



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**Pursuant to ORS 537.348(2) and OAR 690-077**

Optional Identification by Lessor/Lessee: \_\_\_\_\_  
Lease Application Number (assigned by WRD): IL-879

This Lease is between:

**Lessor #1:**

Name Jim Goodenough  
Mailing address 1900 S. Main St.  
City, State, Zip Code Milton-Freewater, OR 97862  
Telephone number 509-386-5026  
Email address jim.goodenough@charter.net

**Lessor #2, 3, etc.**

\_\_\_\_\_

The water right to be leased is located in Umatilla County.

**Lessee (if different than Oregon Water Resources Department):**

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Email address \_\_\_\_\_

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

**~I~ Water Right Holder and Water Right Information**

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 5 N, Range 35 E W, Section 13 and Tax Lot number 300. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

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1.2 Lessor #2 is the (Check one):

Not applicable

Official representative of \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.

Another party with an interest in the subject water rights representing \_\_\_\_\_.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 13014

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

**1.5 Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 13014

Priority date: <sup>1878</sup>~~1898~~ <sup>1906</sup> Type of use: Irrigation

Legal Season of Use: \_\_\_\_\_

Is the entire water right certificate being leased?  Yes  No

If no, list the acres of the subject water right by legal description of township, range, section, and 1/4 1/4 which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T 5N, R 35E Section 13, NE 1/4 NE 1/4 - 6.09 acres to be leased  
Enter additional places of use here, using format above:

Page \_\_\_\_\_ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 6.09

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 0.228

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): -

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NA

If you need to enter another leased right, please use the additional water rights form.

**1.6 Validity of rights.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(  )(include necessary supporting documentation as Attachment 3).

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~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

2.2 **Instream use created by lease.** The instream use to be created is described as follows:

*Walla Walla*  
\_\_\_\_\_ River

Tributary to \_\_\_\_\_ in the \_\_\_\_\_ Basin.  
*Columbia River*

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): \_\_\_\_\_ Tp. 5N, R. 36E, Mer. WM, Sec. 18, NW/SE

Maximum volume in acre-feet: \_\_\_\_\_

Rate in cfs: *0.228*

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from \_\_\_\_\_ through \_\_\_\_\_.
- Other (describe): \_\_\_\_\_

If you need to enter more instream uses, please use the additional water rights form.

2.3 **Term of lease.** This lease shall terminate <sup>in</sup> on *one year*

2.4 **Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 **Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

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*Application for Short-Term Instream Lease / 3*

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**3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights under any water right that is supplemental to the subject water rights.

**3.5 Termination provision.**

- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
  - Written notice to the Department with original signatures;
  - Consent by all parties to the lease; and/or
  - Written notice to the Watermaster's office.
- For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.

**3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

**3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:

- \$200 for an application with four or more landowners or four or more water rights.
- \$100 for all other applications.

Lessor #1: James W. Goodenough Date: 10/8/07  
James W. Goodenough

For additional Lessors, type in space for signature and date

\_\_\_\_\_

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

\_\_\_\_\_

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T5N, R35&36E, WM  
UMATILLA COUNTY



1 in = 400 ft

○ Authorized POD is gravity diversion from the Walla Walla River into the Milton Ditch located 32 feet South and 300 feet East from the West Quarter Corner of Section 18, T5N, R36E, WM.

● Proposed POA is a new well constructed in the shallow gravel aquifer hydraulically connected to the Walla Walla River, located 268 feet South and 1025 feet West from the NE Corner of Section 13.

▨ PLACE OF USE INCLUDED in Transfer is 6.09 acres under Certificate 13014 in Tax Lot 300 of Section 13, including:

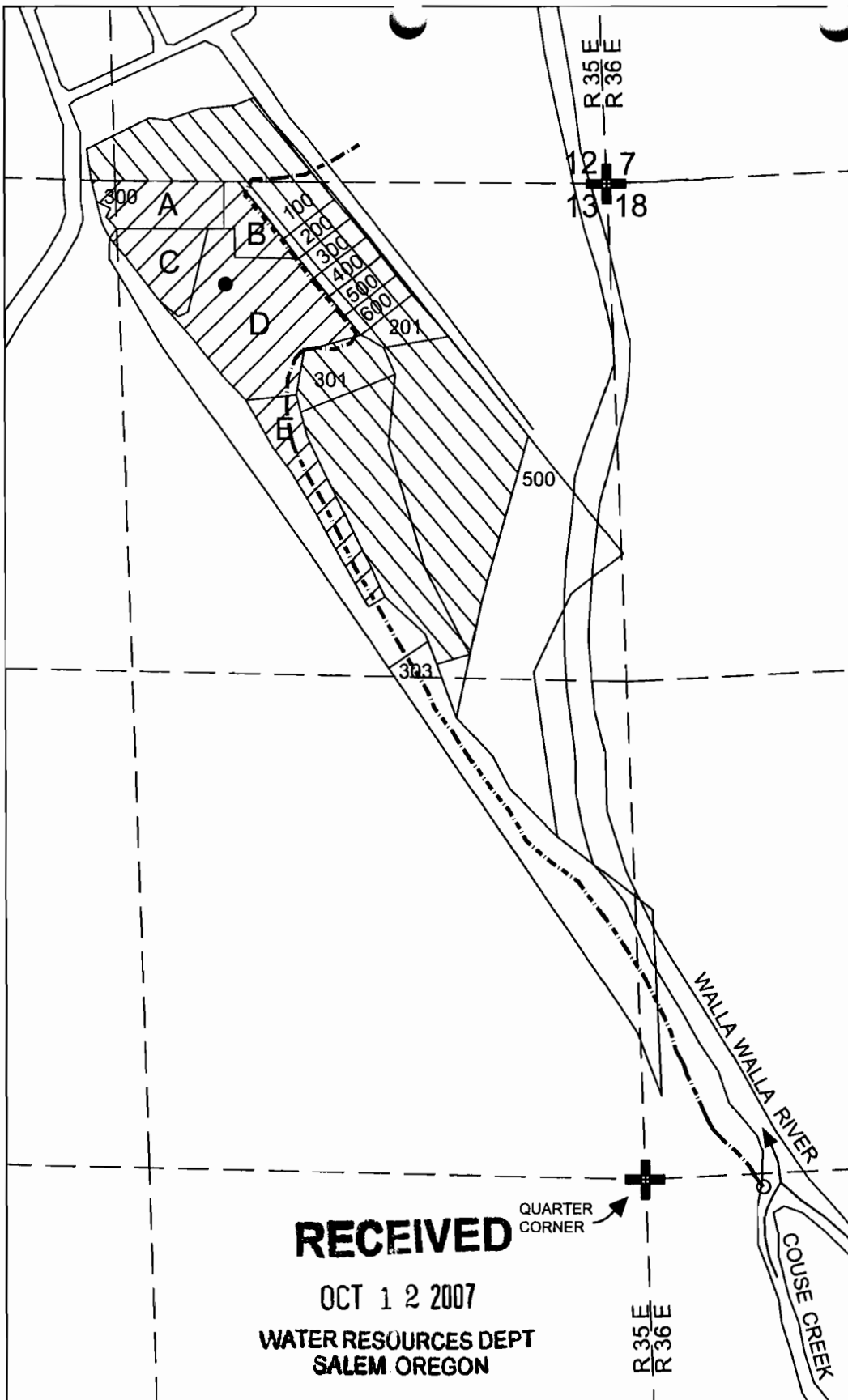
4.65 acres with 1868 priority  
1.44 acres with 1906 priority

A	0.97 acre	1868
B	0.85 acre	1868
C	0.46 acre	1906
D	2.83 acres	1868
E	0.98 acre	1906

▨ PLACE OF USE NOT INCLUDED in Transfer is 10.19 acres under Certificate 13014 in Tax Lots 100, 201, 301, 400, 500, 600, and 5400, including:

4.14 acres with 1868 priority  
2.49 acres with 1898 priority  
3.56 acres with 1906 priority

--- WATER CONVEYANCE  
Milton Ditch has been abandoned by the Walla Walla River Irrigation District. After proposed transfer, water will be pumped from well and distributed throughout Tax Lot 300 with buried PVC mainline and applied to various crop systems with sprinkler irrigation systems.



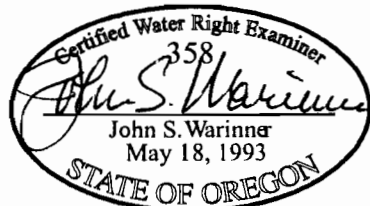
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QUARTER  
CORNER

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



**FOUNTAINHEAD**  
1860 Blue Creek Road  
Walla Walla, WA 99362  
Phone: 509.529.2646  
Fax: 509.522.5251

**TRANSFER MAP**

Transfer Point of Diversion  
Certificate 13014  
in the name of  
Jim Goodenough  
1900 South Main Street  
Milton-Freewater, OR 97862

Revised by John Warinner 23 JUN 2006

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WM. NICHOLS

of Milton, State of Oregon, has a right to the use of the waters of Walla Walla River for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1868 for Tract No. 1; 1898 for Tract No. 2, and 1906 for Tract No. 3;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one and one-half miner's inches per acre measured at the point of diversion.

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

- TRACT No. 1 - 0.34 acres in SW~~1~~SE~~4~~  
3.10 acres in SE~~1~~SE~~4~~  
Section 12,  
5.35 acres in NE~~1~~NE~~4~~  
Section 13,  
T. 5 N., R. 35 E. W. M.
- TRACT No. 2 - 2.49 acres in NE~~1~~NE~~4~~  
Section 13,  
T. 5 N., R. 35 E. W. M.
- TRACT No. 3 - 5.0 acres in NE~~1~~NE~~4~~  
Section 13,  
T. 5 N., R. 35 E. W. M.

AND said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,  
affixed this 5th day  
of April, 1940.

CHAS. E. STRICKLIN  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13014.