

Temporary

T-14453

Name US Dept. of the Interior, NPS
John Day Fossil Beds N'H Monument
Address 32651 Hwy 19
Kimberly, OR 97848
maria_niesen@nps.gov; nicholas_famosa@
joshua_williams@nps.gov nps.gov
Change in POU, POD
Date Filed 5/7/2024
Initial notice date 5/14/2024
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 9/16/2024 Vol 133 Page 18-81
C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream John Day RiverTrib. of Columbia RiverUse Irrigation, Supplemental Irrigation County Grant

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# S-2584 Per # S-1386 Cert # 81943 PR Date 9-30-1912App# S-66014 Per # S-49554 Cert # 96945 PR Date 9-13-1983

App# _____ Per # _____ Cert # _____ PR Date _____ Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date 5/21/2024 Amount \$639.45 Receipt # paid via ACH

FEES REFUNDED

Date _____ Amount _____ Receipt # _____

Assignments: _____

Irrigation District _____

Agent Roy Zipp
roy-zipp@nps.gov

CWRE _____

CC's list Grant County☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

September 16, 2024

U.S. Department of The Interior, John Day Fossil Beds N'tnl Monument

32651 Hwy 19

Kimberly, OR 97848

REFERENCE: District Temporary Transfer Application T-14453

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2028 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.l.davis@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Eric W. Julsrud, Watermaster Dist. # 4 (via email)
Roy Zipp, Agent
Grant County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14453, Grant County)	CHANGES IN PLACES OF USE AND POINTS
)	OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

U.S. DEPARTMENT OF THE INTERIOR, NPS
JOHN DAY FOSSIL BEDS NATIONAL MONUMENT
32651 HWY 19
KIMBERLY, OR 97848

Findings of Fact

1. On May 7, 2024, U.S. Department of the Interior, NPS; John Day Fossil Beds National Monument, filed an application to temporarily change the places of use and points of diversion to serve the proposed place of use under Certificates 81943 and 96945 for a period of 5 years. The Department assigned the application number T-14453.
2. Notice of the application for transfer was published on May 14, 2024, pursuant to OAR 690-380-4000.
3. The portion of the first right to be temporarily transferred is as follows:

Certificate:	81943 in the name of USDI, NATIONAL PARK SERVICE, JOHN DAY FOSSIL BEDS NATIONAL MONUMENT (perfected under Permit S-1386)
Use:	IRRIGATION of 7.0 ACRES
Priority Date:	SEPTEMBER 13, 1912
Rate:	0.09 CUBIC FOOT PER SECOND
Source:	JOHN DAY RIVER a tributary of COLUMBIA RIVER

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	7	SE SE	POD 1 - 1060 FEET NORTH AND 1150 FEET WEST FROM THE SE CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	7	NW NE	7.0

4. Temporary Transfer Application T-14453 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	6	NW SE	5.3
12 S	26 E	WM	6	SW NE	1.7
Total					7.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14453 proposes to move the authorized point of diversion approximately 1.19 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	7	SE SE	F1 - 1692 FEET NORTH AND 2681 FEET WEST FROM THE SE CORNER OF SECTION 6

6. The portion of the second right to be temporarily transferred is as follows:

Certificate: 96945 in the name of USDI, NATIONAL PARK SERVICE; JOHN DAY FOSSIL BEDS NATIONAL MONUMENT (perfected under Permit S-49554)

Use: SUPPLEMENTAL IRRIGATION of 7.0 ACRES

Priority Date: SEPTEMBER 13, 1983

Rate: 0.09 CUBIC FOOT PER SECOND

Limit/Duty: 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-FORTIETH 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 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Source: JOHN DAY RIVER a tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	7	SE SE	POD 1 - 1060 FEET NORTH AND 1150 FEET WEST FROM THE SE CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	7	NW NE	7.0

7. Temporary Transfer Application T-14453 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	6	NW SE	5.3
12 S	26 E	WM	6	SW NE	1.7
Total					7.0

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14453 proposes to move the authorized point of diversion approximately 1.19 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	7	SE SE	F1 – 1692 FEET NORTH AND 2681 FEET WEST FROM THE SE CORNER OF SECTION 6

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights as required by ORS 540.523(7).
12. The proposed changes would not result in injury to other water rights.

Conclusions of Law

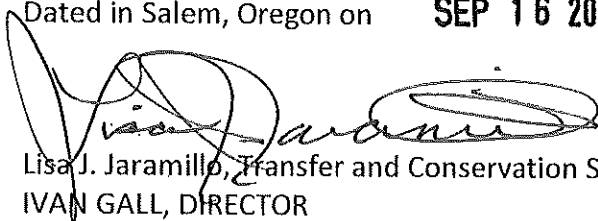
The temporary changes in places of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14453 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use and change in points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14453 are approved.

2. The former places of use **shall not** be irrigated as part of these water rights during the 2024, 2025, 2026, 2027, and 2028 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2028 irrigation season. The authorization to use the point of diversion described in finding of facts #5 and #8 shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary point of diversion (F1), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1).
6. A subsequent application for permanent transfer of Certificates 81943 and 96945 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 81943 and 96945.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion, with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. The use of the remaining water rights described by Certificates 81943 and 96945 shall continue to be in accordance with the terms and conditions of Certificates 81943 and 96945.

Dated in Salem, Oregon on **SEP 16 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **SEP 17 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14453

Transfer Specialist:

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: U.S. Department of the Interior, John Day Fossil Beds N'tnl Monument 32651 Hwy 19 Kimberly, OR 97848	Agent: Roy Zipp 32651 Hwy 19 Kimberly, OR 97848	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Grant County	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: May 7, 2024	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: UNAVAILABLE	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 6 John Day
Initial Public Notice: 5/10/2024	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: GRANT
WM District: 4 Eric W. Julsrud	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____ WM Sheet <input type="checkbox"/>	Date: 9/16/24

Special Issues: _____

Special Order Volume: Vol. 133 Pages 78-81

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14453

Review Due Date: 06/09/2024

Applicant Name: U.S. Department of the Interior, John Day Fossil Beds

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): E. Julsrud

Date of Review: 08/19/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
The John Day River is regulated annually due to deficiency in supply. Generally, regulation activities occur upstream of the rights involved in this transfer.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☒ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

Return flow generally occurs along all of the adjacent fields within this section of the river. C-64410 would be the closest certificate that would benefit from return flows from the use of the water involved in this transfer. This certificate is approximately 1.5 miles downstream.

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☒ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?
☐ Yes ☒ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?
☐ Yes ☒ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

N/A

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) **OR** at each new point of diversion/appropriation ☒ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input checked="" type="checkbox"/> Other: <u>Totalizing Flow Meter</u>	

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14453



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: **Eric W. Julsrud**

District: **4**

Address: **201 South Humbolt Street, Suite 180**

City/State/Zip: **Canyon City, Oregon 97820**

Phone: **541-575-0119**

Email: **Eric.W.Julsrud@water.oregon.gov**

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device **T- 14453**
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 10, 2024

U.S. Department of the Interior, John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

Reference: Application T-14453

On May 7, 2024, the Department received your water right Temporary Transfer Application.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

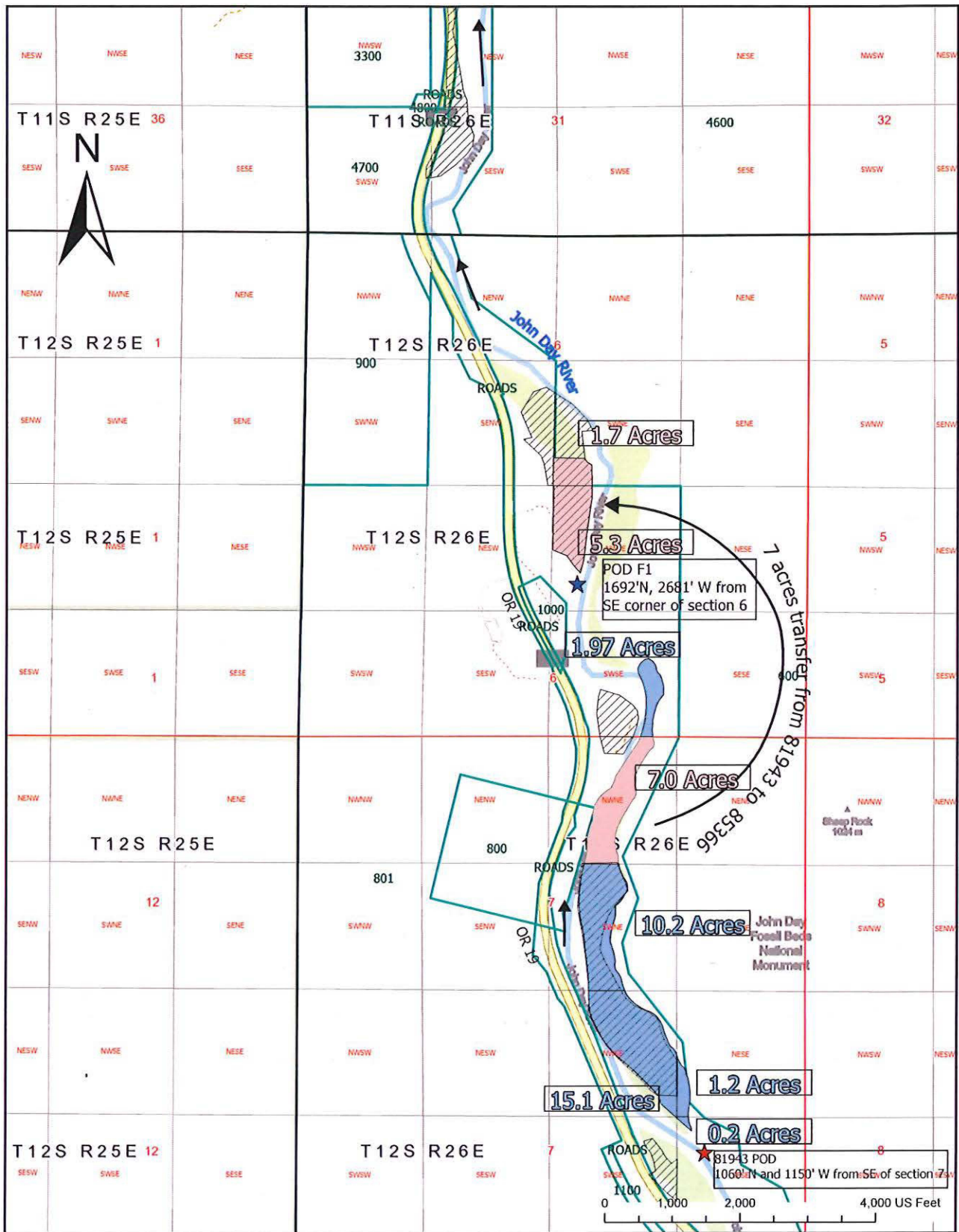
Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #4, Eric W. Julsrud (via email)
Roy Zipp, Agent
Grant County, Local Government

Enclosure



Legend

- ★ 81943 POD
- ★ POD F1
- ▨ Certificate: 85366
- Temporary Transfer 81943
- Township Range

- Sections
- Public Land
- Survey Quarter
- Quarter
- Tax Lot
- Boundaries (Tax lot number shown)

← Flow

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri, Oregon Department of Forestry

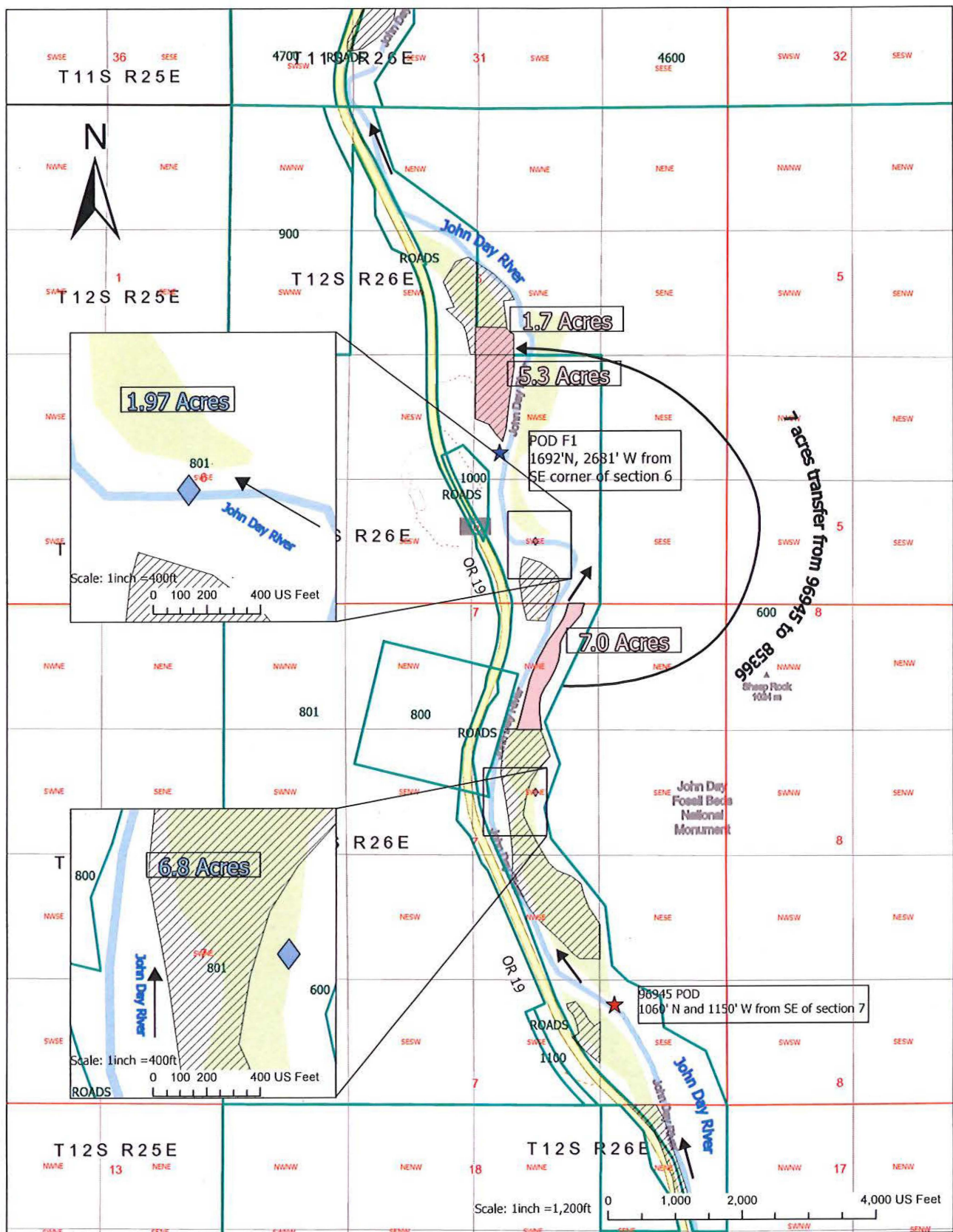
Certificate number: 81943
Date of priority: 1912

Temporary Transfer: 7.00 acres transfer

Instream lease: 28.67 acres instream lease

14453 -

Received
MAY 07 2024
OWRD



Legend

- ★ Certificate: 96945 POD
- ★ POD F1
- ▨ Certificate: 85366
- Temporary Transfer 81943
- ← Flow
- Tax Lot
- Boundaries (Tax lot numbers shown)
- Township Range
- Sections
- Public Land
- Survey Quarter

Certificate number: 96945
Date of priority: 1983

14453 -

Temporary Transfer: 7.00 acres transfer

Instream lease: 8.77 acres instream lease

Received
MAY 07 2024

OWRD



United States Department of the Interior

NATIONAL PARK SERVICE
John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, Oregon 97848



IN REPLY REFER TO:
1.A 1 (JODA-NR)

April 10, 2024

Oregon Water Resources Department
Attention: Arla Davis, Transfer Section, Water Rights Program
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Dear OWRD:

We are re-evaluating longstanding irrigation management practices within the Cant Ranch Historic District because they are operationally and ecologically unsustainable. Our long-term intent is to cease surface water withdrawals for irrigation purposes from the mainstem of the John Day River, and Rock Creek, a major tributary. To avoid loss of our very senior water rights, in the near term we are seeking to transfer temporarily several of these water rights.

We are applying to temporarily transfer the POD and a seven-acre portion of the POU for certifications **81943** (primary) and **96945** (supplemental) and have included associated maps (Enclosures A and B) to depict the portions of these rights that we plan to temporarily transfer.

We are providing with our application materials an OFWF endorsement of this temporary transfer (Enclosure C), Evidence of Use form (Enclosure D) and documentation of applicant authority (Enclosure E).

We have separately prepared an instream lease application package for the remainder of the portions of water rights associated with certificates 81943 and 96945, the portions of certificate 85366 that have been in use within the last five years (31.2 acres), and certificates 88400, 97029, 97030, 75794, and 82943 in their entirety.

Thank you for processing these applications. If you have any further questions or concerns, please contact Maria Niesen, Natural Resources Manager, at 541-987-2333 ext. 1226 or Josh Williams, Maintenance Mechanic Work Leader, ext. 1222.

Sincerely,

ROY
Roy M. Zipp
Superintendent ZIPP

Digitally signed
by ROY ZIPP
Date: 2024.04.19
14:46:49 -07'00'

Enclosures (A-E)

Received
MAY 07 2024

OWRD

14453 -

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

Received

MAY 07 2024

OWRD

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 81943, 96945**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2028.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

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Your temporary transfer application will be returned if any of the map requirements listed below are not met.

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Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	\$310.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>7.0 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	\$18.90
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	\$1278.9
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input checked="" type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	\$639.45
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	\$639.45

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	

***Example for Line 2a calculation** to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME US, DOI, NPS, John Day Fossil Beds National Monument		PHONE NO. 541-987-2333	ADDITIONAL CONTACT NO.
ADDRESS 32651 Hwy 19		FAX NO.	
CITY Kimberly	STATE OR	ZIP 97848	E-MAIL maria_niesen@nps.gov, nicholas_famoso@nps.gov joshua_williams@nps.gov
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.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Roy Zipp, Superintendent		PHONE NO. 541-987-2333	ADDITIONAL CONTACT NO.
ADDRESS 32651 Hwy 19		FAX NO.	
CITY Kimberly	STATE OR	ZIP 97848	E-MAIL roy_zipp@nps.gov
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.			

Explain in your own words what you propose to accomplish with this transfer application and why: Improve aquatic ecology by reducing surface water withdrawal for irrigation. Maintain park water rights, water security and allow flexibility for irrigation needs associated with a range of actions presented in a developing management plan.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

I (we) affirm that the information contained in this application is true and accurate.

ROY ZIPP
Digitally signed by ROY ZIPP
Date: 2024.04.24 16:04:50 -07'00'
Applicant signature

MARIA NIESEN
Digitally signed by MARIA NIESEN
Date: 2024.04.16 16:31:07 -07'00'
Applicant signature

Roy Zipp, Superintendent
Print Name (and Title if applicable) _____ Date _____
Maria Niesen, NR Manager
Print Name (and Title if applicable) _____ Date **4/16/16**

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☐ Yes ☒ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

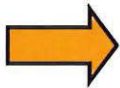
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Grant County	ADDRESS 201 S Humboldt	
CITY Canyon City	STATE OR	ZIP 97820

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # **81943**

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Description of Water Delivery System

System capacity: **0.45** cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **15 hp pump, open ditch, mobile pipeline**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	12 S	26 E	7	SE SE	801	1060' N, 1150' W from SE corner of section 7
F1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	12 S	26 E	6	N W SE	801	1692' N, 2681' W from SE corner of section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

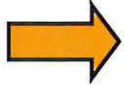
Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: 96945 "from" (also applying to temp transfer) and 85366 "to" (simultaneously applying to lease this portion of 85366 POU for instream use).



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 96945

Description of Water Delivery System

System capacity: 0.20 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 15 hp pump, open ditch, mobile pipeline

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	12 S	26 E	7	SE SE	801	1060' N, 1150' W from SE corner of section 7
F1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	12 S	26 E	6	N W SE	801	1692' N, 2681' W from SE corner of section 6
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

Will all of the proposed changes affect the entire water right?

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 96945

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																												
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901		
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901		
12	S	26	E	7	NW	NE	801	Gvt	5.3	S Irrigation	POD 1	1983	POU	12	S	26	E	6	NW	SE	801	Gvt	5.3	S Irrigation	POD F1	1983		
12	S	26	E	7	NW	NE	801	Gvt	1.7	S Irrigation	POD 1	1983	POU	12	S	26	E	6	SW	NE	600	Gvt	1.7	S Irrigation	POD F1	1983		
TOTAL ACRES									7.0															TOTAL ACRES				7.0

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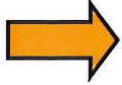
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Additional remarks: Instream lease application submitted for the additional 8.77 acre portion of this certificate.

For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: 81943 "from" (also applying to temp transfer) and 85366 "to" (simultaneously applying to lease this portion of 85366 POU for instream use).



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Oregon

Tina Kotek, Governor

Department of Fish and Wildlife
Habitat Division
4034 Fairview Industrial Dr SE
Salem, OR 97302
Phone: 503-947-6000
Fax: 503-947-6330
www.dfw.state.or.us

March 21, 2024

Roy Zipp, Superintendent
US DOI John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

To whom it may concern,

ODFW has assessed the information provided by the John Day Fossil Beds National Monument staff for two proposed temporary transfers involving Certificates 81943 and 96945. The transfers must provide a net benefit to fish and wildlife habitat to receive an ODFW endorsement for the fee reduction offered through the Oregon Water Resources Department.

For these temporary transfers, it is ODFW's understanding that the proposals involve discontinuing diversion from Rock Creek under Certificates 85366 and 88400, which will both be concurrently leased instream. The irrigation diversion from Certificates 81943 and 96945 will be moved downstream on the John Day River mainstem approximately one mile.

Therefore, ODFW has determined that the proposed transfer provides a net benefit to fish and wildlife habitat due to the following actions, qualifying for OWRD's fee reduction:

- Downstream movement of Certificates 81943 and 96945, providing an increase of water instream for approximately one mile between the original POD and the new downstream POD in the John Day River
- Instream lease of Certificates 85366 and 88400 (and potentially others) providing more flow at the mouth of Rock Creek and the John Day River
- Discontinuation of the Rock Creek withdrawals aiding in fish passage at the diversion site, particularly during spring and summer

Please let me know if you need any additional information or have any further questions.

Danette Faucera
Water Policy Coordinator
danette.l.faucera@odfw.oregon.gov

To protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

14453 -

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
) ss
County of GRANT

I, PETER CHRISTIANSON, in my capacity as ACTING SUPERINTENDENT,
mailing address 32651 HWY 19 KIMBERLY OR 97848

telephone number (541)987-2333, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 81943, 96945; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Peter M. Christensen
Signature of Affiant

04/22/2024
Date

Signed and sworn to (or affirmed) before me this 22 day of April, 2024.



Kristen Coombs
Notary Public for Oregon

My Commission Expires: 8/24/24

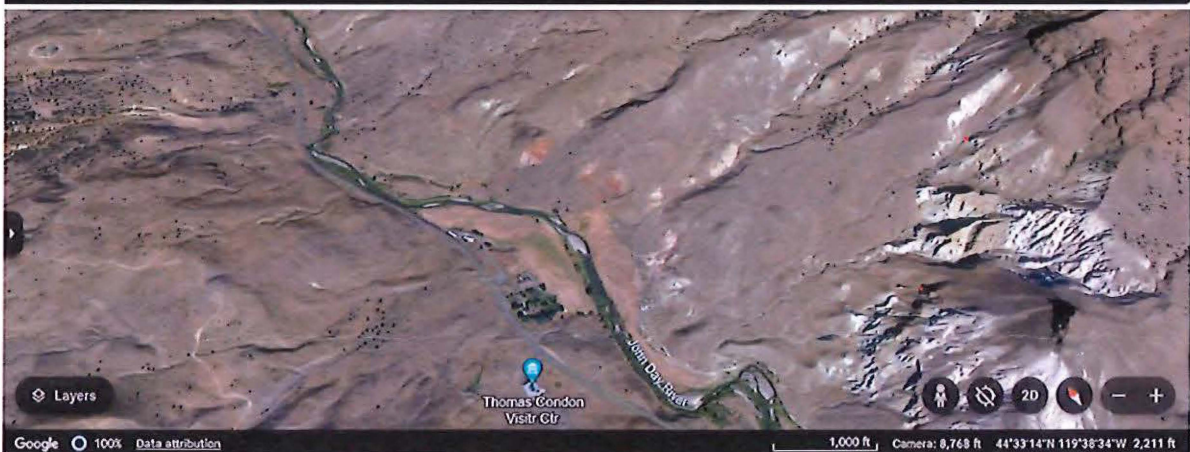
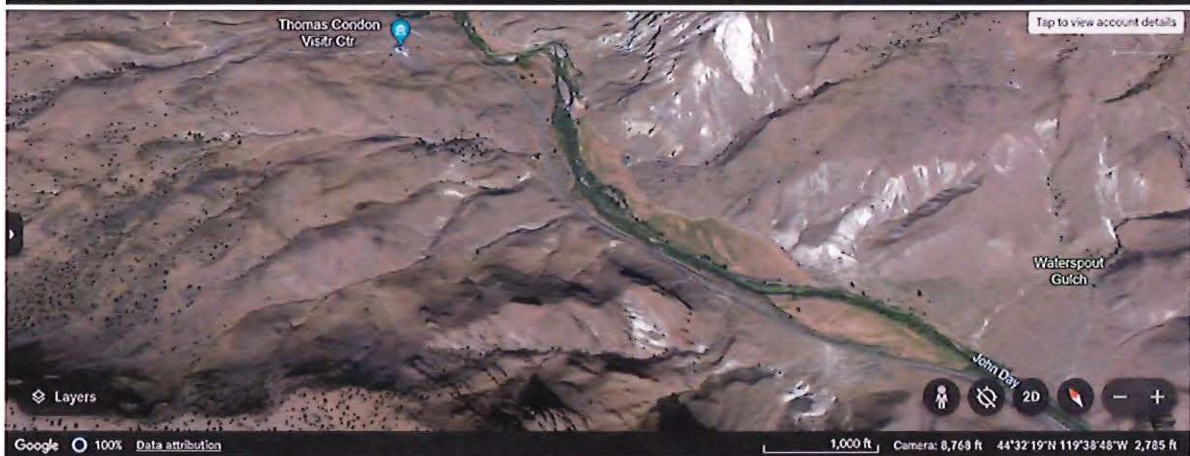
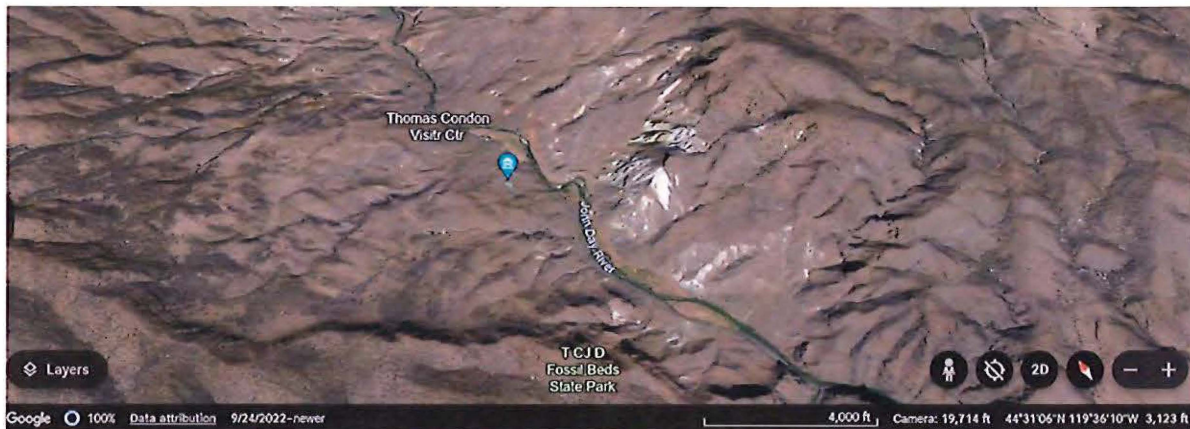
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Fisk, Terry <Terry_Fisk@nps.gov>

Wed 3/27/2024 11:26 AM

To:Niesen, Maria R <Maria_Niesen@nps.gov>

Cc:Wooster, John K <john_wooster@nps.gov>;Katayama, Taro <taro_katayama@partner.nps.gov>;Williams, Joshua J
<Joshua_Williams@nps.gov>;Famoso, Nicholas A <nicholas_famoso@nps.gov>

Hello Maria and others,

The Superintendent and Superintendent's designee has the authority to represent the park in all water matters, including applications to the State of Oregon. This is stated directly in the 2006 NPS Management Policies (e.g., pages 157 and 158) and WRB is certainly not interested in any change to that authority. Our role is as consultant and advisor.

I looked at the map and application and nothing of concern struck my notice.

Best regards,

Terry

~~~~~  
Terry T Fisk, R.G., L.G., L.Hg.

Water Rights Branch Chief | NPS Water Resources Division

1201 Oakridge Drive, Suite 250, Fort Collins, CO 80525 | terry\_fisk@nps.gov | 970-803-0692 (mobile)

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# United States Department of the Interior



NATIONAL PARK SERVICE  
John Day Fossil Beds National Monument  
32651 Hwy 19  
Kimberly, Oregon 97848

IN REPLY REFER TO:  
1.A.1 (JODA-NR)

April 10, 2024

Oregon Water Resources Department  
Attention: Sarah Henderson, Water Rights Program  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

Dear OWRD:

We are re-evaluating longstanding irrigation management practices within the Cant Ranch Historic District because they are operationally and ecologically unsustainable. Our long-term intent is to cease surface water withdrawals for irrigation purposes from the mainstem of the John Day River, and Rock Creek, a major tributary. To avoid loss of very senior water rights, in the near term we are seeking to lease several of these water rights for instream use.

In the instream lease application, we are requesting to lease instream portions of the rights associated with certifications **81943** and **96945** and are including maps (Enclosures A and B) to depict the portions of these rights we plan to transfer instream. We are also applying to lease instream the portions of certificate **85366** that have been in use within the last five years (15.84 acres were not in use and are not included in our instream lease application). A map of this partial instream lease request (Enclosure C) is provided with these application materials. Finally, we are applying to lease instream the complete rights associated with **88400**, **97029**, **97030**, **75794**, and **82943**, in their entirety.

With the instream leases, we are requesting a correction of the **88400** clerical error in POU from 12S 26E sec 6 SW NE to 12S 26E sec 6 NE SW, as was intended, and is correctly indicated by the survey map document (Enclosure D) associated with this certificate on file with the OWRD WRIS. We are requesting this correction prior to the instream lease of this certificate to ensure the park retains this water right.

Additionally, for flexibility of Cant Ranch management plan development and water security in the near term, we are applying to temporarily transfer a seven-acre portion POU and POD from 81943 and 96945 certifications, and have prepared that application separately.

Thank you for processing these applications. If you have any further questions or concerns, please contact Maria Niesen, Natural Resources Manager, at 541-987-2333 ext. 1226 or Josh Williams, Maintenance Mechanic Work Leader, ext. 1222.

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Sincerely,

**ROY ZIPP**

Digitally signed by  
ROY ZIPP  
Date: 2024.04.22  
13:38:52 -07'00'

Roy M. Zipp  
Superintendent

Enclosures (A-D)

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# 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 # | _____ |
| 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"/> \$610.00 for a lease involving <b>four or more landowners or four or more water rights</b> | <input type="checkbox"/> \$410.00 for all other leases |
|      | <input 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? 8 List them here:**

**81943, 96945, 85366, 88400, 75794, 97029, 97030, 82943**

Include a separate **Part 3** for each **water right**.

☐ Yes ☒ N/A **Other Water Rights**, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?

List those other water rights here: \_\_\_\_\_

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

### Attachments:

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

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

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

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

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or.
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or

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- Other documentation which provides authority to pursue the lease absent consent of the landowner.

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## Part 2 of 4 – Instream Lease Application Map Checklist

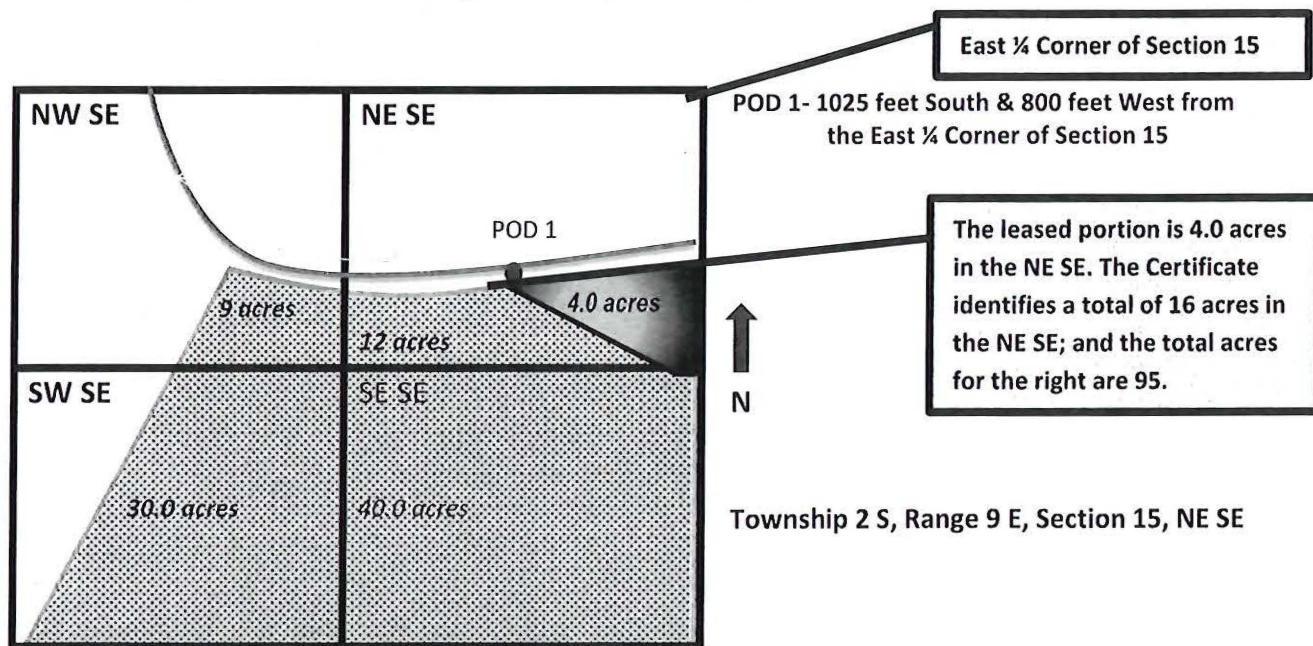
A Map is generally required for each water right not leased in its entirety

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)



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

**Water Right Information**Water right # **81943****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"/> <b>If only leasing a portion of the right -</b><br>complete Table 1 as indicated |       |      |      |     |       | <input type="checkbox"/> <b>Entirety -</b> 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) |
| <b>EXAMPLE</b>                                                                                                       |       |      |      |     |       |                                                                                                        |               |       |     |                           |
| 12/2/1901                                                                                                            | 3     | 2-S  | 9-E  | 15  | NE SE | 100                                                                                                    | 47            | 4.0   | IR  | IL-1100                   |
| 9/13/1912                                                                                                            | 1     | 12-S | 26-E | 6   | SW-SE | 801                                                                                                    |               | 1.97  | IR  | N/A                       |
| 9/13/1912                                                                                                            | 1     | 12-S | 26-E | 7   | SW-NE | 801                                                                                                    |               | 10.2  | IR  | N/A                       |
| 9/13/1912                                                                                                            | 1     | 12-S | 26-E | 7   | NE-SE | 801                                                                                                    |               | 1.2   | IR  | N/A                       |
| 9/13/1912                                                                                                            | 1     | 12-S | 26-E | 7   | NW-SE | 801                                                                                                    |               | 15.1  | IR  | N/A                       |
| 9/13/1912                                                                                                            | 1     | 12-S | 26-E | 7   | SE-SE | 801                                                                                                    |               | 0.2   | IR  | N/A                       |

Total Acres: 28.67**Table 2**

| <b>To illustrate the totals for the water right proposed to be leased instream</b>                                                                                                                                                                                                                                        |       |     |             |                                                                 |                  |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------------|-----------------------------------------------------------------|------------------|-------------------|
| 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) |
| 9/13/1912                                                                                                                                                                                                                                                                                                                 | 1     |     | 28.67       | John Day River duty limit 5 af/ac                               | 0.36             | 143.35            |
|                                                                                                                                                                                                                                                                                                                           |       |     |             |                                                                 |                  |                   |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                 |       |     |             |                                                                 |                  |                   |
| Any additional information about the right: <u>Applying for temp transfer of 7 acre portion of cert 81943</u>                                                                                                                                                                                                             |       |     |             |                                                                 |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> 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/<br>Gov't lot | Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown") |
| 1                                                                                                                                                                                                                                                                                                                                                                                  | 12-S | 26-E | 7   | SE-SE |                   | 1060' N 1150" W from SE corner of section 7                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                    | -    | -    |     | -     |                   |                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                    |      |      |     |       |                   |                                                                                                           |
| <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.                                                                                                                                                                                  |      |      |     |       |                   |                                                                                                           |



**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>John Day River, tributary to Columbia River</u>                                                                                                                                                                                                                                                                                                                                                                 |       |     |       | <b>River Basin:</b> <u>John Day Basin</u>                                                                   |                           |                            |
| <b>Instream Portion:</b> 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.<br><br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                      |       |     |       |                                                                                                             |                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs) | Total instream volume (af) |
| 9/13/1912                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1     | IR  | 28.67 | 5 years                                                                                                     | 0.36                      | 143.35                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
| 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. |       |     |       |                                                                                                             |                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |     |       |                                                                                                             |                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |     |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                           |                            |
| <b>OR</b> <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.)                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |     |       |                                                                                                             |                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____                                                                                                                                                                                                                                                    |       |     |       |                                                                                                             |                           |                            |
| Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                                                                                                                                                                                                                                 |       |     |       |                                                                                                             |                           |                            |
| <b>Any additional information about the proposed instream use:</b> _____                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                           |                            |

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

**Water Right Information**Water right # **96945****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"/> <b>If only leasing a portion of the right -</b><br>complete Table 1 as indicated |       |      |      |     |       | <input type="checkbox"/> <b>Entirety -</b> 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) |
| <b>EXAMPLE</b>                                                                                                       |       |      |      |     |       |                                                                                                        |               |       |      |                           |
| 12/2/1901                                                                                                            | 3     | 2-S  | 9-E  | 15  | NE SE | 100                                                                                                    | 47            | 4.0   | IR   | IL-1100                   |
| 9/13/1983                                                                                                            | 1     | 12-S | 26-E | 6   | SW-SE | 801                                                                                                    |               | 1.97  | S IR | N/A                       |
| 9/13/1983                                                                                                            | 1     | 12-S | 26-E | 7   | SW-NE | 801                                                                                                    |               | 6.8   | S IR | N/A                       |
|                                                                                                                      |       | -    | -    |     | -     |                                                                                                        |               |       |      |                           |
|                                                                                                                      |       | -    | -    |     | -     |                                                                                                        |               |       |      |                           |
|                                                                                                                      |       | -    | -    |     | -     |                                                                                                        |               |       |      |                           |

Total Acres: 8.77**Table 2**

| <b>To illustrate the totals for the water right proposed to be leased instream</b>                                                                                                                                                                                                                                               |       |      |             |                                                                 |                  |                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-------------|-----------------------------------------------------------------|------------------|-------------------|
| <b>Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased.</b> 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) |
| 9/13/1983                                                                                                                                                                                                                                                                                                                        | 1     | S IR | 8.77        | John Day River Duty Limit 5 af/ac                               | 0.11             | 43.85             |
|                                                                                                                                                                                                                                                                                                                                  |       |      |             |                                                                 |                  |                   |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                        |       |      |             |                                                                 |                  |                   |
| Any additional information about the right: <u>Applying for temp transfer of portion (7 acre) of cert 96945.</u>                                                                                                                                                                                                                 |       |      |             |                                                                 |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then <b>the specific POD(s)</b> 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/<br>Gov't lot | Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown") |
| 1                                                                                                                                                                                                                                                                                                                                                                                         | 12-S | 26-E | 7   | SE-SE |                   | 1060' N 1150' W from SE corner of section 7                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                           | -    | -    |     | -     |                   |                                                                                                           |
| <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.                                                                                                                                                                                         |      |      |     |       |                   |                                                                                                           |



**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |      |       |                                                                                                             |                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-------|-------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>John Day River, tributary to Columbia River</u>                                                                                                                                                                                                                                                                                                                                                                 |       |      |       | <b>River Basin:</b> <u>John Day Basin</u>                                                                   |                           |                            |
| <b>Instream Portion:</b> 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.<br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                          |       |      |       |                                                                                                             |                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use  | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs) | Total instream volume (af) |
| 9/13/1983                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1     | S IR | 8.77  | 5 years                                                                                                     | 0.11                      | 43.85                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |      |       |                                                                                                             |                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |      |       |                                                                                                             |                           |                            |
| 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. |       |      |       |                                                                                                             |                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |      |       |                                                                                                             |                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |      |       |                                                                                                             |                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |      |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                           |                            |
| <b>OR</b> <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.)                                                                                         |       |      |       |                                                                                                             |                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |      |       |                                                                                                             |                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____<br>Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                                   |       |      |       |                                                                                                             |                           |                            |
| <b>Any additional information about the proposed instream use:</b> _____                                                                                                                                                                                                                                                                                                                                                                      |       |      |       |                                                                                                             |                           |                            |

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

**Water Right Information**Water right # 85366**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"/> <b>If only leasing a portion of the right -</b><br>complete Table 1 as indicated |       |      |      |     |       | <input type="checkbox"/> <b>Entirety</b> - If the entire water right is to be leased, skip to<br>Table 3. |                  |       |     |                           |
|----------------------------------------------------------------------------------------------------------------------|-------|------|------|-----|-------|-----------------------------------------------------------------------------------------------------------|------------------|-------|-----|---------------------------|
| Priority Date                                                                                                        | POD # | Twp  | Rng  | Sec | Q-Q   | Tax Lot                                                                                                   | Gov't<br>Lot/DLC | Acres | USE | Previous Lease # (if any) |
| <b>EXAMPLE</b>                                                                                                       |       |      |      |     |       |                                                                                                           |                  |       |     |                           |
| 12/2/1901                                                                                                            | 3     | 2-S  | 9-E  | 15  | NE SE | 100                                                                                                       | 47               | 4.0   | IR  | IL-1100                   |
| 1899                                                                                                                 | 1     | 12-S | 26-E | 6   | SW-NE | 600                                                                                                       |                  | 5.2   | IR  | N/A                       |
| 1899                                                                                                                 | 1     | 12-S | 26-E | 6   | SE-NW | 801                                                                                                       |                  | 5.7   | IR  | N/A                       |
| 1899                                                                                                                 | 1     | 12-S | 26-E | 6   | NW-SE | 801                                                                                                       |                  | 5.3   | IR  | N/A                       |
| 1899                                                                                                                 | 1     | 12-S | 26-E | 7   | SW-SE | 801                                                                                                       |                  | 10    | IR  | N/A                       |
| 1899                                                                                                                 | 1     | 12-S | 26-E | 18  | NE-NE | 801                                                                                                       |                  | 5     | IR  | N/A                       |

Total Acres: 31.2**Table 2**

| <b>To illustrate the totals for the water right proposed to be leased instream</b>                                                                                                                                                                                                                                        |       |     |                |                                                                    |                     |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|----------------|--------------------------------------------------------------------|---------------------|----------------------|
| 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<br>Acres | Other Information (such as<br>conditions/limitations on the right) | Total<br>Rate (cfs) | Total<br>Volume (af) |
| 1899                                                                                                                                                                                                                                                                                                                      | 1     | IR  | 31.2           | 1/40 cfs -June 1 (1/80 -Sept 30), 4 af/ac                          | 0.78/0.39           | 124.8                |
| Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                 |       |     |                |                                                                    |                     |                      |
| Any additional information about the right: <u>Portion of water right lost: 15.84 acre portion unused within last 5 years.</u>                                                                                                                                                                                            |       |     |                |                                                                    |                     |                      |

**Table 3**

| <b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the <b>specific POD(s)</b> 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/<br>Gov't lot | Measured Distances, latitude/longitude coordinates, or river mile (if<br>unknown you may indicate "unknown") |
| 1                                                                                                                                                                                                                                                                                                                                                                                         | 12-S | 26-E | 18  | NE-SE |                   | 44°31'38"N 119°38'07"W                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                           | -    | -    |     | -     |                   |                                                                                                              |
| <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.                                                                                                                                                                                         |      |      |     |       |                   |                                                                                                              |

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**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Rock Creek</u> , tributary to <u>John Day River</u>                                                                                                                                                                                                                                                                                                                                                             |       |     |       |                                                                                                             | <b>River Basin:</b> <u>John Day Basin</u> |                            |
| <b>Instream Portion:</b> 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.<br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                          |       |     |       |                                                                                                             |                                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs)                 | Total instream volume (af) |
| 1899                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1     | IR  | 31.2  | 5 years                                                                                                     | 0.39                                      | 124.8                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
| Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use. |       |     |       |                                                                                                             |                                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |     |       |                                                                                                             |                                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |     |       |                                                                                                             |                                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |     |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                                           |                            |
| <b>OR</b> <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.)                                                                                         |       |     |       |                                                                                                             |                                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |     |       |                                                                                                             |                                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____<br><br>Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
| <b>Any additional information about the proposed instream use:</b> _____                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                                           |                            |

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

**Water Right Information**Water right # 88400**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: 8.46**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 checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                 |       |     |             |                                                                 |                  |                   |
| Any additional information about the right: _____                                                                                                                                                                                                                                                                         |       |     |             |                                                                 |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> 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                                                                                                                                                                                                                                                                                                                                                                                  | 12-S | 26-E | 18  | NE-SE |                | 44°31'38"N 119°38'07"W                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                    | -    | -    |     | -     |                |                                                                                                           |
| <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.                                                                                                                                                                                  |      |      |     |       |                |                                                                                                           |

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**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Rock Creek, tributary to John Day River</u>                                                                                                                                                                                                                                                                                                                                                                     |       |     |       | <b>River Basin:</b> <u>John Day Basin</u>                                                                   |                           |                            |
| <b>Instream Portion:</b> 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.<br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                          |       |     |       |                                                                                                             |                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs) | Total instream volume (af) |
| 1899                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1     | IR  | 8.46  | 5 years                                                                                                     | 0.21/0.11                 | 33.84                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
| 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. |       |     |       |                                                                                                             |                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |     |       |                                                                                                             |                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |     |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                           |                            |
| <b>OR</b> <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.)                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |     |       |                                                                                                             |                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____                                                                                                                                                                                                                                                    |       |     |       |                                                                                                             |                           |                            |
| Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                                                                                                                                                                                                                                 |       |     |       |                                                                                                             |                           |                            |
| <b>Any additional information about the proposed instream use:</b> <u>A clerical error correction is required to 2.03 acre portion of 12S 26 E section 6 SW NE (to NE SW) before instream lease is processed.</u>                                                                                                                                                                                                                             |       |     |       |                                                                                                             |                           |                            |

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

**Water Right Information**Water right # 75794**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 checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                 |       |     |             |                                                                 |                  |                   |
| Any additional information about the right: _____                                                                                                                                                                                                                                                                         |       |     |             |                                                                 |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the <b>specific POD(s)</b> 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                                                                                                                                                                                                                                                                                                                                                                                         | 12-S | 26-E | 7   | SE-SE |                | 1060' N 1150" W from SE corner of section 7                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                           | -    | -    |     | -     |                |                                                                                                           |
| <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.                                                                                                                                                                                         |      |      |     |       |                |                                                                                                           |

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**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |      |       |                                                                                                             |                                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>John Day River</u> , tributary to <u>Columbia River</u>                                                                                                                                                                                                                                                                                                                                                         |       |      |       |                                                                                                             | <b>River Basin:</b> <u>John Day Basin</u> |                            |
| <b>Instream Portion:</b> 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.<br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                          |       |      |       |                                                                                                             |                                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use  | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs)                 | Total instream volume (af) |
| 1/12/1956                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1     | S IR | 19.9  | 5 years                                                                                                     | 0.25                                      | 99.5                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |      |       |                                                                                                             |                                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |      |       |                                                                                                             |                                           |                            |
| 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. |       |      |       |                                                                                                             |                                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |      |       |                                                                                                             |                                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |      |       |                                                                                                             |                                           |                            |
| <b>Proposed Instream Reach:</b><br><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 ____                                                                                                                                                                                                                                                         |       |      |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                                           |                            |
| <b>OR</b> <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.)                                                                                         |       |      |       |                                                                                                             |                                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |      |       |                                                                                                             |                                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here ____                                                                                                                                                                                                                                                     |       |      |       |                                                                                                             |                                           |                            |
| Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                                                                                                                                                                                                                                 |       |      |       |                                                                                                             |                                           |                            |
| <b>Any additional information about the proposed instream use:</b> ____                                                                                                                                                                                                                                                                                                                                                                       |       |      |       |                                                                                                             |                                           |                            |

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

**Water Right Information**Water right # 97030**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"/> <b>If only leasing a portion of the right -</b><br>complete Table 1 as indicated |       |     |     |     |       | <input checked="" type="checkbox"/> <b>Entirety -</b> 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 checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                 |       |     |             |                                                                 |                  |                   |
| Any additional information about the right: _____                                                                                                                                                                                                                                                                         |       |     |             |                                                                 |                  |                   |

**Table 3**

| <b>Point of Diversion (POD) description:</b> If the POD is not described on the certificate or if there is more than one POD listed on the certificate, then the <b>specific POD(s)</b> 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                                                                                                                                                                                                                                                                                                                                                                                         | 12-S | 26-E | 7   | SE-SE |                | 1060' N 1150" W from SE corner of section 7                                                               |
| 2                                                                                                                                                                                                                                                                                                                                                                                         | 12-S | 26-E | 6   | SW-NE |                | 2920' N 3260' E from SW corner of section 6                                                               |
| <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.                                                                                                                                                                                         |      |      |     |       |                |                                                                                                           |

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**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>John Day River</u> , tributary to <u>Columbia River</u>                                                                                                                                                                                                                                                                                                                                                         |       |     |       | <b>River Basin:</b> <u>John Day Basin</u>                                                                   |                           |                            |
| <b>Instream Portion:</b> 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.<br><br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                      |       |     |       |                                                                                                             |                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs) | Total instream volume (af) |
| 9/13/1912                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1/2   | IR  | 21.13 | 5 years                                                                                                     | 0.26                      | 105.65                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
| 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. |       |     |       |                                                                                                             |                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |     |       |                                                                                                             |                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |     |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                           |                            |
| <b>OR</b> <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.)                                                                                         |       |     |       |                                                                                                             |                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |     |       |                                                                                                             |                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____<br><br>Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                               |       |     |       |                                                                                                             |                           |                            |
| <b>Any additional information about the proposed instream use:</b> _____                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                           |                            |

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

**Water Right Information**Water right # **82943****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") |
|-------|------|------|-----|-------|----------------|-----------------------------------------------------------------------------------------------------------|
| 1     | 10-S | 21-E | 31  | SW-SE |                | 1310' N 1768' W from SE corner of section 31                                                              |
| 2     | 11-S | 21-E | 6   | NE-NE |                | 811' S 372' W from NE corner of section 6                                                                 |

☐ 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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**Instream Use Information****Table 4**

| <b>Instream Use Created by the Lease</b>                                                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                                           |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------|
| <b>River/ Stream Name:</b> <u>Bridge Creek, tributary to John Day River</u>                                                                                                                                                                                                                                                                                                                                                                   |       |     |       |                                                                                                             | <b>River Basin:</b> <u>John Day Basin</u> |                            |
| <b>Instream Portion:</b> 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.<br>If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.                          |       |     |       |                                                                                                             |                                           |                            |
| Priority date                                                                                                                                                                                                                                                                                                                                                                                                                                 | POD # | Use | Acres | Proposed Instream Period                                                                                    | Total instream rate (cfs)                 | Total instream volume (af) |
| 8/12/1985                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1/2   | IR  | 0.85  | 5 years                                                                                                     | 0.02                                      | 3.4                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
| 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. |       |     |       |                                                                                                             |                                           |                            |
| <b>OR</b> <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.                                                                                                                                |       |     |       |                                                                                                             |                                           |                            |
| <b>Instream Reach</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |       |     |       |                                                                                                             |                                           |                            |
| <b>Proposed Instream Reach:</b><br><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 _____                                                                                                                                                                                                                                                        |       |     |       | <b>Or Proposed Instream Point:</b><br><input checked="" type="checkbox"/> Instream use protected at the POD |                                           |                            |
| <b>OR</b> <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.)                                                                                         |       |     |       |                                                                                                             |                                           |                            |
| <b>Additional Instream Information</b>                                                                                                                                                                                                                                                                                                                                                                                                        |       |     |       |                                                                                                             |                                           |                            |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <b>Conditions to avoid enlargement or injury to other water rights, if any, or other limitations:</b> list here _____<br><br>Note: The Department may identify additional conditions to prevent injury and/or enlargement.                                                                                                                                               |       |     |       |                                                                                                             |                                           |                            |
| <b>Any additional information about the proposed instream use:</b> _____                                                                                                                                                                                                                                                                                                                                                                      |       |     |       |                                                                                                             |                                           |                            |

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## 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 04 year 2024 and end: month 10 year 2028

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

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

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

**Termination provision (for multiyear leases):**

**The parties to the lease request (choose one):**

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

(See instructions for limitations to this provision)

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

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

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

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

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

**The undersigned declare:**

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

**ROY ZIPP**

Digitally signed by ROY ZIPP  
Date: 2024.04.24 16:03:23 -07'00'

Date: \_\_\_\_\_

Signature of Lessor

Printed name (and title): Roy Zipp, Superintendent Business name, if applicable: \_\_\_\_\_

Mailing Address (with state and zip): 32651 Hwy 19 Kimberly OR 97848

Phone number (include area code): 541-987-2333 \*\*E-mail address: roy\_zipp@nps.gov

**See next page for additional signatures.**

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MARIA NIESEN

Digitally signed by MARIA NIESEN  
Date: 2024.04.15 16:40:57 -07'00'

Date: \_\_\_\_\_

Signature of Co-Lessor

Printed name (and title): Maria Niesen, Natural Resource Manager

Business/organization name: John Day Fossil Beds National Monument

Mailing Address (with state and zip): 32651 Hwy 19 Kimberly OR 97848

Phone number (include area code): 541-987-2333-1226 \*\*E-mail address: maria\_niesen@nps.gov

Date: \_\_\_\_\_

Signature of Lessee

Printed name (and title): \_\_\_\_\_

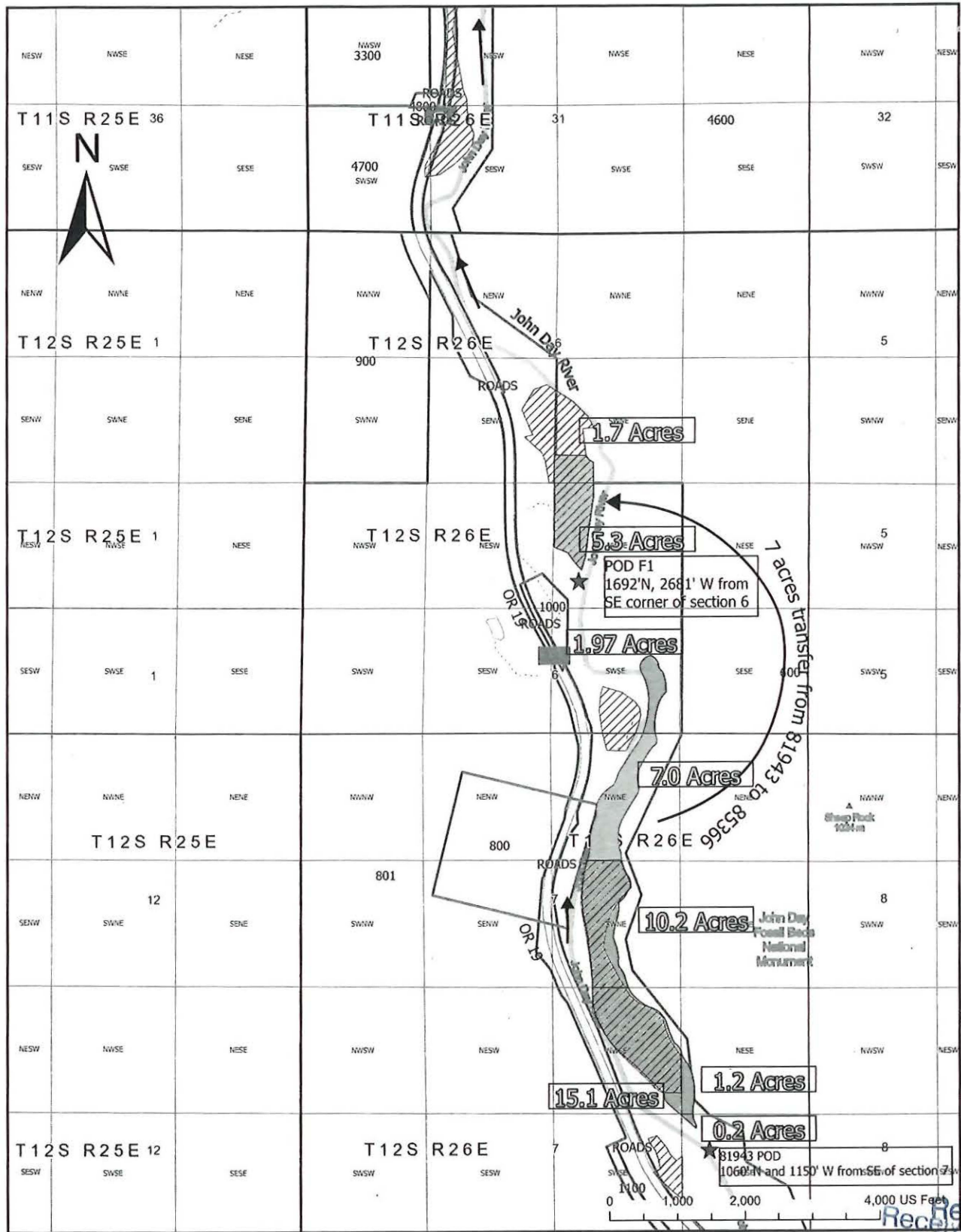
Business/organization name: \_\_\_\_\_

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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### Legend

- ★ 81943 POD
- ★ POD F1
- ▨ Certificate: 85366
- ▨ Temporary Transfer 81943
- ▨ Township Range
- ▭ Sections
- ▭ Public Land
- ▭ Survey Quarter
- ▭ Quarter
- ▭ Tax Lot
- ▭ Boundaries (Tax lot number shown)

Certificate number: 81943

Date of priority: 1912

Temporary Transfer: 7.00 acres transfer

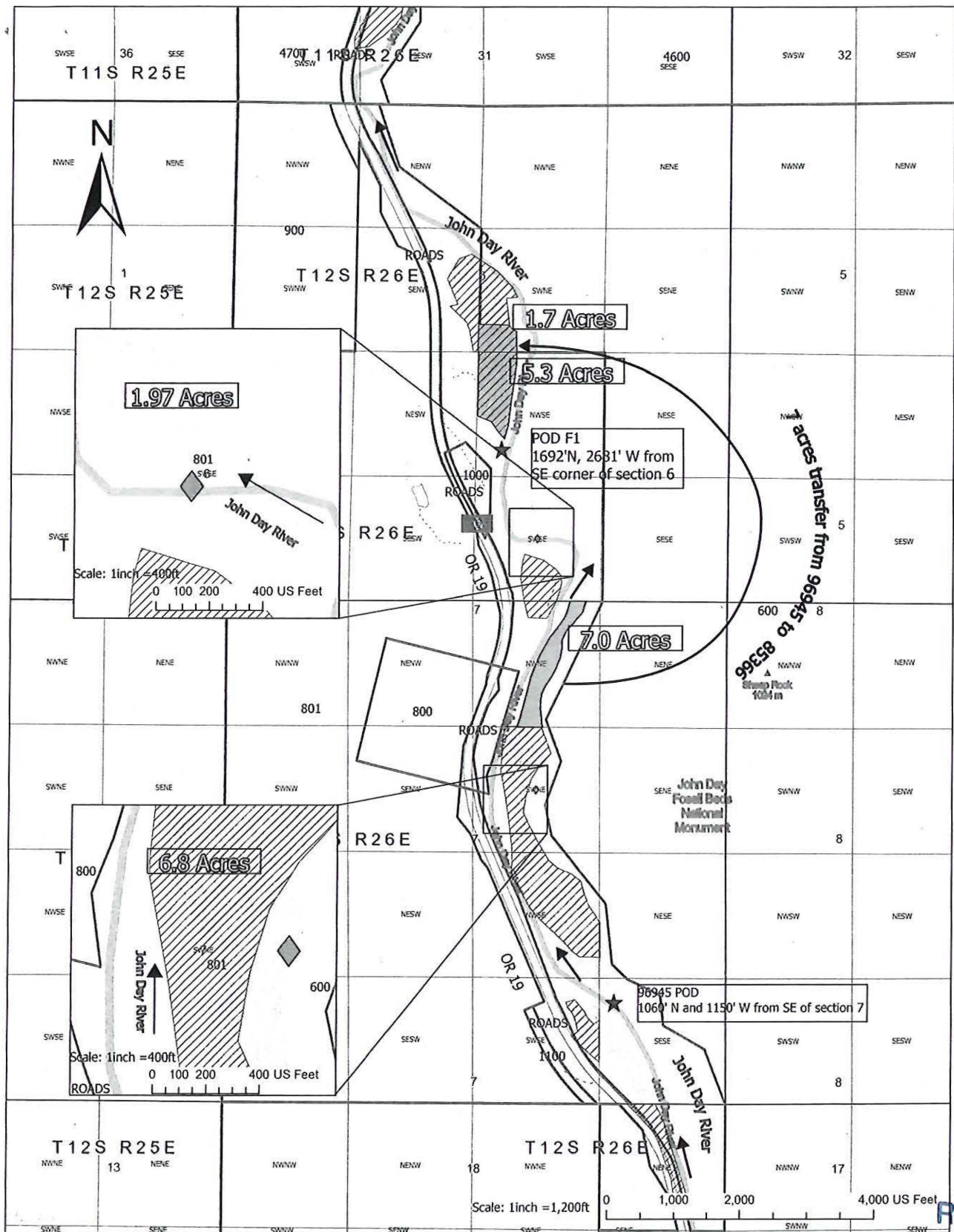
Instream lease: 28.67 acres instream lease

← Flow

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri, Oregon Department of Forestry

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### Legend

- ★ Certificate: 96945 POD
- ★ POD F1
- ▨ Certificate: 85366
- ▨ Temporary Transfer 81943
- ← Flow
- Tax Lot
- Boundaries (Tax lot numbers shown)
- Township Range
- Sections
- Public Land
- Survey Quarter

Certificate number: 96945

Date of priority: 1983

Temporary Transfer: 7.00 acres transfer

Instream lease: 8.77 acres instream lease

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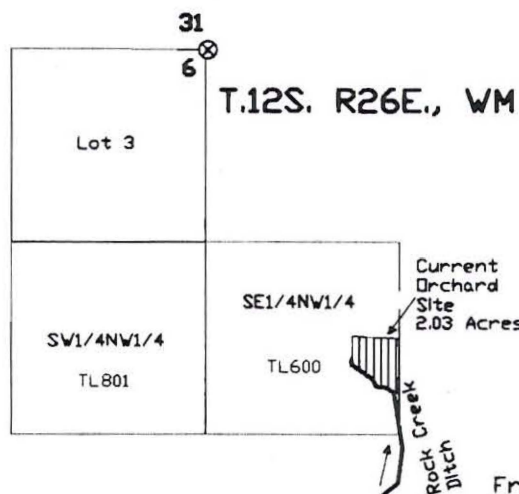
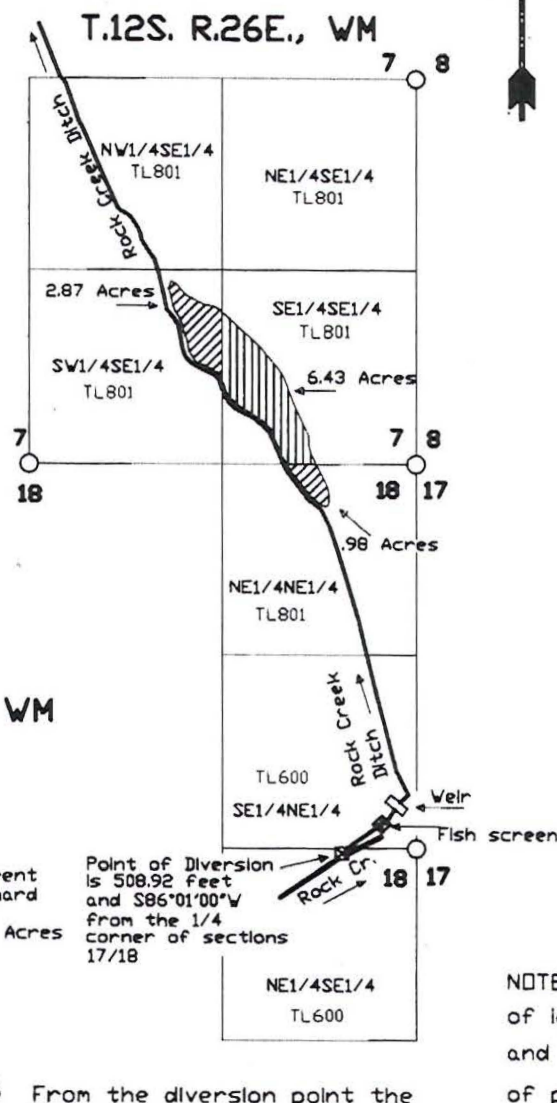




T 10405

Final Proof Survey  
In the name of  
The National Park Service

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Basis of Bearings  
Solar Observation  
at the Corner 1/6/7/12  
SCALE: 1 Inch = 1320 feet  
Surveyed March, 2007  
Amended December, 2008  
Amended August 25, 2010

# LEGEND

- Lands with existing rights; Certificate #24976
- Lands receiving transferred rights
- Projected section corner
- GLO corner found Grant Co. Survey #716
- Point of Diversion
- Fish screen and bypass
- Weir

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and was not intended to provide dimension or location of property ownership lines. Location information shown hereon was furnished by the applicant.

From the diversion point the fish screen is N51°E, 350 ft. and the weir is N47°E, 490 ft.