



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/OWRD/PUBS/forms.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077-0077

Optional Identification by Lessor/Lessee: _____
Lease Agreement Number (assigned by WRD): 4-780

This Lease Agreement is between:

Lessor #1:
(Name) PeaceHealth Attention: Tamara Miller
(Mailing address) P.O. Box 1479
(City, State, Zip Code) Eugene, OR 97440
(Telephone number) (541) 686-7198
(Email address) tamiller@peacehealth.org

Lessor #2, 3, etc.
NA

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

Lessee (if different than Oregon Water Resources Department):
(Name) NA
(Mailing address) _____
(City, State, Zip Code) _____
(Telephone number) _____
(Email address) _____

Trustee:
Oregon Water Resources Department
725 Summer Street N.E., Suite "A"
Salem, OR 97301-1266
(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 17
S, Range 3 W, Section 14, 22 & 23 and Tax Lot number
Section 14: 1200 & 1800. Section 22: 1200 & 1203. Section 23: 300, 400, 600, 1000,
1001, 1201 & 1800. 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

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- 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. 57814, 64074 & 64075
Certificates GR 1406 and GR 2054 may exist within portions of Certificate 57814. These groundwater registrations predate Certificate 57814; however, Certificate 57814 does not indicate any intent for the right to be supplemental to the groundwater registrations. Similarly, Certificate GR 3930 may underlie parts of Certificate 64074, and Certificate GR 1406 may underlie a portion of Certificate 64075, which are included in this lease (see attached Additional Water Right Forms).

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 in Section 1.3 is further described as follows:

Certificate No.: 57814

Priority date: 3/24/1977 Type of use: Irrigation

Legal Season of Use: March 1 through 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 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 17 S, R 3 W, Section 22, NE 1/4 NE 1/4 - 1.10 acres to be leased

Enter additional places of use here, using format above:

T17S, R3W, Section 22, SE1/4 NE1/4 - 2.1 acres

T17S, R3W, Section 23, NW1/4 NW1/4 - 8.0 acres

T17S, R3W, Section 23, SW1/4 NW1/4 - 2.5 acres

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

Number of acres being leased, if for irrigation: 13.7

Acre-feet of storage, if applicable: NA

Maximum rate associated with the right to be leased (cfs): 0.17

(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): 34.25

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

Conditions or other limitations, if any: NA

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

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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:

McKenzie River
Tributary to Willamette River in the Willamette Basin.

Describe the point of diversion (POD) and any associated reach(es) being created. If possible list the reach by river mile. If no reach is only one POD listed on the certificate, the lease may be processed t POD. (If more than one POD is listed on the certificate, then the Pt reach(es) must be identified): From the POD, which is located about McKenzie River, to the confluence of the McKenzie and Willamette Rivers

*Used
Culvert*

To arrive at the leased amount, we used 18.7 inches of irrigation for June through September based on Willamette Valley alfalfa water demand in 19 out of 20 years as described in Oregon Crop Water Use and Irrigation Requirements, Extension Miscellaneous 8530, October 1992. The assumed field application efficiency was assumed to be 80 percent, therefore, the actual irrigation demand is 23.4 inches, which is 78 percent of the 2.5 acre-feet/acre duty. The 78 percent was then applied to the rate and duty described in the water-right certificate to arrive at the following numbers.

Maximum volume in acre-feet: 26.7

Rate in cfs: 0.13

(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 1 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 31, 2010.

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 Section(s) 1.5 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.
- 3.5 **Termination provision.**
 For multiyear leases, lessor *shall* have the option of terminating the lease each year, prior to the lease being exercised (____), 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:  Date: 6-26-04
Tamara A. Miller; PeaceHealth

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments as Needed: NA

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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.

~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.: 64074

Priority date: 10/14/1983 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 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 $\frac{1}{4}$ $\frac{1}{4}$, 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: T 17 S, R 3 W, Section 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 15.00 acres to be leased

Enter additional places of use here, using format above:

T17S, R3W, Section 14, SE1/4 SW1/4 - 2.0 acres

T17S, R3W, Section 23, NE1/4 NW1/4 - 7.4 acres

T17S, R3W, Section 23, N1/4 NW1/4 - 8.3 acres

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

Number of acres, if for irrigation: 32.7

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.41

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

Duty associated with leased rights (AF): 81.75

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

Conditions or other limitations, if any: NA

~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:

McKenzie River

Tributary to Willamette River 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 the POD, which is located about 10.5 miles up the McKenzie River, to the confluence of the McKenzie and Willamette Rivers.

See the related first section of the lease application for a discussion of how the following was calculated.

Total volume in acre-feet: 63.76

Rate in cfs: 0.32

Conditions to prevent injury, if any:

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- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 1 through October 1.
- Other (describe): _____

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~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.: 64075

Priority date: 10/14/1983 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): March 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 $\frac{1}{4}$ $\frac{1}{4}$, 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: T 17 S, R 3 W, Section 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 3.60 acres to be leased

Enter additional places of use here, using format above:

T17S, R3W, Section 22, NW1/4 NE1/4 - 0.6 acres

T17S, R3W, Section 22, SW1/4 NE1/4 - 2.0 acres

T17S, R3W, Section 22, SE1/4 NE1/4 - 26.0 acres

T17S, R3W, Section 23, SW1/4 NW1/4 - 1.3 acres

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

Number of acres, if for irrigation: 33.5

Acre-feet of storage, if applicable: NA

Rate associated with leased rights (cfs): 0.42

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

Duty associated with leased rights (AF): 83.75

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

Conditions or other limitations, if any: NA

~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:

McKenzie River

Tributary to Willamette River 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 the POD, which is located about 10.5 miles up the McKenzie River, to the confluence of the McKenzie and Willamette Rivers

See the related first section of the lease application for a discussion of how the following was calculated.

Total volume in acre-feet: 65.32

Rate in cfs: 0.33

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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 1 through October 1.
- Other (describe): _____

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