

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. 81416 and 81410

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.: 81416

Priority date: 7/13/1983 and 8/11/1983 Type of use: Irrigation

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

Enter additional places of use here, using format above:

(All acres are being leased instream, however the domestic use is not being leased)

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

Number of acres being leased, if for irrigation: 10.1

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

Maximum rate associated with subject water rights (cfs): 0.09 cfs at 7/13/1983 and 0.036 at 8/11/1983

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

Maximum duty associated with subject water rights (ac-ft): 25.25

(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

RECEIVED

MAY 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

Recreation and scenic attraction

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

North Myrtle Creek

Tributary to Myrtle Creek in the Umpqua 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): POD (Lot 5 [SW SE], Section 13, T 29 S, R 5 W, W.M.; 2160 Feet South and 1715 Feet West fro the E Corner of Section 13) to the Mouth of North Myrtle Cr

Maximum volume in acre-feet: 25.25

Rate in cfs: 0.09 cfs at 7/13/1983 and 0.036 at 8/11/1983

(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 July 23 through October 31.

Other (describe):

RECEIVED

MAY 23 2005

WATER RESOURCES D
SALEM, OREGON

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 31, 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.

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 (June 23), 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: Stanley E. Tenold
Stanley E. Tenold

Date: May 19, 2005

For additional Lessors, type in space for signature and date

Lessee: _____ Date: _____

Other Attachments as Needed:

Attachment 1: Tax Lot Map of Lessor's Property (required if landowner is not the sole landowner to lands for which the subject water rights are appurtenant)

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

RECEIVED

MAY 23 2005

WATER RESOURCES DEPT
SALEM, OREGON



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.: 81410

Priority date: April 8, 1957 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 - 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 __, 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 N, R W, Section , - 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: 11.3

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

Rate associated with leased rights (cfs): 0.14

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

Duty associated with leased rights (AF): 28.25

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

Conditions or other limitations, if any:

RECEIVED

MAY 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

~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:

North Myrtle Creek

Tributary to Myrtle Cr in the Umpqua 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): POD (Lot 5 [SW SE], Section 13, T 29 S, R 5 W, W.M.; 2160 Feet South and 1715 Feet West from the E Corner of Section 13) to the Mouth of North Myrtle Cr

Total volume in acre-feet: 28.25

Rate in cfs: 0.14

Conditions to prevent injury, if any:

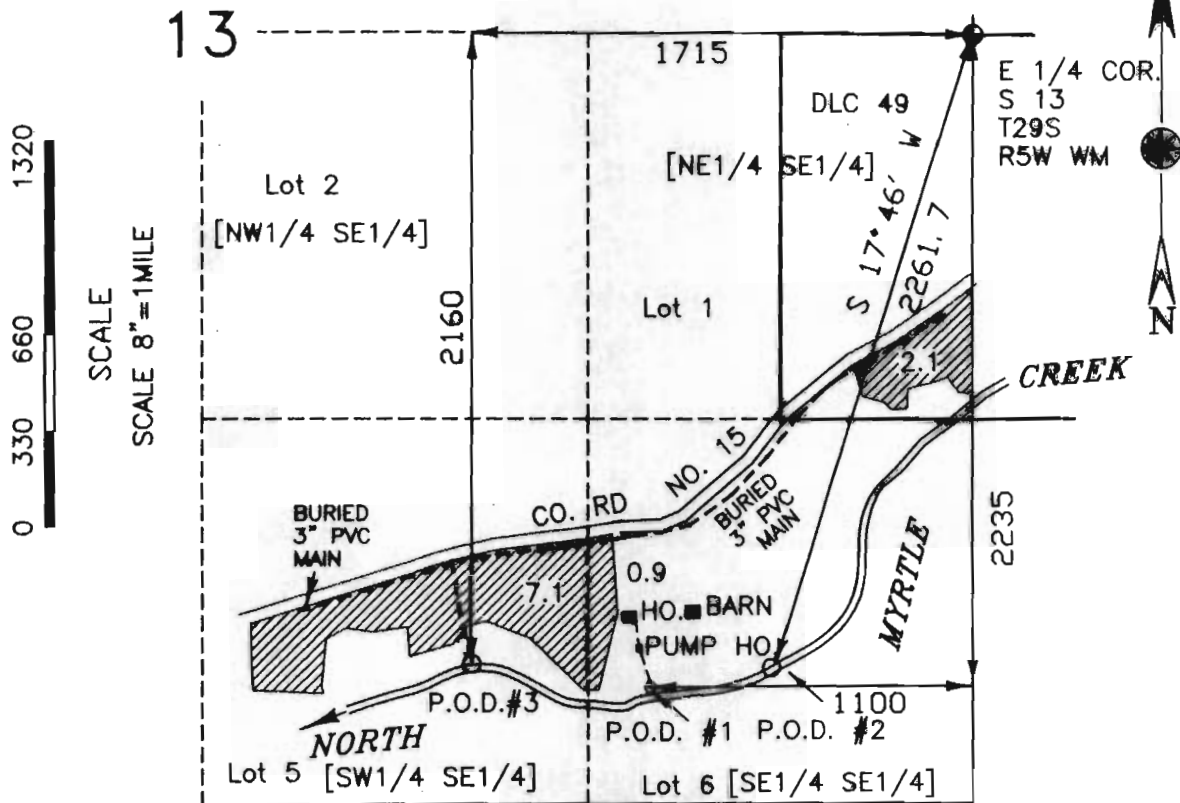
None

The instream flow will be allocated on a daily average basis up to the described rate from July 23 through October 31.

Other (describe): _____

RECEIVED
MAY 23 2005
WATER RESOURCES DEPT
SALEM, OREGON

SE 1/4 SECTION 13, T29S, R5W, WM



BURIED PIPE: 1.5" PVC PIPE POD #1 TO PUMP
0.75" PVC PIPE FROM PUMP TO HOUSE

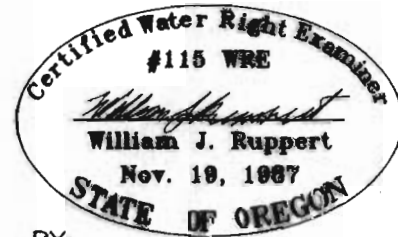
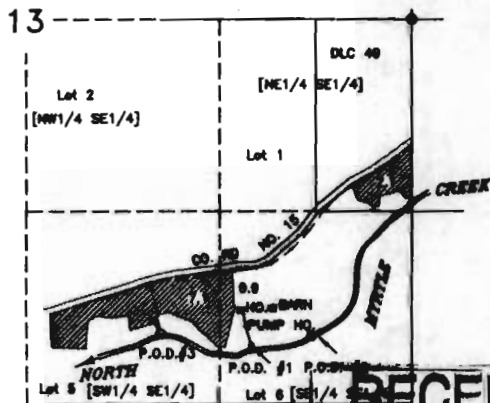
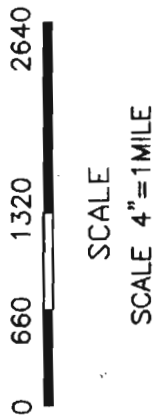
SURVEY BASED ON AERIAL PHOTO

THIS MAP IS TO BE USED FOR WATER RIGHT PURPOSES ONLY

MAP TO ACCOMPANY CLAIM OF BENEFICIAL USE FOR WATER PERMIT 47919, APPL. 65296

ASSESSOR PAGE 29 05 13
TAX LOT 200

IN NAME OF
Stanley E. Tenold



BY:
WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457

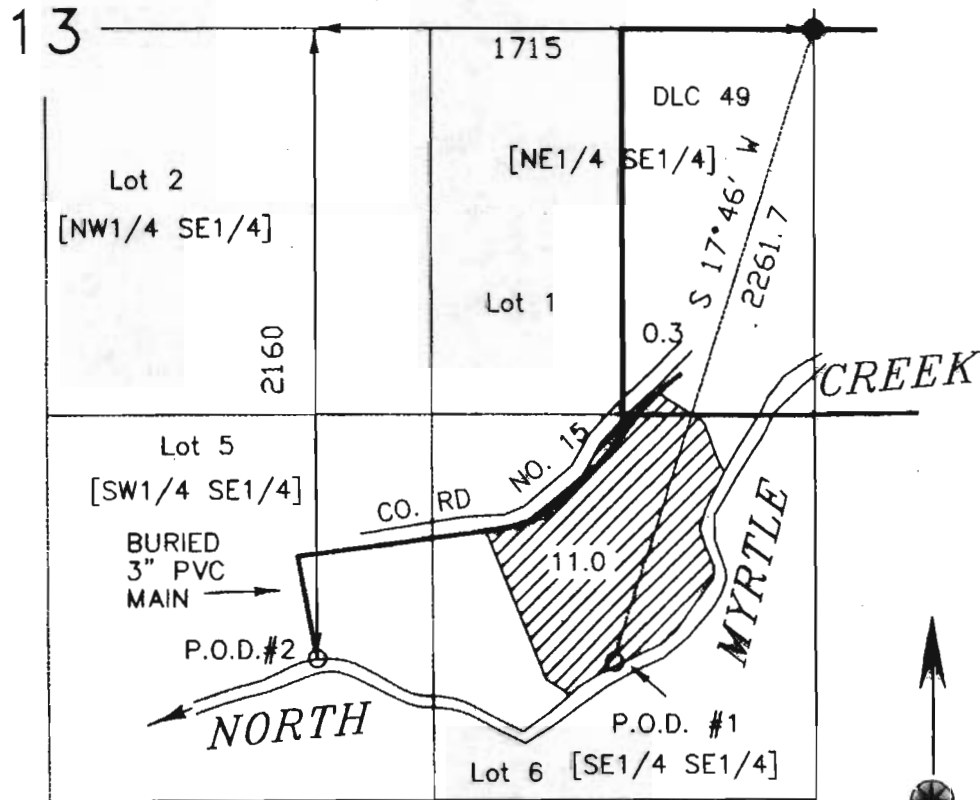
RECEIVED

FEB. 5, 2005

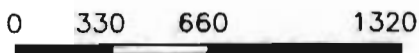
FEB 24 2005

WATER RESOURCES DEPT
SALEM, OREGON

SE 1/4 SECTION 13, T29S, R5W, WM



SCALE 8"=1MILE



SCALE

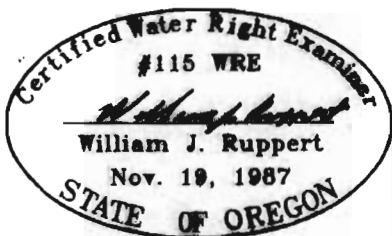
SURVEY BASED ON SURVEY FOR PERMIT 24813 FOR E.V. WEAVER

ASSESSOR PAGE 29 05 13 TAX LOT 200

THIS MAP IS TO BE USED FOR WATER RIGHT PURPOSES ONLY

MAP TO ACCOMPANY CLAIM OF BENEFICIAL USE FOR WATER RIGHT TRANSFER T-8055 IN NAME OF

Stanley E. and Margo L. Tenold



BY: WILLIAM J. RUPPERT P.O. BOX 1564 MYRTLE CREEK, OR 97457

NOV. 21, 2004

