



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

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD # <u>SL-1478</u>
	Fee- <u>300⁰⁰</u>

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**

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

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

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

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Yes **Part 4 – Completed Instream Lease Provisions and Signatures**

Yes **How many water rights are leased? 2 List them here: 12058, 3154**
 Include a separate **Part 3** for each water right.

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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

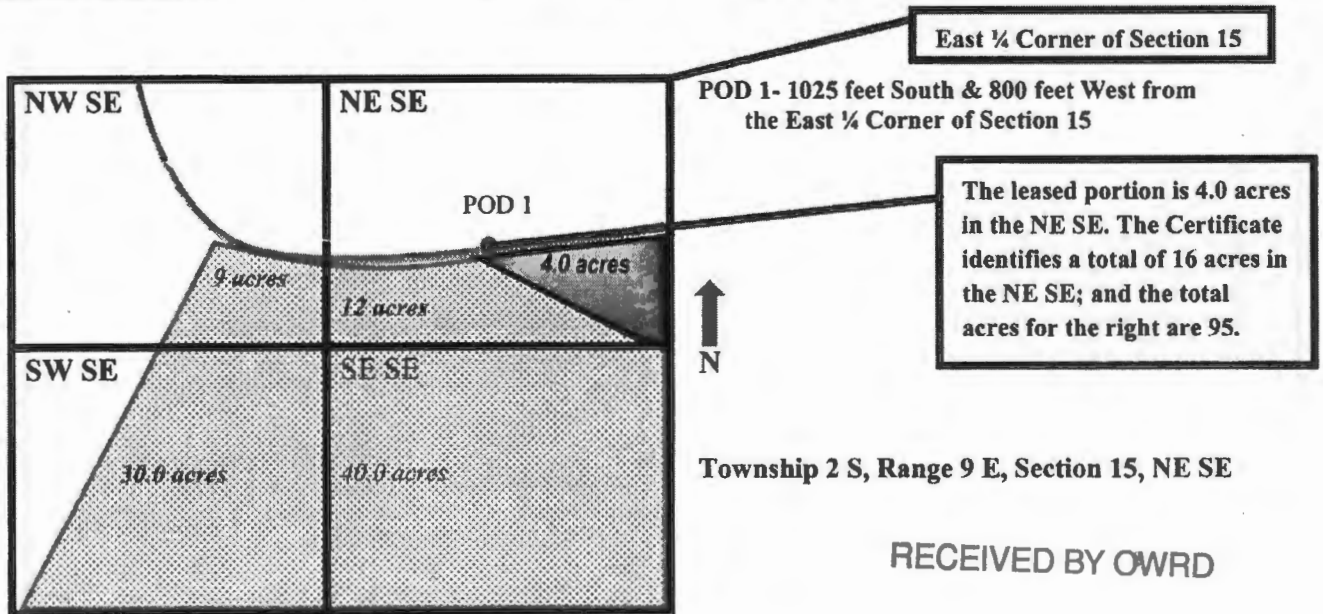
A Map is generally required for each water right not leased in its entirety

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

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

Water Right Information

Water right # 12058

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)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	1L-1100
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: _____

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)

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-S	43-E	27	NE-NW		unknown
	-	-		-		

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Please check this box if you don't know the location of the POD(s) and want the Department to identify the **SALEM, OR**
Part 3 of 4 cont. – Water Right and Instream Use Information

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Lostine River, tributary to Wallowa River</u>				River Basin: <u>Grande Ronde</u>		
Instream Portion: 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)
1938		IR	16	May 1 - September 30	0.395	88
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.						
OR <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.						
Instream Reach						
Proposed Instream Reach: <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>mouth of the Wallowa River</u>				Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD		
OR <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.)						
Additional Instream Information						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Same limit/duty described in certificate. Reduce instream rate to 0.132 cfs during period beginning on August 1 and ending on September 30.</u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Part 3 of 4 – Water Right and Instream Use Information

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Water Right Information

Water right 3154

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)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE-SE	100	47	4.0	IR	IL-1100
1897		1-S	43-E	14	NE-SW			39.5	IR	IL-617
1897		1-S	43-E	14	NW-SW			4.0	IR	IL-617
1897		1-S	43-E	14	NW-SE			30.5	IR	IL-617
		-	-		-					
		-	-		-					

Total Acres: 74

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)
1897		IR	74		1.825	407

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-S	43-E	27	NE-NW		unknown
	-	-		-		

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.

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

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Lostine River, tributary to Wallowa River</u>				River Basin: <u>Grande Ronde</u>		
Instream Portion: 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)
1938 1997		IR	74	May 1 - September 30	1.825	407
<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>OR <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>						
Instream Reach						
Proposed Instream Reach: <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>mouth of the Wallowa River</u>				Or Proposed Instream Point: <input type="checkbox"/> Instream use protected at the POD		
<p>OR <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>						
Additional Instream Information						
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here <u>Same limit/duty described in certificate. Reduce instream rate to 0.602 during period beginning on August 1 and ending on September 30.</u>						
<p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
Any additional information about the proposed instream use: _____						

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Part 4 of 4 – Lease Provisions and Party Signatures

Term of the Lease (may be from 1 year up to 5 years):

The lease is requested to begin in: month May year 2015 and end: month September year 2019

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.

Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
- Recreation
- Pollution abatement
- Navigation

Termination provision (for multiyear leases):

The parties to the lease request (choose one):

- 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.
- b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
- c. The parties would not like to include a Termination Provision.

(See instructions for limitations to this provision)

Additive/Replacing Relationship to other instream water rights: 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.
And attach an explanation of your intent.

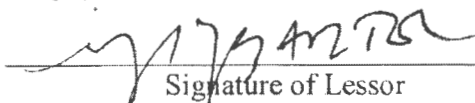
Validity of the Right(s) to be leased (check the appropriate box):

- 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
- 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.

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.


Signature of Lessor

Date: 5/12/2015

Printed name (and title): Caylin Barter, Flow Restoration Director Business name, if applicable: The Freshwater Trust

Mailing Address (with state and zip): 65 SW Yamhill St., Suite 200, Portland, OR 97204

Phone number (include area code): 503-222-9091 x16
caylin@thefreshwatertrust.org

**E-mail address:

See next page for additional signatures.

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Rob Kirschner
Signature of Lessor

Date: 5/12/15

Printed name (and title): Rob Kirschner, Staff Attorney

Business/organization name: The Freshwater Trust

Mailing Address (with state and zip): 65 SW Yamhill St., Suite 200, Portland, OR 97204

Phone number (include area code): 503-222-9091 x50

**E-mail address:

rob@thefreshwatertrust.org

Signature of Lessee

Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: _____

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**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED TO THE LESSOR.**

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059162

MAY 12 2015

After Recording, Return To:
Oregon Water Trust
522 SW 5th Avenue Suite 825
Portland, OR 97204

SALEM, OR

**QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantors, Les and Nancy Carlsen, release and quitclaim to Oregon Water Trust, grantee, all rights, title and interest in and to the following water rights: See Exhibit A attached hereto.

Grantors acknowledge that Oregon Water Trust may elect to complete a transfer application and submit it to the Oregon Water Resources Department for approval of use of the water right at a new location and/or use. Further, by execution of this deed, grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit B (the "Property") that grantor, as owner of the subject land, agrees to and shall approve any future transfer (including a change in the place and type of use and point of diversion) of the water rights appurtenant to the subject land; and that upon completion of a transfer by election of Oregon Water Trust, the subject land will no longer have an appurtenant water right if the transfer includes a change in the place of use.

This Deed is binding upon the heirs, executors, administrators, successors, and assigns of the parties to this Deed.

THE TRUE CONSIDERATION for this conveyance is Ten and NO/100 Dollars and other property or value given which constitutes the whole transaction.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Tax statement: No Change

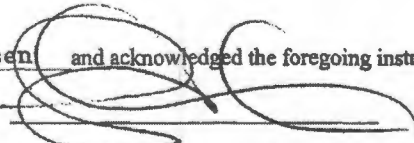
Grantor:

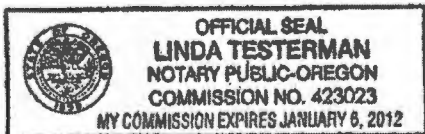
Les Carlsen Date 24 Jan 08
Les Carlsen

Nancy Carlsen Date 01/24/08
Nancy Carlsen

State of OREGON)
)
County of WALLOWA) SS.

Personally appeared Les Carlsen & Nancy Carlsen and acknowledged the foregoing instrument to be their voluntary act and deed their


My commission expires 1/6/2012



RECORDED BY WALLOWA TITLE COMPANY AS AN ACCOMMODATION ONLY.
NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR
FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

MAR 12 2015

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**EXHIBIT A
TO QUITCLAIM DEED**

1. THE FOLLOWING PROPERTY IS SUBJECT TO THIS CONVEYANCE

Any and all surface water rights and ground water rights (to the extent such ground water rights are hydraulically connected to surface water), ditch rights, spring rights, or portions thereof that are appurtenant to, or are used on or within the boundaries of, those lands described on the Exhibit B attached hereto, including, but not limited to, the following water rights:

- | | | |
|----|--|--|
| a. | All of Water Right Certificate:
Use:
Priority Date:
Place of Use: | #12058, issued in the name of F.W. Hammack
Irrigation of 16 acres
February 18, 1938
E ½ of the NW ¼ of the SW ¼, Township 1 South,
Range 43 East, W.M., Section 14. |
| b. | A Portion of Water Right Certificate:
Use:
Priority Date:
Place of Use: | #3154, issued in the name of Sheep Ridge Ditch Co.
Irrigation, domestic and stock
1897

Tract No. 1: 30.5 acres in the NW ¼ of the SE ¼,
Township 1 South, Range 43 East,
W.M. Section 14.

Tract No. 8: 39.5 acres in the NE ¼ of the SW ¼,
and 4 acres in the NW ¼ of the SW
¼, Township 1 South, Range 43
East, W.M. Section 14 |
| c. | A Portion of Water Right Certificate:
Use:
Priority Date:
Place of Use | #4930, issued in the name of Minam Lake Reservoir Co.
Supplemental irrigation
May 29, 1916
20 Acres in the NW ¼ of the SW ¼, Township 1 South, Range
43 East, W.M. Section 14; AND

39.5 acres in the NE ¼ of the SW ¼, Township 1 South,
Range 43 East, W.M. Section 14; AND

24 acres in the NW ¼ of the SE ¼ Township 1 South, Range
43 East, W.M. Section 14 |

INCLUDING any and all easements and rights-of-way associated with the above referenced water rights including, but not limited to, a non-exclusive right, title and interest associated with the above referenced rights in and to the use of ditches, pipelines, conduits, headgates, flumes, and any and all other facilities used for conveyance of water from respective creeks, without regard for whether such facilities are at their historical location or have been moved, relocated or otherwise modified; and

FURTHER INCLUDING an undivided interest in common with other water users in any and all facilities and rights not exclusively owned by grantors associated with the above referenced water rights including such interest in any and all headgates, flumes, diversion structures and measuring structures, pumps, meters and other property used in delivering water from the specified sources and to the place of use and measuring water so used; and

TOGETHER WITH all and singular, the hereditaments and appurtenances thereto belonging, or in anywise appertaining.

MAY 12 1973

Form 4.3-68-2-57

SALEM, OR

019162

STATE OF OREGON COUNTY OF WALLOA CERTIFICATE OF WATER RIGHT

This Is to Certify, That **Z. W. HANLON**

of **Loatline** 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 Fork of Walloom River** for the purpose of **Walloom River**

a tributary of **Trilliglan** of the State Engineer, and that said right to the use of said waters under Permit No. 12956 has been perfected in accordance with the law of Oregon; that the priority of the right hereby confirmed dates from **February 19, 1958**

that the amount of water to which such right is entitled said hereby confirmed, for the purposes aforesaid, is limited to an amount continually beneficially used for said purpose, and shall not exceed **0.4 cubic foot per second** measured at the point of diversion from the stream,

The point of diversion is located in the NE1/4, Section 27, Township 1 South, Range 43 East, T. N. N. or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount reserved under any other right existing for the same lands, shall be limited to _____ of one cubic foot per second per acre - a diversion of not to exceed **1/2 acre-foot** per acre for each acre irrigated during any thirty-day period from **May 1 to July 31**, and thereafter shall be limited to a diversion of not to exceed **1 acre-foot** per acre for each acre irrigated during the remainder of the Trilliglan season ending **October 1**, and shall conform to such reasonable rotation systems 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:

1/2 acre in the E1/4SW1/4, Section 14, Township 1 South, Range 43 East, T. N. N.

The right to the use of the water for the purposes aforesaid is restricted to the lands or places 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, works and other structures and all appurtenances thereto which have been constructed for the purpose of diverting to beneficial use the water rights specified herein, upon conditions 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 exercise thereof of the property taken in accordance with the provisions of sections 47-504, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed
this **21st** day of **July**, 19**68**

CLAS. E. SPRITZEL
State Engineer

Recorded in State Record of Water Right Certificate, Volume **11**, page **12058**

X

MAY 12 2015

059162 ✓

SALEM, OR

STATE OF OREGON.

COUNTY OF WALLOWA.

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That the SHEEP RIDGE DITCH CO., a corporation by Jay Lewis, Secretary, of Lostine, State of Oregon, has a right to the use of the waters of the South Fork of Wallowa River, a tributary of the "allowa River, for the purpose of the irrigation of 444.5 acres of land, domestic and stock use, and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of Oregon, in Volume 6, pages 192 and 193; that the priority of the right hereby confirmed dates from 1897; 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 $1\frac{1}{2}$ acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

Tract No. 1: $30\frac{1}{2}$ acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 2: 7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; 7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 25 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 3: 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 4: 39 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; 16 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 and $20\frac{1}{2}$ acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 5: 37 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 19 $\frac{1}{2}$ acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 and 21 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 6: 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 7: $1\frac{1}{2}$ acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23; $9\frac{1}{2}$ acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 and $1\frac{1}{2}$ acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 8: $59\frac{1}{2}$ acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 1 South, Range 43 East of Willamette Meridian.

Tract No. 9: 39 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 1 South, Range 43 East of Willamette Meridian.

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Tract No. 10: 21 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18; 30 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East of Willamette Meridian. (36 $\frac{1}{2}$ acres of the above lands supplemented by water from Cook & Lewis ditch).

All of said above described lands being in Wallowa County, Oregon.

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

WITNESS the seal and signature of the STATE WATER BOARD

Affixed this 2nd day of April, 1921.

STATE WATER BOARD

BY PERCY A. CUPPER,

State Engineer, President.

(SEAL OF STATE WATER BOARD)

ATTEST:

R. W. POTTER,
Secretary.

MAY 12 2005

SALEM, OR

053163

Quarter (SE¹SW¹), Thirty-three (33) acres in the Southwest Quarter of the Southwest Quarter (SW²SW²), One hundred and thirty-eight and 4/10 (138.4) acres in the Northwest Quarter (NW¹) of Section Nine (9); Forty (40) acres in the Northeast Quarter of the Northeast Quarter (NE²NE²), Forty (40) acres in the Northwest Quarter of the Northeast Quarter (NW²NE²), Forty (40) acres in the Southeast Quarter of the Northeast Quarter (SE²NE²), Forty (40) acres in the Southwest Quarter of the Northeast Quarter (SW²NE²), Twenty-five (25) acres in the Northeast Quarter of the Southeast Quarter (NE²SE²), Five (5) acres in the Northwest Quarter of the Southeast Quarter (NW²SE²), Five (5) acres in the Southeast Quarter of the Southeast Quarter (SE²SE²), Eight (8) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Twelve and 5/10 (12.5) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), of Section Eight (8); Thirty (30) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Forty (40) acres in the Southeast Quarter of the Southwest Quarter (SE²SW²); Forty (40) acres in the Southwest Quarter of the Southwest Quarter (SW²SW²) of Section Three (3); Twenty-one (21) acres in the Northwest Quarter of the Northeast Quarter (NW²NE²), Twenty-four and 5/10 (24.5) acres in the Southwest Quarter of the Northeast Quarter (SW²NE²), Twenty-two (22) acres in the Northeast Quarter of the Southeast Quarter (NE²SE²), Twenty-five (25) acres in the Northwest Quarter of the Southeast Quarter (NW²SE²), Forty (40) acres in the Southeast Quarter of the Southeast Quarter (SE²SE²), Sixteen (16) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Twenty-five (25) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Twenty-seven (27) acres in the Northwest Quarter of the Northwest Quarter (NW²NW²), Three (3) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), Thirty-eight (38) acres in the Southwest Quarter of the Northwest Quarter (SW¹NW¹), Thirteen and 5/10 (13.5) acres in the Northeast Quarter of the Southwest Quarter (NE¹SW¹), Forty (40) acres in the Northwest Quarter of the Southwest Quarter (NW¹SW¹), Thirty-seven (37) acres in the Southeast Quarter of the Southwest Quarter (SE¹SW¹), Forty (40) acres in the Southwest Quarter of the Southwest Quarter (SW¹SW¹), of Section Four (4); Forty (40) acres in the Northeast Quarter of the Northeast Quarter (NE²NE²), Forty (40) acres in the Northwest Quarter of the Northeast Quarter (NW²NE²), Forty (40) acres in the Southeast Quarter of the Northeast Quarter (SE²NE²), Forty (40) acres in the Southwest Quarter of the Northeast Quarter (SW²NE²), Forty (40) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Twenty (20) acres in the Northwest Quarter of the Northwest Quarter (NW²NW²), Forty (40) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), Forty (40) acres in the Northeast Quarter of the Southeast Quarter (NE²SE²), Forty (40) acres in the Northwest Quarter of the Southeast Quarter (NW²SE²), Forty (40) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Thirty-four (34) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Thirty-two (32) acres in the Southeast Quarter of the Southwest Quarter (SE¹SW¹), of Section Five (5); Forty (40) acres in the Northwest Quarter of the Northeast Quarter (NW²NE²), Thirty-seven (37) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹) of Section Six (6), Township One (1) South, Range Forty-three (43) East; Thirty (30) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Thirty (30) acres in the Northwest Quarter of the Northwest Quarter (NW²NW²), Twenty-five (25) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), Forty (40) acres in the Southwest Quarter of the Northwest Quarter (SW¹NW¹), Thirty (30) acres in the Northeast Quarter of the Southwest Quarter (NE¹SW¹), Four (4) acres in the Northwest Quarter of the Southwest Quarter (NW²SW²), Twenty-five (25) acres in the Southeast Quarter of the Southwest Quarter (SE¹SW¹), Twenty-five (25) acres in the Southwest Quarter of the Southwest Quarter (SW²SW²) of Section Thirty-three (33); Eighteen (18) acres in the Northwest Quarter of the Northeast Quarter (NW²NE²), Sixteen (16) acres in the Southeast Quarter of the Northeast Quarter (SE²NE²), Forty (40) acres in the Southwest Quarter of the Northeast Quarter (SW²NE²), Thirty-five (35) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Thirty-eight (38) acres in the Northwest Quarter of the Northwest Quarter (NW²NW²), Forty (40) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), Forty (40) acres in the Southwest Quarter of the Northwest Quarter (SW¹NW¹), Thirty-four (34) acres in the Northeast Quarter of the Southeast Quarter (NE²SE²), Forty (40) acres in the Northwest Quarter of the Southeast Quarter (NW²SE²), Forty (40) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Forty (40) acres in the Northeast Quarter of the Southwest Quarter (NE¹SW¹), Forty (40) acres in the Northwest Quarter of the Southwest Quarter (NW²SW²), Forty (40) acres in the Southeast Quarter of the Southwest Quarter (SE¹SW¹), Fifteen (15) acres in the Southwest Quarter of the Southwest Quarter (SW²SW²) of Section Thirty-two (32); Twenty-five (25) acres in the Northeast Quarter of the Northwest Quarter (NE¹NW¹), Ten (10) acres in the Northwest Quarter of the Northwest Quarter (NW²NW²), Thirty (30) acres in the Southeast Quarter of the Northwest Quarter (SE¹NW¹), Thirteen and 5/10 (13.5) acres in the Southwest Quarter of the Northwest Quarter (SW¹NW¹), Fifteen (15) acres in the Northwest Quarter of the Southeast Quarter (NW²SE²), Six (6) acres in the Southwest Quarter of the Southeast Quarter (SW²SE²), Forty (40) acres in the Northeast Quarter of the Southwest Quarter (NE¹SW¹), Twenty (20) acres in the Northwest Quarter of the Southwest Quarter (NW²SW²), Forty (40) acres in the Southeast Quarter of the Southwest Quarter (SE¹SW¹), Twenty (20) acres in the Southwest Quarter of the Southwest Quarter (SW²SW²) of Section Twenty-eight (28); Three (3) acres in the

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Southeast Quarter of the Southwest Quarter (SE¹SW⁴), Thirty (30) acres in the South-
 west Quarter of the Southwest Quarter (SW⁴SW⁴), Four (4) acres in the Northwest
 Quarter of the Southwest Quarter (NW⁴SW⁴) of Section Twenty-nine (29); Thirty (30)
 acres in the Northwest Quarter of the Northeast Quarter (NW⁴NE⁴), Twenty (20) acres
 in the Southeast Quarter of the Northeast Quarter (SE⁴NE⁴), Forty (40) acres in the
 Southwest Quarter of the Northeast Quarter (SW⁴NE⁴), Twenty (20) acres in the North-
 west Quarter of the Northeast Quarter (NW⁴NE⁴), Forty (40) acres in the Southeast
 Quarter of the Northeast Quarter (SE⁴NE⁴), Thirty-four (34) acres in the Southwest
 Quarter of the Northeast Quarter (SW⁴NE⁴), Forty (40) acres in the Northeast Quarter
 of the Southeast Quarter (NE⁴SE⁴), Forty (40) acres in the Northwest Quarter of
 the Southeast Quarter (NW⁴SE⁴), Forty (40) acres in the Southeast Quarter of the
 Southeast Quarter (SE⁴SE⁴), Forty (40) acres in the Southwest Quarter of the South-
 east Quarter (SW⁴SE⁴), Forty (40) acres in the Northeast Quarter of the Southwest
 Quarter (NE⁴SW⁴), Forty (40) acres in the Northwest Quarter of the Southwest
 Quarter (NW⁴SW⁴), Forty (40) acres in the Southeast Quarter of the Southwest
 Quarter (SE⁴SW⁴), Forty (40) acres in the Southwest Quarter of the Southwest Quarter

(SW⁴SW⁴) of Section Thirty (30); 40 acres in the Northeast Quarter of the Northeast
 Quarter (NE⁴NE⁴), 40 acres in the Northwest Quarter of the Northeast Quarter (NW⁴NE⁴),
 40 acres in the Southeast Quarter of the Northeast Quarter (SE⁴NE⁴), 40 acres in the
 Southwest Quarter of the Northeast Quarter (SW⁴NE⁴), 40 acres in the Northeast Quarter
 of the Northwest Quarter (NE⁴NW⁴), 40 acres in the Northwest Quarter of the Northwest
 Quarter (NW⁴NW⁴), 40 acres in the Southeast Quarter of the Northwest Quarter (SE⁴NW⁴),
 40 acres in the Southwest Quarter of the Northwest Quarter (SW⁴NW⁴), 40 acres in the
 Northeast Quarter of the Southeast Quarter (NE⁴SE⁴), 40 acres in the Northwest Quarter
 of the Southeast Quarter (NW⁴SE⁴), 40 acres in the Northeast Quarter of the Southwest
 Quarter (NE⁴SW⁴), Thirty-seven (37) acres in the Northwest Quarter of the Southwest
 Quarter (NW⁴SW⁴), 40 acres in the Southeast Quarter of the Southwest Quarter (SE⁴SW⁴),
 32 acres in the Southwest Quarter of the Southwest Quarter (SW⁴SW⁴) of Section Thirty-
 one (31); Twenty (20) acres in the Southeast Quarter of the Northeast Quarter (SE⁴NE⁴),
 Thirty (30) acres in the Southwest Quarter of the Northeast Quarter (SW⁴NE⁴), 30 acres
 in the Northeast Quarter of the Southeast Quarter (NE⁴SE⁴), Fifteen (15) acres in the
 Northwest Quarter of the Southeast Quarter (NW⁴SE⁴), and 28.5 acres in the Northeast
 Quarter of the Southeast Quarter (NE⁴SE⁴) of Section Nineteen (19), Township One (10
 North, Range Forty-three (43) East of the Will. Mer., in Wallowa County, being a total
 of 6,616.45 acres.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,
affixed this 1st day of February, 1924.

Edna Under
 State Engineer.

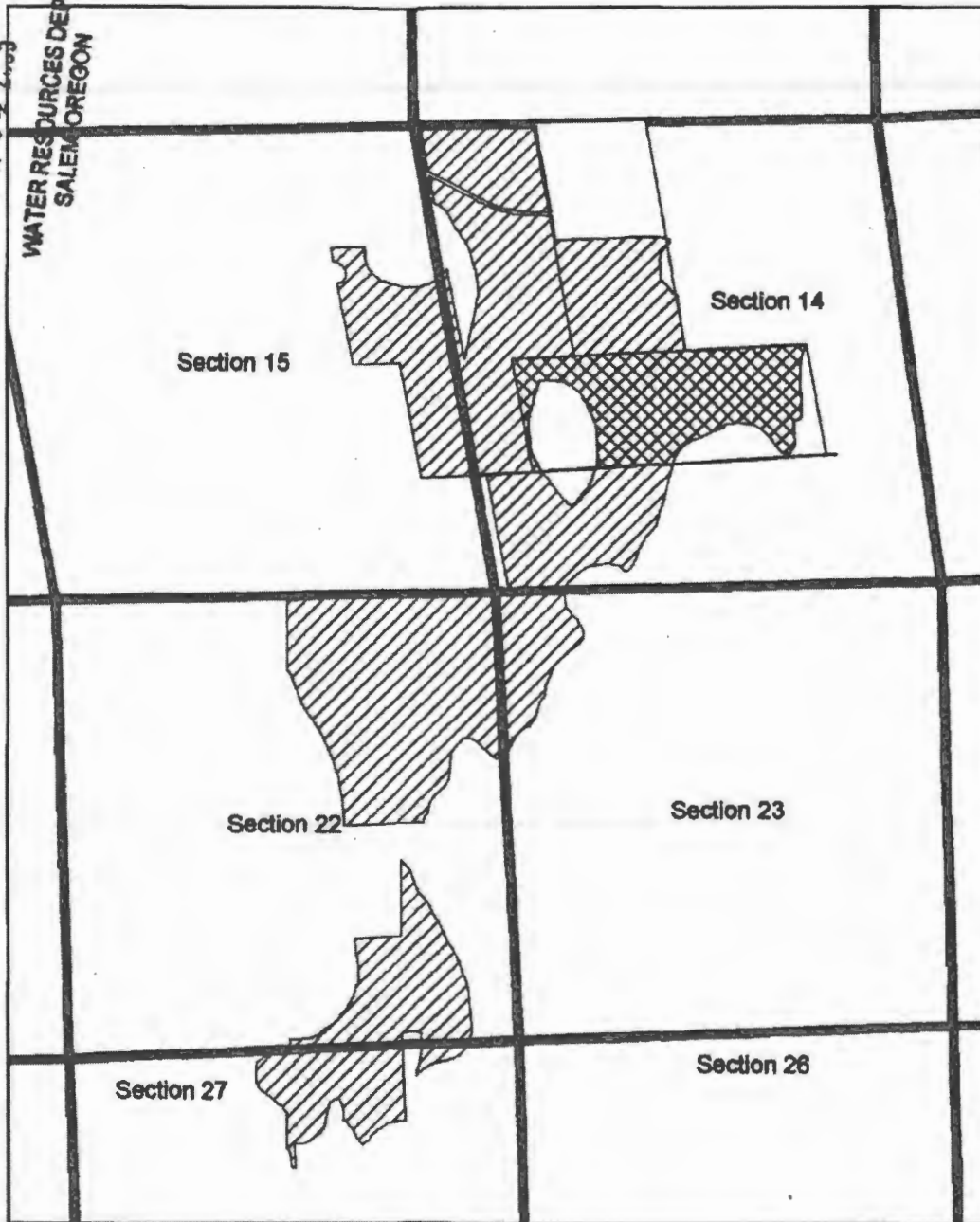
Recorded in State Record of Water Right Certificates, Volume 5, page 4930.

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



WATER RESOURCES DEPT
SALEM OREGON



SALEM, OR
Attachement 2:
Instream Lease Application
Water Right Certificate 3154

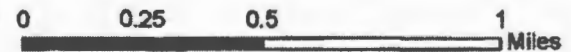
Township 1 S, Range 43 E

Legend

-  Tax Lot 5100 Carlsen's Property
-  3154 - Proposed to be Leased
-  3154 - Not Proposed for Lease
-  Section Lines, T 1 S. 43 E

Certificate 3154 encompasses Sections 14, 15, 22, 23, and 27 of T 1 S, R 43E. The portion of the water right proposed for lease is in section 14 within taxlot 5100 owned by Les and Nancy Carlsen. Taxlot 5100 is shown in gray shading and the portion of the water right to be leased is shown in a cross hatch pattern.

Water rights data is from the OWRD website and taxlot information was digitized on screen from Wallowa County Tax Assessors map.



Kimberly Schonek
 OWT Assistant Project Manager
 March 21, 2005



IS 43
& INDEX

T.1S. R.43E. W.M.
WALLOWA COUNTY

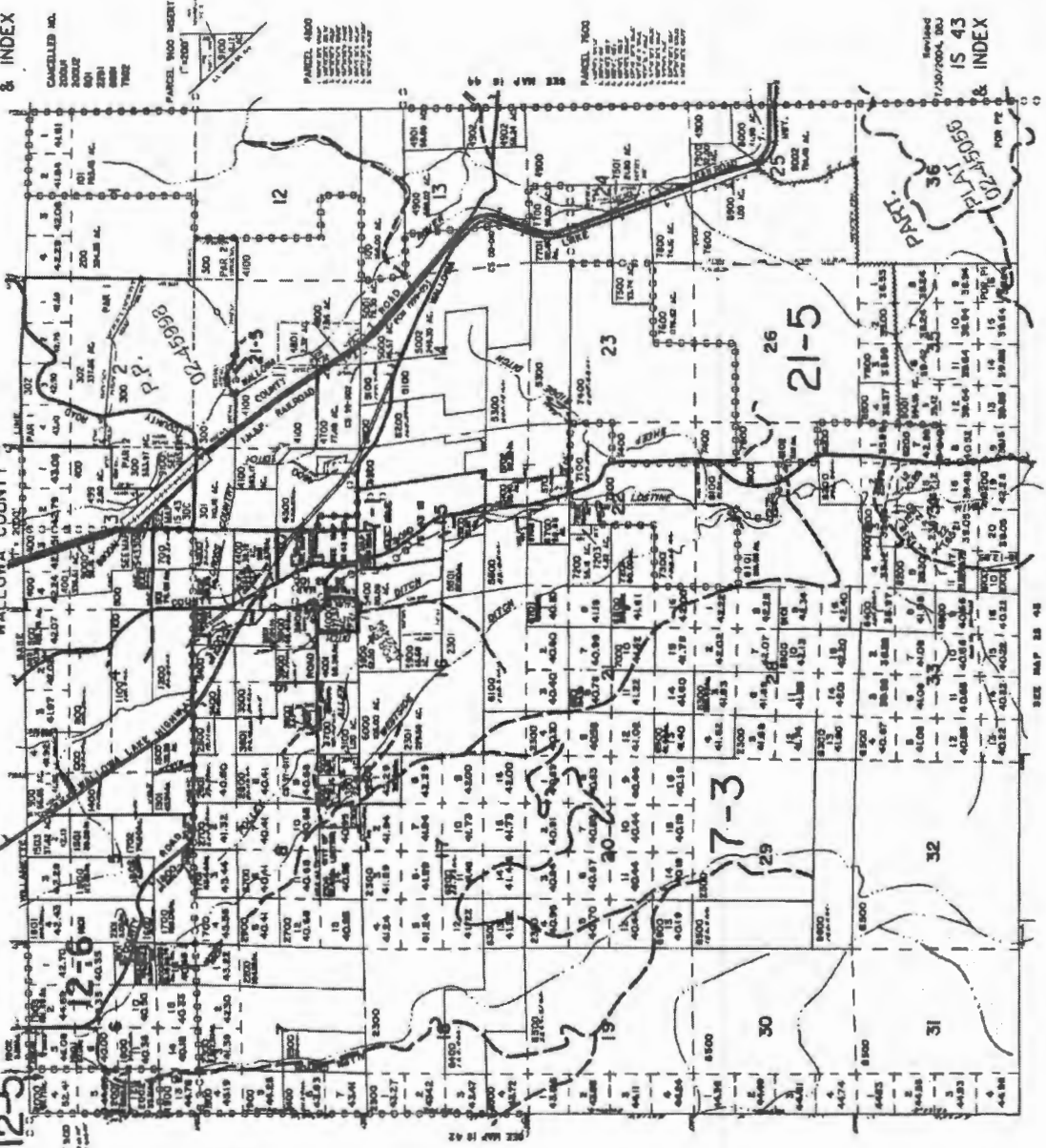
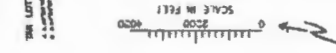
IS 43
& INDEX

THIS MAP WAS
MADE FOR
ASSESSMENT PURPOSE ONLY

SEE MAP IN 43

SEE MAP 28 42

12-5



pt
Attachment #1
County Assessors
Parcel Map

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