



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-1326

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

This Lease is between:

Lessor #1:

Name Caldwell Family Trust, UDA January 5, 1996
Mailing address 19683 Webber Road
City, State, Zip Code Klamath Falls, OR 97603
Telephone number 541-884-8447
E-mail address** rpckf@live.com

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

Glen R. Crouch and Sharline J. Crouch Joint Revocable Trust
180 Commercial Street NE, Suite 9, Salem, OR 97301
503-581-2070 rpcsalem@hotmail.com

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 35 S, Range 10 _____ E, Section 33 and Tax Lot number 600, and same township, Index Map 3510, Tax lots 2500, 3200 and Index Map 3610, Tax lots 300, 400, 800, and 900. Please refer to attached legal descriptions and assessor's plat maps _____. If the water right appurtenant to these lands is also

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appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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- 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 undivided 1/2 interest _____.

- 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). C42756 and C7168

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

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.: C42756

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

Legal Season of Use: April 1 - Oct. 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 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 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.	35S	10E	32	SE SW	2500	29.5	Irrig	1	23 Nov 1973	IL-
2.	35S	10E	4	NE NW	300	31.9	Irrig	1	23 Nov 1973	IL-
3.	35S	10E	5	NE NE	800	2.4	Irrig	1	23 Nov 1973	IL-
4.	35S	10E	5	NW NE	800	23.7	Irrig	1	23 Nov 1973	IL-
5.	35S	10E	5	NE NW	900	21.3	Irrig	1	23 Nov 1973	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): 108.8

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 6.94 2.72 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): 3.0 326.4 ac-ft

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

Conditions or other limitations, if any: Limit to 120 days to prevent injury

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).

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~II~ Instream Water Right Information

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2.1 Public use. This lease will increase streamflows that will benefit:

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- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

2.2 Instream use created by lease of the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Sprague River
Tributary to Williamson in the Klamath Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 326.4
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 2.72 max.

(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 the mouth of the Sprague to Williamson River

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
- The instream flow will be allocated on a daily average basis up to the described rate from May 3 through Sept 30.
- 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.

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 an emergency 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.

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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: Henry J. Caldwell Jr. For the Caldwell Family Trust Date: 6/27/13
Henry J. Caldwell Jr. for the Caldwell Family Trust

For additional Lessors, type in space for signature and date

Lessor #2: Glen R. Crouch Date: June 27, 2013
Glen R. Crouch for the Glen R. Crouch and Sharline J. Crouch Joint Revocable Trust

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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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.

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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.: C8201

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

Priority date: May 28 1925 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 - Oct 31

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	1/4 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.	36S	10E	33	nws		2.0	Irrig		IL-
2.	36S	10E	32	nese	3200	12.0	Irrig		IL-
3.	36S	10E	32	sw se	3200	40.0	Irrig		IL-
4.	36S	10E	32	sese	3200	40.0	Irrig		IL-
5.	36S	10E	32	nwse	3200	33.6	Irrig		IL-
6.	35S	10E	33	sww	600	21.0	Irrig		IL-
7.	35S	10E	33	sesw	600	24.7	Irrig		IL-
8.									IL-
9.									IL-
10.									IL-

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

Number of acres, if for irrigation (or other acre equivalent use): 148.5

Acre-feet of storage, if applicable: _____

Maximum Rate associated with leased rights (cfs): ~~1.782~~ 1.86 cfs *GC*

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

Maximum Duty associated with leased rights (AF): 445.5

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

Conditions or other limitations, if any: Subject to changes in laws, regulations and the final Klamath Basin Adjudication Decree

~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 Sprague River
Tributary to Williamson in the Klamath Basin.

Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 445.5

Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 1.782

(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): POD to Williamson River *mouth of the Sprague*

- 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.)

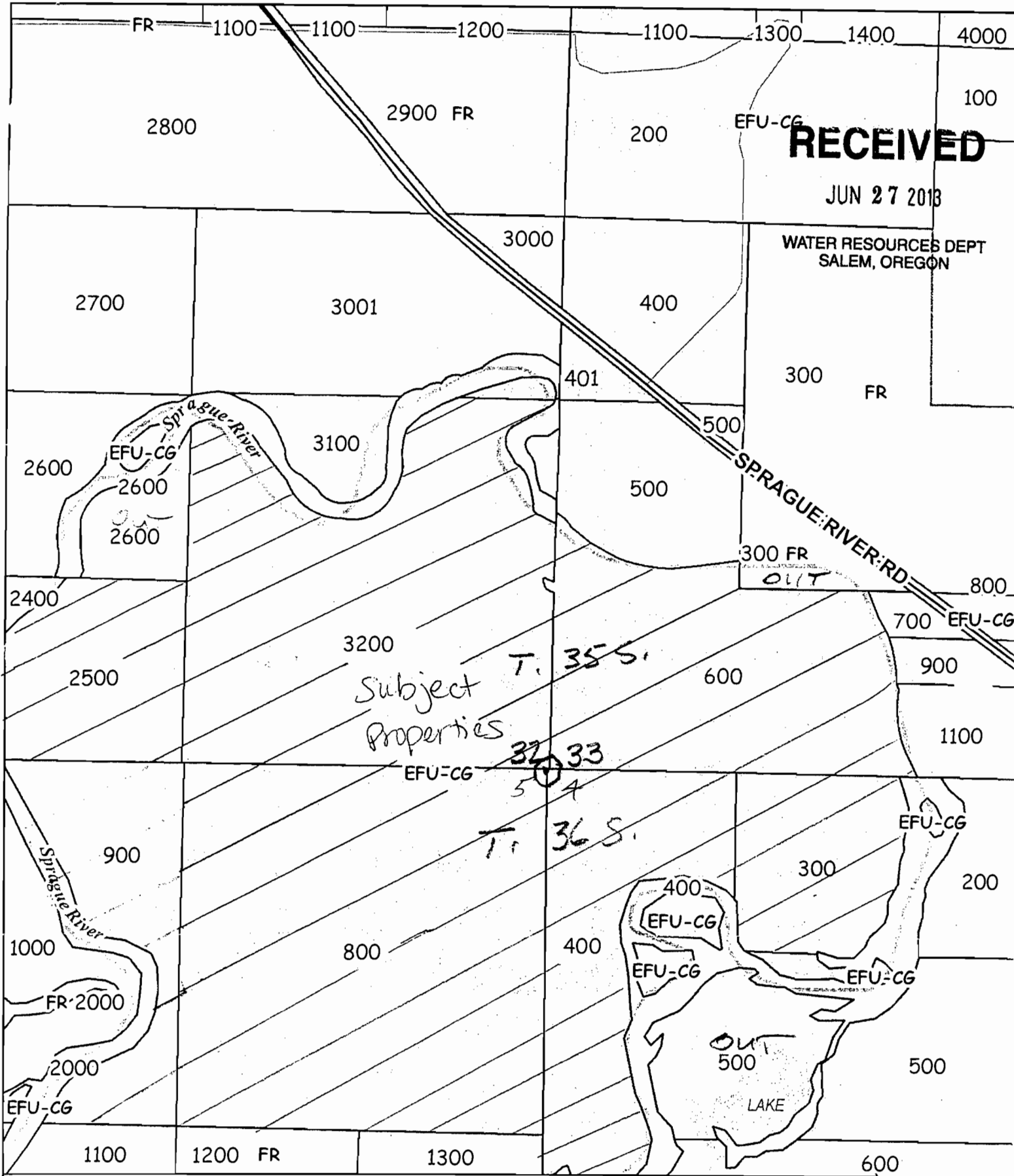
If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: _____

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): Subject to changes in laws and any limitations imposed by Klamath Basin Adjudication and final order for Claim 99

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

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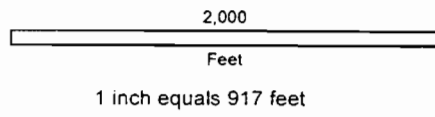
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Subject Properties
T. 35 S.

T. 36 S.

Jamath County
Planning Department

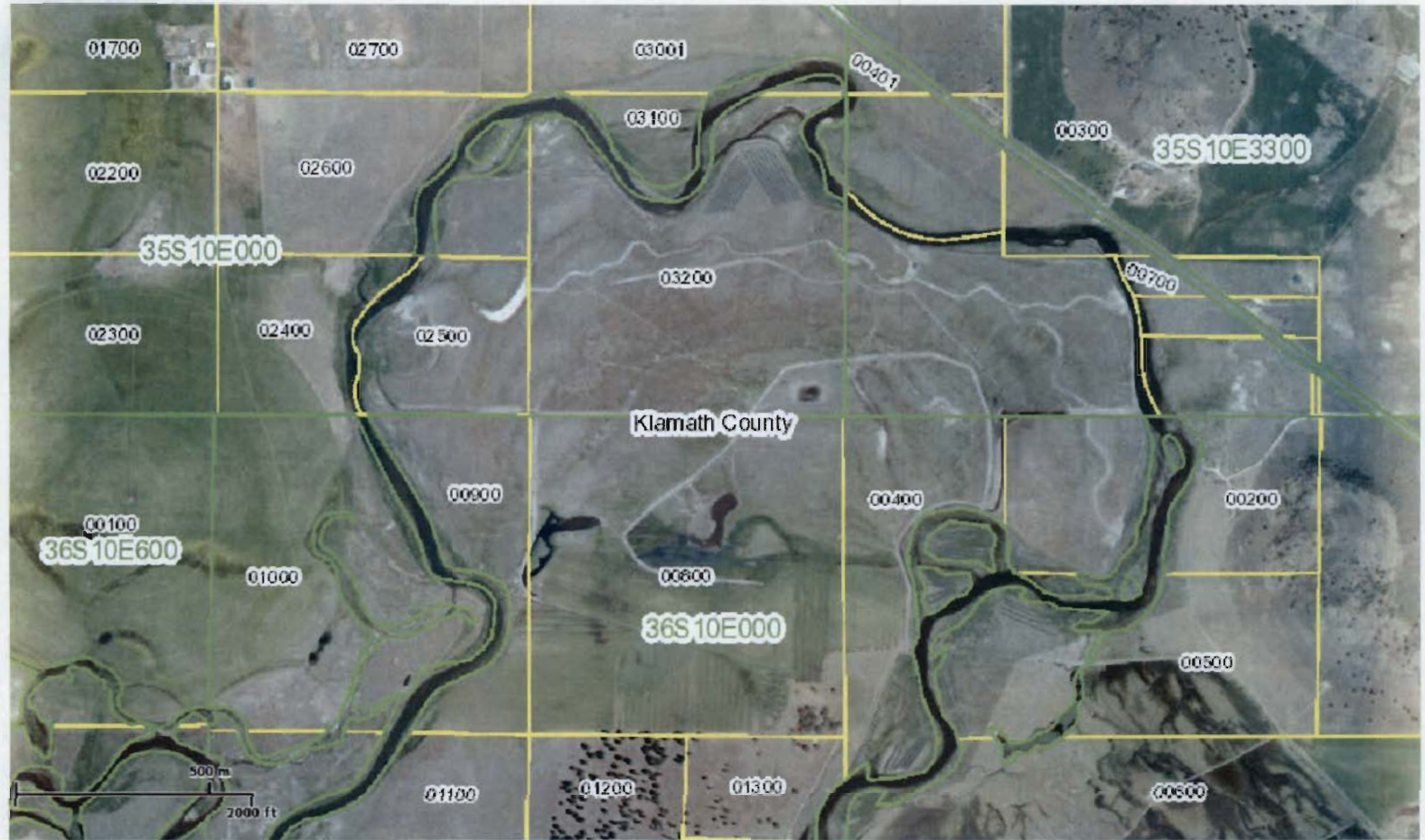


Date Printed: 8/19/08

This map is for planning purposes only. This map has been prepared for internet use by Klamath County. Accuracy and completeness is not guaranteed: other agency, public or private.

The Oregon Map

New Directions



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C-7 Ranch WRP Future Restoration Map

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Easement #66-0436-4-014
Customer(s) Hank Caldwell and Glen Crouch

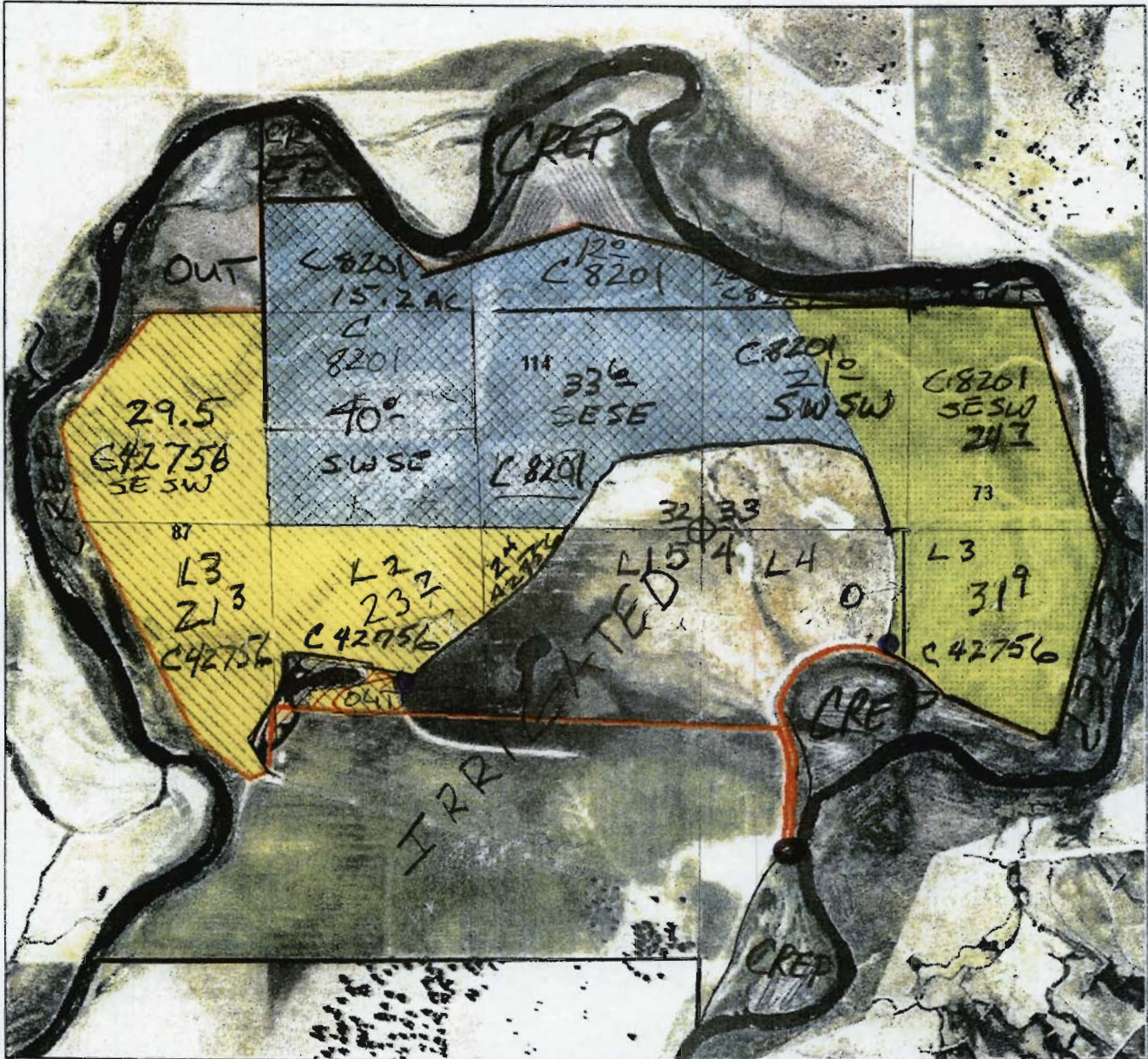
Date 2/7/2013

Approximate Acres 366.5

Legal Description
T36S R10E S32,33
T36S R10E S4,5



Field Office High Desert Basin, Klamath Falls
Agency USDA-NRCS
Assisted By Jason Cotter
County and State Klamath, OR



Legend

- CONTROL STRUCTURE
- DIVERSION POINT
- ALL Potential Grazing Plan 3 (73 ac)
- PART Potential Grazing Plan 2 (87 ac)
- ALL Potential Grazing Plan 1 (114 ac)
- C-7 Ranch WRP EASEMENT - 366.5 AC.

WATER LEASE

Acres

2011 NAIP Imagery
Scale 1:10,500

0 365 730 1,460 2,190 2,920 Feet

N

Future Restoration Map (2011 NAIP Imagery)

STATE OF OREGON
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JOSEPH AND FRANCES A. CABRAL
AND RICHARD CABRAL**

95360
of **25212 Bell Road, Newman**, State of **California**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Sprague River**

a tributary of **Williamson River** for the purpose of **irrigation of 277.7 acres**

under Permit No. **37147** of the State Engineer, 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 **November 23, 1973**

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 **6.94 cubic feet 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 **SW¹/₄ NW¹/₄, Section 4, T. 36 S., R. 10 E., W. M., 1990 feet South and 600 feet East from NW Corner, Section 4.**

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-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during the irrigation season of each year;

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:

- 32.6 acres SE¹/₄ SW¹/₄**
- Section 32**
- T. 35 S., R. 10 E., W. M.**
- 1.3 acres Lot 2 (NW¹/₄ NE¹/₄)**
- 37.2 acres Lot 3 (NE¹/₄ NW¹/₄)**
- 10.8 acres SW¹/₄ NW¹/₄**
- 1.4 acres SE¹/₄ NW¹/₄**
- Section 4**
- 40.0 acres Lot 1 (NE¹/₄ NE¹/₄)**
- 40.0 acres Lot 2 (NW¹/₄ NE¹/₄)**
- 38.4 acres SW¹/₄ NE¹/₄**
- 40.0 acres SE¹/₄ NE¹/₄**
- 24.4 acres Lot 3 (NE¹/₄ NW¹/₄)**
- 11.6 acres SE¹/₄ NW¹/₄**
- Section 5**
- T. 36 S., R. 10 E., W. M.**

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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.

WITNESS the signature of the State Engineer, affixed

this date. **December 5, 1975**

James E. Saxson
Water Resources Director *[Signature]*

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

This is to Certify, That Ivan Pankey

of Sprague River, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Sprague River a tributary of Williamson River for the purpose of Irrigation under Permit No. 6765 of the State Engineer, 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 May 28, 1925;

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 3.0 cubic feet per second;

The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36S, Range 10E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 30 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 35 South, Range 10 East of the Willamette Meridian in Klamath County, Oregon.

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The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 25th day

of October, 1929

Rhea Luper

State Engineer.

00099 00026

T. 35 S., R. 10 E. W. M.

Area # 2

FLORENCE MCKEE

32

33

FLORENCE MCKEE

SPRAGUE

NW SE

NW SW

ROAD

OUT

7 1/2

12 1/2

3 1/2

RIVER

MC 10/131

IN STREAM
NEW LEASE

3 1/2
SE SW

5 3/4

SE SW

T 35 S

T 36 S

LOT 1

LOT 4

LOT 3

LOT 2

LOT 1

LOT 3

LOT 2

LOT 1

6 1/2 AC

32 1/2 AC

5 1/4 AC

37 1/2 AC

19 AC

10

1.3

16 3/4 AC

38 AC

40 AC

7 1/2

SW NW

SE NW

1.4

SE NW

3 1/2

3 1/2

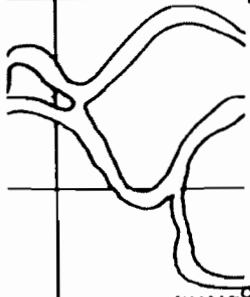
SPRAGUE

NW SW

FLORENCE MCKEE

T. 36 S.
R. 10 E. W. M.

4



PUMP



R. C. TUPPER

00099 00026

T. 35 S., R. 10 E., M.

CREP LEASE
2010 - 2015
33

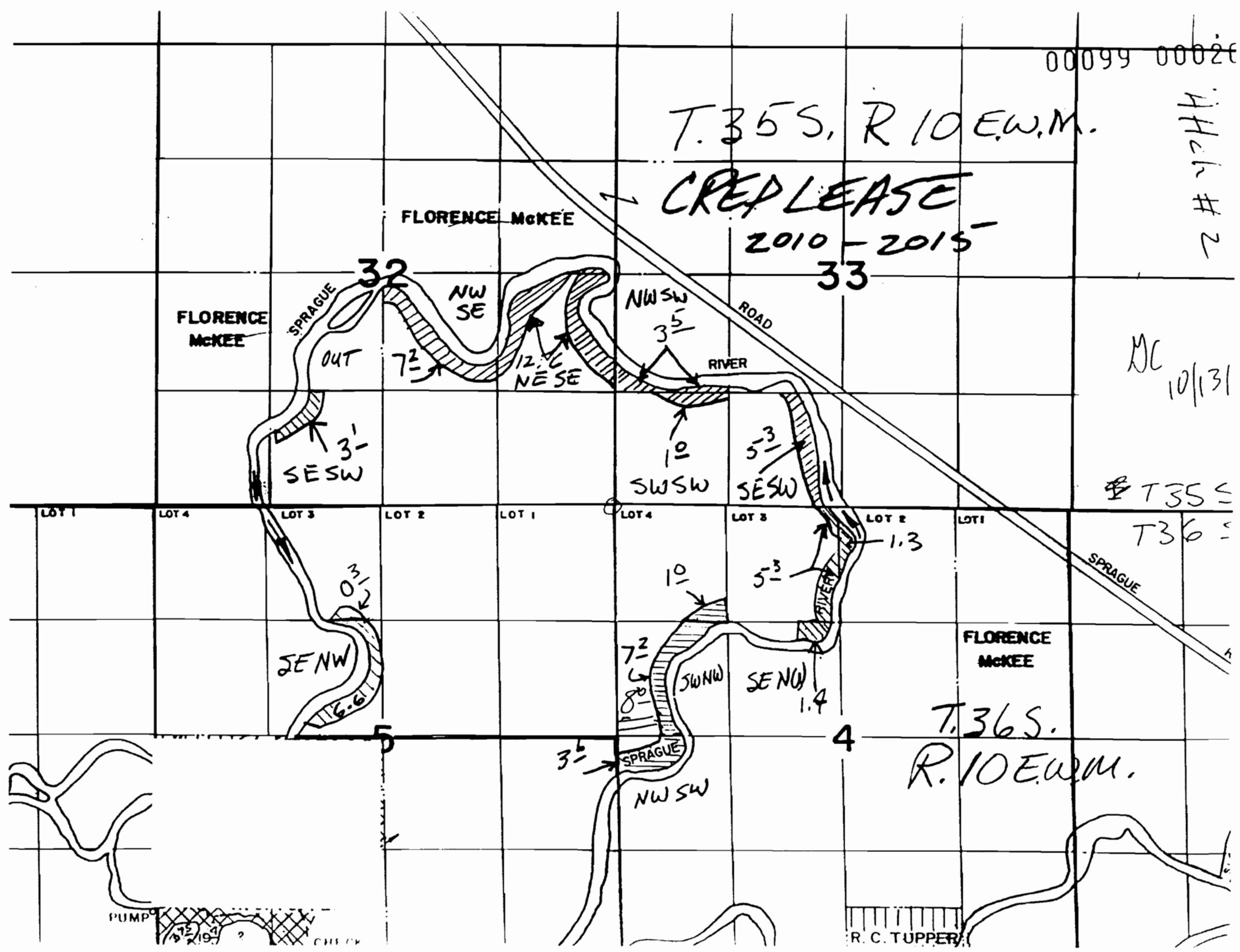
AAH # 2

FLORENCE MCKEE

FLORENCE MCKEE

MC 10/13/1

T 35 S
T 36 S



R. C. TUPPER

