



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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

Optional Identification by Lessor/Lessee: _____
Lease Application Number (assigned by WRD): IL-963

This Lease is between:

Lessor #1:

Name Robert & Dolores Smith
Mailing address 1707 Del Rio Road
City, State, Zip Code Roseburg, OR 97471
Telephone number 541-672-7061
Email address _____

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name _____
Mailing address _____
City, State, Zip Code _____
Telephone number _____
Email address _____

Trustee:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
(503) 986-0900

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~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 26 S, Range 6 W, Section 14, 23 and Tax Lot number 200, 201, 300. 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. 85394

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.: 85394

Priority date: May 13, 1963 Type of use: Irrigation

Legal Season of Use: March 1 - October 31

Is the entire water right certificate being leased? Yes No

If no, list the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T ____, R ____, Section __, __ 1/4 __ 1/4 - _____ acres to be leased

Enter additional places of use here, using format above:

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

Number of acres being leased, if for irrigation: 6.62 acres

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

Maximum rate associated with the right to be leased (cfs): .076 cfs

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

Maximum duty associated with the right to be leased (ac-ft): 16.55 acft

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

Conditions or other limitations, if any: _____

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

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_) (include necessary supporting documentation as Attachment 3).

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~II~ Instream Water Right Information

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

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

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

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North Umpqua River
Tributary to Umpqua River in the Umpqua Basin.

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Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): POD at RM 4.9 to the confluence with the South Umpqua River.

Maximum volume in acre-feet: 16.55 acft

Rate in cfs: .076 cfs

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

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from July 15 through October 31.
- Other (describe): _____

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 October 31, 2013.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 **Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 **Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 **Termination provision.**

For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

- Written notice to the Department with original signatures;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

3.6 **Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

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

- \$200 for an application with four or more landowners or four or more water rights.
 \$100 for all other applications.

Lessor #1: *Robert Smith*
Robert & Dolores Smith

Date: 2-20-09

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

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* - - Property Data Selection Menu - -
 Owner: SMITH, ROBERT L & DOLORES M
 Prop ID : R49860 (7385.74) (25245) SMITH FAMILY TRUST #1
 Map Tax Lot: 26-06W-23A-00200 1707 DEL RIO RD
 Legal : ACRES 1.17, (1) UNREC DEL RIO RANĀH ROSEBURG, OR 97471
 EST (2) (PT LOT 46) PT M&B INST (3)*

Situs : 0 DEL RIO RD Year Built :
 ROSEBURG, OR 97471 Living Area:
 Name(s) :
 Code Area : 00424
 Sale Info : 12/01/91 \$0 2008 Roll Values
 Deed Type : RMV Land \$ 7,956 (+)
 Instrument: 1992-490 RMV Improvements \$ 0 (+)
 2008 Tax Status * No Taxes Due * RMV Total \$ 7,956 (=)
 Current Levied Taxes : 43.79 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 7,956
 2009-10 SB125 Taxes : M50 Assd Value \$ 4,074

(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: ___

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*

- - Property Data Selection Menu - -

Prop ID : R49867 (7385.75) Owner: SMITH, ROBERT L & DOLORES M
 (25245) SMITH FAMILY TRUST #1
 Map Tax Lot: 26-06W-23A-00201 1707 DEL RIO RD
 Legal : ACRES 4.49, (1) UNREC DEL RIO RANCH ROSEBURG, OR 97471
 EST (2) (PT L 46) PT M&B INST (3)*

Situs : 1707 DEL RIO RD Year Built : 1973
 ROSEBURG, OR 97471 Living Area: 1638

Name(s) :
 Code Area : 00402
 Sale Info : 12/01/91 \$0

2008 Roll Values

Deed Type :	RMV Land	\$	229,532 (+)
Instrument: 1992-490	RMV Improvements	\$	146,203 (+)
2008 Tax Status * No Taxes Due *	RMV Total	\$	375,735 (=)
Current Levied Taxes : 2,024.64	Total Exemptions	\$	0
Special Assessments : 92.11	M5 Net Value	\$	375,735
2009-10 SB125 Taxes :	M50 Assd Value	\$	198,473

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE) condary (W) Spec Assmt	(L) and/Impr (.) More
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- - Property Data Selection Menu - -

Prop ID : R49846 (7385.72) Owner: SMITH, ROBERT L & DOLORES M
 Map Tax Lot: 26-06W-23A-00300 (25245) SMITH FAMILY TRUST #1
 Legal : ACRES 1.54, (1) UNR DEL RIO RANCH 1707 DEL RIO RD
 ESTATES (2) PT L 45 PT INST 71-8005* ROSEBURG, OR 97471

Situs : 0 DEL RIO RD Year Built :
 ROSEBURG, OR 97471 Living Area:

Name(s) :
 Code Area : 00424
 Sale Info : 12/01/91 \$0
 Deed Type :

2008 Roll Values	
RMV Land	\$ 13,090 (+)
RMV Improvements	\$ 0 (+)
RMV Total	\$ 13,090 (=)
Total Exemptions	\$ 0
M5 Net Value	\$ 13,090
M50 Assd Value	\$ 6,836

Instrument: 1992-490
 2008 Tax Status * No Taxes Due *
 Current Levied Taxes : 73.51
 Special Assessments :
 2009-10 SB125 Taxes :

(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: ___

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* - - Property Data Selection Menu - -
 Owner: SMITH, ROBERT L & DOLORES M
 Prop ID : R49853 (7385.73) (25245) SMITH FAMILY TRUST #1
 Map Tax Lot: 26-06W-23A-00300 1707 DEL RIO RD
 Legal : ACRES 1.37, (1) PT M&B INST 71-8005 ROSEBURG, OR 97471
 (2) (PT L 45 UNREC DEL RIO (3) *

Situs : 0 DEL RIO RD Year Built :
 ROSEBURG, OR 97471 Living Area:
 Name(s) :
 Code Area : 00402
 Sale Info : 12/01/91 \$0 2008 Roll Values
 Deed Type : RMV Land \$ 9,316 (+)
 Instrument: 1992-490 RMV Improvements \$ 0 (+)
 2008 Tax Status * No Taxes Due * RMV Total \$ 9,316 (=)
 Current Levied Taxes : 48.79 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 9,316
 2009-10 SB125 Taxes : M50 Assd Value \$ 4,784

(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

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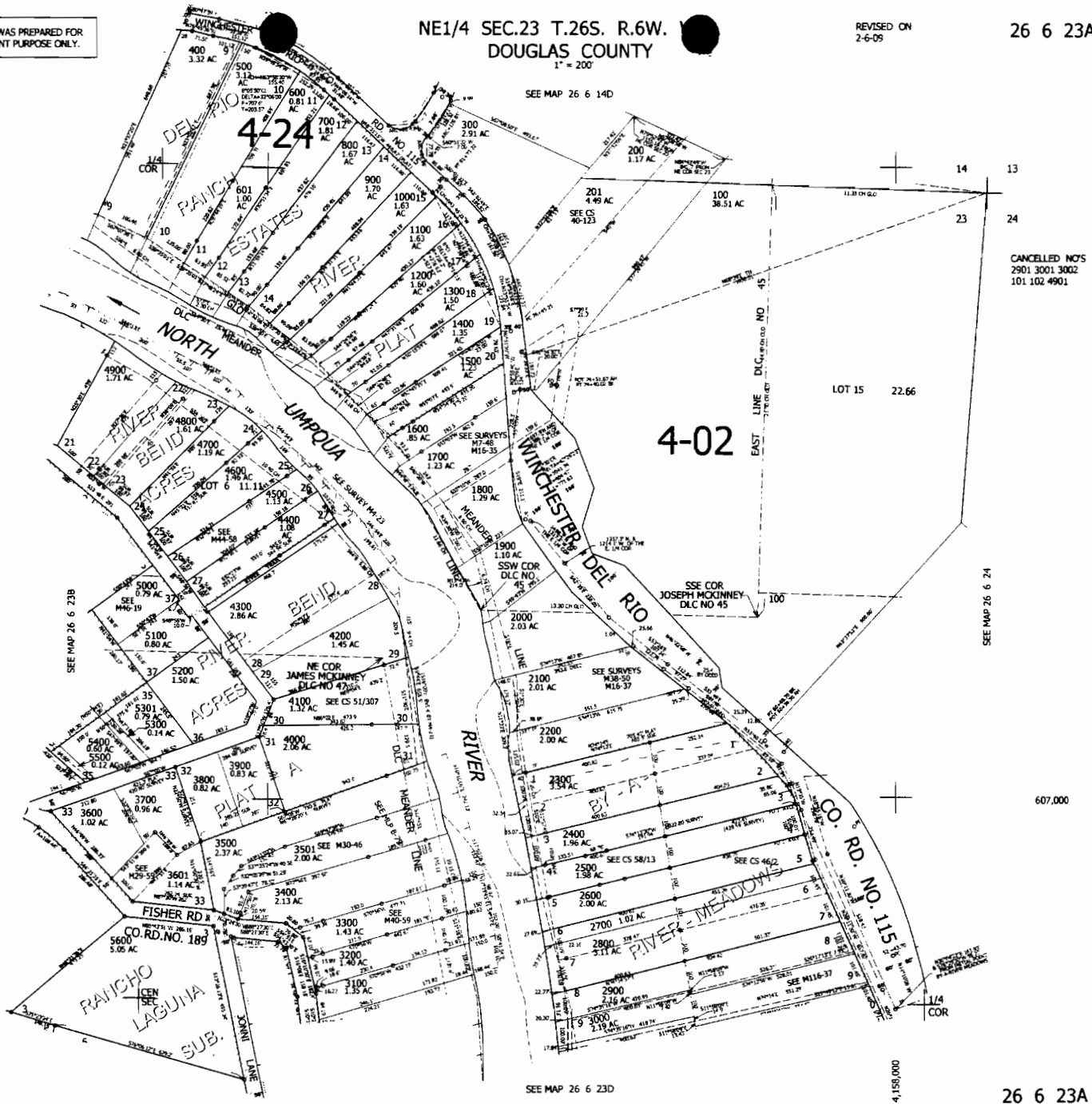
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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

NE1/4 SEC.23 T.26S. R.6W.
DOUGLAS COUNTY
1" = 200'

REVISED ON
2-6-05

26 6 23A



CANCELLED NOS
2901 3001 3002
101 102 4901

607,000

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