

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD # <u>1L-1888</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 type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	<input checked="" type="checkbox"/> \$410.00 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.**

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

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

Yes **How many water rights are leased? 1 List them here: 34138**
 Include a separate **Part 3** for each **water right**.

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Yes N/A **Other Water Rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?
List those other water rights here: _____

Yes No Conservation Reserve Enhancement Program (**CREP**). Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

Attachments:

Yes N/A **Map:** Instream Lease map requirements (see Part 2 of this application)

Yes N/A **Tax Lot Map:** If a portion of the water right *not included in the lease* is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease.

Yes N/A Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4).

Yes N/A If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or
- Other documentation which provides authority to pursue the lease absent consent of the landowner.

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.

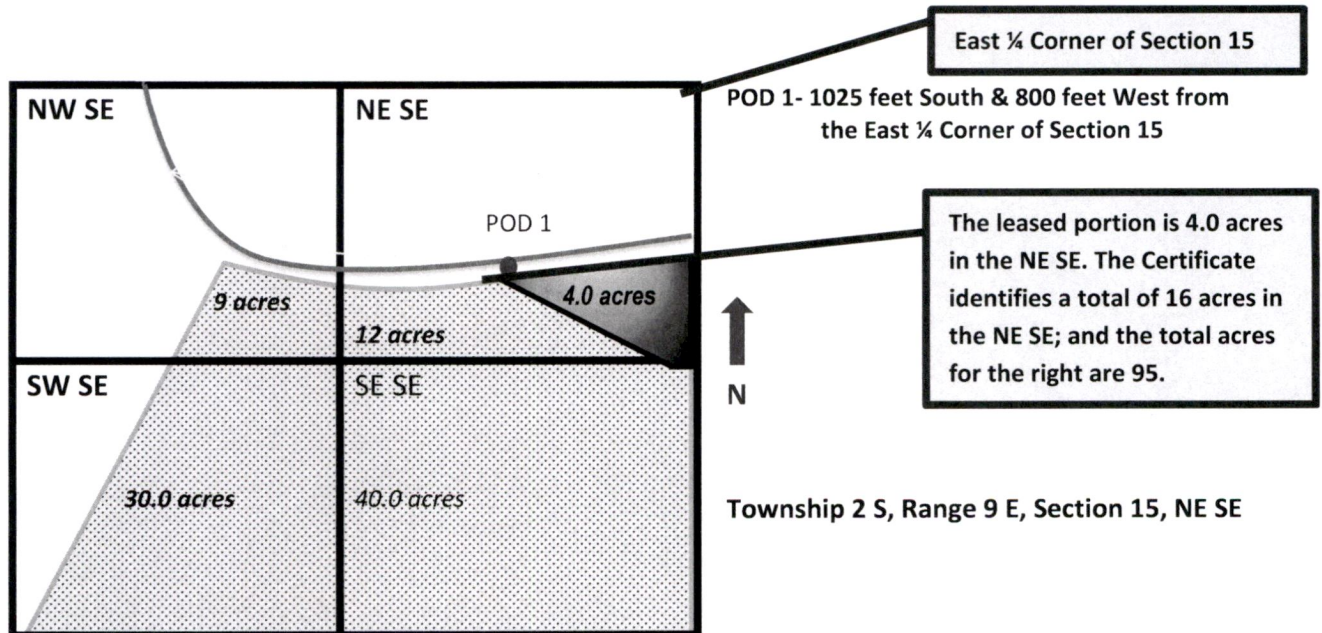
- N/A** A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- The map should be of sufficient quality 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.

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

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

Water Right Information

Water right # 34138

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

If only leasing a portion of the right - complete Table 1 as indicated

Entirety - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
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		-	-		-					OWRD

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")
	27-S	5-W	16	SE-SE	41	1250 feet North and 550 feet West from the SE Corner, Section 16
	-	-		-		

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

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Instream Use Created by the Lease						
River/ Stream Name: <u>Deer Creek</u> , tributary to <u>South Umpqua River</u>				River Basin: <u>Umpqua</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)
Sept, 17 1965		IR	7.6	March 1-Oct 31 st	0.10	19.0
<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:</p> <p><input 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 _____</p>				<p>Or Proposed Instream Point:</p> <p><input checked="" 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>						

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** March 1st **year** 2022 and end: **month** Oct 31st **year** 2026

Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.

Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):

- Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
- Recreation
- Pollution abatement
- Navigation

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Termination provision (for multiyear leases):

The parties to the lease request (choose one):

- a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee.
 - b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
 - c. The parties would not like to include a Termination Provision.
- (See instructions for limitations to this provision)

Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.

If you would like this lease to relate to other instream water rights differently, please check this box.
And attach an explanation of your intent.

Validity of the Right(s) to be leased (check the appropriate box):

- The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream; or
- The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.

Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

The undersigned declare:

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.

Gail a Baker
Signature of Lessor

Date: 9-21-2021

Printed name (and title): Gail Baker Business name, if applicable: _____

Mailing Address (with state and zip): 4487 NE Douglas Ave Roseburg, OR 97470

Phone number (include area code): 541-673-1888 **E-mail address: gailannbakere@gmail.com

See next page for additional signatures.

Signature of Co-Lessor

Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: _____

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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.**

TAX STATEMENTS: Until a change is requested, all tax statements shall be sent to the following address:

No Change

AFTER RECORDING RETURN TO:
Bryon L. Land, Attorney at Law, 800 Willamette Street, Suite 800, Eugene, OR 97401

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2011-004296



\$51.00

00292696201100042960030033

03/04/2011 11:49:01 AM

DEED-WD Cnt=1 Stn=18 HEDI
\$15.00 \$11.00 \$15.00 \$10.00

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STATUTORY SPECIAL WARRANTY DEED

GAIL A. BAKER, hereinafter called Grantor, hereby grants and conveys and specially warrants to GAIL A. BAKER, TRUSTEE OF THE GAIL A. BAKER REVOCABLE LIVING TRUST dated March 1, 2011, hereinafter called Grantee, and all of Grantee's heirs, successors and assigns, all of the Grantor's right, title and interest in and to that certain real property with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, free of all encumbrances created or suffered by Grantor except as specifically set forth herein situated in Douglas County, Oregon, described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To Have and to Hold the same unto the Grantee's and Grantee's heirs, successors and assigns forever. And the Grantor hereby covenants to and with the Grantee and Grantee's heirs, successors and assigns that the real property is free from encumbrances created or suffered by Grantor except easements, rights-of-way, protective covenants, conditions, restrictions and other matters of record as of the date hereof. The true and actual consideration for this conveyance stated in dollars is NONE. This conveyance is made for estate planning purposes by the Grantor to a revocable living trust. In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to companies and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS

DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

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Dated this 1st day of March, 2011.

Gail A. Baker

Gail A. Baker

STATE OF OREGON

SS

COUNTY OF LANE

On March 1, 2011, personally appeared before me the above-named GAIL A. BAKER, who acknowledged the foregoing instrument to be her voluntary act and deed.

Lisa M. Leiblen

Notary Public for Oregon

My Commission Expires: 2-8-2015



EXHIBIT "A"

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Beginning at the corner of Sections 15, 16, 21 and 22, Township 27 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence North with the line between Sections 15 and 16, 25.08 chains to the center of the County Road; thence South 64° 40' West 3.17 chains; thence South 78° 03' West 6.43 chains; thence South 54° 13' West 3.85 chains; thence South 0° 32' East 19.71 chains; thence South 87° 57' East 12.10 chains to the place of beginning.

27 05 16D 3500 R67696 & R67703 & R67710

ALSO, a strip of land for right of way for a road, 20 feet wide, lying 10 feet on each side of centerline described as beginning at a stake from which a point North 0° 32' West 15.46 chains from the corner of Sections 15, 16, 21 and 22, Township 27 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, bears North 87° 57' West 12.10 chains; thence South 47° 21' West 2.22 chains; thence North 82° 59' West 3.00 chains to a point in the county road.

EXCEPT that portion conveyed to the State of Oregon and Douglas County for road purposes.

Subject to the usual printed exceptions and

1. Roads and highways and the rights of the public therein.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. Controlled access as set out in Douglas County Court Docket 1000.
4. Reservations for right of way and water purposes, including the terms and provisions thereof, in deed executed by W.A. Smick, recorded May 13, 1914, in Volume 73, Page 546, Recorder's No. 23502, Deed Records of Douglas County, Oregon.
5. Easement, including the terms and provisions thereof, from Thelma Stubblefield, et al, to Dixonville Water Association, recorded October 4, 1966, in Book 380, Recorder's No. 66-11236, Records of Douglas County, Oregon.

END OF DOCUMENT

Property Details for Property ID: R67696

Owner Information :

Owner Name: BAKER, GAIL A TRS &
Owner Address #1: GAIL A BAKER REV LIV TRUST
Owner Address #2: 4487 NE DOUGLAS AVENUE
Owner Address # 3: Alternate Account #: 8609.00
Owner City/State/Zip: ROSEBURG, OR 97470 Account Status: A

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Property Information :

Township: 27 Situs Address: 4487 NE DOUGLAS AVE
ROSEBURG, OR 97470
Range: 05W Map ID: 270516D03500
Section: 16 County Property Class: 502I
Quarter: D Legal Acreage: 5.00
Sixteenth: Code Area: 00402
Maintenance Area: 5 Neighborhood Code: K1
Year Built: 1925 Living Area: 2218
Bedrooms: 4 Baths: BATH2
Exemption Code: Exemption Desc.:
MFD Home ID:

Value Information : 2020-2021 Certified Values and Tax Information

Improvement Appr. Value: \$116,625.00	Total Appr. Value: \$125,487.00
Land Appr. Value: \$8,862.00	Exemption Value: \$0.00
Land Market Value: \$90,960.00	Total Assessed Value: \$125,403.00
Total Real Market Value: \$207,585.00	Taxes Imposed: \$1,284.56

Sales Information :

Deed No: 2011-4296
Sale Price: \$0.00 Sale Date: 3/1/2011

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

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This Is to Certify, That **THOMAS P. STUBBLEFIELD**

of Route 1, Box 280, Roseburg, 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 Deer Creek

a tributary of South Umpqua River for the purpose of irrigation of 7.6 acres

under Permit No. 30919 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 September 17, 1965

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 0.10 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Harkness DLC 41, Section 16, T. 27 S., R. 5 W., W. M. Diversion point located 1250 feet North and 550 feet West from the SE Corner, Section 16.

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 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:

0.1 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
7.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
both as projected within Harkness DLC 41
Section 16
T. 27 S., R. 5 W., W. M.

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 date. July 31, 1967

.....CHRIS L. WHEELER.....

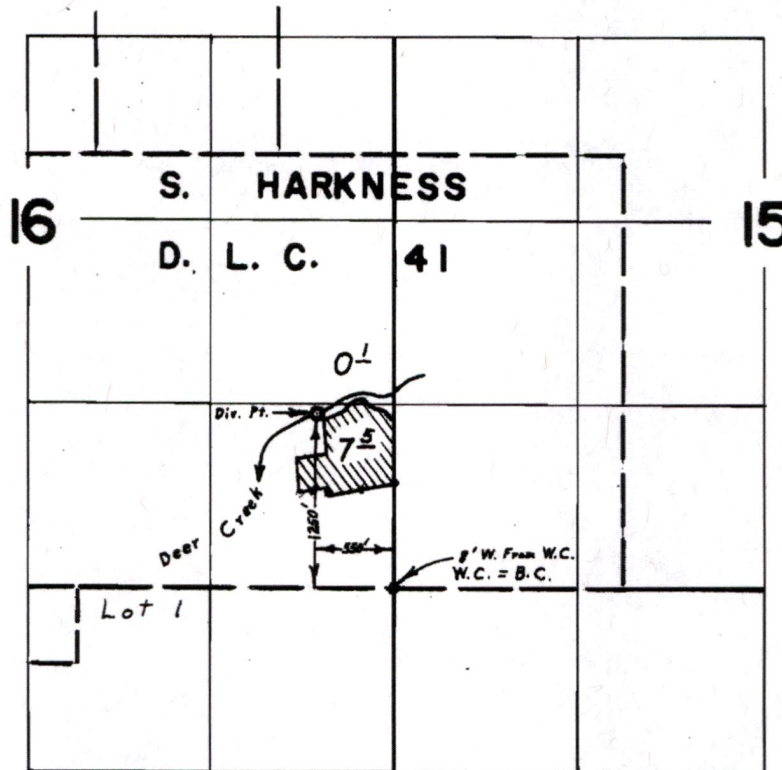
State Engineer

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T.27S.R.5W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 41393 Permit No. 30919
IN NAME OF

THOMAS P. STUBBLEFIELD

Surveyed May 16, 1966, by L. E. Gould