as Lessor #2, #3, etc.

Lessee: The Lessee is normally an organization, agency or individual who may compensate (or provide other consideration of value to) the Lessor for leasing the subject right for instream use.

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.

Other Parties: Private ditch companies, mortgage holders and others may have an interest in the lease. The legally required parties may, at their discretion, add other parties as co-lessors.

Section One

1.1 Provide the legal description for the lands being leased. Attachment 1, Tax Lot Map, is only needed if a portion of the water right not included in the lease is appurtenant to lands owned by others or for which others have an interest in the water right. Tax lot maps can be found at www.ormap.org/maps/.

1.2 Identify who is Lessor #2, #3, etc., if necessary. If this section does not apply, indicate so.

1.3 Provide an inventory of all of the water rights appurtenant to the same lands as the water right(s) being leased. Water rights information may be found at <http://apps.wrd.state.or.us/apps/wr/wrinfo/wrinfo.php>. List all supplemental, as well as all primary rights, even if the supplemental rights are still in permit status. Indicate if the supplemental rights are not being leased instream.

Only water right certificates can be leased instream, with the exception that a secondary right to use stored water, even if in permit status, can be leased. If this type of permit is being leased, indicate that it is a permit and list its number.

1.4 Indicate if some or all of the lands are enrolled in the federal Conservation Reserve Enhancement Program. The Department will send a copy of the lease application and the associated order to the Farm Services Administration.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That PATRICK J. CAMPBELL

of Clarno, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Sorefoot Creek, a tributary of John Day River, for the purpose of the irrigation of 6 acres of land

under Permit No. 1468 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 236, on the 8th day of February, 1917; that the priority of the right hereby confirmed dates from October 23, 1912; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not

exceed 0.08 cubic foot per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 6 acres in the Northeast quarter of Northeast quarter of Section Nineteen (19), Township Seven (7) South, Range Nineteen (19) East of Willamette Meridian, in Wasco County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described. Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

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WATER RESOURCES DEPT SALEM, OREGON

Witness the seal and signature of the STATE

WATER BOARD affixed this 5th day of March, 1917.

STATE WATER BOARD

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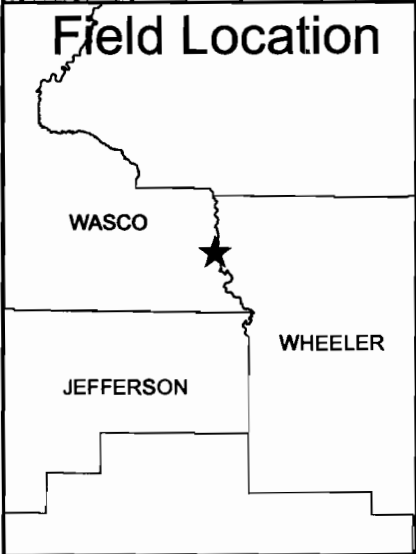
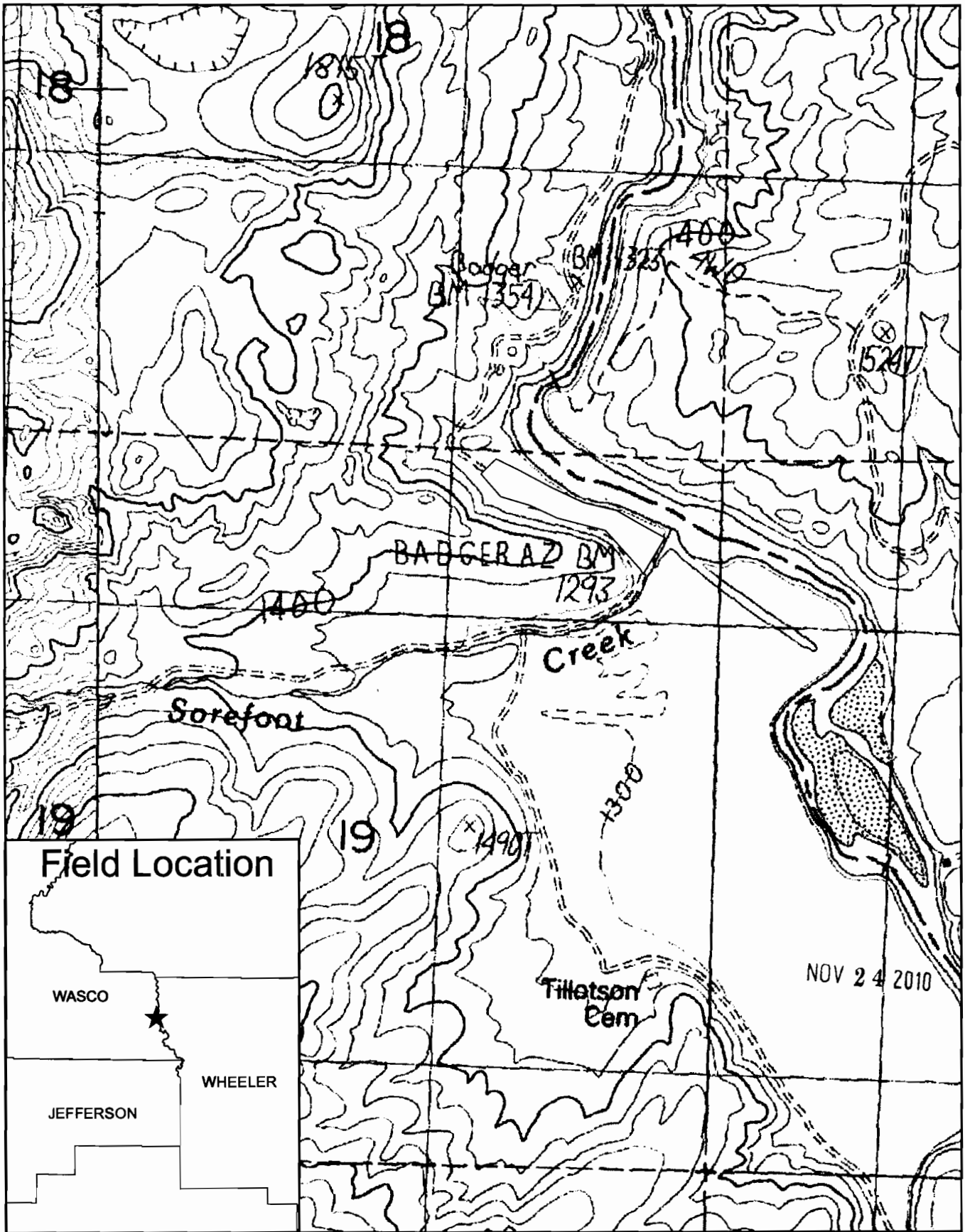
(SEAL OF STATE WATER BOARD)


By JOHN R. LEWIS, State Engineer, President

Attest: M. F. HERS, Secretary

Recorded in State Record of Water Right Certificates, Volume 2, Page 1343

Attachment 2: C-1343: Application for Instream Lease

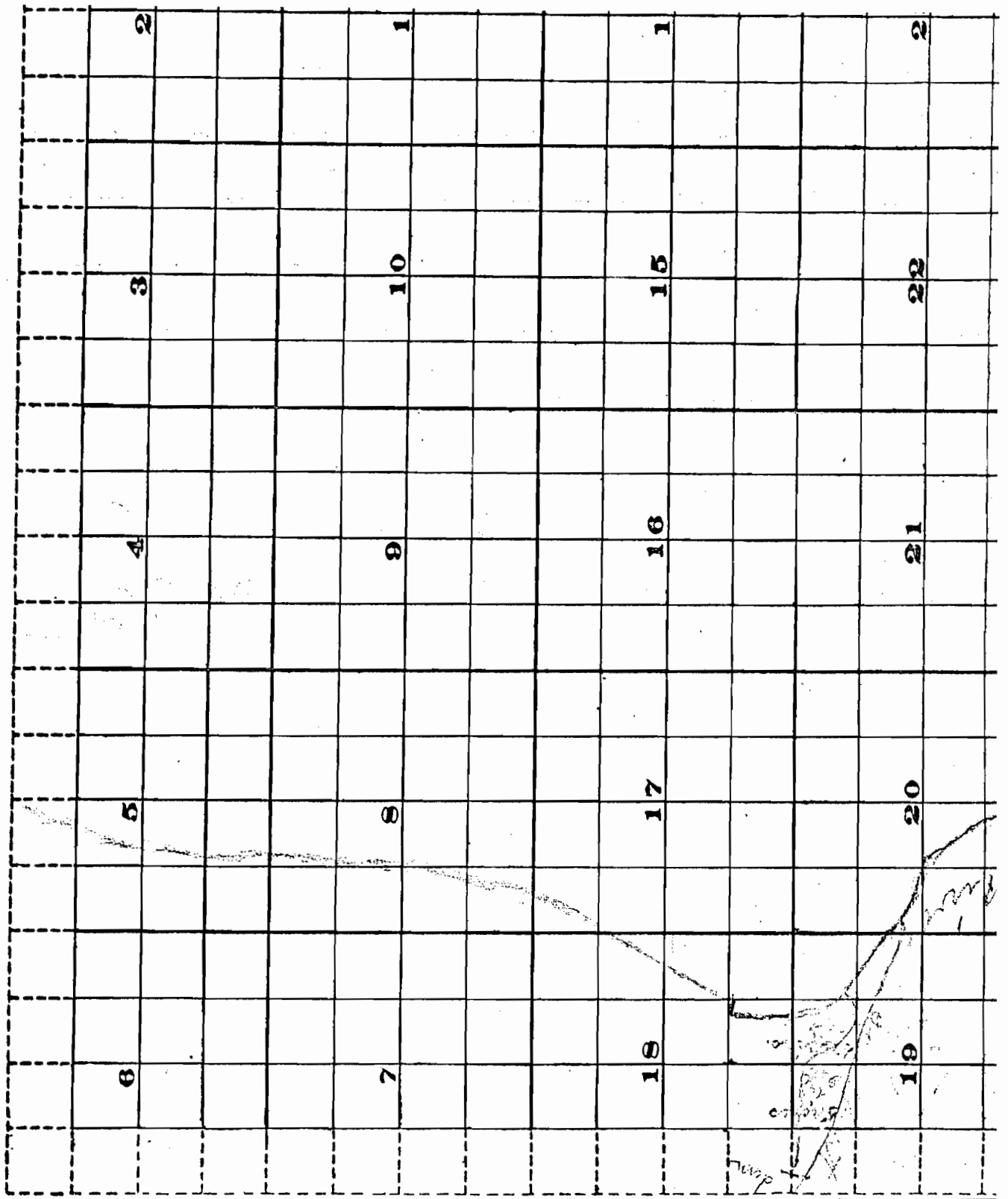


 Lands to be instream leased

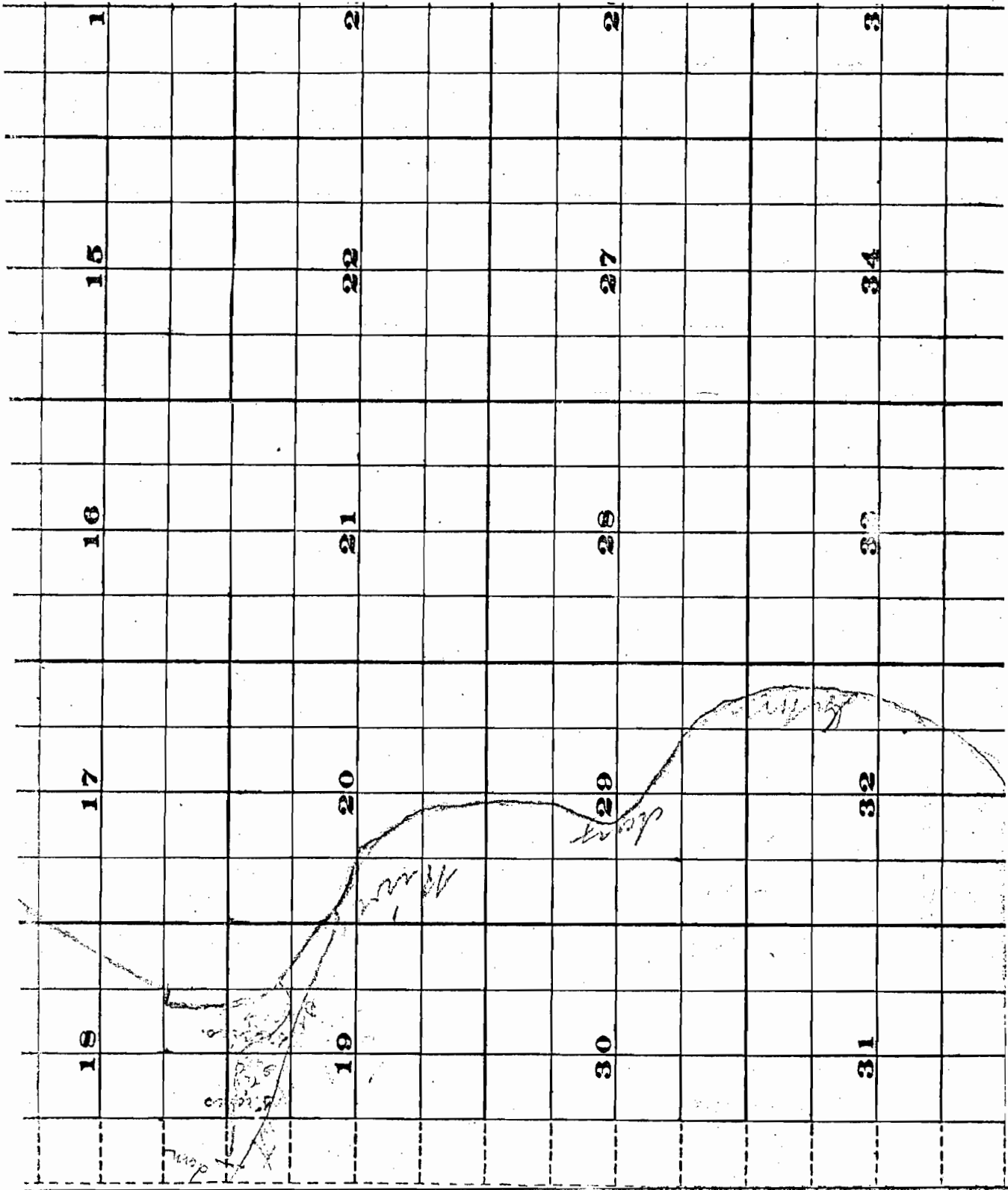


0 550 1,100 2,200 Feet

Township 7 North, Range 19 W



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

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.: 8988

Priority date: 1927 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): January 1 to December 31 _____

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 _____ S, R _____ E, Section 14 _____, NW ¼ NE ¼ - 10.90 acres to be leased
 Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: 23.4 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.3

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

Duty associated with leased rights (AF): 94

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

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

John Day River

Tributary to Columbia River 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 94 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 0.15 cfs.

Total at McDonald's Ferry 0.09 cfs

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage		Water Right Place of Use Area	Full Rate in water right				Max Duty for original water right
				River Mile	River Mile		(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	
10S	20E	2	NE NE	20.9	136.2	23.4	0.30	0.15	0.09	31.5	94

(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 January 1 through December 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This is to Certify, That **S. J. CONNOLLY**

of **Mitchell**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a tributary of **John Day River** **Columbia River** for the purpose of **Irrigation** under Permit No. **8081** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **July 27, 1927**;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.3 cubic foot per second.

The point of diversion is located in the **NE 1/4** of **Lot 1** of **Section 2**, **Township 10S**, **Range 20E W. M.** The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: **.7 acres in the NE 1/4 (Lot 1)**, **17.2 acres in the NW 1/4 (Lot 2)**, and **5.5 acres in the NE 1/4 (Lot 3)**, **Section 2**, **Township 10 South**, **Range 20 East**, **Willamette Meridian**, in **Wheeler County, Oregon.**

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WATER RESOURCES DEPT
SALEM OREGON

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this **3rd** day

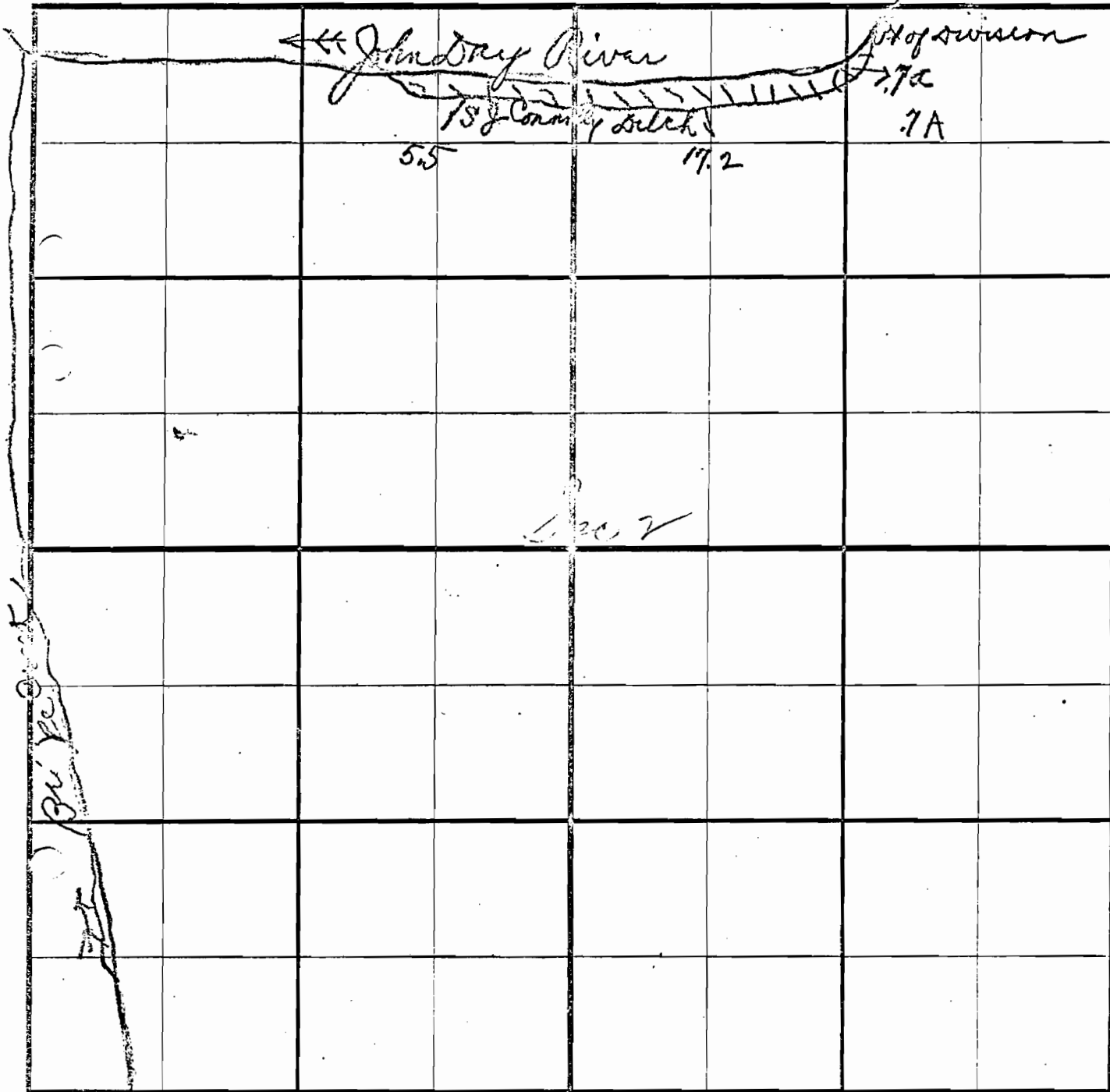
of **February**, **1931**

.....**Chas. E. Stricklin**.....
State Engineer.

Recorded in State Record of Water Right Certificates, Volume **8**, page **8988**

P. 8087
8081
8983

Twp. 10 S R. 20 E. W. M.



NOV 24 2010

Application No. 61652
Permit No. 8081



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

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.: 10852

Priority date: 1923 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 1 to October 31

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 S, R E, Section 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10.90 acres to be leased
 Enter additional places of use here, using format above:

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

Number of acres, if for irrigation: 15.0 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.19

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

Duty associated with leased rights (AF): 60

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

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

Bridge Creek

Tributary to John Day River in the John Day 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):

Reach runs from POD to USGS Gage#14046778 (BRCO)

Maximum volume in acre-feet: 60 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 0.09 cfs for Mar 1 to Oct 31.

Total at BRCO 0.02 cfs for Mar 1 to Oct 31.

Township	Range	Section	Quarter-Quarter	Ditch (POD)	Instream Reach End at BRCO Gage River Mile	Instream Reach Start at POD River Mile	Water Right Place of Use Area AC	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at BRCO gage (with a 0.005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right AC- FT
								(3/1 - 10/31) CFS	(3/1 - 10/31) CFS	(3/1 - 10/31) CFS	(3/1 - 10/31) AC- FT	
11S	21E	26	NW SW	POD - Bridge Creek	0.8	16.2	15	0.19	0.09	0.02	19.7	60.0
Totals							15	0.19	0.09	0.02	19.7	60.0

(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 March 1 through October 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

NOV 24 2010

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. L. JONES

of Mitchell, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Bridge Creek a tributary of John Day River for the purpose of Irrigation under Permit No. 5778 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 12, 1923;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.19 cubic foot per second.

The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 11S, Range 21E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

- 1 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21,
 - 2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22,
 - 5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 - 6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27,
 - 1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28,
- Township 11 South, Range 21 East, W. M.

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WATER RESOURCES DEPT
SALEM, OREGON

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-503, Oregon Code 1980.

WITNESS the signature of the State Engineer,

affixed this 10th day of September, 1934

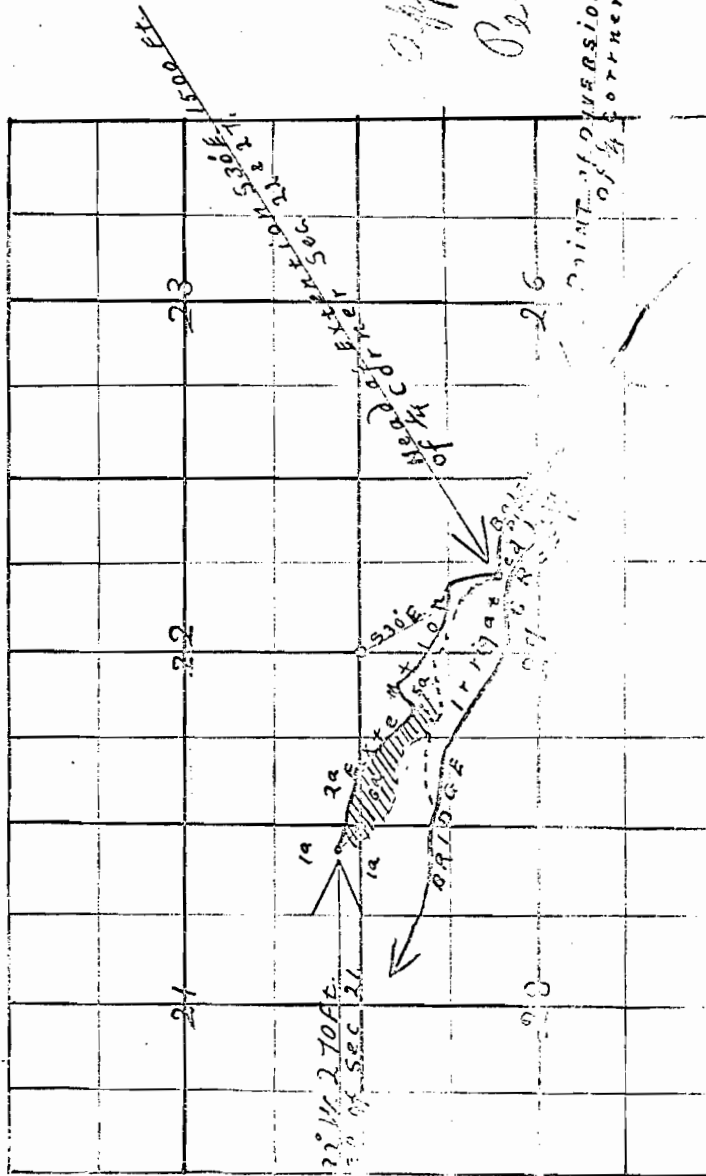
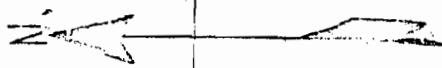
NOV 24 2010

CLAS. F. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 10652

LL JONES DITCH EXTENTION OF BAILEY DITCH
TOWNSHIP 11 SOUTH RANGE 21 EAST W.M.



STATS ENGINE
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NOV 24 2010

SALEM, OREGON

App 8532

Per 5778

Per 5778
 10852

POINT OF DIVERSION S. 60° E. 844 FT.
 of N. corner Sec. 27 & 26.

SCALE 2 IN = 1 MI.

NOV 24 2010



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

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.: 21930

Priority date: 1950 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): January 1 to December 31

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.

Number of acres, if for irrigation: 103.1 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 2.8

Duty associated with leased rights (AF): 309.3

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

John Day River

Tributary to Columbia River _____ 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 309.3 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 1.4 cfs

Total at McDonald's Ferry 1.36 cfs

Township	Range	Section	Quarter-Quarter	Ditch (POD)	Instream Reach End at McDonald Ferry Gage		Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)		Max Duty for original water right
					River Mile	River Mile					AC	CFS	
6S	19E	20	NW SW	POD 1	20.9	99	25.8	0.70	0.35	0.34	73.7	77.4	
6S	19E	29	NW SW	POD 2	20.9	100.7	24.7	0.67	0.34	0.33	70.5	74.1	
6S	19E	31	NENE	POD 3	20.9	101.7	29.2	0.79	0.40	0.39	83.4	87.6	
7S	19E	5	NW NW	POD 4	20.9	102.4	23.4	0.64	0.32	0.31	66.8	70.2	
TOTAL:							103.10	2.8	1.4	1.36	294.3	309.3	

(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 January 1 through December 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

NOV 24 2010

STATE OF OREGON
 COUNTY OF **WASCO**
CERTIFICATE OF WATER RIGHT

This Is To Certify, That **EMIL A. MAURER**
 of **Antelope**, State of **Oregon**, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
John Day River a tributary of **Columbia River** for the purpose of
irrigation
 under Permit No. **19119** of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from **May 15, 1950**;
 that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
2.8 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$** , Section 20, **NW $\frac{1}{4}$ SW $\frac{1}{4}$** , Section 29, **NE $\frac{1}{4}$ NE $\frac{1}{4}$** ,
 Section 31, Township 6 South, Range 19 East, W. M., **NW $\frac{1}{4}$ NW $\frac{1}{4}$** , Section 5, Township
 7 South, Range 19 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second
 per acre, or its equivalent for each acre irrigated and shall be further limited
 to a diversion of not to exceed **3 acre feet** per acre for each acre irrigated
 during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.
 A description of the place of use under the right hereby confirmed, and to which such right is
 appurtenant, is as follows:

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 WATER RESOURCES DEPT
 SALEM, OREGON

- 4.4 acres in the **SW $\frac{1}{4}$ SW $\frac{1}{4}$**
Section 17
- 18.0 acres in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
Section 18
- 1.0 acres in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
- 0.6 acres in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
Section 19
- 2.4 acres in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$**
Section 20
- 1.4 acres in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$**
- 10.9 acres in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$**
- 1.0 acres in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$**
- 2.3 acres in the **SW $\frac{1}{4}$ SW $\frac{1}{4}$**
Section 29
- 9.8 acres in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
- 1.0 acres in the **SE $\frac{1}{4}$ NE $\frac{1}{4}$**
- 15.1 acres in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
Section 30
- 11.6 acres in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
- 6.7 acres in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$**
- 11.1 acres in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
Section 31
- 0.2 acres in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
Section 32
- Township 6 South, Range 19 East, W. M.
- 0.6 acres in the **NW $\frac{1}{4}$ NW $\frac{1}{4}$**
Section 5
- 5.0 acres in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
Section 6
- Township 7 South, Range 19 East, W. M.

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WATER RESOURCES DEPT
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

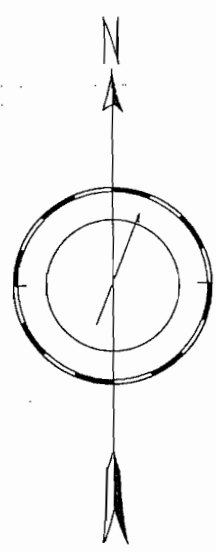
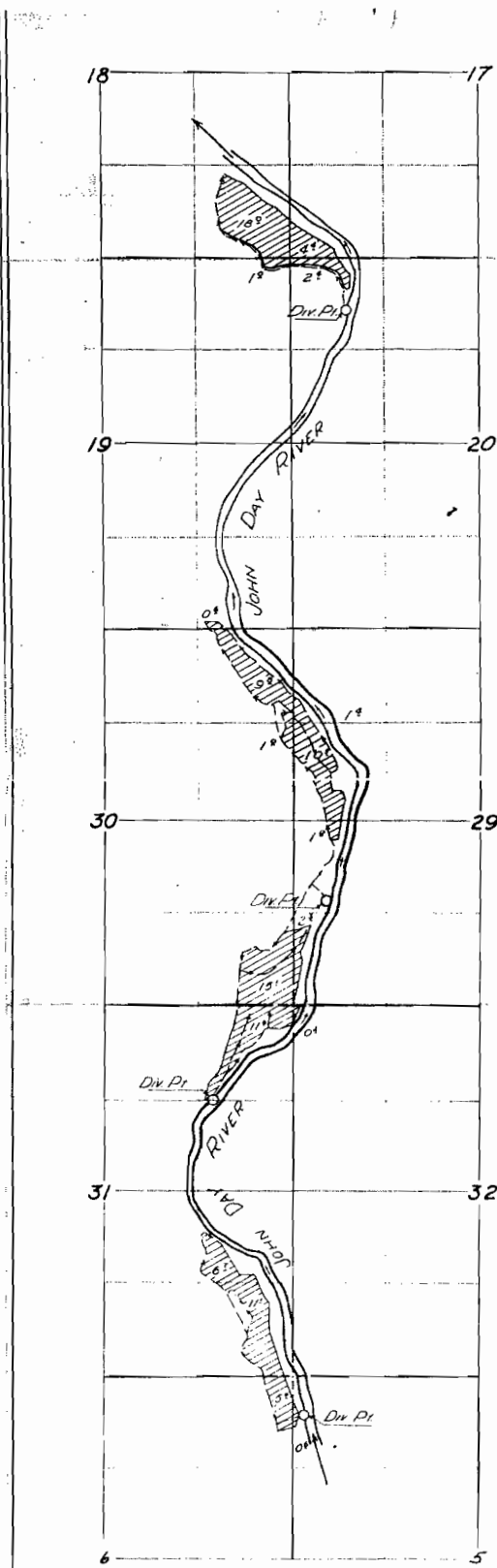
WITNESS the signature of the State Engineer, affixed

this 21st day of Decembor, 1956.

.....LEWIS A. STANLEY.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume. 16, page 21930.



FINAL PROOF SURVEY

In

T. 6 & 7 S. R. 19 E. W.M.

In Name Of

EMIL A. MAURER

Under

Application No. 24710

Permit No. 19419

Surveyed 16 April, 1955..... by T. Jones

1955-Z



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

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.: 25406

Priority date: 1898 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): January 1 to December 31

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.

Number of acres, if for irrigation: 7.5 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.1875 - S. fork John Day POD

Duty associated with leased rights (AF): 30 - S. fork John Day POD

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

South Fork of the John Day River

Tributary to John Day River in the John Day 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):

Reach runs from POD to USGS Gage#14039500 (SJDD)

Maximum volume in acre-feet: 30 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 0.0938 cfs

Total at SJDD 0.0203 cfs

Township	Range	Section	Quarter-Quarter	Instream Reach End at South Fork at Dayville Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at South fork at Dayville gage (with a 0.005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
16S	27E	29	NE NW	5.8	20.5	7.5	0.1875	0.0938	0.0203	19.7	30.0
Totals						7.5	0.1875	0.0938	0.0203	19.7	30

(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 January 1 through December 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

V 2 4 2010

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DAVID AND JOSEPH KEEBLINS PARTNERS AS KEEBLINS BROTHERS

of Izees, State of Oregon, has a right to the use of

the waters of South Fork John Day River

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 401; that the priority of the right thereby confirmed dates from 1898

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

3.4 acres in SW1/4SW1/4 Section 20, 4.1 acres in NW1/4NW1/4 Section 29, T. 16 S., R. 27 E., W. M.

NOV 24 2010

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

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WATER RESOURCES DEPT SALEM, OREGON

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 19 99

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25406



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

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.: 25907

Priority date: 1907 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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.

Number of acres, if for irrigation: 0.9 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.01

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

Duty associated with leased rights (AF): 4.5

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

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

John Day River

Tributary to Columbia River 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 4.5 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.005 cfs for April 1 to Sept 30.

Total at McDonald's Ferry: 0.00 cfs for April 1 to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at JMcDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
6S	19E	29	NE SW	20.9	108.3	0.9	0.0100	0.0050	0.0000	1.1	4.5

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

NOV 24 2010

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAURENCE AND V. E. TILLOTSON

of Watsonville, State of California, has a right to the use of the waters of John Day River for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1907

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

0.1 acre in SE1/4NW1
0.8 acre in NE1/4SW1
Section 29,
T. 7 S., R. 19 E., W. M.

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WATER RESOURCES DEPT
SALEM, OREGON

NOV 24 2010

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

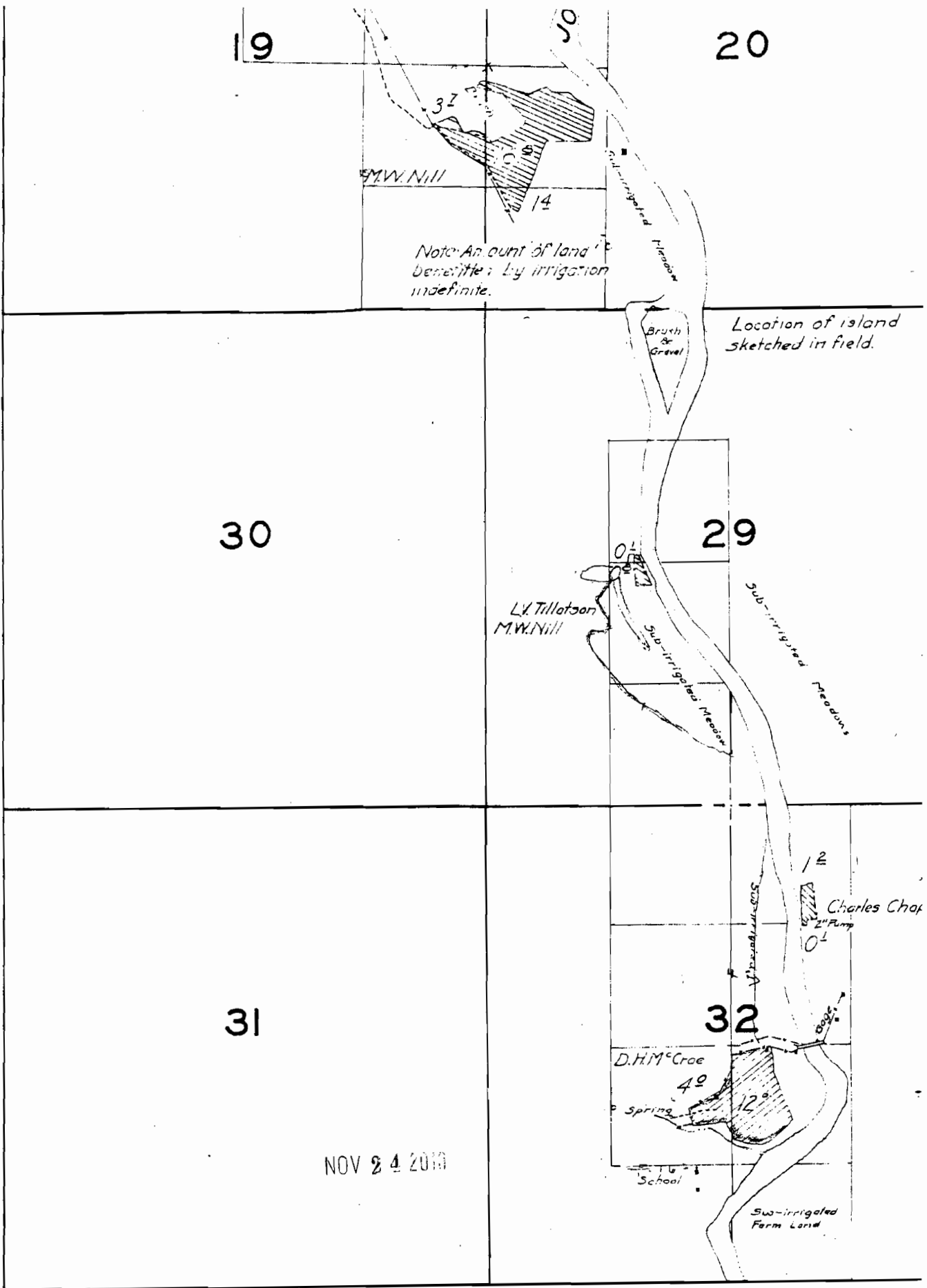
WITNESS the signature of the State Engineer, affixed

this 1st day of May, 19 99.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25907





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

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.: 31219

Priority date: 1957 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): January 1 to December 31

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.

Number of acres, if for irrigation: 48 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.75

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

Duty associated with leased rights (AF): 240

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

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

John Day River

Tributary to Columbia River 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 240 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.38.

Total at McDonald's Ferry: 0.32.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	(1/1 - 12/31)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
9S	20E	36	SW SE	20.9	137.4	48	0.75	0.38	0.32	78.8	240

(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 January 1 through December 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

NOV 24 2010

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CONNOLLY BROTHERS**

of **Mitchell**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **John Day River**

a tributary of **Columbia River** for the purpose of **irrigation of 48.0 acres**

under Permit No. **24769** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **March 21, 1957,**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.75 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T. 9 S., R. 20 E., W. M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **5 acre feet per acre** for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

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 SALEM, OREGON

1.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 1.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 32.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 12.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 36

T. 9 S., R. 20 E., W. M.

NOV 24 2010

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **AUGUST 19 1983**

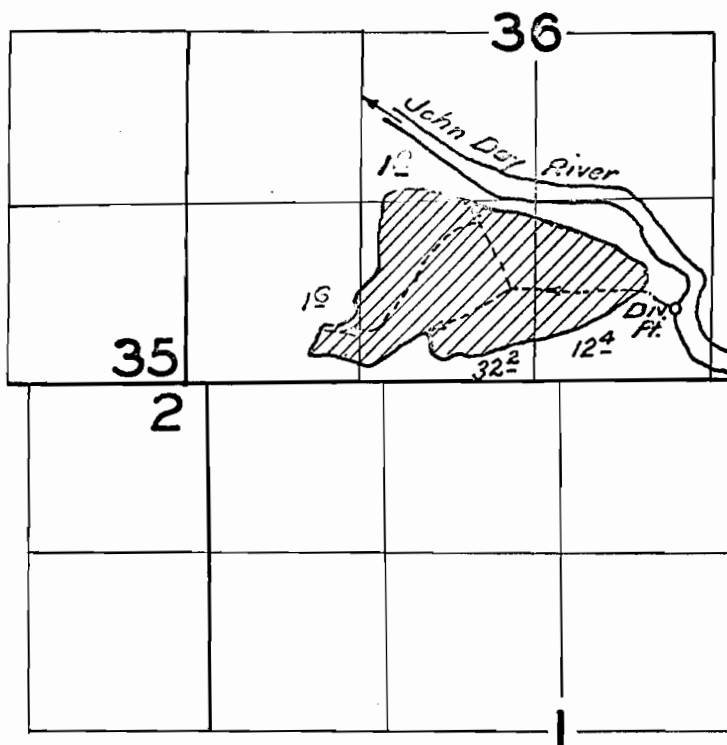
CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume **23**, page **31219**

R. 24167
31219

T9&10S. R.20E.W.M.



NOV 24 2010

FINAL PROOF SURVEY UNDER

Application No. *31441*..... Permit No. *24769*..
IN NAME OF

.....*Cannolly Brothers*.....

Surveyed *Sept. 27, 1962*, by *Ralph Jackson*

1962-04 DOV-9H74

cert. 31219



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

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.: 38185

Priority date: 1967 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 1 to October 31

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.

Number of acres, if for irrigation: 24 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.20

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

Duty associated with leased rights (AF): 120

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

Conditions or other limitations, if any: NA

NOV 24 2010

~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:

John Day River

Tributary to Columbia River 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 120 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.10 for Mar 1 to Oct 31.

Total at McDonald's Ferry: 0.09 for Mar 1 to Oct 31.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(3/1 - 10/31)	(3/1 - 10/31)	(3/1 - 10/31)	(3/1 - 10/31)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
1N	19E	11	SE SW	20.9	23	24	0.20	0.10	0.09	21.0	120.0

(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 March 1 through October 31.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

NOV 24 2010

STATE OF OREGON
COUNTY OF SHERMAN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROY S. FERRIS

of 134 Liberty S. E., Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of John Day River

a tributary of Columbia River for the purpose of irrigation of 24.0 acres

under Permit No. 32478 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 15, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.20 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, T. 1 N., R. 19 E., W. M. Diversion point located: 8150 feet North and 2950 feet West from E $\frac{1}{4}$ Corner, Section 23.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

RECEIVED

SEP 29 2010

WATER RESOURCES DEPT
SALEM OREGON

0.7 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
8.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
9.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
6.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 14
T. 1 N., R. 19 E., W. M.

NOV 24 2010

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed
this date. February 28, 1972

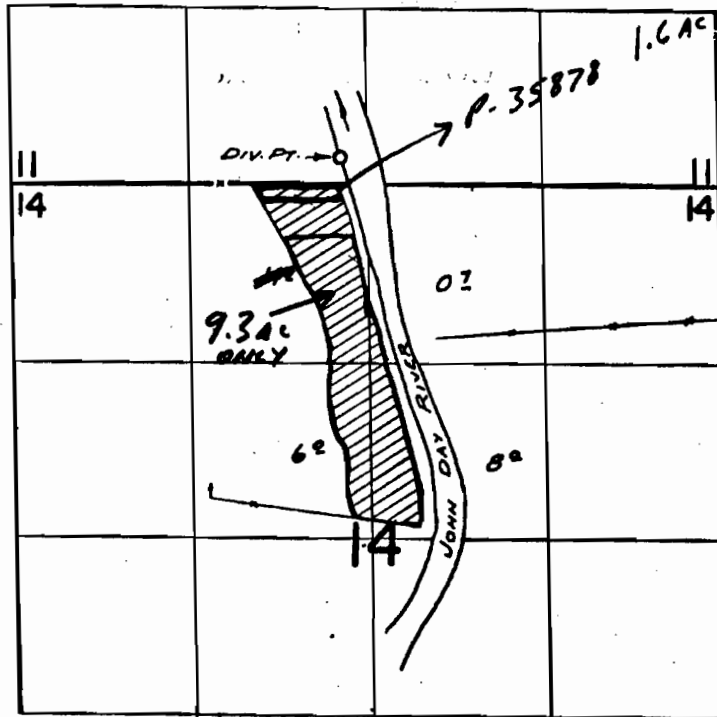
CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38185

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T.1N.R.19E.W.M.



FINAL PROOF SURVEY UNDER

14
23

Application No. 13602 Permit No. 32478
IN N.W.E OF C. 38185

.....ROY S. FERRIS.....

Surveyed Oct. 1970, 1970, by R. MUCKEN.

—O—STONE WITH "R"

NOV 24 2010

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