

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 Iden Lease Applica	tification by Lessor/Lessee:tion Number (assigned by WRD):	
The water rigi	nt to be leased is located in <u>Jackson</u> County.	
This Lease is	between:	
Lessor #1:		
	ord Water Commission	-
	ss _200 S. Ivy Street, #177	
	p Code Medford, OR 97501	
	mber 541-774-2439	-
E-mail addres	s** larry.rains@cityofmedford.org	
Lessor #2, 3,	etc. (provide same information as identified above)	_
•	ferent than Oregon Water Resources Department):	
Mailing addre		-
City State 7	SS	-
Talanhana nu	p Code	-
E-mail addres	mber	-
**BY PROVIDING A	S · · N E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM	THE DEPARTMENT
ELECTRONICALLY	. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.	
Trustee:		RECEIVED
Oregon Water	Resources Department	MAY 1 4 2012
725 Summer	Street NE, Suite A	- · · -
Salem, OR 97 (503) 986-090		WATER RESOURCES DEPT SALEM. OREGON
	~I~ Water Right Holder and Water Right Infor	mation
I 2 2	Lessor #1 is the water right holder, or authorized agent for water operty located at: Township 35 S, Range 3 F. 26 & 34 and Tax Lot number 1501, 5100, 5300, 5301, 5900 appurtenant to these lands is also appurtenant to lands owned included in this application, then Attachment 1 (tax lot map),	E, Section 15, 16, 20, 22, & 7300. If the water right by others who are not

	Lessor #2 is	•	eck one	e):					
	⊠ Not app			C					
				of	, th	ne irrigation di	strict which	h conveys	water to
	the subject v	-	-	nterest in	the subjec	t water rights	ranrecentir	ıα	
	Another	party w	illi ali li	nerest m	ine subjec	a water rights	representit	.g	 ·
1.3	For the water	er right(s	s) being	leased, li	st all wate	r rights appur	tenant to th	e same lan	ds.
	Indicate if the	nere are	any sup	plementa	l or overly	ying rights.			
	Certificate N	Jo(s) 1	5846 and	d 9821 m	av overlar	,			
				<u>u 7021 III</u>	uy overraj	,			
1.4	Are some or Program.					of a Conservat program:			
1.5	Water Righ	its Prop	osed to	be Lease	ed Instrea	ım.			
	_	_				1.3 is further	described	as follows:	
	Certificate N	No.: <u>15</u>	846						
				-		use the addition	nal water rig	ht form.)	
	Legal Seaso								
			_		_	? ⊠ Yes □			
						water right by			
						lried up as par		ise, and inc	lude a map
	(Atta	ecnment	(2) snov	ving the la	ands whic	h will not rece	eive water.		
	\mathbf{T} \mathbf{R}	Sect	14 1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority	*Previous
*(Id	lentify pertinent pa	age numb	ers of cer	tificate, if c	ertificate is			Date y priority dat	Lease # e, if there is
	e than one on the	certificate	e. If any j	portion of t	he right pro	greater than 10 p	bages; identif d was leased	y priority dat previously, t	e, if there is
	e than one on the	certificate	e. If any j	portion of t	he right pro	greater than 10 p	bages; identif d was leased	y priority dat previously, t	e, if there is
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forfeiture under ORS 540.610(2)(a b)(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 of the water right described in Section 1.5. The instream use to be created is described as follows: MAY 1 4 2012 WATER RESOURCES DEPT SALEM OPERATOR
	In the Four Bit Creek
	Tributary to Big Butte Creek in the Rogue Basin.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 94.5 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.42
	(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).
	 ☐ Instream use protected at the point of diversion (POD). ☑ Or within a proposed reach.
	Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): <u>From authorized POD to mouth of Rogue River</u>
	Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.
	(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)
	If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per decree map) T 35 S, R 3 E, Sec. 22, NW 1/4
	Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): None
	The instream flow will be allocated on a daily average basis up to the described rate from through
	Other (describe):
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)
	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 10/31/2016.
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.
- 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.
- Termination provision. 3.5
 - 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 then 30days 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;
 - 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.
- Modification to prevent injury. Allocation of water to the instream use described in Section 3.6 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 lando	wners or for	ur or more water rights.
	\$250 for all other applications.		· ·
			~
Lessor	#1:	Date:	5-8-12
Medfor	rd Water Commission - Manager: Larry Rains, P.E.	_	
For add	litional Lessors, type in space for signature and date		
Lessee:	:	Date:	
Other A	Attachments as Needed:		
Attachr	nent 1: Tax Lot Map. (See instructions.)		
Attachn	nent 2: Detailed map illustrating lands under subject	rights to be	leased; required if only part
	of a right is being leased instream. (See instr	uctions.)	
Attachn	nent 3: Supporting documentation indicating why a r	ight is valid	and not subject to forfeiture
	even though the right has not been exercised	for five or r	nore consecutive years
	(required if the second box in Section 1.6 is o	hecked).	•

Attachment 4: Split Season Instream Use Form

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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 next right to be leased is further described as follows:

Certificate No.: 4898

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

Priority date: 11/2/1917

Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1st through October 31st

Is the entire water right certificate being leased? Yes No

If no, list below 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.

	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease #
							greater than 10 pa			
than	one on th	e certifica					o be leased was le			s lease number
			<u>ma</u>		ititied. Idei	ntification (of a previous lease	is optional.)		
1.	35 S	3 E	15	NW SW	1501	17				IL-
2.	35 S	3 E	15	SW SW	1501	30				IL-
3.	35 S	3 E	15	SE SW	1501	27				IL-
4.	35 S	3 E	16	NE SE	1501	37				IL-
5.	35 S	3 E	16	SE SE	1501	30				IL-
6.										IL-
7.										IL-
8.										IL-
9.										IL-
10.										IL-

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

Number of acres, if for irrigation (or other acre equivalent use): 141.0

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

Maximum Rate associated with leased rights (cfs): 1.76

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

Maximum Duty associated with leased rights (AF): 634.5

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

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Conditions or other limitations, if any: N/A

Section 2.2 continued from Standard Application for Short-Term Instream Lease. Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows: In the Four Bit Creek Tributary to Big Butte Creek in the Rogue Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 634.5 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 1.76 (If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application). Instream use at the point of diversion (POD). Or within a proposed reach. Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): From authorized POD to mouth of Rogue River Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (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 the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per Permit S-3579) #1 - S 61 degrees 15 minutes west 3670 feet; #2 S 66 degrees west 3570 feet, both from NE corner of Section 22 Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): None
 Non The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____. Other (describe):

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(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)



Instream Lease

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~I~ Water Right Holder and Water Right Information

Section	1.5 co	ntinued	trom	Standard	Application	tor	Instream I	∟ease.	
			_						

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

The next right to be leased is further described as follows:

Certificate No.: 5107

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

Priority date: 10/17/1917

Type of use: Irrigation & Domestic, inleuding Stock

Legal Season of Use (if not listed on the certificate): April 1st through October 31st

Is the entire water right certificate being leased?

Yes

No

If no, list below 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.

	T	R	Sect	14 1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Ic	dentify pe	rtinent pa	ige numbe	ers of cert	ificate, if co	ertificate is	greater than 10 pa	ages; identify	priority date, if	there is more
han	one on th	e certific	ate. If an	y portion	of the right	proposed	to be leased was le	eased previou	sly, the previou	s lease number
			ma	ay be ider	ntified. Iden	ntification	of a previous lease	is optional.)		
1.	35 S	3 E	34	NE SE	7300	33	IR/DS		10/17/1917	IL-
2.	35 S	3 E	34	NW SE	7300	19	IR/DS		10/17/1917	IL-
3.	35 S	3 E	34	SW SE	7300	1	IR/DS		10/17/1917	IL-
4.	35 S	3 E	34	SE SE	7300	1	IR/DS		10/17/1917	IL-
5.										IL-
5.										IL-
7.										IL-
8.										IL-
9.										IL-
10.										IL-

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

Number of acres, if for irrigation (or other acre equivalent use): <u>54.0</u>
Acre-feet of storage, if applicable: <u>N/A</u>

Maximum Rate associated with leased rights (cfs): 0.72

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

Maximum Duty associated with leased rights (AF): 243.0

(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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Section 2.2 continued from Standard Application for Short-Term Instream Lease. Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows: In the Two Springs Creek Tributary to Four Bit Creek and Big Butte Creek in the Rogue Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 243.0 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.72 (If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application). Instream use at the point of diversion (POD). Or within a proposed reach. Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): From authorized POD to mouth of Rogue River Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (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 the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per Permit S-3550) 1300 feet north and 700 feet east of SE corner of Sec. 26 Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): ⊠ None The instream flow will be allocated on a daily average basis up to the described rate from _____ through ______.

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(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

Other (describe):



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~I~ Water Right Holder and Water Right Information

S T C P L	Che next Certificat (If you riority degal Seas the ent If no, which	water I right to the No.: 6 to need late: 6/10 ason of list belon will be	Rights. be lease 1740 to enter a 10/1920 Use (if er right a 100 ow the 100 o	Lessor jed is fur another land liste certification acres to up as pa	proposes of rther described right leased right ype of use ed on the oute being l be leased	to lease the ribed as for the please use the control of the please use the control of the please the control of the please the control of the please the p	se another addit	ional water h October 3 No township,	rights form.) 11st range, section	
	T	R	Sect	% %	Tax Lot	Acres	Type of Use	*Page#	*Priority Date	*Previous Lease #
			te. If any	portion	of the right	proposed to	greater than 10 pa be leased was le f a previous lease	ased previou	ısly, the previou	
1.							•	_		IL-
2.										IL-
3.										IL-
4.	_									IL-
5.										IL-
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10.										IL-
[Atta	1	Number Acre-fe Maximu	of acreset of sto	s, if for orage, if associa	irrigation applicable ated with l	(or other le: <u>N/A</u> eased rigl	acre equivaler 	nt use): <u>130</u>)	RECEIVE
	Ì	Maximu	ım Duty	associa	ated with	leased rig	hts (AF): 585.0 associated with t			MAY 1 4 201

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WATER RESOURCES DEPT

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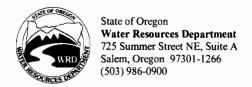
Conditions or other limitations, if any: N/A

Section 2.2 continued from Standard Application for Short-Term Instream Lease. Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows: In the Willow Creek Tributary to Big Butte Creek in the Rogue Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 585.0 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 1.63 (If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application). Instream use at the point of diversion (POD). Or within a proposed reach. Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): From authorized POD to mouth of Rogue River Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (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 the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per Permit S-4637) S 43 degrees 08 minutes east 2859.5 feet from the corner of Sections 20, 21 & 29 Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): The instream flow will be allocated on a daily average basis up to the described rate from through ______. Other (describe): (Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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WATER RESOURCES DEPT SALEM OREGON



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.

Section 1.5 continued from Standard Application for Instream Lease.

~I~ Water Right Holder and Water Right Information

S	Subject	Water	Rights.	Lessor	proposes	to lease th	ne water rights	listed in 1.3	3.	
		_		ed is fu	rther desc	ribed as f	follows:			
(ite No.:								
					_	-	se another addit	ional water r	ights form.)	
			12/1920		ype of use			1. 0-4-121		
	_				ate being l		e): <u>April 1st throu</u>	n October 31 No		
1							description of	_	ange, section	n. and ¼ ¼.
							clude a map (A			
	will	not rece	ive wate	r.						
	T	R	Sect	1/4 1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Ide	entify pe	rtinent pa	ge number	rs of cert	ificate, if ce	ertificate is proposed to	greater than 10 pa be leased was le	nges; identify pased previous	priority date, it	f there is more s lease number
							f a previous lease			
1.										IL-
2.										IL-
3.						_				IL-
4.										IL-
5.										IL-
6.						_				IL-
7.										IL-
8.								_	_	IL-
9.										IL-
10.										IL-
[Atta	ched may	ps must id	lentify the	water ri	ght holder,	township, r	ange, section, 1/4 1/	4, tax lot num	ber, map orien	tation, and scale.]
		Number	r of acres	s if for	irrigation	(or other	acre equivaler	nt use): 93		
					f applicab	•	dere equivales	11 use). <u>25 </u>		
							hts (cfs): <u>1.0</u>			DFARMES.
		•					associated with the thick (AF): 418.5)	RECEIVED
			-			_	associated with		:.)	MAY 1 4 2012
		Conditi	ons or of	her lim	nitations, i	f any: <u>N/</u>	<u>A</u>		WATE	R RESOURCES DEPT

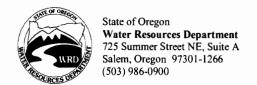
Section 2.2 continued from Standard Application for Short-Term Instream Lease. Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows: In the Four Bit Creek Tributary to Big Butte Creek in the Rogue Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 418.5 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 1.0 (If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application). Instream use at the point of diversion (POD). Or within a proposed reach. Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): From authorized POD to mouth of Rogue River Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (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 the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per Permit S-4854) 2500 feet west of the NE corner of Sec. 25, thence south 1203 feet Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): None Non The instream flow will be allocated on a daily average basis up to the described rate from _____ through ______. Other (describe):

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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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

S T C F L	Certificat (If you riority degal Seas the ent If no, which	right to the No.: 9 to need late: 11/ ason of ire wate list bell will b	Rights. be leas 9821 to enter a 27/1916 Use (if er right o ow the a	Lessor ed is fur another Tonot liste certificate acres to up as pa	proposes and the description of use and on the detection of the description of the descri	to lease the ribed as full, please user tificate eased?	se another addit	ional water igh October 3 No township, 1	rights form.)	
	T	R	Sect	4 4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
			te. If any	portion	of the right	proposed to	greater than 10 pa be leased was le f a previous lease	ased previou		
1.										IL-
2.										IL-
3.										IL-
4.										IL-
5.										IL-
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8.										IL-
9.										IL-
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[Atta]] (Number Acre-fe Maximu Use addi Maximu	of acre et of sto im Rate itional line im Duty	s, if for orage, if associates if there associates	irrigation f applicable ated with less is more the ated with	(or other le: N/A eased right an one rate leased rig	acre equivalents (cfs): 0.40 associated with the factor (AF): 146.2 associated with the factor (AF): 146.2 associated with the factor (AF): 146.2 associated with the factor (AF) associated w	nt use): <u>32.5</u>	5 L.)	TATION, AND SCALE.] RECEIVED MAY 1 4 2012 RESOURCES DEPT

SALEM OREGON

Conditions or other limitations, if any: N/A

Section 2.2 continued from Standard Application for Short-Term Instream Lease. Instream use created by lease of the water right described in Section 1.5. The instream use to be created is described as follows: In the Four Bit Creek Tributary to Big Butte Creek in the Rogue Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 146.25 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.40 (If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application). Instream use at the point of diversion (POD). Or within a proposed reach. Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): From authorized POD to mouth of Rogue River Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible. (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 the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: (per Permit S-3283) #1 - S 37 degrees 50 minutes east 4170 feet; #2 - S 31 degrees 30 minutes east 3100 feet, both from NW corner of Section 22 Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): ⊠ 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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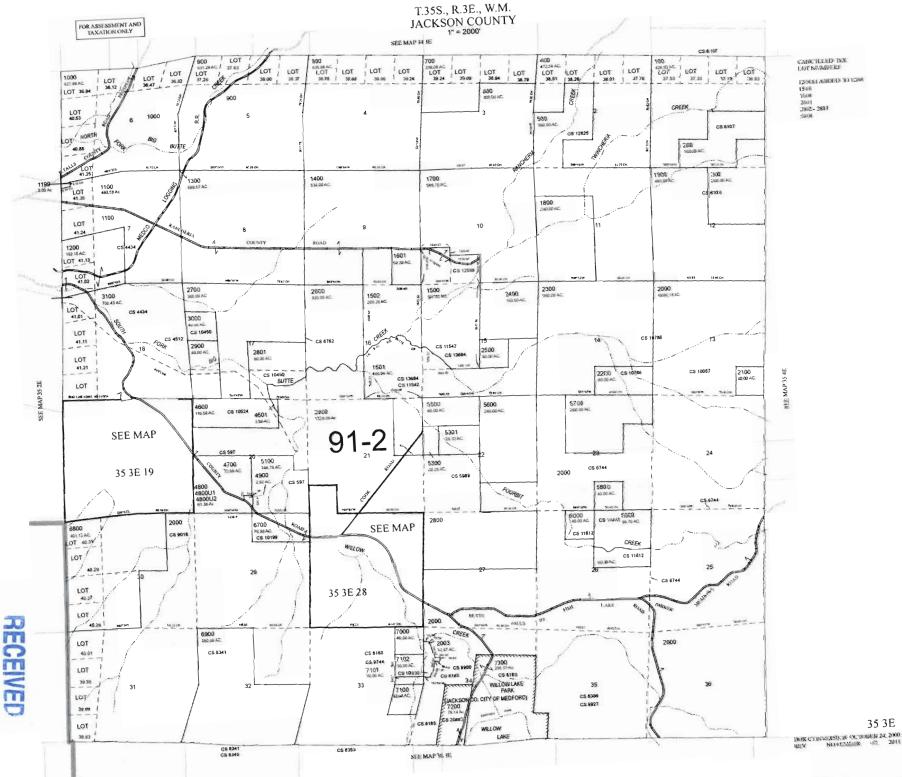
WATER RESOURCES DEPT SALEM, OREGON

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)



Attachment 1

Tax Lot Map: Township 35 South, Range 3 East, W.M.



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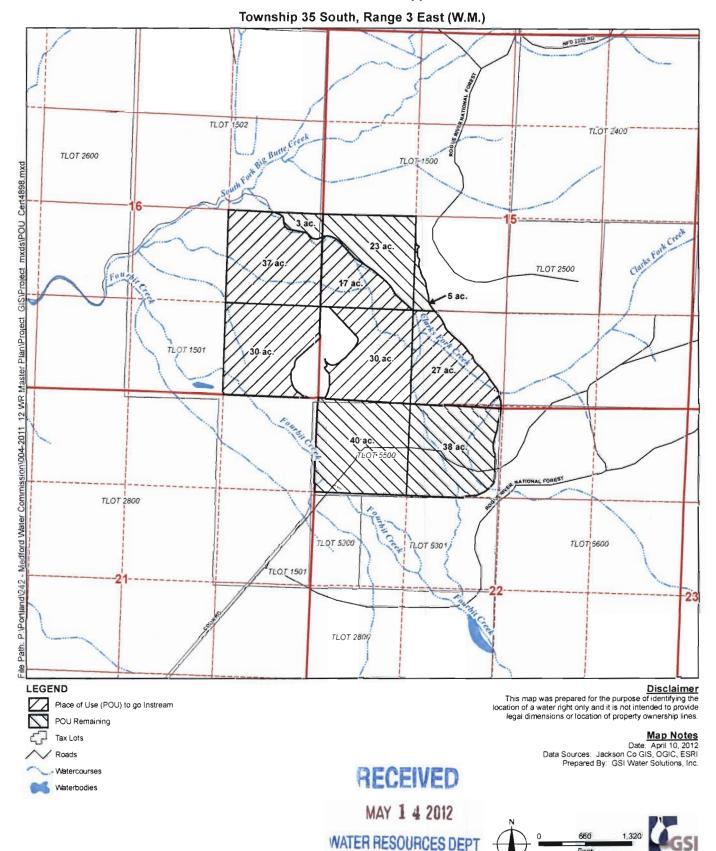


Attachment 2

Water Right Maps: Certificate 4898 & Certificate 5107

Instream Lease Application in the Name of Medford Water Commission

Certificate 4898, Permit S-3579, Application S-5823

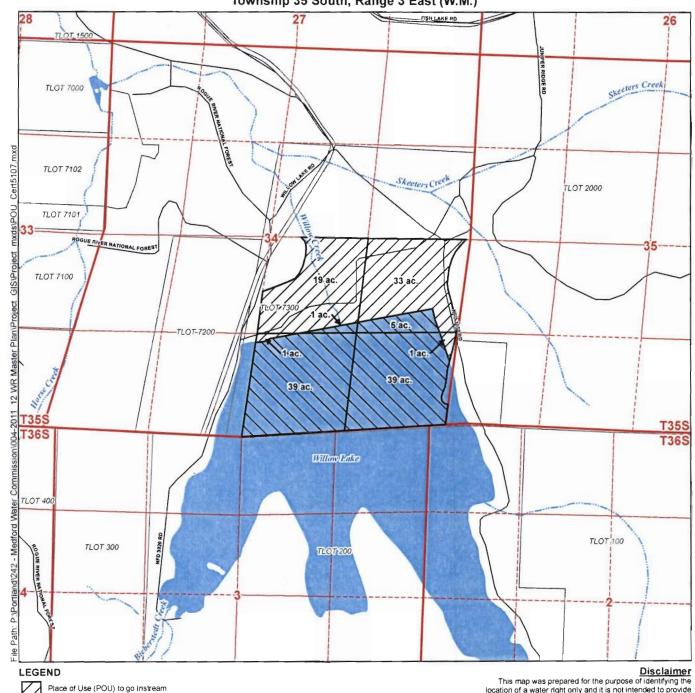


SALEM OREGON

Instream Lease Application in the Name of Medford Water Commission

Certificate 5107, Permit S-3550, Application S-5744

Township 35 South, Range 3 East (W.M.)



POU Remaining

Tax Lots



Waterbodies

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Map Notes

Date Sources: Jackson Co GIS, OGIC, ESRI Prepared By: GSI Water Solutions, Inc.



MAY 1 4 2012

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Attachment 3

Forfeiture Rebuttal

Rebuttal of Forfeiture Under ORS 540.610(2)

ORS 540.610(2)(a) states, "The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes."

ORS 540.610(2)(b) states, "A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired."

The water rights were acquired by the City of Medford for a reasonable and usual municipal purpose.

A finding of forfeiture for these water rights would impair Medford's rights to the use of water.

The City purchased the lands appurtenant to the water rights proposed for lease and they have been used for reasonable and usual municipal purposes upon City of Medford owned lands.

