



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

Application for Instream Lease **CREP**

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-1180

This Lease is between:

Lessor #1:
Name ROBERT C. LAMB
Mailing address 349 WALNUT DR. S.
City, State, Zip Code McMOUTH, OR. 97361
Telephone number 503-838-2984
Email address BNJLAMB@MSN.COM

Lessor #2, 3, etc.

The water right to be leased is located in Polk 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
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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 ¹ property located at: Township 85 ~~E~~ Range 6 W, Section 21 ¹ ~~E~~ 22 and Tax Lot number 1400. 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.

**cancel existing L-891 when this lease is approved + Affili CREP*

- 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. ^{cert 19730} (15470) AND ^{Permit} (20598) ^{cert #} 24649 ^{see Add'l WR to}

- 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.: 15470 & 20598 (Permit Numbers)

Priority date: 1942 Type of use: IRRIGATION 1951 IRRIGATION

Legal Season of Use: _____

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 1/4 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: T 8S, R 6W, Section 21 & 22, 1 1/4 - 97.9 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 being leased, if for irrigation: 97.9 total Ac Both RTS

Acre-feet of storage, if applicable: _____

Maximum rate associated with the right to be leased (cfs): 1.23 total Rate both RTS
 (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): _____
 (Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the additional water rights form.

Part
~~Exception~~
 for CREP
 LEASE

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:

Little Luckiamute
____ River
Tributary to *W. Willamette* in the _____ Basin.
Luckiamute RIVER

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): *POD to mouth*

Maximum volume in acre-feet: *77.9*

Rate in cfs: *1.23*

(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.

2.3 Term of lease. This lease shall terminate on *10/31/2015*

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.**
- 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: Robert C. Lamb Date: June 7, 2011

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____



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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.: ~~980509~~ 24649

Priority date: 7/16/1951 Type of use: IR

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

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 _____ N, R _____ W, Section _____, _____ 1/4 _____ 1/4 - _____ 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: 51.9

Acre-feet of storage, if applicable: _____

Rate associated with leased rights (cfs): 0.65

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

Duty associated with leased rights (AF): 129.75

(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:

Little Luckwauke River

Tributary to Lewis in the Willamette 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):

Pod to mouth

Maximum volume in acre-feet: 129.75 0.65

Rate in cfs: ~~0.65~~ to be calculated (as per) full rate

(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 6/23 through 9/30.
- Other (describe): _____

Instructions for the Additional Water Rights Form

When Do I Use This Form?

This form is used to accompany the “Standard Lease Form” when more than one water right is being leased instream. One “Additional Water Rights Information Form” should be used for each additional right being leased instream.

Instructions

1.5 Complete a water right profile for each right, or portion of a right, proposed to be leased for instream use. The priority date, type of use, and other information describing the right will be found on your certificate, which can be viewed online at <http://apps.wrd.state.or.us/apps/wr/wrinfo/wrinfo.php>. (Note: Profiles of supplemental rights are required only when these rights are also proposed to be leased.)

“Priority date” should include the day and month, if applicable, in addition to the year.

If the entire water right is being leased, check the “Yes” box indicating this and skip to the number of acres being leased.

If the entire water right is not being leased, check the “No” box indicating this and fill in the remainder of Section 1.5.

“Acre-feet of storage” is the quantity of water that is released from a reservoir. If no reservoir is involved, indicate “N/A.”

“Maximum rate associated with leased rights” should show the total rate of use. For example, if 40 acres are being leased instream and the rate is described as 1/80 cfs/acre, then the rate would be 0.5 cfs (40 acres * 1/80 cfs/acre).

“Maximum duty associated with leased rights” should show the total duty. For example, if 40 acres are being leased instream and there is a 4 ac-ft duty per acre the maximum duty would be 160 ac-ft (40 acres * 4.0 ac-ft/ac). If no duty is listed on the certificate or in the decree, then “N/A” should be indicated.

Attachment 3, a detailed map illustrating lands under subject rights to be leased, is required if only part of a right is being leased instream. If a map is required it needs to include the township, range, section, ¼ ¼, a north arrow, scale and crosshatching or other photocopyable means of differentiating the lands being leased from the remaining lands.

2.2 This section is best completed in close consultation with the local district watermaster (a listing is available at www.wrd.state.or.us/OWRD/offices.shtml), who will be responsible for making a number of recommendations relating to the reach, amount, timing, and duration of the instream use. If a water right is used at its maximum rate for the entire season, it will frequently exceed its allowable duty (volume), and/or need to have the season of use reduced to prevent enlargement or injury of other water rights.

Variables among water rights include:

- The way in which use under the right is distributed throughout the season.
- Use allowed during a certain period of the year only.
- Specific provisions relating to total volume and rate.
- Particular conditions of individual rights, which will also apply to the new use.

The watermaster will:

- Review factors such as losses, return flow, and consumptive use in determining whether the proposed location of the new use will be allowed.
- Recommend to the Director if and how far the Department can protect the new instream use past the original point of diversion. (In some instances, the new use may need to be broken into reaches of decreasing amounts. The reach below the original point of diversion would be managed like the shepherding of stored water.)
- Identify any conditions to be placed on the new use, which are necessary to prevent or mitigate injury to existing rights.