



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](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: \_\_\_\_\_

Lease Application Number (assigned by WRD): IL-1253

The water right to be leased is located in Josephine County.

This Lease is between:

### Lessor #1:

Name CAROLYN PROCTOR  
Mailing address 1139 SLEEPY HOLLOW LOOP  
City, State, Zip Code GRANTS PASS, OR. 97527  
Telephone number 541 479-0037  
E-mail address\*\* cproctor@oigp.net

Lessor #2, 3, etc. (provide same information as identified above)

### Lessee (if different than Oregon Water Resources Department):

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
E-mail address\*\* \_\_\_\_\_

\*\*BY PROVIDING AN 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:

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 37S <sup>N</sup>, Range 6 <sup>W</sup>, Section 8 and Tax Lot number 2401. 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.

- 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(s). 60085, 60764

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal program: \_\_\_\_\_

**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.: 60085

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

Legal Season of Use: April 1 - Oct 31

Is the entire water right certificate being leased?  Yes  No

If no, list below 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.

T	R	Sect	1/4	1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	37 S	R6W	8	NESE	2401	10	irrigation		8-4-1977	IL-
2.										IL-
3.										IL-
4.										IL-
5.										IL-

[Attached maps must identify the water right holder, township, range, section, 1/4 1/4, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): 10

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

Maximum rate associated with the right to be leased (cfs): 0.127

(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: \_\_\_\_\_

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- 1.6 **Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form.** 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

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**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:

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In the Applegate River River  
Tributary to Rogue River in the Rogue River Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): \_\_\_\_\_  
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.127

(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):

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: 900' S + 1400' W FROM E 1/4 corner Section 8

**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 Oct 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.
- 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;
  - 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.

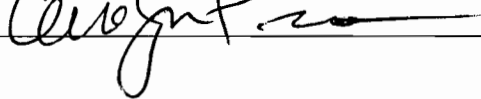
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3.7 **Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$400 for an application with four or more landowners or four or more water rights.
- \$250 for all other applications.

Lessor #1:  Date: 6/19/12

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 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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STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CARLA VAN DOORN  
1139 SLEEPY HOLLOW LOOP  
GRANTS PASS, OREGON 97526

confirms the right to use the waters of AN UNNAMED STREAM AND APPELEGATE RIVER, a tributary of ROGUE RIVER, for the purpose of IRRIGATING 14.0 ACRES.

The right has been perfected under Permit 42365. The date of priority is AUGUST 4, 1977. The right is limited to not more than 0.18 CUBIC FOOT PER SECOND; BEING 0.15 CFS FROM APPELEGATE RIVER AND 0.03 CFS FROM THE UNNAMED STREAM WITH ANY DEFICIENCY FROM THE UNNAMED STREAM TO BE MADE UP BY DIVERSION FROM APPELEGATE RIVER, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 SE 1/4, NW 1/4 SE 1/4, SECTION 8, T 37 S, R 6 W,  
W.M.; STREAM - 170 FEET SOUTH & 1190 FEET WEST; RIVER - 900 FEET  
SOUTH & 1400 FEET WEST BOTH FROM E1/4 CORNER SECTION 8.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

	APPELEGATE RIVER	UNNAMED STREAM
NE 1/4 SE 1/4	11.8 ACRES	2.2 ACRES
	SECTION 8	
	TOWNSHIP 37 SOUTH, RANGE 6 WEST, W.M.	

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,  
affixed this date FEBRUARY 9, 1989.

W. W. YOUNG

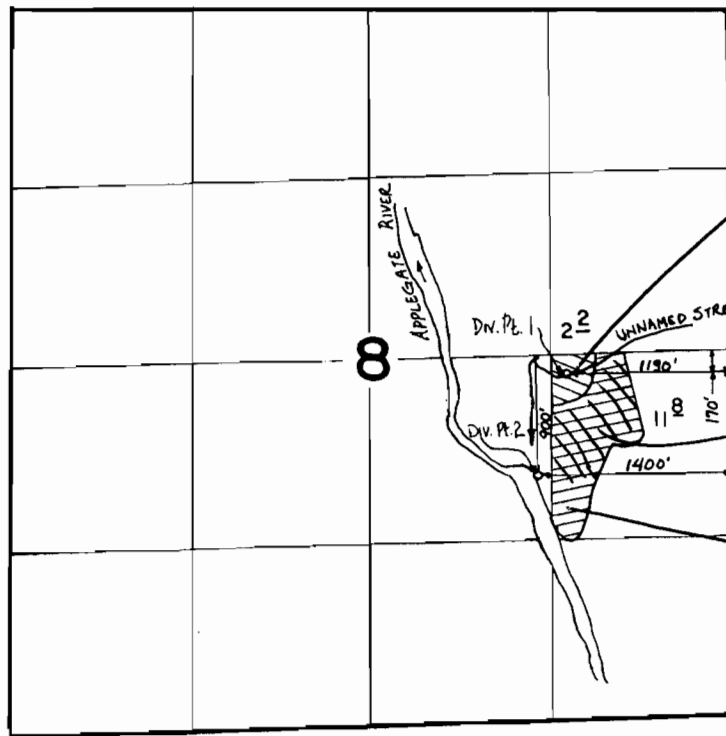
Water Resources Director



Recorded in State Record of Water Right Certificates numbered 60085

56339.SB

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T. 37 S., R. 6 W., W.M.



-  Primary from Div. Pt. 2
-  Primary from Div. Pt. 1, Supplemental from Div. Pt. 2

**FINAL PROOF SURVEY**  
UNDER

Application No. 56339, Permit No. 42365.....  
IN NAME OF

.....CARLA VAN DOORN.....

Surveyed OCT. 18, 1983., by B.S. JAMES.....

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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](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 next right to be leased is further described as follows:

Certificate No.: 60764

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

Priority date: 8-23-1977 Type of use: irrigation

Legal Season of Use (if not listed on the certificate): April 1 - Oct 31

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	1/4 1/4	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)									
1.	37S	6W	8	NWSE	2401	4.5	irrigation	8-23-1977	IL-
2.									IL-
3.									IL-
4.									IL-
5.									IL-
6.									IL-
7.									IL-
8.									IL-
9.									IL-
10.									IL-

[Attached maps must identify the water right holder, township, range, section, 1/4 1/4, tax lot number, map orientation, and scale.]

Number of acres, if for irrigation (or other acre equivalent use): 4.5

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

Maximum Rate associated with leased rights (cfs): 0.06  
 (Use additional lines if there is more than one rate associated with the water right.)

Maximum Duty associated with leased rights (AF): \_\_\_\_\_  
 (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: \_\_\_\_\_

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**~II~ Instream Water Right Information**

**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 Applegate River  
Tributary to Rogue in the Rogue Basin.

Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): \_\_\_\_\_

Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.04

(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): \_\_\_\_\_

- 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: 870' S + 1420' W

From NE 1/4 corner Sec 8

**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.)

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**WATER RESOURCES DEPT  
SALEM, OREGON**

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT P. STRAHAN  
1139 SLEEPY HOLLOW LOOP  
GRANTS PASS, OREGON 97526

confirms the right to use the waters of AN UNNAMED STREAM AND APPELEGATE RIVER, tributaries of ROGUE RIVER, for the purpose of IRRIGATING 5.6 ACRES.

The right has been perfected under Permit 42439. The date of priority is AUGUST 23, 1977. The right is limited to not more than 0.07 CUBIC FOOT PER SECOND BEING 0.06 CFS FROM APPELEGATE RIVER AND 0.01 CFS FROM THE UNNAMED STREAM WITH ANY DEFICIENCY FROM APPELEGATE RIVER or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NW 1/4 SE 1/4, SECTION 8, T 37 S, R 6 W, W.M.; STREAM - 250 FEET SOUTH AND 1420 FEET WEST; RIVER - 870 FEET SOUTH AND 1420 FEET WEST BOTH FROM E 1/4 CORNER, SECTION 8.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

NW 1/4 SE 1/4 SECTION 8 TOWNSHIP 37 SOUTH, RANGE 6 WEST, W.M.	UNNAMED STREAM 1.1 ACRES	APPELEGATE RIVER 4.5 ACRES
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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date APRIL 14, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60764

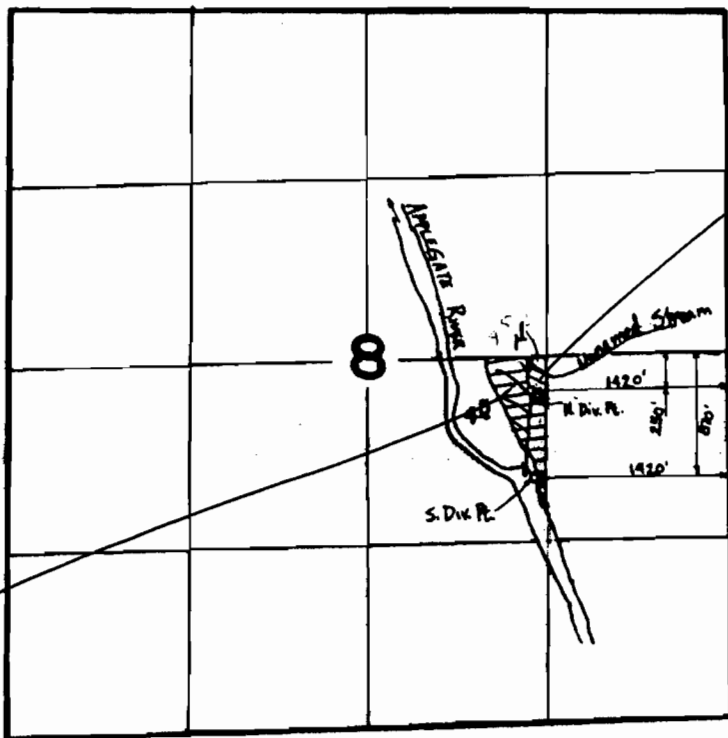
56471.SB

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# T.37S., R.6 W., W.M.



*1.1 acres from unnamed stream, not leased*

1420' 250' 80'

*4.5 acres irrigated from Apple Gate River leased*

-  Primary from South Diversion Point (1)
-  Primary from North Diversion Point, Supplemental from South Div. Pt. (2)

## FINAL PROOF SURVEY UNDER

Application No. 56471.. Permit No. 42439....  
IN NAME OF

**ROBERT P. STRAHAN**

Surveyed OCT. 18, 1983., by B.S. JAMES.....

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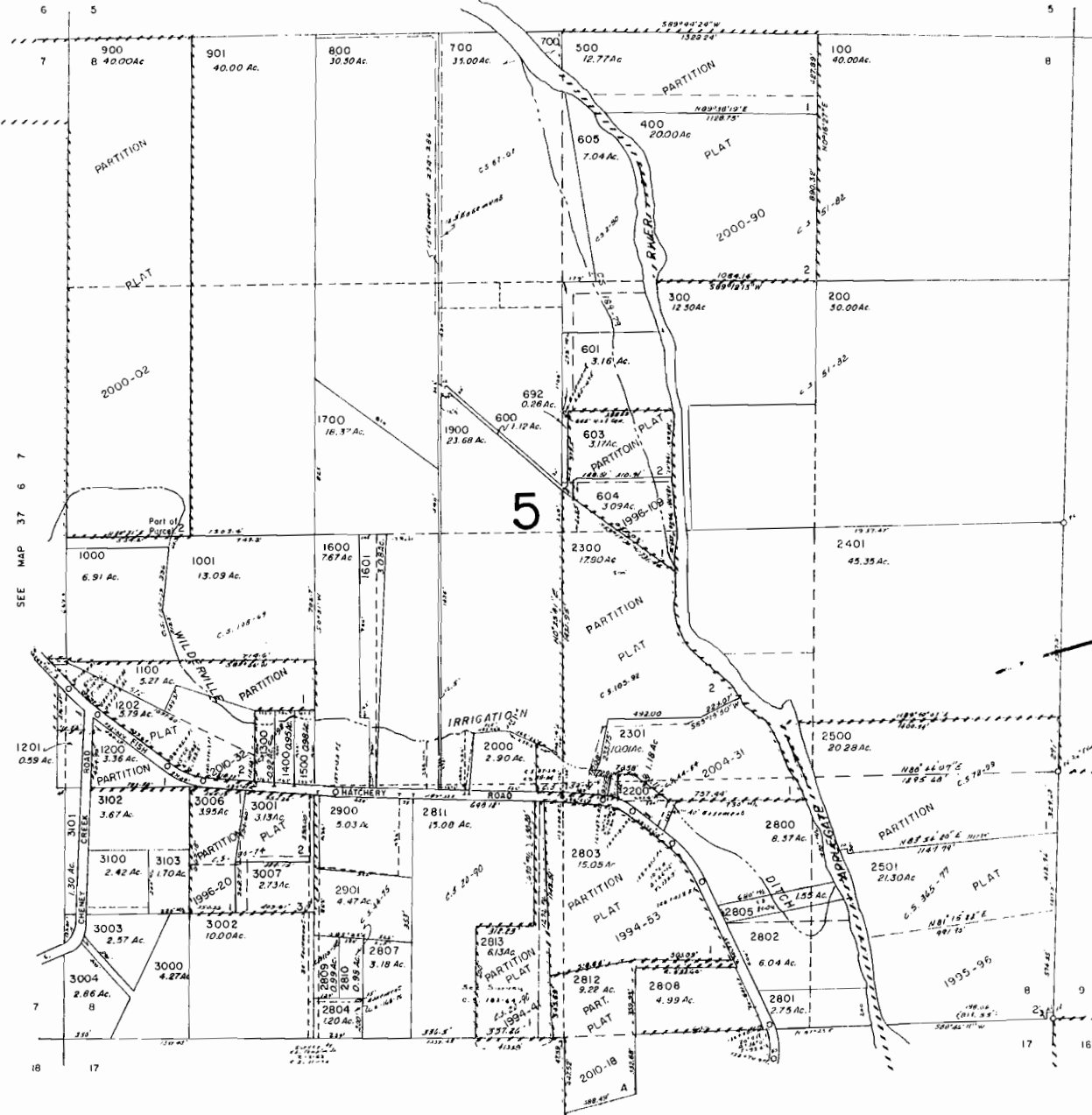
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1" = 400'

SEE MAP 37 6 5

SEE MAP 37 6 5 D



- CANCELLED T.L.
- 2600
  - 2700
  - 1990
  - 690
  - 2806
  - 691
  - 602
  - 2100
  - 2490
  - 2400
  - 1800
  - 2890
  - 2891
  - 2892
  - 2893
  - 2591
  - 2502
  - 3005
  - 693
  - 2001
  - 490

TAX LOT INVOLVING LEASE

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SEE MAP 37 6 17