



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): IL-882

This Lease Agreement is between:

Lessor #1:

(Name) Margaret Hunter
(Mailing address) P.O. Box 89
(City, State, Zip Code) Glide, Oregon 97433
(Telephone number) 541-496-4611
(Email address) peggy.hunter@acxiom.com

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

(Name) Not Applicable
(Mailing address)
(City, State, Zip Code)
(Telephone number)
(Email address)

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WATER RESOURCES DEPT
SALEM, OREGON

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 26
S, Range 4 W, Section 15B and Tax Lot number
2400. 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):

- [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 lands being leased, list all water rights appurtenant to the lessor's property. Indicate if there are any supplemental or overlying rights.

Certificate No. 56596

- 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.: 56596

Priority date: April 21, 1980 Type of use: Irrigation

Legal Season of Use: March 1 - October 31

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 26 S, R 4 W, Section 15, SW¼ NW¼ - 2.60 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: 2.6

Acre-feet of storage, if applicable: na

Maximum rate associated with subject water rights (cfs): 0.03

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

Maximum duty associated with subject water rights (ac-ft): 6.5

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

Conditions or other limitations, if any: _____

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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)()(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:

North Umpqua River

Tributary to Umpqua River in the Umpqua 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 (RM 25.3) to mouth of North Umpqua River

Maximum volume in acre-feet: 6.5

Rate in cfs: 0.03

(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 July 15 through October 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 commence on April 1, 2008 and terminate on October 31, 2012.

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.

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~III~ Other Information

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 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. 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 690-077-0077.

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 537.348 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 set 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.

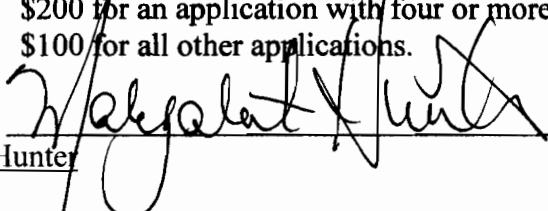
- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (July 15), with 30 day written notice to the Department.
- For multiyear leases, lessor *shall not* have the option of terminating the lease each year, prior to the lease being exercised, 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 Fees. Effective October 1, 2003, pursuant to ORS 536.050 (1)(v) (2003 SB 820), 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: Margaret Hunter
Margaret Hunter



Date: 11/15/07

For additional Lessors, type in space for signature and date

Lessee: _____

Date: _____

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

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November 13, 2007

NOV 15 2007

Mr. Bob Rice
Field Services Division
Water Resources Department
North Mall Office Building
725 Summer Street, NE, Suite A
Salem, OR 97301-1271

**WATER RESOURCES DEPT
SALEM, OREGON**

RE: Re-instatement of Instream Lease originally #483

Bob:

Thank you for your assistance today. I was going to scan this map and send it off to you via email, but of course my scanner is on the blink...so we will revert to USPS.

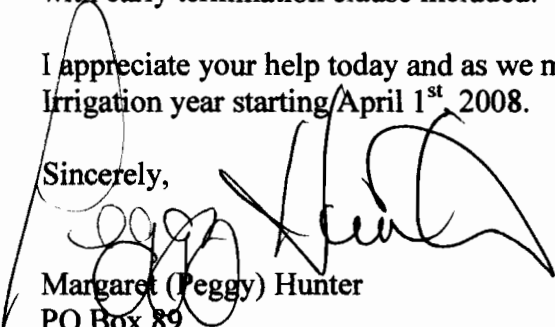
Enclosed is the map we discussed that I received from Don Henry at the Watermaster's Office in Roseburg. Highlighted in grey are the 2.6 acres to be put into an Instream Lease.

Please let me know if you have any additional questions. I will be happy to try and answer anything that might come up.

I am expecting to receive a Lease document from you via email...will verify all information, print, sign and send back to you with my check for \$100 for a five year lease with early termination clause included.

I appreciate your help today and as we move forward to get this completed prior to the Irrigation year starting April 1st 2008.

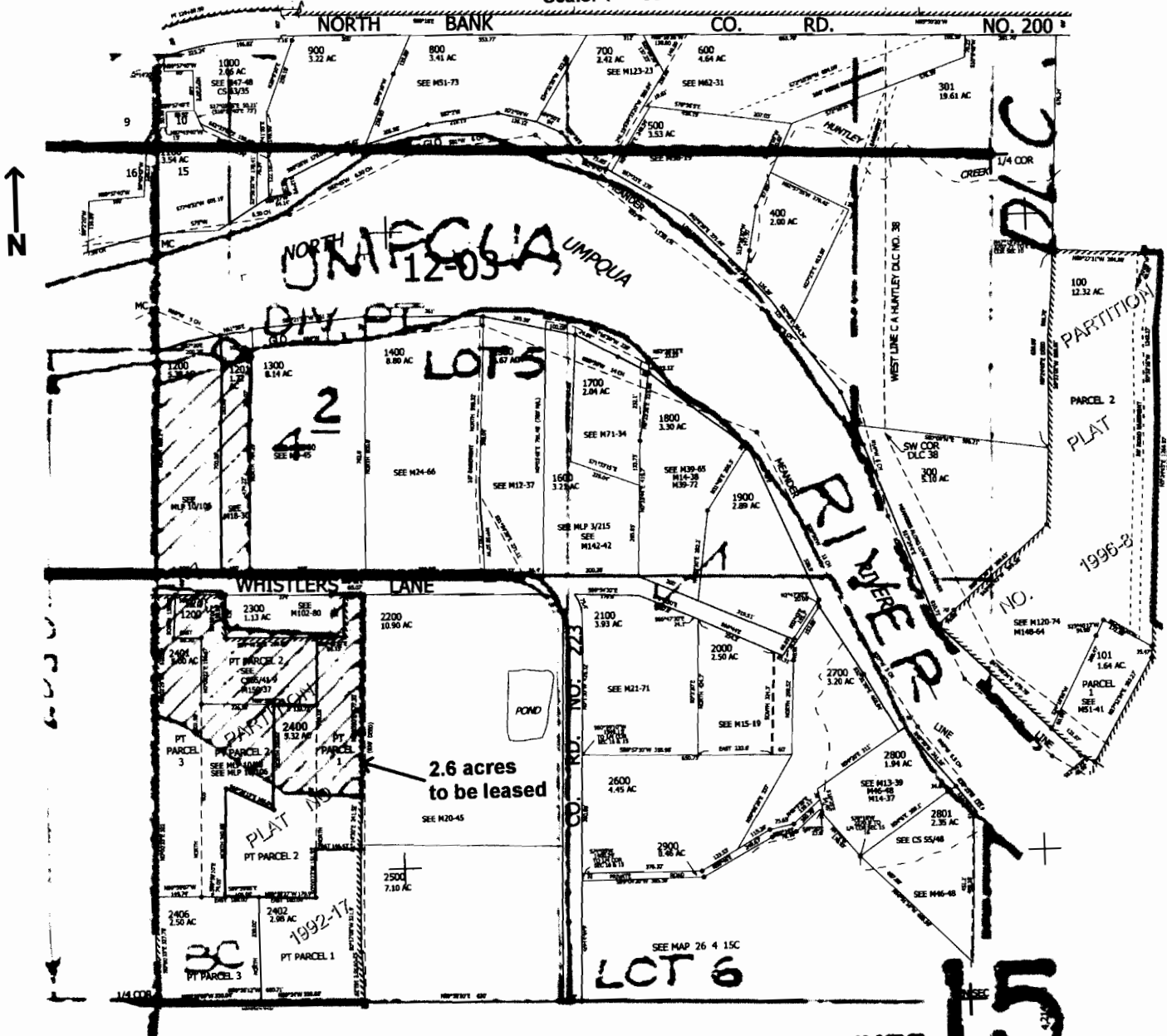
Sincerely,



Margaret (Peggy) Hunter
PO Box 89
Glide, OR 97443
541-496-4611

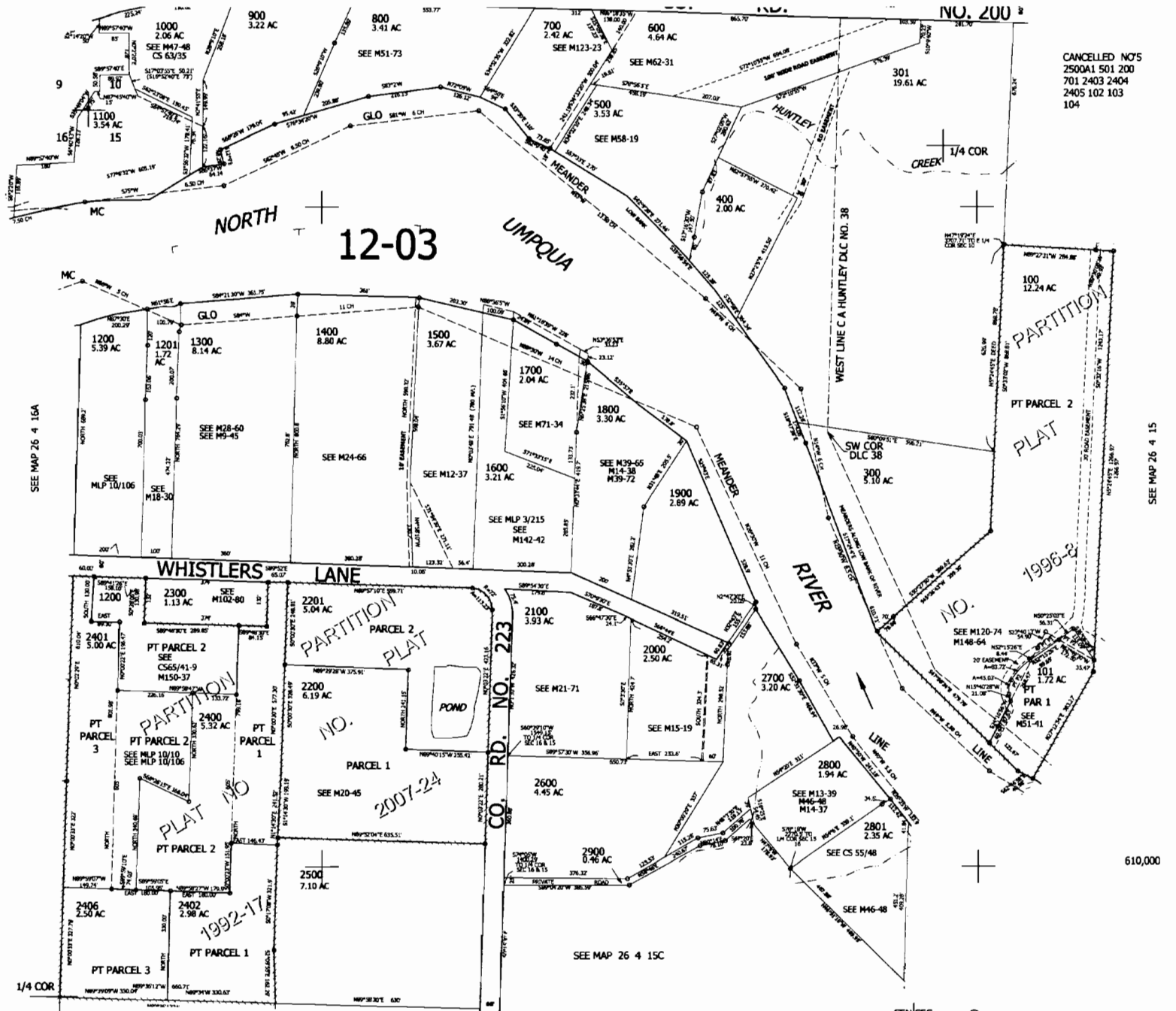
1527 WHISTLES LN.
E26 SR04W-15b

NW1/4 SEC.15 T.26S. R.4W. W.M.
DOUGLAS COUNTY
Scale: 1" = 500'



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NORTH
12-03
UMPQUA

NO. 200

CANCELLED NO'S
2500A1 501 200
701 2403 2404
2405 102 103
104

SEE MAP 26 4 16A

SEE MAP 26 4 15

WHISTLERS LANE

RIVER

1996-8

PARTITION PLAT
PARCEL 2

PARTITION PLAT
PARCEL 3

PARTITION PLAT
PARCEL 1

2007-24

1992-17

SEE MAP 26 4 15C

610,000

CEN SEC

4.214,000

26 4 15B

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

JAMES WILSON
of 1436 WHISTLERS LANE ROSEBURG OR 97470
has a right to the use of the waters of NORTH UMPQUA RIVER
a tributary of UMPQUA RIVER for the purpose of
IRRIGATION.

The right has been perfected under Permit 45075. The date of priority is APRIL 21, 1980. The right is limited to not more than 0.150 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source. The point of diversion is located in the

LOT 5, NW 1/4 NW 1/4, Section 15, T 26 S, R 04 W, WM;
2030 FEET NORTH & 220 FEET EAST FROM W1/4 CORNER, SECTION 15

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-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

	ACRES	1/4	1/4	LOT	SECTION	TOWNSHIP	RANGE,	WM
primary	4.20	NW	NW	5	15	26 S	04 W	
primary	7.50	SW	NW		15	26 S	04 W	
Total:	11.70	acres.						

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,
affixed this date, JANUARY 7, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56596
60054