



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

September 1, 2009

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 1192

This Lease is between:

Lessor #1:

Name Richard + Alice Harper
 Mailing address Po Box 8
 City, State, Zip Code IONE, OR 97843
 Telephone number 541-454-2871
 Email address harprz@yahoo.com

Lessor #2, 3, etc. Joyce Weatherford
CC SC, LLC 70 S. Lasenda Dr. Laguna Beach, CA 92651
SC.SW@Cox.net

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

Lessee (if different than Oregon Water Resources Department):

Name Oregon Water Resources Dept.
 Mailing address _____
 City, State, Zip Code _____
 Telephone number _____
 Email address _____

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WATER RESOURCES DEPT
 SALEM, OREGON

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 1S, Range 22E, Section 32, and Tax Lot number 1700. 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.

also 2S 22E section 5 Tax Lot # 400

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 Second (Joyce Weather) Landowner

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. 25214

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.: 25214

Priority date: 1890 Type of use: IRRIGATION

Legal Season of Use: 1/1 - 12/31

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: 48.1

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

Maximum rate associated with the right to be leased (cfs): 1.2025

(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): 4.00000

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

Conditions or other limitations, if any: IAF/MO 6/1; Then 1/80, 4/1 - 9/30

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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I~ 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:

Rock Creek Day River
Tributary to John Day in the John Day Watershed

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): _____

Maximum volume in acre-feet: _____

Rate in 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 _____ through _____.
- Other (describe): Pumps, overhead wires removed.

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 2016 (5 years)

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

~III~ Other Information

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

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

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

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

3.5 **Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department with original signatures;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

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

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

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

Lessor #1: Richard E. Day Date: 11/7/11
#2 Joyce Weatherford DATE 11/7/11
#3 CCSC by DATE 11/7/11

LESSOR Joyce Weatherford DATE 11/7/11
By phone call 9/7/12
Joyce Weatherford 949-499-0247
(CCSC)

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SALEM, OREGON

Application for Short-Term Instream Lease / 4

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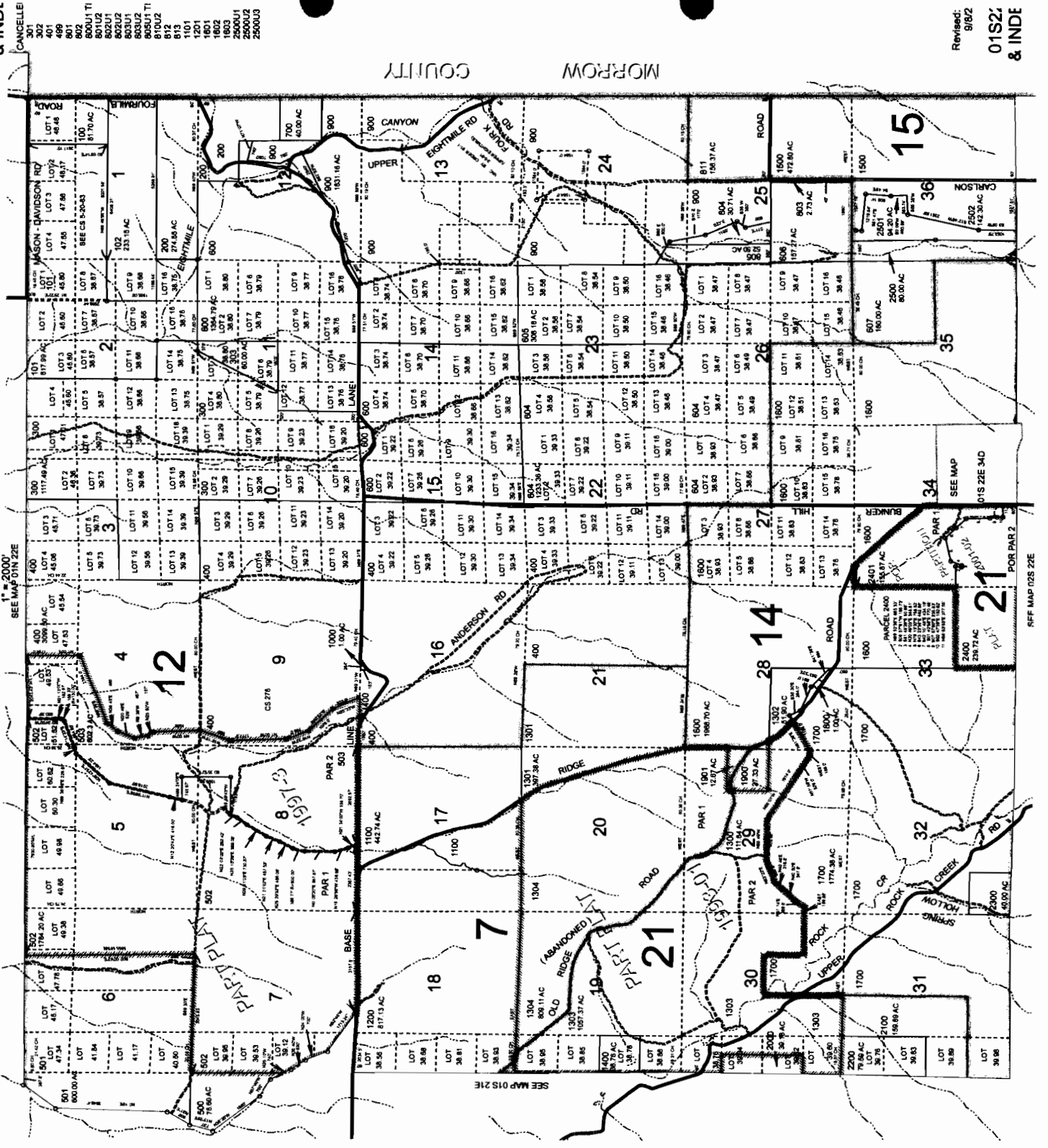
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T.1S. R.22E. W.M.
GILLIAM COUNTY
1/4 SECTION
SEE MAP 01S 2E

0 1,000 2,000 4,000 Feet

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



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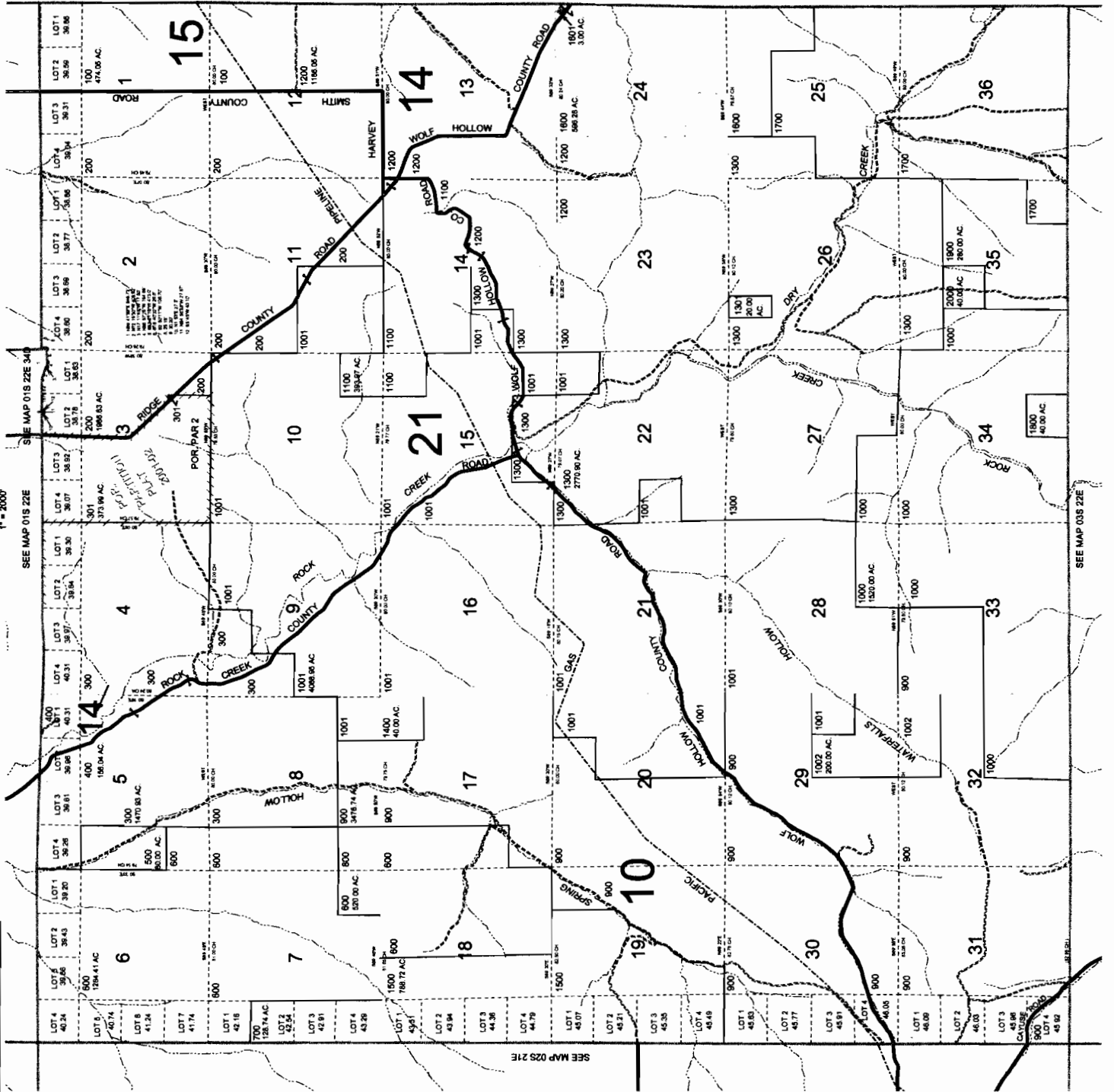
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SALEM, OREGON

MORROW COUNTY
GILLIAM COUNTY

T.02S. R.22E. W.M.
GILLIAM COUNTY
1" = 200'

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Water Rights Information Query Results

	<u>Contacts</u>	<u>Application</u>	<u>Permit</u>	<u>Certificate</u>	<u>Claim</u>	<u>Decree</u>	<u>Transfers</u>	<u>Status</u>
Select	OWNER: ▶ ALICE BOOTH GAYLORD CHICAGO, IL 60680			25214		JOHN DAY RIVER (F)		NC

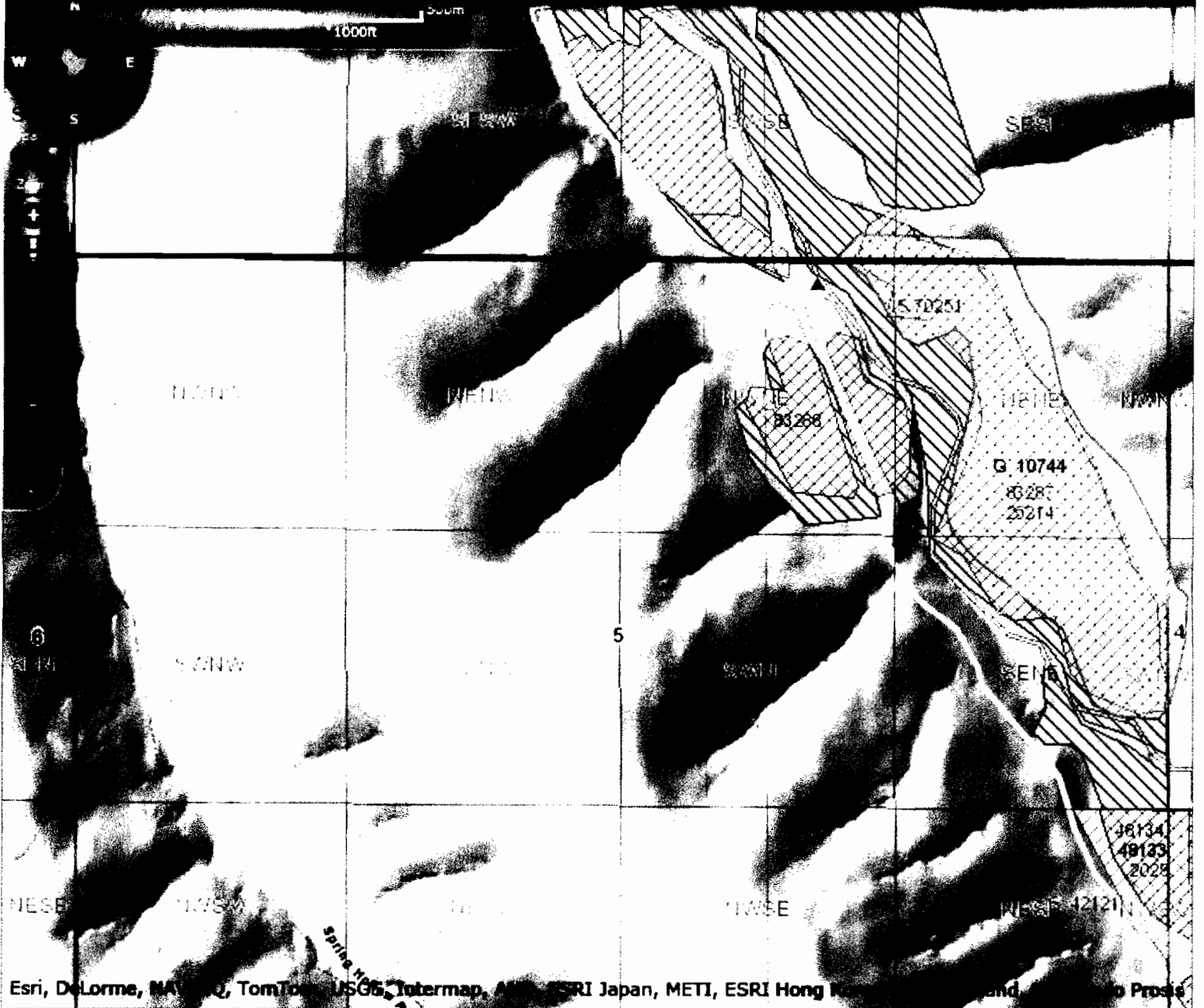
[Help understanding and working with the Water Rights Information System](#)

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

Oregon Water Resource

Water Rights Mapping Tool



Places of Use: (Count: 1) Point of Diversion: (Count: 1) Export Records

WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Descrip.	Priority	Date
(Details)	Map	WR	Cert:25214 OR * IR	SW	ALICE BOOTH	GAYLORD	IRRIGATION	12/30/90	

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Richard and Alice Harper
Circle W Ranch
PO Box 8
Ione, OR 97843
harprz@yahoo.com
541-454-2871 home
541-256-0116 cell

November 7, 2011

Oregon Water Resources Dept.
725 Summer St. NE, Suite A
Salem, OR 97301—1266

Greetings:

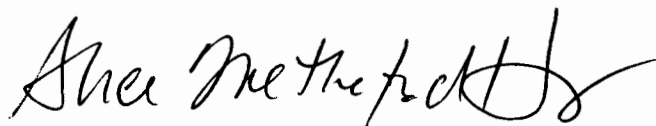
Enclosed please find an application for an Instream Lease located in Gilliam County, Oregon, and a processing fee of \$250.00.

Also enclosed are two tax lot maps delineating the property, a Water Resources map for the point of diversion, a copy of the Certificate of Water Right, and a Water Right Information Query Result for the Certificate.

PLEASE NOTE: upon inspection of the query, we believe one legal description involving 18.7 acres of the primary irrigation right was erroneously described as being in the SWNE section, instead of the correct description of the SENE section. This error is noted on the query form.

Thank you for your help in this matter.

Very truly yours,



Alice Weatherford Harper

STATE OF OREGON

COUNTY OF WILLIAM

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALICE BOOTH GAYLORD

of Chicago, State of Illinois, has a right to the use of the waters of Rock 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 Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 61; that the priority of the right thereby confirmed dates from 1890

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 to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, 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:

- 8.6 acres in SW 1/4 SE 1/4
0.4 acres in SE 1/4 SE 1/4
Section 32,
T. 1 S., R. 22 E., W. M.
17.4 acres in NE 1/4 NE 1/4 (Lot 1)
3.0 acres in NW 1/4 NE 1/4 (Lot 2)
18.7 acres in SW 1/4 NE 1/4
Section 5,
T. 2 S., R. 22 E., W. M.

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

Recorded in State Record of Water Right Certificates, Volume 17, page 25214

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Water Right Information Query Results

Contact Information Documents - [View all scanned documents](#)

Current contact information
 OWNER:
 ▶ ALICE BOOTH GAYLORD
 CHICAGO, IL 60680

Decree: JOHN DAY RIVER (F) document
 ▶ Volume-Page: 10-365
 ▶ Signature: 6/26/1930
Certificate: 25214 document , paper map
 ▶ Signature: 5/1/1959
 ▶ Type: Original
 ▶ [View right with Web Mapping](#)
 ▶ [View Places of Use from Water Rights in the Same Area](#)

Water Right Information
 Status: Non-Cancelled
 County: Gilliam
 File Folder Location: Salem
 Watermaster District: 21

Point(s) of Diversion

POD 1 - ROCK CREEK > JOHN DAY RIVER

Description
 ▶ T-R-S-QQ: 2.00S-22.00E-9-SE NW
 ▶ Location Description:

POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
1.2025	1.2025		

IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
12/31/1890	1.2025	1.2025			1/40	4.00000	1/1	12/31	1AF/MO<6/1;THEN 1/80,4/1 9/30

Place(s) of Use Add TRS grouping

Use - IRRIGATION (Primary) - 48.1 acres; Priority Date: 12/31/1890

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks
1.00S-22.00E-32	SW SE				8.6	NC			HOWLAND EAST DITCH/CULBERTSON WEST DITCH
1.00S-22.00E-32	SE SE				0.4	NC			HOWLAND EAST DITCH/CULBERTSON WEST DITCH
▶ 2.00S-22.00E-5	NE NE		1		17.4	NC			
▶ 2.00S-22.00E-5	NW NE		2		3.0	NC			HOWLAND EAST DITCH/CULBERTSON WEST DITCH
X 2.00S-22.00E-5	SW NE				18.7	NC			HOWLAND EAST DITCH/CULBERTSON WEST DITCH
Sum of Acres: 48.1					SENER				

Water Right Genealogy

No genealogy records available for this water right, try the family link below instead.

- [View Water Rights in same Family](#)
- [Help understanding and working with the Water Rights Information System](#)
- [Report Errors with Water Right Data](#)
- [Return to WRIS Query](#)

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