

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):		1 arsuant to ONO 357.540(2) and OMN 070-077	
This Lease is between: Lessor #1: Name	Optional Ide Lease Appli	entification by Lessor/Lessee:cation Number (assigned by WRD):	
Lessor #1: Name	The water ri	ght to be leased is located in 1000 County.	
Name	This Lease i	s between:	
JUN # 8 2012 WAI EH HESUUHUES DEPT SALEM, OREGON	Name Mailing add City, State, 2 Telephone n	ress 2400 Channelton St. Zip Code <u>Eugene</u> OR 97405 umber 1-541-683-2974	
JUN # 8 2012 WAI EH HESUUHUES DEPT SALEM, OREGON			RECEIVED
SALEM, OREGON		·	JUN # 8 2012
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 T20S N Range S W, Section A Range S M, Section A Range S M A Range	Name		
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	Mailing add	ress	
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WATEH RESOURCES DEPT SALEM, OREGON

	the water has <u>not</u> 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
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 South Fork River Tributary to Siuslaw River in the Mid Coast Basin.
	Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 17.75 Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0 9
	(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).
	✓ Instream use protected at the point of diversion (POD).☐ Or within a proposed reach.
	Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile):
	Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.
	(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)
	If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described:
	Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right): None The instream flow will be allocated on a daily average basis up to the described rate from through Other (describe):
	(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)
	If you need to enter more instream uses, please use the additional water rights form.
	Application for Short-Term Instream Lease / 3 JUN 28 2012 TACS

WATER RESOURCES DEPT SALEM, OREGON

- 2.3 Term of lease. This lease shall terminate on 2012 to 20!7
- 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.																		
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- 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.

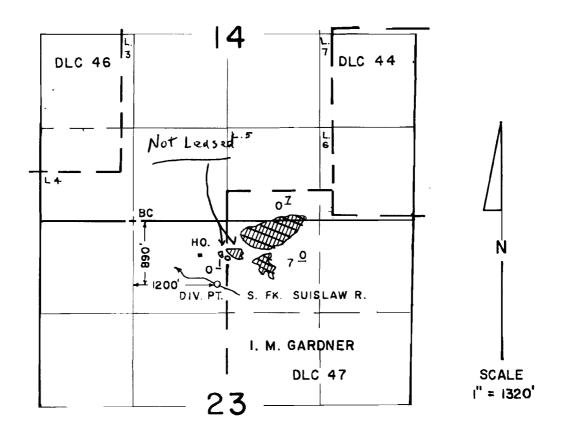
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JUN 2 8 2012

FOR Instream Application

T. 20 S., R. 5 W., W.M.

90684





FINAL PROOF SURVEY

Application No. 55816. Permit No. 41879
IN NAME OF
CURTIN MITCHELL

Surveyed SEP 25 1984, by P. PAGTER

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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.
3.7	Fees. Pursuant to ORS 536.050, the following fee is included: \$\begin{align*} \\$400 \text{ for an application with four or more landowners or four or more water rights.} \\ \\$250 \text{ for all other applications.} \end{align*}
Lessor	#1: <u>Curtin Mitchell</u> <u>Date: 6/26/2012</u>
For ad	ditional Lessors, type in space for signature and date
Lessee	e: Date:
Other .	Attachments as Needed:
	ment 1: Tax Lot Map. (See instructions.)
Attach	ment 2: Detailed map illustrating lands under subject rights to be leased; required if only part
	of a right is being leased instream. (See instructions.)
Attach	ment 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
Attach	(required if the second box in Section 1.6 is checked). ment 4: Split Season Instream Use Form
Allacil	ment 4. Spitt Season instream Use Form

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