

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at <a href="https://www.wrd.state.or.us/OWRD/PUBS/forms.shtml">www.wrd.state.or.us/OWRD/PUBS/forms.shtml</a>.

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

| Optional Ider<br>Lease Applic                   | ation Number (assigned by WRD): <u>TL-1325</u>   |   |
|---|--|---|
| The water rig                                   | ht to be leased is located in Washington County.   |   |
| This Lease is                                   | between:   |   |
| Mailing addre<br>City, State, Z<br>Telephone nu | Hillsboro Attn: Niki Iverson ess 150 E. Main Street ip Code Hillsboro, OR 97123 ember (503) 615-6770 ess** niki.iverson@hillsboro-oregon.gov   |   |
| Lessor #2, 3,                                   | etc. (provide same information as identified above)  |   |
| Name<br>Mailing addre<br>City, State, Z         | ferent than Oregon Water Resources Department):  ess ip Code   |   |
| E-mail addres                                   |  |   |
|   | AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM T<br>7. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.  | THE DEPARTMENT                              |
| Trustee:<br>Oregon Wate                         | r Resources Department   | RECEIVED BY OWRE                            |
| 725 Summer Salem, OR 97                         | Street NE, Suite A   | JUN <b>24</b> 2013                          |
| (503) 986-09                                    |  | SALEM, OR                                   |
|   | ~I~ Water Right Holder and Water Right Inform  | nation                                      |
|   | Lessor #1 is the water right holder, or authorized agent for wat property located at: Township 1 S, Range 2 W and Tax Lot number 0300 & 4001. If the water right appurter appurtenant to lands owned by others who are not included in Attachment 1 (tax lot map), needs to be included. | V, Section 4 & 5 and to these lands is also |

|   | 1.2   | ⊠ N<br>☐ (<br>the s   | Not appl<br>Official :<br>ubject v   | icable<br>represervater rig | ghts.                         | f                            |                          | ne irrigation dis   |                  | -                                   | water to  |  |  |  |  |
|---|-------|---|--|-----------------------------|-------------------------------|------------------------------|--------------------------|---|------------------|-------------------------------------|-----------|--|--|--|--|
|   | 1.3   |   |  | •                           | ,                             | -                            |                          | er rights appurto<br>ying rights.                             | enant to th      | ne same land                        | ds.       |  |  |  |  |
|   |       | Cert  | ificate N  | lo(s). <u>O</u>             | ther wate                     | er rights a                  | appear to                | be Municipal u  | ise only         |                                     |           |  |  |  |  |
|   | 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   | The first right to be leased identified in Section 1.3 is further described as follows:  Certificate No.: 12088  (If you need to enter another leased right, please use the additional water right form.)  Legal Season of Use: May 1 through September 30  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 1/4                       | Tax Lot                      | Acres                    | Type of Use   | *Page#           | *Priority<br>Date                   | *Previous |  |  |  |  |
|   |       |   | ne on the  | certificat                  | te. If any p                  | ortion of t                  | he right pro             | greater than 10 pa<br>posed to be leased<br>ion of a previous | l was leased     | fy priority date<br>I previously, t |           |  |  |  |  |
|   | 1.    | 01 S  | 02 W   | 05                          | SE NE                         | 0300                         | 10.3                     | IR  |                  | 9/28/1932                           | IL-       |  |  |  |  |
|   | 2.    | 01 S  | 02 W   | 05                          | NE SE                         | 0300                         | 1.2                      | IR  |                  | 9/28/1932                           | IL-       |  |  |  |  |
|   | 3.    | 01 S  | 02 W   | 04                          | NW<br>SW                      | 4001                         | 0.02                     | IR  |                  | 9/28/1932                           | 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): 11.52  Acre-feet of storage, if applicable:  Maximum rate associated with the right to be leased (cfs): 0.15  (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): 28.8  (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 |       |   |  |                             |                               |                              |                          |   |                  |                                     |           |  |  |  |  |
| RECEIVED JUN 2  |       |   | ional W<br>the wat   | <b>ater R</b><br>er has b   | <b>light For</b><br>been used | <b>m.</b> Lesse<br>lover the | or(s) attes<br>past five | ets (mark one) to<br>years according<br>m water right on      | hat: g to the te |                                     |           |  |  |  |  |
|   | EM, C | $\boxtimes$   | the wat  | er has <u>r</u>             | not been                      | used over                    | the past                 | five years acco   | rding to tl      |                                     |           |  |  |  |  |

forfeiture under ORS 540.610(2)(a\_\_\_\_)(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   |  |  |  |  |  |  |  |  |  |  |
|     | <ul><li>✓ Pollution abatement</li><li>✓ Recreation and scenic attraction</li></ul>  |  |  |  |  |  |  |  |  |  |  |
| 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:  |  |  |  |  |  |  |  |  |  |  |
|     | In the Rock Creek Tributary to the Tualatin River in the Willamette River Basin.  |  |  |  |  |  |  |  |  |  |  |
|     | Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): <u>28.63</u> Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): <u>0.15</u>  |  |  |  |  |  |  |  |  |  |  |
|     | (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): <u>from the authorized POD to the mouth of Rock Creek</u>                                     |  |  |  |  |  |  |  |  |  |  |
|     | 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:   |  |  |  |  |  |  |  |  |  |  |
|     | Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):  None  RECEIVED BY OWRD   |  |  |  |  |  |  |  |  |  |  |
|     | The instream flow will be allocated on a daily average basis up to the described rate of 13 from June 28 through September 30 (94 days).  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 1, 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 then 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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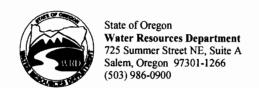
SALEM, OR

| 3.7 Fees. Pursuant to ORS 536.050, the follows      | ing fee is included:                                  |
|---|---|
| \$400 for an application with four or m             | ore landowners or four or more water rights.          |
| \$250 for all other applications.                   | 5   |
|   | i l   |
| Lessor #1:  | Date: [0   17   13                                    |
| Lessor #1:  | Date:   |
|   |   |
|   |   |
| For additional Lessors, type in space for signature | and date  |
|   |   |
|   |   |
| Lessee:   | Date:   |
|   |   |
| <del></del>   |   |
|   |   |
| Other Attachments as Needed:                        |   |
| Attachment 1: Tax Lot Map. (See instructions.)      |   |
| Attachment 2: Detailed map illustrating lands under | er subject rights to be leased; required if only part |
| of a right is being leased instream.                |   |
|   | ` '   |
| Attachment 3: Supporting documentation indicating   |   |
| <b>~ ~</b>  | exercised for five or more consecutive years          |
| (required if the second box in Section              | on 1.6 is checked).                                   |
| Attachment 4: Split Season Instream Use Form        |   |
|   |   |
|   |   |

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# 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

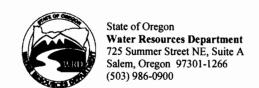
| 1     | Subject The nex Certifica (If y Priority Legal Se Is the en If no whice | Water tright to the No.: you need date: 1/4 eason of tire wate, list be the will be | Rights. be least 22925 to enter 1/1951 TUse (if er right low the            | another Thot list certifications to up as particular to the control of the certification of t | leased right<br>lype of used on the late being                      | to lease to cribed as:  at, please to certificate certificate leased? [I by legal | ise another addit   | tional water  September  No township, | JUN rights form.) SAI 30 range, section | DEM, OR  on, and 1/4 1/4, |
|-------|---|---|---|--|---|---|---|---------------------------------------|---|---------------------------|
|       | Т   | R   | Sect  | 1/4 1/4  | Tax Lot   | Acres   | Type of Use   | *Page#                                | *Priority<br>Date                       | *Previous<br>Lease #      |
|       |   |   | ate. If any   | y portion  | of the right  | proposed t  | greater than 10 pa<br>o be leased was lead<br>of a previous lease | ased previou                          | usly, the previous                      | if there is more          |
| 1.    | 1 S   | 2 W   | 09  | SW<br>NW   | 1100  | 12.9  | irrigation  | n/a                                   | 1/4/1951                                | IL-                       |
| 2.    |   |   |   | 1  |   |   |   |                                       |   | IL-                       |
| 3.    |   |   |   |  |   |   |   |                                       |   | IL-                       |
| 4.    |   |   |   |  |   |   |   |                                       |   | IL-                       |
| 5.    |   |   |   |  |   |   |   |                                       |   | IL-                       |
| 6.    |   |   |   |  |   |   |   |                                       |   | IL-                       |
| 7.    |   |   |   |  |   |   |   |                                       |   | IL-                       |
| 8.    |   |   |   |  |   |   |   |                                       | _                                       | IL-                       |
| 9.    |   |   |   |  |   |   |   |                                       | -                                       | IL-                       |
| 10.   |   |   |   |  |   |   |   |                                       | -                                       | IL-                       |
| [Atta |   | Number<br>Acre-fe<br>Maximu<br>(Use add<br>Maximu<br>(Use add                       | r of acre<br>eet of sto<br>um Rate<br>itional lin<br>um Duty<br>itional lin | es, if for<br>orage, if<br>associa<br>es if ther<br>associ<br>es if ther   | rirrigation<br>f applicab<br>ated with<br>e is more th<br>ated with | le: n/a<br>le: n/a<br>leased rig<br>an one rate<br>leased rig<br>an one duty      | hts (cfs): 0.12<br>associated with the ghts (AF): 32.25           | nt use): <u>12.</u>                   | 9nt.)                                   | ntation, and scale.]      |

#### ~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 cr                                 |                       | s follows:   |                         |
|-------------|---|-----------------------|--|-------------------------|
|             | In the <u>Rock</u> Tributary to the <u>Tualatin Ri</u>    | Creek                 | in the Willamette  | Basin.                  |
|             |   | ` •                   | be same as duty identified in Sec 1 as rate identified in Sec 1.5): 0.12 | 1.5): <u>32.17</u>      |
|             | (If not certain of the inst to fill out this section of   |                       | please contact the Department for more                                   | e information on how    |
|             | ☐ Instream use at the po ☐ Or within a proposed           | •                     | DD).   |                         |
|             |   | •                     | reach generally begins at the POD POD to the mouth of Rock Creek         | . If possible, list the |
|             | Please check this protected within a rea                  | •                     | ure of the proposed reach and want if possible.                          | water to be             |
|             | (If no reach is identi processed to be prote              |                       | one POD listed on the certificate, the                                   | lease may be            |
|             |   |                       | cate or if there is more than one PO described:                          |                         |
|             | Conditions to prevent in than allowed by the wat   ☐ None | • • •                 | nis section to indicate a more rest                                      | rictive period of use   |
|             | The instream flow wi  May 20 through Se                   | ptember 30 (131 days) | daily average basis up to the describ                                    | bed rate from           |
|             | , ,   |                       | conditions to prevent injury and/or enla                                 | argement.)              |
|             |   |                       |  |                         |
|             |   |                       |  |                         |
|             |   |                       |  |                         |
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| JUN 24 201  | 3   |                       |  |                         |

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### 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.

| 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.: 34822  (If you need to enter another leased right, please use another additional water rights form.)  Priority date: 4/29/1960  Type of use: irrigation  Legal Season of Use (if not listed on the certificate): May 1 through September 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 1/4 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. |     |     |             |                   |              |             |   |              |                   |                      |  |
|--|-----|-----|-------------|-------------------|--------------|-------------|---|--------------|-------------------|----------------------|--|
|  | Т   | R   | Sect        | V1 V1             | Tax Lot      | Acres       | Type of Use   | *Page#       | *Priority<br>Date | *Previous<br>Lease # |  |
|  |     |     | ite. If any | portion y be iden | of the right | proposed to | greater than 10 pa<br>be leased was lease<br>f a previous lease | ased previou | isly, the previou |                      |  |
| 1.   | 1 S | 3 W | 25          | SW<br>SE          | 9200         | 3.4         | irrigation  | n/a          | 4/29/1960         | IL-                  |  |
| 2.   |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| 3.   |     |     |             |                   |              |             |   |              | _                 | IL-                  |  |
| 4.   |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| 5.   |     |     |             |                   |              |             | _   |              |                   | IL-                  |  |
| 6.   |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| 7.   |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| 8.   |     |     |             |                   |              |             |   |              | _                 | IL-                  |  |
| 9.   |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| 10.  |     |     |             |                   |              |             |   |              |                   | IL-                  |  |
| Number of acres, if for irrigation (or other acre equivalent use): 3.4  Acre-feet of storage, if applicable: n/a  Maximum Rate associated with leased rights (cfs): 0.04  (Use additional lines if there is more than one rate associated with the water right.)  Maximum Duty associated with leased rights (AF): 8.5  (Use additional lines if there is more than one duty associated with the water right.)   |     |     |             |                   |              |             |   |              |                   | JUN <b>2 4</b> 2013  |  |

Conditions or other limitations, if any:

#### ~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 McKay Creek Tributary to Tualatin River in the Willamette Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 8.5 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.04 (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): From the authorized POD to the mouth of McKay 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, 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 June 21 through September 30 (101 days) . Other (describe): (Note: The Department may identify additional conditions to prevent injury and/or enlargement.) **RECEIVED BY OWRD** JUN 24 2013 SALEM, OR



## Additional Water Right Form Standard Application for

### Instream Lease

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#### ~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.: 49086  (If you need to enter another leased right, please use another additional water rights form.)  Priority date: 10/9/1939  Type of use: irrigation  Legal Season of Use (if not listed on the certificate): May 1 through September 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 1/4 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        | 1/1 1/1    | Tax Lot      | Acres       | Type of Use   | *Page#         | *Priority<br>Date   | *Previous<br>Lease # |
|   |  |            | ate. If any | y portion  | of the right | proposed t  | greater than 10 pa<br>o be leased was le<br>of a previous lease | ased previou   | isly, the previou   |                      |
| 1.  | 1 S  | 3 W        | 01          | NE<br>NW   | 1000         | 1.7         | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 2.  | 1 S  | 3 W        | 01          | NW<br>NW   | 1000         | 3.6         | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 3.  | 1 S  | 3 W        | 01          | NW<br>NW   | 0150         | 2.4         | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 4.  | 1 S  | 3 W        | 01          | SW<br>NW   | 0150         | 0.8         | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 5.  | 1 S  | 3 W        | 01          | SW<br>NW   | 1000         | 0.1         | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 6.  | 1 S  | 3 W        | 01          | SE<br>NW   | 1000         | 0.05        | irrigation  | n/a            | 10/9/1939           | IL-                  |
| 7.  |  |            |             |            |              |             |   |                |                     | IL-                  |
| 8.  |  |            |             |            |              |             |   |                |                     | IL-                  |
| 9.  |  |            |             |            |              |             |   |                |                     | IL-                  |
| 10.   |  |            |             |            |              |             |   |                |                     | IL-                  |
| [Atta   | ached map  | os must ic | dentify the | e water ri | ght holder,  | township, r | ange, section, 1/4 1/   | 4, tax lot nur | nb <b>FREOLIV</b> E | tation, and scale.   |
| Number of acres, if for irrigation (or other acre equivalent use): 8.65  Acre-feet of storage, if applicable: n/a  Maximum Rate associated with leased rights (cfs): 0.11  (Use additional lines if there is more than one rate associated with the water right.)  Maximum Duty associated with leased rights (AF): 21.63  (Use additional lines if there is more than one duty associated with the water right.) |  |            |             |            |              |             |   |                |                     |                      |

Conditions or other limitations, if any: \_

#### ~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 <u>Dairy</u> Creek Tributary to Tualatin River in the Willamette Basin. Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 21.59 Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.11 (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): From the authorized POD to the mouth of Dairy 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, 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 June 21 through September 30 (101 days) Other (describe): (Note: The Department may identify additional conditions to prevent injury and/or enlargement.) RECEIVED BY OWR JUN 24 SALEM, OF

#### Instructions for the Additional Water Rights Form

#### When Do I Use This Form?

This form is used to accompany the "Standard Lease Form" when more than one water right is being leased instream. One "Additional Water Rights Information Form" should be used for each additional right being leased instream.

#### Instructions

1.5 Complete a water right profile for each right, or portion of a right, proposed to be leased for instream use. The priority date, type of use, and other information describing the right will be found on your certificate, which can be viewed online at <a href="http://www.wrd.state.or.us/OWRD/WR/wris.shtml">http://www.wrd.state.or.us/OWRD/WR/wris.shtml</a>. (Note: Profiles of supplemental rights are required only when these rights are also proposed to be leased.)

"Priority date" should include the day and month, if applicable, in addition to the year.

If the entire water right is being leased, check the "Yes" box indicating this and skip to the number of acres being leased.

If the entire water right is <u>not</u> being leased, check the "No" box indicating this and fill in the remainder of Section 1.5.

"Acre-feet of storage" is the quantity of water that is released from a reservoir. If no reservoir is involved, indicate "N/A."

"Maximum rate associated with leased rights" should show the total rate of use. For example, if 40 acres are being leased instream and the rate is described as 1/80 cfs/acre, then the rate would be 0.5 cfs (40 acres \* 1/80 cfs/acre).

"Maximum duty associated with leased rights" should show the total duty. For example, if 40 acres are being leased instream and there is a 4 ac-ft duty per acre the maximum duty would be 160 ac-ft (40 acres \* 4.0 ac-ft/ac). If no duty is listed on the certificate or in the decree, then "N/A" should be indicated.

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Attachment 3, a detailed map illustrating lands under subject rights to be leased, is required if only part of a right is being leased instream. If a map is required it needs to include the township, range, section, ¼ ¼, a north arrow, scale and crosshatching or other photocopiable means of differentiating the lands being leased from the remaining lands.

2.2 This section is best completed in close consultation with the local district watermaster (a listing is available at <a href="https://www.wrd.state.or.us/OWRD/offices.shtml">www.wrd.state.or.us/OWRD/offices.shtml</a>), who will be responsible for making a number of recommendations relating to the reach, amount, timing, and duration of the instream use. If a water right is used at its maximum rate for the entire season, it will frequently exceed its allowable duty (volume), and/or need to have the season of use reduced to prevent enlargement or injury of other water rights.

Variables among water rights include:

- The way in which use under the right is distributed throughout the season.
- Use allowed during a certain period of the year only.
- Specific provisions relating to total volume and rate.
- Particular conditions of individual rights, which will also apply to the new use.

#### The watermaster will:

- Review factors such as losses, return flow, and consumptive use in determining whether the proposed location of the new use will be allowed.
- Recommend to the Director if and how far the
  Department can protect the new instream use past
  the original point of diversion. (In some instances,
  the new use may need to be broken into reaches
  of decreasing amounts. The reach below the
  original point of diversion would be managed like
  the shepherding of stored water.)
- Identify any conditions to be placed on the new use, which are necessary to prevent or mitigate injury to existing rights.

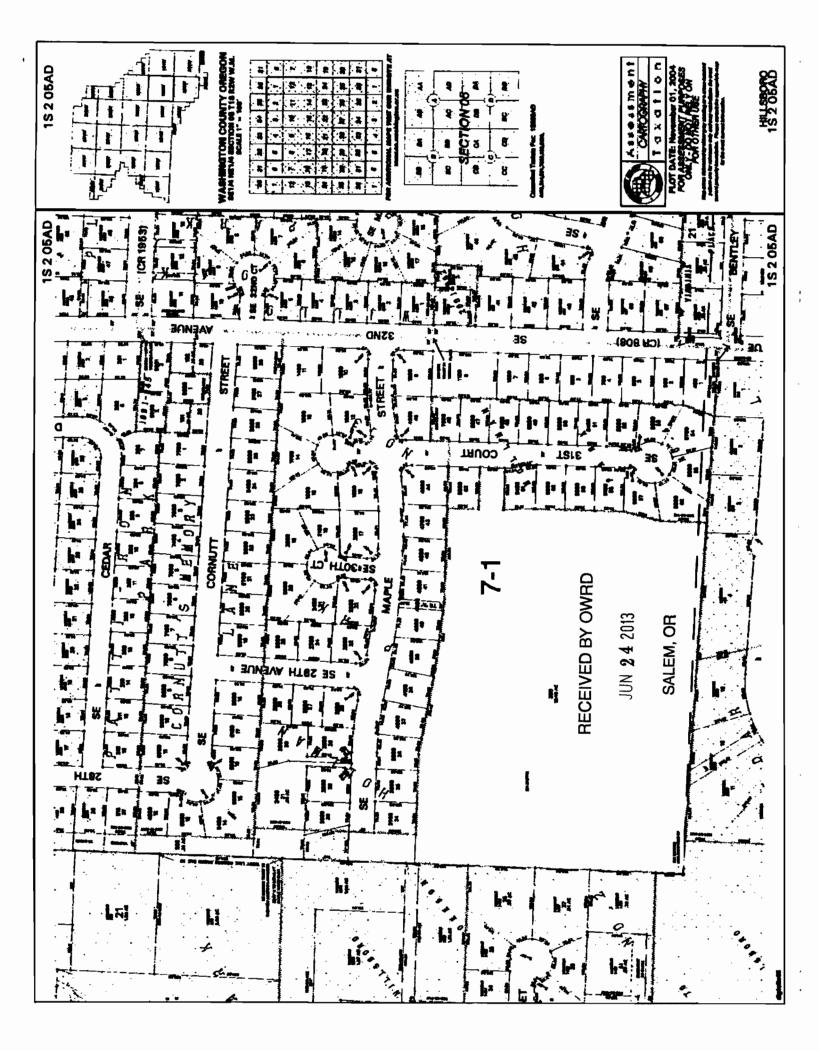
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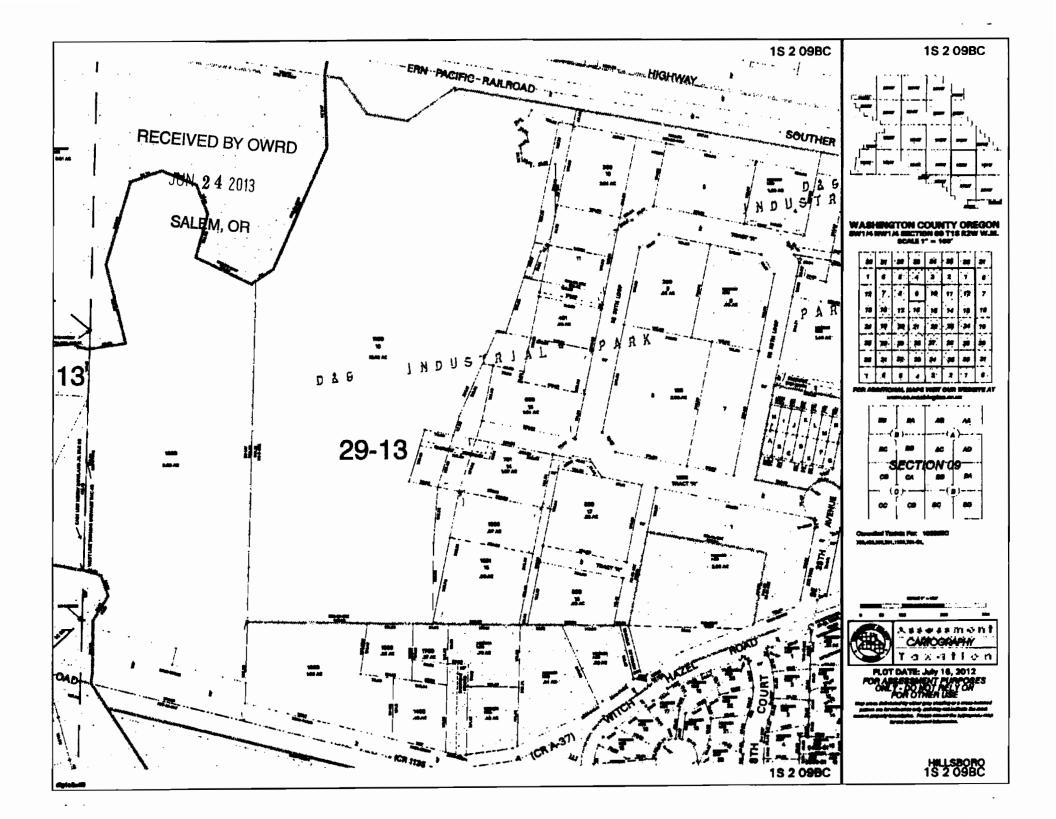
JUN 24 2013

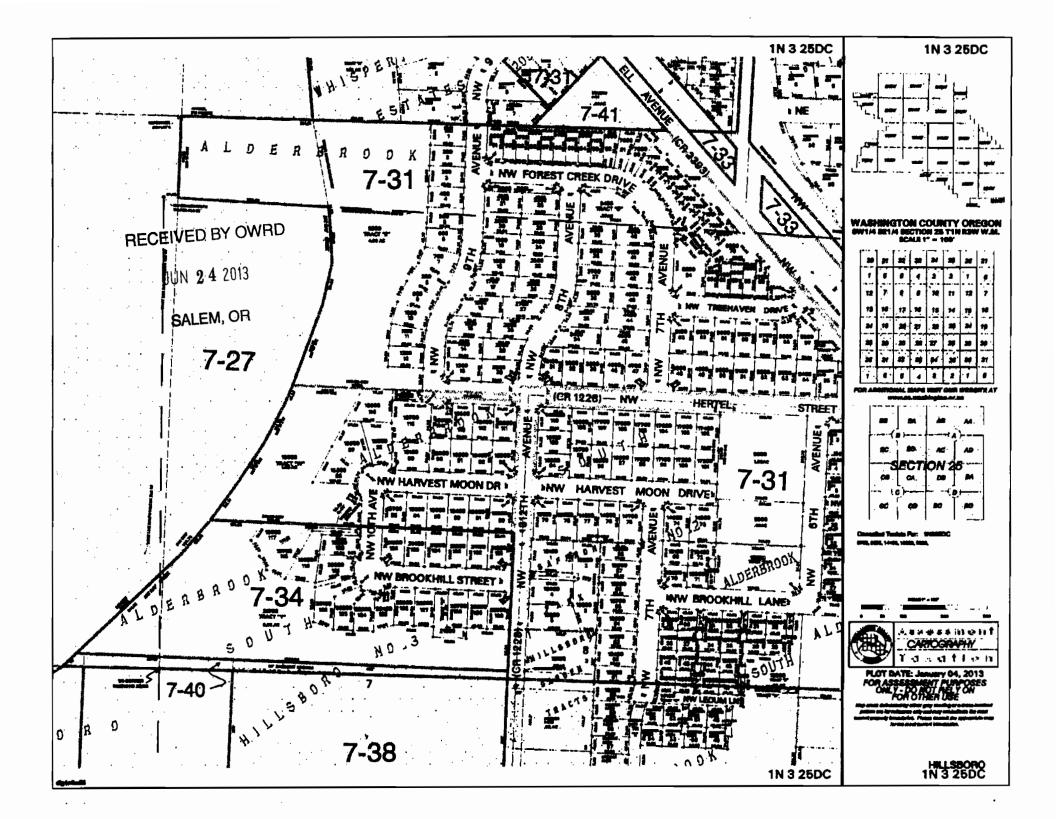
SALEM, OR

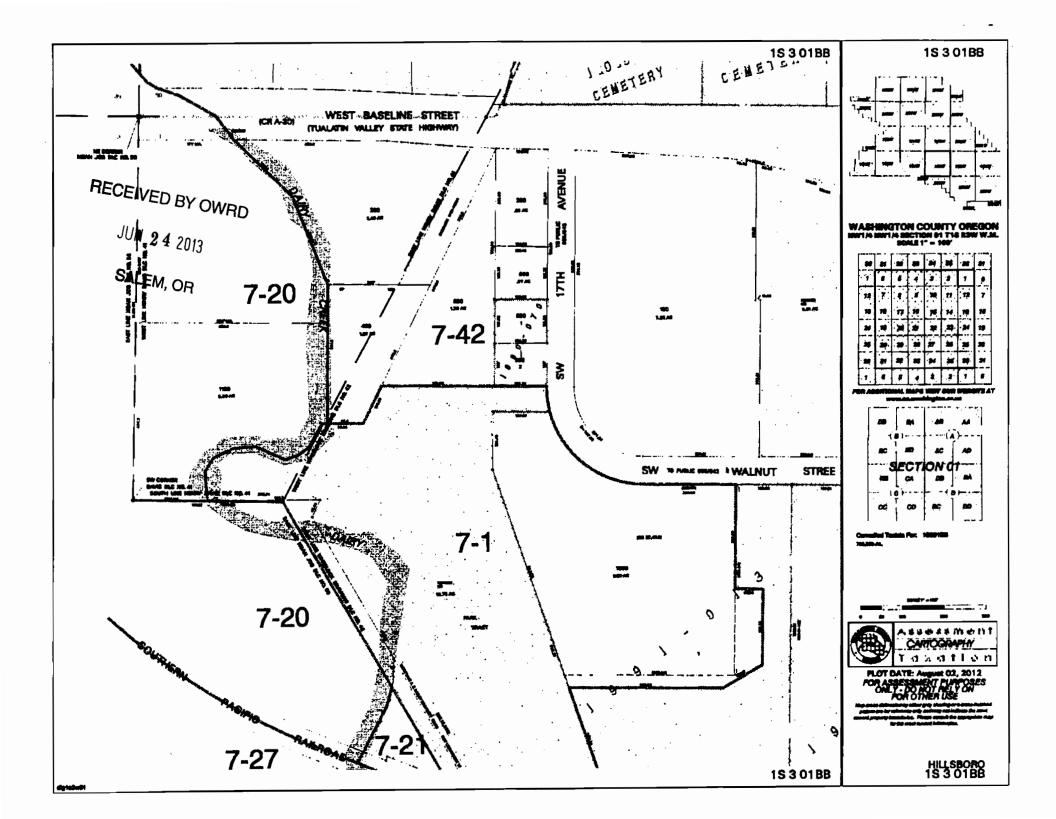
Attachment 1

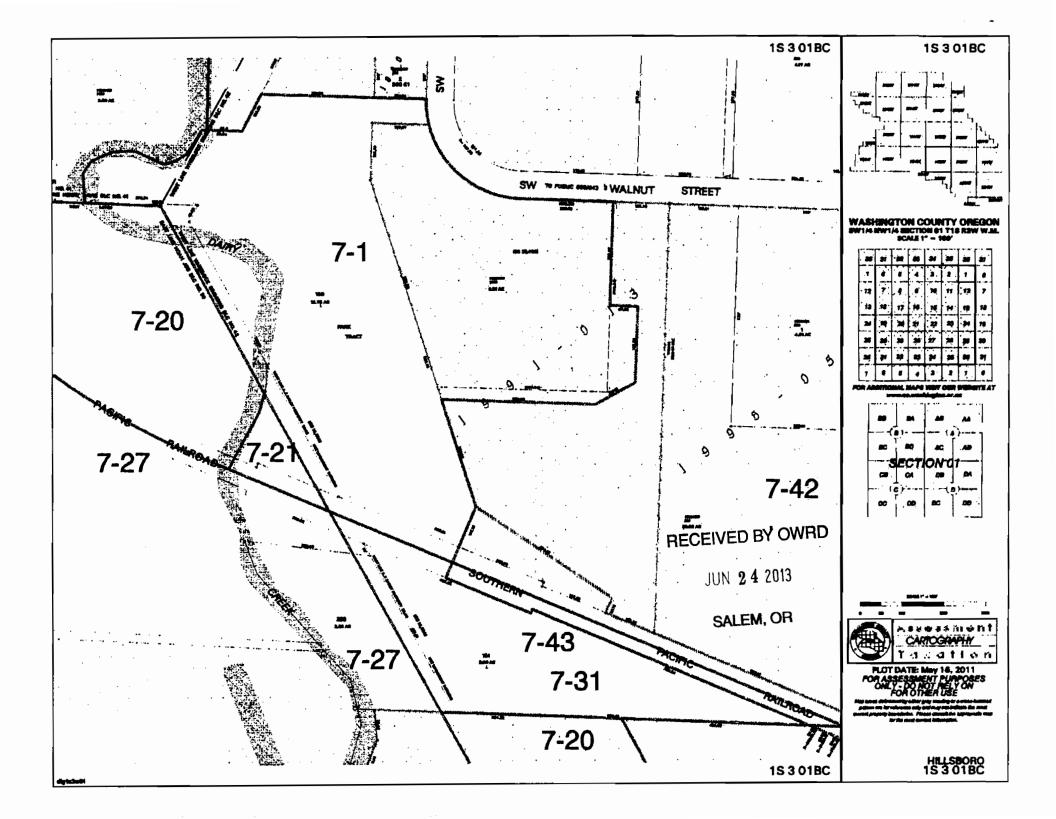
Tax Lot Maps











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Attachment 2

Water Right Maps