



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: Forrest Conservation Area

Lease Application Number (assigned by WRD): IL-913

This Lease is between:

Lessor #1:

Name Confederated Tribes of the Warm Springs Reservation of Oregon

Mailing address John Day Basin Office, 68073 Highway 26

City, State, Zip Code Prairie City, Oregon 97869

Telephone number (541) 421-3931

Email address oxbowca@ortelco.net

Lessor #2, 3, etc.

The water right to be leased is located in Grant 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 11 S, Range 3435 E, Section 13, 18, 19, 20 and Tax Lot number Sec. 13: 3, 6, 500; Sec. 18: 3, 4; Sec. 19: 5, 6, 500; Sec. 20: 500, 500A3. 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.

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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 _____.

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. 55745

Certificate No. 82406

Certificate No. 55744

Certificate No. 55743 (supplemental)

Certificate No. 7653

Certificate No. 82405 (supplemental)

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.: 55745

Priority date: 1902 Type of use: Irrigation

Legal Season of Use: April 1 through September 30

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 $\frac{1}{4}$ $\frac{1}{4}$ 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 ___ S, R ___ E, Section __, $\frac{1}{4}$ $\frac{1}{4}$ - _____ 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: 15.4

Acre-feet of storage, if applicable: n/a

Maximum rate associated with the right to be leased (cfs): 0.385 cfs April to June 1, 0.193 cfs June through September.

(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): 15.4 acre-feet per month during April and May not to exceed 61.6 acre-feet for the entire season

(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

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- ☐ 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

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:

Caribou (Dead Cow Gulch) Creek

Tributary to Middle Fork John Day River in the John Day River 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): Reach will be from the POD as described on the Certificate as SW 1/4 Sec. 18, T.11S., R.35E., W.M.; to the mouth of Dead Cow Gulch.

Maximum volume in acre-feet: 61.6

Rate in cfs: 0.193

(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 April 24 through September 30.
☐ Other (describe): _____

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 September 30, 2012.

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:  Date: 4-2-08

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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**WATER RESOURCES DEPT
SALEM OREGON**

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatOREGON LUMBER COMPANY A UTAH CORP.
BY W. J. ECCLES, VICE PRESIDENTof Baker, State of Oregon, has
a right to the use of the waters of Caribou Creek (Dead Cow Gulch)a tributary of Middle Fork John Day River for the purpose of
irrigation of 15.4 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1902

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at point of diversion

The point of diversion is located in the SW 1/4, Section 18, T11S, R35E, WM.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

1.0 acre Lot 3 (NW 1/4 SW 1/4)
13.4 acres Lot 4 (SW 1/4 SW 1/4)
1.0 acre SE 1/4 SW 1/4
Section 18
Township 11 South, Range 35 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25660, Volume 18, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on January 21, 1987.

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

And said right shall be subject to all other conditions and limitations contained in said decree. 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 Water Resources Director, affixed

this date March 6, 19 87

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55745

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State of Oregon
 Water Resources Department
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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

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 right(s) to be leased are further described as follows:

Certificate No.: 82406

Priority date: Aug. 31, 1927 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through September 30

Is the entire water right certificate being leased? ☒ Yes ☐ No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T _____ S, R _____ E, Section _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ - _____ 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, if for irrigation: 9.8

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 0.12

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

Duty associated with leased rights (AF): 39.2

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

Conditions or other limitations, if any: _____

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 SALEM OREGON

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Vinegar Creek

Tributary to Middle Fork _____ in the John Day _____ 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):
Reach will be from the POD as described on the Certificate as NW 1/4 NW 1/4, Sec. 20, T.11S., R.35E., W.M.; 1050 feet South and 600 feet East From the NW Corner, Sec. 20; to the mouth of Vinegar Creek.

Maximum volume in acre-feet: 39.2

Rate in cfs: 0.12

(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
April 20 through September 30.
- ☐ Other (describe): _____

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This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN FORREST
HCR 77
PRAIRIE CITY, OREGON 98769

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**WATER RESOURCES DEPT
SALEM OREGON**

confirms the right to use the waters of VINEGAR CREEK, a tributary of the MIDDLE FORK JOHN DAY RIVER, for IRRIGATION OF 9.8 ACRES.

This right was perfected under Permit 8341. The date of priority is AUGUST 31, 1927. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 CUBIC FOOT PER SECOND (CFS), or its equivalent in case of rotation, measured at the point of diversion from the source. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.12 CFS.

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1050 FEET SOUTH AND 600 FEET EAST FROM THE NW CORNER, SECTION 20.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

T-5888.JWG

Certificate Number 82406

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NE 1/4 3.4 ACRES
SECTION 19

SW 1/4 NW 1/4 6.4 ACRES
SECTION 20
TOWNSHIP 11 SOUTH, RANGE 35 EAST, W.M.

When in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include a headgate and an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled and the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and the weir or measuring device be installed under the general supervision of the Watermaster.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered on February 17, 1987, and supersedes Certificate 7649, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director,

affixed OCT 06 2006.


Phillip G. Ward, Director
Oregon Water Resources Department

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SALEM OREGON

Recorded in State Record of Water Right Certificates numbered 82406.



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.

~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 right(s) to be leased are further described as follows:

Certificate No.: 55744

Priority date: 1887 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through September 30

Is the entire water right certificate being leased? ☐ Yes ☒ No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T 11 S, R 35 E, Section 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 7.20 acres to be leased

Enter additional places of use here, using format above:

T. 11S. R. 35 E., Sec. 18, NW1/4 SW 1/4 (Lot 3), 14.4 acres;

T. 11S. R. 35 E., Sec. 18, SW 1/4 SW 1/4 (Lot 4), 6.6 acres

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

Number of acres, if for irrigation: 50.2, 28.2 acres for instream lease

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 0.705 cfs from April 1 to June 1, 0.353 cfs thereafter

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

Duty associated with leased rights (AF): 28.2 AF per month in April and May, not to exceed 112.8 AF for season.

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

Conditions or other limitations, if any:

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**WATER RESOURCES DEPT
SALEM OREGON**

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Vincent Creek

Tributary to Middle Fork John Day River in the John Day River 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):

Reach will be from the POD as described on the Certificate as NW 1/4 SE 1/4 Sec. 18, T.11S., R.35E., W.M.; to the mouth of Vincent Creek.

Maximum volume in acre-feet: 112.8

Rate in cfs: 0.353 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
April 23 through September 30.
- ☐ Other (describe): _____

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**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatOREGON LUMBER COMPANY A UTAH CORP.
BY W. J. ECCLES, VICE PRESIDENTof Baker, State of Oregon, has
a right to the use of the waters of Vincent Creeka tributary of Middle Fork John Day River for the purpose of
irrigation of 50.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1887

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at point of diversion

The point of diversion is located in the NW 1/4 SE 1/4, Section 18, T11S, R35E, WM.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

9.2 acres NE 1/4 SW 1/4
24.4 acres Lot 3 (NW 1/4 SW 1/4)
6.6 acres Lot 4 (SW 1/4 SW 1/4)
10.0 acres SE 1/4 SW 1/4
Section 18
Township 11 South, Range 35 East, WM

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SALEM OREGON

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25658, Volume 18, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on January 21, 1987.

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

And said right shall be subject to all other conditions and limitations contained in said decree. 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 Water Resources Director, affixed

this date March 6, 19 87.

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55744

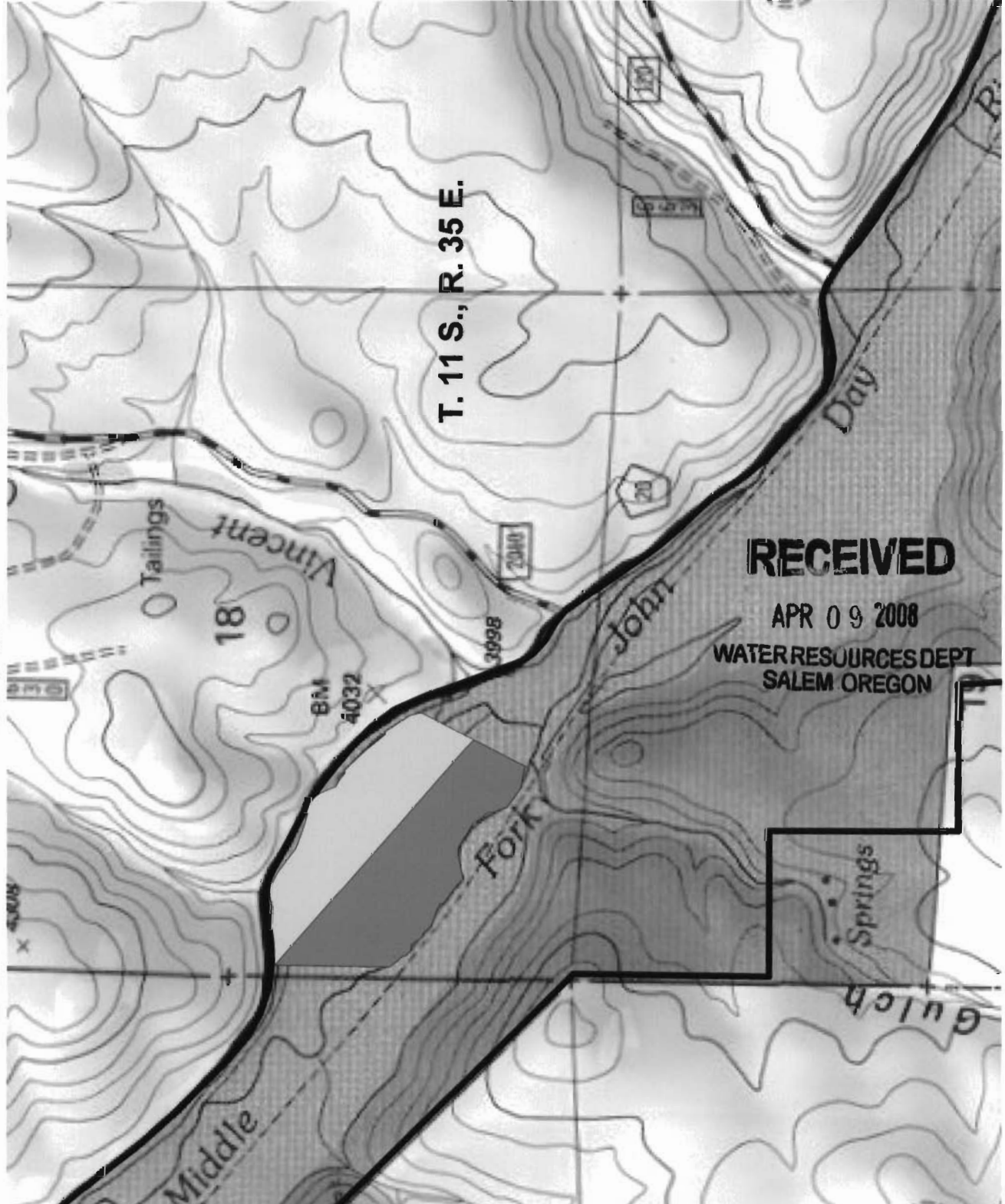
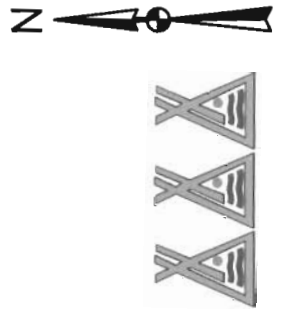
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34339

Proposed Partial Instream Lease for Water Right 55744 on the Forrest Conservation Area

WR 55744
Leased - 28.2 acres
Not Leased
Forrest Property Boundary



The Confederated Tribes of Warm Springs Reservation of Oregon propose to partially instream lease WR 55744. This map shows POU, with leased acreage shown in brown (28.2 acres). Portions of this acreage is enrolled in the CREP program. This property is in Grant County, boundaries are approximate. Map created March 27, 2008.



4000 Feet

2000

0

2000



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Water Resources Department
 725 Summer Street NE, Suite A
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 (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.

~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 right(s) to be leased are further described as follows:

Certificate No.: 55743

Priority date: Sept. 8, 1960 Type of use: Supplemental Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through September 30

Is the entire water right certificate being leased? ☒ Yes ☐ No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T S, R E, Section , $\frac{1}{4}$ $\frac{1}{4}$ - 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, if for irrigation: 50.2

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 0.25 total, or one fortieth cfs per acre
 (Use additional lines if there is more than one rate associated with the water right.)

Duty associated with leased rights (AF): 201 (4 AF per acre)
 (Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any:

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 SALEM OREGON

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Unnamed (Vinegar) Creek

Tributary to Middle Fork John Day River in the John Day River 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):
Reach will be from the POD as described on the Certificate as NE 1/4 NW 1/4 Sec. 19, T.10S., R.35E., W.M., 1000 feet South and 2200 feet East from NW corner of Section 19; to the mouth of Vincent Creek.

Maximum volume in acre-feet: 91

Rate in cfs: 0.25

(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
April 1 through September 30.
- ☐ Other (describe): _____

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**WATER RESOURCES DEPT
SALEM OREGON**

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ORRIN FORREST

of Prairie City, State of Oregon, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed stream

a tributary of Middle Fork John Day River for the purpose of supplemental irrigation of 50.2 acres

under Permit No. 26987 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 September 8, 1960

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 0.25 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 NE 1/4 NW 1/4, Section 19, T10S, R35E, WM; 1000 feet South and 2200 feet East from NW corner Section 19.

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 4.0 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:

SEE NEXT PAGE

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WATER RESOURCES DEPT
SALEM OREGON

page two

9.2 acres NE 1/4 SW 1/4
24.4 acres Lot 3 (NW 1/4 SW 1/4)
6.6 acres Lot 4 (SW 1/4 SW 1/4)
10.0 acres SE 1/4 SW 1/4
Section 18
Township 11 South, Range 35 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38694, Volume 30, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on January 21, 1987.

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

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**WATER RESOURCES DEPT
SALEM OREGON**

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 minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. March 6, 1987

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51 , page 55743

8709D/BE
34339



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.

~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 right(s) to be leased are further described as follows:

Certificate No.: 7653

Priority date: Aug. 31, 1927 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through September 30

Is the entire water right certificate being leased? ☒ Yes ☐ No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T S, R E, Section , $\frac{1}{4}$ $\frac{1}{4}$ - 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, if for irrigation: 74.0

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 0.93

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

Duty associated with leased rights (AF): 296 (see below)

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

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**WATER RESOURCES DEPT
SALEM OREGON**

Conditions or other limitations, if any: Duty not listed on certificate, but 4 acre-feet per acre for irrigation season typical for area and used for the purpose of this lease application.

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Davis Creek

Tributary to Middle Fork John Day River in the John Day River 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):

Reach will be from the POD as described on the Certificate as NW 1/4 SW 1/4 Sec. 20, T.11S., R.35E., W.M.; to the mouth of Davis Creek.

Maximum volume in acre-feet: 296

Rate in cfs: 0.93

(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
April 24 through September 30.
- ☐ Other (describe): _____

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**WATER RESOURCES DEPT
SALEM OREGON**

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This is to Certify, That Oregon Lumber Company

of Baker, 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
Davis Creek
a tributary of Middle Fork John Day River for the purpose of
Irrigation

under Permit No. 8340 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 August 31, 1927;

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
0.93 cubic foot per second;

The point of diversion is located in the NE 1/4 of Section 20, Township 11S, Range 35E, 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: 26 acres in the
NW 1/4, 1 acre in the NE 1/4, 17.2 acres in the SW 1/4, 25 acres in the SE 1/4,
5.2 acres in the NE 1/4, Section 19, and 1.6 acres in the SW 1/4, Section 20,
Township 11 South, Range 35 East of the Willamette Meridian in Grant County,
Oregon.

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, **RECEIVED**
affixed this 12th day **APR 09 2008**
of July, 19 28 **WATER RESOURCES DEPT**
SALEM OREGON

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7653.



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.

~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 right(s) to be leased are further described as follows:

Certificate No.: 82405

Priority date: Dec. 19, 1986 Type of use: Irrigation and Supplemental Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through September 30

Is the entire water right certificate being leased? ☒ Yes ☐ No

If no, list the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

Place of use: T _____ S, R _____ E, Section _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ - _____ 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, if for irrigation: 172.4; 122.1 acres supplemental

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 7.37cfs total; being 0.22 from POD#1 (MFJD River); 0.97cfs & 1.85cfs supplemental from POD#2 (MFJD River); 1.15 cfs & 1.20 supplemental from POD#5 (MFJD River); 0.10 cfs from POD#3 (Davis Creek); 0.08cfs from POD#3A (Davis Creek); 0.14cfs from POD#4 (Davis Creek); and 1.66 cfs from POD #6 (Dead Cow Gulch).

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

Duty associated with leased rights (AF): POD#1: 43.5AF, POD#2: 563.5AF, POD#5: 471AF for Middle Fork John Day River; POD#3: 15.6AF, POD#3A: 12 AF, POD#4: 22 AF for Davis Creek; and 266 AF for Dead Cow Gulch for the irrigation season each year.

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

Conditions or other limitations, if any: _____

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~II~ Instream Water Right Information

**WATER RESOURCES DEPT
SALEM OREGON**

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease. The instream use to be created is described as follows:

Davis Creek, Dead Cow Gulch, and the Middle Fork John Day River

Tributary to North Fork John Day River in the John Day 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):

Reaches will be: only at POD#1 (MFJD River) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T.11S., R.35E., W.M., 1200 feet north & 1770 feet west from the SE corner, Sec. 20; only at POD#2 (MFJD River) NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T.11S., R.35E., W.M., 1800 feet north & 2950 feet west from the SE corner, Sec. 20;

only at POD#5 (MFJD River) NW 1/4 NE 1/4, Sec. 19, T.11S., R.35E., W.M., 650 feet south & 1750 feet west from the NE corner, Sec. 19; from POD#3 (Davis Creek) NW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1970 feet north & 720 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#3A (Davis Creek) NW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1870 feet north & 590 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#4 (Davis Creek) SW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1220 feet north & 310 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#6 (Dead Cow Gulch) SE 1/4 SW 1/4, Sec. 18, T.11S., R.35E., W.M., 200 feet north & 1370 feet east from the SW corner, Sec. 18, to the mouth of Dead Cow Gulch.

Maximum volume in acre-feet: 1393.6 total; POD#1: 43.5AF, POD#2: 563.5AF, POD#5: 471AF for Middle Fork John Day River; POD#3: 15.6AF, POD#3A: 12 AF, POD#4: 22 AF for Davis Creek; and 266 AF for Dead Cow Gulch for the irrigation season each year.

Rate in cfs: 7.37cfs total: being 0.22 from POD#1 (MFJD River); 0.97cfs & 1.85cfs supplemental from POD#2 (MFJD River); 1.15 cfs & 1.20 supplemental from POD#5 (MFJD River); 0.10 cfs from POD#3 (Davis Creek); 0.08cfs from POD#3A (Davis Creek); 0.14cfs from POD#4 (Davis Creek); and 1.66 cfs from POD #6 (Dead Cow Gulch).

(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
May 1 through August 7 for Dead Cow Gulch
May 10 through July 27 for Davis Creek POD #3
May 10 through July 23 for Davis Creek POD#3A
May 10 through July 27 for Davis Creek POD #4
May 1 through August 8 for Middle Fork John Day River POD #1
May 1 through August 8 for Middle Fork John Day River POD #2
May 1 through August 9 for Middle Fork John Day River POD #5.
- ☐ Other (describe): _____

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**WATER RESOURCES DEPT
SALEM OREGON**

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORRIN FORREST
RT 2, BOX 930
PRAIRIE CITY, OREGON 97869

confirms the right to use the waters of DAVIS CREEK, DEAD COW GULCH and the MIDDLE FORK JOHN DAY RIVER, tributaries of the NORTH FORK JOHN DAY RIVER, for IRRIGATION OF 172.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 122.1 ACRES.

This right was perfected under Permit 49980. The date of priority is DECEMBER 19, 1986. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.37 CUBIC FEET PER SECOND (CFS), BEING 0.22 CFS FROM POINT OF DIVERSION (POD) #1, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 8.7 ACRES; 0.97 CFS FROM POD # 2, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 38.7 ACRES AND 1.85 CFS FOR SUPPLEMENTAL IRRIGATION OF 74.0 ACRES; 1.15 CFS FROM POD # 5, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 46.1 ACRES AND 1.20 CFS FOR SUPPLEMENTAL IRRIGATION OF 48.1 ACRES; 0.10 CFS FROM POD # 3, DAVIS CREEK, FOR IRRIGATION OF 3.9 ACRES; 0.08 CFS FROM POD # 3A, DAVIS CREEK, FOR IRRIGATION OF 3.0 ACRES; 0.14 CFS FROM POD # 4, DAVIS CREEK, FOR IRRIGATION OF 5.5 ACRES; 1.66 CFS FROM POD # 6, DEAD COW GULCH, FOR IRRIGATION OF 66.5 ACRES, or its equivalent in case of rotation, measured at the point of diversion from the source.

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Certificate Number 82405

S-68980.JWG

**WATER RESOURCES DEPT
SALEM OREGON**

The points of diversion (POD) are located as follows:

POD # 1 (MIDDLE FORK JOHN DAY RIVER): SW 1/4 SE 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1200 FEET NORTH & 1770 FEET WEST FROM THE SE CORNER, SECTION 20.

POD # 2 (MIDDLE FORK JOHN DAY RIVER): NE 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1800 FEET NORTH & 2950 FEET WEST FROM THE SE CORNER, SECTION 20.

POD # 3 (DAVIS CREEK): NW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1970 FEET NORTH & 720 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 3A (DAVIS CREEK): NW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1870 FEET NORTH & 590 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 4 (DAVIS CREEK): SW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1220 FEET NORTH & 310 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 5 (MIDDLE FORK JOHN DAY RIVER): NW 1/4 NE 1/4, SECTION 19, T 11 S, R 35 E, W.M.; 650 FEET SOUTH & 1750 FEET WEST FROM THE NE CORNER, SECTION 19.

POD # 6 (DEAD COW GULCH): SE 1/4 SW 1/4, SECTION 18, T 11 S, R 35 E, W.M.; 200 FEET NORTH & 1370 FEET EAST FROM THE SW CORNER, SECTION 18.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 5.0 acre-feet per acre for each acre irrigated from the MIDDLE FORK JOHN DAY RIVER and 4.0 acre-feet per acre for each acre irrigated from DAVIS CREEK and DEAD COW GULCH, during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

A description of the place of use to which this right is appurtenant is as follows:

MIDDLE FORK JOHN DAY

POD # 5	NW 1/4 NE 1/4	PRIMARY	4.9 ACRES
POD # 5	SW 1/4 NE 1/4		4.8 ACRES
POD # 5	SE 1/4 NE 1/4		3.6 ACRES
POD # 5	NE 1/4 NW 1/4		12.2 ACRES
POD # 5	NE 1/4 SE 1/4		7.5 ACRES

SECTION 13

TOWNSHIP 11 SOUTH, RANGE 34 EAST, W.M.

SUPPLEMENTAL

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WATER RESOURCES DEPT
SALEM OREGON

		PRIMARY	SUPPLEMENTAL
POD # 5	NE 1/4 SW 1/4		7.1 ACRES
POD # 5	NW 1/4 SW 1/4		24.4 ACRES
POD # 5	SW 1/4 SW 1/4		6.6 ACRES
POD # 5	SE 1/4 SW 1/4	8.6 ACRES	10.0 ACRES
POD # 5	SW 1/4 SE 1/4	2.8 ACRES	

SECTION 18

POD # 2	NE 1/4 NE 1/4		1.0 ACRE
POD # 2	NW 1/4 NE 1/4	1.2 ACRES	26.0 ACRES
POD # 2	SW 1/4 NE 1/4	9.4 ACRES	17.2 ACRES
POD # 2	SE 1/4 NE 1/4	2.0 ACRES	25.0 ACRES
POD # 2	NE 1/4 NW 1/4	1.0 ACRE	3.2 ACRES
POD # 5	NW 1/4 NE 1/4	1.7 ACRES	

SECTION 19

POD # 1	NE 1/4 SW 1/4	6.0 ACRES	
POD # 1	NW 1/4 SE 1/4	2.7 ACRES	
POD # 2	SW 1/4 NW 1/4	9.6 ACRES	1.6 ACRES
POD # 2	SE 1/4 NW 1/4	0.5 ACRE	
POD # 2	NE 1/4 SW 1/4	12.8 ACRES	
POD # 2	NW 1/4 SW 1/4	2.2 ACRES	

SECTION 20

DAVIS CREEK

POD # 3	NE 1/4 SW 1/4	0.3 ACRE	
POD # 3	NW 1/4 SW 1/4	3.6 ACRES	
POD # 3A	NW 1/4 SW 1/4	3.0 ACRES	
POD # 4	SW 1/4 NW 1/4	0.6 ACRE	
POD # 4	NW 1/4 SW 1/4	4.9 ACRES	

SECTION 20

TOWNSHIP 11 SOUTH, RANGE 35 EAST, W.M.

DEAD COW GULCH

POD # 6	NW 1/4 NE 1/4	2.5 ACRES	
POD # 6	SW 1/4 NE 1/4	25.6 ACRES	
POD # 6	SE 1/4 NE 1/4	3.1 ACRES	
POD # 6	NE 1/4 NW 1/4	5.6 ACRES	
POD # 6	SE 1/4 NW 1/4	1.6 ACRES	
POD # 6	NE 1/4 SE 1/4	20.4 ACRES	
POD # 6	NW 1/4 SE 1/4	4.3 ACRES	
POD # 6	SE 1/4 SE 1/4	1.3 ACRES	

SECTION 13

TOWNSHIP 11 SOUTH, RANGE 34 EAST, W.M.

POD # 6	SE 1/4 SW 1/4	2.1 ACRES	
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SECTION 18

TOWNSHIP 11 SOUTH, RANGE 35 EAST, W.M.

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WATER RESOURCES DEPT
SALEM OREGON

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,

affixed **OCT 08 2006**


Philip C. Ward, Director
Oregon Water Resources Department

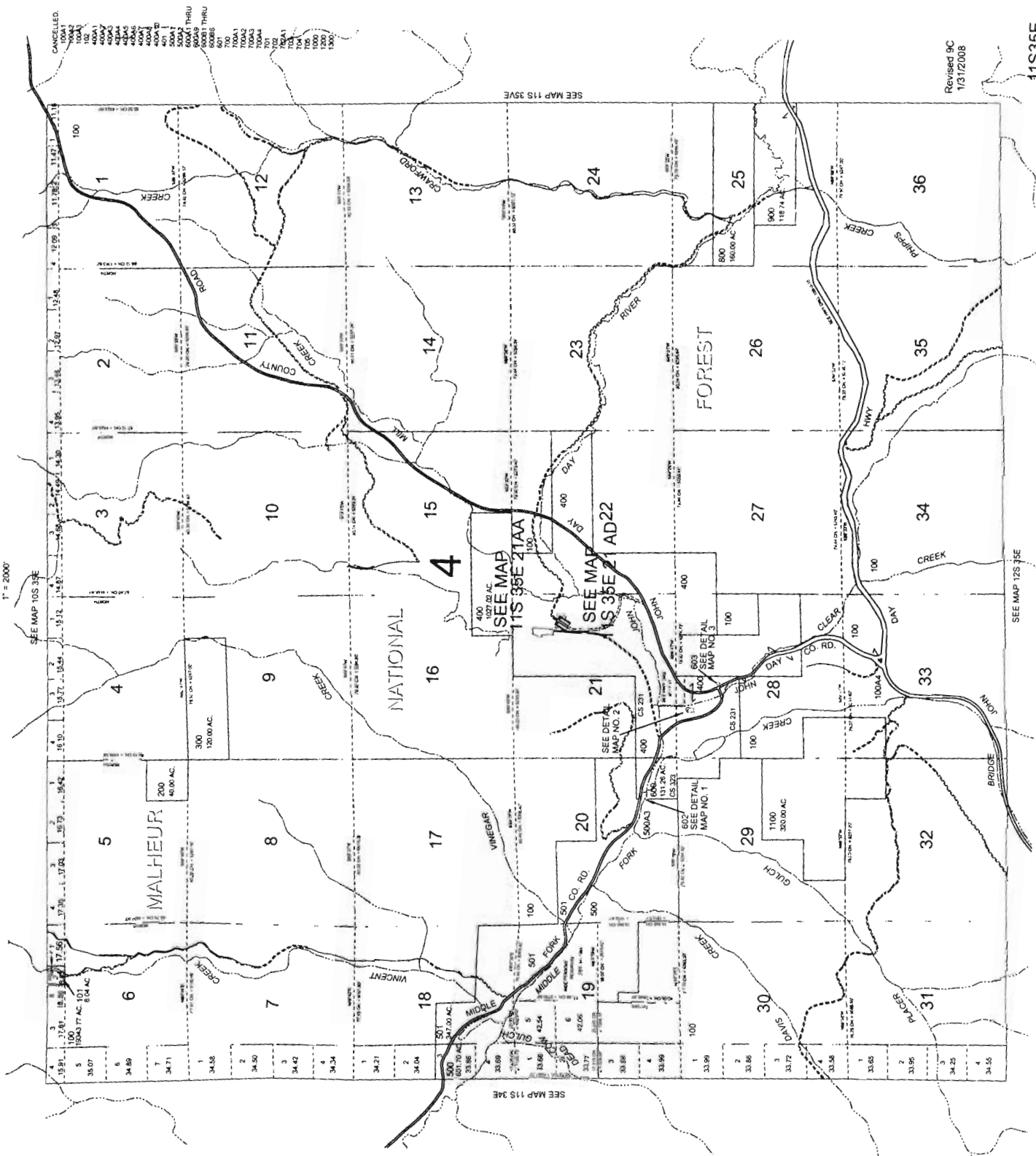
Recorded in State Record of Water Right Certificates Number 82405.

S-68980.JWG

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WATER RESOURCES DEPT
SALEM OREGON

Revised 9C
1/31/2008

11S35E

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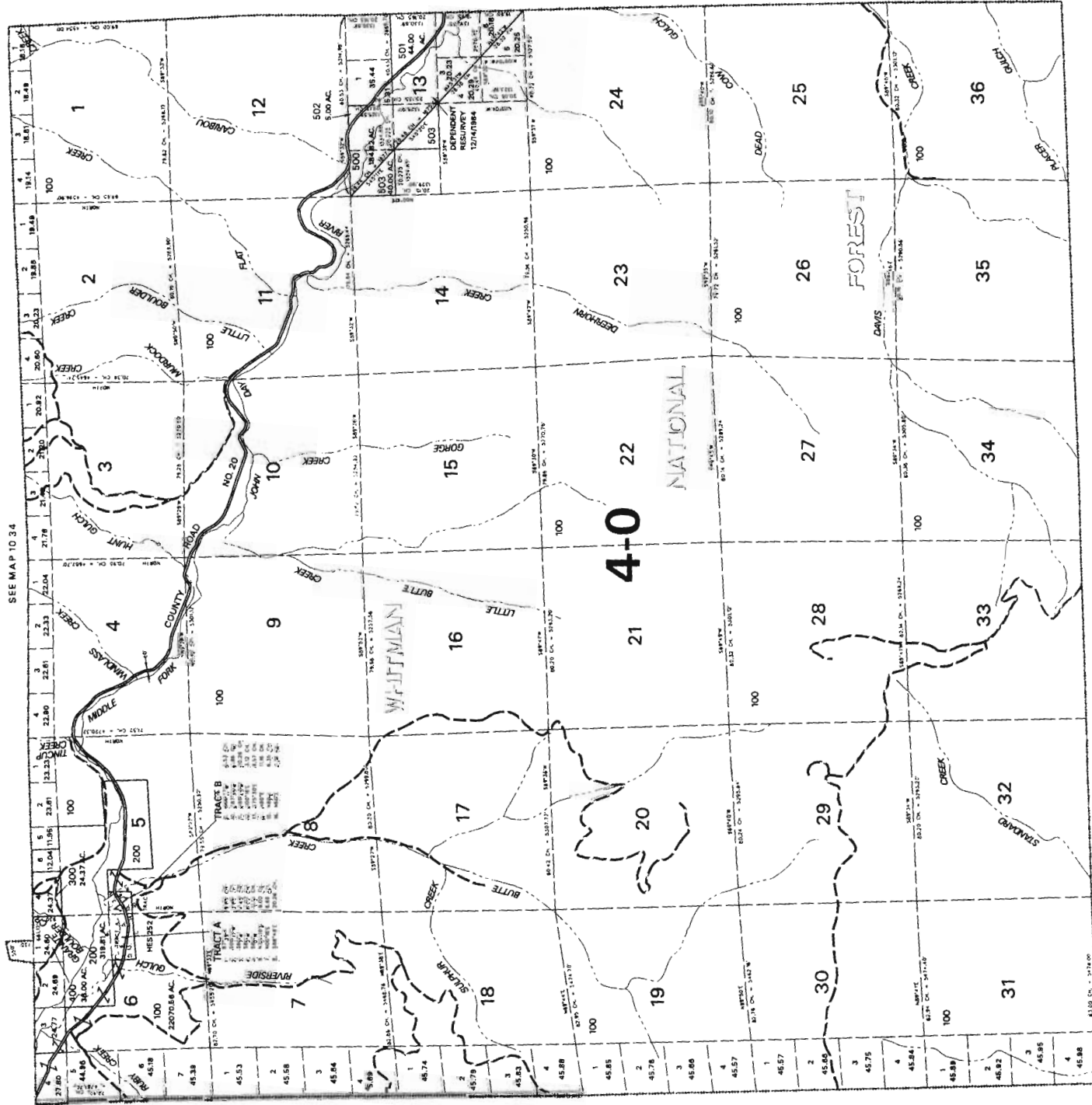
APR 09 2005

WATER RESOURCES DEPT
SALEM OREGON

T.11S. R.34E. W.M.
GRANT COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1"=2000'



SCALE IN FEET
0 2000 4000

SEE MAP 11 33

SEE MAP 11 35

11 34
CANCELLED NO.
101
102
201

REVISED: JD
03/2002

11 34

SEE MAP 12 34

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APR 09 2003
WATER RESOURCES DEPT
SALEM OREGON