



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

# Application for District Instream Lease

## Part 1 of 4 – Minimum Requirements Checklist

<b>This Application to be used for water rights in the name of or conveyed by          an Irrigation District (or similar organization)          Complete Parts 1 through 4 and any required attachments</b>	OWRD #	SL-31
	District #	

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

Yes  N/A **Pooled Lease**-a lease with more than one **Lessor** (Landowner/water right interest holder)

Fee in the amount of:

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

**Part 1 – Completed Minimum Requirements Checklist**

**Part 2 – Completed District and Other Party Signature Page**

**Part 3 – Completed Place of Use and Lessor Signature Page**  
 (Include a separate **Part 3** for each Lessor.)

**Part 4 – Completed Water Right and Instream Use Information**  
 (Include a separate **Part 4** for each Water Right.)

**How many Water Rights are included in the lease application? 1** (# of rights)

List each water right to be leased instream here: **Certificate #42581**

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: \_\_\_\_\_)?

**Required Attachments:**

Yes  N/A Instream lease application map(s). More than one QQ and property may be included on each map. A map is **not** required if an entire right is being leased or if the right is for use of municipal or quasi-municipal water use. The map should include the following:

- A north arrow and map scale (no smaller than 1" = 1320').
- Label township, range, section and quarter-quarter (QQ).
- If an irrigation right, the numbers of acres to be leased in each quarter-quarter identify and hachure/shade to differentiate between the acreage being leased and any remaining. If the place of use has more than one priority date, source stream, and/or point of diversion you **must identify each with separate hachuring or shading** and label.
- Tax lot lines and numbers must be included on the map and should clearly identify the property(s) involved.

Yes  N/A **If the Lessor(s) is not** the deeded land owner, include one of the following:

- A notarized statement from the land owner 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.

Yes  N/A If the right has **not** been used in the last five years; provide supporting documentation indicating why a right (or portion thereof) is **not** subject to forfeiture.

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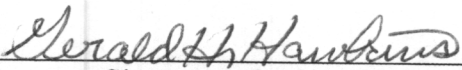
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## Part 2 of 4 – District and other party Signature

<b>Term of the Lease:</b> The lease is requested to begin in: <b>month 7 year 2015</b> and end: <b>month 10 year 2016</b> .	
<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	<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)
<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 and 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 than described above, please check this box. <input type="checkbox"/> And attach an explanation of your intent.	
<b>Precedent:</b> 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.	
<b>Validity of the rights to be leased:</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) <b>have not been used</b> for the last five years according to the terms and conditions of the rights. However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right is not subject to forfeiture has been provided.	

### SIGNATURES

The undersigned declare that the information contained in this application is true and accurate.

  
 Signature of Co-Lessor

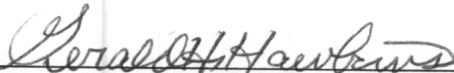
Date: 4/29/15

Printed name (and title): Gerald H Hawkins, Partner

Business/Organization name: Hawkins Cattle Company

Mailing Address (with state and zip): PO Box 426, Fort Klamath, OR 97626

Phone number (include area code): 541-381-2211 \*\*E-mail address: jercarhawk@yahoo.com

  
 Signature of Co-Lessor

Date: 4/29/15

Printed name (and title): Gerald Hawkins, Board Member

Business/Organization name: Meadows Drainage District

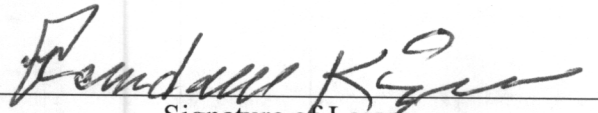
Mailing Address (with state and zip): PO Box 426, Fort Klamath, OR 97626

Phone number (include area code): 541-381-2211 \*\*E-mail address: jercarhawk@yahoo.com

**See next page for additional signatures.**

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Signature of Lessee

Date: 4-29-13

Printed name (and title): Randall Kizer, President

Business/organization name: Upper Klamath Landowner Improvement District

Mailing Address (with state and zip): 421 Commercial Street, Klamath Falls, OR 97601

Phone number (include area code): 541-891-2137 \*\*E-mail address: andrea@rabeconsulting.com

**\*\* 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**

**Part 3 of 4 – Place of Use – Lessor Information and Signatures**

**Complete Table 1 Identify water right(s) proposed to be leased instream  
Provide a separate Part 3 for each Lessor (water right interest holder/landowner)**

**Table 1**

**Irrigation District or other Water Purveyor Name: Meadows Drainage District (Hawkins Cattle Company)**

Specify Water Right, Priority Date, point of diversion(s) (POD), place of use, tax lot, gov't lot/DLC, acres to be leased, original use type, certificate page number, and any previous lease.

If not enough room below, you may add rows (see instructions) or create a spreadsheet/table (matching Table 1) and attach.  
Any attached table should include reference to the Lessor.

Water Right #	Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC #	Acres	Use	Page #	Previous Lease #
42581	1/26/1910	See attached										

**Any additional information about the right: See attached table.**

**Farm Deferral Tax Status:** Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

The undersigned declare:

1. I/We agree during the term of this lease to suspend use of water allowed under the water right(s) involved in the lease as well as and any other appurtenant primary or supplemental water right(s); and
2. I/We certify are the lessor(s) (water right interest holder) of the water right(s) in Table 1. If not the deeded land owner, I/we have obtained consent from the deeded land owner and/or have provided documentation of authorization to pursue the instream lease; and
3. I/We affirm that the information in this application is true and accurate.

 Date: 4/29/15  
Signature of Co-Lessor

Printed name (and title): Gerald H Hawkins, Partner  
Business/Organization name: Hawkins Ranch LLC HAWKINS CATTLE COMPANY  
Mailing Address (with state and zip): PO Box 426, Fort Klamath, OR 97626  
Phone number (include area code): 541-381-2211 \*\*E-mail address: jercarhawk@yahoo.com

**See next page for additional signatures.**

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Gerald H Hawkins  
Signature of Co-Lessor

Date: 4/29/15

Printed name (and title): Gerald Hawkins, Board Member

Business/Organization name: Meadows Drainage District

Mailing Address (with state and zip): PO Box 426, Fort Klamath, OR 97626

Phone number (include area code): 541-381-2211      \*\*E-mail address: jercarhawk@yahoo.com

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

Use a separate Part 4 for each water right to be leased instream

**Table 2**

Use Table 2 to illustrate the totals for the water right proposed to be leased instream (based on Part 3 of 4)				Water Right # <u>42581</u>		
Priority Date	POD #	Use	Acres	Other Information (such as conditions/limitations on the right)	Rate (cfs)	Volume (af)
1/26/1910	1	irrig	369	1/80	4.61	1399
Total af from storage, if applicable: <u>        </u> AF or <input checked="" type="checkbox"/> N/A						
If the POD is not described on the certificate or, if there is more than one POD listed on the certificate, then the specific POD must be described:						

**Table 3**

<b>Instream Use created by the lease</b>	<b>River Basin:</b> <u>Wood River</u>	<b>River/Stream Name:</b> <u>Wood River, tributary to Agency Lake</u>				
<b>Proposed Instream Reach:</b> <input type="checkbox"/> A reach typically begins at the POD and ends at the mouth of the source stream: From the POD <u>        </u> to <u>        </u>	<b>Or Proposed Instream Point:</b> <input checked="" type="checkbox"/> Instream use protected at the POD					
<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 water right, the lease may be processed to be protected at the POD.)						
<b>Instream Portion: May not exceed the maximum rate/volume for the right (identified in Table 2)</b>						
Use the table 3 to illustrate the instream rate, volume and instream period by priority date, POD, Use and acreage, as appropriate. If not enough room below, you may add rows (see instructions) or create a spreadsheet (clearly labeled and matching the below portion of Table 3) and attach.						
Priority date	POD #	Use	Acres	Proposed Instream Period	Instream Rate (cfs)	Total instream volume (af)
1/26/1910	1	IS	369	7/1/2015-10/1/2015 and 7/1/2016-10/1/2016	4.61	841.23
<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.						
<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 <u>        </u>						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
<b>Any additional information about the proposed instream use:</b> <u>only a portion of cert#42581 is transferred for split season instream</u> <b>RECEIVED BY OWRD</b>						

POD #1: located at lot 3, Sec 3 T34 R7.5E W.M. 2470 feet south and 940 feet east from NW corner, Section 3 in the County Klamath. Known as Weed Ditch.

Portion of water right to be leased is T34S R7.5E Section 3 tax lots 700 and 1100; Section 4 tax lots 500; Section 9 tax lot 1700; and Section 10 tax lot 2000 in Klamath County described as:

T34S R7.5E	Section 3 3.9 acres lot 3
T34S R7.5E	Section 3 3.4 acres lot 4
T34S R7.5E	Section 3 28.5 acres lot 5
T34S R7.5E	Section 3 3.5 acres lot 6
T34S R7.5E	Section 3 40 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
T34S R7.5E	Section 3 35.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
T34S R7.5E	Section 3 20.4 acres lot 7 SW $\frac{1}{4}$ SE $\frac{1}{4}$
T34S R7.5E	Section 3 1.3 acres lot 8 SE $\frac{1}{4}$ SE $\frac{1}{4}$
T34S R7.5E	Section 4 21.4 acres lot 3
T34S R7.5E	Section 4 3.0 acres lot 4
T34S R7.5E	Section 4 38.2 acres lot 5
T34S R7.5E	Section 4 40.0 acres lot 6
T34S R7.5E	Section 4 40.0 acres lot 7
T34S R7.5E	Section 9 20.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
T34S R7.5E	Section 10 20.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
T34S R7.5E	Section 10 20.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
T34S R7.5E	Section 10 20.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
T34S R7.5E	Section 10 10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

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

# Application for Split Season Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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**Attachment 4 (Standard Leasing Form).**  
**Attachment 5-D (Pooled Leasing Form).**

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**The standard instream water right form or for pooled leases, the appropriate pooled lease forms, pursuant to ORS 537.348(2) and OAR 690-077 must also be filled out before a Split Season Use Instream Lease Application can be processed.**

*Note: Split season use lease applications must be submitted to the Department two weeks prior to water being used either for the existing purpose or for the proposed instream purpose. (OAR 690-077-0079)*

**1. Existing and Instream Use Periods**

For the water right being leased instream, as described in Section 1.5, include monthly or partial season rate or duty limitations, if appropriate.  
 This section replaces the "Total volume, Rate in cfs, and Allowed period of use" portions of Section 2.2 on the standard or pooled instream leasing forms.

The water right will be used for its existing purpose from 5/1/2015 to 6/30/2015 and 5/1/2016 to 6/30/2016.

The water right will be used for instream use period is from 7/1/2015 to 10/1/2015 and from 7/1/2016 to 10/1/2016.

	Rate (cfs)		Conversion Factor 1 cfs = 1.983471 ac-ft/day		Number of days		Duty (ac-ft)
<b>Existing Use</b>	4.61	*	1.983471	*	61.00	=	557.77
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
<b>Instream Use</b>	4.61	*	1.983471	*	92	=	841.23
use if needed		*	1.983471	*		=	0.00
use if needed		*	1.983471	*		=	0.00
<b>Total</b>	n/a		n/a		n/a		<b>1399</b>

**2. Measurement and Reporting**

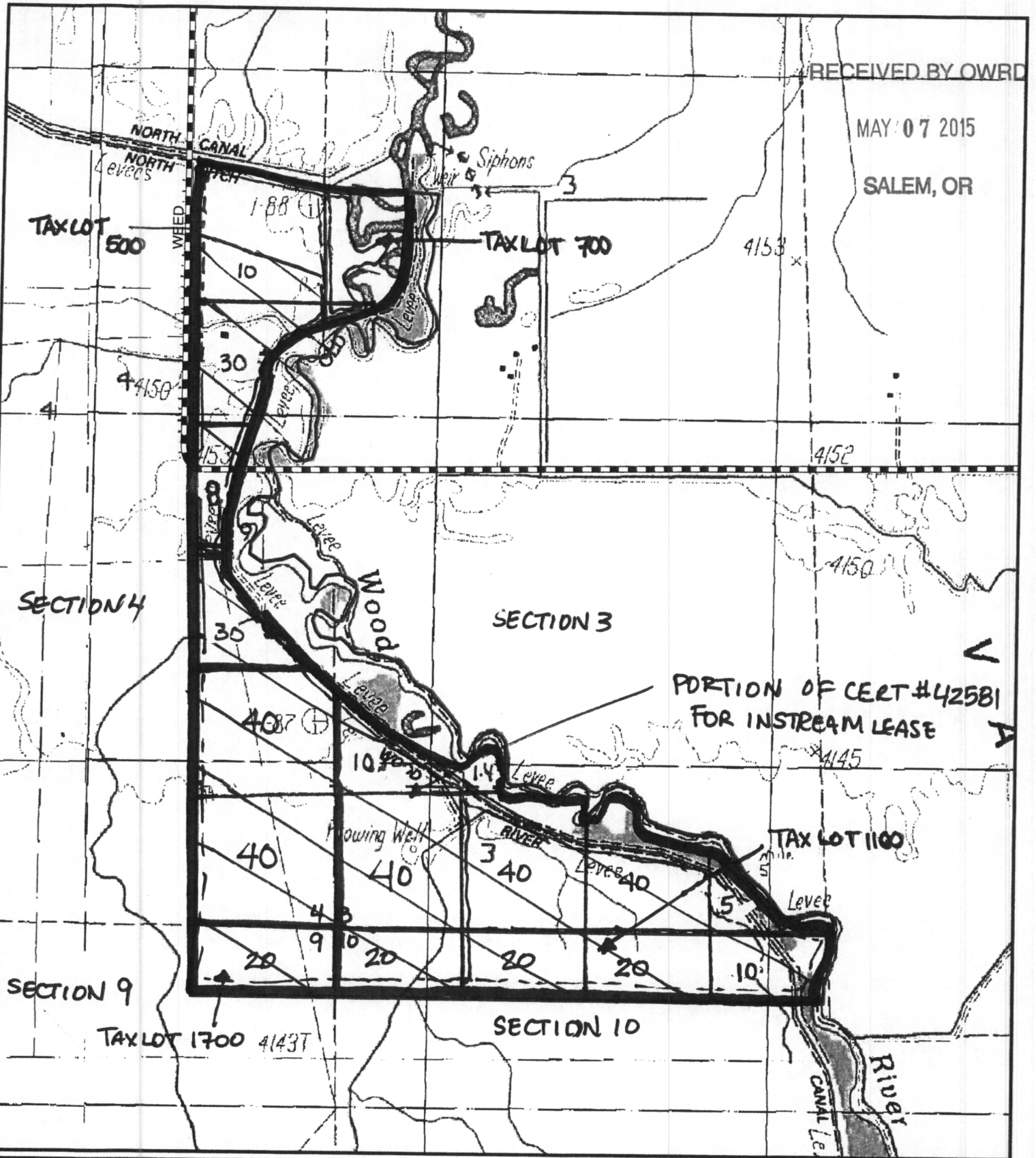
The water right lessor or lessee shall contact the watermaster to determine the necessary measurement and reporting requirements associated with leasing a water right.  
 The holders of the water rights shall measure and report the use of the existing water right and instream water right to the satisfaction of the Director, or provide for third party measurement and reporting to the satisfaction of the Director. Pursuant to ORS 537.332(3), the Department holds instream water rights in trust for the benefit of the people of the State of Oregon.

- (a) Location(s) and type(s) of measuring device(s): Measure at POD with headgate
- (b) Frequency of measurement: before and after use transition as needed thereafter
- (c) Parties responsible for the respective measurements: Watermaster (OWRD)

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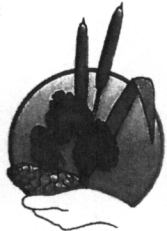
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Hawkins Cattle Company

T34S R7.5E WM

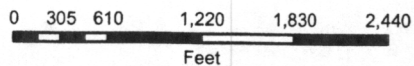


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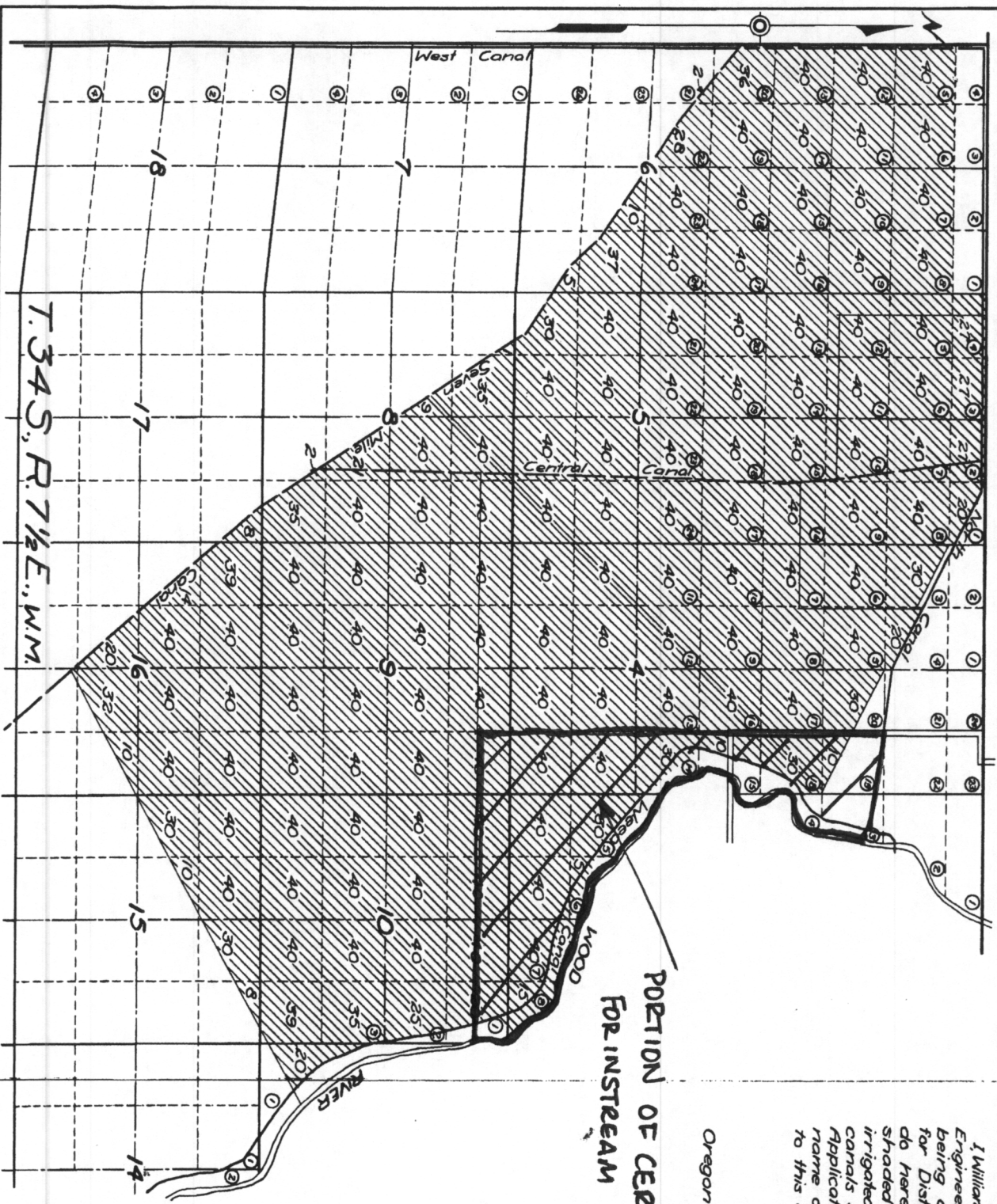
1:15,000



Data Source: U.S. Geological Survey (USGS) 7.5-minute quadrangle map. Reproduced by Rabe Consulting for the purpose of this document.

Created by: Trisha Roninger  
Created On: 4/17/2015





T. 34 S., R. 7 1/2 E., W.M.

PORTION OF CERT # 42581  
FOR INSTREAM LEASE

I, William L. Wales, a Registered Professional Engineer of Klamath Falls, Oregon, and also being duly appointed and acting Watermaster for District No. 19, of the State of Oregon do hereby certify that the entire area shown shaded on the accompanying map has been irrigated with water diverted through the canals shown from Wood River under Application No. 488, Permit No. 309, in the name of the Meadows Drainage District, prior to this date, January 5<sup>th</sup>, 1954.

*William L. Wales*  
Registered Professional Engineer  
Oregon No. 1347 Date of Registration, Aug. 4, 1927.

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*William L. Wales*

↑ NORTH

MAP SHOWING  
LANDS IRRIGATED IN  
MEADOWS DRAINAGE  
DISTRICT OREGON  
KLAMATH COUNTY,  
Scale: 1"=2000'  
Map Prepared By: William L. Wales  
Civil & Hydraulic Eng'r  
Klamath Falls, Oregon



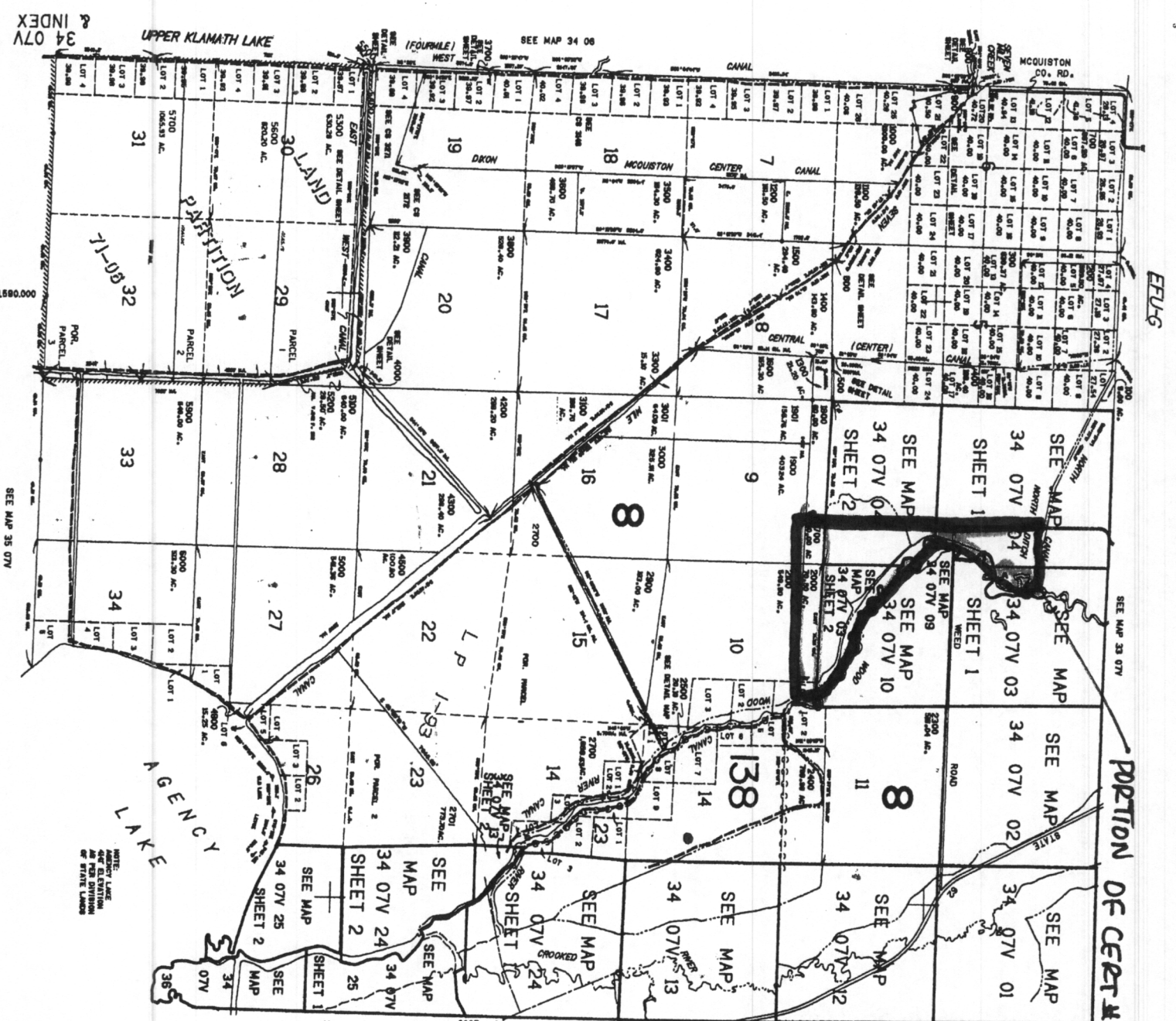
42581 FOR  
INDUSTRIAL LEASE

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CANCELLED NO.  
ROOM 3000  
3000  
3000  
4000

REVISED 11-01-06  
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T.34S, R.07 W/2E, W.M.  
KLAMATH COUNTY



34 07V  
& INDEX

SEE MAP 35 07V

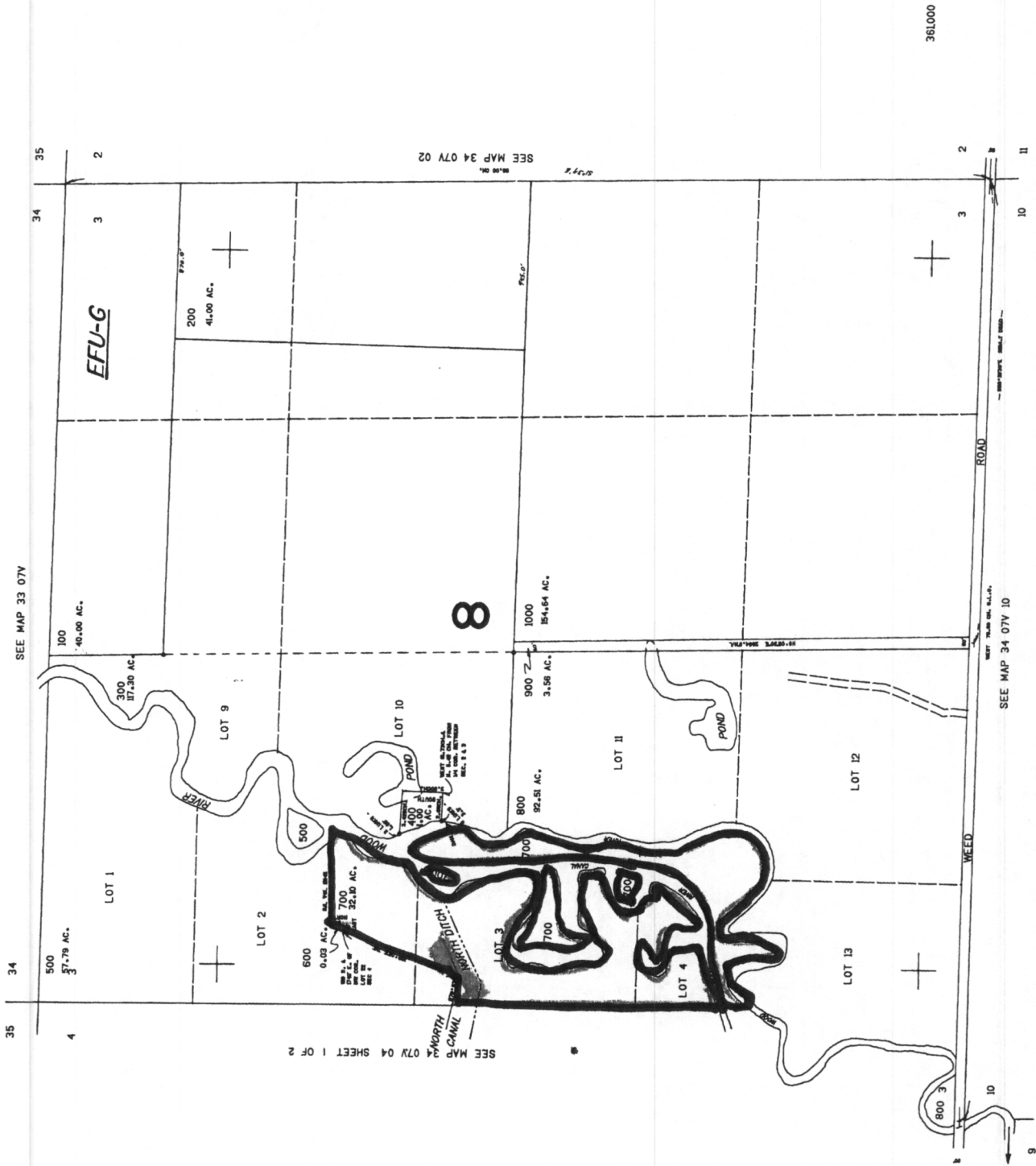
34 07V  
& INDEX

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SECTION 03 T.34S. R.07 1/2E. WM.  
KLAMATH COUNTY

34 07V 03  
SHEET 1 OF 2

1"=400'



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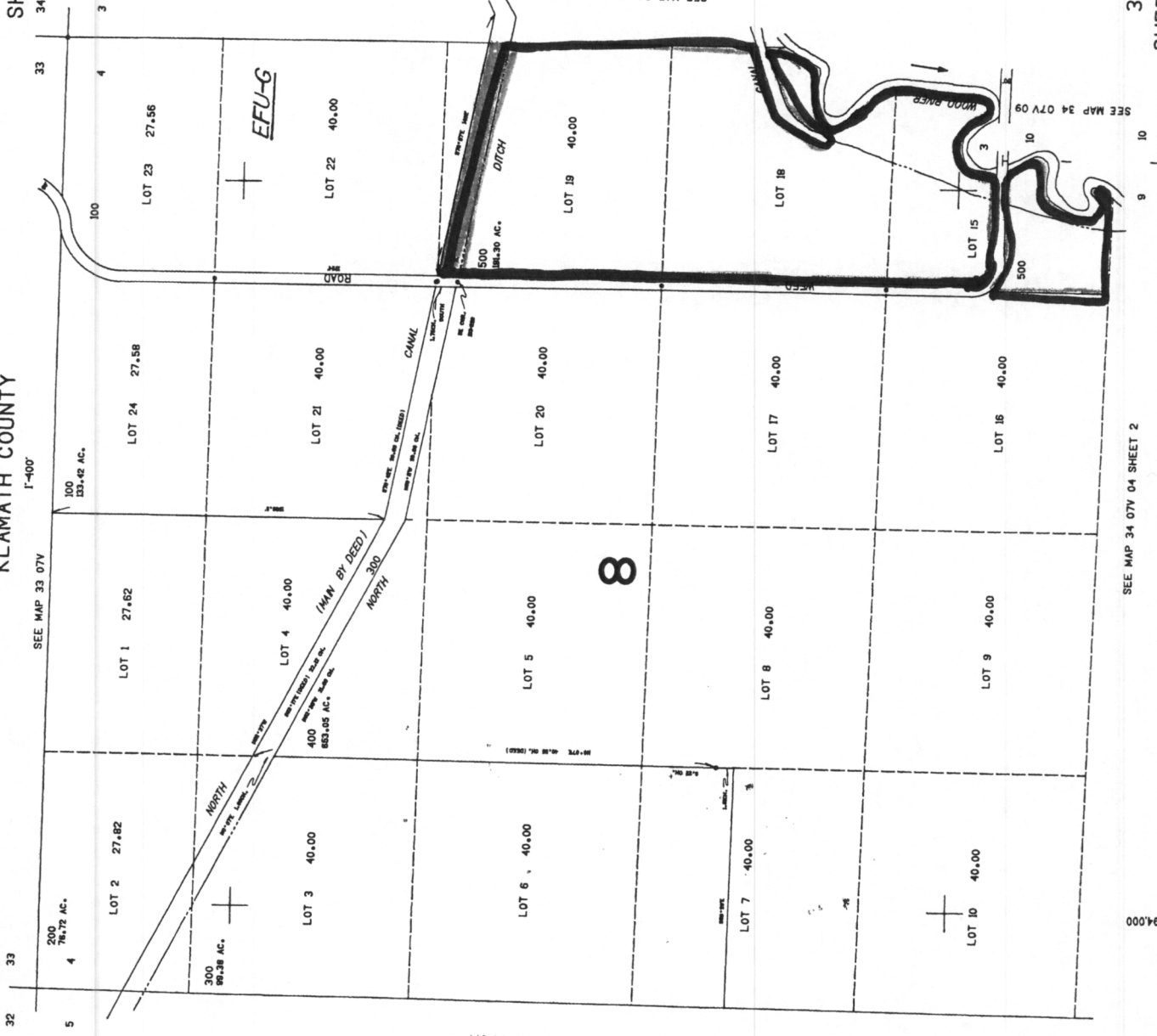
34 07V 03  
SHEET 1 OF 2

1599,000

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SECTION 04 T.34S. R.07 1/2E. W.M.  
KLAMATH COUNTY

34 07V 04  
SHEET 1 OF 2



34 07V 04  
SHEET 1 OF 2

SEE MAP 34 07V 04 SHEET 2

1594.000

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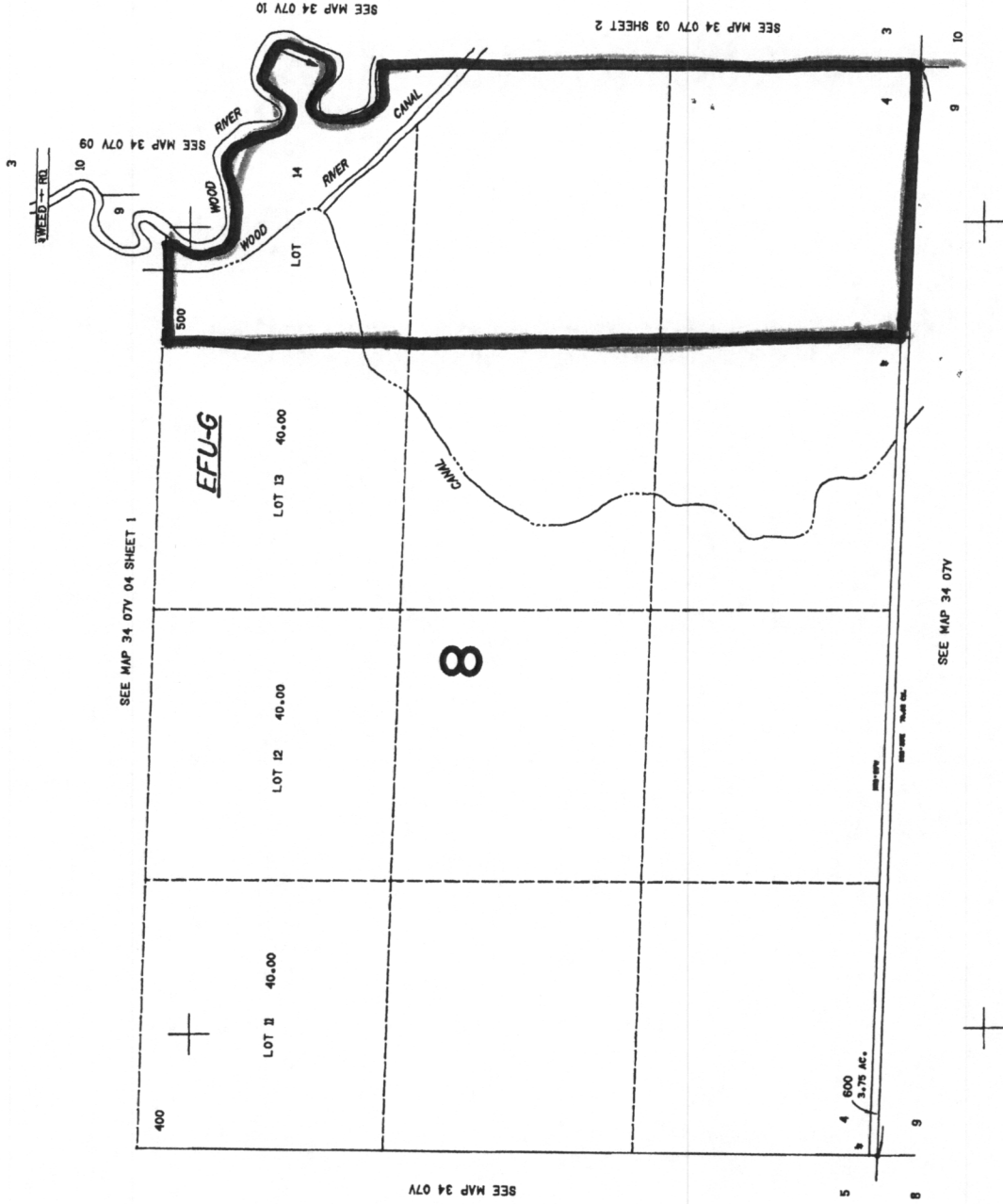
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SECTION 04 T.34S. R.07 1/2E. WM.  
KLAMATH COUNTY  
T-400

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34 07V 04  
SHEET 2 OF 2



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34 07V 04  
SHEET 2 OF 2

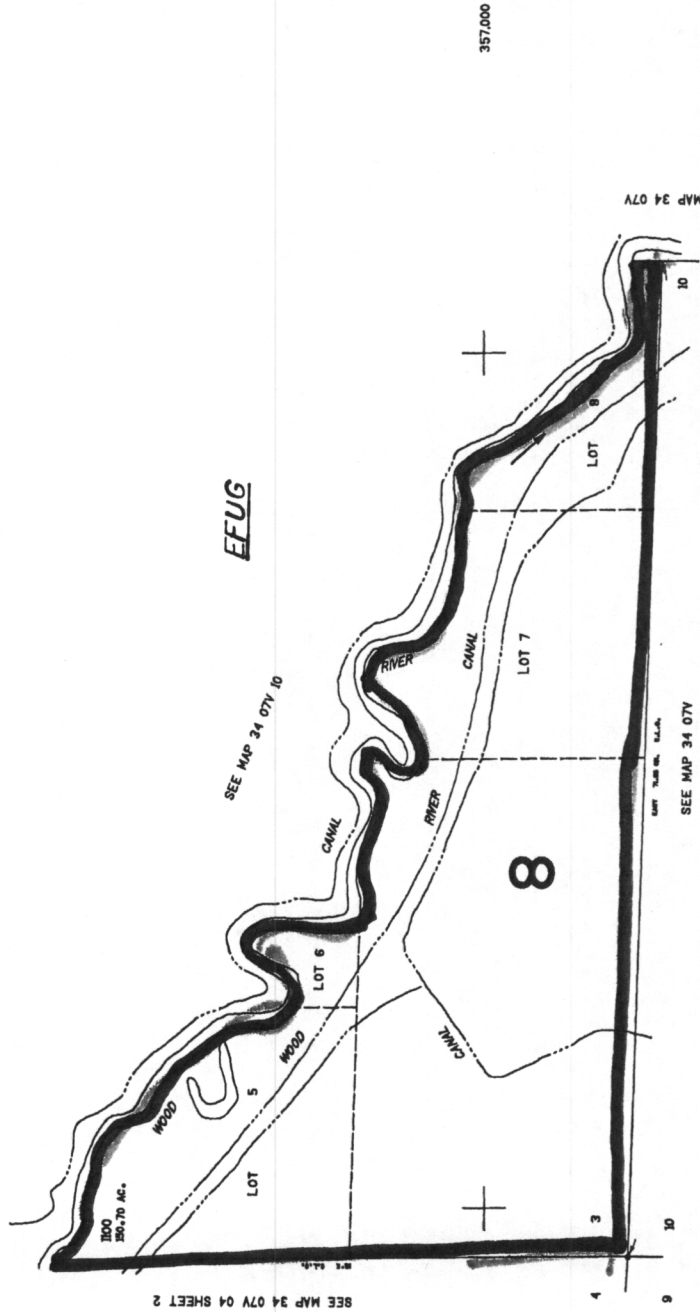
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SECTION 03 T.34S. R.07 1/2E. W.M.  
KLAMATH COUNTY

34 07V 03  
SHEET 2 OF 2

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1"=100'



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34 07V 03  
SHEET 2 OF 2

1598.000

The owners of the property south of Fort Klamath, Oregon that we privately refer to as the "T and B," and which consists of Klamath County parcel numbers R-3407-V0400-00500-000, R-3407-V0000-01700-000, R-3407-V0000-02000-000, R-3407-V0300-00700-000, and R-3407-V0300-01100-000, lease the property to Hawkins Cattle Company. Hawkins Cattle Company pays all expenses, even including property taxes and insurance, and receives all income from the property.

*Gerald H. Hawkins*

*Co-owner*

*June 18, 2014*

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**RESOLUTION**  
**BOARD OF SUPERVISORS**  
**MEADOWS DRAINAGE DISTRICT**

**BE IT HEREBY RESOLVED** by the Board of Supervisors of the Meadows Drainage District that consent is given to any landowner leasing, transferring to instream or conveying their water rights for instream purposes, pursuant to the Upper Basin Klamath Settlement Agreement of March 4, 2014.

DATED this 18 day of September, 2014.

**BOARD OF SUPERVISORS**

*Jerry Hawkins* 9/18/14  
Jerry Hawkins

*Paul Little* 9-18-14  
Paul Little

\_\_\_\_\_  
Jeff Mathis

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*By verbal agreement of the Supervisors,  
it has been decided that two of the three Supervisors'  
signatures would be sufficient.*

*Paul Little 9-18-14*  
*Jerry Hawkins 9/18/14*