



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

Additional Water Right Form Standard 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.

~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.: 7653

Priority date: Aug. 31, 1927 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 through 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 $\frac{1}{4}$ $\frac{1}{4}$, 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 S, R E, Section , $\frac{1}{4}$ $\frac{1}{4}$ - 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, if for irrigation: 74.0

Acre-feet of storage, if applicable: n/a

Rate associated with leased rights (cfs): 0.93

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

Duty associated with leased rights (AF): 296 (see below)

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

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Conditions or other limitations, if any: Duty not listed on certificate, but 4 acre-feet per acre for irrigation season typical for area and used for the purpose of this lease application.

~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:

Davis Creek

Tributary to Middle Fork John Day River in the John Day River 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):

Reach will be from the POD as described on the Certificate as NW 1/4 SW 1/4 Sec. 20, T.11S., R.35E., W.M.; to the mouth of Davis Creek.

Maximum volume in acre-feet: 296

Rate in cfs: 0.93

(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 April 24 through September 30.
- ☐ Other (describe): _____

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STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This is to Certify, That Oregon Lumber Company

of Baker, 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
Davis Creek
a tributary of Middle Fork John Day River for the purpose of
Irrigation

under Permit No. 8340 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 August 31, 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
0.93 cubic foot per second;

The point of diversion is located in the NE 1/4 of Section 20, Township 11S, Range 35E, 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: 26 acres in the
NE 1/4, 1 acre in the NE 1/4, 17.2 acres in the SW 1/4, 25 acres in the SE 1/4,
5.2 acres in the NE 1/4, Section 19, and 1.6 acres in the SW 1/4, Section 20,
Township 11 South, Range 35 East of the Willamette Meridian in Grant County,
Oregon.

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

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7653.

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