

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist

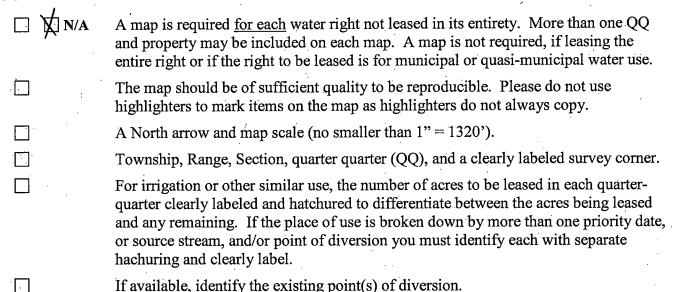
_	through 4 and include the required attachments r check boxes as indicated. (N/A= Not Applicable)	Fee-					
	Pursuant to ORS 537.348(2) and OAR 690-072	7 .					
Check all items	included with this application. $(N/A = Not Applicable)$						
□ Yes	Part 1 – Completed Minimum Requirements Checklist	and Application Fee					
	Fees \$520.00 for a lease involving four or more landowners or four or more water rights						
	☐ Check enclosed or ☐ Fee Charged to customer account (a	ccount name)					
Yes	Part 2 – Completed Instream Lease Application Map Cl	hecklist.					
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 Sign	natures					
Yes Yes	How many water rights are leased? 2 List them Include a separate Part 3 for each water right	here: KAIL 7 & 24508					
Yes N/A	Other Water Rights, if any, appurtenant to the lands in application and not proposed to be leased instream? List those other water rights here:	volved in the lease					
☐ Yes 🂢 No	Conservation Reserve Enhancement Program (CREP). to be leased part of CREP or another Federal program (l						
Attachments:		· · · · · · · · · · · · · · · · · · ·					
☐Yes 🂢 N/A	Map: Instream Lease map requirements (see Part 2 of th	is application)					
☐Yes [N/A	Tax Lot Map: If a portion of the water right not included to lands owned by others, a tax lot map must be included. The tax lot map should clearly show the property involve	with the lease application.					
□Yes X N/A	Supporting documentation describing why a right (or port subject to forfeiture even though the right has not been exconsecutive years. This information only needs to be probeen checked to identify that the water right has not been and is not subject to forfeiture (See Part 4 of 4).	sercised for five or more vided if the checkbox has					
☐Yes 🂢 N/A	If the Lessor (water right holder) is not the deeded landov following.	vner - provide one of the					
	• A notarized statement from the landowner consenting the recorded deed; or.	g to the lease and a copy of					
	• A water right conveyance agreement and a copy of the landowner at the time the water right was conveyed;						
	Other documentation which provides authority to pur of the landowner. RECEIV	rsue the lease absent consent					

Part 2 of 4 – Instream Lease Application Map Checklist

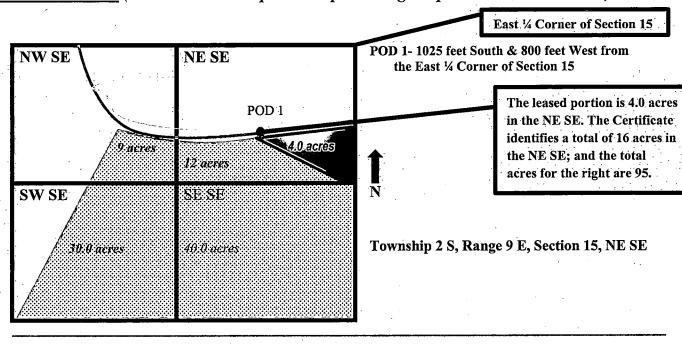
A Map is generally required for each water right not leased in its entirety

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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Use a <u>separate</u> Part 3 for <u>each</u> water right to be leased instream											
Water Right	t Inforn	nation						V	Vater 1	ight # <u>K</u>	A167
Table 1		•									
											Also include
your tax lot r	number(s	s). Fill in	all ap	plicab	le infor	mation. F	or exam	ple, if yo	our wat	er right h	as multiple
points of dive	ersion (F	OD) but	they'ı	e not	number	ed, you d	o not ne	ed to inc	clude a	number. l	f not enough
room below,					s (see in	structions	s) or atta	ch sprea	dsheet	(matching	g Table 1).
Please clearly	y label a	ny attaçh	ments	•	1						·
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)
			T		E	XAMPLE					
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	1	IL-1100 .
		-	-		-				-		
		-	-	 							
			-	-	-					-	
		-	-	ļ .							
		-	-					l		JAN 2 2	3 2020
						Total A	Acres: _			JANUL	, 2020
Table 2										OWI	RD
	To illu	strate th	e tota	ls for	the wat	ter right	propose	d to be	leased	instream	
Total rate and	d volum	e by prior	rity da	te, PC	DD, use	and acrea	ige as ap	propriat	e consi	dering the	right to be
leased. If not											
(matching Ta	able 2). I	Please cle	arly la	ibel a	ny attacl	hments. (cfs = cul	oic feet p	per seco	ond and a	f = acre-feet)
			· 1	Cotal	o	ther Infor	mation (s	uch as	ļ	Total	Total
Priority Date	POI)# Us	e A	cres	condi	itions/limit	ations on	the right) R	ate (cfs)	Volume (af)
											,
<u> </u>											
Total af from s	storage, if	applicable	e:	AF	or N/A	A					
Any additional	l informa	tion about	the rig	ht: _	<u>. </u>				<u> </u>		
Table 3		·									
D-!4 - CD!		DOD) I		1	(£41 DC	ND : :	1 :1	1	4:0		d

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. DLC/ Measured Distances, latitude/longitude coordinates, or river mile (if POD# Gov't lot unknown you may indicate "unknown") 30 KLAM TAX LOT R-3809-00000-05700-000 SE-NE 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.

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

Instream Use Information

AAAD	••	CHILL	000	•	AAAGG

Table 4							
Instream Use Created by the Lease							
River/ Stream Name: Link tributary to KLAMATH RIVER River Basin: KLAMATH River Basin: KLAMATH River Basin: KLAMATH							
date, POD (if m right to be lease	on: Use I ore than od.	one), Use	o illustra e (if mor	te than one), and ac	e, volun creage a	s appropriate co	_
				dditional rows (se Please clearly labe			a spreadsheet
Priority date	POD#	Use	Acres	Proposed Instrea Period		Fotal instream rate (cfs)	Total instream volume (af)
11-1-1895		UER		YEAR ROU	UN	150 cfs	N/A
	GE	NERAT	100				
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 Or Proposed Instream Point: Instream use protected at the POD							
(POD) and ends at the mouth of the source stream: From the POD to POINT OF RETURN-SET PUNCE OF USE 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.)							
			Addition	nal Instream Info	rmation	1	
Yes N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here							
Note: The Depa	rtment m	ay identi	fy additi	onal conditions to	prevent	injury and/or e	nlargement.
Any additional i	nformatio	n about	the prop	osed instream use:			

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BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.)	CORRECTED PARTIAL ORDER O DETERMINATION				
AND LIGHT CO.	3	· .				
	3 2	Water Right Cl	laim 167			

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS TO THE PROPOSED ORDER

- 1. Claim 167 (Claimant: PACIFICORP, DBA PACIFIC POWER AND LIGHT CO.) and its associated contests (3161 and 3279) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 14.
- 2. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) on July 19, 2002, approving Claim 167.
- 3. Exceptions were filed to the Proposed Order by Medford Irrigation District and Rogue River Valley Irrigation District within the exceptions filing deadline. See MEDFORD AND ROGUE RIVER VALLEY IRRIGATION DISTRICTS' EXCEPTIONS TO PROPOSED ORDER (Aug. 16, 2002).
- 4. The exceptions were referred to the Office of Administrative Hearings for comment.
- 5. In comments to the exceptions, the Administrative Law Judge from the Office of Administrative Hearings, in summary, stated: "The exceptions presented in this case have no merit. The Adjudicator should make no changes in the order to accommodate them."
- 6. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the "Findings of Fact" is adopted with modifications, as set forth in Section A.7, below, and (2) the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of

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CORRECTED PARTIAL ORDER OF DETERMINATION

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CLAIM 167 Page 1 of 3 Determination for Claim 167. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.

- 7. Findings of Fact. The Proposed Order Findings of Fact # 5 is modified as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):
 - (5) Contestant Irrigation Districts hold established water rights to store water in Four Mile Lake and Fish Lake with a priority date of March 31, 1910. These streams and storage facilities established water rights are not subject to the Klamath adjudication because of their post 1909 priority date.

Reason for Modification: The ALJ's proposed finding of fact failed to fully set forth the evidence on the record; to add clarification using evidence on the record.

B. DETERMINATION

- 1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with two exceptions: (1) the "Findings of Fact" is adopted with modifications, as set forth in Section A.7, above, and (2) the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 167. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.
- 2. The elements of a pre-1909 claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
- 3. Based on the file and record herein, IT IS ORDERED that Claim 167 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 167

CLAIM MAP REFERENCE:

OWRD INVESTIGATION MAP - T 38 S, R 9 E, W.M.

CLAIMANT: PACIFICORP, DBA PACIFIC POWER AND LIGHT CO. 825 NE MULTNOMAH, SUITE 1700 PORTLAND, OR 97232

SOURCE OF WATER: The LINK RIVER, tributary to the KLAMATH RIVER

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CORRECTED PARTIAL ORDER OF DETERMINATION

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CLAIM 167 Page 2 of 3 PURPOSE or USE: POWER

RATE OF USE: 150.0 CUBIC FEET PER SECOND MEASURED AT THE POINT OF DIVERSION

PERIOD OF ALLOWED USE: JANUARY 1 - DECEMBER 31

DATE OF PRIORITY: NOVEMBER 1, 1895

THE POINT OF DIVERSION IS LOCATED AS FOLLOWS:

-	Twp	Rng	Mer	Sec	Q-Q	GLot
"	38 S	9 E	WM	30	NW SE	4

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	Twp	Rng	Mer	Sec	Q-Q	GLot	Remarks
ı	38 S	9 E	WM	32	NW NW	7	East Side Power Plant

[End of Water Right Claim Description]

Dated at Salem, Oregon on February 28, 2014

Dwight French, Adjudicator

Klamath Basin General Stream Adjudication

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CORRECTED PARTIAL ORDER OF DETERMINATION

CLAIM 167 Page 3 of 3

Part 3 of 4 – Water Right and Instream Use Information

								_			OM	AKD
,	Use	a <u>se</u> r	arat	e Pa	rt 3 f	or <u>eac</u>	<u>h</u> water	right (to be le	eased i	nstrean	1
Water Right	t Info	mati	on			•			·	Vater r	CE	ERTIFICAT 24508
Table 1											~ _	
your tax lot r	numbe ersion you n	r(s). F (POE nay ad	Fill in a O) but t Id addi	all ap they'r itiona	plicab e not l rows	le infor number	mation. F ed, you d	or exam	ple, if yo	our wate clude a 1	er right ha number. I	f not enough
If only lease complete T				he rig	ht -		tirety - If	the entire	water ri	ght is to	be leased,	skip to
Priority Date	POD	# .	Twp	Rng	Sec	0-0	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous	Lease # (if any)
							XAMPLE	r				
12/2/1901	3	+	2-S	9-E	15	NE SE	100	47	4.0	IR .	1	IL-1100
•		\perp	-	-		_						
			-	-		-					,	
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	ļ			<u> </u>			٠.					
	<u> -</u>			<u> </u>		-						
Γable 2							Total A	Acres:	· · ·			
	To il	lustra	ate the	e tota	ls for	the war	ter right	propose	d to be	leased i	nstream	r
Total rate an leased. If not (matching Ta	d volu t enou	me by	prior m bel	ity da ow, y	te, PC	DD, use ny add a	and acreadditional	ige as ap rows (se	propriat e instru	e considerations)	lering the	right to be spreadsheet
Priority Date	e P	OD #	Use	I	otal cres	1	Other Information (such as conditions/limitations on the right)			1 '	Total // ate (cfs)	Total Volume (af)
			 				.					
Total af from	storage	, if app	olicable	:	AF (or N/A	4 ·			•		
Any additiona	l inforn	nation	about	the rig	ht: _					-		
Table 3							•	,				
Point of Diversity of Point of												

If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

					DLC/	Measured Distances, latitude/longitude coordinates, or river mile (if			
POD#	Twp	Rng	Sec	Q-Q	Gov't lot	unknown you may indicate "unknown")			
1	38-5	9-E	30	-	LOT 7	KLAM. TAX LOT R-3809-00000-05700-000			
	-			-					

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.

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: RIVER, tributary to KLAMATH RIVER River Basin: KLAMATH								
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 b	elow port	ion of T	able 4).	Please clearly labe	· · ·			
Priority date	POD#	Use	Acres	Proposed Instream Period	n	Total instream rate (cfs)	Total instream volume (af)	
2-24-1919		ELOPP		YEAR		1,000 cfs	_ <i>N/R</i>	
			ese-	ROUND				
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 Point: Instream use protected at the POD (POD) and ends at the mouth of the source stream: From the POD to POINT OF RETURN - SET PLACE OF								
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.)								
		1	Addition	ıal Instream Infoi	matic)n		
Yes N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here								
Note: The Department may identify additional conditions to prevent injury and/or enlargement.								
Any additional i	nformatio	n about	the prop	osed instream use:				

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STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THE CALIFORNIA OREGON POWER COMPANY

of Klamath Ralls

State of Oregon, of a right to the use of the waters of Link River

o tributary of "Klamath River" development of 5341 theoretical horsepower

for the purpose of

under Permit No. 6756 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 24, 1919.

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 1,000.00 cubic feet per second.

or its equivalent in case of rotation. The point of diversion is located in the Lot ? (NW: SE;). Section 30. Township 38 South. Range 9 East, W.M.

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:

Lot 7 (NW: NW:)
Section 32
Township 38 South, Range 9 East, W.M.

The right herein granted is limited to the appropriation of water from link River for development of 5341 theoretical horsepower; and the right hereby acquired for the appropriation of water for power development under this permit shall be, is deemed to be, and is hereby expressly made subject and subordinate in right and time to any appropriations of water which may hereafter be made at points above on Upper Klamath Lake or its tributaries, for irrigation, or for storage for irrigation purposes for use on lands in Oregon, and is hereby accepted by the applicant subject to this limitation.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place 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, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition 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 severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

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WITNESS the signature of the State Engineer, affixed

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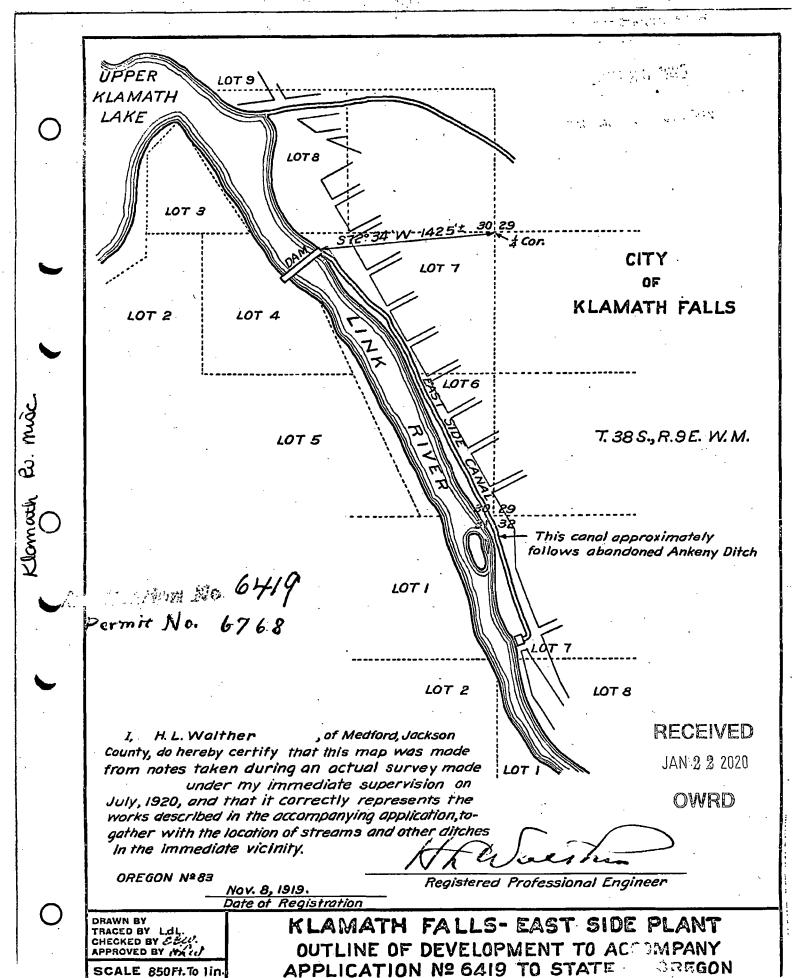
this 17th day of March

, 19859.

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LEWIS A. STANLEY

State Engineer



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 3 year 20	522nd end: month 4 year 2025							
Note: The begin month is generally the first month of the in the irrigation season. If not an irrigation right, this wo	e irrigation season and the end month is the last month							
period of allowed use.								
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							
any other ecological values. Recreation	to the Department by the Lessor(s) and/or Lessee.							
Pollution abatement	b. The option of terminating the lease prior to							
Navigation	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 wa	•							
other existing instream water rights created as a result 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 approp	oriate 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								
right(s). However, the water right(s) is not subject to	` ,							
describing why the water right(s) is not subject to for	rieiture is provided.							
Precedent: If a right which has been leased is later pro	posed to be leased again or later transferred or							
	water project, a new injury review shall be required							
An instream lease shall not set a precedent	t on a future transaction.							
The undersigned declare:								
The Lessor(s) agree during the term of this lease, to s	uspend use of water allowed under the subject water							
right(s) and under any appurtenant primary or suppler	-							
application; and								
2.The Lessor(s) certify that I/we are the water right hole	der(s) of the right(s) described in this instream							
lease application. If not the deeded landowner, I/we l	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 lea	ase application is true and accurate							
Tordana J. Lulor	Data: 1/01/0000							
Signature of Lessor	JAN 2 2 2020							
Printed name (and title): <u>Jordana T. Taylor</u> Business	s name, if applicable: PacifiCorp. an Oregon							
corporation	,							
Mailing Address (with state and zip): 825 NE Multne	omah Street, Suite 1700, Portland, Oregon 97232							
Phone number (include area code): 503-813-6143								

	Date:	
Signature of Co-Lessor		
Printed name (and title): Business/organization name:		
Mailing Address (with state and zip): Phone number (include area code):	**E-mail address:	RECEIVED JAN-2 2 2020
Signature of Lessee	Date:	OWRD
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.