



State of Oregon  
**Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>Complete Part 1 through 4 and include the required attachments</b> <b>Fill in or check boxes as indicated. (N/A= Not Applicable)</b>	OWRD # _____
	Fee- _____

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

**Check all items included with this application. (N/A = Not Applicable)**

**Yes**      **Part 1 – Completed Minimum Requirements Checklist and Application Fee**

<b>Fees</b>	<input type="checkbox"/> \$450.00 for a lease involving <b>four or more landowners or four or more water rights</b>	<input checked="" type="checkbox"/> \$300.00 for all other leases
	<input checked="" type="checkbox"/> Check enclosed <u>or</u> <input type="checkbox"/> Fee Charged to customer account _____ (account name)	

**Yes**      **Part 2 – Completed Instream Lease Application Map Checklist.**      RECEIVED BY OWRD

**Yes**      **Part 3 – Completed Water Right and Instream Use Information**  
 Include a separate **Part 3** for **each water right**      MAR 19 2015

**Yes**      **Part 4 – Completed Instream Lease Provisions and Signatures**      SALEM, OR

**Yes**      **How many water rights are leased? 2 List them here: 24339, 37690**  
 Include a separate **Part 3** for each **water right**.

**Yes**  **N/A**      **Other Water Rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?  
**List those other water rights here:** \_\_\_\_\_

**Yes**  **No**      Conservation Reserve Enhancement Program (**CREP**). Are some or all of the lands to be leased part of CREP or another Federal program (list here: \_\_\_\_\_)?

**Attachments:**

**Yes**  **N/A**      **Map:** Instream Lease map requirements (see Part 2 of this application)

**Yes**  **N/A**      **Tax Lot Map:** If a portion of the water right *not included in the lease* is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease.

**Yes**  **N/A**      Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4).

**Yes**  **N/A**      If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or.
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation which provides authority to pursue the lease absent consent of the landowner.

## Part 2 of 4 – Instream Lease Application Map Checklist

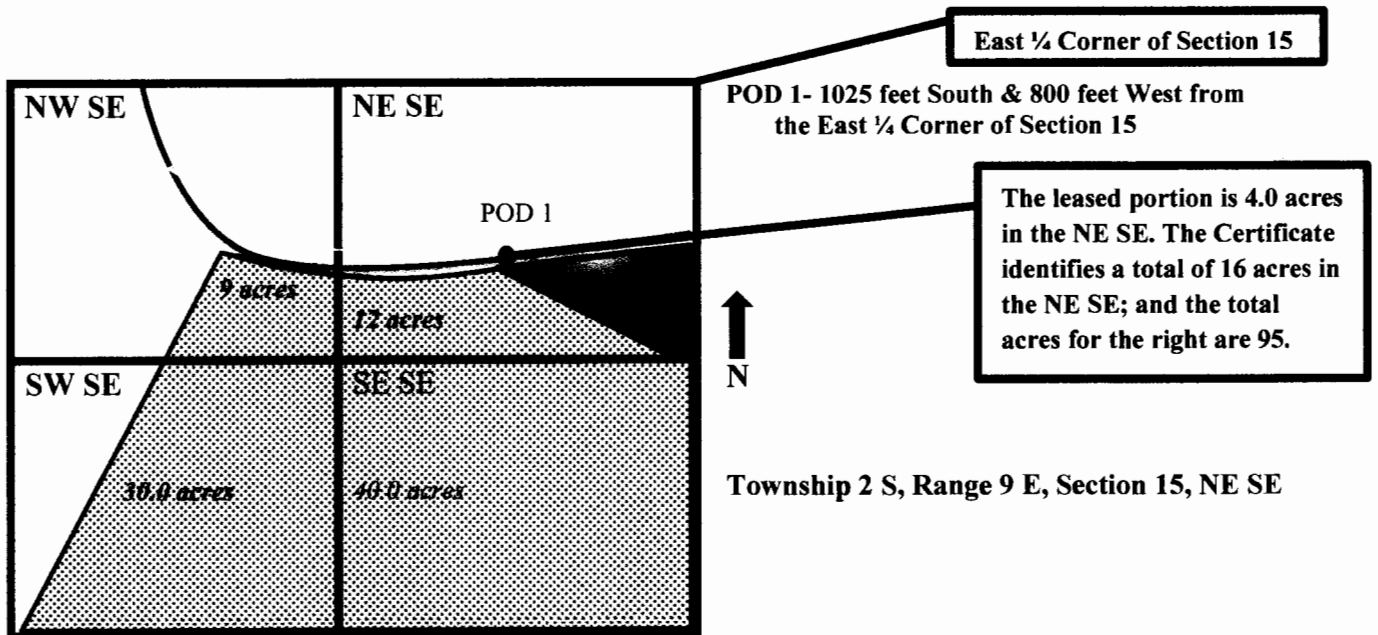
**A Map is generally required for each water right not leased in its entirety**

The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.

This should be a simple map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- N/A A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- A North arrow and map scale (no smaller than 1" = 1320').
- Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hachured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- If available, identify the existing point(s) of diversion.

***EXAMPLE MAP (the darker shaded portion representing the portion leased instream)***



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## Part 3 of 4 – Water Right and Instream Use Information

**Use a separate Part 3 for each water right to be leased instream**

### Water Right Information

Water right # 24339

**Table 1**

**Water Right Information:** Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

**If only leasing a portion of the right -** complete Table 1 as indicated       **Entirety -** If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
4/15/1953	1	30-S	5-W	13	NE-SW	700		0.3	IR	
4/15/1953	1	30-S	5-W	13	SE-SW	700		9.6	IR	
4/15/1953	1	30-S	5-W	13	NW-SE	700		0.1	IR	RECEIVED BY OWRD
4/15/1953	1	30-S	5-W	13	SW-SE	700		16.4	IR	
4/15/1953/	1	30-S	5-W	24	NW-NE	700		0.1	IR	MAR 19 2015

Total Acres: 26.5

SALEM, OR

**Table 2**

**To illustrate the totals for the water right proposed to be leased instream**

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
4/15/1953	1	IR	26.5			66.25

Total af from storage, if applicable: \_\_\_\_\_ AF or  N/A

Any additional information about the right: \_\_\_\_\_

**Table 3**

**Point of Diversion (POD) description:** 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(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1	30-S	5-W	13	SW-SE	#55	SWSE 1/4 as projected within T. Smith DLC #55. @RM 54.0
	-	-		-		

Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

**Part 3 of 4 cont. – Water Right and Instream Use Information**

**Instream Use Information**

**Table 4**

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>South Umpqua, tributary to Umpqua River</u>				<b>River Basin:</b> <u>Umpqua</u>		
<p><b>Instream Portion:</b> Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.</p> <p>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
4/15/1953	1	IR	26.5	7/23 - 10/31	.33	66.25
<p>Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.</p>						
<p><b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.</p>						
<b>Instream Reach</b>						
<p><b>Proposed Instream Reach:</b>  <input checked="" type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to <u>47.3</u></p>				<p><b>Or Proposed Instream Point:</b>  <input type="checkbox"/> Instream use protected at the POD</p>		
<p><b>OR</b> <input type="checkbox"/> 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.)</p>						
<b>Additional Instream Information</b>						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p><b>Any additional information about the proposed instream use:</b> _____</p>						

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## Part 3 of 4 – Water Right and Instream Use Information

Use a separate Part 3 for each water right to be leased instream

### Water Right Information

Water right # 37690

**Table 1**

**Water Right Information:** Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

<input type="checkbox"/> <b>If only leasing a portion of the right - complete Table 1 as indicated</b>					<input checked="" type="checkbox"/> <b>Entirety - If the entire water right is to be leased, skip to Table 3.</b>					
Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
4/11/1962	1	30-S	5-W	13	SE-SW	600		7.5	IR	
4/11/1962	1	30-S	5-W	24	NE-NW	100		14.6	IR	
		-	-		-					RECEIVED BY OWRD  MAR 19 2015
		-	-		-					
		-	-		-					

Total Acres: 22.1

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**Table 2**

To illustrate the totals for the water right proposed to be leased instream						
Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)						
Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
4/11/1962	1	IR	22.1		.28	55.25
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: _____						

**Table 3**

<b>Point of Diversion (POD) description:</b> 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.						
POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1	30-S	5-W	24	NW-NE		200 feet south and 2740 feet east from NW Corner, Sec. @RM 53.9
	-	-		-		
<input type="checkbox"/> Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.						

**Part 3 of 4 cont. – Water Right and Instream Use Information**

**Instream Use Information**

**Table 4**

<b>Instream Use Created by the Lease</b>						
<b>River/ Stream Name:</b> <u>South Umpqua, tributary to Umpqua River</u>				<b>River Basin:</b> <u>Umpqua</u>		
<b>Instream Portion:</b> Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased.						
If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
4/11/1962	1	IR	22.1	7/25 .28- 10/31	.28	55.25
<p>Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.</p>						
<p><b>OR</b> <input type="checkbox"/> Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.</p>						
<b>Instream Reach</b>						
<p><b>Proposed Instream Reach:</b>  <input checked="" type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to <u>RM 47.3</u></p>				<p><b>Or Proposed Instream Point:</b>  <input type="checkbox"/> Instream use protected at the POD</p>		
<p><b>OR</b> <input type="checkbox"/> 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.)</p>						
<b>Additional Instream Information</b>						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____</p>						
<p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p><b>Any additional information about the proposed instream use:</b> _____</p>						

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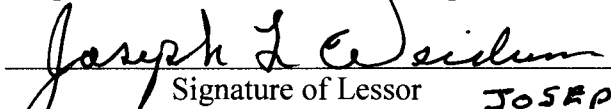
**Part 4 of 4 – Lease Provisions and Party Signatures**

<p><b>Term of the Lease (may be from 1 year up to 5 years):</b>                  The lease is requested to begin in: month <u>3/1</u> year <u>2015</u> and end: month <u>10/31</u> year <u>2019</u>                  Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p><b>Public use:</b> Check the public use(s) this lease will serve (as defined by ORS 537.332):  <input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.  <input type="checkbox"/> Recreation  <input type="checkbox"/> Pollution abatement  <input type="checkbox"/> Navigation</p>	<p><b>Termination provision (for multiyear leases):</b>  <b>The parties to the lease request (choose one):</b>  <input checked="" type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.  <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.  <input type="checkbox"/> c. The parties would not like to include a Termination Provision.                  (See instructions for limitations to this provision)</p>
<p><b>Additive/Replacing Relationship to other instream water rights:</b> Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.                  If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/>                  And attach an explanation of your intent.</p>	
<p><b>Validity of the Right(s) to be leased (check the appropriate box):</b>  <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or  <input type="checkbox"/> The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.</p>	

**Precedent:** If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

**The undersigned declare:**

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

 Date: 3/15/15  
 Signature of Lessor JOSEPH L WEIDUM  
 Printed name (and title): OWNER Business name, if applicable: \_\_\_\_\_  
 Mailing Address (with state and zip): 5795 UPTON RD CENTRAL POINT OR 97502  
 Phone number (include area code): 346621-8096 \*\*E-mail address: RECEIVED BY OWRD

**See next page for additional signatures.**

MAR 19 2015

STATE OF OREGON  
COUNTY OF DOUGLAS  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** PEARL ULAM

of Canyonville, 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 South Umpqua River a tributary of Umpqua River for the purpose of irrigation of 26.5 acres under Permit No. 22260 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 15, 1953.

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 0.33 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 SW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within T. Smith DLC #55, Section 13, Township 30 South, Range 5 West, W.M.

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 $\frac{1}{2}$  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:

0.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
9.6 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Morgan DLC #54  
0.1 acres Lot 2 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
16.1 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Morgan DLC #54  
0.3 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within T. Smith DLC #55  
Section 13  
0.1 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 24  
Township 30 South, Range 5 West, 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

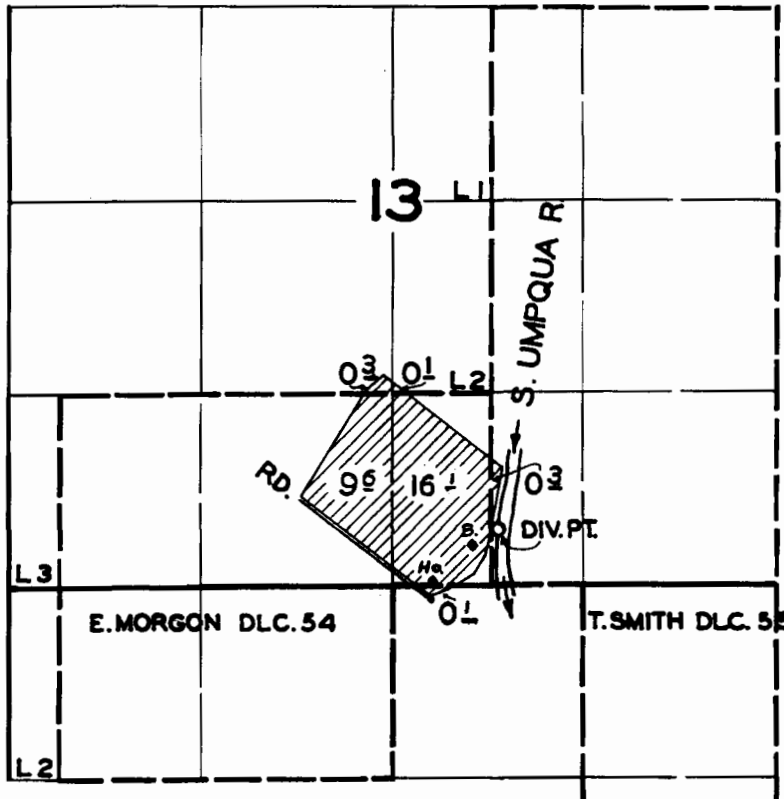
this 10th day of October, 1958.

LEWIS A. STANLEY

State Engineer



T. 30S. R. 5W. W.M.



**FINAL PROOF SURVEY**  
UNDER

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MAR 19 2015

Application No. 28311 Permit No. 22260  
IN NAME OF

SALEM, OR

PEARL ULAM

Surveyed OCT. 14 1956, by

STATE OF OREGON  
COUNTY OF DOUGLAS  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      PETER E. ULAM

of Myrtle Creek, 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 South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 22.1 acres

under Permit No. 27976 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 11, 1962

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 0.28 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> NE<sup>1</sup>/<sub>4</sub>, as projected within Morgan DLC 54, Section 24, T. 30 S., R. 5 W., W.M. Diversion point located- 200 feet South and 2740 feet East from NW Corner, Section 24

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-eighth 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 2½ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the South Umpqua River is more than 60 cubic foot 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:

7.5 acres SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, as projected within Morgan DLC 54  
Section 13

14.6 acres NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, as projected within Morgan DLC 54  
Section 24  
T. 30 S., R. 5 W., W. M.

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SALEM, OR

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

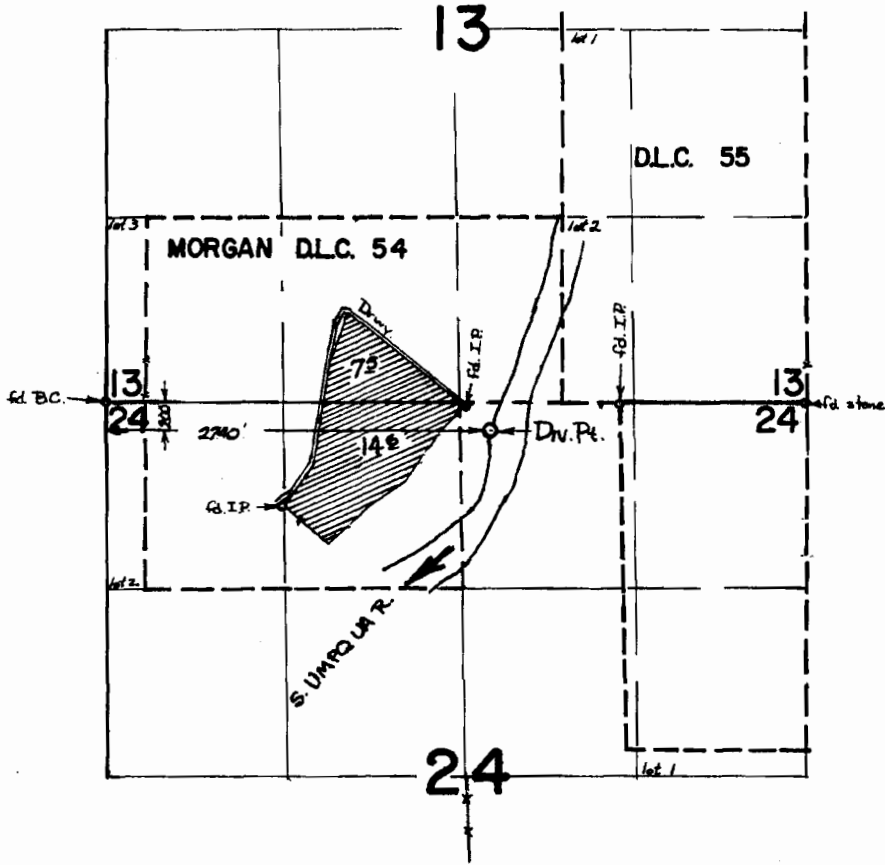
this date.      October 5, 1971

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37690

# T.30S. R.5W. W.M.



## FINAL PROOF SURVEY

UNDER

Contract No. 37541 Permit No. 27976

IN NAME OF

**PETER E. ULAM**

24 JUNE 69

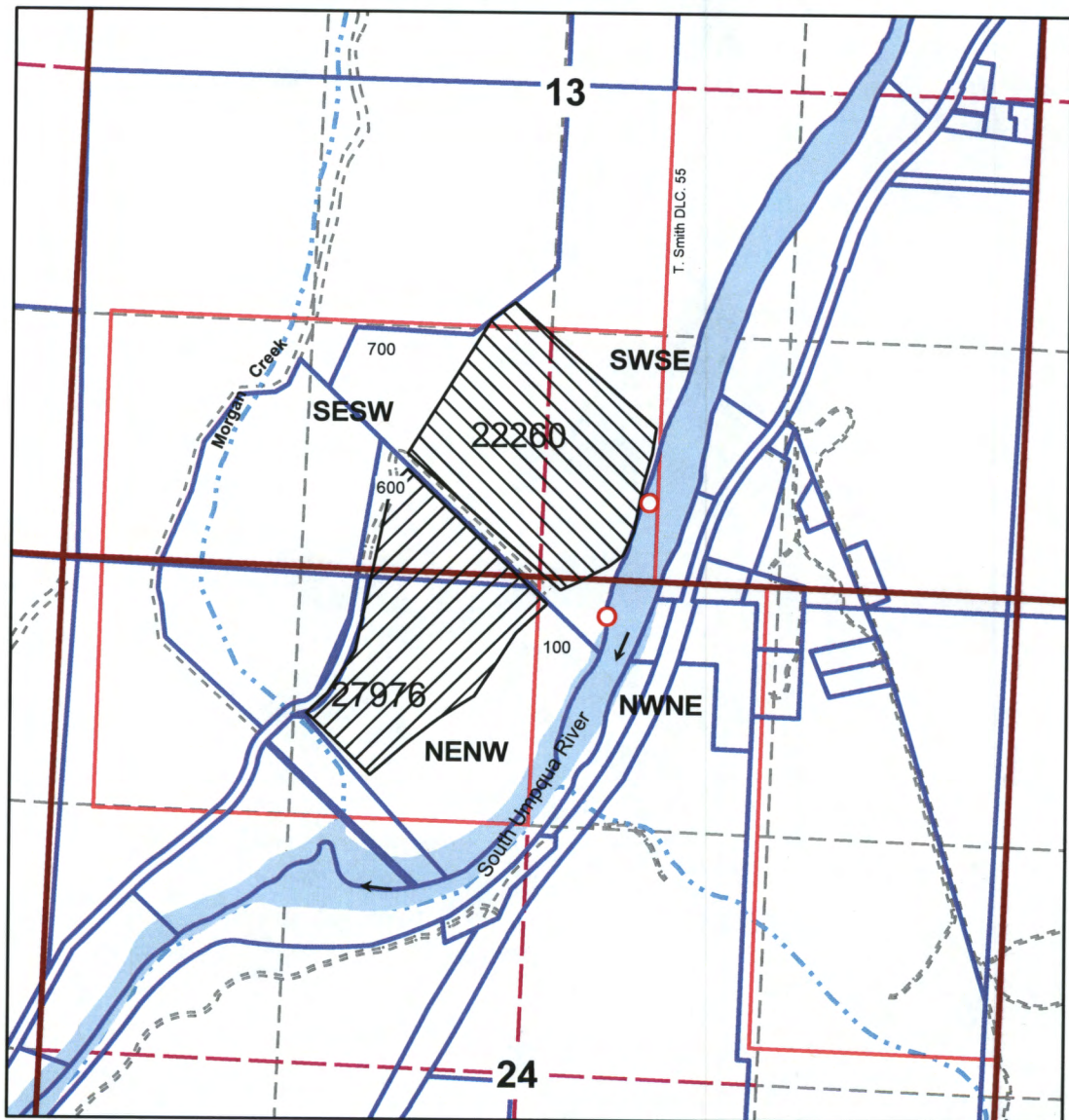
Surveyed 2 JUNE 19 70, by D. R. BUELL

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SALEM, OR

**Instream Lease Application Map**  
**Joseph Weidum**  
**T. 30S., R 5W. W.M.**  
**Sections 13 and 24**  
**Douglas County**  
**Scale 1" = 1000'**  
**Permits 22260 and 27976**



**POD for Permit 22260 is SWSE as projected within T. Smith DLC #55, Section 13, T.30S., R5W.**

**POD for Permit 27976 is 200' south and 2740' east from the NW corner of Section 24, T.30S. R5W.**

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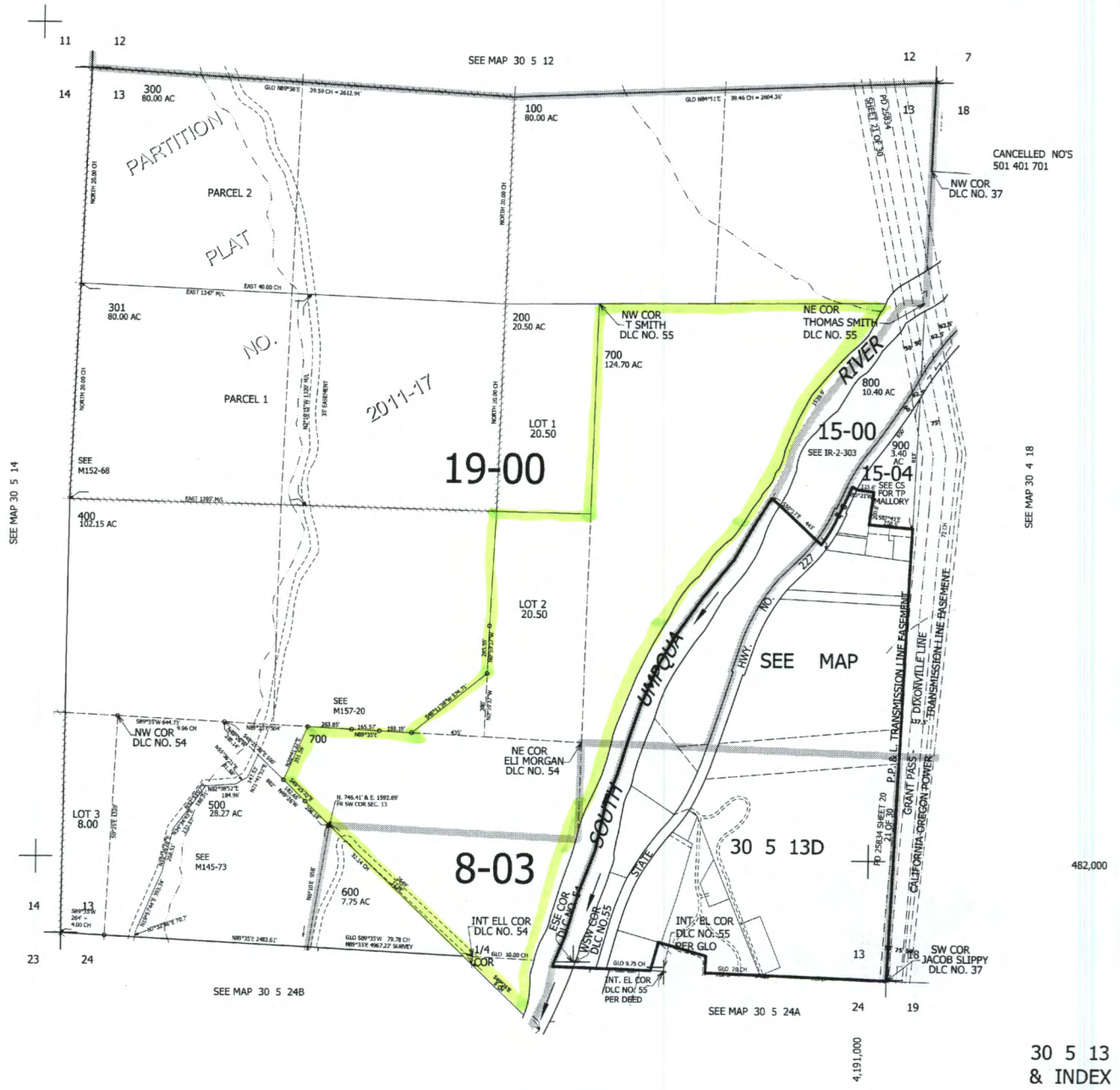


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.13 T30S. R.5W. W.M.  
DOUGLAS COUNTY  
1" = 400'

REVISED ON  
8-26-14

30 5 13  
& INDEX



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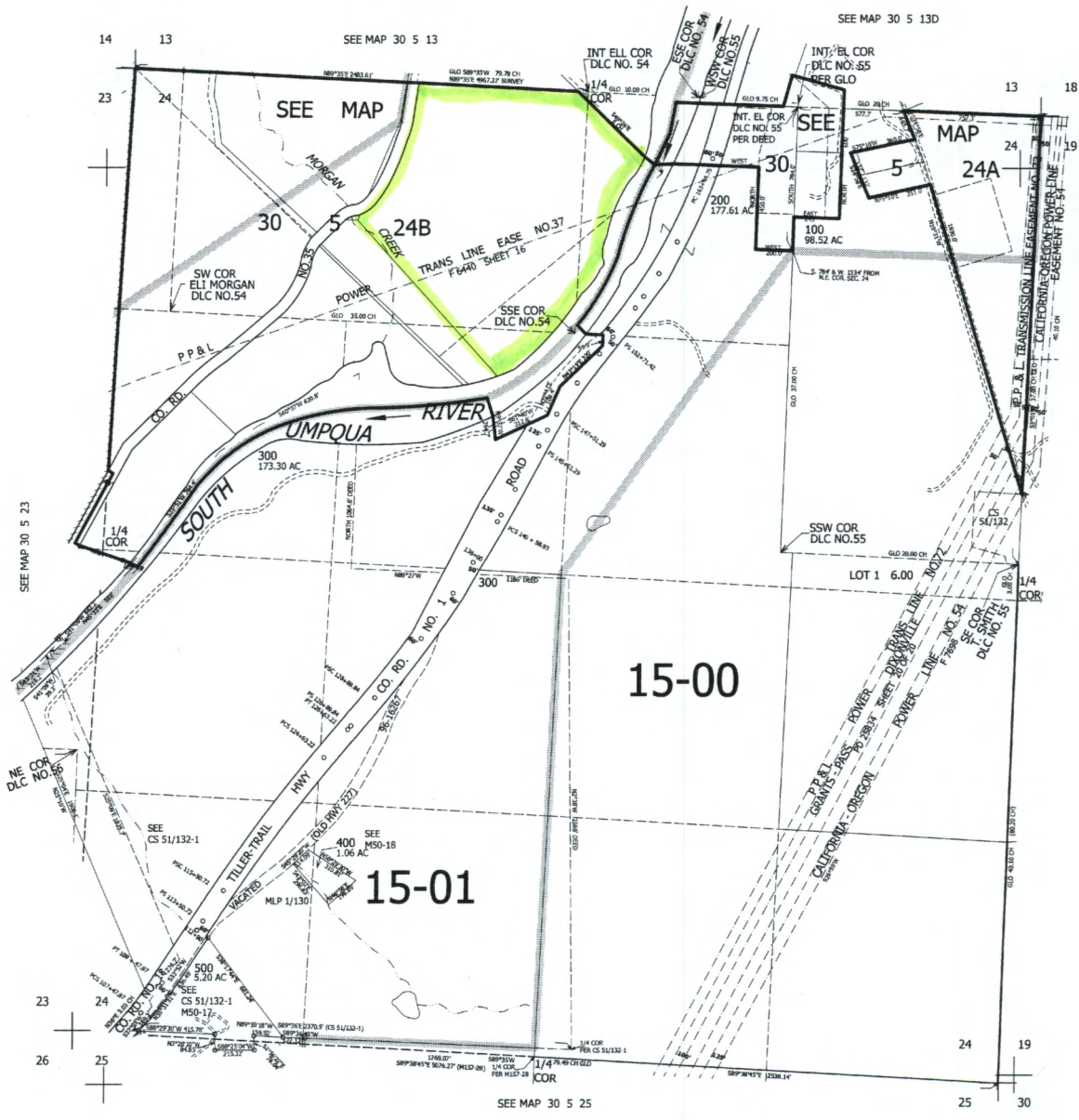
SALEM, OR

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.24 T30S. R.5W. W.M. DOUGLAS COUNTY  
1" = 400'

REVISED ON 8-27-14

30 5 24 & INDEX



CANCELLED NOS

SEE MAP 30 4 19

476,000

30 5 24 & INDEX

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