



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

AMENDED
**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>11-1713</u>
	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

Fees

☐ \$520.00 for a lease involving four or more landowners or four or more water rights

☒ \$350.00 for all other leases

☒ Check enclosed or

☐ 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: 25798

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.

RECEIVED
FEB 28 2019
OWRD

Part 2 of 4 – Instream Lease Application Map Checklist

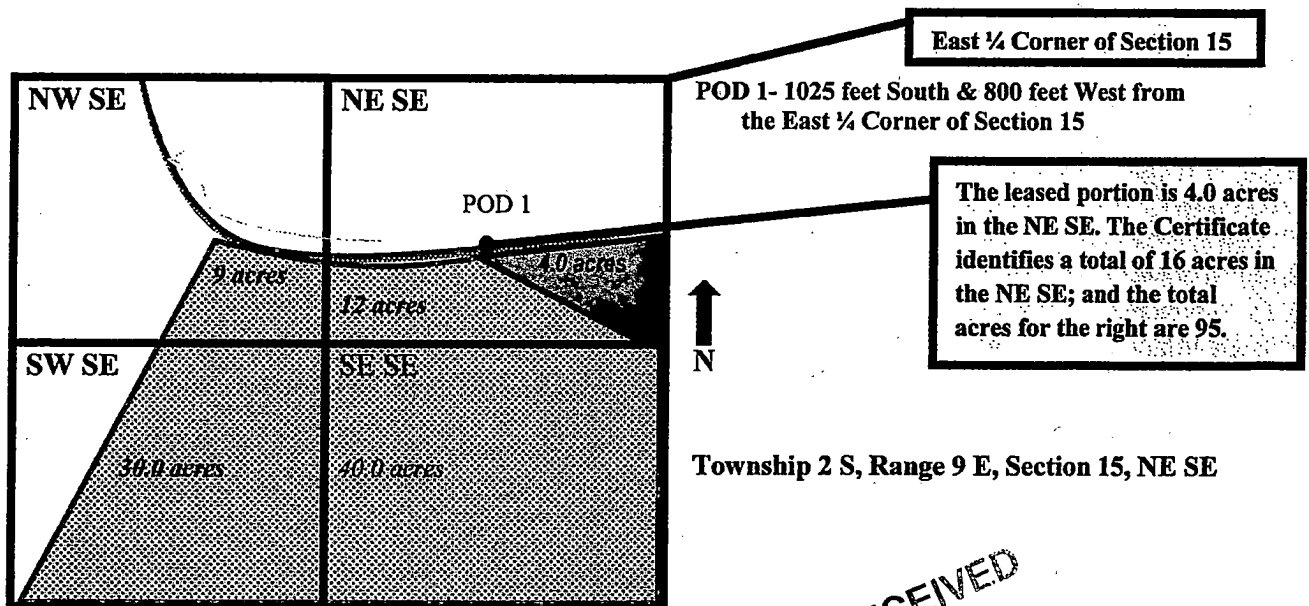
A Map is generally required for each water right not leased in its entirety

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 hatchured 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)



RECEIVED
FEB 28 2019
OWRD

RECEIVED
FEB 28 2019

Part 3 of 4 – Water Right and Instream Use Information

OWRD

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

Water Right Information

Water right # 25708

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
1895		11-S	22-E	4	SW-SE	100		1.7	IR	
1895		11-S	22-E	9	NE-NE	100		20.1	IR	
1895		11-S	22-E	9	NW-NE	100		8.1	IR	
1895		11-S	22-E	9	SE-NE	100		3.0	IR	

Total Acres: 32.9

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)
1895		IR	32.9	<u>right limited to 1/40 cfs per acre irrigated to June 1 and 1/80 cfs per acre thereafter; further limited to 1 acre-foot per calendar month to June 1 and four acre-feet per acre during the season April 1 to September 30.</u>	0.54 cfs maximum to not exceed volume limitation	131.6
Total af from storage, if applicable: _____ AF or ☒ N/A						
Any additional information about the right: <u>JOHN DAY RIVER ADJUDICATION MAP IS INACCURATE. THE NORTH LINE OF SECTION 9 AS SHOWN ON ADJUDICATION MAP IS ABOUT 130 FEET TO THE NORTH OF ACTUAL LOCATION. ADJUDICATION MAP DOES SHOW WHAT IS THE NORTHWEST SECTION CORNER 9. NOT SURE WHY IT WAS NOT USED IN MAPPING. ATTACHED IS ALTERED MAP SHOW REDISTRIBUTION OF ACREAGE BY ¼ ¼. THIS REMAPPING MOVES A PORTION OF CERTIFICATE 25798 TO NEIGHBORING RANCH.</u>						

RECEIVED
FEB 28 2019
OWRD

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	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1	11-S	22-E	10	NE-SE		Girds Creek - Unknown
2	11-S	22-E	10	NE-NW		Girds Creek - Unknown
3	11-S	22-E	9	SE-NE		Tributary of Girds Creek - 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.						

Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Tributary of Girds Creek and Girds Creek, tributary to Girds Creek, then John Day River</u>					River Basin: <u>John Day</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)
1895	1 or 2	IR	32.9	4/1 - 5/31	0.54*	65.8*
1895	1 or 2	IR	32.9	6/1 - 9/30	0.41*	65.8*
1895	3	IR	32.9	4/1 - 5/31	0.54*	65.8*
1895	3	IR	32.9	6/1 - 9/30	0.41*	65.8*
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 ☒ 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: ☐ A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____					Or Proposed Instream Point: ☒ Instream use protected at the POD	
OR ☐ 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.)						

RECEIVED
FEB 28 2019

OWRD

Additional Instream Information

☒ Yes ☐ N/A **Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:** list here on Certificate right limited to 1/40 cfs per acre irrigated to June 1 and 1/80 cfs per acre thereafter: further limited to 1 acre-foot per calendar month to June 1 and four acre-feet per acre during the season April 1 to September 30.

Note: The Department may identify additional conditions to prevent injury and/or enlargement.

Any additional information about the proposed instream use: *The instream flow will be allocated on a daily average basis of 0.54 cfs from April 1 to May 31. The instream flow will be allocated on a daily average basis up to described rate of 0.41 cfs from June 1 to September 30, or until such time that the total duty for the irrigation season is met. The instream rate from April 1 to May 31 has been reduced so that the total duty and monthly duty prior to June 1 is not exceeded.

*In times when water is flowing in both Tributary of Girds Creek and Grids Creek, water to be protected in Tributary of Girds Creek only up to any deficiency in Girds Creek.

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 4 year 2019** and end: **month 10 year 2023**

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: _____

Printed name (and title): James Hamel, Manager Business name: Six Shooter Ranch

Mailing Address (with state and zip): 2357 Hillside Road, Richfield, WI, 53076

Phone number (include area code): 715-459-3647 **E-mail address: jim@sixshooterranch.net

See next page for additional signatures.

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: _____

RECEIVED
FEB 28 2019
OWRD

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: _____

**** 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.**

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. R. SHOWN

of Mitchell, State of Oregon, has a right to the use of
the waters of Springs in NW 1/4 Section 9, T. 11 S., R. 22 E., W. M., tributary of
Girds Creek and Girds Creek
for the purpose of Irrigation, Domestic and Stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1895

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30; measured at point of diversion;
A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

20.5 acres in NE 1/4
9.9 acres in NW 1/4
5.0 acres in SE 1/4
Section 9,
T. 11 S., R. 22 E., W. M.

RECEIVED
FEB 28 2010
OWR

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

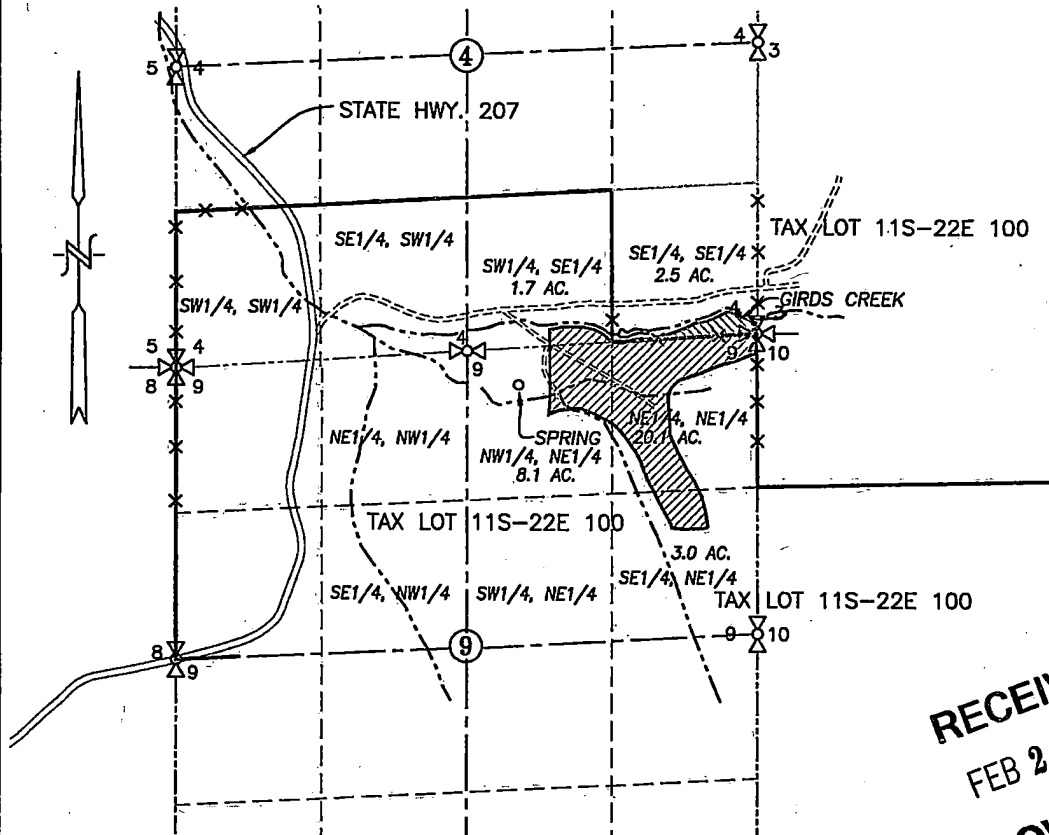
this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25798

SECTIONS 4 & 9, TWP.11 S. RANGE 22 E. W.M.
WHEELER COUNTY, OREGON



RECEIVED
FEB 28 2019
OWRD

LEGEND:

- EXISTING SPRING: 140' S. & 3,110' E. OF SW CORNER SECTION 4
- LEASED CERTIFICATE 25798 = 32.9 AC.
- NOT LEASED CERTIFICATE 25798 = 2.5 AC.
- STREAM WITH DIRECTIONAL FLOW
- EXISTING FENCE LINE

INSTREAM LEASE
WATER RIGHT APPLICATION MAP

SCALE: 1" = 1320'
0' 660' 1320' 2640'

TRANSFER No. _____

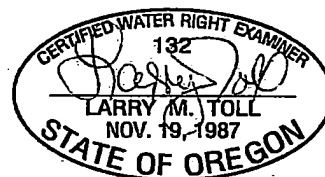
IN THE NAME OF:

SIX SHOOTER RANCH, LLC

DATE: FEBRUARY 28, 2019

BY: **TENNESON ENGINEERING CORP.**

3775 CRATES WAY
THE DALLES, OREGON. 97058
PH. 541-296-9177
FAX 541-296-6657



EXPIRES: 06/30/2020

NOTE:

"THIS MAP IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF
PROPERTY OWNERSHIP LINES."

W.O. #15336wr