#### Laura Snedaker

From:

Shannon [shannon.peterson@kbrt.org]

Sent:

Tuesday, April 24, 2007 3:40 PM

To:

Laura Snedaker

Subject:

Corrected von Schlegell lease application

Attachments:

KBRT\_VonSchlegell\_2007LeaseApplication\_calcs.xls; KBRT\_vonSchlegell

2007LeaseApplication\_Revised.pdf





KBRT\_VonSchlegell\_KBRT\_vonSchlegell\_ 2007LeaseApp... 2007LeaseApp...

Laura ~

Attached please find a revised instream lease application from KBRT for John von Schlegell. Hopefully it is now complete. The section for Cert 10928 looks a little busy, as there are three sources/priority dates. Let me know if you have any trouble reading it. Also attached is an excel spreadsheet that shows the calculations for Cert 10928, separating out the three dates, sources, acres, and cfs. Please don't hesitate to call me if you need further explanation.

Thank You ~

Shannon



# 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.

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

Optional Identification by Lessor/Lessee: Sevenmile Creek Ranch WRP  Lease Application Number (assigned by WRD):
This Lease is between:
Lessor #1:
Name Sevenmile Creek Ranch / John von Schlegell
Mailing address c/o Endeavour Capital, 920 SW Sixth Avenue, Suite 1400
City, State, Zip Code Portland, OR 97204  Telephone graph on (503) 233 2321
Telephone number (503) 223-2721
Email address jevs@endeavourcapital.com
Lessor #2, 3, etc.
The water right to be leased is located in County.
Lessee (if different than Oregon Water Resources Department):
Name Klamath Basin Rangeland Trust
Mailing address 340 A street, #302
City, State, Zip Code Ashland, OR 97520
Telephone number 541-488-4822
Email address <u>shannon.peterson@kbrt.org</u>
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
Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 33 S, Range 6 E, Section NE1/4 35, W1/2 of NW1/4 36
and Tax Lot number 600 . 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.

1.2	Lessor #2 is the (Check one):  X 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. <u>10927</u> , 10928
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes X 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.: 10927  Priority date: 1900 Type of use: irrigation  Legal Season of Use: 04/01 - 10/01
	Is the entire water right certificate being leased? X 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, R, Section,¼¼ 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: 80  Acre-feet of storage, if applicable: -
	Maximum rate associated with the right to be leased (cfs): 1.6 cfs 04/01-07/19, 1.0 cfs 07/20-10/01 (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): 400 (5acft/ac)
	(Use additional lines if there is more than one duty associated with the water right.)
	Conditions or other limitations, if any:
If yo	ou 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 <u>not</u> 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).

#### ~II~ Instream Water Right Information

2.1	Public use. This lease will increase streamflows that will benefit:
	<ul> <li>Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat</li> <li>Pollution abatement</li> </ul>
	Recreation and scenic attraction
2.2	Instream use created by lease. The instream use to be created is described as follows:
	Sevemile Creek River Tributary to AgencyLake in the Klamath 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): POD to Agency Lake  Maximum volume in acre-feet: 400 (5
	Rate in cfs: 1.17 cfs 04/01-07/19, 1.0 cfs 7/20-10/01 (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 on October. 1, 2007
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.

- 3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- Precedent. If a right which has been leased is later proposed to be leased again or 3.3 transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- Suspension of original use. During the period of the lease, the water right holder agrees to

	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 then 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:  \$\sum_{\text{\$\sum}}\$\$ \$200 for an application with four or more landowners or four or more water rights.  \$\sum_{\text{\$\sum}}\$\$ \$100 for all other applications.
Lesson	#1: In Sulyer Date: 4-9-2007
For ad	lditional Lessors, type in space for signature and date
Lesse	e: Short Partie Date: 03/30/07
	FOR KLAMATH BASIN PANGELANDTRUST



## Additional Water Right Form Standard 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.

#### ~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.
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.: 10928
Priority date: 1888, 1890, 1900 Type of use: irrigation
Legal Season of Use (if not listed on the certificate):
Is the entire water right certificate being leased? ☐ Yes ☐ No
If no, list the acres to be leased by legal description of township, range, section, and ¼ ¼, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.
Place of use: T 33 S, R 6 E, Section 35, NE 4 NE 4 - 40 acres to be leased Enter additional places of use here, using format above:  NW 1/4 NE1/4 - 25 ac SW1/4 NE1/4 - 35 ac SE1/4 NE1/4 - 40 ac
Page (Identify page number of certificate, if certificate is greater than 10 pages.)
Number of acres, if for irrigation: 140
Conditions or other limitations, if any:
~II~ Instream Water Right Information
Section 2.2 continued from Standard Application for Short-Term Instream Lease.
Instream use created by lease. The instream use to be created is described as follows:
Sevenmile Creek, Crane Creek & associated springs
Tributary to Agency Lake in the Klamath 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):
POD to Agency Lake. POD for these acres not displayed, should be one on Sevenmile and one on Crane springs
Maximum volume in acre-feet: 700; 300 from Crane Springs, 100 from 7mile p.d.1890, 300 from 7mile p.d.1900
$Rate\ in\ cfs:\ 04/01\underline{-07/19};\ 0.87\ Crane\ 1888,\ 0.29\ 7mile\ 1890,\ 0.87\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1890,\ 0.75\ 7mile\ 1900;\ 07/20-10/01;\ 0.75\ Crane\ 1888,\ 0.25\ 7mile\ 1900;\ 0.75\ Tmile\ 1900;\ 0.7$

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

Co	nditions 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):

#### STATE OF OREGON

COUNTY OF KLAMATH

#### CERTIFICATE OF WATER RIGHT

This is to Certify, That LEDHARD J. WOODRUFF

Fort Klamath

....

, State of

Oregon,

has a right to the use of

:,

the waters of Seven Mile Creek,

for the purpose of Irrigation of 80 acres,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for County, and the said decree entered of record at Salem, in the Order Klemath County, and the said dec Record of the STATE ENGINEER, in Volume 12 , at page 269 ; that the priority of the right thereby confirmed dates from 1900;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amour rectually beneficially used for said purposes, and shall not exceed 1/50th of one cubic foot per second per acre irrigated prior to July 20th and 1/80th of one cubic foot per second per acre irrigated thereafter, and shall not exceed 5 acre feet per acre during irrigation season from April 1st to October 1st of each year.

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 us follows:

> . 40.0 acres in NWANKA 40.0 acres in STANT Section 36, T. 55 S., R. 6 East, 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

lst

dan

September

, 193

CHAS. E. STRICKLIN

State Engincer.

Recorded in State Record of Water Right Certificates, Volume 10 , page 10,927

#### STATE OF OREGON

COUNTY OF KLAMATH

#### CERTIFICATE OF WATER RIGHT

This is to Certify, That

LEONARD J. WOODRUFF

of Fort Klamath

. State of Oregon,

has a right to the use of

the waters of Springs, Crane Creek, and Seven Mile Creek,

for the purpose of Irrigation of 299.3 acres.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Limith County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12 , at page 269; that the priority of the right theraby confirmed dates from 1886, 1890 and 1900. (See note below)

that the amount of water to which each right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/50th of one cubic foot per second per acre irrigated prior to July 20th and 1/80th of one cubic foot per second per acre irrigated thereafter, and shall not exceed 5 acre feet per acre during irrigation season from Apxil 1st to October 1st of each year.

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:

40.0 acres in NEHRY
25.0 acres in NEHRY
35.0 acres in SWINE;
40.0 acres in SELIPP
40.0 acres in NEHRY
39.5 acres in NEHRY
40.0 acres in SWISE;
Section 35,
T. 33 S., R. 3 East, W.M.

NOTE:Of the above acreage, Claimant's right to water from
Seven Mile Creek is limited as follows: 40 acres in
NEISEL, 20 acres in SELVEL, 25 acres in SELSEL, SECTION 35,
Twp. 53 S., R. 6 E., W.U. with priority of 1890; 40 acres in
NEINEL, 20 acres in SELVEL,
W. M. with priority of 1900. The remainder of the lands to
be irrigated from the designated sources.

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

lst

day

of September,

, 1984.

CHAS. E. STRICKLIN

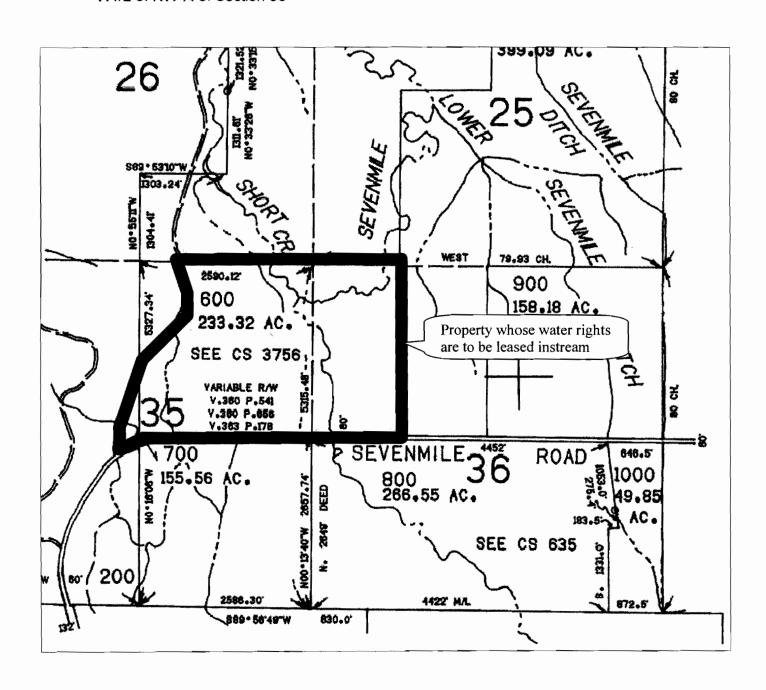
Stute Engineer.

Recorded in State Record of Water Right Certificates, Volume 10 , page 10,928 .

Return 7777 T 33S, R 6E, Section 35 E ½ of NE ¼ - 80 ac NW ¼ of NE ¼ - 25 ac SW ¼ of NE ¼ - 35 ac To Be Leased: OWRD Web Mapping (betta)

Certificate 10928 – von Schlegell Instream Lease application

Instream Lease Application – Sevenmile Creek Ranch WRP T33 S, R6 E
NE 1/4 of Section 35
W1/2 of NW 1/4 of Section 36



Sources for T33S,	R6E, Section 35	ion 35
NE 1/4 NE 1/4	40 ac	40 ac all 40 ac irrigated from Sevenmile Creek, priority date 1900
NW 1/4 NE 1/4	25 ac	25 ac all 25 ac irrigated from Crane and associated springs, prioirty date 1888
SW 1/4 NE 1/4	35 ac	35 ac all 35 ac irrigated from Crane and associated springs, prioirty date 1888
SE 1/4 NE 1/4	40 ac	40 ac 20 ac irrigated from Sevenmile priority date 1890; 20 ac irrigated from Sevenmile priority date

SE 1/4 NE 1/4	40 ac		20 ac irrigated from Sev	от Se	venmile prioirt	y date 1	20 ac irrigated from Sevenmile prioirty date 1890; 20 ac irrigated from Sevenmile prioirty date 1900	
Crane 1888			86400					
	days		secs rate		CF AF		Max duty 5af/ac	
04/01-07/19	•	110	9504000	0.87	8268480	189.84		
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						298.45	300	
7MI 1890			86400					
	davs		secs rate	_	CF AF			
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07/20-10/01		73	6307200	0.25	1576800	36.20		
						99.48	100	
7 MI 1900			86400					
	days		secs rate	_	CF AF			
04/01-07/19		110	9504000	0.87		189.84		
07/20-10/01		73	6307200	0.75	4730400	108.61	00%	
						696.39	700	

**APPLICANT** 

		APPLICANT						
		L-817					(pri) = 2.785 (si)	upp)
		10927			rate per	supp acre	@ 2.785 =	0.0062
	RATE Per Acre	# ACRES	Max CFS				rate =	0.496
TILL 7/20	0,0200	80	1.0	600				
AFTER 7/20	0.0125	80	1.0	000				
	DUTY Per Acre	# Acres	Max Seasona	al Vol	l.			
	5.00	80	400.	000				
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begin	7/20/2007							
end	9/30/2007		# days					
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end	9/30/2007		3 # days						
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AF per day / #DIV/0! AF/DAY @ 1cfs CFS rate

1.98

#DIV/0!

AF/DAY @ 1cCFS rate 1.98 #DIV/0!

AF per day / #DIV/0!

1890 Priority	Date	L-817	The same same same same same same same sam		25 (pri) = 2.785 (supp	•
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AFTER 7/20	0.0125	20	0.2	50		
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			,			
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	possible alterna	tive	total af leased	# days instrean		
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	7/20 - 9/30 73 DAYS	RATE Leased 0.25	_	S TOTAL AF/Day	TOTAL AF 36.135	
		9.49				
			total af leased 36.	# days instrean		
	mania di manulia di		99.	Mad Paper		
begin	period may be le	eased instream		100.000	Max AF minus	
end	4/19/1900	117	day use period		2 first 1/2 season A	
	OR period may	be leased instrear	n		B remaining 5 poss cfs for 2nd 1	74 1/2
end begin		- <b>7</b> 0	day use period	or 100.000	) Max AF minus	
Degin	***************************************		uay use periou		1 2nd 1/2 season A	√F =
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end	7/19/2007		# days	0.23	5 poss cis ioi 1st ii	
begin	7/20/2007					
end	9/30/2007	73	# days			
	reduced rate to	183 cover entire per	iod requested	reduced rate to	o cover entire peri	iod requested
	total AF /	# of days =	AF per day #DIV/0!	total AF /		per day DIV/0!
	AF per day / #DIV/0!	AF/DAY @ 1cfs 1.98	CFS rate #DIV/0!	AF per day / #DIV/0!	AF/DAY @ 1cCF 1.98 #I	

**APPLICANT** 

APPLICANT

1888 Priority Crane CR?	Date	L-817		2.81 (max) - 0.028 rate per supp acre	5 (pri) = 2.785 (supp) e @ 2.785 = 0.	0062
	RATE Per Acre		Max CFS		_	0.372
TILL 7/20	0.0200	Account to the second of the s				
AFTER 7/20	The second secon	MANAGEMENT OF THE STATE OF THE	98			
	DUTY Per Acre		Max Seasonal V			
	5.00	) 60	300.00	J		
	4/1 - 7/19	RATE Leased	AF/DAY @ 1cfs	TOTAL AF/Day	TOTAL AF	
	110 DAYS	0.87			189.486	
					The Stranger of Control of Contro	
	possible alterna	tive	total af leased	# days instream		
			189,4	111		
	7/20 - 9/30	RATE Leased	AF/DAY @ 1cfs	TOTAL AF/Day	TOTAL AF	
	73 DAYS	0.75			108.405	
			*			
			total af leased	# days instream		
			108.4	6.79		
	period may be le	assed instream	297.89	•		
begin	period may be it			300 000	Max AF minus	
end	4/19/1900	111	day use period		first 1/2 season AF =	=
		and all the color, solute but a factor of the color of th		110.514	remaining	74
	<b>OR</b> period may	be leased instrear	m	0.765	poss cfs for 2nd 1/2	
end			• 1	or	14 A T t	
begin	############	12	day use period		Max AF minus	_
					2nd 1/2 season AF : remaining	= 111
begin	4/1/2007				poss cfs for 1st 1/2	
end	7/19/2007	39-	# days		,	
	a Consequence of the Consequence					
begin	7/20/2007					
end	9/30/2007		# days			
	reduced rate to	183 cover entire per		Ireduced rate to	cover entire period	requested
	total AF /	# of days =	AF per day	total AF /	# of days = AF pe	•
			#DIV/0!		#DI\	•
	Annual Control of the	and the second s		200 mm mm 100 p - 1 21, 200 Pin 20, 1100 miles (200 Pin 20	nderes (1900-1909) (1900-1905) (1900-1905) (1900-1905) (1900-1905) (1900-1905) (1900-1905) (1900-1905) (1900-1	
	AF per day / #DIV/0!	AF/DAY @ 1cfs 1.98		AF per day / #DIV/0!	AF/DAY @ 1cCFS r 1.98 #DI\	