



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

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Optional Identification by Lessor/Lessee: BLM CORA 2012 Instream
Lease Application Number (assigned by WRD): IL-1259

OCT 24 2012

This Lease is between:

SALEM, OR

Lessor #1:

Name Prineville District BLM
Mailing address 3050 NE 3rd St
City, State, Zip Code Prineville, OR 97754
Telephone number 541-416-6700
Email address Homer Faver@blm.gov

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 7S, Range 19E, Section 19 and Tax Lot number _____. 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. NA

- 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.: 1343

Priority date: 1912.

Type of use: Irrigation

Legal Season of Use: April 1 to September 30

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 $\frac{1}{4}$ $\frac{1}{4}$ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Number of acres being leased, if for irrigation: 6 to be leased instream

Acre-feet of storage, if applicable: NA

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

Maximum duty associated with the right to be leased (ac-ft): 24

Conditions or other limitations, if any: NA

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).

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~II~ Instream Water Right Information

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2.1 Public use. This lease will increase streamflows that will benefit:

- X Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- X Pollution abatement
- X Recreation and scenic attraction

2.2 Instream use created by lease. The instream use to be created is described as follows:

Sorefoot Creek

Tributary to John Day River in the John Day 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):

Reaches run from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 30 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs 0.04 cfs for April to Sept 30.

Total at McDonald's Ferry 0.00 cfs for April to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
7S	19E	19	SW NE	20.9	106.8	6	0.08	0.04	0.00	15.0	30

(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

X The instream flow will be allocated on a daily average basis up to the described rate from April 1 through September 30.

X Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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

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2.3 **Term of lease.** This lease shall terminate on Oct 1, 2017.

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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.

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~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.**

X 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: *Michele McSwain* Date: 10/12/12
 for Homer 'Chip' Faver,
Prineville District Field Manager, CORA

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 2a: Certificate 1343

Attachment 2b:

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

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That PATRICK J. CAMPBELL

of Clarno, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Sorefoot Creek, a tributary of John Day River, for the purpose of the irrigation of 6 acres of land

under Permit No. 1468 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 236, on the 8th day of February, 1917; that the priority of

the right hereby confirmed dates from October 23, 1912; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not

exceed 0.08 cubic foot per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 6 acres in the Northeast quarter of Northeast quarter of Section Nineteen (19), Township Seven (7) South, Range Nineteen (19) East of Willamette Meridian, in Wasco County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE WATER BOARD affixed this 5th day of March, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN R. LEWIS, State Engineer, President

Attest: M. F. MERS, Secretary

Recorded in State Record of Water Right Certificates, Volume 2, Page 1343

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

~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.: 13570 – The remaining right following the partial cancellation ordered by Special Order 80, p. 41.

Priority date: 1889 and 1897. Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 1 to October 1

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 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.

T11S	R21E	Sec 26	NW¼ SW¼	10.3 acres	T11S	R21E	Sec 27	NE¼ SE¼	17.0 acres
T11S	R21E	Sec 26	SW¼ SW¼	7.4 acres	T11S	R21E	Sec 27	NW¼ SE¼	1.5 acres
T11S	R21E	Sec 26	SE¼ SW¼	1.6 acres	T11S	R21E	Sec 27	SE¼ SE¼	0.2 acres
T11S	R21E	Sec 27	NW¼ NE¼	0.6 acres	T11S	R21E	Sec 28	NE¼ NE¼	1.4 acres
T11S	R21E	Sec 27	SW¼ NE¼	12.4 acres	T11S	R21E	Sec 35	SW¼ NE¼	5.3 acres
T11S	R21E	Sec 27	SE¼ NE¼	1.0 acre	T11S	R21E	Sec 35	NE¼ NW¼	7.6 acres
T11S	R21E	Sec 27	NE¼ NW¼	10.2 acres	T11S	R21E	Sec 35	NW¼ NW¼	1.6 acres
T11S	R21E	Sec 27	NW¼ NW¼	12.5 acres	T11S	R21E	Sec 35	SE¼ NW¼	3.1 acres

Number of acres, if for irrigation: 93.7 acres to be leased instream, 12.0 acres to be irrigated

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 2.34

Duty associated with leased rights (AF): NA

Conditions or other limitations, if any: NA

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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. The instream use to be created is described as follows:

Bridge Creek

Tributary to John Day River in the John Day 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):

Reach runs from POD to USGS Gage#14046778 (BRCO)

Rate in cfs: Total at PODs 1.17 cfs for Mar 1 to June 14 and 0.59 cfs for June 15 to Oct 1.
Total at BRCO 1.09 cfs for Mar 1 to June 14 and 0.50 cfs for June 15 to Oct 1.

Township	Range	Section	Quarter-Quarter	Ditch (POD)	Instream Reach End at BRCO Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right		Flow at POD (with 50% reduction to mitigate return flows)		Flow at BRCO gage (with a 0.005 cfs per mile reduction to mitigate losses in reach)	
								(3/1 - 6/14)	(6/15 - 10/1)	(3/1 - 6/14)	(6/15 - 10/1)	(3/1 - 6/14)	(6/15 - 10/1)
					River Mile	River Mile	AC.	CFS	CFS	CFS	CFS	CFS	CFS
11S	21E	35	SW NE	POD - Bridge Creek	0.8	17.4	93.7	2.34	1.17	1.17	0.59	1.09	0.50

(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 March 1 through October 1.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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STATE OF OREGON
COUNTY OF WHEELER
DRAFT CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L L JONES
MITCHELL OR 97750

confirms the right to use the waters of BRIDGE CREEK, a tributary to the JOHN DAY RIVER for IRRIGATION OF 147.3 ACRES, DOMESTIC, AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 12, at Page 388. The dates of priority are 1889 FOR TRACTS 1, 2, 4, 5, AND 6; 1897 FOR TRACT 7.

The amount of water for Tracts 1, 2, 4, 5, 6, and 7 shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eighth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION, DOMESTIC AND STOCK					
TRACT 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	27	NW NE	0.6
11 S	21 E	WM	27	SW NE	3.0
11 S	21 E	WM	27	SE NE	7.0
11 S	21 E	WM	27	NE NW	6.9
11 S	21 E	WM	27	NW NW	4.0
11 S	21 E	WM	27	NE SE	2.0
11 S	21 E	WM	28	NE NE	1.0
TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	27	SW NE	7.8
11 S	21 E	WM	27	NE NW	3.3
11 S	21 E	WM	27	NW NW	8.5
11 S	21 E	WM	28	NE NE	0.4
TRACT 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	6.3
11 S	21 E	WM	26	SW SW	2.7
11 S	21 E	WM	26	SE SW	1.5
11 S	21 E	WM	35	SW NE	1.5
11 S	21 E	WM	35	NE NW	1.7
11 S	21 E	WM	35	SE NW	2.9

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This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

pc-13570.pks

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Special Order Vol. 80 pg 54

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TRACT 5					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	3.0
11 S	21 E	WM	26	SW SW	4.7
11 S	21 E	WM	26	SE SW	0.1
11 S	21 E	WM	35	NE NW	1.6
11 S	21 E	WM	35	NW NW	0.3
TRACT 6					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	26	NW SW	1.0
11 S	21 E	WM	27	SW NE	4.6
11 S	21 E	WM	27	SE NE	1.0
11 S	21 E	WM	27	NE SE	17.0
11 S	21 E	WM	27	NW SE	1.5
11 S	21 E	WM	27	SE SE	0.2
11 S	21 E	WM	35	SW NE	1.4
11 S	21 E	WM	35	NE NW	4.3
11 S	21 E	WM	35	NW NW	1.3
11 S	21 E	WM	35	SE NW	0.2
TRACT 7					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	21 E	WM	35	SW NE	2.4

This certificate correctly re-describes that portion of the water right confirmed by Certificate 13570, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____ and recorded in Special Order Volume __, Page __, approving a partial cancellation of a water right. This certificate supercedes Certificate 13570.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed _____.

DRAFT

Phillip C. Ward, Director



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.

~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.: 13575

Priority date: 1882 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 1 to October 1

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 $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

T10S	R20E	Sec 14	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.4 acres
T10S	R20E	Sec 23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.0 acres
T10S	R20E	Sec 23	SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.8 acres
T10S	R20E	Sec 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.6 acres
T10S	R20E	Sec 24	SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1 acres
T10S	R20E	Sec 24	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.3 acres

Number of acres, if for irrigation: 38.2 acres to be leased instream, 18.6 acres to be irrigated

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.96

Duty associated with leased rights (AF): NA

Conditions or other limitations, if any: NA

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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. The instream use to be created is described as follows:

Bridge Creek

Tributary to John Day River in the John Day 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):

Reach runs from POD to USGS Gage#14046778 (BRCO)

Rate in cfs: Total at PODs 0.48 cfs for Mar 1 to June 14 and 0.24 cfs for June 15 to Oct 1.

Total at BRCO 0.46 cfs for Mar 1 to June 14 and 0.22 cfs for June 15 to Oct 1.

Township	Range	Section	Quarter-Quarter	Instream Reach End at BRCO Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right		Flow at POD (with 50% reduction to mitigate return flows)		Flow at BRCO gage (with a 0.005 cfs per mile reduction to mitigate losses in reach)	
							(3/1 - 6/14)	(6/15 - 10/1)	(3/1 - 6/14)	(6/15 - 10/1)	(3/1 - 6/14)	(6/15 - 10/1)
				River Mile	River Mile	AC.	CFS	CFS	CFS	CFS	CFS	CFS
10S	20E	24	NE SW	0.8	4.9	38.2	0.96	0.48	0.48	0.24	0.46	0.22

(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 March 1 through October 1.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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SALEM, OR

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN MANNING

of Mitchell, State of Oregon, has a right to the use of

the waters of Bridge Creek

for the purpose of irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wheeler County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 388; that the priority of the right thereby confirmed dates from 1882;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth of one cubic foot per second per acre of land irrigated before June 15, and one-eightieth of one cubic foot per second per acre after June 15, during the irrigation season from March 1 to October 1 of each year, measured at the point of diversion from the stream.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

- 3.4 acres in SW 1/4 SW 1/4 Section 13;
 - 6.9 acres in SE 1/4 SE 1/4 Section 14;
 - 10.4 acres in NE 1/4 NE 1/4 Section 23;
 - 0.3 acre in SE 1/4 NE 1/4 Section 23;
 - 10.9 acres in NW 1/4 NW 1/4 Section 24,
 - 19.1 acres in SW 1/4 NW 1/4 Section 24,
 - 5.3 acres in NW 1/4 SW 1/4 Section 24,
- T. 10 S., R. 20 E., W. M.

Pl. a. div. changed for 23 ac. - See Sp. Cr. V. 7, p. 123

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And said right shall be subject to all other conditions and limitations contained in said decree.

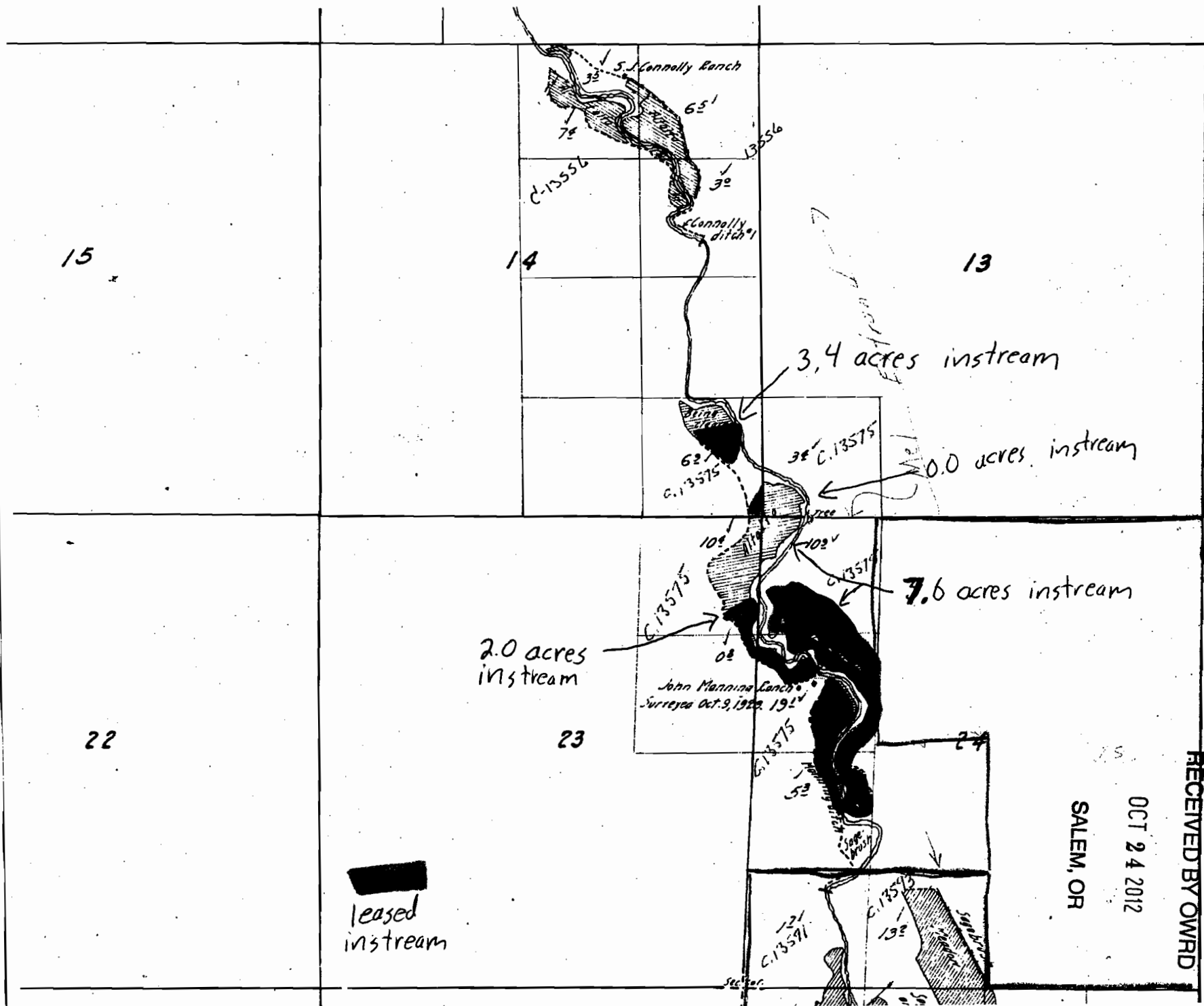
The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 1st day

of July, 1941

CHAS. E. STRICKLIN
State Engineer.



15

14

13

3.4 acres instream

0.0 acres instream

7.6 acres instream

2.0 acres instream

22

23

24


 leased
 instream

John Manning Ranch
 Surveyed Oct. 9, 1922, 1924

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State of Oregon
Water Resources Department
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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.: 25435

Priority date: 1898 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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 $\frac{1}{4}$ $\frac{1}{4}$, 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 6 S, R 19 E, Section 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 9.4 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 7.3 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 1.7 acres to be leased

Number of acres, if for irrigation: 18.4 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.460

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

Duty associated with leased rights (AF): 92

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

Conditions or other limitations, if any: NA

RECEIVED BY OWRD

OCT 24 2012

SALEM, OR

~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:

John Day River

Tributary to Columbia River in the Columbia 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 92 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.23 cfs for April 1 to Sept 30.

Total at McDonald's Ferry: 0.1893 cfs for April 1 to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at JMcDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
6S	19E	32	SW SW	20.9	102.4	18.4	0.4600	0.2300	0.1893	46.0	92.0

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

RECEIVED BY OWRD

OCT 24 2012

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF FRANK A. KNOX BY LELAND J. KNOX, EXECUTOR

of Medford, State of Oregon, has a right to the use of

the waters of John Day River

for the purpose of Irrigation and Domestic

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1898

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month; total of five-acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

9.4 acres in SW1/4 NW1/4
7.5 acres in NW1/4 SW1/4
4.2 acres in SW1/4 SW1/4
Section 32,
T. 6 S., R. 19 E., W. M.

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OCT 24 2012

SALEM, OR

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 19 59.

LEWIS A. STANLEY

State Engineer

19

20

C25435



-leased
instream

30

29

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OCT 24 2012

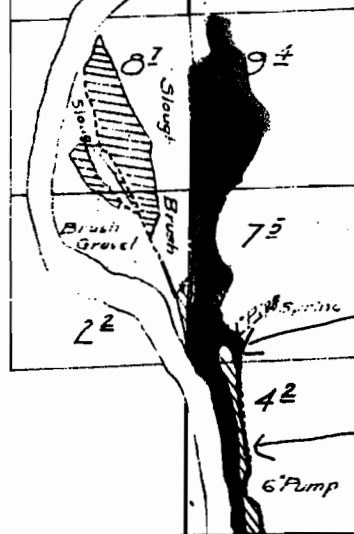
SALEM, OR

Sub-irrigation
Farm Land

Surveyed Aug. 25, 1926.

E.A. Mauer
31

Frank Knox
32



7.3 acres instream

1.7 acres instream

6' Pump



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.

~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.: 25907

Priority date: 1907 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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 $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Number of acres, if for irrigation: 0.9 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.01

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

Duty associated with leased rights (AF): 4.5

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

Conditions or other limitations, if any: NA

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OCT 24 2012

SALEM, OR

~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:

John Day River

Tributary to Columbia River in the Columbia 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 4.5 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.005 cfs for April 1 to Sept 30.

Total at McDonald's Ferry: 0.00 cfs for April 1 to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at JMcDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
6S	19E	29	NE SW	20.9	108.3	0.9	0.0100	0.0050	0.0000	2.3	4.5

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

RECEIVED BY OWRD

OCT 24 2012

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAURENCE AND V. E. MILLOTSON

of Watsonville, State of California, has a right to the use of the waters of John Day River for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1907

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

0.1 acre in SE 1/4 NW 1/4
0.8 acre in NE 1/4 SW 1/4
Section 29,

T. 7 S., R. 19 E., W. M.

RECEIVED BY OWRD

OCT 24 2012

SALEM, OR

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 19 99.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25907



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.

~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.: 38665

Priority date: 1947 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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 7 S, R 19 E, Section 20, NE 1/4 SW 1/4 - 1.0 acres to be leased
- Place of use: T 7 S, R 19 E, Section 20, NW 1/4 SW 1/4 - 3.6 acres to be leased
- Place of use: T 7 S, R 19 E, Section 20, SW 1/4 SW 1/4 - 22.5 acres to be leased
- Place of use: T 7 S, R 19 E, Section 20, SE 1/4 SW 1/4 - 20.3 acres to be leased
- Place of use: T 7 S, R 19 E, Section 29, NE 1/4 NW 1/4 - 4.5 acres to be leased
- Place of use: T 7 S, R 19 E, Section 29, NW 1/4 NW 1/4 - 0.6 acres to be leased
- Place of use: T 7 S, R 19 E, Section 29, SE 1/4 NW 1/4 - 4.4 acres to be leased
- Place of use: T 7 S, R 19 E, Section 29, NE 1/4 SW 1/4 - 3.1 acres to be leased

Number of acres, if for irrigation: 60 acres to be leased instream

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.885

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

Duty associated with leased rights (AF): 300

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

Conditions or other limitations, if any: NA

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SALEM, OR

~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:

John Day River

Tributary to Columbia River in the Columbia 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 300 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.44 for Apr 1 to Sept 30.

Total at McDonald's Ferry: 0.40 for Apr 1 to Sept 30.

Township	Range	Section	Quarter- Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
7S	19E	29	NE SW	20.9	108.4	60.0	0.885	0.44	0.40	150.0	300

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

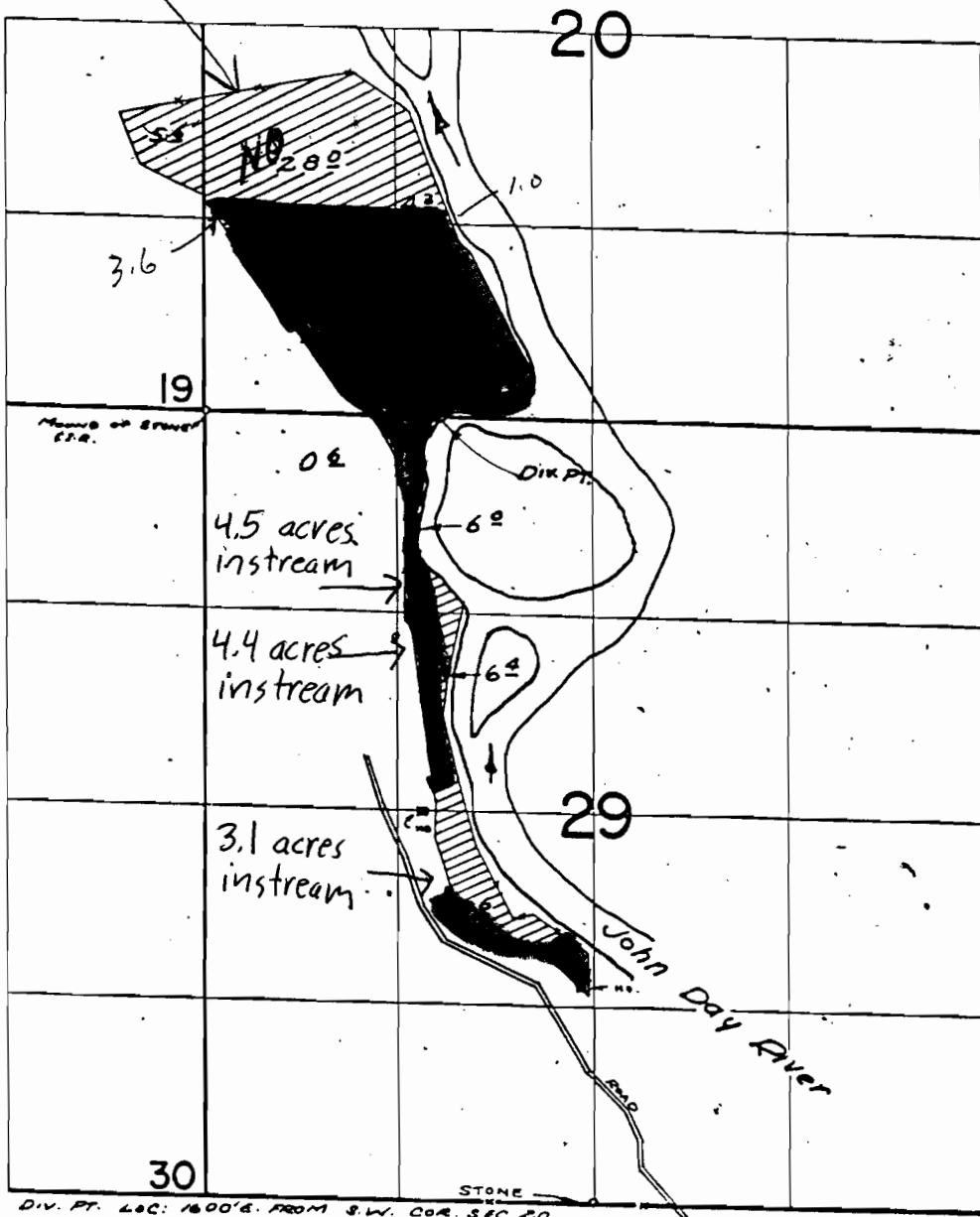
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OCT 24 2012

SALEM, OR

Permits 30334
AND 26435

T. 7 S. R. 19 E. W. M.



not-part of
right

leased
instream

DIV. PT. LOC: 1600' E. FROM S.W. COR. SEC. 20

RECEIVED BY OWRD

FINAL PROOF SURVEY

UNDER

OCT 24 2012

SALEM, OR

Application No. 22244 Permit No. 17507
IN NAME OF

MARTIN W. NILL

Surveyed JUNE 17 1954, by H. L. CREAMAN

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RODNEY P. ROLFE**

of **Grass Valley**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **John Day River**

a tributary of **Columbia River** for the purpose of irrigation of **70.0 acres**

under Permit No. **17507** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **February 11, 1947**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.885 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, T. 7 S., R. 19 E., W. M.**

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-fortieth 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 **one acre foot per acre** for each acre irrigated during any month and shall be further limited to a total diversion of not to exceed **5 acre feet per acre** for each acre irrigated during the irrigation season from **April 1st to September 30th** of each year,

and 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 hereby confirmed, and to which such right is appurtenant, is as follows:

1.0 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
3.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
22.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
20.3 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 20
6.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
0.6 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
6.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
9.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 29

T. 7 S., R. 19 E., W. M.

RECEIVED BY OWRD

OCT 24 2012

SALEM, OR

This certificate is issued to supersede the certificate issued to **Martin W. Mill** and recorded at page **20729**, Volume **15**, State Record of Water Right Certificates, so as to correctly describe the lands irrigated.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **November 3, 1972**

.....**CHRIS L. WHEELER**.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume **30**, page **38665**



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.

~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.: 38880

Priority date: 1965 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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 $\frac{1}{4}$ $\frac{1}{4}$, 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 7 S, R 19 E, Section 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.1 acres to be leased

Place of use: T 7 S, R 19 E, Section 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 24.3 acres to be leased

Place of use: T 7 S, R 19 E, Section 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 22.0 acres to be leased

Place of use: T 7 S, R 19 E, Section 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 1.6 acres to be leased

Place of use: T 7 S, R 19 E, Section 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10.0 acres to be leased

Place of use: T 7 S, R 19 E, Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 0.1 acres to be leased

Place of use: T 7 S, R 19 E, Section 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 6.1 acres to be leased

Number of acres, if for irrigation: 64.2 acres to be leased instream, 33.0 acres to be irrigated

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 1.43

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

Duty associated with leased rights (AF): 321

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

Conditions or other limitations, if any: NA

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OCT 24 2012

SALEM, OR

~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:

John Day River

Tributary to Columbia River in the Columbia 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 321 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.72 for Apr 1 to Sept 30.

Total at McDonald's Ferry: 0.67 for Apr 1 to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage	Instream Reach Start at POD	Water Right Place of Use Area	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at McDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right
							(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	(4/1 - 9/30)	
				River Mile	River Mile	AC.	CFS	CFS	CFS	AC- FT	AC- FT
7S	19E	20	SW NW	20.9	106.2	64.2	1.43	0.72	0.67	160.5	321

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

RECEIVED BY OWRD

OCT 24 2012

STATE OF OREGON
COUNTY OF WASCO
CERTIFICATE OF WATER RIGHT

This Is to Certify, That RODNEY P. ROLFE

of **Grass Valley**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **John Day River**

a tributary of **Columbia River** for the purpose of irrigation of **97.2 acres**

under Permit No. **30334** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **April 5, 1965**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **1.43 cubic feet per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 7 S., R. 19 E., W. M., 3530 feet North and 880 feet East from SW Corner, Section 20.**

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-fortieth** 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 **5.0 acre feet per acre** for each acre irrigated during the irrigation season of each year,

and 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 hereby confirmed, and to which such right is appurtenant, is as follows:

0.1 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
33.1 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
22.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19

1.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
21.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.1 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
19.1 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 20
T. 7 S., R. 19 E., W. M.

RECEIVED BY OWRD

OCT 24 2012

SALEM, OR

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **January 31, 1973**

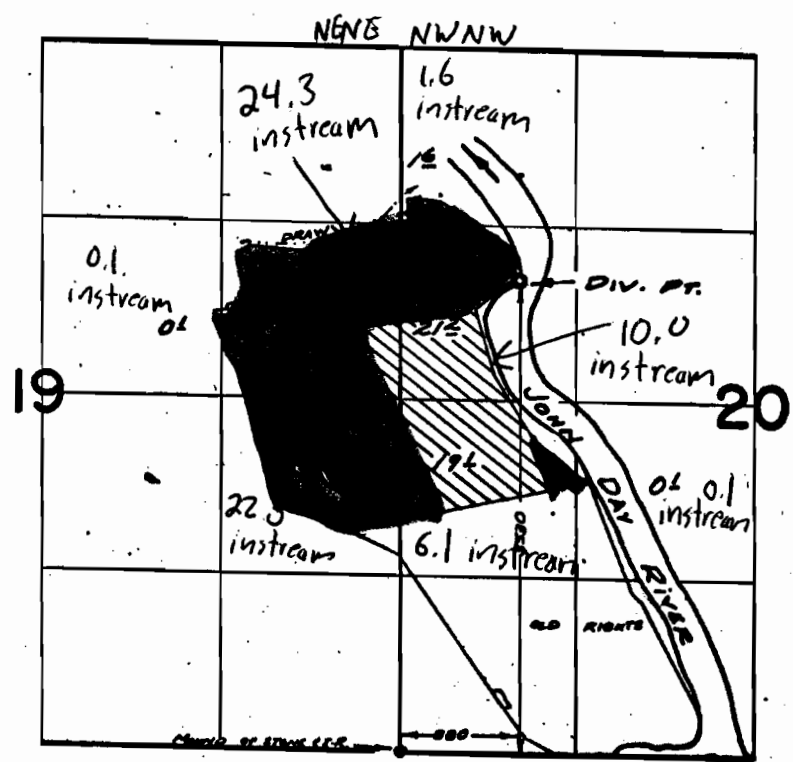
.....
CHRIS L. WHEELER

State Engineer

30334
38880

6

T. 7 S. R. 19 E. W. M.



Leased
instream

FINAL PROOF SURVEY UNDER

RECEIVED BY OWRD

OCT 24 2012

Application No. 40724 Permit No. 30334
IN NAME OF

SALEM, OR

RODNEY P. ROLFE

Surveyed Nov. 21, 1971, by R. MUCKEN



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.

~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.: 47874

Priority date: 1975 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

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 6 S, R 19 E, Section 31, NE 1/4 NE 1/4 - 1.0 acres to be leased

Place of use: T 6 S, R 19 E, Section 31, SE 1/4 NE 1/4 - 12.7 acres to be leased

Place of use: T 6 S, R 19 E, Section 31, NE 1/4 SE 1/4 - 2.1 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, NW 1/4 NW 1/4 - 1.1 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, SW 1/4 NW 1/4 - 0.3 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, NW 1/4 SW 1/4 - 1.7 acres to be leased

Place of use: T 6 S, R 19 E, Section 32, SW 1/4 SW 1/4 - 1.0 acres to be leased

Place of use: T 7 S, R 19 E, Section 5, NW 1/4 NW 1/4 - 1.0 acres to be leased

Number of acres, if for irrigation: 20.9 acres to be leased instream, 1.0 acres to be irrigated

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.52

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

Duty associated with leased rights (AF): 104.5

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

Conditions or other limitations, if any: NA

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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. The instream use to be created is described as follows:

John Day River

Tributary to Columbia River in the Columbia 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):

Reach runs from POD to USGS Gage#14048000 (McDonald's Ferry)

Maximum volume in acre-feet: 104.5 (see table below for specifics by season and reach)

Rate in cfs: Total at PODs: 0.26 for Apr 1 to Sept 30.

Total at McDonald's Ferry: 0.22 for Apr 1 to Sept 30.

Township	Range	Section	Quarter-Quarter	Instream Reach End at McDonald Ferry Gage River Mile	Instream Reach Start at POD River Mile	Water Right Place of Use Area AC.	Full Rate in water right	Flow at POD (with 50% reduction to mitigate return flows)	Flow at JMcDonald Ferry gage (with a 0.0005 cfs per mile reduction to mitigate losses in reach)	Total Duty (with 50% reduction for return flows)	Max Duty for original water right AC- FT
							(4/1 - 9/30) CFS	(4/1 - 9/30) CFS	(4/1 - 9/30) CFS	(4/1 - 9/30) AC- FT	
6S	19E	32	SW SW	20.9	102.4	20.9	0.52	0.26	0.22	52.3	104.5

(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 April 1 through September 30.
- Other (describe): 50% reduction in rate to account for return flows and reduced again to account for losses in reach

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STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That STEIWER RANCHES, INC.

of Box 246, Fossil , State of Oregon, 97830 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of John Day River

a tributary of Columbia River for the purpose of irrigation of 21.9 acres

under Permit No. 40055 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 7, 1975 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.55 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T. 6 S., R. 19 E., W. M., 320 feet North and 360 feet East from the SW Corner, Section 32

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-fortieth 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 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

and 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 hereby confirmed, and to which such right is appurtenant, is as follows:

1.0 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
12.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
2.1 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31
1.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
1.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 32
T. 6 S., R. 19 E., W. M.
2.0 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 5
T. 7 S., R. 19 E., W. M.

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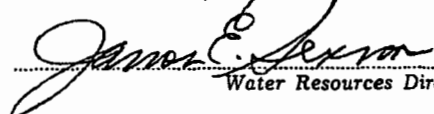
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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

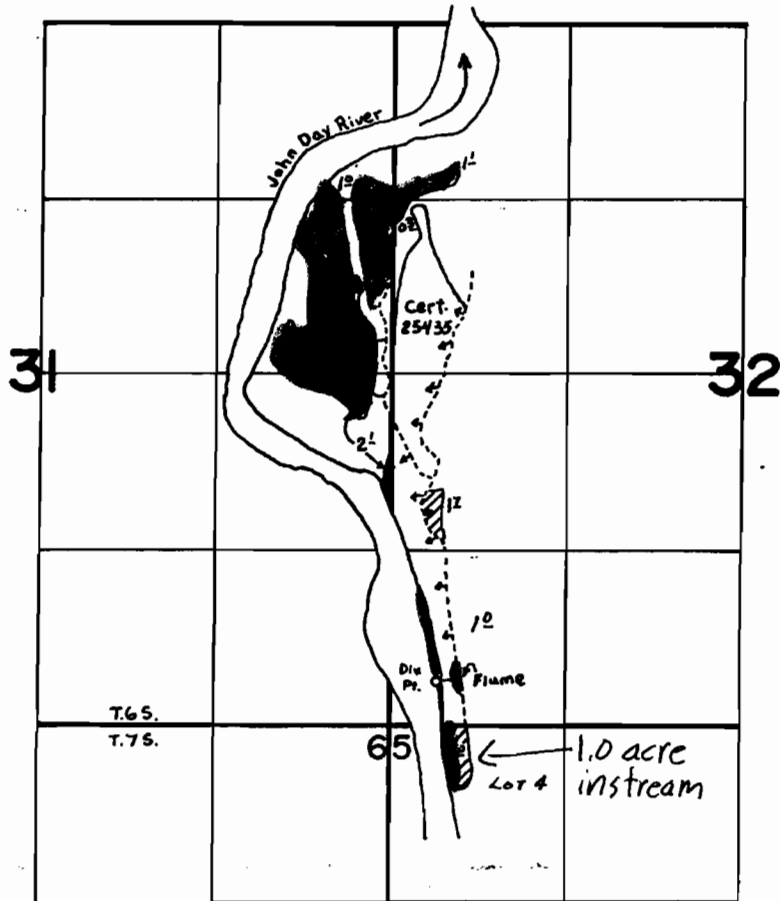
WITNESS the signature of the Water Resources Director, affixed

this date. April 23, 1979


Water Resources Director

P-40055
47874

T.6S., R.19E., W.M.



Div. Pt. Located: 320' N + 360' E from the S.W. cor. Sec. 32

FINAL PROOF SURVEY UNDER

Application No. 53513 Permit No. 40055
IN NAME OF

STEIWER RANCHES, INC.

Surveyed AUG. 25 1976, by D. NORBY

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DOV-IJJ-51 J.S.D.