



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

JUN 17 2013 Application for
SALEM, OR **Instream Lease**

Ammended

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): IL1316

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

This Lease is between:

Lessor #1:

Name Bennirus Petty

Mailing address 241 Karma Lane

City, State, Zip Code Roseburg, OR 97470

Telephone number 541-440-9394

E-mail address** _____

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

Lessee (if different than Oregon Water Resources Department):

Name _____

Mailing address _____

City, State, Zip Code _____

Telephone number _____

E-mail address** _____

****BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Trustee:

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1266

(503) 986-0900

~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 27 S, Range 4 _____ W, Section 14, 15 and Tax Lot number 1200, 600. 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):

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Not applicable

Official representative of _____, the irrigation district which conveys water to the subject water rights. SALEM, OR

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). 81458

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

1.5 Water Rights Proposed to be Leased Instream.

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

Certificate No.: 81458

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

Legal Season of Use: March 1 - October 31

Is the entire water right certificate being leased? Yes No

If no, list below the acres of the subject water right by legal description of township, range, section, and ¼ ¼ 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	Sec	¼ ¼	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.	27S	4W	14	SW SW	1200	8.0	Irrigation	9/26/1910	IL-
2.	27S	4W	15	SESE	600	9.5	Irrigation	9/26/1910	IL-
3.									IL-
4.									IL-
5.									IL-

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): 17.5 acres

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

Maximum rate associated with the right to be leased (cfs): .22 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): 43.75 acft

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

Conditions or other limitations, if any: _____

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. SALEM, OR

The instream use to be created is described as follows:

In the North Fork Deer Creek Creek
Tributary to Deer Creek in the Umpqua Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 43.75
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): .22 cfs

(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): POD to confluence with Deer Creek.

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: SE 1/4 SE 1/4, Section 15, T27S, R4W, W.M.; 170' north and 570' west from the SE Corner, Section 15.

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 July 25 through October 31.
- 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, 2017.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of

diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

- 3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.
- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
 - Written notice to the Department;
 - Consent by all parties to the lease; and/or
 - Written notice to the Watermaster's office.
 - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

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

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

Lessor #1:  Date: 6/14/13
Bennirus Petty

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments as Needed:

- Attachment 1: Tax Lot Map. (See instructions.)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).
- Attachment 4: Split Season Instream Use Form

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Attachment 1
Short - Term Water Right Lease Agreement
Tax Lot Map of Lessor's Property

* - - Property Data Selection Menu - - *

Prop ID : R63573 (8416.00) (204991) Owner: HOLMES, DAVID & SUSAN TRS & D H & S D HOLMES LIVING TRUS
 Map Tax Lot: 27-04W-14-01200 PETTY, BENNIRUS & NICOLE D
 Legal : P.P. 2000-7, PARCEL PT 1: PT M&B 440 KARMA LANE
 INST 2004-19834 (IN FIRE) SEE* ROSEBURG, OR 97470

Situs : 440 KARMA LN Year Built : 2006
 ROSEBURG, OR 97470 Living Area: 4205
 Name(s) : 2012 Roll Values
 Area : 01201 RMV Land Non-LSU \$ 0 (+)
 Sale Info : 03/24/11 \$0 RMV Land LSU \$ 136,670 (+)
 Deed Type : BARGAIN RMV Improvements \$ 488,914 (+)
 Instrument: 2011-5459 RMV Total \$ 625,584 (=)
 2012 Tax Status * No Taxes Due * Land LSU \$ 9,325
 Current Levied Taxes : 4,259.92 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 498,962
 M50 Assd Value \$ 388,245

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: __

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* - - Property Data Selection Menu - -

Prop ID : R63580 (8416.02) (204991) Owner: HOLMES, DAVID & SUSAN TRS &
 Map Tax Lot: 27-04W-14-01200 D H & S D HOLMES LIVING TRUS
 Legal : P.P. 2000-7, PARCEL PT 1: PT M&B PETTY, BENNIRUS & NICOLE D
 INST 2004-19834 (IN DFPA) SEE* 440 KARMA LANE
 ROSEBURG, OR 97470

Situs : 0 BUCKHORN RD Year Built :
 ROSEBURG, OR 97470 Living Area:
 Name(s) : 2012 Roll Values
 Area : 01200 RMV Land Non-LSU \$ 0 (+)
 Sale Info : 03/24/11 \$0 RMV Land LSU \$ 94,632 (+)
 Deed Type : BARGAIN RMV Improvements \$ 0 (+)
 Instrument: 2011-5459 RMV Total \$ 94,632 (=)
 2012 Tax Status * No Taxes Due * Land LSU \$ 9,536
 Current Levied Taxes : 72.55 Total Exemptions \$ 0
 Special Assessments : 72.34 M5 Net Value \$ 12,962
 M50 Assd Value \$ 9,536

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE)condary (W) Spec Assmt	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: __

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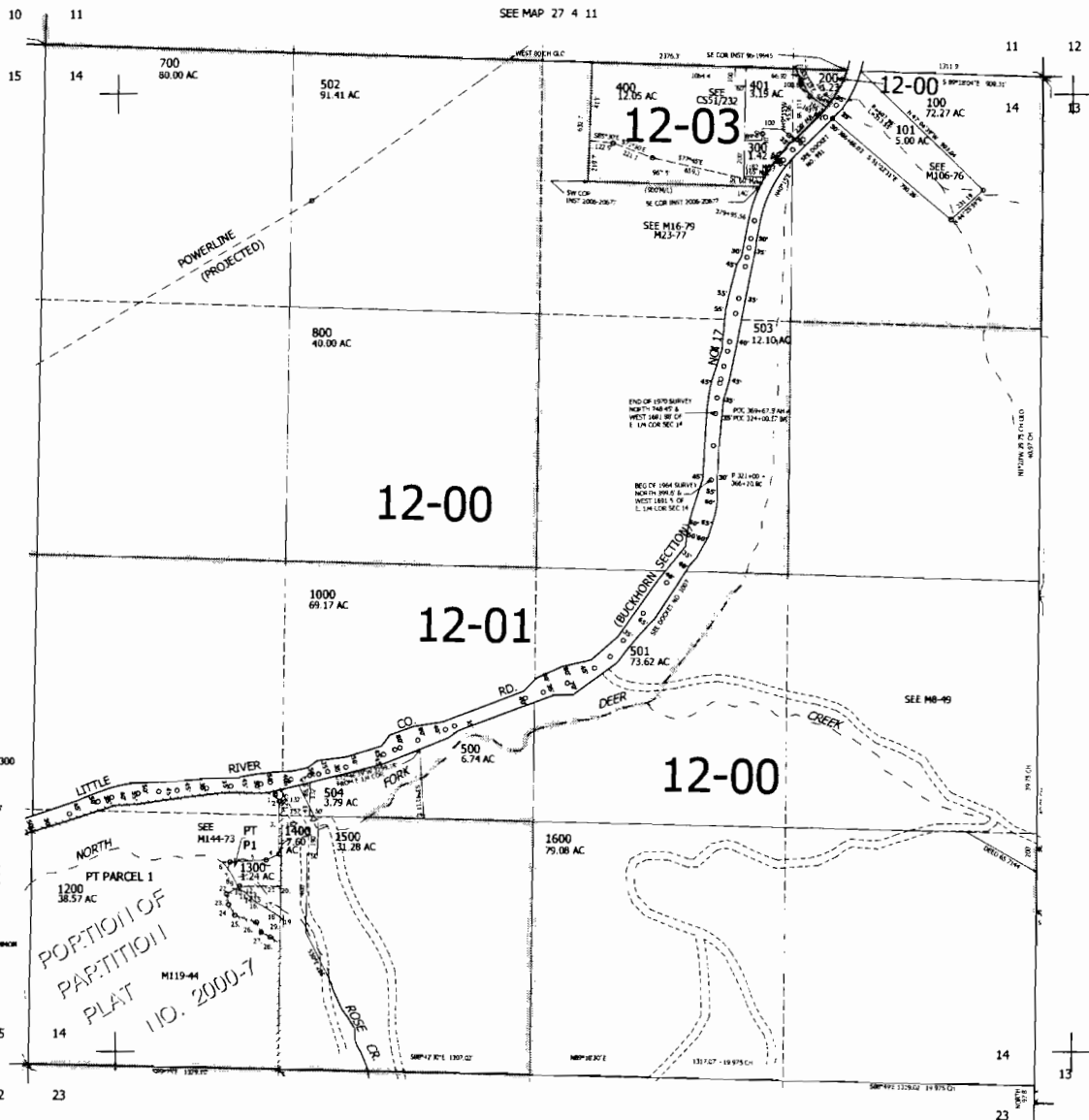
SALEM, OR

SEC.14 T.27S. R.4W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
4-19-10

27 4 14

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



SEE MAP 27 4 15

TAX LOTS 1200 & 1300

- 1. 541°17'37" 12.33
- 2. 52°00'27" 40.87
- 3. 50°31'31" 274.7
- 4. 544°01'27" 73.47
- 5. 584°17'00" 198.37
- 6. 541°17'37" 17.87
- 7. 541°17'37" 35.69
- 8. 52°00'27" 14.45
- 9. 50°31'31" 2.77
- 10. 541°17'37" 12.74
- 11. 541°17'37" 12.71
- 12. 541°17'37" 12.74
- 13. 541°17'37" 23.96
- 14. 541°17'37" 53.77
- 15. 52°00'27" 12.71
- 16. 541°17'37" 32.7
- 17. 50°31'31" 40.86
- 18. 52°00'27" 55.94
- 19. P.O.B. BEARS
- 20. 121°21'57" 8.04
- 21. 101°16' 14.81
- 22. P.O.B. BEARS
- 23. 101°16' 14.81
- 24. 101°16' 14.81
- 25. 101°16' 14.81
- 26. 101°16' 14.81
- 27. 101°16' 14.81
- 28. 101°16' 14.81
- 29. 101°16' 14.81

PORTION OF
PARTITION
PLAT
NO. 2000-7

CANCELLED NOS
600 900 1100
1301 1201

SEE MAP 27 4 13

575,000

SEE MAP 27 4 23

4,221,000

27 4 14

AA

* - - Property Data Selection Menu - -
 Owner: HOLMES, DAVID & SUSAN TRS &
 Prop ID : R63671 (8424.00) (204991) D H & S D HOLMES LIVING TRUS
 Map Tax Lot: 27-04W-15-00600 PETTY, BENNIRUS & NICOLE D
 Legal : ACRES 5.00, (1) PP 2000-7 (2) PT 440 KARMA LANE
 PARCEL 1 (3) (IN FIRE) SEE 8424.01* ROSEBURG, OR 97470

Situs : 241 KARMA LN Year Built : 1922
 ROSEBURG, OR 97470 Living Area: 2880
 Name(s) : 2012 Roll Values
 Area : 01201 RMV Land Non-LSU \$ 0 (+)
 Sale Info : 02/04/11 \$0 RMV Land LSU \$ 127,375 (+)
 Deed Type : BARGAIN RMV Improvements \$ 228,610 (+)
 Instrument: 2011-3573 RMV Total \$ 355,985 (=)
 2012 Tax Status * No Taxes Due * Land LSU \$ 6,273
 Current Levied Taxes : 2,280.49 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 235,274
 M50 Assd Value \$ 207,841

(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 : R63678 (8424.01) Owner: HOLMES, DAVID & SUSAN TRS & (204991) D H & S D HOLMES LIVING TRUS
 Map Tax Lot: 27-04W-15-00600 PETTY, BENNIRUS & NICOLE D
 Legal : ACRES 13.56, (1) PP 2000-7 (2) PT 440 KARMA LANE
 PARCEL 1 (3) (IN DFPA) SEE 8424.00* ROSEBURG, OR 97470

Situs : 0 BUCKHORN RD Year Built :
 ROSEBURG, OR 97470 Living Area:
 Name(s) : 2012 Roll Values
 Area : 01200 RMV Land Non-LSU \$ 0 (+)
 Sale Info : 02/04/11 \$0 RMV Land LSU \$ 54,300 (+)
 Deed Type : BARGAIN RMV Improvements \$ 0 (+)
 Instrument: 2011-3573 RMV Total \$ 54,300 (=)
 2012 Tax Status * No Taxes Due * Land LSU \$ 3,628
 Current Levied Taxes : 27.61 Total Exemptions \$ 0
 Special Assessments : 66.25 M5 Net Value \$ 4,497
 M50 Assd Value \$ 3,628

(AD) Alt Disp (O)wnership	(Y) primary (H)istory	(SE) condary (W) Spec Assmt	(L) and/Impr (.) More
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Enter Option from Above or <RET> to Exit: __

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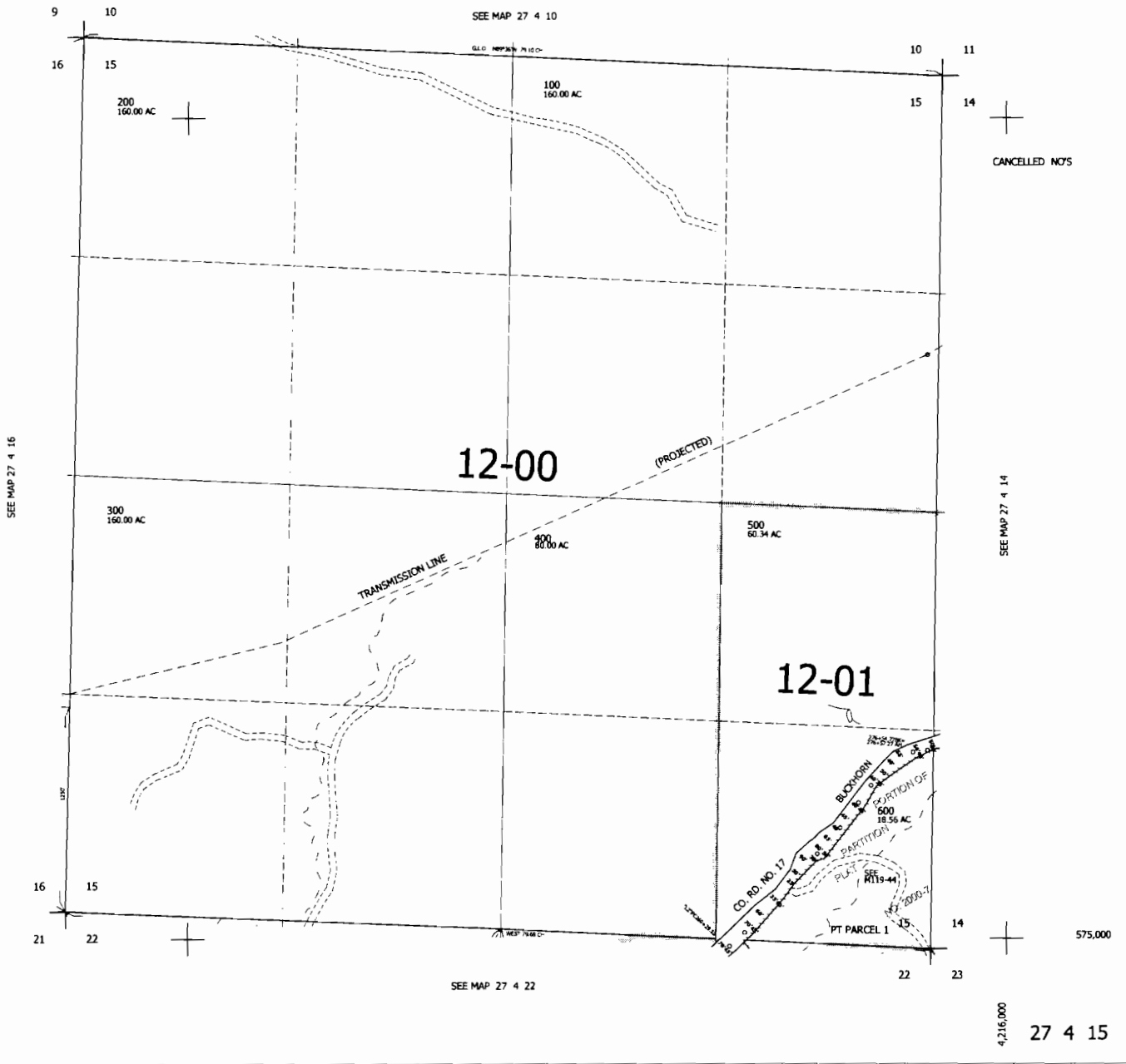
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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.15 T.27S. R.4W. W.M.
DOUGLAS COUNTY
1" = 400'

REVISED ON
2-22-08

27 4 15



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Attachment 2
Short - Term Water Right Lease Agreement
Leased Right Map

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JUN 17 1910

SALEM, OR

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAZY "C" CORPORATION
 IDLEYLD ROUTE, BOX 435
 ROSEBURG, OREGON 97470

confirms the right to use the waters of NORTH FORK DEER CREEK, a tributary of DEER CREEK, for IRRIGATION of 26.9 acres.

This right was perfected under Permit 462. The date of priority is SEPTEMBER 26, 1910. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.341 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, T 27 S, R 4 W, W.M.; 920 FEET NORTH & 10 FEET WEST, AND 170 FEET NORTH & 570 FEET WEST, BOTH FROM SE CORNER, SECTION 15.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 ACRES
SECTION 14	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.5 ACRES
SECTION 15	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.7 ACRES
SECTION 22	
TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.	

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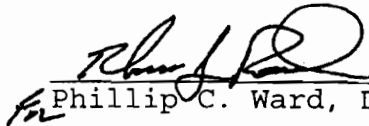
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This certificate describes that portion of the water right confirmed by Certificate 59984, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 25 2005, approving Transfer Application 9578.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,
affixed May 25, 2005.

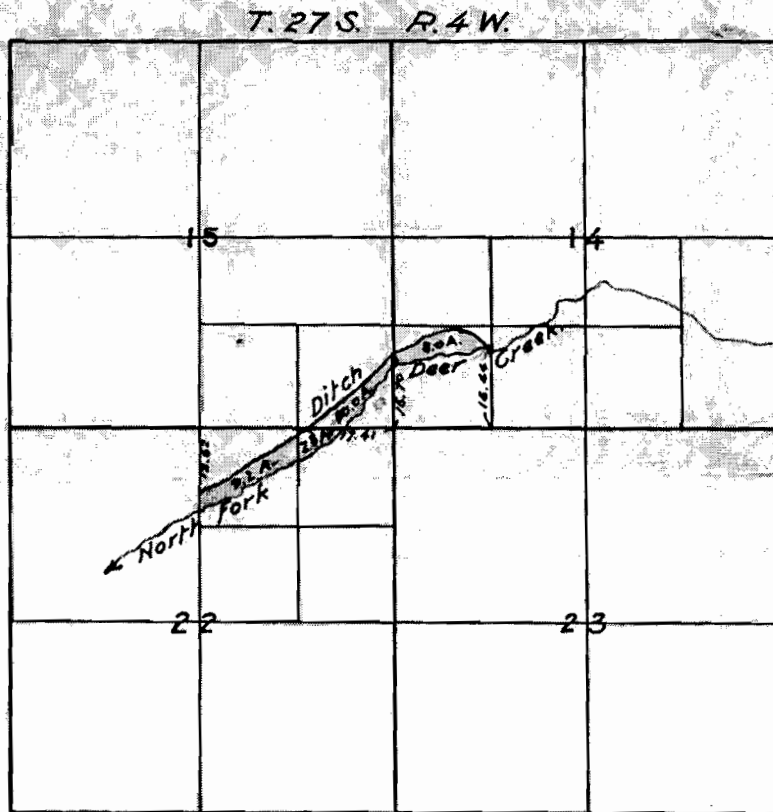

Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81458

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*Plat showing Location
Douglas Waite Irrigation Ditch
North Fork of Deer Creek.
Douglas Co., Oregon.
Scale, 40 Chains to One Inch.*

Application No. 988
Permit No. 462.

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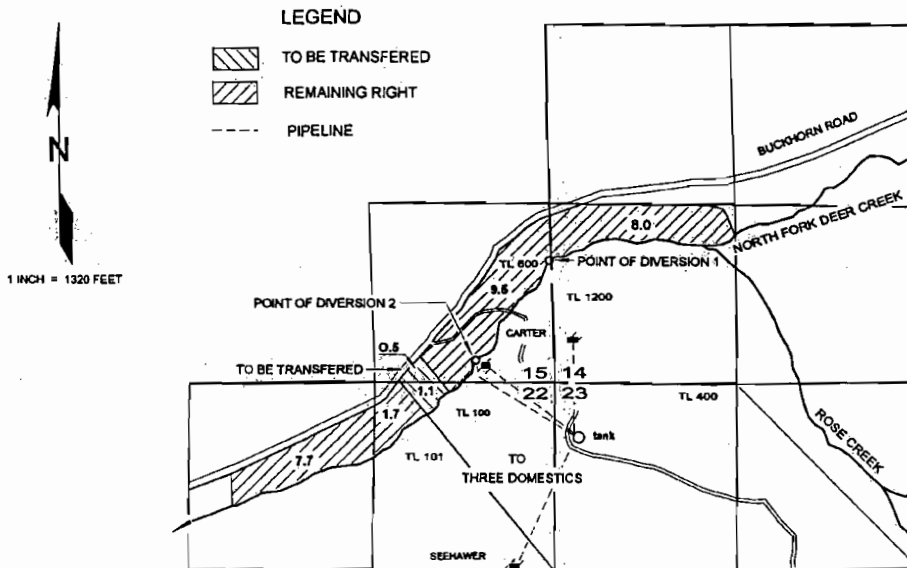
CORRECTED TRANSFER APPLICATION MAP

IN THE NAME OF JUANITA CARTER

SALEM, OR
PERMIT 462

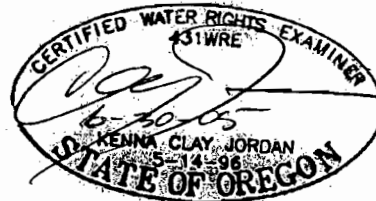
CERTIFICATE 59984

SECTIONS 14, 15 & 22, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.



THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

No. 1 IS LOCATED 920 FEET NORTH AND 10 FEET WEST AND
 No. 2 IS LOCATED 170 FEET NORTH AND 570 FEET WEST; BOTH
 FROM THE SOUTHEAST CORNER OF SECTION 15; BEING WITHIN
 THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 27 SOUTH, RANGE 4 WEST, W.M.;
 DOUGLAS COUNTY.



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
 IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
 PROPERTY OWNERSHIP BOUNDARY LINES.

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