

# 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.

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

Optional Identification by Lessor/Lessee:  Lease Application Number (assigned by WRD):	-
Lease Application Number (assigned by WKD):	-
This Lease is between:	
Lessor #1:	
Name Manton Carl, LLC	-
Mailing address P.O. Box 149	
City, State, Zip Code Hubbard, Oregon 97032	
Telephone number (503) 982-1248	-
Email address	
Lessor #2, 3, etc.	
The water right to be leased is located in Marion County.	
Lessee (if different than Oregon Water Resources Department):	
Name	
Mailing address	
City, State, Zip Code	_
Telephone number	RECEIVED
Email address	LIFORIAED
Trustee:	JUN 26 2008
Oregon Water Resources Department	WATER RESOURCES DE
725 Summer Street NE, Suite A	SALEM, OREGON
Salem, OR 97301-1266	OALLIN, OREGON
(503) 986-0900	
~I~ Water Right Holder and Water Right Inform	nation
1 Water Right Holder and Water Right Inform	iiativii
1.1 Lessor #1 is the water right holder, or authorized agent for water right property located at: Township 5 S, Range 1 V and Tax Lot number Sect 2: 1200, 1300; Sect 3: 300, 400, 500, 600 water right appurtenant to these lands is also appurtenant to lands o not included in this application, then Attachment 1 (tax lot map), not	W, Section 2 and 3 , 700, 1700 . If the wned by others who are

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
1.3	For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.
	Certificate No. <u>57994</u> , <u>27061</u> , <u>12243</u> , <u>13463</u> , and <u>26055</u>
1.4	Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.   Yes No
1.5	Water Rights Proposed to be Leased Instream.  The first right to be leased identified in Section 1.3 is further described as follows:  Certificate No.: 57994  Priority date: 5/16/1977 Type of use: Irrigation  Legal Season of Use: March 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 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,1/41/4 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 being leased, if for irrigation: <u>65.2</u> Acre-feet of storage, if applicable: <u>na</u>
	Maximum rate associated with the right to be leased (cfs): 0.82
	(Use additional lines if there is more than one rate associated with the water right.)
	Maximum duty associated with the right to be leased (ac-ft): 163 (Use additional lines if there is more than one duty associated with the water right.)
	Conditions or other limitations, if any:
If yo	u 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 water right certificate or as an instream water right or
	the water has <u>not</u> been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(_)(include necessary supporting documentation as Attachment 3).



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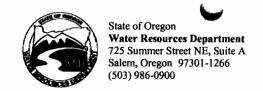
2.1	Public use. This lease will increase streamflows that will benefit: WATER RESOURCES DEPT SALEM, OREGON
	<ul> <li>Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat</li> </ul>
	Pollution abatement Recreation and scenic attraction
2.2	Instream use created by lease. The instream use to be created is described as follows:
	<u>Pudding</u> River Tributary to <u>Mollala</u> in the <u>Willamette</u> 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 to Aurora Gage  Maximum volume in acre-feet: 163  Rate in cfs: 0.82
	(Use the section below to indicate a more restrictive period of use than allowed by the water right.)
	<ul> <li>Conditions to prevent injury, if any:</li> <li>None</li> <li>The instream flow will be allocated on a daily average basis up to the described rate from June 1 through September 8.</li> <li>Other (describe):</li> </ul>
	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, 2008.
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) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The 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.

Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077. 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 a new injury review shall be required, and a prior 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 water right holder 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. 3.5 Termination provision. For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less then 30days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require: • Written notice to the Department with original signatures: Consent by all parties to the lease; and/or Written notice to the Watermaster's office. For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease. Modification to prevent injury. Allocation of water to the instream use described in 3.6 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. Pursuant to ORS 536.050, the following fee is included:  $\boxtimes$  \$200 for an application with four or more landowners or four or more water rights. \$100 for all other applications. Lessor #1: Selfo E. Carl Monton k. Carl con Date: Munton k. Carl con Date: Munton behalf of Manton Carl, LLC For additional Lessors, type in space for signature and date Lessee: Date:

3.2



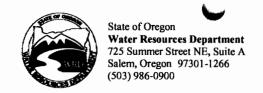
### Instream Lease

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#### ~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.: 12243	
Priority date: 6/16/1933 Type of use: irrigation	
Legal Season of Use (if not listed on the certificate): March 1 - October 31	
Is the entire water right certificate being leased? X Yes  No	
If no, list the acres to be leased by legal description of township, rang	e, section, and 1/4 1/4, which
will be dried up as part of this lease. Include a map (Attachment 3) sh	howing the lands that will
not receive water.	
Place of the Table 14 Av Day 15 Gooding 14 Av 14	. 1 1 1
Place of use: T N, R W, Section , 1/4 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 pa	ages.)
	6)
Number of acres, if for irrigation: 100	
Acre-feet of storage, if applicable: na	
Rate associated with leased rights (cfs): 1.25	
(Use additional lines if there is more than one rate associated with the water right.)	
Duty associated with leased rights (AF): not listed on cert	
(Use additional lines if there is more than one duty associated with the water right.)	RECEIVED
Conditions or other limitations, if any:	JUN 26 2008
~II~ Instream Water Right Information	WATER RESOURCES DEPT SALEM. OREGON
Section 2.2 continued from Standard Application for Short-Term Instrea	am Lease.
Instream use created by lease. The instream use to be created is describe	ed as follows:
<u>Pudding</u> River	
Tributary to Mollala in the Willamette Basin.	
Describe the point of diversion (POD) and any associated reach(es) of the	
created. If possible list the reach by river mile. If no reach is identified, a	•
listed on the certificate, the lease may be processed to be protected at the	,
POD is listed on the certificate, then the POD and any associated reach(es	s) must be identified): <u>POD</u>
to Aurora Gage	
Maximum volume in acre-feet: 250 (assumes 2.5AF/ac)	
Rate in cfs: <u>1.25</u>	
(Use the section below to indicate a more restrictive period of use then allowed by the w	rator right)

Co	enditions to prevent injury, if any:
	None
$\boxtimes$	The instream flow will be allocated on a daily average basis up to the described rate from
	<u>6/1</u> through <u>9/8</u> .
	Other (describe):



### Instream Lease

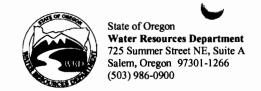
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#### ~I~ Water Right Holder and Water Right Information

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.: 27061
Priority date: 3/22/1954 Type of use: irrigation
Legal Season of Use (if not listed on the certificate): March 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 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: TN, RW, Section,¼¼ 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: 80.3
Acre-feet of storage, if applicable: na
Rate associated with leased rights (cfs): 1.00
(Use additional lines if there is more than one rate associated with the water right.)
Duty associated with leased rights (AF): 200.8
(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:
Pudding River
Tributary to Mollala in the Willamette 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
to Aurora Gage
Maximum volume in acre-feet: 200.8
Rate in cfs: 1
(Use the section below to indicate a more restrictive period of use than allowed by the water right.)
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Co	nditions to prevent injury, if any:
	None
$\boxtimes$	The instream flow will be allocated on a daily average basis up to the described rate from
	<u>6/1</u> through <u>9/8</u> .
	Other (describe):



### Instream Lease

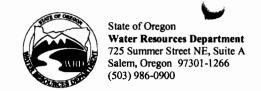
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#### ~I~ Water Right Holder and Water Right Information

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.: <u>13463</u>
Priority date: 8/30/1935 Type of use: Irrigation
Legal Season of Use (if not listed on the certificate): March 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 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: TN, RW, Section,1/41/4 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: 35.3
Acre-feet of storage, if applicable: na
Rate associated with leased rights (cfs): 0.45
(Use additional lines if there is more than one rate associated with the water right.)
Duty associated with leased rights (AF): 88.2
(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:
Unnamed Stream Creek
Tributary to Pudding River in the Willamette 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
to confluence with Pudding River
Maximum volume in acre-feet: 88.2
Rate in cfs: <u>0.45</u>
(Use the section below to indicate a more restrictive period of use than allowed by the water right.)
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Co	nditions to prevent injury, if any:
	None
$\boxtimes$	The instream flow will be allocated on a daily average basis up to the described rate from
	June 1 through Sept. 8.
	Other (describe):



### Instream Lease

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#### ~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.: 26055	
Priority date: 10/23/1950 Type of use: Irrigation	_ <del>_</del>
Legal Season of Use (if not listed on the certificate): March 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 1/4 1/2 will be dried up as part of this lease. Include a map (Attachment 3) showing the lands the not receive water.	
Place of use: T N, R W, Section , 1/4 1/4 - acres to be Enter additional places of use here, using format above:	leased
all acreage from this certificate is being leased instream, but only from the live-flow por	tion of
the water right is being leased	
Page (Identify page number of certificate, if certificate is greater than 10 pages.)	
Number of acres, if for irrigation: 56.5	
Acre-feet of storage, if applicable: NA	
Rate associated with leased rights (cfs): 0.71	
(Use additional lines if there is more than one rate associated with the water right.)	
Duty associated with leased rights (AF): $\underline{129.8 \text{ AF}}(56.5 \text{ ac} * 2.5 \text{ AF} = 141.25, \text{ less } 11.5 \text{ AF of stored}$	water
(Use additional lines if there is more than one duty associated with the water right.)	
(Ose additional lines if there is more dual one daty associated with the water right.)	
Conditions or other limitations, if any:	
~II~ Instream Water Right Information	ECEIVED
Section 2.2 continued from Standard Application for Short-Term Instream Lease.	N 2 6 2008
Instream use created by lease. The instream use to be created is described as follows:	11 ~ 0 2000
	RESOURCES DEPT
Tributary to Pudding River in the Willamette Basin.	LEM, OREGON
Describe the point of diversion (POD) and any associated reach(es) of the instream use bein	
created. If possible list the reach by river mile. If no reach is identified, and there is only or	
listed on the certificate, the lease may be processed to be protected at the POD. (If more that	
POD is listed on the certificate, then the POD and any associated reach(es) must be identified	ed): <u>POD</u>
to confluence with Pudding River	
Maximum volume in acre-feet: 129.8	
Rate in cfs: 0.71 (Use the section below to indicate a more restrictive period of use than allowed by the water right)	

Co	onditions to prevent injury, if any:
	None
$\boxtimes$	The instream flow will be allocated on a daily average basis up to the described rate from
	June 9 through September 8.
	Other (describe):