

Lease Agreement Number (assigned by WRD): _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

**Short-Term Water Right Lease Agreement
Pursuant to ORS 537.348(2) and OAR 690-077-0077
for
Leases of Existing Water Rights for Instream Use**

This Lease Agreement is between:

Lessor #1:

(Name) [JaCox Ranch](#)
(Mailing address) [PO Box 435](#)
(City, State, Zip Code) [Ft. Klamath, OR 97626](#)
(Telephone number) [541-381-2308](#)

Lessor#2, 3, etc.

The water right to be leased is located in [Klamath](#) County

Lessee (if different than Oregon Water Resources Department):

(Name) [Klamath Basin Rangeland Trust](#)
(Mailing address) [340 A Street, Ste. 302](#)
(City, State, Zip Code) [Ashland, OR 97520](#)
(Telephone number) [\(541\) 488-4822](#)

Trustee:

Oregon Water Resources Department
158 12th Street NE
Salem OR 97301
(503) 378-8455

~I~

- 1.1 Lessor #1 is the owner, or authorized agent for owner of property located at: Township [33 S](#), Range [6 E](#), Section [1, 12, and 13; and T33S and R7.5E Section 6 and 18](#), and Tax Lot number [00100, 00900, and 03700](#). 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 _____, 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. [53000,53001,T-4431 \(80582, 80583\), 7641 \(WoodR.Dec.,Vol12,Pg269,Fndg 3\), 45299 \(WRD12,269,3\),67090](#)

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

1.4 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.: [53000](#)

Priority date: [1883](#) Type of use: [irrigation, domestic and stock](#)

Legal Season of Use: [April 1 through October 31](#)

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, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T __, R __, Section __, ¼ ¼ - ____ acres to be leased

Enter additional places of use here, using format above:

T33S R7.5E Section 6: SW1/4NW1/4 - 28 acres, NW1/4SW1/4 - 21.3 acres, SW1/4SW1/4 - 36.7 acres, SE1/4SW1/4 - 40 acres

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

Number of acres being leased, if for irrigation: [126](#)

Acre-feet of storage, if applicable: [0](#)

Total rate associated with leased rights (cfs): [1.575 cfs per acre from April 1 to July 20, and 0.788 cfs per acre thereafter until October 31](#)

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

Total duty associated with leased rights (AF): [378](#)

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

Conditions or other limitations, if any: [None.](#)

If you need to enter another leased right, please use the additional water rights form.

1.5 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~

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:

Annie (or Anna) Creek

Tributary to Wood River and Agency Lake in the Klamath Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): The point of diversion is the Shattuck Ditch located at NE1/4SW1/4 of Section 31, T32S, R7.5E. The water will be protected instream in Annie Creek to the confluence with the Wood River.

Total volume in acre-feet: 378.

Rate in cfs: 1.2cfs from 4/1 to 7/20 and 0.788cfs from 7/21 up to and including 9/30.

(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, 2010.

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). 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.

2.6 Termination provision.

- For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (April 1st), 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.

~III~

- 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.

Lessor #1: _____ Date: _____

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

- 3.5** 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.

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 1.5 is checked)
- Attachment 4: Split Season Instream Use Form

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE A. LISK

of Fort Klamath, State of Oregon 97626, has
a right to the use of the waters of Anna Creek

a tributary of Wood River for the purpose of
irrigation of 126.0 acres, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Klamath County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 2, at page 1; that the priority of the
right thereby confirmed dates from 1883

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 1.575 cubic feet
per second per acre from April 1 to July 20 of each year and thereafter until
the close of the irrigation season 0.788 cubic foot per second, or the
equivalent thereof in case of rotation; the total quantity delivered not to
exceed 3.0 acre-feet for each acre irrigated.

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T32S, R7 $\frac{1}{2}$ E, WM (Shattuck
Ditch).

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

28.0 acres SW 1/4 NW 1/4
21.3 acres NW 1/4 SW 1/4
36.7 acres SW 1/4 SW 1/4
40.0 acres SE 1/4 SW 1/4
Section 6
Township 33 South, Range 7 1/2 East, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 1098, Volume 2, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water
Resources Director entered on November 16, 1981, approving Transfer
Application No. 4431.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

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 Water Resources Director, affixed

this date April 25, 1985.

...../s/.....William H. Young.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53000

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: [53001](#)

Priority date: [1883](#) Type of use: [irrigation, domestic, and stock](#)

Legal Season of Use (if not listed on the certificate): [April 1 through October 31](#)

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T [33 S](#), R [6 E](#),, Section [13](#), [NE¼](#) [NE¼](#) - [40.00](#) acres to be leased

Enter additional places of use here, using format above:

Section 12:

NE1/4 NE1/4 - 1.0 acres to be leased

SE1/4 NE1/4 - 21.8 acres to be leased

NE1/4 SE1/4 - 36.7 acres to be leased

SE1/4 SE1/4 - 40.0 acres to be leased

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

Number of acres, if for irrigation: [139.5](#)

Acre-feet of storage, if applicable: [0](#)

Rate associated with leased rights (cfs): [1.758 cfs per acre from April 1 to July 20, and 0.879 cfs per acre thereafter until October 31.](#)

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

Duty associated with leased rights (AF): [418.50](#)

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

Conditions or other limitations, if any: [None.](#)

Section 2.2, cont.

Instream use created by lease. The instream use to be created is described as follows:

[Annie \(or Anna\) Creek](#)

Tributary to [Wood River and Agency Lake](#) in the [Klamath](#) Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): [The point of diversion is the Shattuck Ditch located at NE1/4SW1/4 of Section 31, T32S, R7.5E. The water will be protected instream in Annie Creek to the confluence with the Wood River.](#)

Total volume in acre-feet: [418.5](#)

Rate in cfs: [1.338 cfs from 4/1 up to and including 7/20, and 0.879 cfs from 7/21 to 9/30.](#)

Additional Information

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): _____

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT CONNOR

of Fort Klamath, State of Oregon 97626, has
a right to the use of the waters of Anna Creek

a tributary of Wood River for the purpose of
irrigation of 139.5 acres, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Klamath County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 2, at page 1; that the priority of the
right thereby confirmed dates from 1883

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 1.758 cubic feet
per second per acre from April 1 to July 20 of each year and thereafter until
the close of the irrigation season 0.879 cubic foot per second, or the
equivalent thereof in case of rotation; the total quantity delivered not to
exceed three acre feet for each acre irrigated.
The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T32S, R7 $\frac{1}{2}$ E, WM (Shattuck
Ditch).

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

1.0 acre NE 1/4 NE 1/4
21.8 acres SE 1/4 NE 1/4
36.7 acres NE 1/4 SE 1/4
40.0 acres SE 1/4 SE 1/4
Section 12
40.0 acres NE 1/4 NE 1/4
Section 13
Township 33 South, Range 6 East, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 1088, Volume 2, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water
Resources Director entered on November 16, 1981, approving Transfer
Application No. 4431.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

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 Water Resources Director, affixed

this date April 25, 1985.

.../s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53001

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: [Cert 80582](#)

Priority date: [1883](#) Type of use: [irrigation, domestic, and stock](#)

Legal Season of Use (if not listed on the certificate): [April 1 through October 31](#)

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T S, R E, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

T33S R6E Section 1: SE1/4SE1/4 - 12.0 acres.

T33S R7.5E Section 6: NW1/4SW1/4 - 18.7 acres, SW1/4SW1/4 - 3.3 acres.

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

Number of acres, if for irrigation: [34](#)

Acre-feet of storage, if applicable: [0](#)

Rate associated with leased rights (cfs): [0.425 cfs from April 1 to July 20, and 0.212 cfs thereafter](#)

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

Duty associated with leased rights (AF): [102.0 AF](#)

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

Conditions or other limitations, if any: [None.](#)

Section 2.2, cont.

Instream use created by lease. The instream use to be created is described as follows:

[Annie \(or Anna\) Creek](#)

Tributary to [Wood River and Agency Lake](#) in the [Klamath](#) Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): [The point of diversion is the Scott Ditch located at the SW1/4 of the NW1/4 of T32S R7.5E Section 31. The water will be protected instream from the point of diversion in Annie Creek to the confluence with the Wood River.](#)

Total volume in acre-feet: [102.0 AF](#)

Rate in cfs: [0.327 CFS from 4/1 up to and including 7/19;](#)

[0.212 CFS from Cert 80582 from 7/20 through 9/30.](#)

Conditions to prevent injury, if any:

None

Additional Information

- 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 CERTIFICATE ISSUED TO

ANDREW AND DOROTHY POPSON
P.O. BOX 435
FORT KLAMATH, OREGON 97626

confirms the right to use the waters of ANNA CREEK, a tributary of WOOD RIVER, for IRRIGATION of 34.0 ACRES, STOCKWATER, AND DOMESTIC USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for KLAMATH County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 2, at Page 1. The date of priority is 1883.

The use is limited to 0.425 CUBIC FOOT PER SECOND FROM APRIL 1ST TO JULY 20TH OF EACH YEAR AND 0.212 CUBIC FOOT PER SECOND, THEREAFTER TO THE CLOSE OF THE IRRIGATION SEASON (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE SHATTUCK DITCH LOCATED WITHIN THE NE 1/4 SW 1/4, SECTION 31, TOWNSHIP 32 SOUTH, RANGE 7 1/2 EAST, W.M.; 1850 FEET NORTH AND 1650 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 31), or it's equivalent thereof in case of rotation; the total quantity delivered not to exceed three acre feet for each acre irrigated.

The point of diversion is located as follows:

SCOTT DITCH - LOT 2 (SW 1/4 NW 1/4), SECTION 31, TOWNSHIP 32 SOUTH, RANGE 7 1/2 EAST, W.M.; 3650 FEET NORTH AND 460 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 31.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 SE 1/4 12.0 ACRES
SECTION 1
TOWNSHIP 33 SOUTH, RANGE 6 EAST, W.M.

LOT 6 (NW 1/4 SW 1/4) 18.7 ACRES
LOT 7 (SW 1/4 SW 1/4) 3.3 ACRES

SECTION 6
TOWNSHIP 33 SOUTH, RANGE 7 1/2 EAST, W.M.

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 of the order must be filed within the 60 days of the date of service.

The use for irrigation purposes hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. The right to use water for domestic and stock purposes shall continue throughout the year.

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the user is entitled.

The type and plans of the measuring device be approved by the Watermaster and the weir or measuring device be maintained under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 16, 1981, and together with Certificates 53000, supersedes Certificates 1098, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

Issued February 19, 2004.



Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80582.

T-4431A.SB *deb*

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: [Cert 80583](#)

Priority date: [1883](#) Type of use: [irrigation, domestic, and stock](#)

Legal Season of Use (if not listed on the certificate): [April 1 through October 31](#)

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T S, R E,, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

T33S R6E Section 12: NE1/4NE1/4 - 36.0 acres, SE1/4NE1/4 - 18.2 acres, NE1/4SW1/4 - 40.0 acres, SE1/4SW1/4 - 40.0 acres, NE1/4SE1/4 - 3.3 acres, NW1/4SE1/4 - 40.0 acres, SW1/4SE1/4 - 40.0 acres.

T33S R6E Section 13: NW1/4NE1/4 - 40.0 acres, NE1/4NW1/4 - 40.0 acres.

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

Number of acres, if for irrigation: [297.5](#)

Acre-feet of storage, if applicable: [0](#)

Rate associated with leased rights (cfs): [3.742 cfs from April 1 to July 20, and 1.871 cfs to Oct 31](#)
(Use additional lines if there is more than one rate associated with the water right.)

Duty associated with leased rights (AF): [892.5 AF](#)
(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: [None.](#)

Section 2.2, cont.

Instream use created by lease. The instream use to be created is described as follows:

[Annie \(or Anna\) Creek](#)

Tributary to [Wood River and Agency Lake](#) in the [Klamath](#) Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): [The point of diversion is the Scott Ditch located at the SW1/4 of the NW1/4 of T32S R7.5E Section 31. The water will be protected instream from the point of diversion in Annie Creek to the confluence with the Wood River.](#)

Total volume in acre-feet: [994.5 AF; being 102.0 AF from Cert 80582, and 892.5 AF from 80583](#)

Rate in cfs: [2.856 CFS from 4/1 up to and including 7/19;](#)

Additional Information

1.871 CFS from 7/20 through 9/30.

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): _____

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANDREW AND DOROTHY POPSON
P.O. BOX 435
FORT KLAMATH, OREGON 97626

confirms the right to use the waters of ANNA CREEK, a tributary of WOOD RIVER, for IRRIGATION of 297.5 ACRES, STOCKWATER, AND DOMESTIC USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for KLAMATH County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 2, at Page 1. The date of priority is 1883.

The use is limited to 3.742 CUBIC FOOT PER SECOND FROM APRIL 1ST TO JULY 20TH OF EACH YEAR AND 1.871 CUBIC FOOT PER SECOND, THEREAFTER TO THE CLOSE OF THE IRRIGATION SEASON (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE SHATTUCK DITCH LOCATED WITHIN THE NE 1/4 SW 1/4, SECTION 31, TOWNSHIP 32 SOUTH, RANGE 7 1/2 EAST, W.M.; 1850 FEET NORTH AND 1650 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 31), or it's equivalent thereof in case of rotation; the total quantity delivered not to exceed three acre feet for each acre irrigated.

The point of diversion is located as follows:

SCOTT DITCH - LOT 2 (SW 1/4 NW 1/4), SECTION 31, TOWNSHIP 32 SOUTH, RANGE 7 1/2 EAST, W.M.; 3650 FEET NORTH AND 460 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 31.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 NE 1/4	36.0 ACRES
SE 1/4 NE 1/4	18.2 ACRES
NE 1/4 SW 1/4	40.0 ACRES
SE 1/4 SW 1/4	40.0 ACRES
NE 1/4 SE 1/4	3.3 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	40.0 ACRES

SECTION 12
TOWNSHIP 33 SOUTH, RANGE 6 EAST, W.M.

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 of the order must be filed within the 60 days of the date of service.

NW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 40.0 ACRES
SECTION 13
TOWNSHIP 33 SOUTH, RANGE 6 EAST, W.M.

The use for irrigation purposes hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. The right to use water for domestic and stock purposes shall continue throughout the year.

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the user is entitled.

The type and plans of the measuring device be approved by the Watermaster and the weir or measuring device be maintained under the general supervision of said Watermaster.

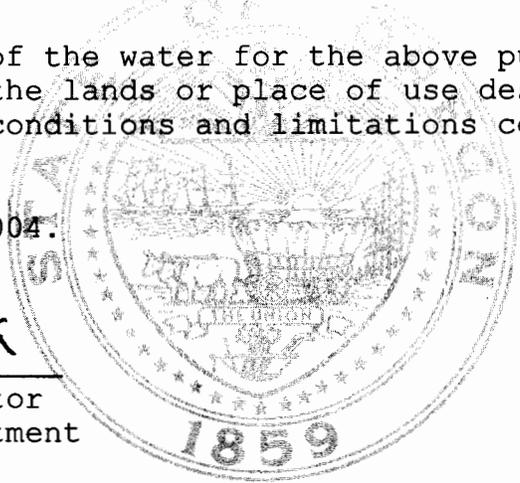
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 16, 1981, and together with Certificates 53001, supersedes Certificates 1088, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

Issued February 19, 2004.


Paul R. Cleary, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80583.

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: [7641 \(Wood River Decree, Vol 12, Pg 269, Finding 3\)](#)

Priority date: [1900](#) Type of use: [irrigation](#)

Legal Season of Use (if not listed on the certificate): [Primary: May 1 through October 31](#)
(based on [Anna Creek Decree](#))

[Suppl: April 1 to October 1](#)

(based on [Cert 10900](#))

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T S, R E, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

T33S R7.5E Section 18: NE1/4SW1/4 - 40 acres, NW1/4SW1/4 - 16 acres, SE1/4SW1/4 - 14 acres

A portion of these lands overly other, more senior, priority rights described on certificate 10900. This includes NE1/4SW1/4 - 9.2 acres, SE1/4SW1/4 - 14.0 acres, NW1/4SW1/4 - 4.0 acres.

Page 1 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: [42.8 acres of primary and 27.2 acres of supplemental](#)

Acre-feet of storage, if applicable: [0](#)

Rate associated with leased rights (cfs): [0.54 cfs of primary and 0.34 cfs of supplemental.](#)

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

Duty associated with leased rights (AF): [Not specified on certificate, but decree states 3 ac-ft per acre for a total of 128.4 AF of primary and 81.6AF that overly more senior primary rights](#)

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

Conditions or other limitations, if any: [None.](#)

Section 2.2, cont.

Instream use created by lease. The instream use to be created is described as follows:

[Annie \(or Anna\) Creek](#)

Tributary to [Wood River and Agency Lake](#) in the [Klamath](#) Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): [The point of diversion is at Scott Ditch, located 3650 Feet north and 460 feet east from SW corner of Section 31. The water will be protected within the Annie Creek channel until it reaches the Wood River](#)

Additional Information

Total volume in acre-feet: 210AF, being 128.4 AF primary and 81.6 AF supplemental, will only be protected instream if the primary right covered under certificate 10900 is not available

Rate in cfs: 0.535cfs from 6/2 up to and including 9/30 to cover those lands for which this right is the sole primary right, and an additional 0.34cfs during that period if sufficient water is not available under the more certificate 10900 for the lands covered by both certificates.

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): _____

STATE OF OREGON
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This is to Certify, That James T. Dixon

of Fort Klamath, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Anna Creek a tributary of Wood River for the purpose of Irrigation under Permit No. 8029 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 25, 1927;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.88 cubic foot per second;

The point of diversion is located in the NE¹/₄SW¹/₄ of Section 31, Township 32S, Range 7¹/₂E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 16 acres in the NE¹/₄SW¹/₄, 40 acres in the NE¹/₄SW¹/₄, and 14 acres in the SE¹/₄SW¹/₄, Section 18, Township 33 South, Range 7¹/₂ East of the Willamette Meridian in Klamath County, Oregon.

16
40
14
70

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 12th day
of July, 19 28

Shea Luper

State Engineer.

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: 45299 (Wood River Decree, Vol 12, Pg 269, Finding 3)

Priority date: 1900 Type of use: irrigation

Legal Season of Use (if not listed on the certificate): Primary: May 1 through October 31
(based on Anna Creek Decree)
Supptal: April 1 to October 1
(based on Cert 10900)

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T S, R E, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

T33S R6E Section 1: NE1/4NE1/4 - 20.0 acres, SE1/4NE1/4 - 20 acres, NE1/4SE1/4 - 20 acres

T33S R6E Section 12: NW1/4SW1/4 - 10.0 acres, SW1/4SW1/4 - 20 acres

T33S R6E Section 13: NW1/4NW1/4 - 40.0 acres, SE1/4NW1/4 - 12.0, SE1/4NE1/4 - 30 acres.

T33S R7.5E Section 6: SW1/4NW1/4 - 12 acres.

The following lands are also covered by overlying, more senior rights:T33S R6E Section 13 SE1/4NE1/4 - 16.4 acres covered in 10900 (1891); For the purposes of this lease application, the certificate 45299 rights will be considered supplemental to the more senior rights.

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

Number of acres, if for irrigation: 184.0 total to be leased; 167.6 acres are primary and 16.4 acres are supplemental to Cert 10900 for the purpose of this lease.

Acre-feet of storage, if applicable: 0

Rate associated with leased rights (cfs): 2.297 cfs total. However, 2.092 cfs serve the primary rights and 0.205 cfs serves lands with more senior primary rights.

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

Duty associated with leased rights (AF): Not stated on certificate, but 3 ac-ft per acre based on decree for a total duty of 552 AF. Of the total duty, 502.8 AF are primary and 49.2 AF are supplemental.

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

Conditions or other limitations, if any: None.

Additional Information

Section 2.2, cont.

Instream use created by lease. The instream use to be created is described as follows:

Annie (or Anna) Creek

Tributary to Wood River and Agency Lake in the Klamath Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): The point of diversion is the Scott Ditch located at SW1/4NW1/4 of Section 31, T32S, R7.5E. The water will be protected instream in Annie Creek to the confluence with the Wood River.

Total volume in acre-feet: 552AF; 502.8 AF are primary rights that will be protected instream. Up to 49.2 additional AF will be protected in the event that the more senior primary rights are not available.

Rate in cfs: 2.1 cfs from 6/2 up to and including 9/30 based on primary rights. If the more senior primary rights for the additional 16.4 acres are not available, up to an additional 0.205 cfs will be protected instream as well.

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): ____

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. S. DIXON

of Fort Klamath, State of Oregon, 97626, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Anna Creek

a tributary of Wood River for the purpose of the irrigation of 219.5 acres

under Permit No. 8028 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 25, 1927

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.74 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, T. 32 S., R. 7 $\frac{1}{2}$ E., W. M.

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,

and 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 hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

20.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
20.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
20.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
31.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
4.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 1

10.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
20.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12

30.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
12.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 13

T. 33 S., R. 6 E., W. M.

12.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 6
T. 33 S., R. 7 $\frac{1}{2}$ E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7825, Volume 8, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on December 13, 1977.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

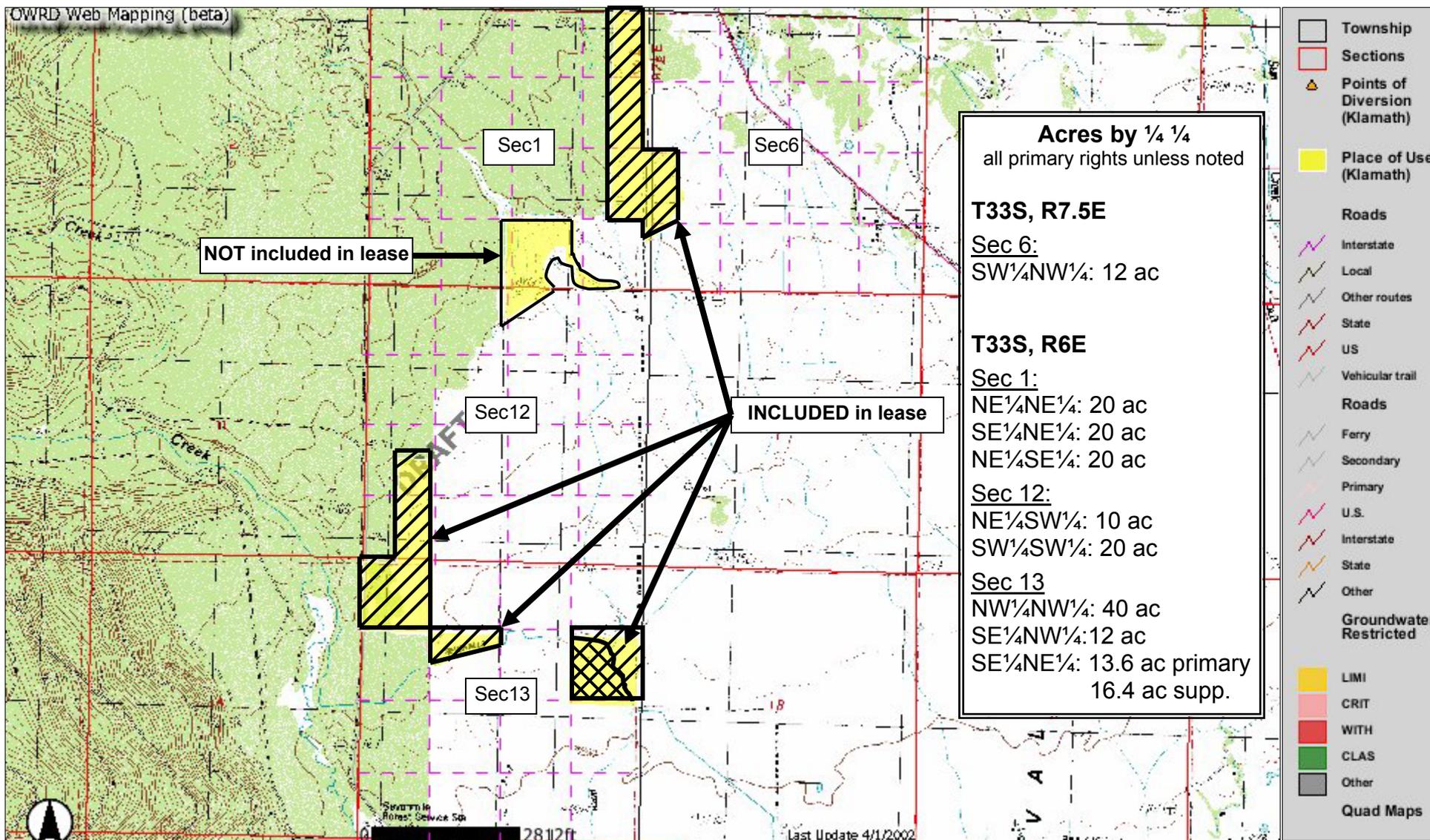
this date. March 17, 1978

..... James E. Sexson

Water Resources Director

JaCox Ranch (James Popson) Cert #45299

T33S, R6E, Sec 1, 12, 13
 T33S, R7.5E, Sec 6



Areas included in lease



Supplemental rights

Additional Information

Section 1.4, (Standard Leasing Form) cont.

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.: 67090

Priority date: August 3, 1981 Type of use: irrigation and supplemental irrigation

Legal Season of Use (if not listed on the certificate): Primary: May 1 through October 31
(based on Anna Creek Decree)
Suppltal: April 1 - October 31
(based on certs 80583, 53001, 80583)

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, and include a map (Attachment 3) showing the lands which will not receive water.

Place of use: T S, R E, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

Primary Rights:

T33S R6E Section 12: NE1/4NE1/4 of Section 12 in T33S R6E

Supplemental Rights to certificate 53001 and T4431:

T33S R6E Section 1: SE1/4SE1/4 - 12 acres.

T33S R6E Section 12: NE1/4NE1/4 37 acres, SE1/4NE1/4 - 40 acres, NE1/4SW1/4 - 40 acres, SE1/4SW1/4 - 40 acres, all of the SE1/4 - 160.0 acres.

T33S R6E Section 13: NE1/4NE1/4 - 40 acres, NW1/4NE1/4 - 40 acres, NE1/4NW1/4 - 40 acres.

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

Number of acres, if for irrigation: 452 total acres; 3 acres of primary and 449.0 acres of supplemental (12.0 acres supp to cert 80582, 139.5 acres supp to cert 53001, and 297.5 acres supp to cert 80583)

Acre-feet of storage, if applicable: 0

Rate associated with leased rights (cfs): 2.81 CFS, with 0.038 CFS primary and 2.81 CFS supplemental

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

Duty associated with leased rights (AF): 1356 total. However, 9AF are primary and 1347 are supplemental.

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

Conditions or other limitations, if any: None.

Section 2.2, cont.

Additional Information

Instream use created by lease. The instream use to be created is described as follows:

Annie (or Anna) Creek

Tributary to Wood River and Agency Lake in the Klamath Basin.

Describe the point of diversion and any associated reach(es) of the instream use being created. If possible list the reach by river mile, if no reach is identified, the lease will be processed to be protected at the point of diversion): The point of diversion is the Scott Ditch located at the SW1/4 of the NW1/4 of T32S R7.5E Section 31. The water will be protected instream from the point of diversion in Annie Creek to the confluence with the Wood River.

Total volume in acre-feet: 1356 AF total, being
9.0 AF for primary irrigation, and
1347 AF for supplemental irrigation, being
36.0 AF supplemental to Cert 80582
418.5 AF supplemental to Cert 53001
892.5 AF supplemental to Cert 80583

Rate in cfs: Cumulative total of 2.81 CFS, being
0.025 CFS for primary irrigation (limited to 1/80th CFS/ac) May 1 - Oct 31 and
2.785 CFS for supplemental irrigation, being
April 1 through July 20th (1/159.8th CFS/ac)
0.074 CFS supp to Cert 80582
0.865 CFS supp to Cert 53001
1.845 CFS supp to Cert 80583
July 21 through September 30 (1/160th CFS/ac)
0.074 CFS supp to Cert 80582
0.864 CFS supp to Cert 53001
1.842 CFS supp to Cert 80583.

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): ____

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM POPSON
PO BOX 435
FORT KLAMATH, OR 97626

confirms the right to use the waters of ANNIE CREEK, a tributary of WOOD RIVER, for IRRIGATION OF 3.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 449.0 ACRES.

This right was perfected under Permit 46347. The date of priority is AUGUST 3, 1981. This right is limited to 2.81 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 as follows:

SW 1/4 NW 1/4, SECTION 31, T 32 S, R 7 1/2 E, W.M.; 3650 FEET NORTH AND 460 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 31.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED FURTHER THAT THE RIGHT ALLOWED HEREIN IS LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT EXISTING FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALLOWED HEREIN, AND IS FURTHER LIMITED TO A DIVERSION OF ONE ONE-HUNDRED-SIXTIETH OF ONE CUBIC FOOT PER SECOND PER ACRE DURING THE PERIOD FROM JULY 21 TO THE END OF THE IRRIGATION SEASON OF EACH YEAR FOR THE LANDS DESCRIBED AS SUPPLEMENTAL.

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

A description of the place of use to which this right is appurtenant is as follows:

SEE PAGE TWO

PRIMARY

NE 1/4 NE 1/4 3.0 ACRES
SECTION 12

SUPPLEMENTAL

SE 1/4 SE 1/4 12.0 ACRES
SECTION 1

NE 1/4 NE 1/4 37.0 ACRES
SE 1/4 NE 1/4 40.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
SE 1/4 SW 1/4 40.0 ACRES
SE 1/4 160.0 ACRES
SECTION 12

NE 1/4 NE 1/4 40.0 ACRES
NW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 40.0 ACRES
SECTION 13

TOWNSHIP 33 SOUTH, RANGE 6 EAST, W.M

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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed
JANUARY 24, 1992.

/s/ WILLIAM H. YOUNG
William H. Young

Recorded in State Record of Water Right Certificates numbered 67090.