

**ADDENDUM & REVISIONS TO SHORT TERM WATER RIGHT LEASE  
AGREEMENT BETWEEN JACK F. DUNCAN ET AL AND THE BONNEVILLE  
POWER ADMINISTRATION**

**JUNE, 1995**

**Table 2-2 (Revised)**

<b>Certificate</b>	<b>Permit</b>	<b>Water Source</b>	<b>Land @ Water Right (A)</b>	<b>Leased Water Righted Land (A)</b>	<b>Rate (cfs)</b>	<b>Lease Flow Rate (cfs)</b>	<b>Duty (AF/A)</b>	<b>Priority Date</b>
#40570	#30621	Malheur	3300.1	2318.9	39.8	28.0	3.0	10/8/65
#40571	#31231	Snake	3669.7	1101.1	75.0	22.5	4.0	6/27/66
#40572	#33944	Snake	1045.2	970.0	26.1	24.2	4.0	10/25/68
#40573	#33945 <sup>1</sup>	Snake	4419.5	3209.2 <sup>2</sup>	75.0	54.5	4.0	10/25/68
#40574	#33946	Malheur	1119.4	890.3	28.0	22.3	3.0	10/25/68
<b>Total Lands w/ Leased Water Rights (Net):</b>				<b>5280.3</b>				
<sup>1</sup> Supplemental to Permit #33946 and #30621								
<sup>2</sup> Acres covered by supplemental water rights duplicate those covered by Malheur rights								

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**2.1 Public Use. Applicant Remark:** The instream flow enhancement resulting from this Lease Agreement is intended to benefit salmon populations by augmenting flows from the point(s) of diversion to the mouth of the Columbia River. However, applicants are aware that the State of Oregon cannot protect instream flows leased from lands in Oregon from downstream appropriation in Idaho or Washington. Applicants recognize the need for protection of instream flows such as those leased by this agreement in all three states through an interstate compact or other feasible measures and agreements among the states. Accordingly, in recognition of such limitations and for the purposes of this pilot lease agreement, applicants request below (in revised section 2.2) that the Trustee protect the leased instream flows in the Snake River only in its reaches above the Washington-Oregon border.

**2.2 Instream use created by lease.** The instream use to be created is described as follows: (see information in Table 2.2 (Revised):

- (1) • Snake River,
- Tributary to the Columbia River in the Columbia Basin

- Location: From the point of diversion on the Snake River to Oregon-Washington border on the Snake River.
  - Point of diversion on the Snake River: Lot 1 (NE1/4 NW1/4), Section 21, T. 17S., R. 47 E., W. M., 350 feet South and 1980 feet East from NW Corner, Section 21.
  - Rate: 101.2 cfs
  - Period of Use: July 1, 1995 to October 13, 1995
  - Dates of Priority:
    - ◆ 33.3 cfs: 10/8/65
    - ◆ 21.1 cfs: 6/27/66
    - ◆ 46.8 cfs: 10/25/68
- (2)
- Malheur River,
  - Tributary to the Snake River in the Columbia Basin
  - Location: From the point of diversion on the Malheur River to the mouth of the Malheur River
  - Point of diversion on the Malheur River: NE1/4 NE1/4, Section 10, T. 18 S., R. 46 E., W.M., 510 feet South and 600 feet West from NE Corner, Section 10, T. 18 S., R. 46 E., W. M.
  - Rate: 50.3 cfs
  - Period of Use: July 1, 1995 to October 13, 1995.
  - Dates of Priority:
    - ◆ 28.0 cfs: 10/8/65
    - ◆ 22.3 cfs: 10/25/68