



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>IL - 1821</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 | <input checked="" type="checkbox"/> \$520.00 for a lease involving four or more landowners or four or more water rights | <input type="checkbox"/> \$350.00 for all other leases |
| | <input checked="" type="checkbox"/> Check enclosed <u>or</u> <input type="checkbox"/> Fee Charged to customer account _____ (account name) | |

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

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

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

Yes **How many water rights are leased? 6 List them here: Certificates 15846, 5107, 6740, 7434, 9821, and 89748 (included in Attachment A)**

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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?

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) **Attachment B**

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. **Attachment B**

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.

Part 2 of 4 – Instream Lease Application Map Checklist

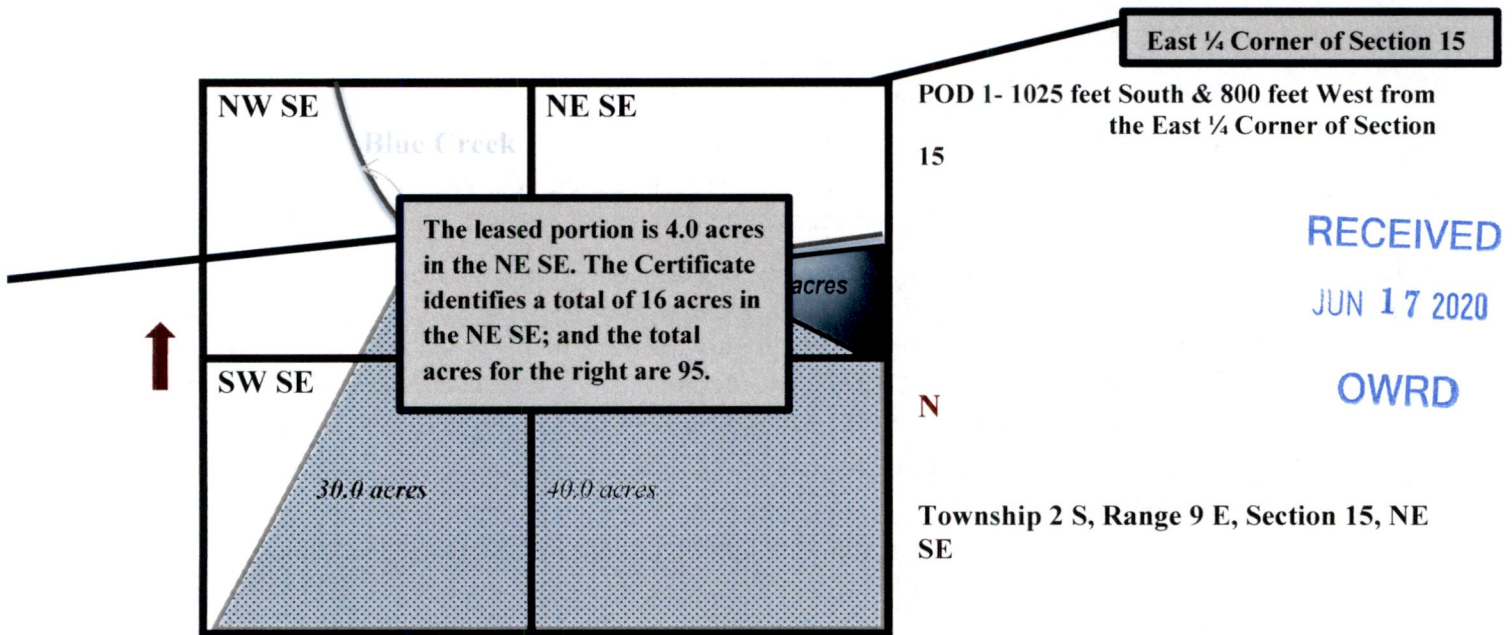
A Map is generally required for each water right not leased in its entirety

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)



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 # 15846

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.

| <input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input checked="" type="checkbox"/> 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: _____

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) |
| | | | | | | |
| Total af from storage, if applicable: _____ AF or <input type="checkbox"/> 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") |
| | 35-S | 3-E | 22 | -NW | | |
| | - | - | | - | | |
| <input type="checkbox"/> 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: <u>Four Bit Creek</u> , tributary to <u>Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 1905 | | Irrigation | 21 | April 1 - October 31 | 0.42 | 94.5 |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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: <u>Certificates 15846 and 9821 may overlap</u></p> | | | | | | |

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

Water Right Information

Water right # 5107

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.

| <input checked="" type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input type="checkbox"/> 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 |
| 10/17/1917 | | 35-S | 3-E | 34 | NE-SE | 7300 | | 33 | IR/DS | IL-1245 |
| 10/17/1917 | | 35-S | 3-E | 34 | NW-SE | 7300 | | 19 | IR/DS | IL-1245 |
| 10/17/1917 | | 35-S | 3-E | 34 | SW-SE | 7300 | | 1 | IR/DS | IL-1245 |
| 10/17/1917 | | 35-S | 3-E | 34 | SE-SE | 7300 | | 1 | IR/DS | IL-1245 |

Total Acres: 54.0

Table 2

| To illustrate the totals for the water right proposed to be leased instream | | | | | | | |
|---|-------|-------|-------------|---|--|------------------|-------------------|
| Priority Date | POD # | Use | Total Acres | Other Information (such as conditions/limitations on the right) | | Total Rate (cfs) | Total Volume (af) |
| 10/17/1917 | | IR/DS | 54.0 | | | 0.72 | 243.0 |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> 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") |
|-------|------|-----|-----|-------|----------------|---|
| | 35-S | 3-E | 25 | NW-SW | | 1300 feet north and 700 feet east of SE corner of Sec. 26 |
| | - | - | | - | | |

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: <u>Two Springs Creek</u> , tributary to <u>Four Bit Creek and Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 10/17/1917 | | IR/DS | 54 | April 1 - October 31 | 0.72 | 243.0 |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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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Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # 6740

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.

| <input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input checked="" type="checkbox"/> 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: _____

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) |
|---------------|-------|-----|-------------|---|------------------|-------------------|
| | | | | | | |
| | | | | | | |

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") |
|-------|------|-----|-----|-------|----------------|---|
| | 35-S | 3-E | 28 | SE-NW | | S 49°08' E 2859.5 feet from the NW corner of Sec. 28 |
| | - | - | | - | | |

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>Willow Creek</u> , tributary to <u>Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 6/10/1920 | | IR | 130 | April 1 - October 31 | 1.63 | 585.0 |
| | | | | | | |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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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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 # 7434

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.

| <input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input checked="" type="checkbox"/> 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: _____

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) |
|---------------|-------|-----|-------------|---|------------------|-------------------|
| | | | | | | |
| | | | | | | |

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") |
|-------|------|-----|-----|-------|----------------|---|
| | 35-S | 3-E | 25 | NE-NW | | 2500 feet west and 1203 feet south of NE corner of Sec. 25 |
| | - | - | | - | | |

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.

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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>Four Bit Creek, tributary to Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 11/12/1920 | | IR | 93 | April 1 - October 31 | 1.0 | 418.5 |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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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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 # 9821

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.

| <input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input checked="" type="checkbox"/> 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: _____

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) |
|---------------|-------|-----|-------------|---|------------------|-------------------|
| | | | | | | |
| | | | | | | |

Total af from storage, if applicable: _____ AF or N/A

Any additional information about the right: _____

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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") |
|-------|------|-----|-----|-------|----------------|---|
| | 35-S | 3-E | 22 | NE-SW | | |
| | - | - | | - | | |

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.

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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>Four Bit Creek</u> , tributary to <u>Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 11/27/1916 | | IR/DS | 32.5 | April 1 - October 31 | 0.40 | 146.25 |
| | | | | | | |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # 89748

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.

| <input checked="" type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated | | | | | <input type="checkbox"/> 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 |
| 11/2/1917 | 1 | 35-S | 3-E | 15 | NW-SW | 1501 | | 17 | IR | IL-1245 |
| 11/2/1917 | 1 | 35-S | 3-E | 15 | SW-SW | 1501 | | 30 | IR | IL-1245 |
| 11/2/1917 | 1 | 35-S | 3-E | 15 | SE-SW | 1501 | | 27 | IR | IL-1245 |
| 11/2/1917 | 1 | 35-S | 3-E | 16 | NE-SE | 1501 | | 37 | IR | IL-1245 |
| 11/2/1917 | 1 | 35-S | 3-E | 16 | SE-SE | 1501 | | 30 | IR | IL-1245 |

Total Acres: 141.0

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) |
|---------------|-------|-----|-------------|---|------------------|-------------------|
| 11/2/1917 | 1 | IR | 141.0 | | 1.76 | 634.5 |

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 | 35-S | 3-E | 22 | SE-NW | | 1790 feet south and 2000 feet east from NW corner of Sec. 22 |
| | - | - | | - | | |

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: <u>Four Bit Creek</u> , tributary to <u>Big Butte Creek</u> | | | | | River Basin: <u>Rogue</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) |
| 11/2/1917 | 1 | IR | 141 | April 1 - October 31 | 1.76 | 634.5 |
| | | | | | | |
| <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: <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>mouth of Big Butte Creek</u></p> | | | | <p>Or Proposed Instream Point: <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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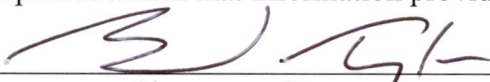
Part 4 of 4 – Lease Provisions and Party Signatures

| | |
|--|--|
| <p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>April</u> year <u>2021</u> and end: month <u>October</u> year <u>2025</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 checked="" type="checkbox"/> Recreation</p> <p><input checked="" 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 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.</p> <p><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.</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

Date: 5/29/2020

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Printed name (and title): Brad Taylor, General Manager Business name, if applicable: Medford Water Commission

Mailing Address (with state and zip): 200 S. Ivy Street, #177, Medford, OR 97501

Phone number (include area code): (541) 774-2443 **E-mail address: brad.taylor@medfordwater.org

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: _____

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**

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Attachment A
Water Right Certificates 15846, 5107, 6740, 7434, 9821,
and 89748

Application for an Instream Lease – Certificates 15846, 5107, 6740, 7434, 9821,
and 89748

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That L. N. Best

of Los Angeles, State of California, has a right to the use of the waters of Fourbit Creek, a tributary of Big Butte Creek for the purpose of irrigation of 21 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1905;

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 0.42 cubic foot per second.

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:

18 acres in SW 1/4 NW 1/4
3 acres in SE 1/4 NW 1/4
Section 22,
T. 35 S., R. 3 E., W. M.

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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 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That Thomas Stanley

of Butte Falls, 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 Two Springs, tributary of Four Bit Creek a tributary of Big Butte Creek for the purpose of irrigation & domestic including stock under Permit No. 3550 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 October 17, 1917;

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 1.63 cubic feet per second.

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Forty (40) acres in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4), Forty (40) acres in the Southwest Quarter of the Southeast Quarter, Thirty-eight (38) acres in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), and Twenty (20) acres in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Thirty-four (34), Township Thirty-five (35) South, Range Three (3) East of the Willamette Meridian, in Jackson County, Oregon, being a total of 138 acres.

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The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 1st day of October, 1924.

Rhea Luper, State Engineer.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That Harry L. Heryford

of Butte Falls, 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 Willow Creek

a tributary of Big Butte Creek for the purpose of Irrigation under Permit No. 4637 of the State Engineer, and that said right to the use of said waters has been perfected with the laws of Oregon; that the priority of the right hereby confirmed dates from June 10, 1920;

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 1.63 cubic feet per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Twenty-five (25) acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Thirty-five (35) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Thirty-five (35) acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Thirty-five (35) acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Twenty (20), Township Thirty-five South, Range Three East of the Willamette Meridian, being a total of 130 acres.

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The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 20th day

of December, 1920 6.

RHEA LUPER

State Engineer.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This is to Certify, That John F. Down

of Butte Falls, 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 Four Bit Creek

a tributary of Big Butte Creek for the purpose of Irrigation under Permit No. 4854 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 November 12, 1920:

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 1.0 cubic foot per second:

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use) is as follows: 35 acres in the NE 1/4, 30 acres in the NW 1/4, 20 acres in the SW 1/4, 10 acres in the SE 1/4, Section 26, Township 35 South, Range 3 East of Willamette Meridian, in Jackson County, Oregon.

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The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 15th day of December, 1927

RHEA LUPER

State Engineer.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. D. COOK

of Butte Falls , 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
Four-Bit Creek
a tributary of Big Butte Creek for the purpose of
Irrigation and domestic
under Permit No. 3283 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 November 27, 1916;

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
0.4 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 35S, Range 3 E, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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-eightieth of one cubic foot per second per
acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation, or any other purpose), is as follows:

29.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$,
5.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 22,
Township 35 South, Range 3 East, W. M.

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The right to the use of the water for any purpose 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.

WITNESS the signature of the State Engineer,

affixed this 6th day

of January , 1933

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9 , page 9621

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. H. STANLEY, C. E. STANLEY AND FRED STANLEY
BROWNSBORO, OREGON

confirms the right to use the waters of FOUR-BIT CREEK, a tributary of BIG BUTTE CREEK for the purpose of IRRIGATION of 172.0 ACRES.

This right was perfected under Permit S-3579. The date of priority is NOVEMBER 2, 1917. 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 2.15 CUBIC FEET PER SECOND.

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 35 S | 3 E | WM | 15 | NE SW | 5.00 |
| 35 S | 3 E | WM | 15 | NW SW | 40.00 |
| 35 S | 3 E | WM | 15 | SW SW | 30.00 |
| 35 S | 3 E | WM | 15 | SE SW | 27.00 |
| 35 S | 3 E | WM | 16 | NE SE | 40.00 |
| 35 S | 3 E | WM | 16 | SE SE | 30.00 |

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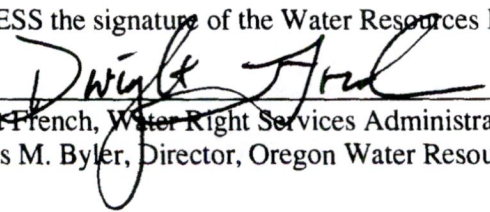
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The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

This certificate describes that portion of the water right confirmed by Certificate 4898, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered December 18, 2014, approving Transfer Application T-11842.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed December 18, 2014.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director, Oregon Water Resources Department

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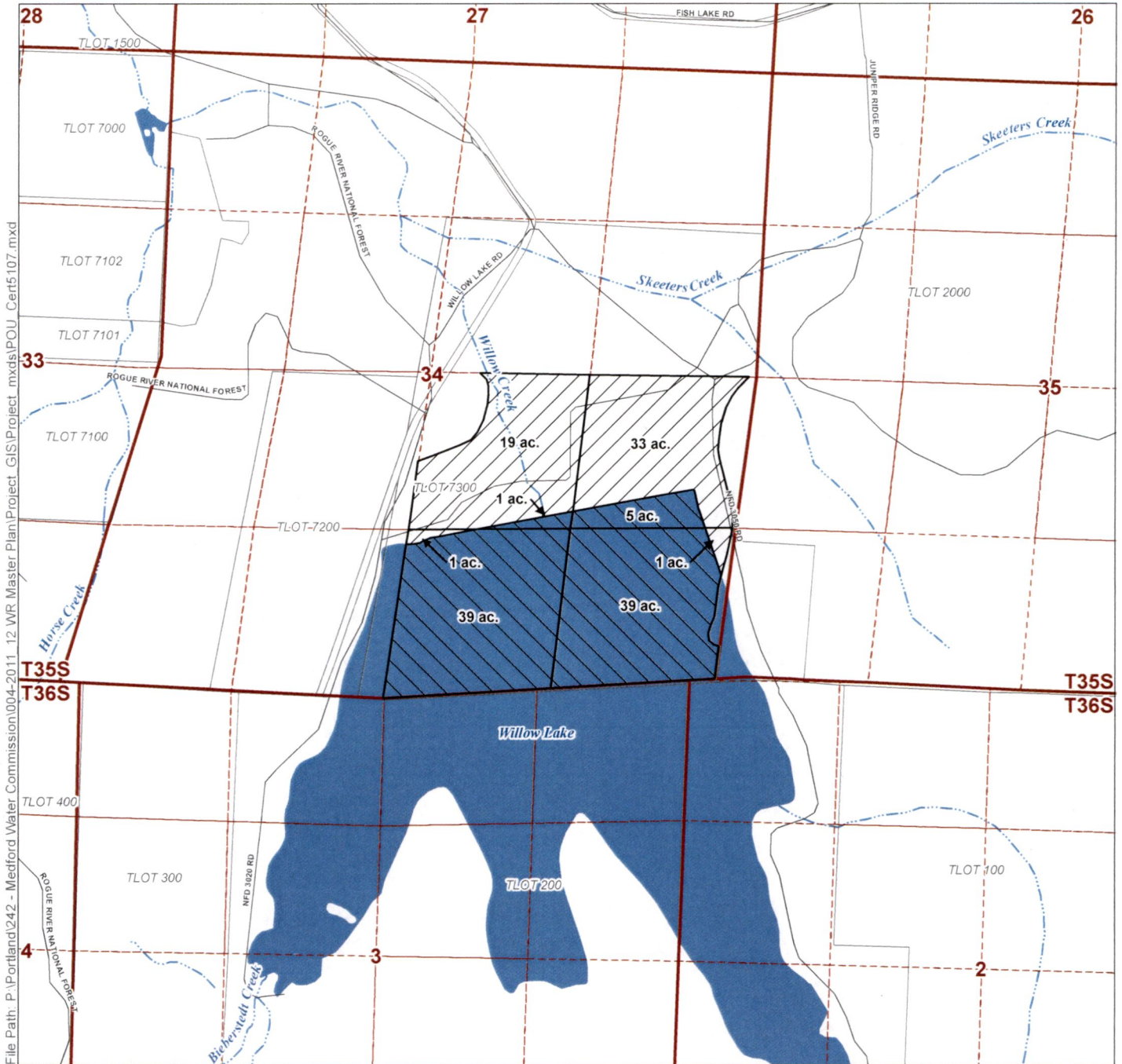
Attachment B
Instream Lease and Tax Lot Maps for Certificates
5107 and 89748

Application for an Instream Lease – Certificates 15846, 5107, 6740, 7434, 9821,
and 89748

Instream Lease Application in the Name of Medford Water Commission

Certificate 5107, Permit S-3550, Application S-5744

Township 35 South, Range 3 East (W.M.)



File Path: P:\Portland\242 - Medford Water Commission\004-2011_12 WR Master Plan\Project_GIS\Project_mxd\POU_Cert5107.mxd

LEGEND

- Place of Use (POU) to be leased
- POU Remaining
- Tax Lots
- Roads
- Watercourses
- Waterbodies

Disclaimer

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

Map Notes

Date: April 10, 2012
Data Sources: Jackson Co GIS, OGIC, ESRI
Prepared By: GSI Water Solutions, Inc.

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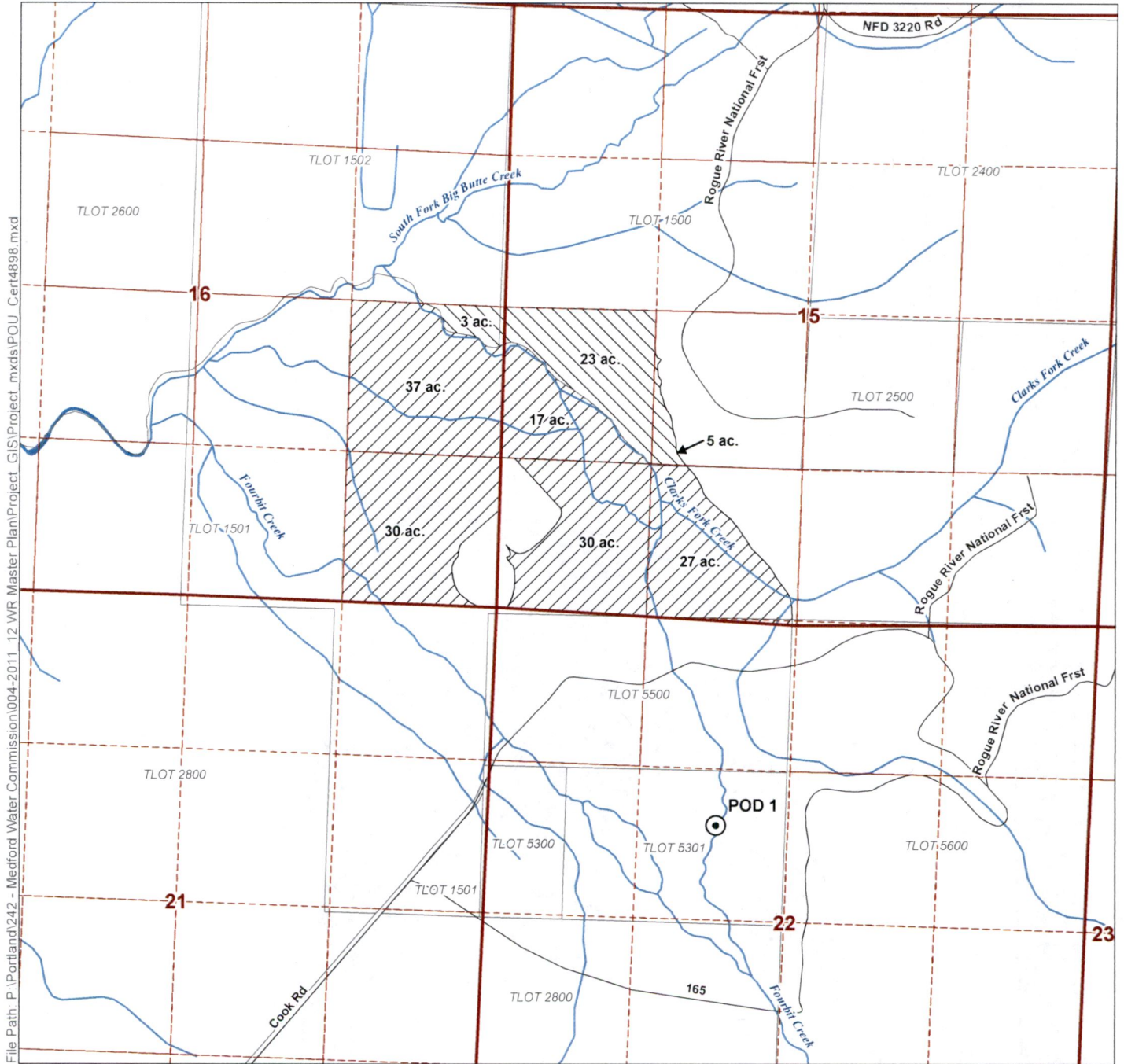
OWRD



Instream Lease Application in the Name of Medford Water Commission

Certificate 89748, Permit S-3579, Application S-5823

Township 35 South, Range 3 East (W.M.)



File Path: P:\Portland\242 - Medford Water Commission\004-2011 - 12 WR Master Plan\Project GIS\Project mxd\POU_Cert4898.mxd

LEGEND

- Point of Diversion (POD)
- Place of Use (POU) to be leased
- POU Remaining
- Tax Lot
- Road
- Watercourse

POD LOCATION DESCRIPTION

POD 1
Located 1790 feet South and 2000 feet East from the NW corner of Section 22, Township 35 South, Range 3 East (W.M.)

DISCLAIMER

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

MAP NOTES

Date: April 28, 2020
Data Sources: USGS, Jackson Co., OWRD, ESRI

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