



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: Original Lease 2011
Lease Application Number (assigned by WRD): IL-1189

This Lease is between:

Lessor #1:

Name Glen Wagner
Mailing address 93363 Elk River Rd.
City, State, Zip Code Port Orford, OR 97465
Telephone number 541-332-2255
Email address elkriversw@hotmail.com

Lessor #2, 3, etc.

The water right to be leased is located in Curry 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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~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 32 S _____, Range 15W _____, Section 21-22-27 _____ and Tax Lot number 3215-21-01400; 3215-00-04700; 3215-00-06101; 3215-27-00300 (see attachment). 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.

Attachment 1 (tax lot map) not necessary per District 19 Water master.

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. 49655

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.: 49655

Priority date: September 2, 1952 Type of use: Irrigation

Legal Season of Use: March 1 through October 31

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 ____, R ____, 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 being leased, if for irrigation: 54.2

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): 0.68 cfs

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

Maximum duty associated with the right to be leased (ac-ft): 135.5 AF

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

Conditions or other limitations, if any: N/A

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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:

Elk River

Tributary to Pacific Ocean in the South Coast 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: No reach per District 19 Water Master

Rate in cfs: _____

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

Conditions to prevent injury, if any:

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

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

JUN 25 2011

2.3 Term of lease. This lease shall terminate on October 31, 2016.

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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: *Eileen L Wagner* Date: *6-26-11*

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

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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

Attachment 1: Tax Lot Map: This map does not need to be included per District 19 Water Master.

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream: N/A

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):
N/A

Attachment 4: Split Season Instream Use Form: N/A

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State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
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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.: 74290

Priority date: 09/02/1952 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 1 through 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 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 32 S, R 15 W, Section 28, NE 1/4 NE 1/4 - 13.80 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: 13.8

Acre-feet of storage, if applicable: N/A

Rate associated with leased rights (cfs): 0.17cfs

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

Duty associated with leased rights (AF): 34.5 AF

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

Conditions or other limitations, if any: N/A

~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:

Elk River:

Tributary to Pacific Ocean in the South Coast 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: No Reach per District 19 Water Master

Rate in cfs:

(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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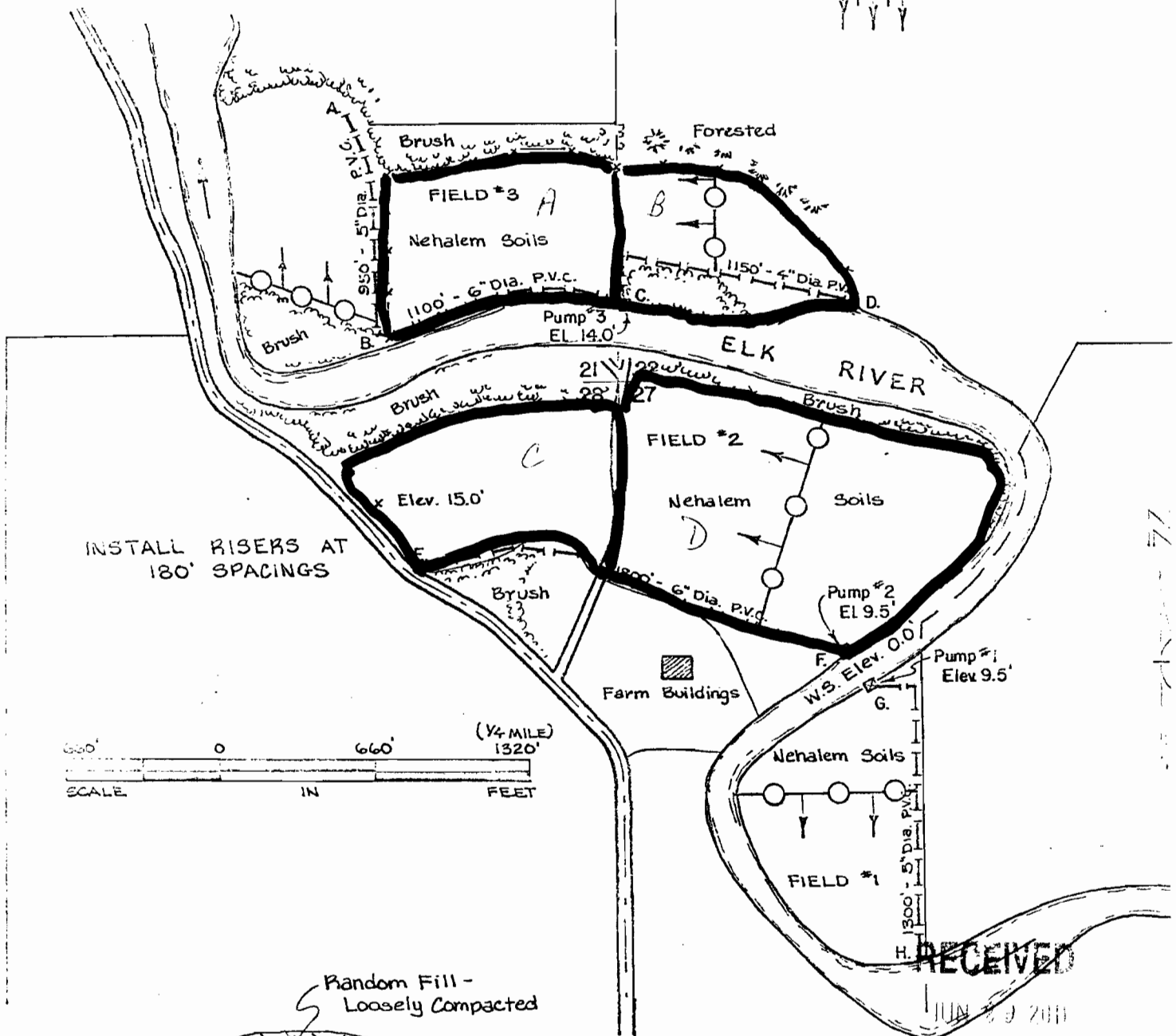
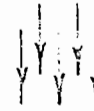
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B-3215-00 - 04700-00

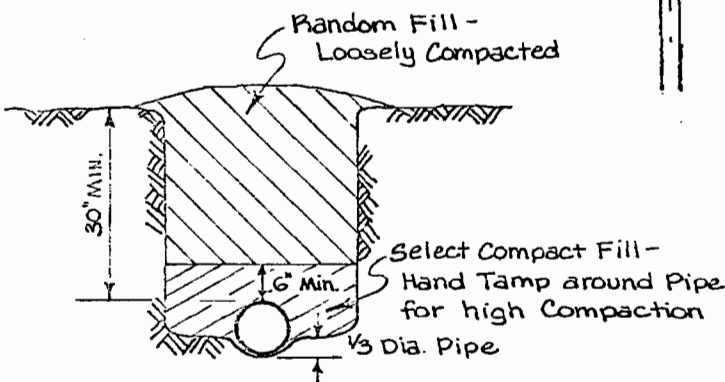
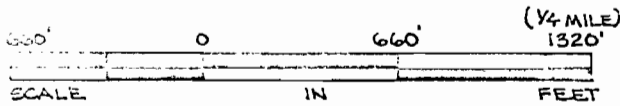
C-3215-00

D-3215-27 - 00300-00

Prevailing Winds



INSTALL RISERS AT 180' SPACINGS



TYPICAL PIPE BEDDING

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U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
(WORK COPY)
IRRIGATION LAYOUT
GLENN WAGNER COQUILLE,
DESIGNED BY DATE

A

7/1/07-6/30/08 REAL PROPERTY TAX STATEMENT
CURRY COUNTY, OREGON

ACCOUNT NO.: R11442
(541) 247-3305

PROPERTY DESCRIPTION

LAST YEAR'S TAX

139.38

See back for explanation of taxes marked with (*)

ACRES: 22.38
MAP: 3215-21 -01400-00
CODE: 2-3

WAGNER, GLEN L & BONNIE
93363 ELK RIVER ROAD
PORT ORFORD, OR 97465

THIS YEAR'S TAX

EDUCATION:

ESD 6.92
SWOCC 10.96
SCHOOL 2CJ 61.82

EDUCATION TOTAL:

79.70

GENERAL GOVERNMENT:

COUNTY GENERAL 9.37
CC 4-H & EXTENSN 1.59
PORT-PORT ORFORD 5.61
CEM.-PORT ORFORD 0.70
HEALTH-CURRY 11.60
LIB.-PORT ORFORD 7.77

GENERAL GOVERNMENT TOTAL

36.64

EXCLUDED FROM LIMITATION:

PORT-PORT ORFORD 8.95
FIRE PATROL, TIMBER 18.89

EXCLUDED FROM
LIMITATION TOTAL:

27.84

2007-08 PROPERTY
TAX TOTALS

144.18

TOTAL TAX (After Discount)

139.85

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	57,140	64,570
SPECIAL USE	15,160	15,620
IMPROVEMENT	0	0
TOTAL VALUE	15,160	15,620
TAXABLE VALUES:		
ASSESSED VA	15,160	15,620
EXEMPTION	0	0
NET TAXABLE:	15,160	15,620

POTENTIAL ADDITIONAL TAX LIABILITY

PLEASE MAKE PAYMENT TO:
CURRY COUNTY TAX COLLECTOR
MSC 42415, PO BOX 6989
PORTLAND, OR 97228-6989

If a mortgage company pays your taxes,
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
139.85	94.20	48.06

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WATER RESOURCES DEPT
SALEM, OREGON

B

1/1/07-6/30/08 REAL PROPERTY TAX STATEMENT
CURRY COUNTY, OREGON

ACCOUNT NO.: R21210
(541) 247-3305

PROPERTY DESCRIPTION

LAST YEAR'S TAX 411.13
WAGNER, GLEN L & BONNIE L
93363 ELK RIVER ROAD
PORT ORFORD, OR 97465
See back for explanation of taxes marked with (+)

ACRES: 145.64
MAP: 3215-00 -04700-00
CODE: 2-3

WAGNER, GLEN L & BONNIE L
93363 ELK RIVER ROAD
PORT ORFORD, OR 97465

THIS YEAR'S TAX
EDUCATION:
ESD 16.60
SWOCC 26.29
SCHOOL 2CJ 148.33

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	161,990	183,050
SPECIAL USE	36,370	37,460
IMPROVEMENT	0	0
TOTAL VALUE	36,370	37,460
TAXABLE VALUES:		
ASSESSED VA	36,370	37,460
EXEMPTION	0	0
NET TAXABLE:	36,370	37,460

EDUCATION TOTAL: 191.22

GENERAL GOVERNMENT:
COUNTY GENERAL 22.46
CC 4-H & EXTENSN 3.82
PORT-PORT ORFORD 13.45
CEM.-PORT ORFORD 1.69
HEALTH-CURRY 27.81
LIB.-PORT ORFORD 18.64

GENERAL GOVERNMENT TOTAL 87.87

POTENTIAL ADDITIONAL TAX LIABILITY

PLEASE MAKE PAYMENT TO:
CURRY COUNTY TAX COLLECTOR
MSC 42415, PO BOX 6989
PORTLAND, OR 97228-6989

EXCLUDED FROM LIMITATION:
PORT-PORT ORFORD 21.45
FIRE PATROL, TIMBER 122.92

EXCLUDED FROM
LIMITATION TOTAL: 144.37

If a mortgage company pays your taxes,
This statement is for your records only.

2007-08 PROPERTY TAX TOTALS 423.46

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
410.76	276.66	141.16

TOTAL TAX (After Discount) 410.76

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7/1/07-6/30/08 REAL PROPERTY TAX STATEMENT
 CURRY COUNTY, OREGON

ACCOUNT NO.: R21893

(541) 247-3305

PROPERTY DESCRIPTION

LAST YEAR'S TAX 288.64
 WAGNER, GLEN L & BONNIE
 See back for explanation of taxes marked with (*)
 93363 ELK RIVER ROAD
 PORT ORFORD, OR 97465

ACRES: 135.76
 MAP: 3215-00 -06101-00
 CODE: 2-3

WAGNER, GLEN L & BONNIE
 93363 ELK RIVER ROAD
 PORT ORFORD, OR 97465

THIS YEAR'S TAX

EDUCATION:
 ESD 10.05
 SWOCC 15.91
 SCHOOL 2CJ 89.80

 EDUCATION TOTAL: 115.76
 GENERAL GOVERNMENT:
 COUNTY GENERAL 13.60
 CC 4-H & EXTENSN 2.32
 PORT-PORT ORFORD 8.14
 CEM.-PORT ORFORD 1.02
 HEALTH-CURRY 16.84
 LIB.-PORT ORFORD 11.28

 GENERAL GOVERNMENT TOTAL 53.20

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	208,860	236,010
SPECIAL USE	22,020	22,680
IMPROVEMENT	0	0
TOTAL VALUE	22,020	22,680
TAXABLE VALUES:		
ASSESSED VA	22,020	22,680
EXEMPTION	0	0
NET TAXABLE:	22,020	22,680

EXCLUDED FROM LIMITATION:
 PORT-PORT ORFORD 12.99
 FIRE PATROL, TIMBER 114.58

 EXCLUDED FROM
 LIMITATION TOTAL: 127.57
 2007-08 PROPERTY TAX TOTALS 296.53

POTENTIAL ADDITIONAL TAX LIABILITY

PLEASE MAKE PAYMENT TO:
 CURRY COUNTY TAX COLLECTOR
 MSC 42415, PO BOX 6989
 PORTLAND, OR 97228-6989

If a mortgage company pays your taxes,
 This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
287.63	193.74	98.85

TOTAL TAX (After Discount) 17.63

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7/1/07-6/30/08 REAL PROPERTY TAX STATEMENT
 CURRY COUNTY, OREGON

ACCOUNT NO.: R11685
 (541) 247-3305

PROPERTY DESCRIPTION
 93363 ELK RIVER RD
 PORT ORFORD, OR 97465
 ACRES: 126.82
 MAP: 3215-27 -00300-00
 CODE: 2-3

LAST YEAR'S TAX 332.17
 WAGNER, GLEN L & BONNIE L
 93363 ELK RIVER ROAD
 PORT ORFORD, OR 97465
 See back for explanation of taxes marked with (*)

WAGNER, GLEN L & BONNIE L
 93363 ELK RIVER ROAD
 PORT ORFORD, OR 97465

THIS YEAR'S TAX
 EDUCATION:
 ESD 17.01
 SWOCC 26.93
 SCHOOL 2CJ 151.91

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	329,120	371,910
SPECIAL USE	37,270	38,400
IMPROVEMENT	0	0
TOTAL VALUE	37,270	38,400
TAXABLE VALUES:		
ASSESSED VA	37,270	38,400
EXEMPTION	0	0
NET TAXABLE:	37,270	38,400

 EDUCATION TOTAL: 195.85
GENERAL GOVERNMENT:
 COUNTY GENERAL 23.02
 CC 4-H & EXTENSN 3.92
 PORT-PORT ORFORD 13.79
 CEM. -PORT ORFORD 1.73
 HEALTH-CURRY 28.51
 LIB. -PORT ORFORD 19.10

 GENERAL GOVERNMENT TOTAL 90.07

POTENTIAL ADDITIONAL TAX LIABILITY

PLEASE MAKE PAYMENT TO:
 CURRY COUNTY TAX COLLECTOR
 MSC 42415, PO BOX 6989
 PORTLAND, OR 97228-6989

If a mortgage company pays your taxes,
 This statement is for your records only.

EXCLUDED FROM LIMITATION:
 PORT-PORT ORFORD 21.99
 FIRE PATROL, TIMBER 35.85

 EXCLUDED FROM
 LIMITATION TOTAL: 57.84

2007-08 PROPERTY TAX TOTALS =====
 343.76

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
333.45	224.60	114.59

TOTAL TAX (After Discount) 333.45

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