



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](http://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.: 5645

Priority date: 12/31/1985 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): no set irrigation season

Is the entire water right certificate being leased?  Yes  No

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

Place of use: T 1 N, R 14 ~~W~~<sup>E</sup>, Section 28, NE 1/4 SW 1/4 - 12.8 acres to be leased  
Enter additional places of use here, using format above:

T 1 N R 14 E sec 28 NW SW - 2.18 acres to be leased.

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

Number of acres, if for irrigation: 14.98 ac to be leased

Acre-feet of storage, if applicable:     

Rate associated with leased rights (cfs): 0.19 cfs  
(Use additional lines if there is more than one rate associated with the water right.)

Duty associated with leased rights (AF): 44.9 ac-ft  
(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: none

## ~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:

~~River~~ Two Springs & Eightmile Cr  
Tributary to Fifteenmile in the Fifteenmile Basin.  
creek

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):

Eightmile Diversion - S 900' & W 400' from the E 1/4 corner, section 28  
Maximum volume in acre-feet: see lease application for cert 3506 for description of springs.  
44.9 ac-ft

Rate in cfs: 0.19  
(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 June 15 through Sept 23.
- Other (describe): Same conditions as found in C-216 PG 3, Item 2.2

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## ~I~ Water Right Holder and Water Right Information

### Section 1.5 continued from Standard Application for Instream Lease.

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

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

Certificate No.: 3506

Priority date: 3/9/1920 Type of use: Supplemental irrigation and domestic

Legal Season of Use (if not listed on the certificate): no set irrigation season.

Is the entire water right certificate being leased?  Yes  No

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

Place of use: T 1 N, R 14 <sup>E</sup>, Section 28, NE 1/4 SW 1/4 - 3.47 acres to be leased  
Enter additional places of use here, using format above:

T 1 N R 14 E Sec 28 NW SW - 0.45 ac to be leased  
Page \_\_\_\_ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: 3.92 ac to be leased instream

Acre-feet of storage, if applicable: \_\_\_\_\_

Rate associated with leased rights (cfs): 0.10 cfs

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

Duty associated with leased rights (AF): 11.76 ac-ft

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

Conditions or other limitations, if any: none

## ~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:

Two Springs ~~River~~  
Tributary to Eightmile CR in the Fifteenmile CR 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):

Spring 1 - 963.6' E + 6336' S or W 1/4, Sec 28 Spring 2 - 1303.5' E + 415.8' S of W 1/4, Sec 28

Maximum volume in acre-feet: 11.76 ac-ft

Rate in cfs: 0.10 cfs

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

Reach - POD to mouth of Eightmile CR.

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over →

**Conditions to prevent injury, if any:**

None

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

June 15 through Sept 28.

Other (describe): same conditions as found in C-216, P63, Item 2.2

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# 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: (Previously leased as 6-216)  
Lease Application Number (assigned by WRD): IL-1193

This Lease is between:

**Lessor #1:**

Name Richard E. Neal  
Mailing address 4820 Davis Cutoff Rd  
City, State, Zip Code The Dalles, OR 97058  
Telephone number 541-296-4940  
Email address \_\_\_\_\_

**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

### ~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 1 N, Range 14 E, Section's 28, 32 and Tax Lot numbers 3400, 4300. 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.

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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. <sup>primary</sup> 39214, 5645, 5136  
<sup>supplemental</sup> 3506

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.: 5136

Priority date: 12/29/21 Type of use: Irrigation

Legal Season of Use: no set irrigation season

Is the entire water right certificate being leased?  Yes  No

If no, list the acres of the subject water right by legal description of township, range, section, and 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: 5.65 acres

Acre-feet of storage, if applicable: \_\_\_\_\_

Maximum rate associated with the right to be leased (cfs): 0.08 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): 16.95 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.

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)(C-216)(include necessary supporting documentation as Attachment 3).

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**~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:

River Springs & Eightmile Cr  
Tributary to Fifteenmile Cr in the Fifteenmile Cr 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 of Eightmile Cr

Maximum volume in acre-feet: 16.95 ac-ft

Rate in cfs: .08 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 June 15 through Sept 28
- Other (describe): Same conditions as found on C-216.

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 Sept 28, 2016.

**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.

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- 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: Richard Neal Date: 12-2-11

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

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# 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](http://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/](http://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.

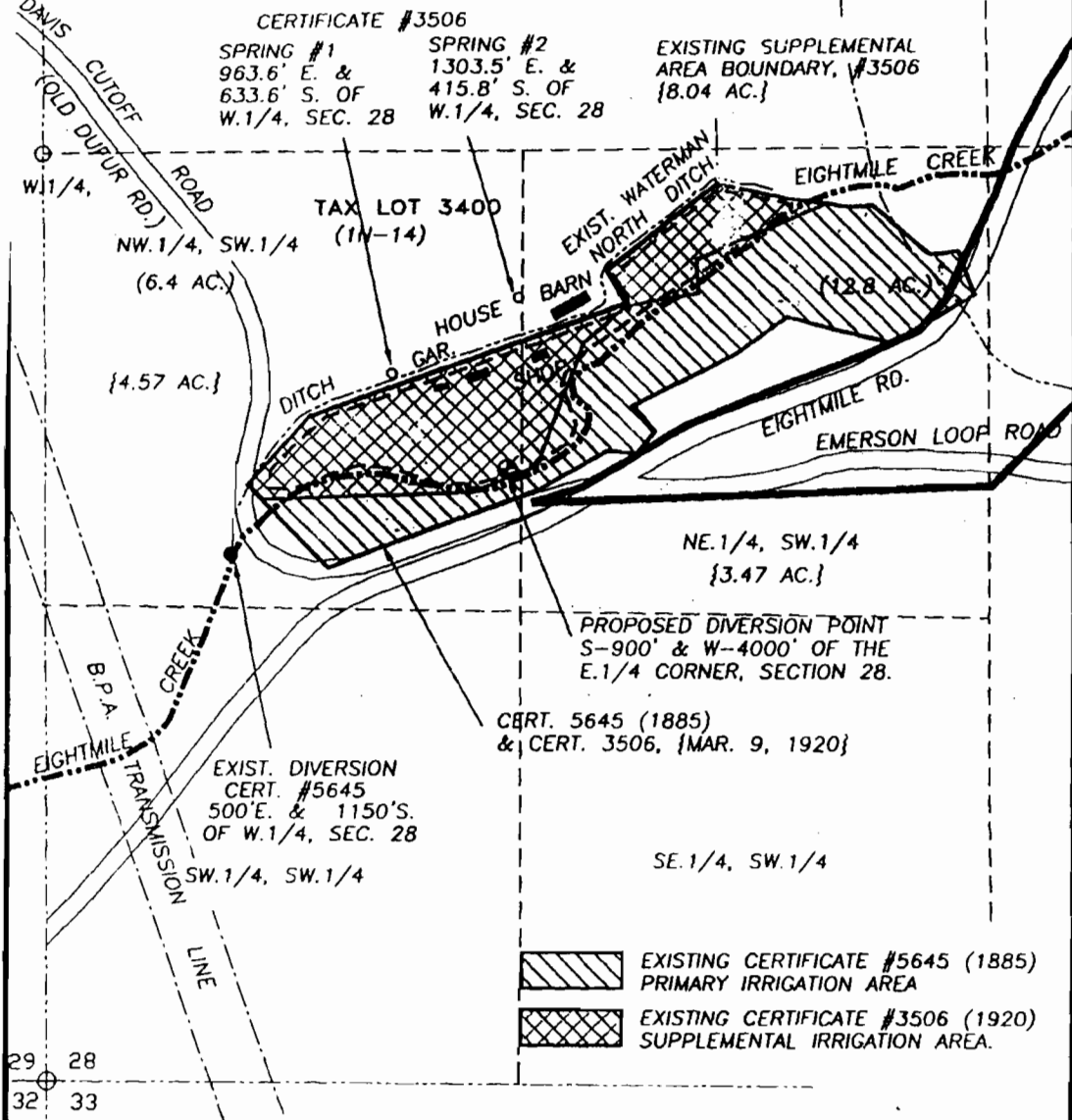
**1.4** Indicate if some or all of the lands are enrolled in the federal Conservation Reserve Enhancement Program. The Department will send a copy of the lease application and the associated order to the Farm Services Administration.

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SECTION 28, TWP.1 N. RANGE 14 E. W.M.  
 WASCO COUNTY, OREGON



**WATER RIGHT**  
**APPLICATION FOR NEW DIVERSION**

SCALE: 1" = 400'

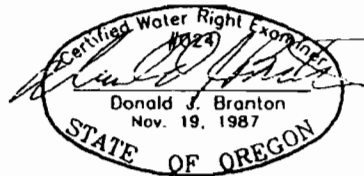
APPLICATION No. \_\_\_\_\_

PERMIT No. \_\_\_\_\_

IN THE NAME OF:  
RICHARD E. NEAL

DATE: MARCH 26, 2001

BY: TENNESON ENGINEERING CORP.  
 409 LINCOLN STREET,  
 THE DALLES, OREGON. 97058  
 PH. 541-296-9177  
 FAX 541-296-6657



RENEW: 12/31/01

**NOTE:**

"THIS MAP IDENTIFIES THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATE PROPERTY OWNERSHIP LINES."

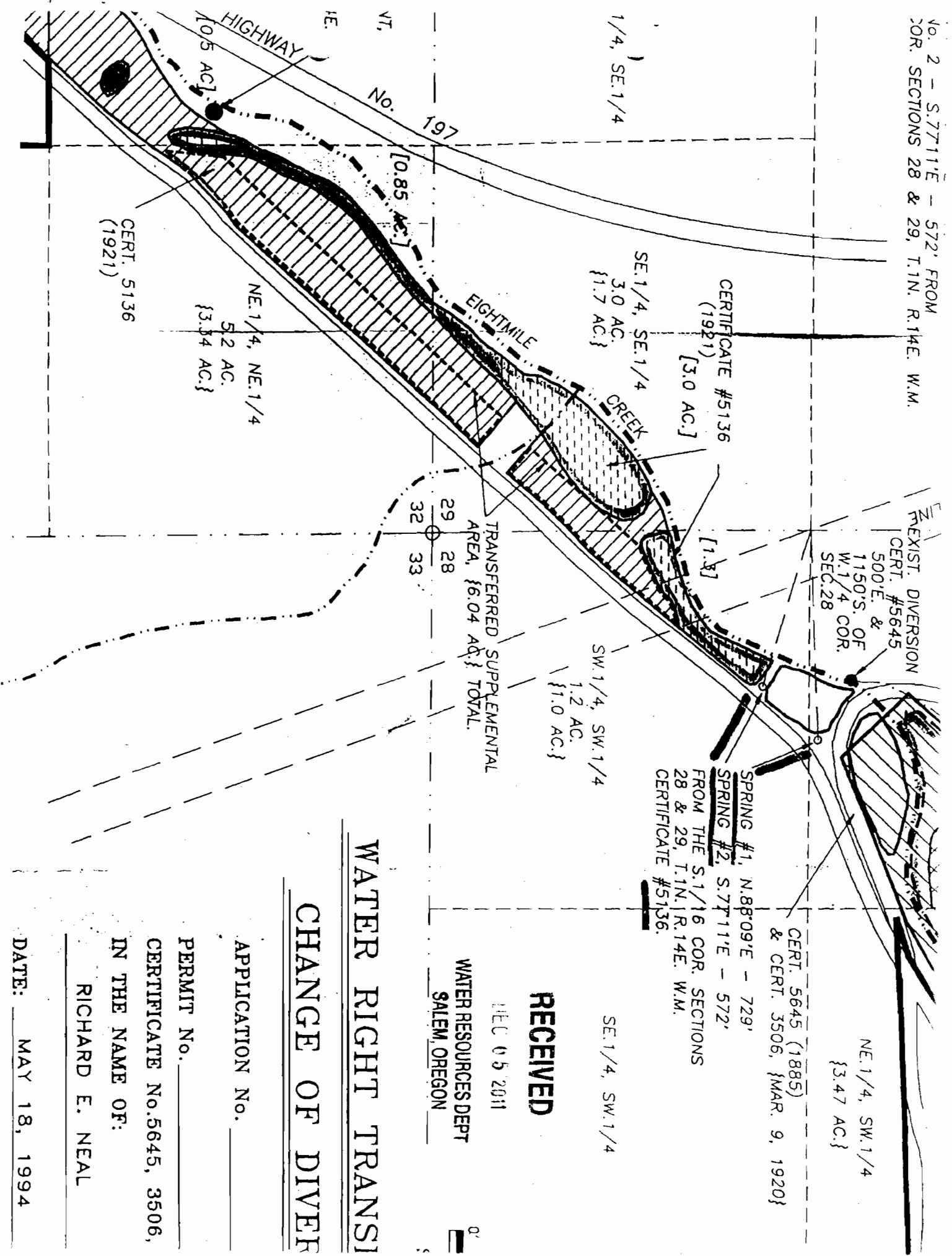
W.O. #s8040

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No. 2 - S.7711'E - 572'. FROM  
COR. SECTIONS 28 & 29, T.1N. R.14E. W.M.



EXIST. DIVERSION  
CERT. #5645  
500'E. &  
1150'S. OF  
W.1/4 COR.  
SEC. 28

CERT. 5645 (1885)  
& CERT. 3506, {MAR. 9, 1920}

NE.1/4, SW.1/4  
{3.47 AC.}

SPRING #1, N.88°09'E - 729'  
SPRING #2, S.77°11'E - 572'  
FROM THE S.1/16 COR. SECTIONS  
28 & 29, T.1N. R.14E. W.M.  
CERTIFICATE #5136.

SE.1/4, SW.1/4

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**WATER RIGHT TRANSFER**

**CHANGE OF DIVER**

APPLICATION No. \_\_\_\_\_

PERMIT No. \_\_\_\_\_

CERTIFICATE No. 5645, 3506,

IN THE NAME OF:

RICHARD E. NEAL

DATE: MAY 18, 1994