



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.: 82405

Priority date: Dec. 19, 1986 Type of use: Irrigation and Supplemental 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: 172.4; 122.1 acres supplemental

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

Rate associated with leased rights (cfs): 7.37cfs total; being 0.22 from POD#1 (MFJD River); 0.97cfs & 1.85cfs supplemental from POD#2 (MFJD River); 1.15 cfs & 1.20 supplemental from POD#5 (MFJD River); 0.10 cfs from POD#3 (Davis Creek); 0.08cfs from POD#3A (Davis Creek); 0.14cfs from POD#4 (Davis Creek); and 1.66 cfs from POD #6 (Dead Cow Gulch).

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

Duty associated with leased rights (AF): POD#1: 43.5AF, POD#2: 563.5AF, POD#5: 471AF for Middle Fork John Day River; POD#3: 15.6AF, POD#3A: 12 AF, POD#4: 22 AF for Davis Creek; and 266 AF for Dead Cow Gulch for the irrigation season each year.

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

Conditions or other limitations, if any: _____

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~II~ Instream Water Right Information

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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, Dead Cow Gulch, and the Middle Fork John Day River

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

Reaches will be: only at POD#1 (MFJD River) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T.11S., R.35E., W.M., 1200 feet north & 1770 feet west from the SE corner, Sec. 20; only at POD#2 (MFJD River) NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T.11S., R.35E., W.M., 1800 feet north & 2950 feet west from the SE corner, Sec. 20;

only at POD#5 (MFJD River) NW 1/4 NE 1/4, Sec. 19, T.11S., R.35E., W.M., 650 feet south & 1750 feet west from the NE corner, Sec. 19; from POD#3 (Davis Creek) NW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1970 feet north & 720 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#3A (Davis Creek) NW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1870 feet north & 590 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#4 (Davis Creek) SW 1/4 SW 1/4, Sec. 20, T.11S., R.35E., W.M., 1220 feet north & 310 feet east from the SW corner, Sec. 20, to the mouth of Davis Creek; from POD#6 (Dead Cow Gulch) SE 1/4 SW 1/4, Sec. 18, T.11S., R.35E., W.M., 200 feet north & 1370 feet east from the SW corner, Sec. 18, to the mouth of Dead Cow Gulch.

Maximum volume in acre-feet: 1393.6 total; POD#1: 43.5AF, POD#2: 563.5AF, POD#5: 471AF for Middle Fork John Day River; POD#3: 15.6AF, POD#3A: 12 AF, POD#4: 22 AF for Davis Creek; and 266 AF for Dead Cow Gulch for the irrigation season each year.

Rate in cfs: 7.37cfs total: being 0.22 from POD#1 (MFJD River); 0.97cfs & 1.85cfs supplemental from POD#2 (MFJD River); 1.15 cfs & 1.20 supplemental from POD#5 (MFJD River); 0.10 cfs from POD#3 (Davis Creek); 0.08cfs from POD#3A (Davis Creek); 0.14cfs from POD#4 (Davis Creek); and 1.66 cfs from POD #6 (Dead Cow Gulch).

(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

May 1 through August 7 for Dead Cow Gulch

May 10 through July 27 for Davis Creek POD #3

May 10 through July 23 for Davis Creek POD#3A

May 10 through July 27 for Davis Creek POD #4

May 1 through August 8 for Middle Fork John Day River POD #1

May 1 through August 8 for Middle Fork John Day River POD #2

May 1 through August 9 for Middle Fork John Day River POD #5.

☐ Other (describe): _____

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This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORRIN FORREST
RT 2, BOX 930
PRAIRIE CITY, OREGON 97869

confirms the right to use the waters of DAVIS CREEK, DEAD COW GULCH and the MIDDLE FORK JOHN DAY RIVER, tributaries of the NORTH FORK JOHN DAY RIVER, for IRRIGATION OF 172.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 122.1 ACRES.

This right was perfected under Permit 49980. The date of priority is DECEMBER 19, 1986. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 7.37 CUBIC FEET PER SECOND (CFS), BEING 0.22 CFS FROM POINT OF DIVERSION (POD) #1, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 8.7 ACRES; 0.97 CFS FROM POD # 2, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 38.7 ACRES AND 1.85 CFS FOR SUPPLEMENTAL IRRIGATION OF 74.0 ACRES; 1.15 CFS FROM POD # 5, MIDDLE FORK JOHN DAY RIVER, FOR IRRIGATION OF 46.1 ACRES AND 1.20 CFS FOR SUPPLEMENTAL IRRIGATION OF 48.1 ACRES; 0.10 CFS FROM POD # 3, DAVIS CREEK, FOR IRRIGATION OF 3.9 ACRES; 0.08 CFS FROM POD # 3A, DAVIS CREEK, FOR IRRIGATION OF 3.0 ACRES; 0.14 CFS FROM POD # 4, DAVIS CREEK, FOR IRRIGATION OF 5.5 ACRES; 1.66 CFS FROM POD # 6, DEAD COW GULCH, FOR IRRIGATION OF 66.5 ACRES, or its equivalent in case of rotation, measured at the point of diversion from the source.

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Certificate Number 82405

S-68980.JWG

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The points of diversion (POD) are located as follows:

POD # 1 (MIDDLE FORK JOHN DAY RIVER): SW 1/4 SE 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1200 FEET NORTH & 1770 FEET WEST FROM THE SE CORNER, SECTION 20.

POD # 2 (MIDDLE FORK JOHN DAY RIVER): NE 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1800 FEET NORTH & 2950 FEET WEST FROM THE SE CORNER, SECTION 20.

POD # 3 (DAVIS CREEK): NW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1970 FEET NORTH & 720 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 3A (DAVIS CREEK): NW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1870 FEET NORTH & 590 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 4 (DAVIS CREEK): SW 1/4 SW 1/4, SECTION 20, T 11 S, R 35 E, W.M.; 1220 FEET NORTH & 310 FEET EAST FROM THE SW CORNER, SECTION 20.

POD # 5 (MIDDLE FORK JOHN DAY RIVER): NW 1/4 NE 1/4, SECTION 19, T 11 S, R 35 E, W.M.; 650 FEET SOUTH & 1750 FEET WEST FROM THE NE CORNER, SECTION 19.

POD # 6 (DEAD COW GULCH): SE 1/4 SW 1/4, SECTION 18, T 11 S, R 35 E, W.M.; 200 FEET NORTH & 1370 FEET EAST FROM THE SW CORNER, SECTION 18.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated from the MIDDLE FORK JOHN DAY RIVER and 4.0 acre-feet per acre for each acre irrigated from DAVIS CREEK and DEAD COW GULCH, during the irrigation season of each year, provided further that the right allowed herein shall be 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.

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

MIDDLE FORK JOHN DAY

POD # 5	NW 1/4 NE 1/4	PRIMARY	4.9 ACRES
POD # 5	SW 1/4 NE 1/4		4.8 ACRES
POD # 5	SE 1/4 NE 1/4		3.6 ACRES
POD # 5	NE 1/4 NW 1/4		12.2 ACRES
POD # 5	NE 1/4 SE 1/4		7.5 ACRES

SECTION 13

TOWNSHIP 11 SOUTH, RANGE 34 EAST, W.M.

SUPPLEMENTAL

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		PRIMARY	SUPPLEMENTAL
POD # 5	NE 1/4 SW 1/4		7.1 ACRES
POD # 5	NW 1/4 SW 1/4		24.4 ACRES
POD # 5	SW 1/4 SW 1/4		6.6 ACRES
POD # 5	SE 1/4 SW 1/4	8.6 ACRES	10.0 ACRES
POD # 5	SW 1/4 SE 1/4	2.8 ACRES	

SECTION 18

POD # 2	NE 1/4 NE 1/4		1.0 ACRE
POD # 2	NW 1/4 NE 1/4	1.2 ACRES	26.0 ACRES
POD # 2	SW 1/4 NE 1/4	9.4 ACRES	17.2 ACRES
POD # 2	SE 1/4 NE 1/4	2.0 ACRES	25.0 ACRES
POD # 2	NE 1/4 NW 1/4	1.0 ACRE	3.2 ACRES
POD # 5	NW 1/4 NE 1/4	1.7 ACRES	

SECTION 19

POD # 1	NE 1/4 SW 1/4	6.0 ACRES	
POD # 1	NW 1/4 SE 1/4	2.7 ACRES	
POD # 2	SW 1/4 NW 1/4	9.6 ACRES	1.6 ACRES
POD # 2	SE 1/4 NW 1/4	0.5 ACRE	
POD # 2	NE 1/4 SW 1/4	12.8 ACRES	
POD # 2	NW 1/4 SW 1/4	2.2 ACRES	

SECTION 20

DAVIS CREEK

POD # 3	NE 1/4 SW 1/4	0.3 ACRE	
POD # 3	NW 1/4 SW 1/4	3.6 ACRES	
POD # 3A	NW 1/4 SW 1/4	3.0 ACRES	
POD # 4	SW 1/4 NW 1/4	0.6 ACRE	
POD # 4	NW 1/4 SW 1/4	4.9 ACRES	

SECTION 20

TOWNSHIP 11 SOUTH, RANGE 35 EAST, W.M.

DEAD COW GULCH

POD # 6	NW 1/4 NE 1/4	2.5 ACRES	
POD # 6	SW 1/4 NE 1/4	25.6 ACRES	
POD # 6	SE 1/4 NE 1/4	3.1 ACRES	
POD # 6	NE 1/4 NW 1/4	5.6 ACRES	
POD # 6	SE 1/4 NW 1/4	1.6 ACRES	
POD # 6	NE 1/4 SE 1/4	20.4 ACRES	
POD # 6	NW 1/4 SE 1/4	4.3 ACRES	
POD # 6	SE 1/4 SE 1/4	1.3 ACRES	

SECTION 13

TOWNSHIP 11 SOUTH, RANGE 34 EAST, W.M.

POD # 6	SE 1/4 SW 1/4	2.1 ACRES	
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SECTION 18

TOWNSHIP 11 SOUTH, RANGE 35 EAST, W.M.

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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 **OCT 08 2006**


Philip C. Ward, Director
Oregon Water Resources Department

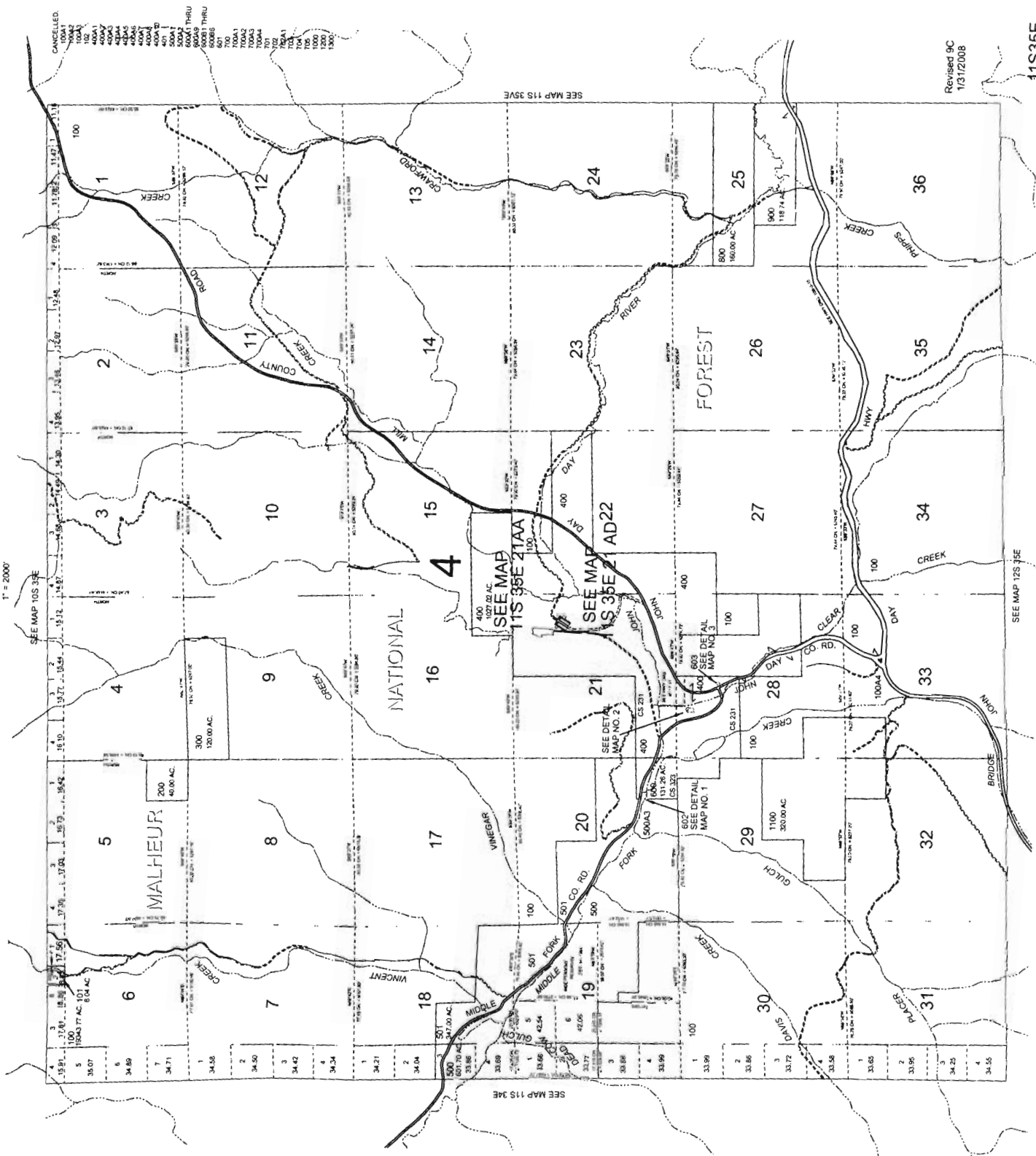
Recorded in State Record of Water Right Certificates Number 82405.

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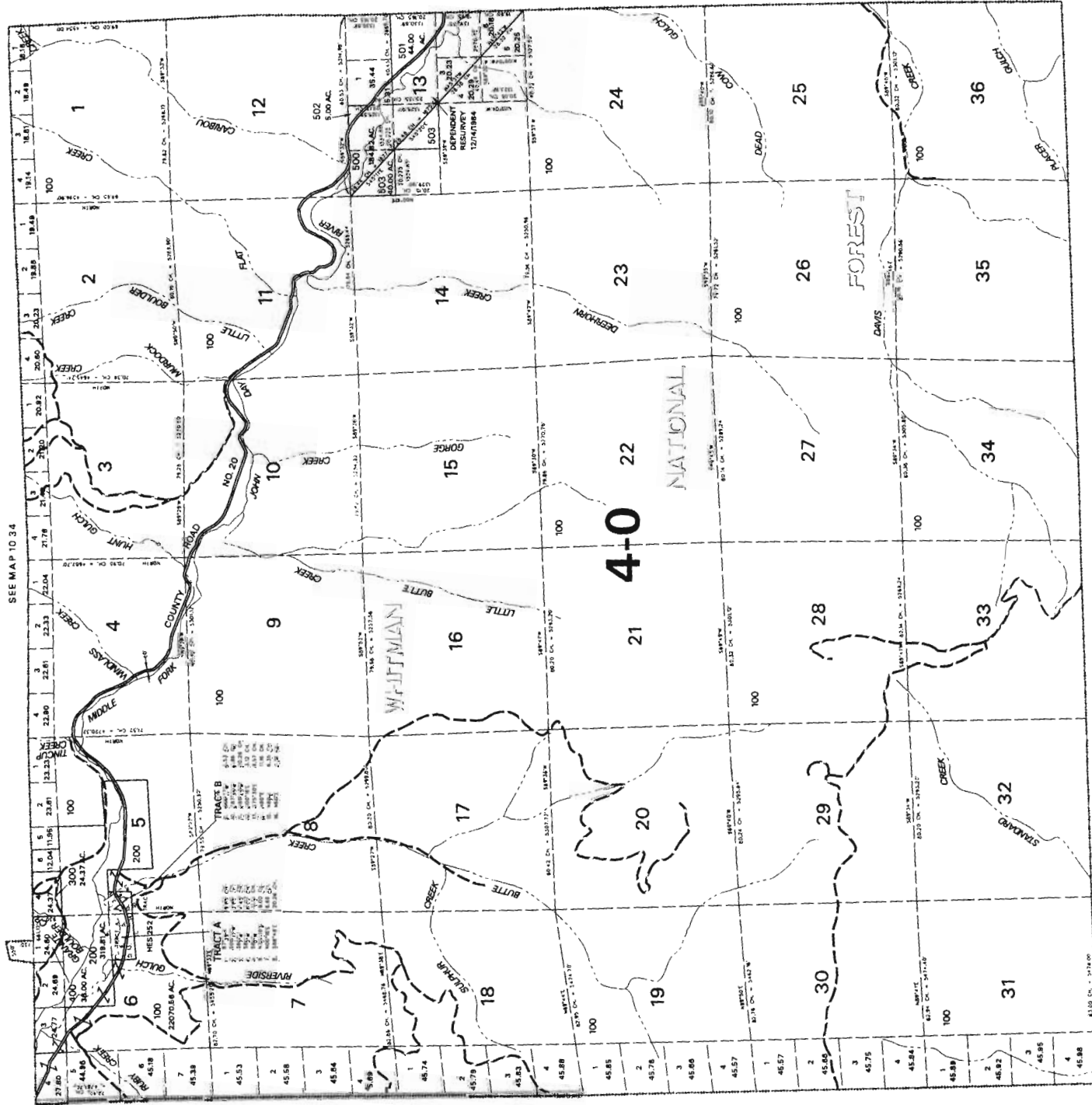
APR 09 2005

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T.11S. R.34E. W.M.
GRANT COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1"=2000'



0 2000 4000
SCALE IN FEET

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APR 09 2003

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11 34
CANCELLED NO.
101
102
201

SEE MAP 11 36

REVISED: JD
03/2002

11 34

SEE MAP 12 34