



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: Pri Na  
Lease Application Number (assigned by WRD): IL-855

This Lease is between:

**Lessor #1:**

Name Naumes Inc.  
Mailing address PO Box 996  
City, State, Zip Code Medford, Oregon 97501  
Telephone number 541-608-1732  
Email address \_\_\_\_\_

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

\_\_\_\_\_

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

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

Name Oregon Water Trust  
Mailing address 522 SW Fifth Avenue, Suite 825  
City, State, Zip Code Portland, OR 97204  
Telephone number 503-525-0141  
Email address steve@owt.org

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JUN 28 2007

**Trustee:**

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

WATER RESOURCES DEPT  
SALEM, OREGON

### ~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 36 S, Range 1 E, Section 19 and Tax Lot number 701. 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):

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. 17192 primary, 80569 supplemental RRVID right  
Only the primary will be leased instream

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.: 17192

Priority date: 1902 Type of use: Irrigation and stock

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 36 S, R 1 E, Section 19, SW1/4 SE1/4 - 14.00 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: 14

Acre-feet of storage, if applicable: na

Maximum rate associated with the right to be leased (cfs): 0.23

(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): 63

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

Conditions or other limitations, if any: \_\_\_\_\_

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:

Antelope Creek

Tributary to Little Butte Creek in the Rogue 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): The POD is located in the NW NE of Section 30, T 36S, R 1E, WM. The instream reach will be from the POD, at approximately stream mile 6, to the mouth of Antelope Creek.

Maximum volume in acre-feet: 63 at 4.5 ac-ft

Rate in cfs: 0.23

(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 20 through October 1.
- 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.
- 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 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.
- 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 and 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: MICHAEL D. NAUMES, PRESIDENT Date: 06/19/2007  
Naumes Inc. *Michael D. Naumes*

For additional Lessors, type in space for signature and date

Lessee: *Steven Parrett for OWT* Date: *June 10, 2007*  
Oregon Water Trust

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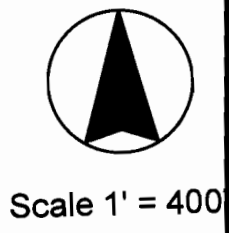
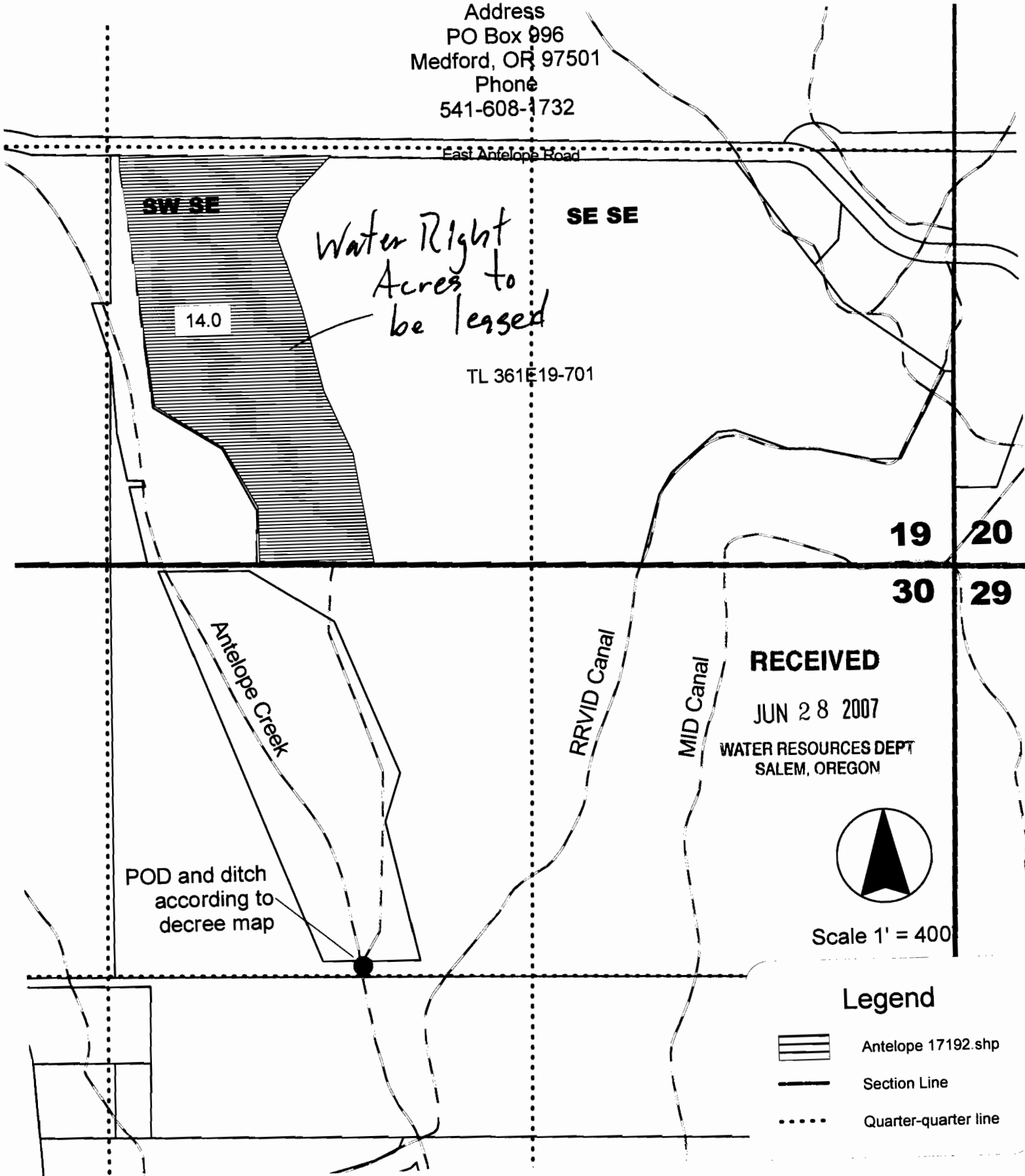
JUN 28 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**Instream Lease**  
**Naumes Inc.**

**T 36 S, R 1 E, Section 19, WM**

Address  
PO Box 996  
Medford, OR 97501  
Phone  
541-608-1732



- Legend**
- Antelope 17192.shp
  - Section Line
  - Quarter-quarter line

## STATE OF OREGON

COUNTY OF JACKSON

## CERTIFICATE OF WATER RIGHT

*This Is to Certify, That* T. Salter Johnson and Rogue River Com'l. Orchard Co. of Medford, State of Oregon, has a right to the use of the waters of Antelope Creek for the purpose of Irrigation and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 14, at page 498; that the priority of the right thereby confirmed dates from 1902;

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 0.55 cubic foot per second; measured at the head of the ditch or the point where the same leaves the natural stream, 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 as follows:

8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 11 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
 14 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 Section 19,  
 T. 36 S., R. 1 E., W. M.

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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 the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

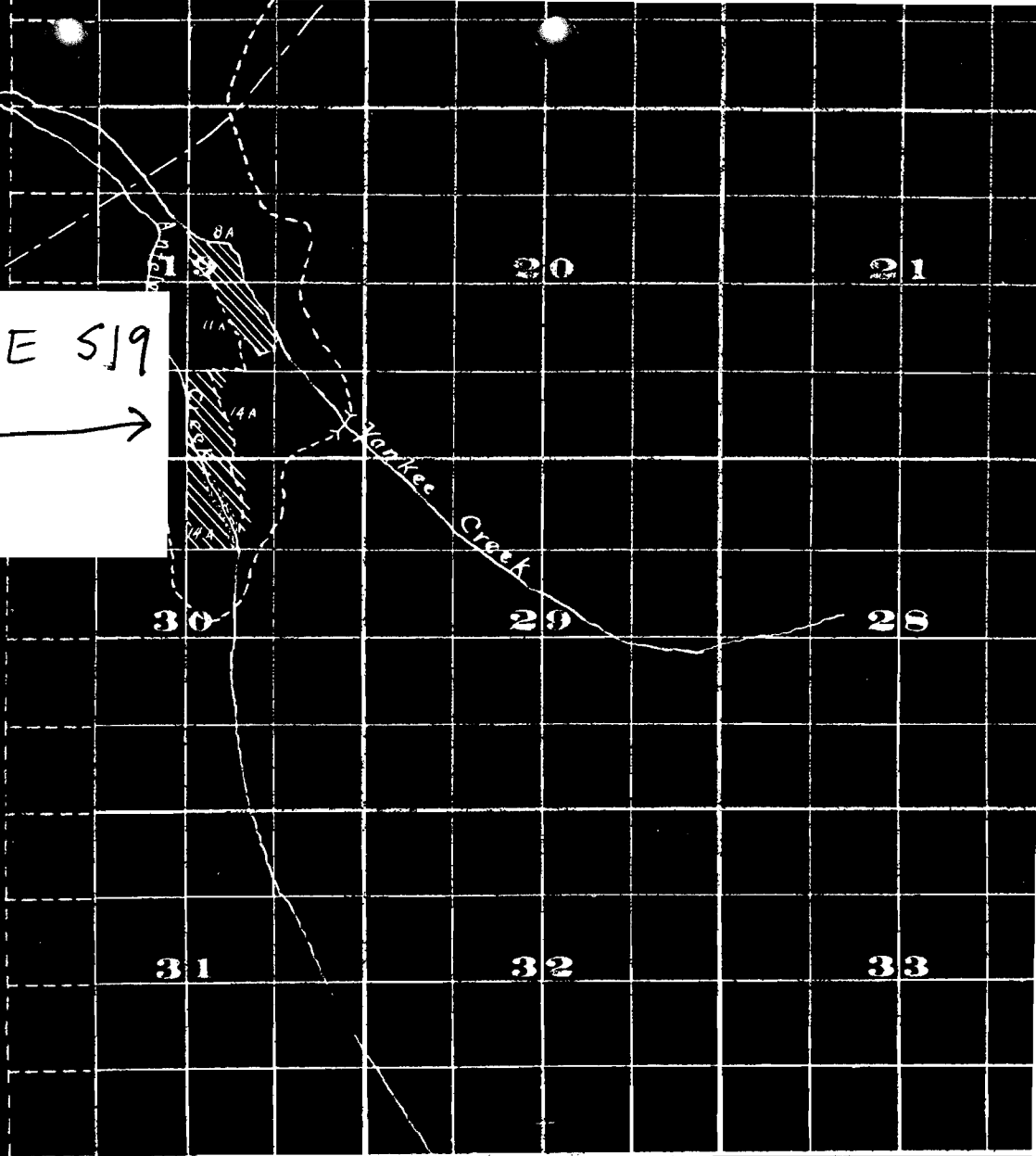
this 28th day of April, 19 50

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17192.

SW SE S19  
└───────────▶



Scale of Feet.

SURVEYED BY R.P. COWGILL

Oct. 16  
Nov. 19 1909 Exam

John H. Lewis, State Engineer.

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