



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-881

This Lease is between:

**Lessor #1:**

Name Robert L. Ingalls  
Mailing address 377 Fir Point Lane  
City, State, Zip Code Glendale, OR 97442  
Telephone number 541-832-3154  
Email address \_\_\_\_\_

**Lessor #2, 3, etc.**

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

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Email address \_\_\_\_\_

**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 32 S, Range 6 W, Section 27 and Tax Lot number 900. 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.

**RECEIVED**

**NOV 19 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

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. 39826

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

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.: 39826

Priority date: April 18, 1961 Type of use: Irrigation

Legal Season of Use: April 1 - October 1

Is the entire water right certificate being leased?  Yes  No

If no, list 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.

Place of use: T 32 S, R 6 W, Section 27, NW 1/4 SW 1/4 - 5.40 acres to be leased  
Enter additional places of use here, using format above:

\_\_\_\_\_

Page \_\_\_\_\_ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 5.4 acres

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

Maximum rate associated with the right to be leased (cfs): .060 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): 13.5 acre-feet

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

Conditions or other limitations, if any: \_\_\_\_\_

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

1.6 **Validity of rights.** 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).

**RECEIVED**

**NOV 19 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**~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.** The instream use to be created is described as follows:

Windy Creek  
Tributary to Cow Creek in the Umpqua Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. 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 more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): POD to mouth of Windy Creek.

Maximum volume in acre-feet: 13.5 acre-feet

Rate in cfs: .060 cfs

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 12 through October 1.
- Other (describe): \_\_\_\_\_

**RECEIVED**

If you need to enter more instream uses, please use the additional water rights form **NOV 19 2007**

**2.3 Term of lease.** This lease shall terminate on October 1, 2012.

**WATER RESOURCES DEP  
SALEM, OREGON**

**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 with original signatures;
    - 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.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:
- \$200 for an application with four or more landowners or four or more water rights.
  - \$100 for all other applications.

Lessor #1: Robert L. Ingalls Date: 11/16/2007  
 Robert L. Ingalls

For additional Lessors, type in space for signature and date

\_\_\_\_\_

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

**RECEIVED**  
 NOV 19 2007  
 WATER RESOURCES DEPT  
 SALEM, OREGON

STATE OF OREGON  
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THE ROBERT DOLLAR CO.

of P. O. Box C, Glendale, State of Oregon, 97442, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Windy Creek

a tributary of Cow Creek for the purpose of irrigation of 18.9 acres

under Permit No. 27344 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 April 18, 1961

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 0.21 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 NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 27, T. 32 S., R. 6 W., W. M., 810 feet South and 770 feet East from NW<sup>1</sup>/<sub>4</sub> Corner, Section 27.

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 for each acre irrigated and shall be further limited to a diversion of not to exceed 2<sup>1</sup>/<sub>2</sub> acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water shall be limited to the period when the flow of Cow Creek is more than 11 cubic feet per second at its mouth,

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:

18.9 acres NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
Section 27  
T. 32 S., R. 6 W., W. M.

Certificate of water right issued to The Robert Dollar Co. and recorded at page 37267, Volume 29, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 20.7 acres. A change in the point of diversion for the irrigation of 1.8 acres was approved by order of the State Engineer entered September 24, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to The Robert Dollar Co.

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

RECEIVED

NOV 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

WITNESS the signature of the State Engineer, affixed

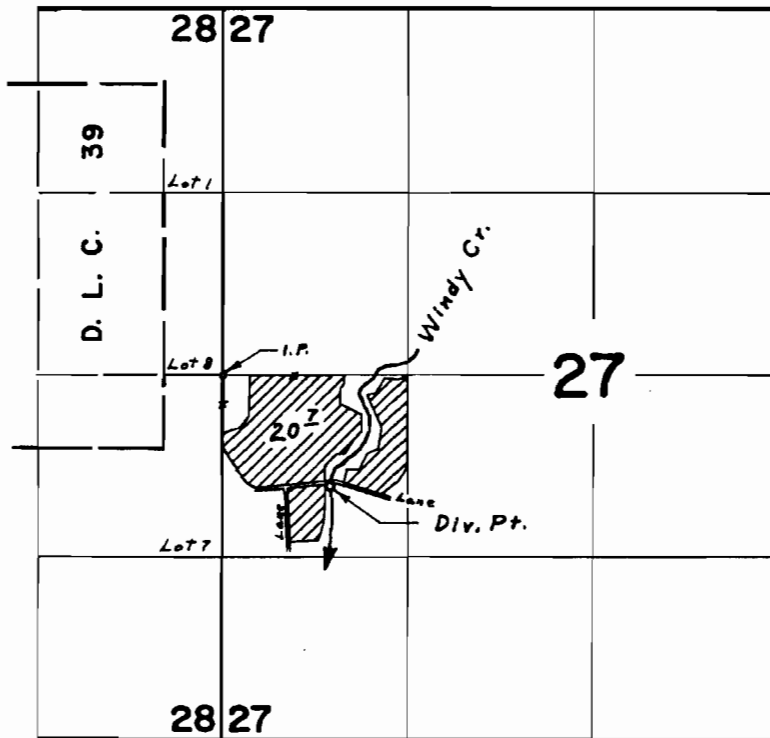
this date. February 26, 1974

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39226

T. 32 S. R. 6 W. W.M.



Div. Pt. located 810' S. & 770' E. From W. & Cor. Section 27

**FINAL PROOF SURVEY**  
UNDER

Application No. 34824 Permit No. 27344

IN NAME OF

THE ROBERT DOLLAR CO.

Surveyed May 2, 1969, by L. E. Gould

**RECEIVED**

NOV 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

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

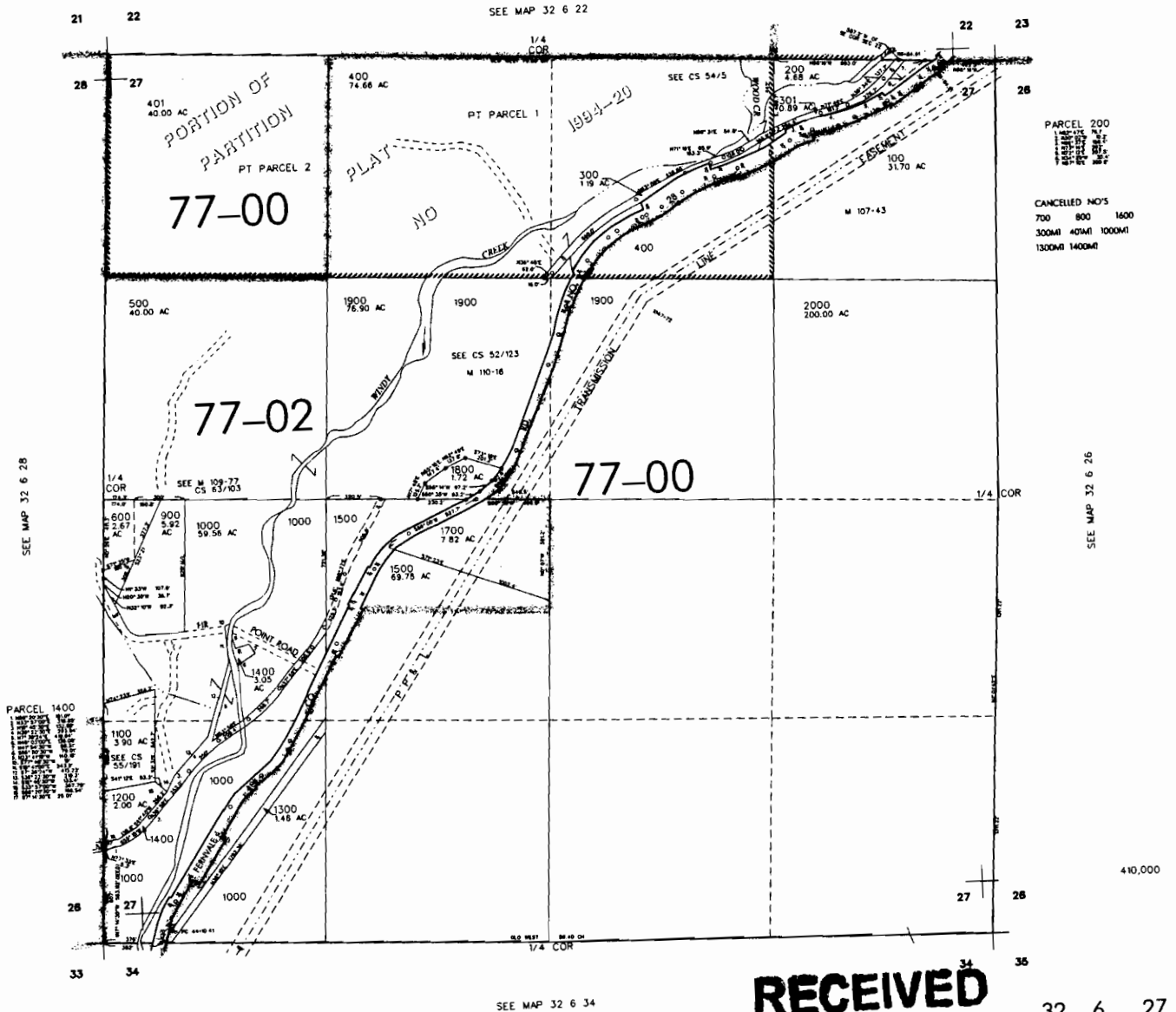
**RECEIVED**  
NOV 19 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

SEC. 27 T.32S. R.6 W. W.M.  
DOUGLAS COUNTY

REVISED ON  
6-13-07

32 6 27

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



**RECEIVED**

NOV 19 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

32 6 27



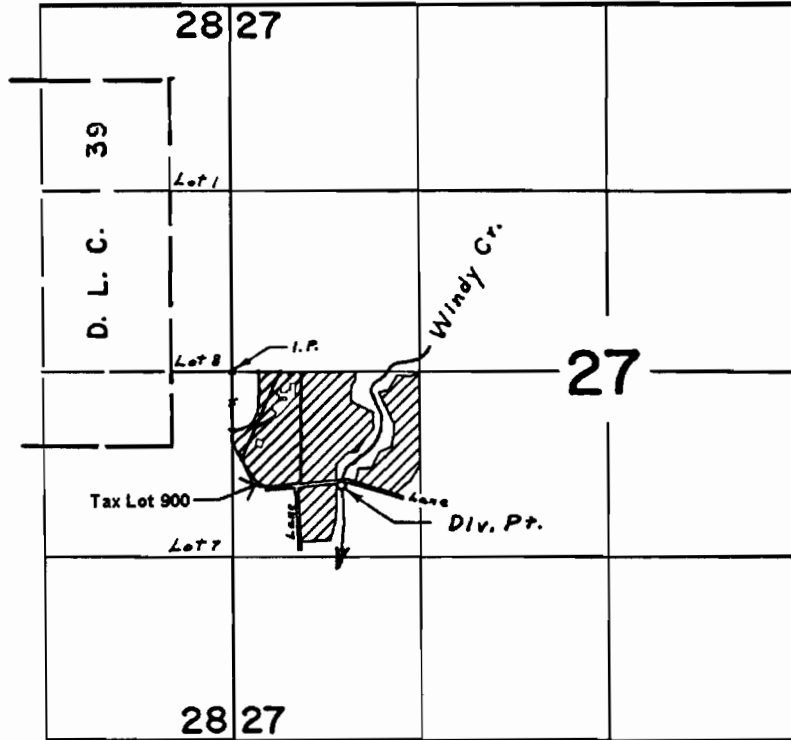
**Attachment 2**  
**Short - Term Water Right Lease Agreement**  
**Leased Right Map**

**RECEIVED**

**NOV 19 2007**

**WATER RESOURCES DEPT**  
**SALEM, OREGON**

# T. 32 S. R. 6 W. W.M.



*Div. Pt. located 810' S. & 770' E. From W. & Cor. Section 27*

**RECEIVED**

NOV 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## FINAL PROOF SURVEY UNDER

Application No. 34824 Permit No. 27344  
IN NAME OF

THE ROBERT DOLLAR CO.

Surveyed May 2, 1969, by L. E. Gould