



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/publication/reports/index.shtml.

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

Optional Identification by Lessor/Lessee: RRVID-Modoc
 Lease Agreement Number (assigned by WRD): L-766

This Lease Agreement is between:

Lessor #1:

(Name) Rogue River Valley Irrigation District
 (Mailing address) 3139 Merriman Road
 (City, State, Zip Code) Medford OR 97501
 (Telephone number) (541) 773-6127
 (Email address) rrvid@charterinternet.com

Lessor #2, 3, etc.

USA acting through Bureau of Reclamation

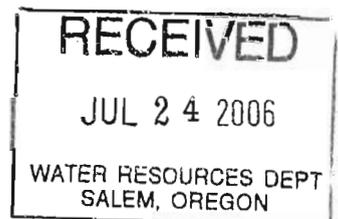
The water right to be leased is located in Jackson County.

Lessee (if different than Oregon Water Resources Department):

(Name) Oregon Water Trust
 (Mailing address) 522 SW Fifth Avenue, Suite 825
 (City, State, Zip Code) Portland, Oregon 97204
 (Telephone number) (503) 525-0141
 (Email address) steve@owt.org

Trustee:

Oregon Water Resources Department
 725 Summer Street N.E., Suite "A"
 Salem, OR 97301-1271
 (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 , Range , Section and Tax Lot number See Attachment 5. 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
- Official representative of Rogue River Valley Irrigation District , the irrigation district which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing USA acting through Bureau of Reclamation

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. 80569 primary and supp, 80571 supp, 80574 supp, 80576 supp, permit 25915

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No

1.5 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.: 80569

Priority date: July 23, 1909 Type of use: Primary and Supplemental Irrigation

Legal Season of Use: April 1 to 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 ¼ ¼ 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 , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

See Attachment 5

Page Listed on Attachment 5 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 44.5

Acre-feet of storage, if applicable: na

Maximum rate associated with subject water rights (cfs): 0.445 (1/100 cfs per acre)

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

Maximum duty associated with subject water rights (ac-ft): 200.25

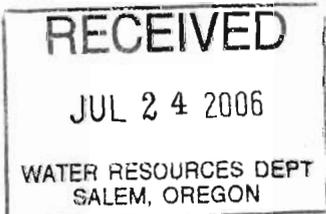
(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: The right is limited to 50 cfs into Hopkins canal at Bradshaw drop.

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 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:

Bear Creek

Tributary to The Rogue River in the Rogue 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): The points of diversion for the water right are on Little Butte Creek. One POD is North Fork Little Butte Creek: 40 feet north and 620 feet west from E 1/4 corner of section 20, being within the SE1/4 NE1/4 of section 20, Township 36 South, Range 2 East, W.M.

Another POD is South Fork Little Butte Creek: 780 feet south and 400 feet west from E 1/4 corner of section 29, being within the NE 1/4 SE 1/4 of section 29, Township 36 S, Range 2 East, W.M.

Another POD is Bradshaw Drop: SW1/4 SW1/4, Section 8, Township 36 South, Range 1 East, W.M.

After the water is diverted under the rights it is transported via the Joint System Canal shared with Medford Irrigation District. The water is then diverted by RRVID at the Bradshaw Drop into the Hopkins Canal which crosses Bear Creek through a flume on the McAndrews Avenue Bridge. At the crossing, RRVID can deliver water to Bear Creek through a control structure. The reach of the instream water right under this lease will be from the McAndrews Bridge, at approximately stream mile 9.5, to the mouth of Bear Creek. RRVID will deliver water to the upper end of the reach but is not responsible for protecting the instream right through the reach. At such time the District is supplying water for irrigation from supplemental sources under another right or permit appurtenant to the leased acres, the instream right will also be supplied by supplemental sources. Use of the primary and supplemental rights to satisfy the instream right will be at a rate of 1/100th cfs per acre at the point of delivery.

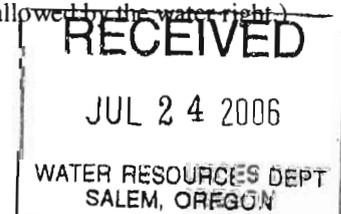
Maximum volume in acre-feet: 117.9 (2.65 ac-ft per acre)

Rate in cfs: 0.445 (1/100th cfs per acre)

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

Conditions to prevent injury, if any:

Application for Short-Term Instream Lease / 3



FSD

- None
- The instream flow will be allocated on a daily average basis up to the described rate from June 20 through October 31.
- Other (describe): The instream right protected under this lease shall be satisfied through delivery by RRVID based on the same percentage diversion and delivery rate RRVID is providing to irrigation rights within the District. In case of shortage of supply where the general allotment on the District has been reduced, the District may deliver less than 2.65 acre-feet per acre in accordance with District policy governing temporary instream leases. In the event the District stops delivery of irrigation water prior to October 1, the delivery for the instream right shall also stop. Reporting to the watermaster shall be consistent with any required reporting of other District operations.

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 1, 2006.

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.

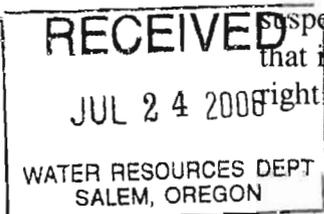
~III~ Other Information

3.1 Accuracy. The Undersigned Lessor/s, 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 1.4 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. In the event that a supplemental water right is not part of this lease, it may be subject to forfeiture.



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:

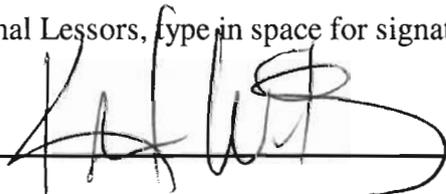
- \$200 for an application with four or more landowners or four or more water rights.
- \$100 for all other applications.

Lessor #1: _____ Date: _____

Rogue River Valley Irrigation District

For additional Lessors, type in space for signature and date

Lessor #2: _____



Date: _____

7/19/06

USA acting through Bureau of Reclamation

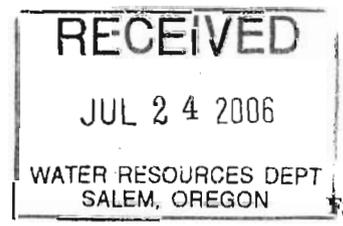
Box 517

Lessee: _____ Date: _____

Oregon Water Trust

Other Attachments as Needed:

- Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is a landowner to lands for which the subject water rights are applied)
- Attachment 2: Detailed map illustrating lands under subject rights to be leased (required if only part of a right is being leased instream).
- 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
- Attachment 5: Description of Acres of Subject Water Right to be Leased Instream





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.

~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.: Permit 25915. This additional water right form describes the same 44.5 acres of rights as on the attached instream lease application.

Priority date: June 8, 1953, for Soda Creek and Little Beaver Creek and September 6, 1915, for all other streams

Type of use: irrigation and supplemental irrigation

Legal Season of Use (if not listed on the certificate): April 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 S, R W, Section , $\frac{1}{4}$ $\frac{1}{4}$ - acres to be leased

Enter additional places of use here, using format above:

Please see Attachment 5 for description of acres subject to instream lease

Page See Attachment 5 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: 44.5

Acre-feet of storage, if applicable:

Rate associated with leased rights (cfs): 1.1 (1/40th cfs per acre)

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

Duty associated with leased rights (AF): 200.25

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

RECEIVED

JUL 24 2006

WATER RESOURCES DEPT
SALEM, OREGON

Conditions or other limitations, if any: Delivery of water under this supplemental right must be consistent with RRVID regulations and policy governing instream leases.

~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:

Emigrant Creek and Bear Creek
Tributary to Rogue River in the Rogue 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): The point of diversion for the supplemental right is the toe of Emigrant Dam being within the SE SE of Section 20, Township 39 South, Range 2 East, W.M. When the supplemental right is actively used, the instream right will be protected in Emigrant Creek from the toe of Emigrant Dam downstream approximately 3.5 miles to the point where Walker Creek and Emigrant Creek join to form Bear Creek. The instream right will then be protected in Bear Creek from stream mile 27 to to the mouth of Bear Creek at the Rogue

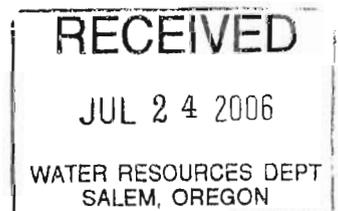
River. Total protected stream reach is approximately 30.5 miles. RRVID is not responsible for protecting the instream right. The instream right will be supplied by Permit 25915 when the primary right sources are insufficient and the District is supplying water for irrigation under the supplemental right. Use of the supplemental water right to satisfy the instream right will be at an instream rate of 1/100th cfs per acre.

Total volume in acre-feet: 117.9 (2.65 ac-ft per acre)

Rate in cfs: 0.445 (1/100th cfs per acre)

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 20 through October 31 .
- Other (describe): The same conditions to prevent injury shall apply to the supplemental as are described for the primary right.





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.

~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.: Certificate 80574 confirms right to use waters of Antelope Creek, tributary to Little Butte Creek for supplemental irrigation of 9753.4. The right is appurtenant to the same 83.8 acres described under the primary right 80569

Priority date: June 24, 1913 Type of use: for supplemental irrigation of 9753.4 acres

Legal Season of Use (if not listed on the certificate): April 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 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: T S, R W, Section , 1/4 1/4 - acres to be leased

Enter additional places of use here, using format above:

Please see Attachment 5 for description of acres subject to instream lease

Page See Attachment 5 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: 83.8

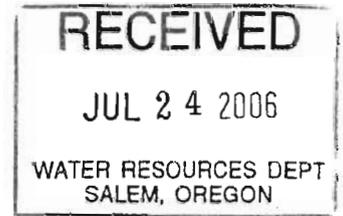
Acre-feet of storage, if applicable:

Rate associated with leased rights (cfs): 1.04 (1/80th cfs per acre)

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

Duty associated with leased rights (AF): 377.1 (4.5 ac-ft per acre)

(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 50 cubic feet per second or its equivalent in case of rotation, measured at the point of diversion from the source. Delivery of water under this supplemental right must be consistent with RRVID regulations and policy governing instream leases.

~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:

Bear Creek
 Tributary to Rogue River in the Rogue 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): The point of diversion into Hopkins Canal is located 770 feet north and 1650 feet west from E 1/4 corner of section 30, being within the SW NE of section 30, T36S, R1E, WM. Water is

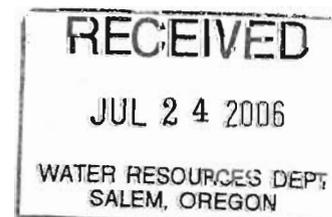
delivered to Bear Creek in the Hopkins Canal and delivered to Bear Creek at McAndrews Bridge. The instream right will be supplied by this supplemental right or others when the primary right sources are insufficient and the District is supplying water for irrigation under the supplemental rights. Use of this supplemental water right to satisfy the instream right will be at an instream rate of 1/100th cfs per acre delivered at the upper end of the reach. The instream reach will be the same as for the primary right.

Total volume in acre-feet: 222.07 (2.65 ac-ft per acre)

Rate in cfs: 0.838 (1/100th cfs per acre)

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 20 through October 31 .
- Other (describe): The same conditions to prevent injury shall apply to the supplemental as are described for the primary right 56509.





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.

~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.: Certificate 80576 confirms right to use waters of Agate Reservoir and Dry Creek, tributaries of Little Butte Creek for supplemental irrigation of 8578.4 acres. The right is appurtenant to the same 83.8 acres described under the primary right 80569

Priority date: September 6, 1915

Type of use: for supplemental irrigation of 8578.4 acres

Legal Season of Use (if not listed on the certificate): April 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 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: T S, R W, Section , ¼ ¼ - acres to be leased

Enter additional places of use here, using format above:

Please see Attachment 5 for description of acres subject to instream lease

Page See Attachment 5 (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres, if for irrigation: 83.8

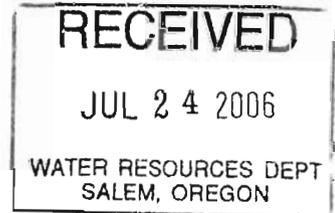
Acre-feet of storage, if applicable:

Rate associated with leased rights (cfs): 1.04 (1/80th cfs per acre)

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

Duty associated with leased rights (AF): 377.1 (4.5 ac-ft per acre)

(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 4782 acre-feet of stored water only. Delivery of water under this supplemental right must be consistent with RRVID regulations and policy governing instream leases.

~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:

Bear Creek
 Tributary to Rogue River in the Rogue 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): The point of diversion is located at Agate Dam on Dry Creek - 1090 feet south and 1250 feet east from nw corner of section 25, being within the NW NW of section 25, T 36S, R 1W, WM.

Water is delivered from Agate Reservoir down Dry Creek and diverted into the Hopkins Canal and then delivered to Bear Creek at the McAndrews Avenue Bridge. The instream right will be supplied by this supplemental right or others when the primary right sources are insufficient and the District is supplying water for irrigation under the supplemental rights. Use of this supplemental water right to satisfy the instream right will be at an instream rate of 1/100th cfs per acre delivered at the upper end of the reach by leaving water instream at the POD. The instream reach will be the same as for the primary right.

Total volume in acre-feet: 222.07 (2.65 ac-ft per acre)

Rate in cfs: 0.838 (1/100th cfs per acre)

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 20 through October 31 .
- Other (describe): The same conditions to prevent injury shall apply to the supplemental as are described for the primary right 56509.

