



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: \_\_\_\_\_  
Lease Application Number (assigned by WRD): IL-895

This Lease is between:

### Lessor #1:

Name George W. Gordon  
Mailing address 13860 S Pacific Highway West  
City, State, Zip Code Monmouth, Oregon 97361  
Telephone number 503-838-2337  
Email address \_\_\_\_\_

### Lessor #2, 3, etc.

\_\_\_\_\_

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

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

Name \_\_\_\_\_  
Mailing address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Email address \_\_\_\_\_

### 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

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 10 S, Range 4 W, Section 5 and 6 and Tax Lot number \_\_\_\_\_. 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.

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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. 21211, 65796, ~~67085~~, 67086, 67087, and 67088 Certificate 67088 is supplemental to Certificate 21211.

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.: 21211

Priority date: July 5, 1949 Type of use: Irrigation

Legal Season of Use: April 1 - September 30

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 \_\_\_\_, R \_\_\_\_, Section \_\_, \_\_ 1/4 \_\_ 1/4 - \_\_\_\_\_ acres to be leased

Enter additional places of use here, using format above:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	4 W	WM	6	SW NE		64	1.4
10 S	4 W	WM	6	SE NE		64	8.6

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

Number of acres being leased, if for irrigation: 10.0

Acre-feet of storage, if applicable: na

Maximum rate associated with the right to be leased (cfs): 0.07

(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): 25.0

(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).

**~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:

Soap Creek  
Tributary to Luckiamute R in the Willamette 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 mouth of Soap Cr

Maximum volume in acre-feet: 25

Rate in cfs: 0.07

(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 23 through September 30.
- 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 September 30, 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.

**~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

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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: Kelly Gordon Date: 3-18-08

For additional Lessors, type in space for signature and date

\_\_\_\_\_

Lessee: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

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

123456789

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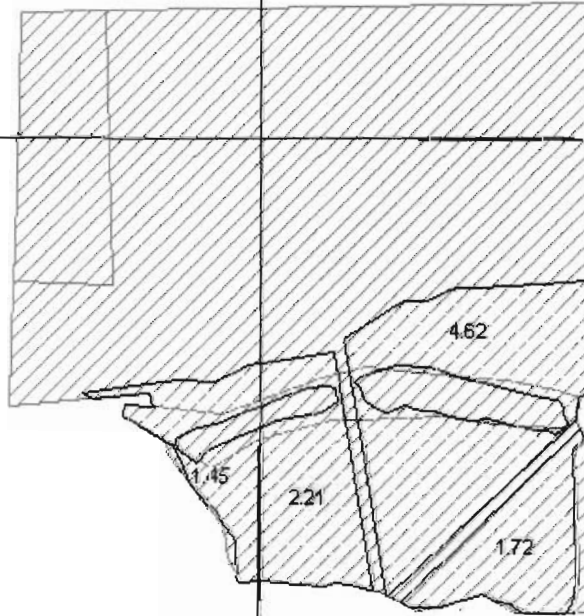
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FSD

1 inch equals 400 feet

T10 S R4 W Sect6 ~NW¼,NE¼

T10 S R4 W Sect6 ~NE¼,NE¼



T10 S R4 W Sect6 ~SW¼,NE¼

T10 S R4 W Sect6 ~SE¼,NE¼

T10 S R4 W Sect6 ~NW¼,SE¼

T10 S R4 W Sect6 ~NE¼,SE¼

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0 137.5 275 550 825 1,100 Feet

**Kelly Gordon**  
**Water Certificate 21211**  
**Map Created November 25, 2005**

**Legend**

-  Quarter Quarter PLSS
-  PLSS
-  CREP Acreage
-  Water\_Certificate\_21211





State of Oregon  
**Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1271  
 (503) 986-0900

# Additional Water Right Form Standard 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](http://www.wrd.state.or.us/publication/reports/index.shtml).*

## ~I~ Ownership and Water Right Information

**Section 1.5 continued from Standard Application for Short-Term 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.: 65796

Priority date: July 15, 1977 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 - September 30

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:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	4 W	WM	5	SW NW		65	0.2
10 S	4 W	WM	6	SE NE		65	1.1

Number of acres, if for irrigation: 1.3

Acre-feet of storage, if applicable: \_\_\_\_\_

Rate associated with leased rights (cfs): 0.02

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

Duty associated with leased rights (AF): 3.25

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

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:

Soap Creek

Tributary to Luckiamute R in the Willamette 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 may be processed to be protected at the point of diversion): POD to mouth of Soap Cr

Total volume in acre-feet: 3.25

Rate in cfs: 0.02

**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 23 through September 30.

Other (describe): \_\_\_\_\_

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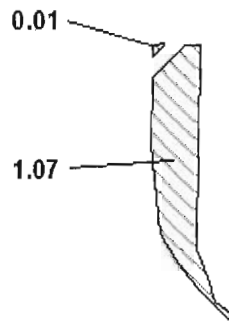
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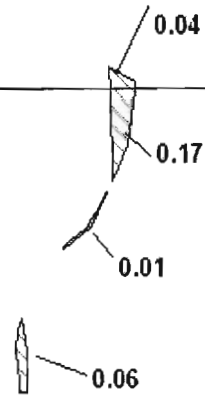
1 inch equals 400 feet

T10 S R4 W Sect6 ~NE¼,NE¼

T10 S R4 W Sect5 ~NW¼,NW¼



T10 S R4 W Sect6 ~SE¼,NE¼



T10 S R4 W Sect5 ~SW¼,NW¼






**Kelly Gordon**  
**Water Certificate 65796**  
**Map Created November 25, 2005**

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**Legend**

-  PLSS
-  Quarter Quarter PLSS
-  CREP Acreage

Water\_Certificate\_65796







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Additional Water Right Form
Standard Application for Short-Term
Instream Lease

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www.wrd.state.or.us/publication/reports/index.shtml.

~I~ Ownership and Water Right Information

Section 1.5 continued from Standard Application for Short-Term 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.: 67086

Priority date: August 25, 1978 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 - September 30

Is the entire water right certificate being leased? [ ] Yes [X] No

If no, list the acres to be leased by legal description of township, range, section, and 1/4 1/4, 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:

Table with 8 columns: Twp, Rng, Mer, Sec, Q-Q, GLot, DLC, Acres. Rows include 10 S 4 W WM 5 NE NW (1.6 acres), 10 S 4 W WM 5 NW NW (5.2 acres), 10 S 4 W WM 6 NE NE (0.3 acres).

Number of acres, if for irrigation: 7.1

Acre-feet of storage, if applicable:

Rate associated with leased rights (cfs): 0.09

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

Duty associated with leased rights (AF): 17.75

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

Conditions or other limitations, if any: This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

~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:

Soap Creek

Tributary to Luckiamute R in the Willamette 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 may be processed to be protected at the point of diversion): From POD (Point 1) to mouth of Soap Cr

Total volume in acre-feet: 17.75

Rate in cfs: 0.09

Conditions to prevent injury, if any:

[ ] None

[X] The instream flow will be allocated on a daily average basis up to the described rate from June 23 through September 30.

[ ] Other (describe):

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1 inch equals 400.00 feet

W Sect31 ~SE¼,SE¼

T9 S R4 W Sect32 ~SW¼,SW¼

T9 S R4 W Sect32 ~SE

0.29

5.17

0.79

0.01

0.56

T10 S R4 W Sect6 ~NE¼,NE¼

0.21

T10 S R4 W Sect5 ~NW¼,NW¼

T10 S R4 W Sect5 ~NE¼,NW¼

T10 S R4 W Sect5 ~SE



**Legend**

- PLSS
- Quarter Quarter PLSS
- CREP Acreage

Water\_Certificate\_67086



**Kelly Gordon**  
**Water Certificate 67086**  
**Map Created November 25, 2005**

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SALEM, OREGON

**Conditions to prevent injury, if any:**

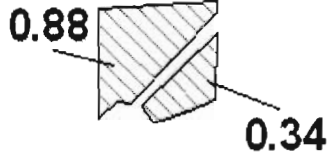
- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 23 through September 30.
- Other (describe): \_\_\_\_\_

1 inch equals 400 feet

T10 S R4 W Sect6 ~NE¼,NE¼

T10 S R4 W Sect5 ~NE¼,NW¼

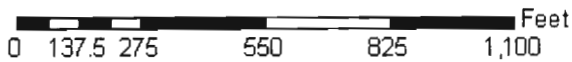
T10 S R4 W Sect5 ~NW¼,NW¼






T10 S R4 W Sect5 ~SW¼,NW¼

T10 S R4 W Sect5 ~SE¼,NW¼

T10 S R4 W Sect6 ~SE¼,NE¼



**Legend**

-  PLSS
-  Quarter Quarter PLSS
-  CREP Acreage



Water\_Certificate\_67087

**Kelly Gordon**  
**Water Certificate 67087**  
**Map Created November 25, 2005**

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**Water Resources Department**  
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# Additional Water Right Form Standard 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](http://www.wrd.state.or.us/publication/reports/index.shtml).*

## ~I~ Ownership and Water Right Information

**Section 1.5 continued from Standard Application for Short-Term 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.: 67088

Priority date: May 21, 1981 and March 25, 1981 Type of use: Supplemental Irrigation (Certificate 21211 is the primary water right)

Legal Season of Use (if not listed on the certificate): April 1 - September 30

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:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	4 W	WM	6	SW NE		64	1.1
10 S	4 W	WM	6	SE NE		64	8.1

Number of acres, if for irrigation: 9.2 (March 25, 1981 priority assumed)

Acre-feet of storage, if applicable: \_\_\_\_\_

Rate associated with leased rights (cfs): 0.06 (March 25, 1981 priority assumed)

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

Duty associated with leased rights (AF): 23

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

Conditions or other limitations, if any: This right is limited to any deficiency in the available supply of any prior right existing for the same land.

This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

## ~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:

Soap Creek

Tributary to Luckiamute R in the Willamette 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 may be processed to be protected at the point of diversion): POD to mouth of Soap Cr

Total volume in acre-feet: \_\_\_\_\_

Rate in cfs: 0.05

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## ~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.: 67087

Priority date: February 27, 1980 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 - September 30

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 1/4 1/4, 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:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	4 W	WM	5	NE NW		65	1.2
10 S	4 W	WM	6	SE NE		65	1.2

Number of acres, if for irrigation: 2.4

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.03

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

Duty associated with leased rights (AF): 6.0

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

Conditions or other limitations, if any: This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

## ~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:

Soap Creek

Tributary to Luckiamute R in the Willamette 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): From POD (Point 1) to mouth of Soap Cr

Maximum volume in acre-feet: 6.0

Rate in cfs: 0.03

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

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 FSD

**Conditions to prevent injury, if any:**

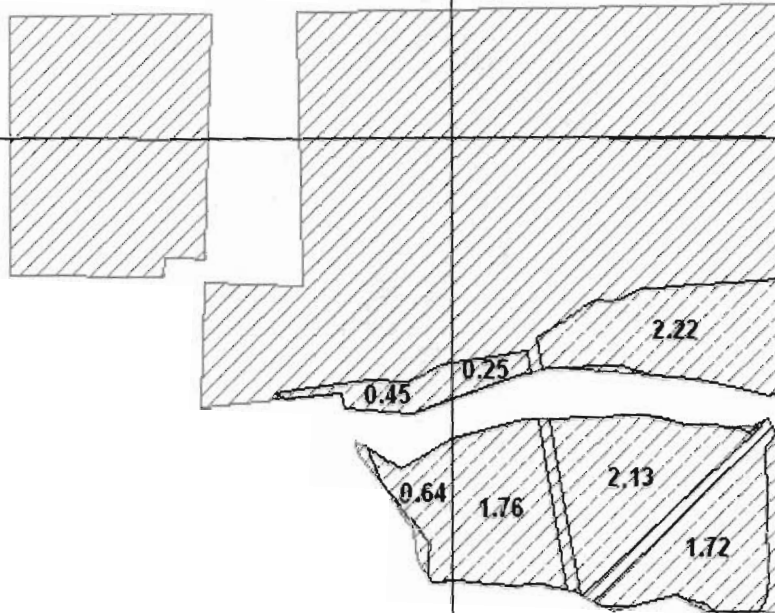
- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 23 through September 30.
- Other (describe): \_\_\_\_\_

12/1/2011

1 inch equals 400 feet

T10 S R4 W Sect6 ~NW¼,NE¼

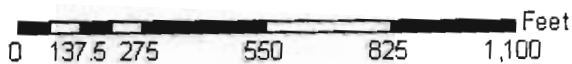
T10 S R4 W Sect6 ~NE¼,NE¼



T10 S R4 W Sect6 ~SW¼,NE¼

T10 S R4 W Sect6 ~SE¼,NE¼

Suppl. to  
20211







Kelly Gordon  
Water Certificate 67088  
Map Created November 25, 2005

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-  PLSS
-  Quarter Quarter PLSS
-  CREP Acreage
-  Water\_Certificate\_67088

