

Email address:

Application for Instream Lease Renewal

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.

The undersigned entered into Instream Lease Num Certificate(s) 13575 on August 27, 2002 October 1, 2006	ber <u>L-340</u> involving , which ter	_
The undersigned Lessor and Lessee, parties to the Number L-340 be renewed. Lessor and Lesknowledge, circumstances have not changed and alinstream lease and the subject water right(s) remain into, including but not limited to water right holder leased, and the public instream benefit provided as	ssee warrant that, to the best Il matters involved with or a n as they were when the least interest, the acres from whi	t of their affected by the se was first entered ich the right is
The terms and conditions of instream lease $\underline{L-340}$ their entirety, with the following exception(s):	are hereby incorporate	ed by reference in
 The term of the lease shall commence of parties) and continue through October 1 		e execution by the
CREP. Are some or all of the lands being leased p Program? Yes	art of a Conservation Reser	
⊠ No		RECEIVED
Fees. Pursuant to ORS 536.050, the following fee		JUN 0 4 2007 WATER RESOURCES DEPT
Lessor: Darry J. Jappy Altry Email address: Atippy & or, bim.gov Christina M. Welch, Field Manager, Central Orego	Date: 6/1/07	SALEM, OREGON
Lessor:Email address:	Date:	
For additional Lessors, type in space for signature	and date	
Lessee:	Date:	

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of the Proposed Short-Term)	DETERMINATION and
Lease of Existing Water Rights for Instream)	FINAL ORDER ON
Use, Certificate(s) 13575, Wheeler County,)	PROPOSED INSTREAM
Oregon)	LEASE

Short-term lease agreement number L-340 (formerly number 27), which proposed to lease all or a portion of certificate(s) 13575 for instream purposes was submitted to the Department by:

Lessor U.S. Bureau of Land Management P.O. Box 550 Prineville, OR 97754

The lease will terminate on October 1, 2006.

During the public notice period, the Department received comment(s) relating to this lease that indicated that the lease if approved may cause injury to other water rights. The claim(s) of injury allege that protecting the water in a reach, beyond the point of diversion may cause injury to other water rights. The Department finds it necessary to reduce the protectable quantity of water past the POD to 57.5 percent of the face value of the right. The protectable amounts of water shall be 0.82 cfs from March 22 to June 15, and 0.41 cfs from June 16 to October 1. The Department finds that the quantity of water being protected past the point of diversion properly accounts for return flow and that injury will not occur due to the right being protected in an instream reach.

The Department concludes that the lease is consistent with the requirements of ORS 537.348 and OAR Chapter 690, Division 77. Therefore, it is ORDERED that the Short-Term Lease described herein be APPROVED.

Dated at Salem, Oregon this 21 day of August, 2002.

Paul R. Cleary

Director

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

STATE OF OREGON WATER RESOURCES DEPARTMENT Pursuant to OAR 690-077-0077(3)(h)

Lease Agreement #: 27

Involving Certificate(s) #: 13575

Watermaster/Field Staff Review. By signature below, staff verifies that:

1.	Does the lease agreement meet the requirements of OAR 690-077-0077(3)(e) original use? ☐ Yes ☐ No ☐ Please explain: not irrigated	to suspend	the	
2.	Is the proposed instream use for: ☐ a point ☐ a reach.			
	Does the lease agreement meet the requirements of OAR 690-077-0077(7) to other water rights due to: Return flows Yes No Please explain: There are no other irrigation rights within the area being consider.			
	Other losses Yes No Please explain:			
3.	Does the lease agreement meet the requirements of OAR 690-077-0077(7) to enlargement? ☐ Yes ☐ No ☐ Please explain: Limiting the acre-feetage within the time period should avenlargement			
4.	For split season use instream leasing, does the lease agreement meet the measureporting requirements of OAR 690-077-0079(4)? n/a, not a split season use instream lease Yes No Please explain:	uring and		
5.	Necessary conditions to the proposed instream use: (Describe. if any)			
Field S Title: w Date: 7		,000,	0 5 20	102
Page 1	of 1	WATER RE	M, OREGI	S D On



Instream Lease Renewal Oregon Water Resources Department

1/3/2002

The undersigned entered into Instream Lease Number 27 involving Water Right Certificate(s) 13575 on July 7, 2000 (Trustee Signature Date), which expired on October 1, 2001 (Date).

The undersigned Lessor and Lessee, parties to the original lease, hereby request that Lease Number 27 be renewed. Lessor and Lessee warrant that, to the best of their knowledge, circumstances have not changed and all matters involved with or affected by the instream lease and the subject water right(s) remain as they were when the lease was first entered into, including but not limited to ownership of the lands to which the water right(s) is/are appurtenant, the acres from which the right is leased, and the public instream benefit provided as a result of this instream lease.

The terms and conditions of instream lease 27 are hereby incorporated by reference in their entirety, with the following exception(s):

 The term of the lease, shall commence on March 1, 2002 (Date) (not before execution by the parties) and continue through October 1, 2006 (Date). (Tab and return for more exceptions)

This instream lease is part of a Conservation Reservation	ve Enhancement Program (CREP).
☐ Yes ☑ No	
Lessor: Danny J. Typy Field Manager	Date: 6/27/02
Lessor #2, #3, etc (and date)	
Lessee:	Date:
Trustee:	Date: RECEIVE

Page 1 of 1

JUL 0 1 2002

WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON WATER RESOURCES DEPARTMENT

Short-Term Water Right Lease Agreement for Leases of Existing Water Rights for Instream Use

This Lease Agreement is between:

Lessor:

U.S. Bureau of Land Management P.O. Box 550 Prineville, Oregon 97754 (541)416-6700

The water right to be leased is located in Wheeler County

Lessee:

Trustee:

Oregon Water Resources Department 158 12th Street. NE Salem OR 97310 (503) 378-8455

~I~

- 1.1 Lessor is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.
- 1.2 Section 1.2 is not applicable.
- 1.3 Exhibit C contains copies of all certificated, decreed or permitted rights attached to the property in Exhibit B. Those rights are listed below as follows:

Certificate No. 13575

1.4 Subject Water Rights. Lessor proposes to lease all of the water rights listed in 1.3, above.

The right(s) to be leased are further described as follows:

Certificate No.: 13575 Source: Bridge Creek Priority date: 1882
Type of use: irrigation

Place of use (map of irrigated lands is in Exhibit D):

10.4 acres in the NE¼ NE¼ 0.8 acre in the SE¼ NE¼ Section 23

10.9 acres in the NW1/4 NW1/4
19.1 acres in the SW1/4 NW1/4
5.3 acres in the NW1/4 NW1/4
Section 24

3.4 acres in the SW¼ SW¼
Section 13

6.9 acres in the SE¼ SE¼
Section 14
Township 10South, Range 20 East, W.M.

Number of acres, 56.8 acres

Rate: full rate at 1/40 cfs per acre from March 1 - June 15, and 1/80 cfs per acre from

June 16 to Sept. 30. Duty: 227.2 ac-ft

Season of Use: March 1 - Oct. 1

Point(s) of Diversion (POD): Refer to Special Order Vol. 9, Page 123. Manning Ditch is in the SW1/4 SW1/4 Section 24, T10S R20E, W.M., Connolly #2 Ditch is in the NE1/4

SW1/4, Section 24, T10S R20E, W.M. Conditions or other limitations, if any: None

- 1.5 Validity of Rights. Lessor attests that the subject water rights are legally valid by having been beneficially used according to the terms of the right or permit. If the right is for irrigation, beneficial must have occurred in the last five years on all lands indicated in Exhibit D.
- 1.6 Lease. All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-77-077.
- 1.7 **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 including temporary transfer 7961.
- 1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

- 2.1 **Public Use.** The public use served by the amount, timing and location of the instream use provided for under this lease is: provided by evidence contained in Exhibit E, such as a signed statement by Lessee, or other party, explaining how the lease would benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological valuses, pollution abatement, navigation or other public uses.
- 2.2 Instream use created by lease. The instream use to be created is described as follows:

Bridge Creek, tributary John Day River in the John Day Basin

Location: From Manning Ditch POD, SW1/4 SW 1/4 Section 24, T10S R20E, W.M., to the "other" Connolly #1 Ditch in the SE1/4 NE1/4 Section 14, T10S R20 E, W.M.

Priority date: 1882

Use: Described in Section 2.1, above

Total volume: 227.2 ac-ft

Rate in cfs: March 1 - June 15: 1.42 cfs
June 16 - October 1: 0.71 cfs

Conditions to prevent or mitigate injury, if any:

The instream flow will be allocated on a daily average basis up to the described rate from May 20 until October 1, or until such time that the total duty for the irrigation season is met. The instream use period has been diminished to 26 days at 1.42 cfs (1/40 per acre) and 108 days at 0.71 cfs (1/80 per acre) to insure the duty limitation is not exceeded during the period of use described above.

- 2.3 Term of lease. This Lease shall commence on March 1, 2000 (not before execution by the parties) and continue through October 1, 2001.
- 2.4 Compensation. The Lessor has agreed to lease subject water right for the sum of \$1.00, or other valuable considerations and for the benefit of the state of Oregon.
- 2.5 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). No party is required to continuously measure the flow of the waterway described in Section 2.2.

Optional Provisions

2.6 Additional monitoring. Lessor/Lessee intends to manage and participate in the protection of the instream use by:

2.7 Modification or termination provisions.

Lessor shall have option of terminating lease for the 2001 irrigation season with written notice 30 days prior to March 1, 2001.

~III.~

- Watermaster review. By signature below, the watermaster for the district where the subject water right is located verifies that:
- 3.1 Lessor is currently entitled to appropriate water under the water rights described in Section 1.4.
- 3.2 A suitable control is/will be in place so that WRD staff may regulate use of water under the subject right to ensure water is not diverted or applied on lands to which subject right is attached.
- 3.3. Allocation of water to the new 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.
- 3.4 Necessary conditions to the proposed instream use:

Watermaster: Vern Church District: 21

Vernon L. Church P.O. Box 427 (541) 384-4207

Date: Ine 22 2000

~IV~

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.

Lessor: Athan Sancarolla, Acting FM Date: 6-2

So ordered by Trustee: Date: 7-20.2000

Exhibits:

Exhibit A: Copy of Property Deed/Power of Attorney Documentation (if needed)

Exhibit B: Tax Lot Map of Lessor's property

Exhibit C: Copies of certificates, permits and decreed rights to be leased

Exhibit D: Detailed map illustrating lands under subject rights to be leased

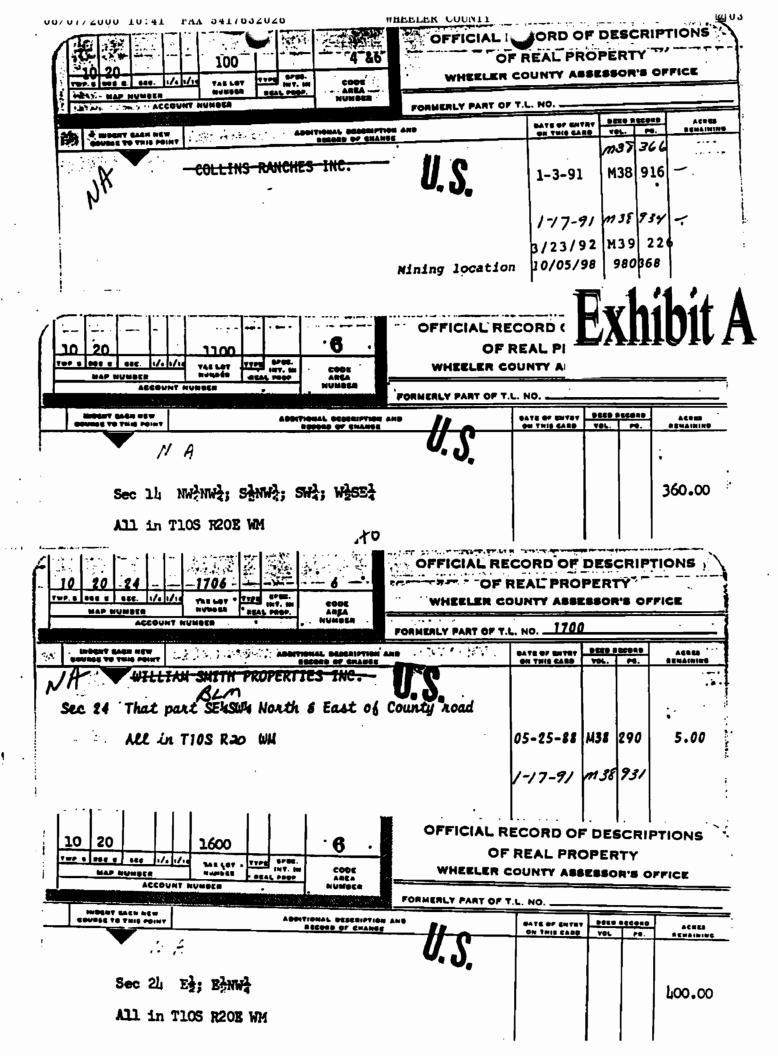
Exhibit E: Identification of public use to be served by instream use

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Exhibit A

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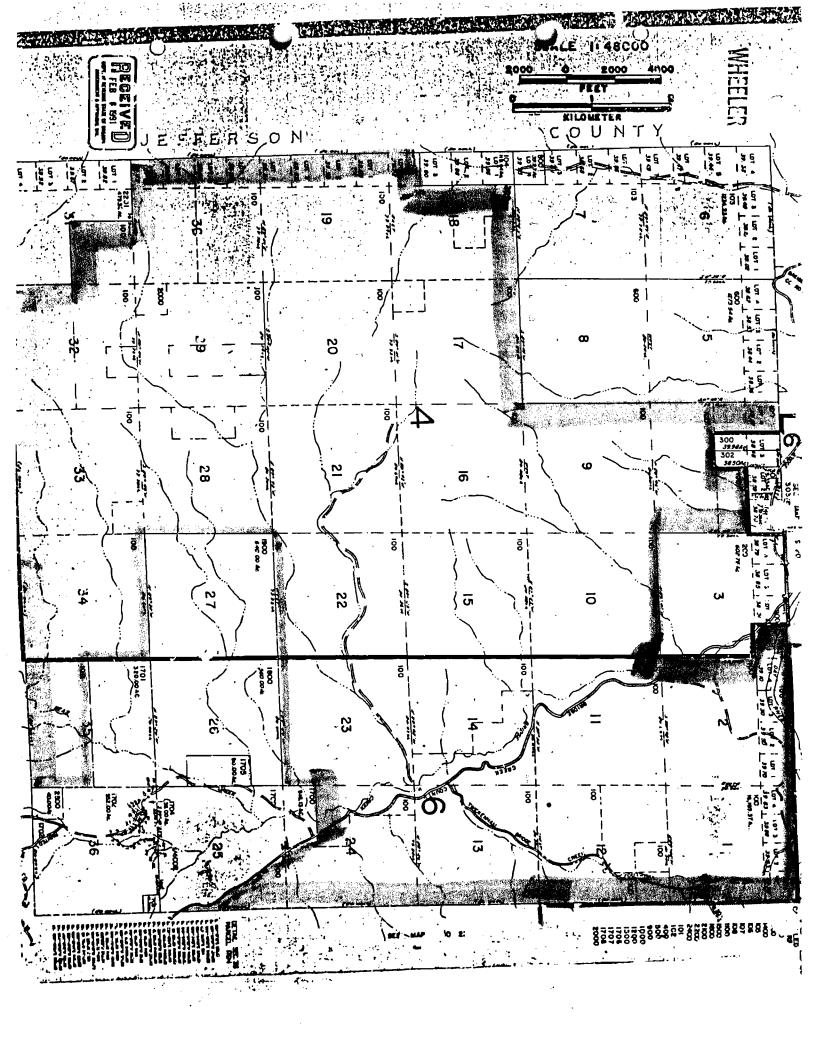
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WHEELER COUNTY ASSESSOR'S OFFIC

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Creek Section 22 Creek T. 12 S. R. TO	Ditoh Bridge 2.8 acres in NW45W4 and Creek 0.4 acres in SE45W4 Section 36 2.8 acres in NE45E4 Section 35 Section 35 T. 11 S. R. 21 E. N. M.	Bridge Creek	7.23.0 5.3 23.0 3.4 2reek) 7.23.0 6.9	Jones Bridge 3 acres in SWANEA Ditch #1 Creek Section 35 T. 11 8., R. 21 E., W.M. BRIDGE CREEK - Decree page 39	
	Inrigation and domestic	Irrigation Ditch and dam	ALL) STILL ON THIS CERT. (Lands East of Bridge Creek)	Irrigation, domestic and stock	
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Exhibit E

Public Uses of Subject Instream Flow

Short term change of use of subject water right would benefit anadromous and resident fish such as chinook salmon, redband/rainbow trout, Pacific lamprey, sculpins, dace and suckers and other aquatic life inhabiting Bridge Creek by:

- 1) insuring passage of adult or juvenile fish
- 2) provide access to important spawning or rearing areas
- 3) insure high quality critical rearing areas
- 4) protect incubating eggs and alevins
- 5) flushing Bridge Creek of sediment and for gravel
- 6) sustaining populations of aquatic organisms and other aquatic life which would provide sufficient food for fish and wildlife
- 7) maintain riparian and wetland habitat and function, and other ecological values.

8) sustain recreation and scenic attraction

Date

Harry & Cosgriffe

Area Manager

Central Oregon Resource Area

Prineville District

Bureau of Land Management