



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

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): IL-1021

This Lease is between:

**RECEIVED
OVER THE COUNTER**

Lessor #1:

Name Otto Keller
Mailing address 13280 SE Mt Gate Rd
City, State, Zip Code Portland, OR 97326
Telephone number 503-658-7337
Email address fabfay@verizon.net

Lessor #2, 3, etc.

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

Lessee (if different than Oregon Water Resources Department):

Name _____
Mailing address _____
City, State, Zip Code _____
Telephone number _____
Email address _____

Trustee:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
(503) 986-0900

~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 18 S, Range 22 E, Section 01 and Tax Lot number 200. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

RECEIVED

JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

- 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. 50474

- 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.: 50474

Priority date: 12/31/1885 Type of use: IRR

Legal Season of Use: per the Crooked River Decree, February 1-December 1

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 $\frac{1}{4}$ $\frac{1}{4}$ 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 18 S, R 22 E, Section 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 22.0 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: 22.0

Acre-feet of storage, if applicable: N/A

Maximum rate associated with the right to be leased (cfs): .0125 cfs/ acre; 0.275 cfs

(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): none

(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 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 water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)()(include necessary supporting documentation as Attachment 3).

RECEIVED

JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

~II~ Instream Water Right Information

2.1 Public use. This lease will increase streamflows that 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:

South Fork Crooked River

Tributary to Crooked River in the Deschutes 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): SESW, section 07, T18S, R23E, WM; White Sulfur Ditch - 900 feet North and 600 feet West from SE Corner of SE1/4 section 07 to Confluence with the mainstem Crooked River

Maximum volume in acre-feet: 116.73 acre-feet

Rate in cfs: .0125 cfs/ac, 0.275 cfs

(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 April 1 through October 31.
- 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 31, 2013.

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.

WATER RESOURCES DEPARTMENT
SALEM, OREGON

JUL 01 2009

RECEIVED

SALEM, OREGON

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

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

JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

Otto Keller Lease

No Transmission Losses

max duty C-50474 = none

max rate C-50474 = 0.71 cfs for 57 acres

max rate per acre = 0.125 cfs

Priority	acres*	cfs	sec 1.5 & 2.2 ch rate*	conv fact	no days	sec 1.5 & 2.2 Duty Acres-feet	
C-50474	22.00	0.0125	0.278	1.983471	0.5455	214	116.73

start	end	days instream
4/1/2009	10/31/2009	214.00

RECEIVED

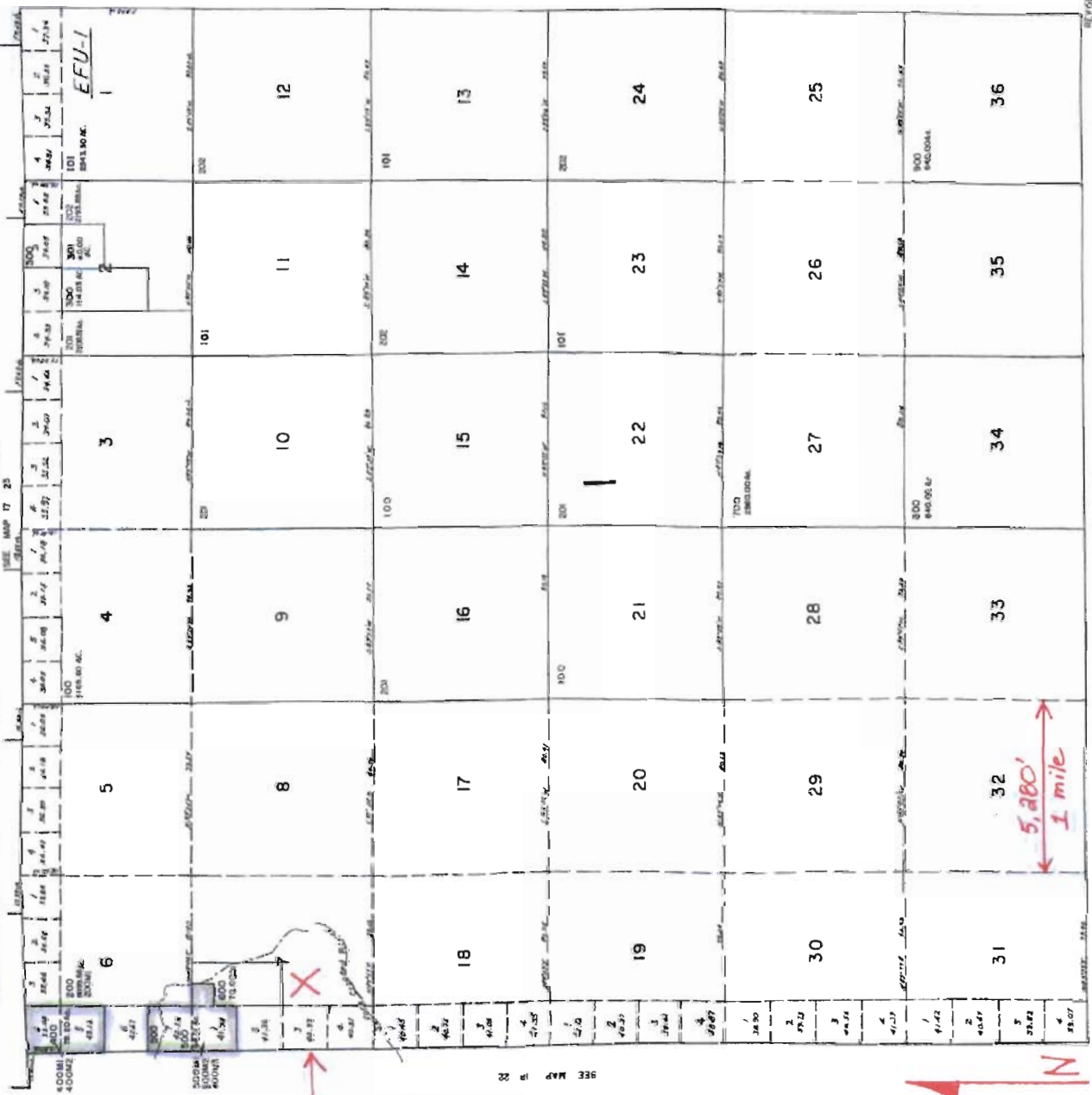
JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

T.18S. R.23E. W.M.
CROOK COUNTY

SCALE MAP 17 23
1" = 2000'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



C5D474
 T18S, R.23E, Sect 07
 NESW tax lot 200
 35.0 acres
 Not leased

RECEIVED
 JUL 01 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

STATE OF OREGON

COUNTY OF CROOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. C. JACOBS

of Paulina, State of Oregon 97751, has a right to the use of the waters of South Fork Crooked River

a tributary of Crooked River for the purpose of irrigation of 57.0 acres, stock and domestic

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Crook County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 449; that the priority of the right thereby confirmed dates from 1885

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a reasonable amount for domestic and stock use, and 0.71 cubic foot per second for irrigation. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

The point of diversion is located in the SE 1/4 SW 1/4, Section 7, T18S, R23E, WM; White Sulphur Ditch - 900 feet North and 600 feet West from SE Corner of SW 1/4, Section 7.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 22.0 acres SE 1/4 SE 1/4 Section 1 Township 18 South, Range 22 East, WM
35.0 acres NE 1/4 SW 1/4 Section 7 Township 18 South, Range 23 East, WM

Handwritten note: 0.125 cfs/ac not duty limited Season of use per Crooked River Decree Feb 2 - Dec 1

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 587, Volume 1, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 23, 1981, approving Transfer Application 4738.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date January 18, 1982

Signature of James E. Shuman, Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50474

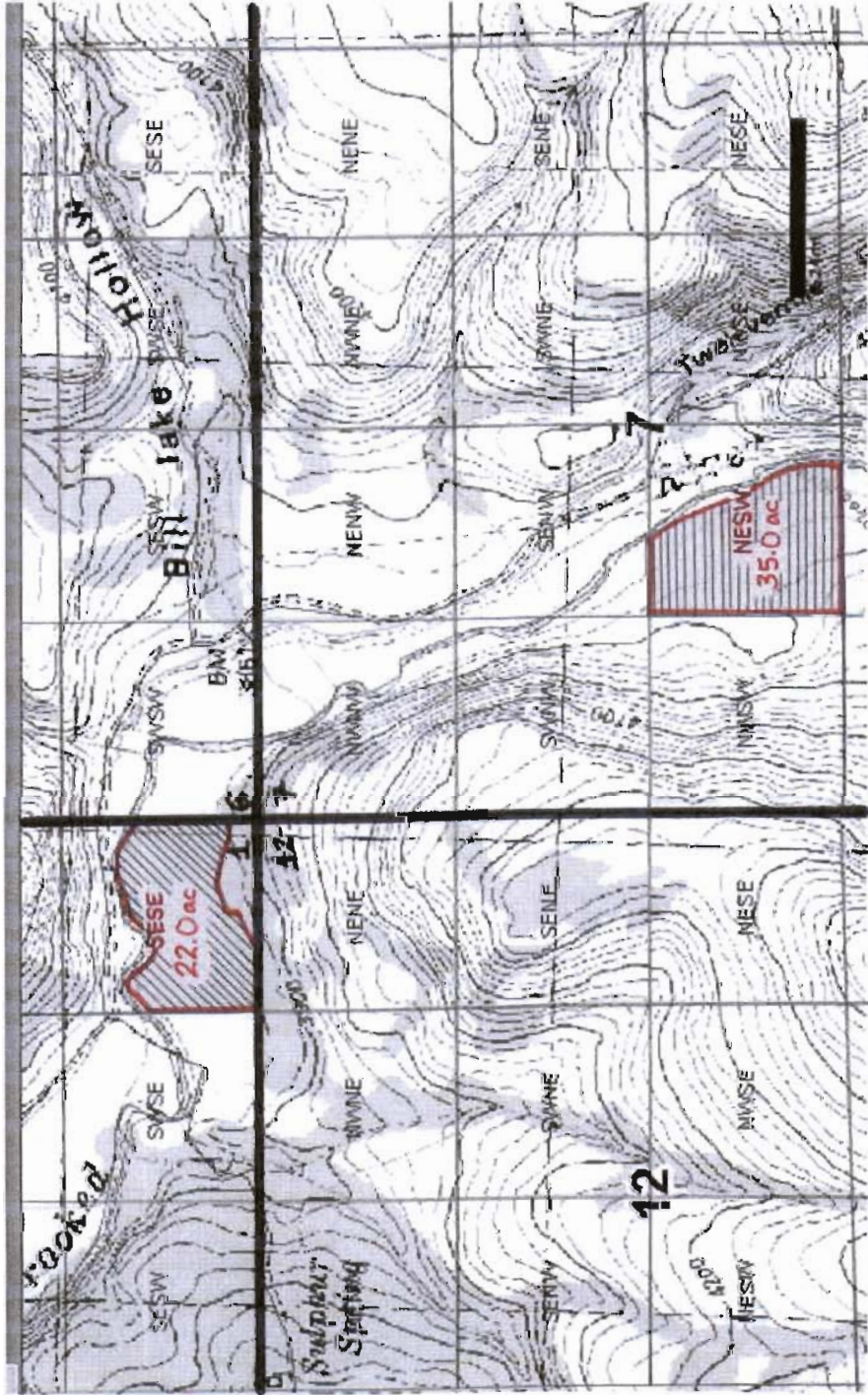
RECEIVED

JUL 01 2009

WATER RESOURCES DEPT SALEM, OREGON

Otto Keller – Jake Place
Instream Lease 2009

T18S, R22E, Section 01, SESE tax lot 200



22.0 ac instream, T18, R22, Sect 01, SESE tax lot 200
35.0 ac not leased, T18, R23, Sect 07, NESW



WATER
C-50474

Crook County

Map Source: http://gis.wrd.state.or.us/apps/map/low/rd_map/advanced_map.aspx?snp_id=102875

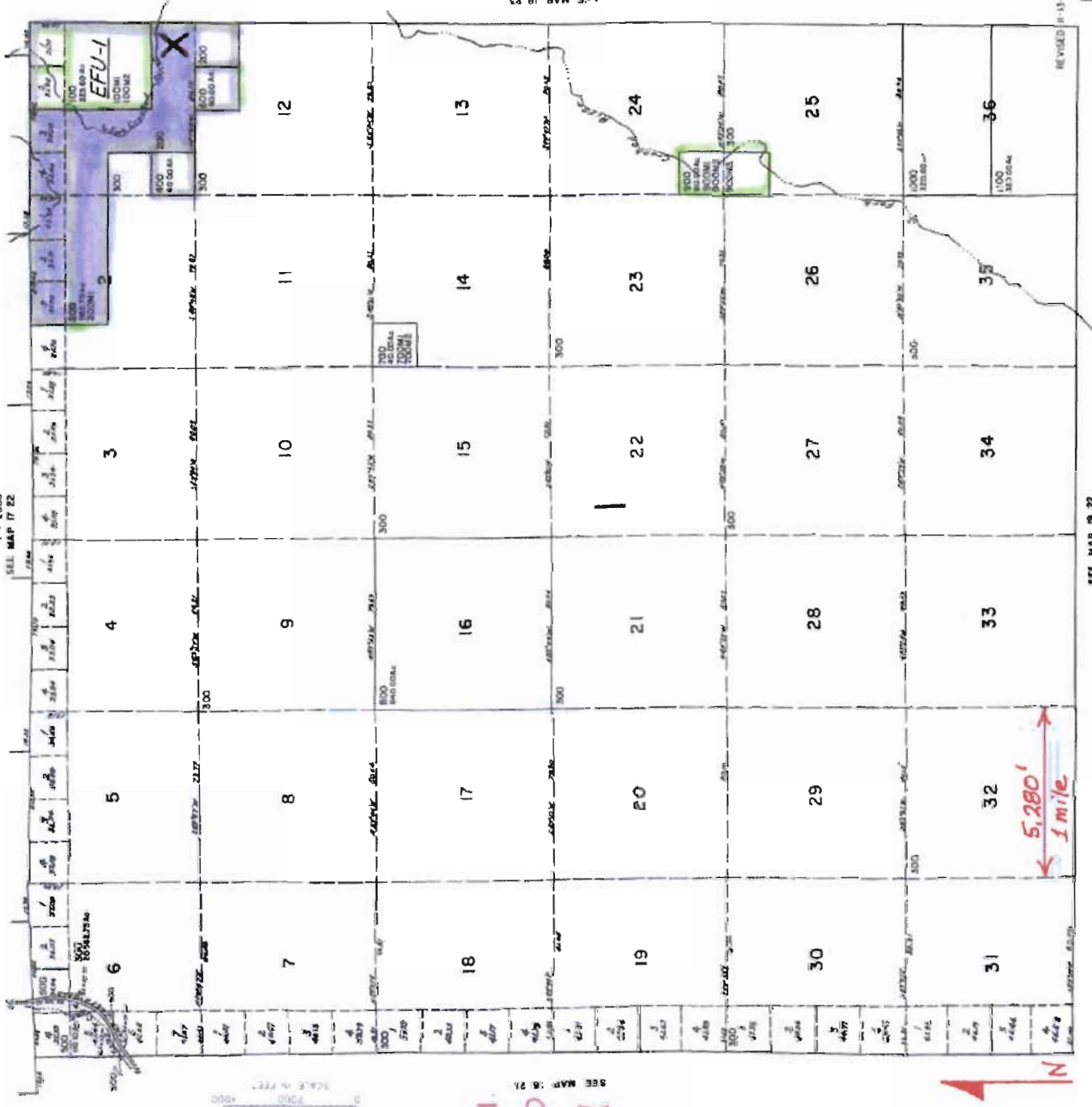
RECEIVED

JUL 01 2009

WATER RESOURCES DEPT
SALEM, OREGON

T.18S, R.22E, W.M.
CROOK COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



*Pro Keller
Jake Place
Tax lot map
T.18S, R.22E, Sect 01.
SESE, tax lot 200
22.0 acres leased
C-50474*

RECEIVED
JUL 01 2009
WATER RESOURCES DEPT
SALEM, OREGON