



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](http://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: \_\_\_\_\_  
Lease Agreement Number (assigned by WRD):   L-618  

This Lease Agreement is between:

**Lessor #1:**

(Name) Nicholas J. and Diane D. Welp  
(Mailing address) 12888 Lower Rock Creek Lane  
(City, State, Zip Code) Arlington, Oregon 97812  
(Telephone number) (541) 454-2548  
(Email address) dwelp@honkernet.net

**Lessor #2, 3, etc.**

\_\_\_\_\_

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

**Lessee (if different than Oregon Water Resources Department):**

(Name) Not Applicable  
(Mailing address) \_\_\_\_\_  
(City, State, Zip Code) \_\_\_\_\_  
(Telephone number) \_\_\_\_\_  
(Email address) \_\_\_\_\_

**Trustee:**

Oregon Water Resources Department  
725 Summer Street N.E., Suite "A"  
Salem, OR 97301-1271  
(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 1 N, Range 19 E, Section 13 and Tax Lot number 900. 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 \_\_\_\_\_, the irrigation district which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing \_\_\_\_\_.

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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. 2830, 25988, 43750, 57667, and 56572

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.: 2830

Priority date: March 19, 1914 Type of use: irrigation

Legal Season of Use: April 1<sup>st</sup> to Sept. 30th

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 1 S, R 19 E, Section 13, NW¼ NE¼ - 5.00 acres to be leased

Enter additional places of use here, using format above:

NE¼ NW¼ - 2.0 acres to be leased

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

Number of acres being leased, if for irrigation: 7.0

Acre-feet of storage, if applicable: \_\_\_\_\_

Maximum rate associated with subject water rights (cfs): 0.09

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

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

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

Conditions or other limitations, if any: \_\_\_\_\_

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

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**2.2 Instream use created by lease.** The instream use to be created is described as follows:

Rock River

Tributary to 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): T1N, R19E, Section 12, SE¼ SE¼, N 83° 11'E 4106.43 to the Confluence with the John Day R

Maximum volume in acre-feet: \_\_\_\_\_

Rate in cfs: 0.09

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

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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 April 28 through September 30.

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 1, 2009.

**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.





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# Additional Water Right Form Standard Application for Short-Term Instream Lease

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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.: 43750

Priority date: June 22, 1910 Type of use: irrigation

Legal Season of Use (if not listed on the certificate): April 1<sup>st</sup> to Sept. 30<sup>th</sup>

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 1 S, R 20 E, Section 7, SE 1/4 SW 1/4 - 1.70 acres to be leased

Enter additional places of use here, using format above:

Field Code Changed  
Field Code Changed

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

Number of acres, if for irrigation: 1.7

Acre-feet of storage, if applicable: \_\_\_\_\_

Rate associated with leased rights (cfs): 0.02

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

Duty associated with leased rights (AF): \_\_\_\_\_

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

Conditions or other limitations, if any: \_\_\_\_\_

## ~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:

Rock Creek

Tributary to John Day River in the John Day Basin.

Field Code Changed

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): T1N, R20E, Section 7, SW SE. 740 Ft N and 2700 Ft E from SW Corner to Confluence with John Day River

Total volume in acre-feet: \_\_\_\_\_

Rate in cfs: 0.02

**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 13 through September 30.

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.: 57667

Priority date: February 19, 1976

Type

of use: supplemental irrigation

Legal Season of Use (if not listed on the certificate): Oct. 1 to March 31th

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 1 S, R 19 E, Section 13, NW ¼ NE ¼ - 7.40 acres to be leased

Enter additional places of use here, using format above:

NE¼ NW¼ - 2.0 acres to be leased

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

Field Code Changed

Field Code Changed

Number of acres, if for irrigation: 9.4

Acre-feet of storage, if applicable: \_\_\_\_\_

Rate associated with leased rights (cfs): 0.24

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

Duty associated with leased rights (AF): 37.6

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

Conditions or other limitations, if any: Limited to 1.5 AF/ac from October 1 to March 31, and together with the amount secured under any other right existing for the same lands shall not exceed 4.0 AF for each acre irrigated in any one year

## ~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:

Rock Creek

Tributary to John Day River in the John Day Basin.

Field Code Changed

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): T1N, R20E, Section 7, Lot 4, SW¼ SW¼, 1120 feet North and 770 feet East from SW corner, Section 7 to Confluence with John Day R

Total volume in acre-feet: \_\_\_\_\_

Rate in cfs: 0.09

Conditions to prevent injury, if any:

None

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The instream flow will be allocated on a daily average basis up to the described rate

October 1 through March 31.

Other (describe): Shall be limited to being exercised when the volume exercised under certificates 2830 and 25988 was less than 4 AF/ac

Instructions Page 1

Do not include with lease application.

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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.: 56572

Priority date: October 11, 1973

Type

of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1<sup>st</sup> to Sept. 30<sup>th</sup>

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 1 N, R 19 E, Section 13, NW 1/4 NE 1/4 - 3.40 acres to be leased

Enter additional places of use here, using format above:

Field Code Changed

Field Code Changed

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

Number of acres, if for irrigation: 3.4

Acre-feet of storage, if applicable:       

Rate associated with leased rights (cfs): 0.05

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

Duty associated with leased rights (AF): 13.6

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

Conditions or other limitations, if any:       

## ~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:

Rock Creek

Tributary to John Day River in the John Day Basin.

Field Code Changed

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): T1N, R19E, Section 13, Lot 4, SE 1/4 SW 1/4, 1120 feet North and 770 feet East from SW corner, Section 7 to Confluence with John Day River

Total volume in acre-feet: 13.6

Rate in cfs: 0.05

Conditions to prevent injury, if any:

- None
- The instream flow will be allocated on a daily average basis up to the described rate from        through       .

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**Other (describe):** This right to be exercised when water is available and is further limited to a maximum of 4 AF/ac, which includes water used on this acreage under any other water right.

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