



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite "A"
 Salem, Oregon 97301-1271
 (503) 986-0900

Application for Short-Term Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
 Lease Agreement Number (assigned by WRD): 0-7-077

This Lease Agreement is between:

Lessor #1:

(Name) Mount Jefferson Farms, Inc.
 (Mailing address) P.O. Box 12708
 (City, State, Zip Code) Salem, OR 97309
 (Telephone number) 503-881-4424
 (Email address) mtjeffersonfarms@aol.com

Lessor #2, 3, etc.

Crook County Improvement District #1
2598 N. Hwy 97
Redmond, OR 97756

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

Lessee (if different than Oregon Water Resources Department):

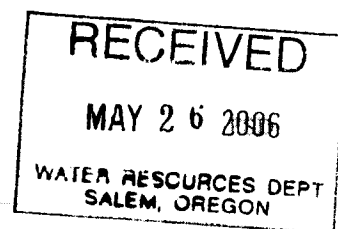
(Name) Deschutes River Conservancy
 (Mailing address) P.O. Box 1560
 (City, State, Zip Code) Bend, OR 97709
 (Telephone number) 541-382-4077
 (Email address) gen@deschutesrc.org

Trustee:

Oregon Water Resources Department
 725 Summer Street N.E., Suite "A"
 Salem, OR 97301-1271
 (503) 986-0900

~I~ Ownership and Water Right Information

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township 14
S, Range 14 E, Section 17 and Tax Lot number 100.
 If the water right appurtenant to these lands is also appurtenant to lands
 owned by others, then Attachment 1, (tax lot map of lessor's property) needs to be included.
- 1.2 Lessor #2 is the (Check one):
 Not applicable



- Official representative of Crook County Improvement District #1, 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 lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 72197 & 76714, (adjacent acres also have an overlying groundwater right G-11774 (permit ammendment in progress T-9626))

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

1.5 **Subject water rights.** Lessor proposes to lease the water rights listed in 1.3. The right(s) to be leased are further described as follows:

Certificate No.: 72197

Priority date: Oct. 31, 1900 Type of use: IRR

Legal Season of Use: April 1 - November 1

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 ¼ ¼ 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 14 S, R 14 E, Section 17, SW¼ SE¼ - 23.40 acres to be leased

Enter additional places of use here, using format above:

T14S, R14E, sect 17, SESW, 2.8 acres

T14S, R14E, sect 17, NWSE, 4.9 acres

T14S, R14E, sect 17, NESE, 24.1 acres

T14S, R14E, sect 17, SENE, 9.0 acres

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

Number of acres being leased, if for irrigation: 64.2

Acre-feet of storage, if applicable: _____

Maximum rate associated with subject water rights (cfs): _____

April 1 - May 1, Oct 1 - Nov 1: 0.469 cfs

May 1-15, Sept 15-Oct 1: 0.591 cfs .589

May 15 - Sept 15: 0.738 cfs .741

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

Maximum duty associated with subject water rights (ac-ft): 269.64

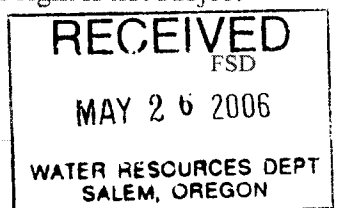
(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: Duty limited to 4.2 AF/acre

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 owner's 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 owner's water right certificate, however the water right is not subject



to forfeiture under ORS 540.610(2)(C)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.1 **Public use.** This lease will increase streamflows which 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:

Deschutes River

Tributary to Columbia River in the Columbia Basin.

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): SENE sect 29, T17S, R12E, W.M. N 36 degrees 45' W

1056.8 ft from the E 1/4 corner of sect 29 to Lake Billy Chinook.

Maximum volume in acre-feet: 141.96 227.62

Rate in cfs:

Oct 1 - Oct 15: 0.753 cfs Season 1: 0.469 cfs

Sept 15 - Oct 1: 0.754 cfs Season 2: 0.577 cfs

June 1 - Sept 15: 1.205 cfs Season 3: 0.741 cfs

Season 1, 2, 3

(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 June 1 through October 15. April 4 - Oct 31
- Other (describe): _____

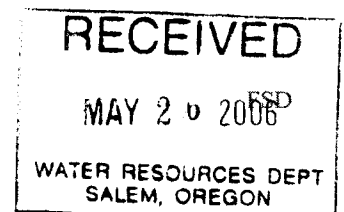
If you need to enter more instream uses, please use the additional water rights form.

2.3 **Term of lease.** This lease shall terminate on October 31, 2006.

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

Application for Short-Term Instream Lease / 3



FROM :

PRK NO. :

May. 19 2006 01:43PM P2

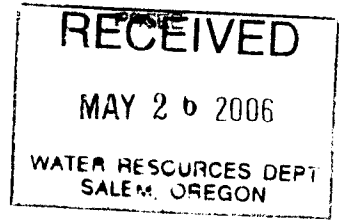
- 3.1 **Accuracy.** The Undersigned Lessor's, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete. If after the lease is signed, any information is determined to be false, the lease may be modified or terminated. This lease only exercises the water rights being leased; for the term of the lease; it shall not be construed to constitute any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.618 during the period of time prior to the execution of the lease.
- 3.2 **Lease.** All Lessees agree to lease the water rights listed in 1.A for instream use for the term of this Agreement through Lessee as Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 539.349(2) and OAR 690-077-0077.
- 3.3 **Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.345 and OAR 690-077-0070 or OAR 690-077-0075 a new injury review shall be required, and a prior short term lease shall not act a precedent for the amount of water to be leased or transferred instream.
- 3.4 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.
- 3.5 **Termination provision.**
 - For multiyear leases, lessor shall have the option of terminating the lease each year, prior to the lease being executed (April 1), with 30 day written notice to the Department.
 - For multiyear leases, lessor shall not have the option of terminating the lease each year, prior to the lease being executed, with written notice to the Department.
- 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 **Fee.** Effective October 1, 2003, pursuant to ORS 536.050 (1)(v) (2003 SB 830), the following fee is included:
 - \$300 for an application with four or more leaseholders or four or more water rights.
 - \$180 for all other applications.

Lessor #1: Alvin Miller Date: 5/18/06
 Mount Jefferson Forest LLC

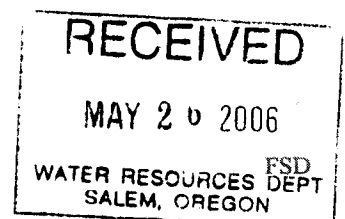
For additional Lessors, type in space for signature and date
 Lessor #2: Max Rasmussen Date: May 19-06
 Crook County Improvement District #1

Lessor: Heather Hubert Date: May 09, 2006
 Deschutes River Conservancy

Other Attachments as Needed:



- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
- Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked)
- Attachment 4: Split Season Instream Use Form



Attachment 2

Mt. Jefferson Farms

R. Miller

Crook County

T14S, R14E, Sect 17

Tax Lot 100

Leased Acres 

SENE	9.0 ac
NESE	24.1 ac
NUSE	4.9 ac
SUSE	23.4 ac
SESW	2.8 ac

Total acres 64.2 ac

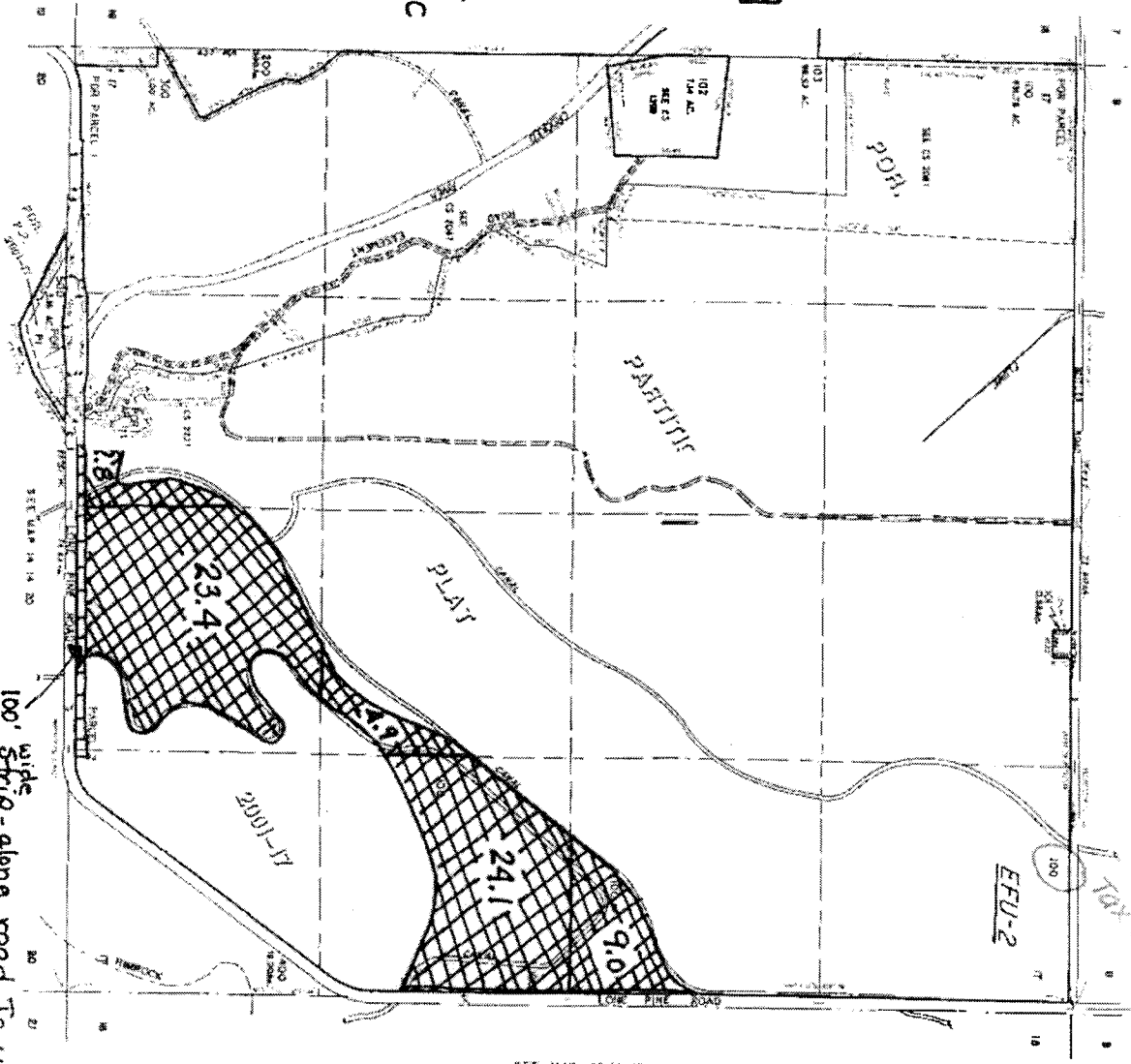
Instream Leased

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SECTION 17 T.14S, R.14E, W.M., CROOK COUNTY

SEE MAP 14 14 8

14 14 17



C-09-2006

100' wide strip-along road. To use water for trees.

5/20/2006, 15 14 14 17

RECEIVED
MAY 20 2006
WATER RESOURCES DEPT
SALEM, OREGON