



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](http://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- 1321

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

This Lease is between:

### Lessor #1:

Name Elizabeth Hugill-Stecker  
Mailing address 5089 North Myrtle Road  
City, State, Zip Code Myrtle Creek, OR 97457  
Telephone number 541-863-1935  
E-mail address\*\* ehugill@happyhorsecare.com

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

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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 29 S, Range 4 \_\_\_\_\_ W, Section 18 and Tax Lot number 1300, 1400. 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). 50126

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.: 50126

(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	Sect	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.	29S	4W	18	SWNE	1300 1400	5.5	Irrigation		8/24/1917	IL-
2.										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): 5.5 acres

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

Maximum rate associated with the right to be leased (cfs): .069 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): 13.75  
(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: \_\_\_\_\_ **SALEM, OR**

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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:

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In the North Myrtle Creek Creek  
Tributary to Myrtle Creek in the Umpqua Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 13.75  
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): .069 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 at RM 5 to confluence with Myrtle 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: SW¼NE¼, DLC 40, Section 18, T29S, R4W, W.M.: 2510' South and 2570' West of the NE Corner, Section 18.

**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 24 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: Elizabeth Hugill-Stecker Date: 6/12/13  
 Elizabeth Hugill-Stecker

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**

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\* - - Property Data Selection Menu - -  
 Owner: STECKER, EDMOND C  
 Prop ID : R55391 (11410.12) (188241) 5089 NORTH MYRTLE ROAD  
 Map Tax Lot: 29-04W-18-01300 MYRTLE CREEK, OR 97457  
 Legal : ACRES 0.24, (1) M&B INST 73-11282  
 (2) LESS PT SD (3) IN DFPA (SEE\*

---

Situs : 0 NORTH MYRTLE RD Year Built :  
 MYRTLE CREEK, OR 97457 Living Area:  
 Name(s) : 2012 Roll Values  
 Area : 01900 RMV Land Non-LSU \$ 0 (+)  
 Sale Info : 06/23/08 \$395,000 RMV Land LSU \$ 739 (+)  
 Deed Type : WD RMV Improvements \$ 0 (+)  
 Instrument: 2008-12247 RMV Total \$ 739 (=)  
 2012 Tax Status \* No Taxes Due \* Land LSU \$ 15  
 Current Levied Taxes : 0.11 Total Exemptions \$ 0  
 Special Assessments : M5 Net Value \$ 24  
 M50 Assd Value \$ 15

(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 - -  
 Owner: STECKER, EDMOND C  
 Prop ID : R55440 (11410.19) (188241) 5089 NORTH MYRTLE ROAD  
 Map Tax Lot: 29-04W-18-01300 MYRTLE CREEK, OR 97457  
 Legal : ACRES 5.51, (1) M&B INST 73-11282  
 (2) LESS PT SD (3) INSIDE FIRE DIST\*

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Situs : 0 NORTH MYRTLE RD Year Built :  
 MYRTLE CREEK, OR 97457 Living Area:  
 Name(s) : 2012 Roll Values  
 Area : 01904 RMV Land Non-LSU \$ 0 (+)  
 Sale Info : 06/23/08 \$395,000 RMV Land LSU \$ 24,917 (+)  
 Deed Type : WD RMV Improvements \$ 0 (+)  
 Instrument: 2008-12247 RMV Total \$ 24,917 (=)  
 2012 Tax Status \* No Taxes Due \* Land LSU \$ 2,420  
 Current Levied Taxes : 17.69 Total Exemptions \$ 0  
 Special Assessments : 18.75 M5 Net Value \$ 2,732  
 M50 Assd Value \$ 2,420

(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 - -  
 Owner: STECKER, EDMOND C  
 Prop ID : R55398 (11410.13) (188241) 5089 NORTH MYRTLE ROAD  
 Map Tax Lot: 29-04W-18-01400 MYRTLE CREEK, OR 97457  
 Legal : TRACT M&B INST 74-1807 (IN FIRE)  
 SEE R141756 FOR BAL TL, ACRES 5.00

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Situs : 5089 NORTH MYRTLE RD Year Built : 1974  
 MYRTLE CREEK, OR 97457 Living Area: 2028

Name(s) : 2012 Roll Values

Area : 01904	RMV Land Non-LSU	\$	0 (+)
Sale Info : 06/23/08 \$395,000	RMV Land LSU	\$	158,576 (+)
Deed Type : WD	RMV Improvements	\$	130,366 (+)
Instrument: 2008-12247	RMV Total	\$	288,942 (=)
2012 Tax Status * No Taxes Due *	Land LSU	\$	9,596
Current Levied Taxes : 936.36	Total Exemptions	\$	0
Special Assessments : 66.25	M5 Net Value	\$	140,634
	M50 Assd Value	\$	139,962

(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 - -  
 Owner: STECKER, EDMOND C  
 Prop ID : R141756 ( ) (188241) 5089 NORTH MYRTLE ROAD  
 Map Tax Lot: 29-04W-18-01400 MYRTLE CREEK, OR 97457  
 Legal : TRACT M&B INST 74-1807 (IN DFPA)  
 SEE R55398 FOR BAL TL, ACRES 0.27

Situs : Year Built :  
 Name(s) : Living Area:

Area : 01900

Sale Info :	2012 Roll Values	
Deed Type :	RMV Land	\$ 0 (+)
Instrument:	RMV Improvements	\$ 0 (+)
2012 Tax Status * No Taxes Due *	RMV Total	\$ 0 (=)
Current Levied Taxes :	Total Exemptions	\$ 0
Special Assessments :	M5 Net Value	\$ 0
	M50 Assd Value	\$ 0

(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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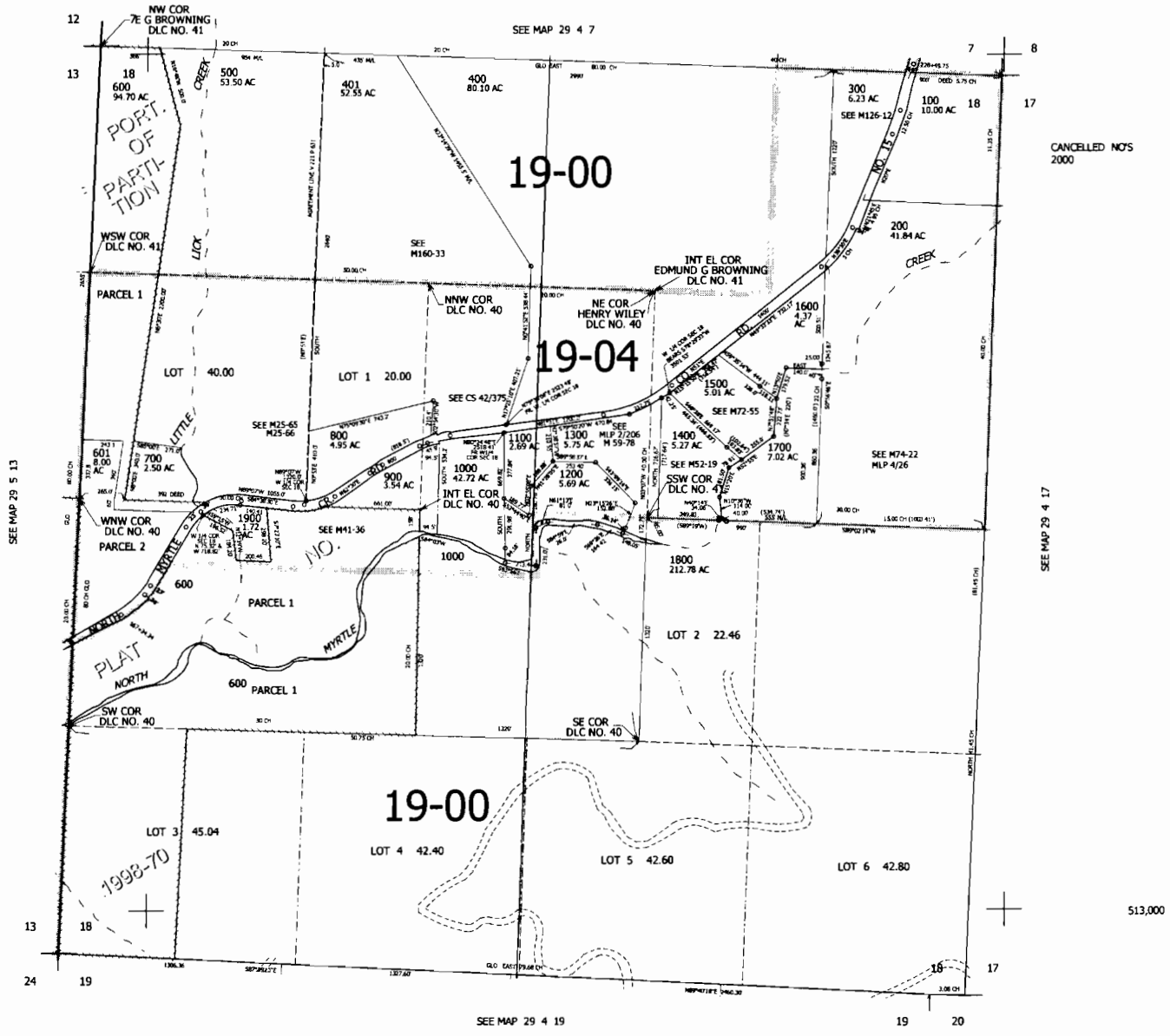
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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.18 T.29S. R.4W. W.M.  
DOUGLAS COUNTY  
1" = 400'

REVISED ON  
2-25-10

29 4 18



4,196,000

29 4 18

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

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15-1

A# 5702

Permit A-3-EM-5/77

EP\*22057-000

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD and MARY E. PITT

of Box 200A, North Myrtle Route, Myrtle Creek, State of Oregon 97457, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Myrtle Creek

a tributary of South Umpqua River for the purpose of irrigation of 12.2 acres

under Permit No. 3541 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 24, 1917 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 0.15 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 1/4 NE 1/4, as projected within Browning DLC 41; SW 1/4 NE 1/4, as projected within Wiley DLC 40; NE 1/4 SW 1/4, as projected within Wiley DLC 40, Section 18, T29S, R4W, WM; 1,880 feet South and 1,400 feet West; 2,510 feet South and 2,570 feet West; 2,820 feet South and 3,230 feet West, all from NE Corner, Section 18.

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-eightieth of one cubic foot per second per acre,

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:

SEE NEXT PAGE

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Basin 16, Vol. 4 North Fork Myrtle Creek.

0.1 acre NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Browning DLC 41  
5.1 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Browning DLC 41  
0.9 acre SW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Wiley DLC 40  
1.4 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Browning DLC 41  
3.7 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Wiley DLC 40  
1.0 acre NE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Wiley DLC 40  
Section 18  
Township 29 South, Range 4 West, WM

This certificate correctly describes that portion of the water right confirmed by the prior certificate recorded at page 37651, Volume 29, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on September 29, 1980.

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

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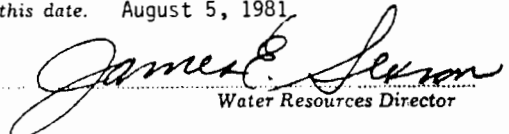
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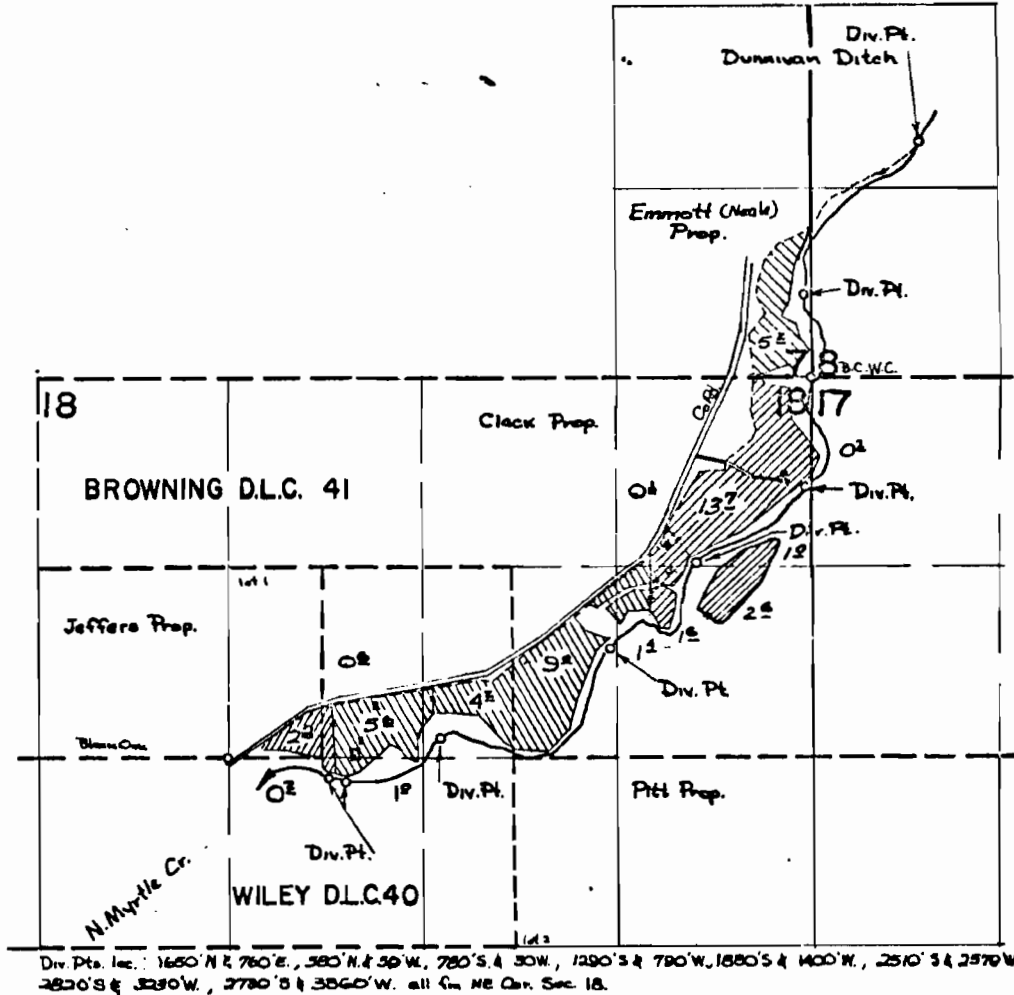
*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board*

*WITNESS the signature of the Water Resources Director, affixed*

*this date. August 5, 1981*

  
Water Resources Director

# T.29 S. R.4W. W.M.



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## FINAL PROOF SURVEY UNDER

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B-85  
L-45  
TRANSFER S-132

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Application No. .... Permit No. ....

IN NAME OF

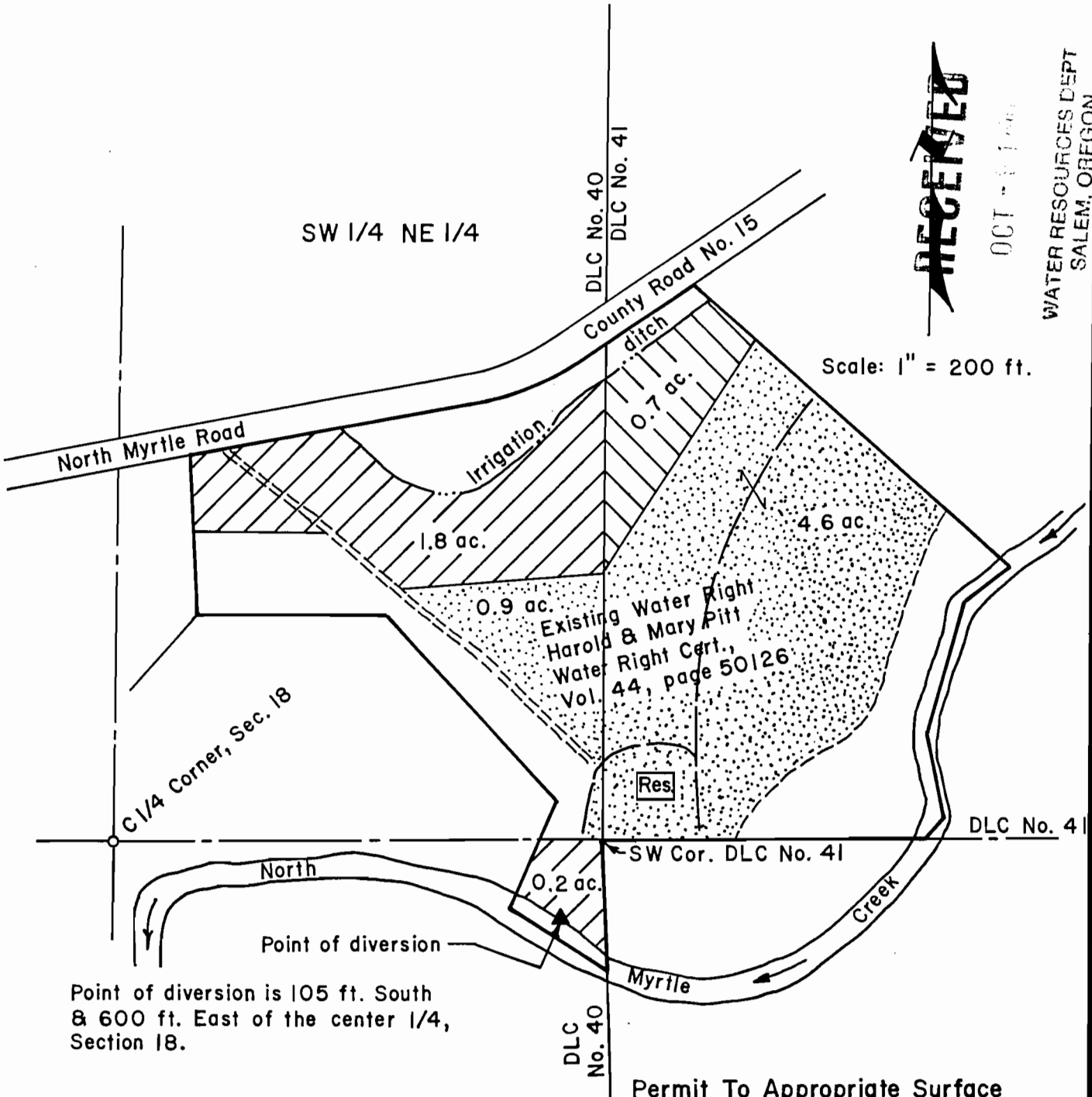
CATHERINE E. JEFFERS, RONALD B. & MARY EMMOTT,  
HAROLD M. & MARY E. PITT, & JAMES W. CLACK

Surveyed 20 JULY 1961, by R. JACKSON.....  
INSR. 17-19 JUNE 70 D.R. BUELL

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OCT 11 1990

WATER RESOURCES DEPT  
SALEM, OREGON



Scale: 1" = 200 ft.

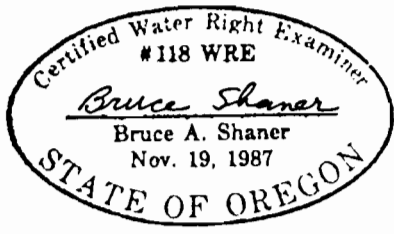
Point of diversion is 105 ft. South & 600 ft. East of the center 1/4, Section 18.

Permit To Appropriate Surface Water From The SW 1/4 NE 1/4 & NW 1/4 SE 1/4 Of Sec. 18, T 29 S, R 4 W, W. M., Douglas County, Oregon  
Application No. 70729  
Permit No. 51756

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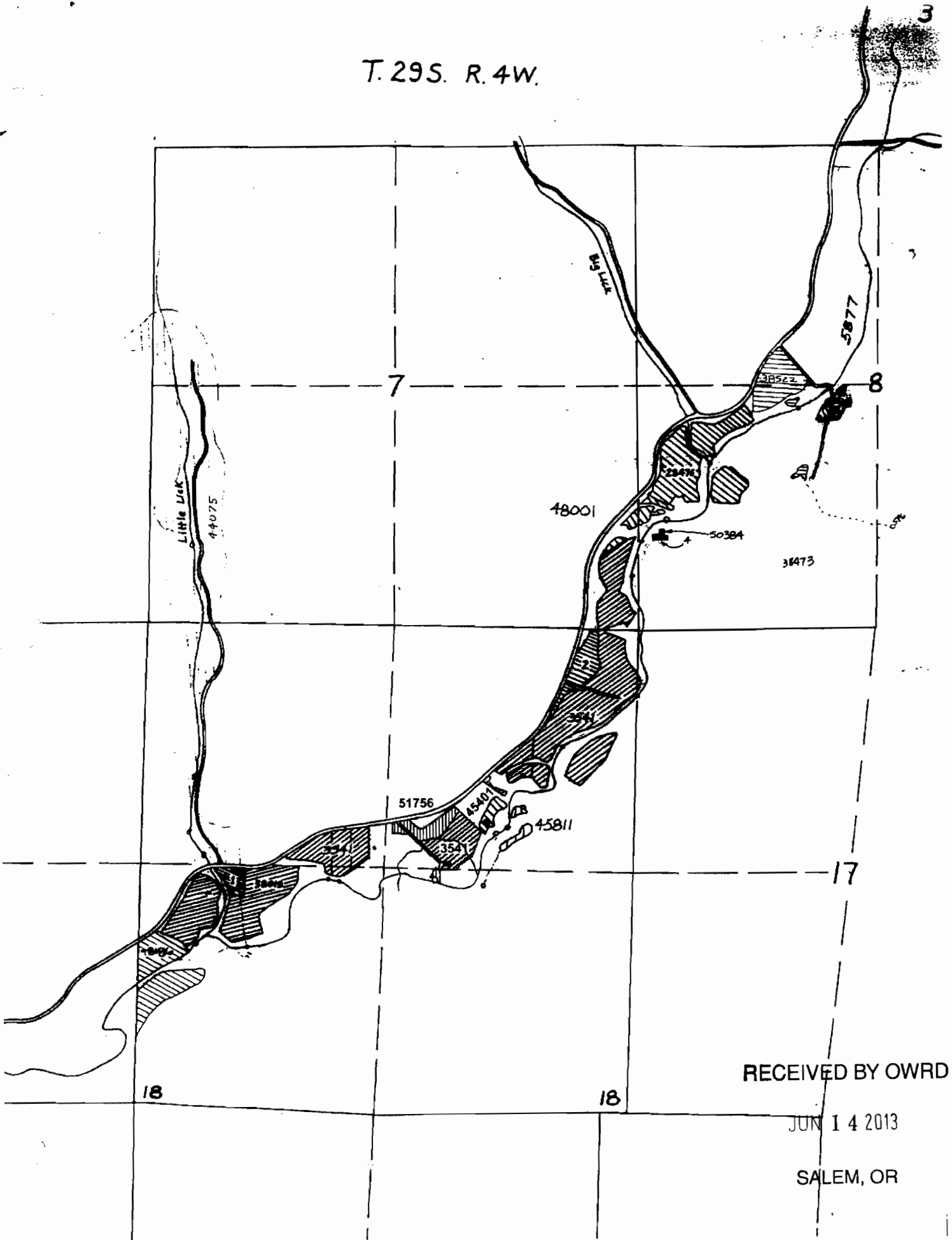
For: James H. Blankenship  
5089 N. Myrtle Road  
Myrtle Creek, Oregon 97457

By: Shaner Engineering, Inc.  
P. O. Box 1430  
Roseburg, Oregon 97470

September 18, 1990



T. 29S. R. 4W.



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