



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-1305

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

This Lease is between:

Lessor #1:

Name D. Rockey and Rahles M. Goodell

Mailing address 23193 Winlock Lane

City, State, Zip Code Fossil, OR 97830

Telephone number (541) 468-2071

E-mail address** _____

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

Scott & Kimberly Maltman 38180 SE Serban, Sandy, OR 97059 (503) 668-3449

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.**

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Trustee:

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

MAY 10 2013

SALEM, OR

~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 8 S, Range 24 E, Section 2, 11, 12, 13 and Tax Lot number 100, 106. 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). C-26033 IR SW, Permit R-14967 MP ST, C-25002 IR SW

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.**

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The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: C-26033

MAY 10 2013

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

Legal Season of Use: 4/1-9/30

SALEM, OR

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	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.	8S	24E			100, 106	176	IR	26033	1874	IL-688
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): 163

Acre-feet of storage, if applicable: _____

Maximum rate associated with the right to be leased (cfs): 4.07q (4/1-6/1) 2.04q (6/1-9/30)

(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): 652 Ac.Ft.

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

Conditions or other limitations, if any: 13 Ac. could not be dried up, and not included, due to spring on property.

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:

SALEM, OR

In the Corncob Creek
Tributary to Kahler Ck. in the John Day Basin.

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

652 Ac.Ft.

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5):

4.07q (4/1-6/1) 2.04q (6/1-9/30)

(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: See attached adjudication map

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 October 31, 2018.

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: D. Rocky Goodell Date: 5/5/13
D. Rocky Goodell Date: _____

Rahles M. Goodell Rahles M. Goodell Date: 5/5/13

For additional Lessors, type in space for signature and date

Scott Maltman Scott Maltman Date: 5-4-13

Kimberly Maltman Kimberly Maltman
Date: 5-4-13

Lessee: _____ Date: _____
OWRD

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.)

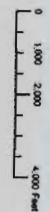
Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



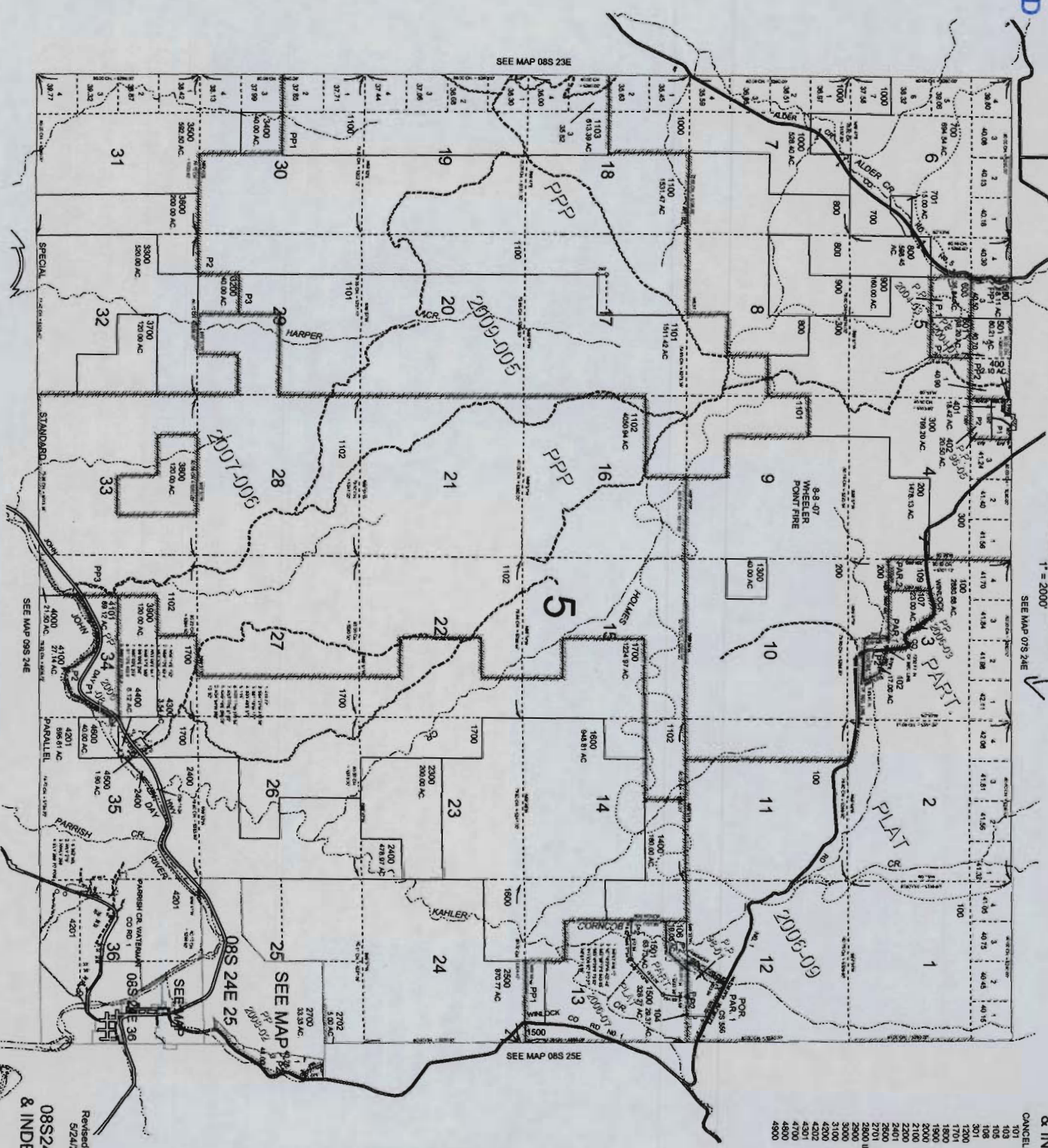
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MAY 10 2013

SALEM, OR

T.8S. R.24E. W.M.
WHEELER COUNTY
1" = 2000'

SEE MAP 07S 24E



Attachment 1 - Tax lot Map
D. Rockey Goodie II

08S24E
& INDEX
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Revised: MA
5/24/2010
08S24E
& INDEX

SALEM, OR

2012
CRP DESCRIPTION

Ⓢ Found
D. Rockey
Goodell

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STRAUD

SALEM, OR

CROP LAND	343 AC
CRP	561 AC
SEEDED PAST.	39 AC
HEALED PAST.	59 AC
RANGE PAST.	3127 AC
TOTAL RANGEL.	240 AC
TOTAL RANGEL	4164 AC

ROCKEY GOODELL
CORNCOB RANCH
SPRAY OREGON

LEGEND

- + CORNER SET
- POND
- WATER TROUGH
- CROSS FENCE
- BUILDING
- 1" = 1/4 MILE

SCALE 1" = 1/4 MILE

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SALEM, OR

STATE OF OREGON

COUNTY OF WHEELER

D. Rocky Goodale

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. B. ZACHARY

of Fossil, State of Oregon, has a right to the use of
the waters of Corn Cob Creek, tributary of Kahler Creek, and Springs
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 1874

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:

0.9 acre in SW 1/4 NE 1/4
2.5 acres in SE 1/4 NE 1/4
0.9 acre in NE 1/4 SW 1/4
26.0 acres in NE 1/4 SE 1/4
38.0 acres in NW 1/4 SE 1/4
21.0 acres in SW 1/4 SE 1/4
24.5 acres in SE 1/4 SE 1/4
Section 2,
20.5 acres in NE 1/4 NE 1/4
7.0 acres in SE 1/4 NE 1/4
Section 11,
3.3 acres in NW 1/4 NW 1/4
4.0 acres in SW 1/4 NW 1/4
5.6 acres in NE 1/4 SW 1/4
17.4 acres in SE 1/4 SW 1/4
Section 12,
4.4 acres in NE 1/4 NW 1/4
Section 13,
T. 8 S., R. 24 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, 1899.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 26033



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 next right to be leased is further described as follows:

Certificate No.: 25002

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

Priority date: 1889 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): 4/1-9/30

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

T	R	Sect	$\frac{1}{4}$ $\frac{1}{4}$	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.									IL-
2.									IL-
3.									IL-
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5.									IL-
6.									IL-
7.									IL-
8.									IL-
9.									IL-
10.									IL-

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

Number of acres, if for irrigation (or other acre equivalent use): 5.8

Acre-feet of storage, if applicable: _____

Maximum Rate associated with leased rights (cfs): _____

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

Maximum Duty associated with leased rights (AF): 23.2

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

Conditions or other limitations, if any: None

~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 Corncob Creek

Tributary to Kahler Ck. in the John Day Basin.

Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 23.2

Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.06

(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: _____

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): The amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Stream channel losses and gains calculated based on available data and use of water by senior appropriators will determine the amount of water to which this right is entitled downstream from the original point of diversion and within the specified stream reach.

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

