



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>1L-1492</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 checked="" type="checkbox"/> Check enclosed or	
	<input type="checkbox"/> Fee Charged to customer account _____ (account name)	

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

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

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

Yes **How many water rights are leased? 1 List them here: 83000**
 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.

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Part 2 of 4 – Instream Lease Application Map Checklist

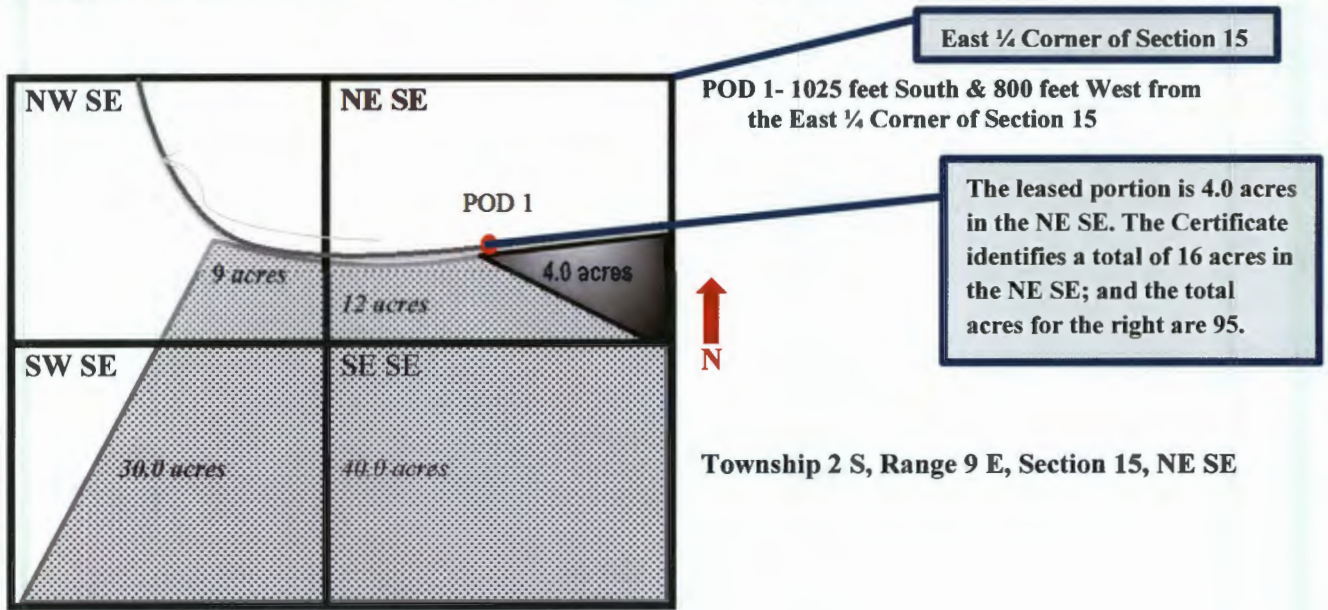
A Map is generally required for each water right not leased in its entirety

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 # 83000

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
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: 198.6

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)
03/15/1976	1	IR	198.6		4.97	595.8

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	36-S	9-E	36	NW-NE		750ft South and 2430ft West from the NE corner of Section 36. T35S R9E (W.M.)
	-	-		-		

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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

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>Sprague River</u> , tributary to <u>Williamson River</u>				River Basin: <u>Klamath</u>		
<p>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.</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)
March 15, 1976	1	IR	198.6	April 1 to October 1	1.64	595.8
<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						
<p>Proposed Instream Reach:</p> <p><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>Confluence with the Williamson River</u></p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		
<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						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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Table 1: Water Right Information

Certificate: 83000

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
3/15/1976		1 36S	9E		36 NWNE	01700		17.4	IR	
3/15/1976		1 36S	9E		36 NENE	01700		34.5	IR	
3/15/1976		1 36S	9E		36 SENE	01700		0.9	IR	
3/15/1976		1 35S	10E		31 NWNW(L1)	01900		35	IR	
3/15/1976		1 35S	10E		31 SWNW(L2)	01900		0.8	IR	
3/15/1976		1 35S	10E		31 NENW	01900		40	IR	
3/15/1976		1 35S	10E		31 SENW	01900		6	IR	
3/15/1976		1 35S	10E		31 NWNE	01600		32	IR	
3/15/1976		1 35S	10E		31 NENE	01600		32	IR	

Total Acres: 198.6

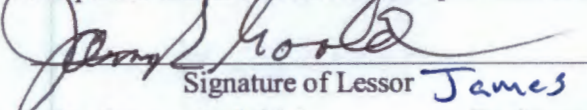
Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>March</u> year <u>2015</u> and end: month <u>October</u> year <u>2015</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>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input type="checkbox"/> Recreation</p> <p><input type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><input 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.</p> <p><input checked="" type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>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.</p> <p>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>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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</p> <p><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.


 Signature of Lessor James Goold Date: 05/08/2015
 Printed name (and title): _____ Business name, if applicable: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): 541-591-8526 **E-mail address: _____

See next page for additional signatures.

19530 Sprague River Rd.
 Chiloquin, OR 97639

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Signature of Co-Lessor
Date: _____
Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

Randall Kizer
Signature of Lessee
Date: 5-15-15

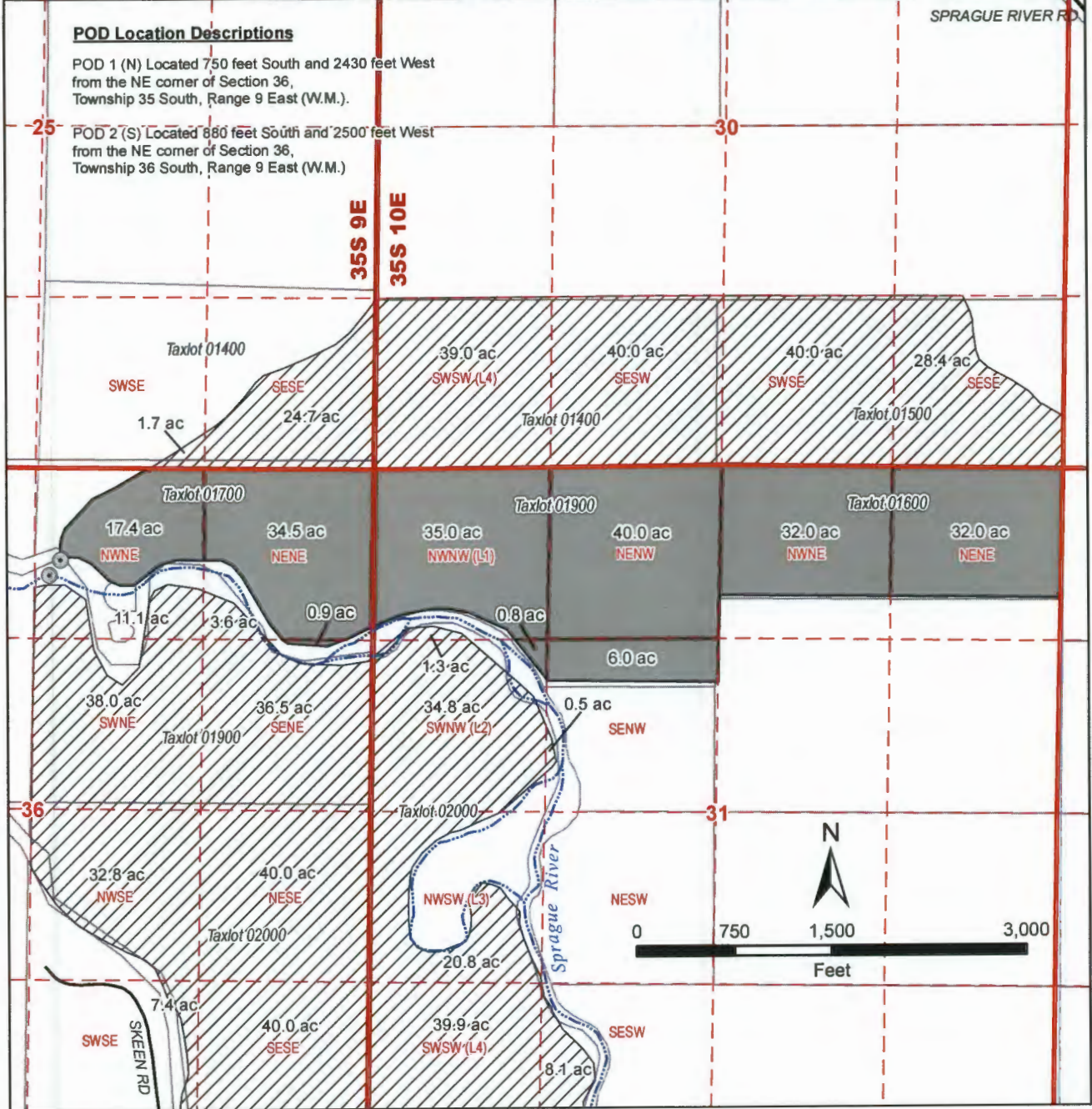
Printed name (and title): Randall Kizer, Board President
Business/organization name: Upper Klamath Landowner Improvement District
Mailing Address (with state and zip): 421 Commercial St., Klamath Falls, OR 97601
Phone number (include area code): 541-912-3387 **E-mail address: randall.kzr@gmail.com

**** 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.**

Instream Lease Application Map - Certificate 83000

Authorized Place of Use and Point of Diversion

Township 35 South, Range 9 East, Section 36; and Township 35 South, Range 10 East, Section 31 (W.M.)



Disclaimer

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or locations of property ownership lines.

Map Notes

Date Prepared: May 11, 2015
 Prepared By: Southern Oregon GIS, LLC
 Data Sources: USGS, USBLM, OWRD, OGDC, Klamath County GIS
 Map Projection:
 NAD_1983_HARN_StatePlane_Oregon_South_FIPS_3602_Feet_Int

LEGEND

- Authorized Point of Diversion (POD)
- Public Road
- Watercourse
- Authorized Place of Use (POU) to be leased
- Authorized POU remaining
- Klamath Co. Tax Lots

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SPECIAL POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS that I, MICHAEL RATLIFF, Successor Trustee of the Tillie L. Goold Irrevocable Trust, U.A.D. June 28, 1999, have made, constituted and appointed and by these presents to make, constitute and appoint JAMES R. GOOLD, my true and lawful attorney and agent, for me and in my name, place and stead and for my use and benefit to:

1. Have all rights and responsibilities, as though the attorney-in-fact, were the trustee, in connection with the Klamath River Water Adjudication process, including any and all negotiations appertaining thereto; including, but not limited to the power to:
 - (a) File claims on behalf of the trustee;
 - (b) File contests on behalf of the trustee against other claimants who have filed a claim or claims which the attorney-in-fact may determine to be adverse to the claim of the trustee;
 - (c) Retain counsel to represent the trust in any and all aspects of the adjudication process; and
 - (d) Compromise contests as the attorney-in-fact, in his sole discretion, may deem to be in the best interests of the Trustee; and
2. To commence, prosecute, discontinue or defend all actions or other legal proceedings pertaining to me, as successor Trustee, or the trust relating to the Klamath River Water Adjudication; to settle, compromise and submit to arbitration any debt, demand or other right or matter due to me, as Successor Trustee, or concerning the trust as my agent, in his sole discretion, shall deem best

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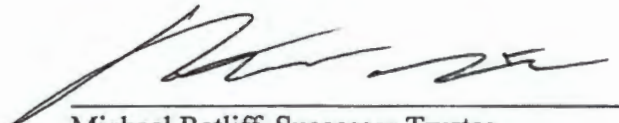
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and for such purpose to execute and deliver such releases, discharges or other instruments as he may deem necessary or advisable; giving and granting unto my attorney the full power and authority to do and perform each and every act and thing whatsoever requisite and necessary to be done, as fully, to all intents and purposes, as I might or could do if personally present, hereby ratifying and confirming all that my attorney lawfully does or causes to be done by virtue hereof.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney, and have directed that photographic copies of this power be made, which shall have the same force and effect as an original.

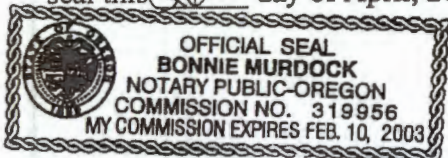
DATED at Klamath Falls, Oregon, on the 26th day of April, 2000.


Michael Ratliff, Successor Trustee,
Principal

STATE OF OREGON; County of Klamath) ss.

BEFORE ME, the undersigned, a Notary Public with and for the County of Klamath, State of Oregon, personally appeared Michael Ratliff, known to me to be the person whose name is subscribed to the within instrument, and further acknowledged before me that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 26th day of April, 2000.




NOTARY PUBLIC FOR OREGON
My Commission expires 2-10-2003

SPECIMEN SIGNATURE OF AGENT:

James R. Goold, Agent

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