

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 # 11 - 17 U

Fee-

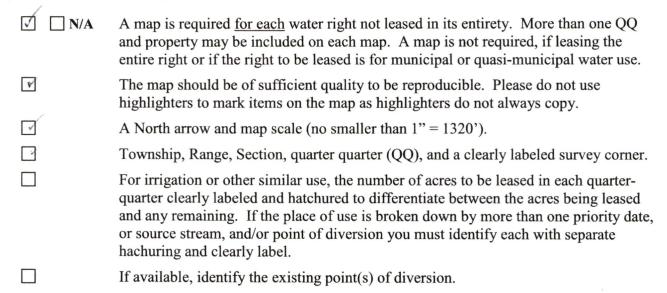
	Pursuant to ORS 537.348(2) and OAR 690-077
Check all items	included with this application. ($N/A = Not Applicable$)
□ Yes	Part 1 – Completed Minimum Requirements Checklist and Application Fee
	Fees \$\Bigsim \\$520.00\$ for a lease involving four or more landowners or four or more water rights \$350.00 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? List them here:19870 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 <i>not included in the lease</i> 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	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.
RECEIVED	 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
AUG 2 7 2019	landowner at the time the water right was conveyed; or Other documentation which provides authority to pursue the lease absent consent
OWDD	of the landowner.

Part 2 of 4 - Instream Lease Application Map Checklist

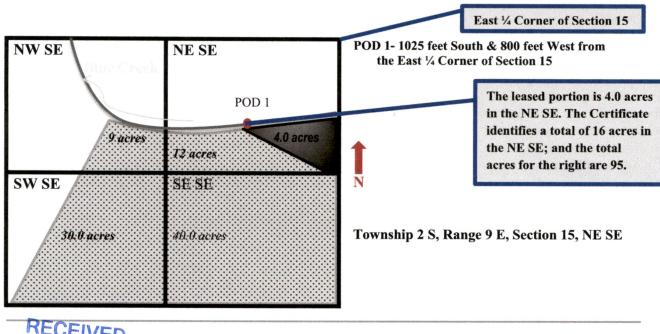
A Map is generally required for each water right not leased in its entirety

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 <u>simple</u> 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.



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



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MALIE										
	Use a	separat	e Par	t 3 f	or <u>eac</u>	<u>h</u> water	right	to be l	eased in	nstream
Water Right	Inform	ation						•	Water r	ight #
Table 1										.8
	you may y label ar	add add ny attachi ortion of t	itional nents.	rows	s (see in	struction	s) or atta	ch sprea	adsheet (number. If not enough matching Table 1). be leased, skip to
Priority Date	POD#	Twp	Rng	Sec	Q-Q		Gov't Lot/DLC			
Thornty Date					V-V	Tax Lot	LOUDLC	Acres	USE	Previous Lease # (if any)
					E	Tax Lot XAMPLE				Previous Lease # (if any)
12/2/1901	3	2-S	9-E	15	ATTENDED TO SECURE		47	Acres	IR	Previous Lease # (if any)
12/2/1901	3	2-S	9-E		E NE SE	XAMPLE 100		4.0	IR	
12/2/1901 #3011948 2/6/1448	3	2-s - 5 - S	9-E - 5-W	15	NE SE	100		4.0	IR IR	
12/2/1901 #130/194\$	3	2-S	9-E	15	E NE SE	XAMPLE 100		4.0	IR	
12/2/1901 #301144\$ 2/6/1448	3	2-s - 5 - S	9-E - 5-W	15	NE SE	100		4.0	IR IR	
12/2/1901 #301144\$ 2/6/1448	1	2-s - 5 - S	9-E - 5-W	15	NE SE	100		4.0	IR IR	

Table 2

Т	o illustra	te the to	tals for	the water right proposed to be leas	sed instream	
leased. If not en	ough room	m below	, you ma	DD, use and acreage as appropriate copy add additional rows (see instruction and attachments). (cfs = cubic feet per	ns) or attach	spreadsheet
Priority Date	POD#	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
2/6/1548	1	IR	10.2		- 295	2.5
2/6/1548	1	IR	-8		, 255	2.5
Total af from stor	rage, if app	licable: _	AF (or W/A		
Any additional in	formation :	about the	right:			

Table 3

than on If not e	e POD nough	listed or room be	on the	certifica you may	ate, then they add addit	e POD is not described on the certificate or if there is more the specific POD(s) involved in the lease must be described. A cional rows (see instructions) or attach spreadsheet trachments.
POD#	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
	-	-		-		
	_	-		-		
						cation of the POD(s) and want the Department to identify the instream lease.



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

Instream Use Information

Table 4

	.,	I	nstream	Use Created by	the Lea	se	
River/ Stream	Name: 💪	mhil, tr	ibutary to	oW. Hanere		River Basin:	-
date, POD (if m right to be lease If not enough ro	ore than od. om belov	one), Us v, you m	e (if mor	e than one), and a	creage a	s appropriate co	
(matching the b	elow port	ion of T	able 4).	Please clearly laborate			
Priority date	POD#	Use	Acres	Proposed Instrea Period	im '	Total instream rate (cfs)	Total instream volume (af)
			-				
contact D maximum Certificat irrigation OR Please As part of its re-	repartment rate and e if leasing season or check this view proc	t Staff for duty/voing the enter the autority box if yess, the	or assistated under allestire right horized playou are no Departm	olume and/or instrance. The instream owed by the right, t. The proposed in period of allowed to sure of the proposent will identify the gleased and instre	as desc stream puse. posed ra he appro	d volume may be ribed in Table 2 period may be note, volume and in period instream	or on your o longer than the enstream period.
				Instream Reach			
	pically b	egins a		oint of diversion ce stream: From		oposed Instream stream use prote	m Point: cted at the POD
protected within	a reach bere is only	below th	e POD, i	ot sure of the prop of possible. (If no r on the certificate,	each is	identified or the	above box is not
			Addition	nal Instream Info	rmatio	n	
Yes N/A limitations: list		ns to av	oid enla	rgement or injur	y to oth	er water rights	, if any, or other
Note: The Depa	rtment ma	ay identi	ify additi	ional conditions to	preven	t injury and/or e	nlargement.
Any additional i	nformatio	n about	the prop	osed instream use:			



Part 4 of 4 – Lease Provisions and Party Signatures

OWRD	
Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month year	80 1 1 % 2020
Note: The begin month is generally the first month of the	
in the irrigation season. If not an irrigation right, this wou period of allowed use.	nd be the first and last month of your authorized
Public use: Check the public use(s) this lease will serve	Termination provision (for multiyear leases):
(as defined by ORS 537.332):	The parties to the lease request (choose one):
Conservation, maintenance and enhancement of	a. The option of terminating the lease prior to
aquatic, fish and wildlife, fish and wildlife habitat and	expiration of the full term with written notice to
any other ecological values.	the Department by the Lessor(s) and/or Lessee.
Recreation	b. The option of terminating the lease prior to
Pollution abatement	expiration of the full term, with consent by all
Navigation	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 wat	
other existing instream water rights created as a result of in	
conserved water. Since instream leases are also generally	
agency process or conversion of minimum flows, they gen	nerally replace a portion of these junior instream
rights.	_
If you would like this lease to relate to other instream water	er rights differently, please check this box.
And attach an explanation of your intent.	
Validity of the Right(s) to be leased (check the appropriate The water right(s) to be leased have been used under the state of the stat	riate box):
five years or have been leased instream; or	the terms and conditions of the right(s) during the last
The water right(s) have not been used for the last five	vears according to the terms and conditions of the
right(s). However, the water right(s) is not subject to	
describing why the water right(s) is not subject to fort	
Precedent: If a right which has been leased is later probe the property of an allocation of conserved	oposed to be leased again or later transferred or water project, a new injury review shall be required
An instream lease shall not set a preceden	
	ton a future transaction.
The undersigned declare:	
1. The Lessor(s) agree during the term of this lease, to s right(s) and under any appurtenant primary or supple	-
application; and	
2. The Lessor(s) certify that I/we are the water right hol	
lease application. If not the deeded landowner, I/we	
application that I/we have authorization to pursue the from the deeded landowner; and	lease application and/or nave obtained consent
3. All parties affirm that information provided in this le	asa annlication is true and accurate
Zouch Christensen	Date: 8/27/2019
Signature of Lessor	
Printed name (and title): Business name.	if applicable: 11. M e 7/28
Mailing Address (with state and zip): 16201 SW	Christensen RE McMinnville OR
Phone number (include area code): **E-ma	il address:
Printed name (and title): Business name, Mailing Address (with state and zip): #*E-mailing Address (include area code): **E-mailing Address (with state and zip):	Zach@ hazel wood
See next page for additional signatures.	



		Date:
VRD	Signature of Co-Lessor	
Printed	name (and title):	
Busine	ss/organization name:	
Mailing	g Address (with state and zip):	
Phone	number (include area code):	**E-mail address:
		Date:
	Signature of Lessee	
Printed	name (and title):	
Busine	ss/organization name:	
Mailing	g Address (with state and zip):	
Phone	number (include area code).	**F-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.

ew Directions



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W. 19870

* APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Chester L. Mulkey (Name of applicant)
of624 Second St. McMinnville,
(Mailing address) State ofOregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:
If the applicant is a corporation, give date and place of incorporation
1. The source of the proposed appropriation isSouth_Fork_Yambill Rtrib_ of Yambill
"a tributary of "Willamette R.
2. The amount of water which the applicant intends to apply to beneficial use is 0.19+0.19
cubic feet per second. (If water is to be used from more than one source, give quantity from each)
**3. The use to which the water is to be applied is
4. The point of diversion is located .490
corner of Boyd D.L.C. (Section or subdivision)
(If preferable, give distance and bearing to section corner)
(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
being within the SE_{4}^{\perp} SE_{4}^{\perp} of Sec. 11 , Tp. 5.8. (R. or S.)
R. 5 Wa , W. M., in the county of Yamhill
5. The
in length, terminating in the $\frac{1}{\text{(Smalliest legal subdivision)}}$ of Sec. $\frac{1}{\text{(N. or S.)}}$
R, W. M., the proposed location being shown throughout on the accompanying map.
DESCRIPTION OF WORKS
Discouries Wester
NO CELLE
6. (a) Height of dam feet, length on top feet, length at bottom
feet; material to be used and character of construction
rock and brush, timber crib, etc., wasteway over or around dam)
(b) Description of headgate
(c) If water is to be pumped give general description 4 in. cent. (Size and type of pump)
20. H.P., elec. motor. (Size and type of engine or motor to be used, total head water is to be lifted, etc.)
2800 ft. of perforated pipe

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neadgate. At ne	adgate: width o	n top (at water line)	feet; width on b
thousand feet.	. feet; depth of u	water	feet; grade	feet fall p
		miles from headg	ate: width on top (at water	r line)
	feet; width on	bottom	feet; depth of w	ater
grade	feet fo	all per one thousand	l feet.	
			at intake,	in · size at
			e in.; dif	
intake and place	e of use,	ft. Is gr	ade uniform?	Estimated ca
***************************************	sec. ft.			
8. Location	on of area to be	irrigated, or place	of use <u>.</u>	
Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
5 S.	5 W.	11	SW SE	10
			SE½ SE¼	
			NE NE	
•••			NW4 NE4	
			he property described	
Claim No. 58, Oregon; thence chains to Sout said Donation more or less. Southerly Sout fication No. 2	Donation Lan in T. 5 S., e North 17.50 th line of sa Land Claim, ALSO, the f theast corner 2417, Claim N	d Claim of John R. 5 West of th chains; thence id Donation Lan 43.60 chains to collowing tract of said Donati 0.58, in T. 5	Boyd and wife, Notifie Willamette Meridian west 48.60 chains; the Claim; thence East place of beginning cof land to-wit: Begion Land Claim of John S., R. 5 West of the	ication No. 2417, in said lamnill hence South 17.50 along South line ontaining 85 acre oning at the most Boyd and wife, N Willamette Peridia
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	or Domestic Supply—
10.	(a) To supply the city of
	CName of) County, having a present population of
nd an est	imated population of in 19
	(b) If for domestic use state number of families to be supplied
	(Answer questions 11, 13, 18, and 14 in all cases)
11.	Estimated cost of proposed works, \$ Will use equipment used
12.	Construction work will begin on or before under per. No. 15553
13.	Construction work will be completed on or before 2 yrs after approval
14.	The water will be completely applied to the proposed use on or before 3yrs"
	(Sgd) Chester L. Mulkey (Signature of applicant)
said 8 the A. of said G Claim of the Section	parks: (Continued from Item 8) beginning corner being the Southeast corner of a cre tract above described; thence East 4.36 chains to West boundary line. E. Garrison Donation Land Claim; thence North 23 Deg. West along West line if A. E. Garrison Donation Land Claim, 8.90 chains to the Northwest corner of arrison Claim; thence North 62 deg. East along the North line of said Carrison 17.59 chains to section line between sections 11 and 12 in T. 5 S., R. 5 West along the Morth along case in line 9.20 chains to center of Yamhill County; Oregon; thence North along case in line 9.20 chains to center of Yamhill River; thence up said river in a seterly direction along center of said river to a point due East of Northeast
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TATE O County This caps and In c	of said 85 acre tract above described; thence South along East line of Said a tract 17.50 chains to place of beginning and containing 15.25 acres more s. FOREGON, of Marion, as the same for completion completion completion.

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Applica	ition	No. 23025	
 Permit	No.	18196	

TO APPROPRIATE THE PUBLIC

		WATERS OF THE STATE OF OREGON	
		Division No District No	
		This instrument was first received in the office of the State Engineer at Salem, Oregon,	
		on the 6th day of February,	
		1948 at 2:43 o'clock P. M.	
		Returned to applicant:	
		Corrected application received:	
		Approved:	
		July 30, 1948	
		Recorded in book No 44 of	
		Permits on page 18196 CHAS. E. STRICKLIN STATE ENGINEER	
		Drainage Basin No. 2 Page 90 M	
		Fees Paid\$15.00	
		PERMIT	
STATI	E OF OREGON,	38	
	ECT TO EXISTING	t I have examined the foregoing application and do hereby grant RIGHTS and the following limitations and conditions:	•
SUBJE			
SUBJE		nted is limited to the amount of water which can be applied to	•
SUBJE and sh	all not exceed	nted is limited to the amount of water which can be applied to cubic feet per second measured at the point of divers a case of rotation with other water users, from South Fork Ya	sion from the
and sh	all not exceedQ.	38 cubic feet per second measured at the point of diver	sion from the
and sh stream	all not exceed	cubic feet per second measured at the point of diver case of rotation with other water users, from South Fork Yas water is to be applied is irrigation appropriation shall be limited to 1/80th of one ent for each acre irrigated and shall be further limited 2 acre feet per acre for each acre irrigated	sion from the mhill River cubic foot per lited to a
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STATE OF OREGON

COUNTY OF YANHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHESTER L. MULKEY

of 621-Second St. - McMinnville , 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 Yemhill River

a tributary of Yamhill River

for the purpose of

irrigation under Permit No. 18196 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 6, 1948 for 0.19 c.f.s., and April 22, 1948 for 0.105 cfs.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.295 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 6, (SEL SEL), Section 11 and IN. MH, as projected in A. N. Miller D.L.C. #64, Section 12, T. 5 S., R. 5 W., W. H.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one—eightleth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

12.6 acres in NN, N2., as projected in R. Miller D.L.C. #65
10.2 acres in Lot 6 (SEL SEL)
Section 11
0.8 acre in Lot 1 (NEL NEL)
Section 14
T. 5 S., R. 5 W., W. M.

Land on which water is to be used is a part of that more explicitly described as follows: Situate in Yamhill County, State of Oregon, and being parts of Sections 11 and 14 in T. 5 S., R. 5 West of the Willamette Meridian in said Yamhill County, Oregon, and particularly bounded as follows, to-wit: Beginning at the most Southerly southeast corner of the Donation Land Claim of John Boyd and wife, Notification No. 2417, Claim No. 58, in T. 5 S., R. 5 West of the Willamette Meridian in said Yambill County, Oregon; thence North 17.50 chains; thence west 43.60 chains; thence South 17.50 chains to South line of said Donation Land Claim; thence East along South line of said Donation Land Claim, 48.60 chains to place of beginning containing 85 acres, more or less, ALSO the following tract of land to-wit: Beginning at the most southerly Southeast corner of said Donation Land Claim of John Boyd and wife, Notification No. 2417, Claim No. 58, in T. 5 S., R. 5 West of the Willamette Meridian in said Yamhill County, State of Oregon, being Donation Land Claim above named, said beginning corner begin the Southeast corner of said 85 acre tract above described; thence East 4.36 chains to West boundary line of the A. E. Garrision Donation Land Claim; thence North 23 Deg. West along West line of said A.E. Garrison Donation Land Claim, 8.90 chains to the Northwest corner of said Garrison Claim; thence North 62 deg. East along the North line of said Garrison Claim 17.59 chains to section line between sections 11 and 12 in T. 5 S., R. 5 West of the Willamette "eridian in said Yamhill County, Oregon; themse North along said Section line 9.20 chains to center of Yamhill River; thence up said river in a Southwesterly direction along center of said river to a point due East of Northeast corner of said 85 acre tract above described; thence West 9.30 chains to Northeast

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acre tract above described; thence South along East line of said 85 acre tract 17.50 chains to the place of beginning and containing 15.25 acres more or less.

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 30thlay of

September

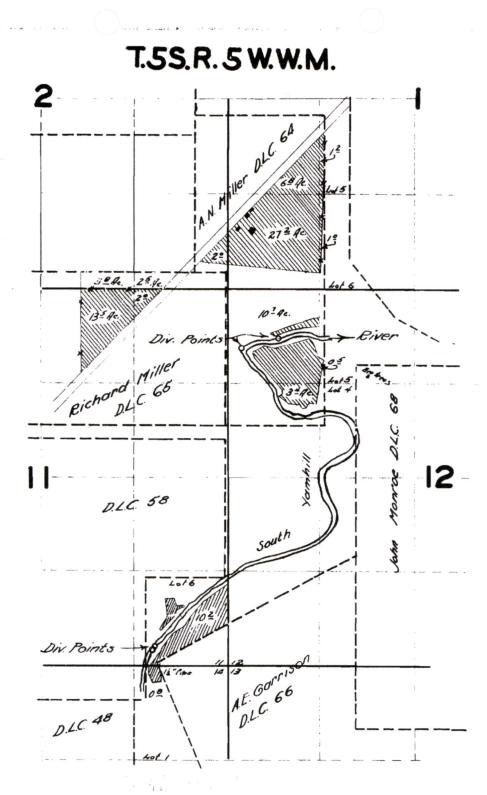
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CHAS. E. STELCKLIK

State Engineer

OWR Recorded in State Record of Water Right Certificates, Volume 14, page 19870



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OWRD

9/17 /51 / HL.COFFMAN

Last Name

MULKEY

MULKEY

MULKEY

Company

Use Desc.

IRRIGATION

IRRIGATION

IRRIGATION

Priority Date

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Water Type First Name

CHESTER

CHESTER

CHESTER

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